



CITY OF KIRKLAND CITY COUNCIL

**Amy Walen, Mayor • Jay Arnold, Deputy Mayor • Dave Asher • Tom Neir
Toby Nixon • Jon Pascal • Penny Sweet • Kurt Triplett, City Manager**

Vision Statement

Kirkland is one of the most livable cities in America. We are a vibrant, attractive, green and welcoming place to live, work and play. Civic engagement, innovation and diversity are highly valued. We are respectful, fair and inclusive. We honor our rich heritage while embracing the future. Kirkland strives to be a model, sustainable city that values preserving and enhancing our natural environment for our enjoyment and future generations.

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AGENDA KIRKLAND CITY COUNCIL MEETING City Council Chamber Tuesday, September 4, 2018 6:00 p.m. – Study Session 7:30 p.m. – Regular Meeting

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

PLEASE CALL 48 HOURS IN ADVANCE (425-587-3190) if you require this content in an alternate format or if you need a sign language interpreter in attendance at this meeting.

EXECUTIVE SESSIONS may be held by the City Council only for the purposes specified in RCW 42.30.110. These include buying and selling real property, certain personnel issues, and litigation. The Council is permitted by law to have a closed meeting to discuss labor negotiations, including strategy discussions.

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

1. *CALL TO ORDER*
2. *ROLL CALL*
3. *STUDY SESSION*
 - a. 2019-2024 Capital Improvement Program (CIP) Update
4. *EXECUTIVE SESSION*
5. *HONORS AND PROCLAMATIONS*
 - a. National Recovery Month Proclamation
 - b. Eastside Welcoming Week Proclamation
6. *COMMUNICATIONS*
 - a. *Announcements*
 - b. *Items from the Audience*
 - c. *Petitions*
7. *SPECIAL PRESENTATIONS*
 - a. Kirkland Police Explorer Post 2804 Recognition

8. *CONSENT CALENDAR*

a. *Approval of Minutes:*

(1) August 6, 2018

b. *Audit of Accounts*

c. *General Correspondence*

d. *Claims*

(1) Claims for Damages

e. *Award of Bids*

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

(1) Holmes Point Drive Storm Drain Replacement, R.L. Alia Company, Renton, WA

g. *Approval of Agreements*

(1) Forbes Yard Smart Project Grant Agreement

h. *Other Items of Business*

(1) Ordinance O-4653, Amending Kirkland Municipal Code Chapter 3.54 to Include Lawful Permanent Residents of the United States as Qualifying Applicants for Civil Service Positions as Required by Law

(2) Resolution R-5330, Recognizing the Vacation of and Relinquishing Any Interest the City May Have, Except for a Utility Easement, in an Unopened Right-of-Way as Described Herein and Requested by Property Owners Colin M. and Janine M. Cantrell

(3) Resolution R-5331, Recognizing the Vacation of and Relinquishing Any Interest the City May Have, Except For a Utility Easement, in an Unopened Right-of-Way as Described Herein and Requested by Property Owner Samion Pacific, LLC

(4) Resolution R-5332, Recognizing the Vacation of and Relinquishing Any Interest the City May Have, Except for a Water Line Easement, in Unopened Rights-of-Way as Described Herein and Requested by Property Owner Lake Washington School District No. 414

(5) Transportation Commission Resignation and Appointment

(6) Tourism Development Committee Resignation

(7) Surplus of Equipment Rental Vehicle/ Equipment

(8) Report on Procurement Activities

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.

*QUASI-JUDICIAL MATTERS

Public comments are not taken on quasi-judicial matters, where the Council acts in the role of judges. The Council is legally required to decide the issue based solely upon information contained in the public record and obtained at special public hearings before the Council. The public record for quasi-judicial matters is developed from testimony at earlier public hearings held before a Hearing Examiner, the Houghton Community Council, or a city board or commission, as well as from written correspondence submitted within certain legal time frames. There are special guidelines for these public hearings and written submittals.

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.

CITY COUNCIL COMMITTEE agendas and minutes are posted on the City of Kirkland website, www.kirklandwa.gov.

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

9. PUBLIC HEARINGS

- * a. Resolution R-5333, Affirming the Planning Director Decision Approving the Satterberg Short Plat in the Planning and Building Department File No. SUB17-00733

10. UNFINISHED BUSINESS

- a. Totem Lake Park Design Update

11. NEW BUSINESS

- a. 2019-2020 Proposed Solid Waste Rates
- b. Ordinance O-4657, Relating to Vapor Products and Public Health and Safety
- c. Ordinance O-4658 **and its Summary**, Relating to Business Licenses and Regulations and Amending Title 7 of the Kirkland Municipal Code

12. REPORTS

- a. City Council Regional and Committee Reports
- b. City Manager Reports
 - (1) Calendar Update

13. ITEMS FROM THE AUDIENCE

14. ADJOURNMENT



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

MEMORANDUM

To: Kurt Triplett, City Manager

From: Michael Olson, Director of Finance and Administration
Tom Mikesell, Financial Planning Manager
George Dugdale, Senior Financial Analyst

Date: August 30, 2018

Subject: PRELIMINARY 2019-2024 CAPITAL IMPROVEMENT PROGRAM

RECOMMENDATION:

City Council reviews the Preliminary 2019 to 2024 Capital Improvement Program (CIP) and related emerging issues and provides direction regarding the changes to be brought forward for Council adoption in December 2018.

INTRODUCTION

The City of Kirkland Capital Improvement Program (CIP) is a plan that addresses construction, repair, maintenance and acquisition of major capital facilities and equipment. **The CIP is the City's six-year** funding plan for building, maintaining and improving the roads, sidewalks, public buildings, parks, and other fixed assets. The funding allocations in the first two years of the CIP align with the 2019-2020 operating budget, which will be presented to the Council for consideration at the October 30th Study Session.

In addition to updates to costs and timing of previously approved projects, the 2019-2024 CIP is guided by the capital budgeting priorities ("Prioritization Criteria") adopted by the Council on May 1st, 2018 (Resolution R-5314), specifically:

1. Complete capital projects from the 2017-2018 City Work Plan.
2. Complete public safety capital investments that help implement the Police and Fire Strategic Plans.
3. Complete transportation projects necessary to ensure the success of WSDOT and Sound Transit investments in I-405 and Kirkland.
4. Complete projects necessary to ensure adequate transportation concurrency investments that keep pace with development.
5. Invest in parks projects that increase active recreation opportunities throughout the City to meet the needs of a growing population.
6. Invest in water, sewer and storm water projects according to the priorities contained in the recently adopted utility Master plans.

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7. Prioritize projects that will rank high in federal, state and regional grant funding processes and reserve revenues necessary to provide required local grant matches.
8. **Create measurable progress towards achieving the City Council's ten goals.**
9. Reprioritize revenues from existing CIP projects that do not meet these priorities.

It is important to note that the preliminary CIP plan is developed while the 2019-2020 operating budget is also being developed. The CIP and the operating budget are intertwined and changes to one document may result in changes to the other. This is particularly true as projections for revenue such as sales tax, REET and one-time monies are identified throughout both processes. Neither document has yet been finalized. There are some CIP projects in these lists that are also being considered as part of the operating budget service package list, and there may be service package proposals that are more appropriate to be considered as capital projects. The preliminary CIP reflects the best information we have as of August, but some of the CIP lists may change over the coming months in response to Council direction, budget decisions, or new information. Any changes will be clearly highlighted when the Final CIP plan is brought to the Council for approval in December.

The CIP is organized into seven major programs:

Transportation includes improvements to streets, intersections, pedestrian safety, public transit and non-motorized facilities.

Surface Water Management Utility **projects include improvements to the City's** natural and constructed storm drain systems, as well as water quality and fish habit improvements, including stream bank restoration on private property.

Water and Sewer Utility **projects include replacement and enhancement of the City's water** conveyance and sanitary sewer systems.

Park projects include renovation, replacement and construction of park and recreational facilities and acquisition of park and open space lands.

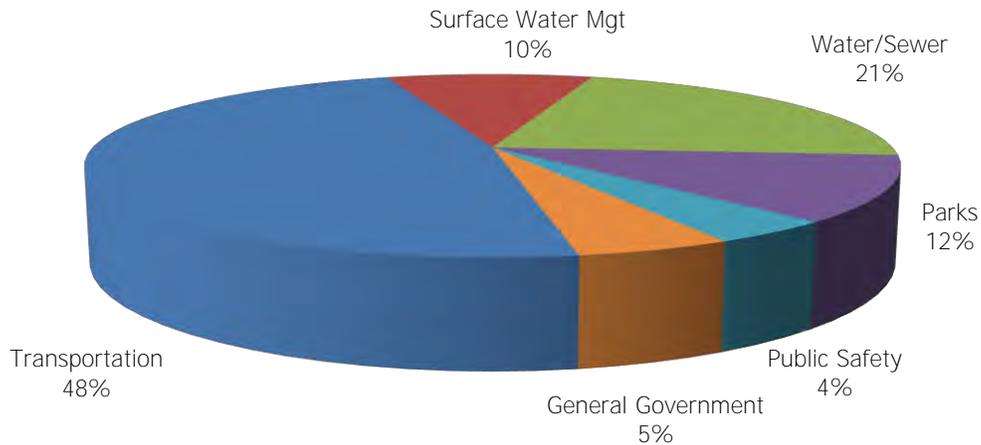
Public Safety projects address fire and police needs including the acquisition of major new equipment with a value greater than \$50,000 and the construction of facilities associated with public safety.

General Government projects include two areas – technology system acquisition and replacement, and general government facility construction and renovation (excluding public safety facilities, as described above).

This structure assists City staff with tracking and managing the projects by funding source and function. The project summaries, including timing of expenditures and fund sources are presented in these categories as Attachment A. The following narrative will provide project highlights to emphasize how the major recommendations fit within the Prioritization Criteria established by the City Council.

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The chart below shows the relative size of the funded project categories in the 2019-2024 CIP:



The City’s Capital Improvement Program has grown substantially over the past ten years, as illustrated by the table below (with investments in public safety facilities like the Kirkland Justice Center (KJC) and shown in the Public Safety category).

CIP Expenditure History by Category - Actuals 2007-2017

	Trans	Parks	Public Safety	Technology	Facilities	Surf Wtr	Water/Sewer	Total
2007	3,836,700	3,023,833	214,467	1,690,739	568,665	1,014,715	3,180,487	13,529,607
2008	4,824,708	1,089,616	46,848	1,574,195	806,763	1,330,816	4,890,347	14,563,293
2009	6,845,294	1,580,526	650,491	794,451	1,557,475	1,095,033	4,860,352	17,383,621
2010	6,013,625	1,453,241	11,231,510	1,274,150	524,576	4,501,019	7,819,322	32,817,442
2011	7,895,500	2,740,063	750,807	628,464	112,075	887,400	345,996	13,360,306
2012	16,644,900	1,793,184	1,132,077	762,075	455,704	4,435,280	3,986,820	29,210,039
2013	11,505,068	1,157,690	19,339,127	1,466,822	359,242	4,623,661	1,254,218	39,705,829
2014	11,122,588	3,014,706	11,838,509	897,313	907,761	2,711,523	2,878,355	33,370,755
2015	16,141,092	1,055,912	1,123,259	1,329,740	7,293,784	5,268,145	8,025,732	40,237,664
2016	9,710,246	2,039,662	779,978	1,508,344	9,292,972	2,287,867	5,293,133	30,912,201
2017	14,843,598	4,431,871	1,946,530	2,312,487	1,912,284	2,885,395	6,982,948	35,315,113
Total	109,383,317	23,380,304	49,053,603	14,238,781	23,791,300	31,040,855	49,517,710	300,405,870

Attachment A includes a summary of funded projects expected to take place with available funding within the 6-year window of the 2019-2024 CIP. The CIP is balanced over the six-year period in that anticipated funding matches cash flow. The unfunded projects in Attachment A represent capital needs that could not be funded within the six-year period or that are not sufficiently well defined to be included in the funded portion of the CIP.

The term “unfunded” should not be interpreted to mean a project will not be funded. It simply means that a project is not funded with resources available in the six-year CIP window. Recognizing that the master plans that form the basis for the CIP identify projects that span a twenty year horizon (or more), it makes sense that the unfunded component far exceeds the funded amount. The unfunded projects in the summary tables in Attachment A include those projects that would be candidates for

Capital Improvement Program – 2019 to 2024

funding from revenue sources after 2024 and those that are not likely to be funded without substantial external and/or new revenues. An example of the latter would be the Community Recreation Facility Construction, a \$75 million project in the Parks program which is only likely to proceed with a new voted revenue source and/or significant regional coordination.

In addition to the overarching Prioritization Criteria adopted by the City Council in Resolution R-5314 described above, there are a variety of sources of policy guidance that help to form the CIP.

The City's adopted fiscal policies provide general guidance for preparation of the CIP. A capital project is defined as the construction, acquisition or renovation of buildings, infrastructure, land and major equipment with a value greater than \$50,000 (with some limited exceptions below this threshold such as vehicles). The fiscal policies emphasize the importance of capital investment in existing assets to avoid major costs in the future.

The six-year CIP includes projects that replace or maintain existing assets, provide required capacity needed to meet growth projections and the adopted level of service, and projects that enhance capacity or services to the public. Many of these projects are identified in the subject area strategic and/or master plans, most of which were updated as part of the Kirkland 2035 planning process.

Proper maintenance and replacement is the most critical element to the CIP, since it ensures maintenance of the current service level and mitigates the need for more costly repairs in the future. The level of maintenance desired by the Council may exceed minimum requirements and should be in line with best practices and the level of infrastructure repair expected by the community. Although maintenance and replacement is essential, the level of maintenance is a policy choice.

Required capacity relates to projects needed to meet the adopted transportation level of service (LOS). The City has an obligation to maintain the adopted level of service and to provide sufficient future funding for projects needed to match projected growth to meet concurrency requirements as adopted **in the City's Comprehensive Plan**.

Desired levels of service are developed for other areas as reflected in master plans and strategic plans. They include such things as park investment, technology systems and public safety apparatus. They are essential in their own way, however, they are not required by law. From a funding priority perspective, desired service levels are addressed after basic maintenance and concurrency requirements.

The CIP process is intended to identify the funding sources available for projects prioritized in the next six years. The project costs are the best estimates available as of the date of the plan and, as a result, can change as market conditions and project scope evolve. As project timing changes, the impacts of cost escalation can also come into play. The first two years of the CIP are adopted as part of the biennial budget and therefore represent actual funding commitments. In general terms, the estimates for projects that appear beyond the first two years of the CIP are preliminary programming estimates. As a result, when the CIP is developed every other year (and updated in the intervening year), the cost estimates may change and require adjustments to the funding. There are several mechanisms in place to help address this uncertainty:

- In some cases, placeholder projects are used for outer years to recognize funding availability, for example Neighborhood Park Land Acquisition. This approach allows specific

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project priorities and estimates to be developed based on specific needs as they are identified.

- Preliminary programming estimates generally contain larger contingencies (10% of construction or higher), which can be refined as engineering design progresses.
- Funds are set aside toward capital contingencies. These take the form of reserves in both the general and utilities capital funds. These reserves are intended to be used to supplement project budgets when actual site conditions and market pricing vary from previous assumptions. These reserves provide a planned approach to dealing with the unknowns in capital planning.

To be proactive in the face of recently documented price increases that have required subsequent modifications to project budgets, staff hired an engineering consultant, KPG Interdisciplinary Design, in the spring of this year to review current and proposed project costs. This exercise, plus estimating work on projects already in the design phase, increased project cost estimates in the funded projects list by a total of \$22.7 million.

As noted earlier, the CIP is a funding plan, rather than a spending plan. The amounts shown are the funding sources that are being planned for projects, generally preceding detailed design work. For example, projects may show as funded over two years, with the first year reflecting design and the second year showing construction, but in reality the spending to complete the project may occur over a period of three to five years. This dynamic exists for a variety of reasons, including the ability to demonstrate that funding is available to match potential grants and to allow for coordination of projects across functions (for example, timing utility projects to coincide with resurfacing the roadway). The capital carryover that occurs at the beginning of each biennium is in part the recognition that cash has been set aside for projects, but not yet been spent.

In addition to the projects funded as part of the 2019-2024 CIP, there are a large number of active projects that are currently funded and underway that were approved as part of prior CIP processes. The total remaining budget on these projects is \$107.2 million as of 8/17/2018, as summarized by function in the table below and shown in the "Active Project" sheets in each functional section.

Program	Project Budget through 2018	Expenses through 8/17/18	Project Balance through 8/17/18
Transportation	88,059,015	36,959,599	51,099,416
Parks	29,359,900	18,574,861	10,785,039
General Government			-
Technology	9,324,312	5,678,456	3,645,856
Facilities	50,568,456	47,566,021	3,002,435
Public Safety	21,035,911	6,286,846	14,749,065
Utilities			-
Surface Water	18,261,828	9,302,067	8,959,761
Water Sewer	29,779,431	14,801,643	14,977,788
Total	\$246,388,853	\$139,169,492	\$107,219,361

The 2019 to 2024 CIP inflates each project by a percentage appropriate for that project category based on recent cost trends, so that the estimated future costs are taken into consideration. Likewise, some funding sources are indexed to inflation or increased annually based on historical trends, so that a similar methodology is employed on the resource and requirement sides. In many cases project amounts in the CIP are driven by available resources rather than growing costs of materials. For

Capital Improvement Program – 2019 to 2024

example, the Street Levy Street Preservation funding levels are based on the revenue projections for the 2012 Streets Levy. While inflation does not drive the funding amount, it does impact the work that can be accomplished with a given amount of funding.

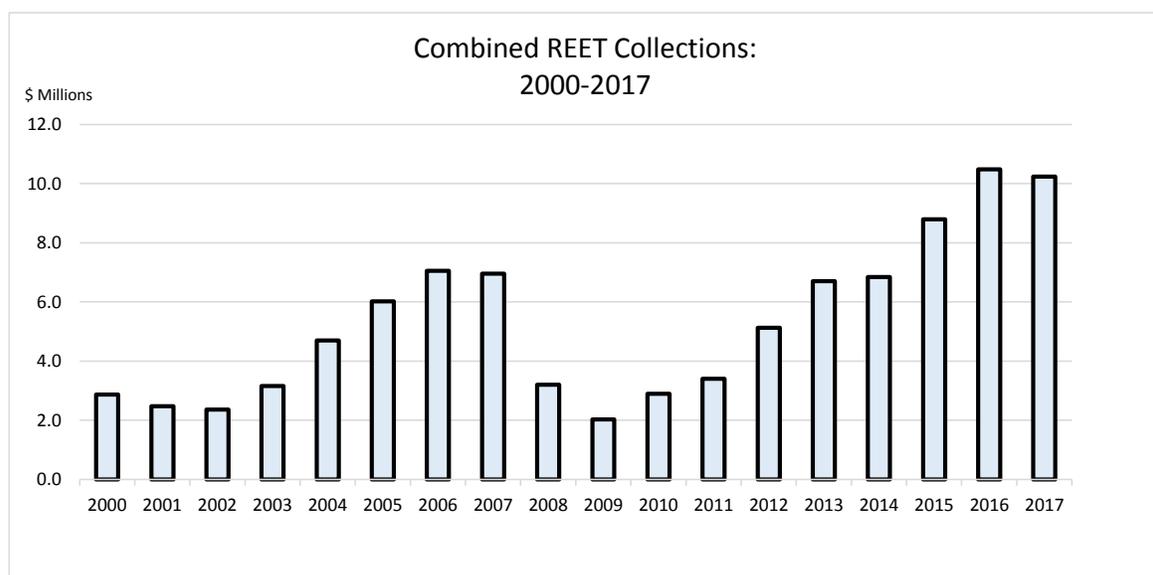
For most programs where inflation does apply, the inflation projection falls in the 4% to 10% range. As mentioned previously, in many cases project costs are based on engineering estimates, and contingencies and reserves are in place to buffer the impact of market conditions, significant price increases and scope changes.

FUNDING

Funding is established by project category that reflects legally dedicated revenue streams and Council dedicated revenue sources. The CIP utilizes four main categories of funding sources – current revenue, reserves, debt and external sources. The revenue sources that comprise these categories are described below.

Current Revenue represents estimates of annual ongoing revenue that will be received from anticipated sources. These include excise and property tax revenues, impact fees charged to new development, and utility rates and charges for existing and new customers. These are largely **distinguished by the fact that they are derived from the current year's economic, development, or usage activity**. Notable assumptions for major current revenue sources are highlighted below.

- Real Estate Excise Tax (REET) consists of two 0.25% excise taxes levied by the City against real estate sales (referred to as REET 1 and REET 2, for a total of 0.5%). Collections have been strong, consistent with the economic and real estate market strength observed in recent years. Recent REET collections have exceeded their previous high point reached in 2006, though it is worth noting that collections now include sales activity in annexed neighborhoods. Any discussion of strength in REET must also acknowledge its inherent volatility; its peak to trough drop after the collapse of the housing bubble in the mid-2000s was 71%. This is best shown by the following graph showing the trend since 2000.



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The original 2017-2018 budget for REET assumed revenue of \$5 million per year. Given strong actuals collections in 2017, the budget for that year was increased to \$9 million, providing additional project funding for the 2017-2022 CIP update adopted in December of 2017. This strong growth has continued into the current year; through June 2018, REET collections are \$5.7 million, \$700 thousand above the budget for the year. Based on this continued high level of growth, the full year forecast for REET has been increased to \$10 million, providing additional resources for projects discussed in later sections.

For 2019, the recommendation is to revert to a lower revenue expectation of \$5 million. In 2020 through 2024, the funding plan relies on an annual amount of \$2.5 million. The recent budgeting philosophy for REET has relied on conservative projections; revenue above budget has been deployed to fund new and/or emergent needs in successive capital plans. Going forward, this approach can help mitigate the need to defund projects in process that would occur if a more aggressive forecasting approach is used and economic circumstances change.

A total of approximately \$23.8 million of REET revenue is budgeted in the six-year CIP, including \$15.7 million for Transportation projects, \$3.6 million for Parks projects, and \$4.5 million for Fire Station 24 construction. While not part of the CIP, it is worth noting that approximately \$263,500 per year has been included in past budgets to pay approved maintenance expenses in the operating budget as allowed by state law, with \$90,000 used for Transportation O&M, \$110,000 for Parks Maintenance, and \$63,500 per year for enhanced maintenance on the Cross Kirkland Corridor (CKC). The funding plan assumes that these maintenance uses will continue during the six year CIP, though the formal continuation of these uses will be reviewed as part of the 2019-20 Biennial Budget process. No further REET funding for homelessness purposes is included due to expiration of this flexibility in mid-2019.

The REET forecast is deliberately conservative given the historically high level of collections and past experience of volatility in the real estate market. Any difference between the budgeted REET revenue and actual receipts is placed in the REET 1 and REET 2 reserves for use as grant matches and to supplement current revenue to fund high priority projects and facility needs.

- Property Tax Levy Lid Lifts – On November 6, 2012, Kirkland voters approved two new property tax levies to support street maintenance and pedestrian safety and parks maintenance, restoration and enhancement. In 2019 these levies are expected to generate \$3,371,900 and \$2,644,000 for these purposes, respectively. Revenues from the two levies are deposited in the Street Operating and Parks Levy Funds, and a set amount is transferred into the CIP for specific capital uses. The table on the following page shows the projected allocation of the levy revenues between capital and operating uses in the 2019-2020 budget.

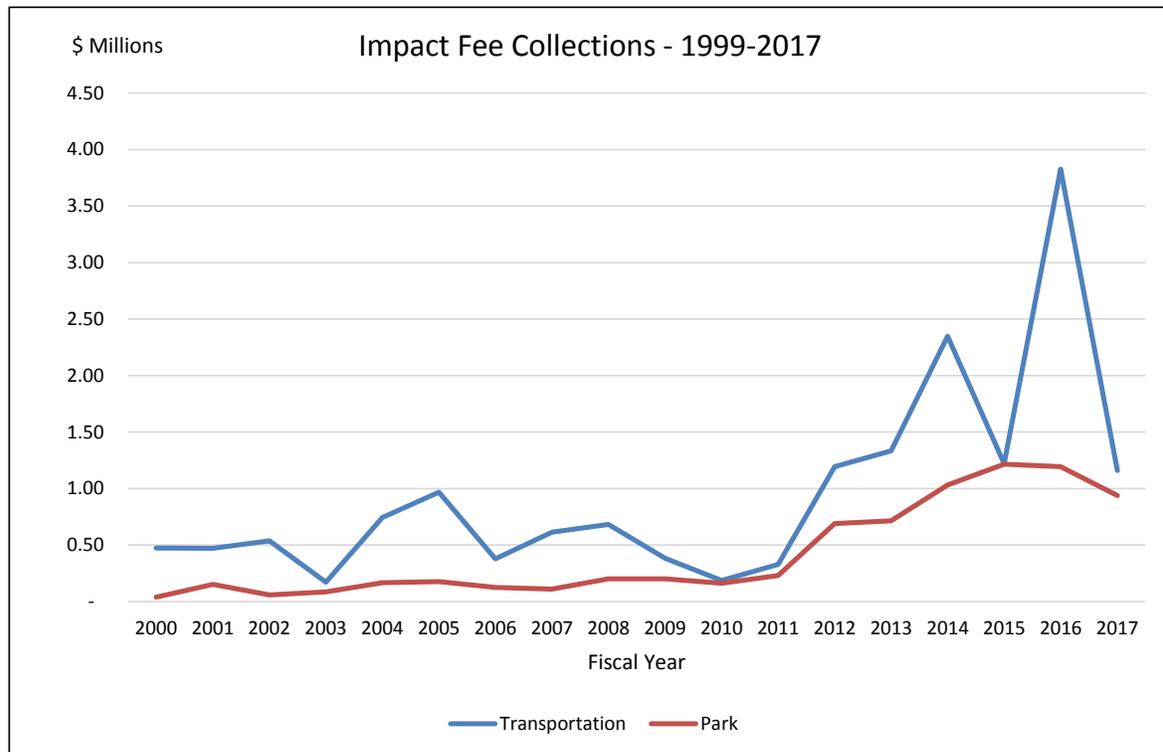
Capital Improvement Program – 2019 to 2024

Park and Street Levy Budget Allocations		
	2019	2020
<u>2012 Street & Pedestrian Safety Levy</u>		
Total Revenue	3,371,900	3,439,400
Operating Budget	771,900	839,400
Capital Improvements Program	2,600,000	2,600,000
<u>2012 Park Levy</u>		
Total Revenue	2,644,600	2,697,500
Net Available for Operating Budget	1,644,600	1,874,500
Capital Improvements Program	1,000,000	823,000

Property tax growth (absent new voter-approved levies) is limited by state law to 1 percent plus the growth in value from new construction, which is assumed to be 1 percent per year through 2024. Projected growth in the Road Levy is allocated to the operating uses. For the Park Levy, in prior years revenues have been allocated such that a fixed \$1.25 million per year was allocated to capital, with the balance, including any growth, allocated to the operating budget. The 2012 ballot question for the Park Levy included a list of projects that would be completed using the new revenues from the levy. It was assumed that after these projects were completed, future revenue from the levy could be directed to operating and maintenance costs, as needed, with any residual available for capital projects. The majority of the work on the list of projects will be completed in 2019; for 2020 and beyond, a majority of the revenue that had been allocated to capital is being made available for operating and maintenance purposes in the Parks and Community Services operating budget.

- **Impact Fees** – Impact fees are charged to new development projects to provide revenue to build infrastructure to service the population growth attributed to the new development. The CIP includes funding from impact fees to build Park and Transportation projects. Similar to REET, Impact Fee collections have been strong in recent years, as shown in the graph on the following page.

Capital Improvement Program – 2019 to 2024



The 2019-2024 CIP includes \$5.47 million from Transportation Impact Fees and \$10.3 million from Park Impact Fees, based on a conservative forecast of future collections of \$1 million per year from each source, plus accumulated prior year revenues above expenses. Use of prior year resources is particularly evident in Parks, which relies on \$4.5 million of unprogrammed fee revenues collected through 2018.

- **Utility Rates, Charges and Fees** – The utilities capital program funds equipment and **infrastructure requirements of the City's water/sewer and surface water utilities**. Funding for the program comes from rates, fees and charges assessed on current and new utility customers. The fees and rates are determined based on rate studies performed for each utility. Actual rates for 2019-2020 and future years are based on rate study projections of rate increases that will be reviewed as part of the 2019-2020 budget process.

Reserves are used in a variety of ways in the CIP. Reserves used in the 2019-2024 CIP have been accumulated over time for specific purposes (e.g. water/sewer capital replacement reserve and accumulated REET and impact fee balances). The CIP recommendation incorporates the use of reserves to fund matching contributions for some grant-funded transportation projects, and to fund the portion of impact fee funded projects that are not capacity-related. Dedicated sinking fund reserves are also used to fund routine building repairs, vehicle replacements, and equipment purchases for public safety and information technology.

Debt represents a commitment to repay borrowed funds over an extended period of time. While the City has a relatively large legal debt capacity, the main constraint is the ability to repay the debt. Councilmanic bonded debt is supported from existing revenues, while voter approved debt comes with a new revenue stream to support debt service. An additional constraint is the time period for

Capital Improvement Program – 2019 to 2024

which the debt can be issued (limited to the life of the asset and a maximum of 30 years by current **City fiscal policy**). The following table show the City's currently outstanding debt.

Type of Debt	Original Amount	Outstanding 12/31/2018	Maturity Date
<i>Councilmanic Bonds:</i>			
2010 Limited G.O. (Kirkland Justice Center)	35,345,000	29,195,000	12/1/2040
2011 Limited G.O. (Fire Station Construction) ^{1/}	4,000,000	1,335,916	12/2/2021
2015 Limited G.O. (City Hall Remodel)	5,800,000	5,120,000	12/1/2034
Total Councilmanic Bonds	\$45,145,000	\$35,650,916	
<i>Est. Remaining Councilmanic Debt Capacity as of 12/31/2018</i>		<i>\$380,700,746.04</i>	
<i>Voter Approved Bonds:</i>			
2013 Unlimited G.O. Refunding (Parks)	\$4,670,000	\$2,135,000	12/1/2022
Total Voter Approved Bonds	\$4,670,000	\$2,135,000	
<i>Est. Remaining Voter Approved Debt Capacity as of 12/31/2018</i>		<i>\$2,043,972,394</i>	
<i>Public Works Trust Fund Loans:</i>			
1999 Lift Station Replacement-Design	227,500	12,535	7/1/2019
2001 Lift Station Replacement-Construction	1,848,000	308,905	7/1/2021
2004 Central Way Sewer Replacement	1,086,300	343,996	7/1/2024
2012 NE 80th St Water/Sewer Replacement	3,887,600	3,402,968	6/1/2032
Total Revenue Bonds & Trust Fund Loans	\$7,049,400	\$4,068,404	

^{1/} On May 26, 2011, Fire Protection District #41 issued \$4 million in Limited Tax General Obligation Bonds to finance the Consolidated Fire Station Project. On June 1, 2011, the Fire District ceased operation when the City of Kirkland annexed all the territory served by the District. The outstanding debt remains an obligation of the taxable property which was annexed.

The 2019-2024 CIP relies on new debt for two principal purposes, including:

- \$7.5 million for Totem Lake Public Improvements Phase 2, with a likely issuance date of 2019 dependent on The Village at **Totem Lake development's private** developer meeting specific development agreement milestones; and,
- Up to \$19.2 million in 2019, dependent on receipt of grants, to provide funding for a number of high-priority investments in the Transportation, Streets and Non-Motorized programs to keep **Kirkland's mobility infrastructure capacity concurrent with development growth, including** the following projects:
 - NE 124th St./124th Ave. NE Pedestrian Bridge (NMC 08610) - \$17.4 million total project, with \$9.5 million from debt, \$5 million of which backfills planned grant revenue that was not secured in 2018;
 - Juanita Drive Auto Improvements (STC 008900) – \$6.6 million total project, \$5.3 million of which is proposed to be funded with debt;
 - 100th Avenue NE (STC 08313/14) - \$8.8 million total with \$3.9 million from debt and \$4.3 million from grants being requested from the State Transportation Improvements Board (TIB). If the grant request is unsuccessful, the debt will not need to be issued; and,
 - NE 132nd ST/108th Avenue NE Intersection Improvements (TRC 09400) - \$1.22 million total project, \$500 thousand of which is from proposed debt.

The current estimate for all Transportation improvements designed for 100th Ave. NE exceeds \$30 million. Staff has broken the project into segments, and has applied for grant funding for the highest-priority segments.

Capital Improvement Program – 2019 to 2024

The \$7.5 million for Phase 2 Totem Lake Public Improvements translates into annual debt service of approximately \$488,000 per year, assuming a 2019 issuance, 5% interest rate and a repayment over **30 years. This amount was included in the General Fund forecast presented at the Council's May 24, 2018 retreat.** It is possible that timing of completion of public improvements would defer the issuance of debt to a later year.

The debt financing to support the additional Transportation investments had not been identified in May and therefore was not included in the forecast. Assuming a 5% interest rate and 30 year payment, this debt would require an annual repayment of \$1.2 million. The City Manager is proposing to allocate one time revenues from the modified two-year sales tax lag in 2018 to make the payments in 2019 and 2020.

Options to pay after 2020 could include:

- Authorizing a car tab through the Transportation Benefit District approved in 2014. A \$20 car tab can generate approximately \$1.37 million per year based on registration data from the State Department of Licensing. Note that there is a substantial timing lag between authorizing the fees, notification of DOL of the new fee, and actual receipt of payments.
- One or more of a set of revenue options, including:
 - Increased utility taxes;
 - Higher revenue generating regulatory taxes;
 - Property tax lid lift;
 - REET and/or Impact Fees above projections; and,
 - Discontinue modified two-year sales tax lag.
- Reduce one or more base budget general fund items.

External sources are primarily grants but can also take the form of contributions from other governments (shared projects) or from private sources (such as developers). The CIP includes both secured funding, as well as funding that has not yet been secured, assuming a percentage consistent with successful grant receipts of prior years.

Potential New Sources include other funding mechanisms that are currently being explored as opportunities to expand the set of projects that can be constructed in the next six years. These options include:

- Placing a levy lid lift measure on the ballot to fund Fire Station modernization improvements, which could also include purchase of a site for Fire Station 27; and,
- Authorizing a car tab through the Transportation Benefit District approved in 2014 could provide a direct revenue source if not used to cover debt service as described above.

The 2019-2024 CIP is based on the recommended funding matrix shown on the following page and incorporates the aforementioned current revenue assumptions as well as existing reserves and external revenues.

Capital Improvement Program – 2019 to 2024

2019-2024 Preliminary Capital Improvement Program
Revenue Sources (in thousands)

Dedicated Revenue	2019	2020	2021	2022	2023	2024	6-Year Total
Transportation							
Gas Tax	634	647	660	673	686	647	3,947
Gas Tax (Transportation Package)	200	200	200	200	200	200	1,200
Business License Fees	270	270	270	270	270	270	1,620
Real Estate Excise Tax (REET) 1	211	410	422	-	448	113	1,604
Real Estate Excise Tax (REET) 2	2,319	1,424	1,467	1,946	1,464	1,275	9,895
Street & Pedestrian Safety Levy	2,679	2,706	2,733	2,760	2,788	2,816	16,482
Transportation Impact Fees	1,000	1,000	1,000	702	1,298	472	5,472
King County Park Levy	300	-	-	-	-	-	300
Walkable Kirkland	400	400	-	-	-	-	800
Utility Rates	410	500	500	191	486	60	2,147
Utility Reserves	207	-	-	-	-	-	207
Solid Waste Street Preservation	300	300	300	300	300	300	1,800
REET 2 Reserve	2,213	480	480	-	215	695	4,083
REET 1 Reserve	135	-	-	-	-	-	135
Carryover PY Funds	-	659	-	-	-	-	659
Debt	17,818	2,407	-	-	-	-	20,225
External Sources	8,834	7,159	2,445	3,605	-	-	22,043
Subtotal Transportation	37,930	18,562	10,477	10,647	8,155	6,848	92,619
Parks							
Real Estate Excise Tax 1	938	135	160	160	833	833	3,059
Park Impact Fees	2,891	1,750	1,050	1,150	1,750	1,750	10,341
Parks Levy	1,000	823	250	250	250	250	2,823
REET 1 Reserve	509	-	-	-	-	-	509
Park Facilities Sinking Fund	162	151	162	169	146	160	950
Carryover PY Funds	1,425	-	-	-	-	-	1,425
Other Reserves	1,500	-	-	-	-	-	1,500
External Sources	325	-	-	-	-	-	325
Subtotal Parks	8,750	3,159	1,922	2,029	3,279	3,293	22,432
General Government: Technology, Facilities & Public Safety							
General Fund Contributions for:							
Public Sfty. Equip. Sinking Fund	987	334	167	120	895	1,008	3,510
Technology Equip. Sinking Fund	452	625	456	590	733	574	3,430
Utility Rates	256	256	256	256	256	256	1,536
Facilities Life Cycle Reserve	789	522	279	150	347	1,082	3,167
REET 1 Reserves	2,000	-	-	-	-	-	2,000
General Fund Cash	294	174	114	174	114	114	984
Carryover PY Funds	213	787	-	-	-	-	1,000
REET 1	2,500	-	-	-	-	-	2,500
Subtotal General Government	7,491	2,698	1,272	1,290	2,345	3,034	18,127
Utilities							
Utility Connection Charges	865	865	865	865	865	865	5,190
Utility Rates - Surface Water	1,916	2,120	2,139	2,204	2,270	2,338	12,987
Utility Rates - Water/Sewer	3,992	4,941	5,165	5,329	5,583	5,850	30,860
Reserves	1,200	1,965	1,450	50	1,450	50	6,165
External Sources	3,023	1,000	1,111	769	-	-	5,903
Subtotal Utilities	10,996	10,891	10,730	9,217	10,168	9,103	61,105
Total Revenues	65,167	35,310	24,401	23,183	23,947	22,278	194,283

Capital Improvement Program – 2019 to 2024

PROJECT HIGHLIGHTS

The CIP reflects Council deliberations and decisions regarding strategies to address near-term needs and meet existing obligations while exploring opportunities to fund longer-term goals. The total adopted CIP is summarized below, followed by project highlights presented to emphasize how projects fit within the Prioritization Criteria established by the City Council.

Total CIP

As shown in the following table, the 2019-2024 funded CIP totals \$194.3 million, which is 24 percent of the total identified needs of \$816.5 million. This compares to the revised 2017-2022 funded CIP which totaled \$239.2 million and was 29 percent of the total identified needs of \$824 million.

2019-2024 Preliminary Capital Improvement Program
Summary of Total Identified Needs

	6-Year Funded CIP	Unfunded Future City Revenues	External/New Revenues	Total CIP
Transportation	92,619,100	191,588,500	193,882,500	478,090,100
Parks	22,432,200	55,990,000	75,000,000	153,422,200
Public Safety	8,129,100	369,100	41,154,000	49,652,200
General Government				
Technology	6,829,900	2,864,900	-	9,694,800
Facilities	3,167,700	-	-	3,167,700
Subtotal	133,178,000	250,812,500	310,036,500	694,027,000
Surface Water Mgmt	19,252,300	21,555,000	-	40,807,300
Water/Sewer	41,853,000	28,920,100	10,861,000	81,634,100
Utilities Subtotal	61,105,300	50,475,100	10,861,000	122,441,400
Grand Total Proposed CIP	194,283,300	301,287,600	320,897,500	816,468,400

Staff has further refined the unfunded list to distinguish between those projects that would be candidates for funding from existing revenue sources after 2024 and those that are not likely to be funded without substantial external and/or new revenues. This line is drawn largely by the size of the project, using the current funding mixture of the funded programs as a guide for the scope of projects that normally would not be pursued without significant external and/or new revenue.

An exception would be a set of unfunded Transportation projects that fall outside the 20-year Transportation Master Plan window unless new funding is available. These are included in the CIP due **to their prospective inclusion in the City's Transportation Improvement Plan** submittal to the State in the Spring of every year, which is required for grant eligibility. Determining what fits in this category is an art more than a science, and in that sense is imperfect. It does, however, provide a finer level of detail on funding constraints for building projects on the unfunded list. More than half of the \$321 million total projects that would require new/external funding is comprised of three projects, including:

- Community Recreation Facility construction;
- Fire Station Modernization projects; and,

Capital Improvement Program – 2019 to 2024

- CKC Non-Motorized Improvements.

The table that follows shows the projects considered “unfunded external/new revenue”.

Unfunded Projects Requiring Debt or External Funding		
Project Number	Project Title	Total
Transportation		
STC 05600	132nd Avenue NE Roadway Improvements	25,170,000
STC 06100	119th Avenue NE Roadway Extension	5,640,000
STC 06200	NE 130th Street Roadway Improvements	10,000,000
STC 06400	124th Avenue NE Roadway Extension	30,349,000
STC 07300	120th Avenue NE Roadway Extension	16,392,000
STC 08600	Finn Hill Emergency Vehicle Access Connection	900,000
NMC 03000	NE 90th Street/I-405 Pedestrian/Bicycle Overpass	3,740,700
NMC 03100	Crestwoods Park/CKC Corridor Ped/Bike Facility	2,505,000
NMC 03200	93rd Avenue Sidewalk	1,047,900
NMC 04300	NE 126th St Nonmotorized Facilities	4,277,200
NMC 04600	18th Avenue SW Sidewalk	2,255,000
NMC 05000	NE 80th Street Sidewalk	859,700
NMC 05400	13th Avenue Sidewalk	446,700
NMC 05500	122nd Ave NE Sidewalk	866,700
NMC 05800	111th Avenue Non-Motorized/Emergency Access Connection	2,000,000
NMC 06200	19th Avenue Sidewalk	814,200
NMC 07400	90th Ave NE Sidewalk	353,400
NMC 08000	Juanita-Kingsgate Pedestrian Bridge at I405	4,500,000
NMC 08600	Cross Kirkland Corridor Non-motorized Improvements	65,742,000
NMC 10600	Citywide CKC Connections	360,000
NMC 10700	CKC to Downtown Surface Connection	2,000,000
TRC 06700	Kirkland Way/CKC Bridge Abutment/Intersection Imprv	6,917,000
TRC 11400	Slater Avenue NE Traffic Calming - Phase I	247,000
TRC 11704	NE 68th Street Intersection Improvements/Access Management	4,375,000
TRC 12300	Slater Avenue NE (132nd Avenue NE)/NE 124th Street	2,124,000
	Transportation Subtotal	193,882,500
Public Safety		
PSC 30020-30070	Fire Station Modernization Projects	41,154,000
	Public Safety Subtotal	41,154,000
Parks		
PKC 12210	Community Recreation Facility Construction	75,000,000
	Parks Subtotal	75,000,000
Utilities		
SSC 07700	West Of Market Sewermain Replacement Phase 2	10,861,000
	Utilities Subtotal	10,861,000
Total All Programs		320,897,500

HIGHLIGHTS BY PRIORITIZATION CRITERIA

The following is a discussion of projects that are funded according to the CIP prioritization criteria adopted by the City Council on May 1, 2018.

Capital Improvement Program – 2019 to 2024

1. Complete capital projects from the 2017-2018 City Work Plan.

Embedded within this criterion is the framework of the 2017-2018 Work Plan, which was adopted by the City Council on February 21, 2017 and amended on December 12, 2017. The preparation of the 2019-2024 CIP directly fulfills and/or supports progress on several work program items, as discussed below. It is worth noting that not all work program items include a capital funding component, as noted below.

- Implement the Cross Kirkland Corridor Master Plan focused on the Totem Lake Connector and South Kirkland Park and Ride connection

The 2019-2024 CIP includes \$5.59 million for NE 124th St/124th Ave NE Pedestrian Bridge Design and Construction (NMC 08610), which builds upon prior year funding of \$11.8 million to fully fund the project. This project will connect Totem Lake Park to the Cross Kirkland Corridor and enhances mobility over a heavily utilized traffic corridor, serving the dual purpose of implementing the CKC Master Plan and keeping mobility investments concurrent with development. This project was originally scoped to receive significant external funding which was ultimately not secured due to changes in the funding priorities of the intended federal program. As such, an issuance of General Obligation debt is planned in 2019 to support \$9.5 million of the total project cost. The South Kirkland TOD/CKC Multi-modal Connection Phase 2 (CKCMMC) project has completed the design phase, however due to significant cost escalation and unforeseen conditions, and the approved Sound Transit 3 plan for a future light rail station, the project has been stopped. The remaining City funding is being directed to TRC 09400 - NE 132nd St/ 108th Avenue NE Intersection Improvements. Authority to shift the State appropriations from the CKCMMC project to an alternate City purpose is being sought in the upcoming state legislative session.

- Renovate Fire Station 25, Construct Station 24 and site new Station 27

Fire Station 25 renovations were funded in the 2017-2022 CIP, and the project is substantially complete with the Fire Suppression staff now moved into the renovated facility. A ribbon cutting ceremony is planned for September 2018. The proposed 2019-2024 CIP provides \$4.5 million in additional funding in 2019 from REET 1 to bring the total Fire Station 24 Replacement (PSC 30022) project budget, including funding from prior years, to \$14.63 million. Design of the station has commenced, and an eminent domain process for acquiring the preferred location is currently underway.

The unfunded project list in the Public Safety program includes Fire Station 27 Land Acquisition (PSC 30030) with an estimated cost of \$6 million. Purchase of a new site for Station 27 could be the subject of a future levy lid lift as mentioned under Funding, Potential New Sources presented earlier. Options may exist to purchase the preferred site using debt supported with lease revenues from current tenants, with subsequent backfill from debt issued as part of a future ballot question.

- Expand Maintenance Center capacity to meet the service needs of the larger City

The City purchased property for a new Parks Maintenance Center in March 2018 using a combination of existing project balances and revenues from the General Capital Contingency.

Capital Improvement Program – 2019 to 2024

In addition, the leased space currently occupied by Park Maintenance staff was purchased from the King County Housing Authority in April 2018 using a portion of the proceeds from the 2017 sale of the 505 Market building and other sources. The current CIP includes projects to fund facility improvements to both buildings to refit them for their future intended purposes, including:

- o GGC 03704 – Public Works Maintenance Center Tenant Improvements - \$250,000 in 2019 to outfit the former King County Housing Authority leased space to accommodate Public Work maintenance staff; and,
- o PKC 14700 – Park Maintenance Center - \$1.5 million in 2019 to outfit the former Office Max property with interior improvements to support Park Maintenance operations.

The Office Max property is currently occupied by existing tenants; the latest date for the existing tenant to vacate the property is April 2019, after which time interior improvements can commence, with a target occupancy by Park Maintenance functions by 2020.

- Partner with ARCH, churches and non-profits to construct a permanent women and family shelter in Kirkland

The City purchased property for the shelter location in April 2018. Funding for the project has been approved by A Regional Coalition for Housing, the City and the State. A funding application is pending with King County, and fundraising efforts are underway. Depending on the success of these efforts, groundbreaking could occur in early 2019.

- Fund capital investments to support growth in Totem Lake Urban Center

The 2019-2024 CIP includes a number of investments in and around the Totem Lake Urban Center, as shown in the following table:

Funded 2019-2024 Projects Supporting Totem Lake Redevelopment

Project #	Project Name	Prior CIP Funding	2019-24 Amount	Total Project Budget
TOTEM LAKE -- FUNDED				
<i>Transportation</i>				
NMC 08610	124th St/124th Ave Pedestrian Bridge Design & Construction	11,810,000	5,593,100	17,403,100
NMC 12400	Totem Lake Public Improvements Phase 2	-	7,500,000	7,500,000
STC 00605	Totem Lake Blvd Gateway & Roadway Repair	2,120,000	3,020,000	5,140,000
STC 05912	124th Ave NE Roadway Improvements (North Section) ROW	-	2,195,000	2,195,000
STC 05913	124th Ave NE Roadway Improvements (North Section) Construction	-	5,400,000	5,400,000
<i>Parks</i>				
PKC 13902	Totem Lake Park Development - Expanded Phase I	3,050,000	5,159,200	8,209,200
PKC 13400	132nd Square Park Playfields Renovation		2,184,000	2,184,000
<i>Surface Water</i>				
SDC 08800	Comfort Inn Pond Modifications	1,470,100	81,300	1,551,400
SDC 10700	132nd Square Park Surface Water Retrofit Facility	560,000	4,000,000	4,560,000
Total - Totem Lake Funded Projects		19,010,100	35,132,600	54,142,700

Capital Improvement Program – 2019 to 2024

- **Replace the City's core financial** and human resources software

The 2017-2022 CIP fully funded replacing the core financial and human resources software, and the project is currently underway. The Phase 1 transition of core financials from the legacy system was completed in August 2018. Human resources and payroll system components are on schedule and within budget to be online by January 1, 2019.

- Facilitate Community Policing through implementation of Police Strategic Plan

The Public Safety program includes PSC 12000 - Police Strategic Plan Implementation (\$250,000) as an unfunded placeholder project in recognition of potential needs identified in the Police Strategic Plan.

The 2019-2024 project list includes also unfunded projects that derive from the Police Strategic plan. The following two projects are displayed in the General Government - Information Technology unfunded project list:

- ITC 10003 – New Police Evidence System (\$232,900) – This project would select and implement a new system that makes it easier to keep track of all physical evidence which effectively supports electronic evidence. This will help Police process, retrieve, store, manage, and reference digital evidence more effectively.

Given the nature of this project, it is likely that the evidence system will be submitted as a service package in the operating budget proposal.

- ITC 10002 - License Plate Readers for Patrol Cars (\$120,000)
Project resources are scoped to fund outfitting six patrol cars and consultant expenses to help implement and train on the technology. This would provide two cars per shift with this technology.

Staff are still evaluating this project with the intent of reaching a decision prior to the final CIP adoption in December.

- Partner with Sound Transit, the State Department of Transportation and King County Metro Transit to ensure that investments along I-**405 serve Kirkland's** mobility needs

While not a Capital Budget item, it is worth noting that additional temporary staffing was approved in March 2018, including:

- **Transportation Strategic Advisor position through 2020 to help manage the City's work** on high profile regional transportation projects;
- Temporary Transportation Program Coordinator position through June 2020 to support the Community Van project, demand management, and commute trip reduction programs; and,
- Temporary Transportation Engineer position through June 2021 to assist in planning, implementation and operation of Kirkland's **traffic signal system**.

Capital Improvement Program – 2019 to 2024

These positions are funded in the operating budget using a combination of General Fund, development fees and external grants as funding sources. The positions provide an interface with our regional partners on significant transportation and transit investments from these external agencies within Kirkland; additional operating and capital needs that may emerge through these partnerships will be contemplated in future budgets.

- Procure a new solid waste contract and engage King County and Kirkland residents to determine the future of the Houghton Transfer Station and Houghton Landfill

This item is in in the operating budget, without a current capital component.

- Enhance resident and business engagement in Kirkland through community-based initiatives that foster a safe, inclusive and welcoming City and a love of Kirkland

This item is in in the operating budget, without a current capital component.

2. Complete Public Safety capital investments that help implement the Police and Fire Strategic plans.

The proposed CIP includes the following funded projects recommended in the Fire Strategic Plan:

- PSC 06200 – Defibrillator Unit Replacement: Ensures replacement of defibrillators on an eight year cycle;
- PSC 06600 – Thermal Imaging Cameras Replacement: Thermal imaging cameras are used for search and rescue of victims in a heavy smoke and/or fire situation. This aids the firefighters in quick and accurate searches in little-to-zero visibility to rescue victims. The funded amount ensures replacement of cameras on a seven year cycle;
- PSC 07600 – Personal Protective Equipment: Funds replacement of each set of Personal Protective Equipment on a 5 year replacement schedule; and,
- PSC 20000 – Fire Equipment Replacement: Combines funding for replacement of equipment under \$50,000, including hoses, physical fitness equipment, radio batteries and body armor.

These items are funded through the Public Safety Sinking fund, which is a pool of money that is funded with annual \$325,000 contributions from the General Fund. In addition, the funded list includes PSC 30022 – Fire Station 24 Replacement, which was discussed in the City Work Program section above.

The CIP also includes a number of unfunded projects in the Public Safety Program that are in the Strategic Plans, including:

Fire:

- PSC 30030 – Fire Station 27 Property acquisition: \$6 million
- PSC 30070 – Fire Station 27 Replacement: \$15.1 million
- PSC 30040 – Fire Station 21 Expansion and Remodel: \$4.56 million
- PSC 30050 – Fire Station 22 Expansion and Remodel: \$7.45 million
- PSC 30060 – Fire Station 26 Expansion and Remodel: \$8 million

Capital Improvement Program – 2019 to 2024

As noted previously in the funding discussion, completing these projects will likely require voted debt and/or a levy lid lift.

Investments in training containers at Station 26 are also being evaluated as part of the 2018-2019 service packages. Costs are estimated at \$300,000 and if the decision is made to proceed, the training containers may be included in the final CIP proposal instead.

Police:

Projects discussed in the City Work Program above, including:

- ITC 10002 - License Plate Reader for Patrol Cars
- ITC 10003 - Police Evidence System Replacement
- PSC 12000 - Police Strategic Plan Implementation

3. Complete transportation projects necessary to ensure the success of WSDOT and Sound Transit investments in I-405 and Kirkland.

As described in the City Work Plan section above, the operating budget includes funding for temporary staffing to optimize mobility results from regional investments. One early result of regional cooperation that is included in the 2019-2024 CIP is TRC 09400 – NE 132nd St/108th Avenue NE Intersection Improvements, which was moved from unfunded status to funded in 2019 because it was identified as a critical element for the State DOT's I-405/116th Ave NE Interchange on-and-off-ramps project. This project is funded with a combination of Impact Fees, issuance of debt, and resources shifted from the South Kirkland TOD/CKC Multi-Modal Connection, (NMC 08400).

4. Complete projects necessary to ensure adequate transportation concurrency investments that keep pace with development.

As required by the State's Growth Management Act, public transportation investments must keep up with private development such that service levels do not deteriorate. Termed 'concurrency', this requires the City to track the progress of delivering investments quantified by the number of 'trips' that the new capacity can accommodate. This process was described in detail at an update on Transportation concurrency presented to the City Council at its July 3, 2018 Study Session. At that meeting it was reported that, due to the high levels of private development in Kirkland, the concurrency trip balance as of March 7, 2018 was 2,243, a more than 5,000 trip decrease from the January 1, 2016 level. This represents the number of trips available in the system to support development projects without reducing level of service.

The table on the following page lists the projects in the funded Transportation program that add capacity, and includes the number of new trips that will be added to the concurrency ledger when they are completed.

Capital Improvement Program – 2019 to 2024

2019-2024 Proposed Funded Transportation Concurrency Investments			
Project Number	Project Title	2019-2024 Total	Person Trips
STC 05912	124th Ave NE Roadway Improvements (North Section) ROW	2,195,000	208
STC 05913	124th Ave NE Roadway Improvements (North Section) Construction	5,400,000	686
STC 08313	100th Avenue NE Roadway Improvements (North Section)	3,536,000	187
STC 08314	100th Ave NE Roadway Imps (Mid-North Section)	5,279,000	396
STC 08900	Juanita Drive Auto Improvements	6,600,000	671
NMC 00610	Street Levy-Safe School Walk Routes	600,000	30
NMC 01204	Central Way Crosswalk Upgrade	100,000	10
NMC 08100	CKC to Redmond Central Connector	1,239,000	254
NMC 08610	NE 124th St/124th Ave NE Pedestrian Bridge Construction	5,593,100	1,672
NMC 08700	Citywide School Walk Route Enhancements	2,450,000	405
NMC 08710	North Kirkland/JFK School Walk Route Enhancements	950,000	102
NMC 09010	Juanita Drive Multi-Modal (On-Street) Improvements	525,000	53
NMC 09800	Kirkland Way Sidewalk Improvements	600,000	51
NMC 11300	Citywide Greenways Networks	1,250,000	76
NMC 11302	Citywide Greenways Network Project-128th Avenue NE	400,000	81
TRC 12000	Kirkland Intelligent Transportation System Phase 3	2,650,000	224
		39,367,100	5,107

There are also a number of unfunded Transportation projects that add capacity, as shown in the following table:

2019-2024 Unfunded Projects Transportation Concurrency Impacts			
Project Number	Project Title	2019-2024 Total	Person Trips
STC 06300	120th Avenue NE Roadway Improvements (north)	4,500,000	457
STC 07200	NE 120th St Roadway Improvements	15,780,600	1,604
STC 07700	NE 132nd St Rdwy Imprv.-Phase I (West Section)	1,739,000	177
STC 07800	NE 132nd St Rdwy Imprv.-Phase II (Mid Section)	408,000	41
STC 07900	NE 132nd St Rdwy Imprv.-Phase III (East Section)	1,444,000	147
STC 08100	Totem Lake Area Development Opportunity Program	500,000	51
STC 08315	100th Avenue NE Roadway Improvements (Mid-South Section)	5,930,000	292
STC 08316	100th Avenue NE Roadway Improvements (South Section)	3,619,000	191
PTC 00200	Public Transit Speed and Reliability Improvements	500,000	51
PTC 00300	Public Transit Passenger Environment Improvements	500,000	51
TRC 09500	NE 132nd St/Fire Stn Access Dr Intersect'n Imp	480,000	49
TRC 09600	NE 132nd St/124th Ave NE Intersect'n Imp	7,400,000	752
TRC 09700	NE 132nd St/132nd Ave NE Intersect'n Imp	1,150,000	117
TRC 12500	Kirkland ITS Implementation Phase 4	2,620,000	266
NMC 01299	Crosswalk Upgrade Program	4,100,000	452
NMC 08630	CKC Roadway Crossings	3,370,100	114
NMC 09011	Juanita Drive Bicycle and Pedestrian Improvements	10,650,000	1,082
NMC 11399	Citywide Greenway Network	4,450,000	452
NMC 11700	On-Street Bicycle Network Phase I	1,120,000	114
NMC 88881	On-street Bicycle Network	3,280,000	333
NMC 99991	Sidewalk Completion Program	6,096,800	620
		79,637,500	7,413

These projects are intended to be completed after 2024, or in the event that significant unanticipated local or external revenue becomes available earlier.

Capital Improvement Program – 2019 to 2024

5. Invest in parks projects that increase active recreation opportunities throughout the City to meet the needs of a growing population.

The proposed funded CIP includes a number of projects that meet this criterion, including:

- PKC 06600 – Parks, Play Areas & Accessibility Enhancements: \$1.1 million for design, purchase, and construction of new or replacement playground/play area equipment and surfacing;
- PKC 13400 – 132nd Square Park Playfields Renovation: \$2.18 million to install synthetic turf in conjunction with SDC 10700 - 132nd Square Park Surface Water Retrofit Facility in the Surface Water program. This amount reflects an initial estimate that will be verified through alternate design proposals of replacing the field surface as part of the surface water facility;
- PKC 13420 – 132nd Square Park Master Plan: \$135,000 for a community process to develop a long-range master plan for the park, including evaluating potential new uses, assessing existing opportunities and constraints, evaluating parking demands, and evaluating field lighting for year-round evening activities;
- PKC 13902 – Totem Lake Park Development – Expanded Phase I: \$8.2 million total project, with \$5.2 million in 2019-2024 to construct a northern trail and boardwalk segment connecting the park's existing trail system to the Cross Kirkland Corridor. Expanded phase will include park development of the City-owned upland parcel site, commonly known at the "Yuppie Pawn" site;
- PKC 15400 – Indoor Recreation & Aquatic Facility Study: \$160,000 to update and re-assess the community's indoor recreation needs;
- PKC 15500 – Finn Hill Neighborhood Green Loop Trail Master Plan: \$160,000 to develop a master plan for implementation of a 'Green Loop' trail and connectivity plan in the Finn Hill neighborhood; and,
- PKC 15700 – Neighborhood Park Development Program: \$1.6 million in 2024 for development of a newly-acquired neighborhood park at a location determined by the City Council following recommendations from the Park Board.

6. Invest in water, sewer and storm water projects according to the priorities contained in the recently adopted utility Master Plans.

The Water/ Sewer and Surface Water CIP projects focus on improving and replacing aging infrastructure, a key component of maintaining service levels. In many cases, these improvements also increase system capacity. The projects are selected to align with priorities of the most recent Master Plans for each utility. Each utility capital program is funded by rates and connection charges to customers. Significant project highlights are noted by program below:

Water

- WAC 12900 - South Reservoir Seismic & Recoating Construction: \$4 million in 2021 and 2022 to fund a seismic retrofit and full interior and exterior recoating of the existing South Reservoir. This joint facility improvement will require established proportionate share participation by the Cities of Redmond (34%) and Bellevue (13%);
- WAC 05200 – 108th Avenue NE Watermain Replacement: \$1.78 million beginning in 2020 to fund replacement of approximately 2,620 feet of 8-inch asbestos concrete watermain with new 12-inch ductile iron pipe on 108th Avenue NE, between NE 60th Street and NE 68th

Capital Improvement Program – 2019 to 2024

Street. The existing watermain serves a large area and system modeling shows that this watermain is at 60% to 69% of desired flow capacity; and,

- WAC 13400 - 5th Ave S / 8th St S Watermain Replacement: \$1.75 million in 2021 and 2022 to replace approximately 2,170 feet of 6-inch asbestos concrete with new 16-inch ductile iron pipe along 5th Avenue S, between 6th Street S and 8th Street S and on 8th Street S, between 5th Avenue S and Kirkland Avenue.

Sewer

- SSC 05200 - 108th Avenue NE Sewermain Replacement: \$6.9 million beginning in 2018 to replace and/or rehabilitate approximately 4,000 feet of 8-inch concrete pipe with 8 to 12-inch PVC pipe;
- SSC 06200 – NE 108th Street Sewermain Replacement: \$7.3 million beginning in 2022 to replace and/or rehabilitate the existing trunk line with approximately 3,000 feet of 12-inch to 18-inch diameter PVC pipe; and,
- SSC 07701 – West of Market Sewermain Replacement – Phase I: \$10.2 million beginning in 2021 to replace concrete sewermain in the Market Neighborhood, Market Street to Lake Washington and Waverly Way to 20th Place West.

Surface Water

- SDC 10700 - 132nd Square Park Surface Water Retrofit Facility: \$4 million to build improvements to provide water quality treatment, flow control and infiltration for approximately 48.5 acres of single-family residential and right-of-way area in the northeast corner of the Totem Lake Basin, funded with a Department of Ecology grant; and,
- SDC 12411 - Cedar Creek Fish Passage/Culvert Replacement (100th Ave NE) - \$2.5 million total project, of which \$300,000 is funded in 2018, to replace an aging 36-inch box culvert crossing and flow control structure with a new crossing suitable for fish passage and improved habitat. In addition to fulfilling fish-passage improvements identified in the Surface Water Master Plan, this project is critical to the 100th Ave. NE Transportation project.

7. Prioritize projects that will rank high in federal, state and regional grant funding processes and reserve revenues necessary to provide required local grant matches.

Prioritization of projects to rank highly in external funding processes has resulted in the City securing grant funding for a number of projects in the Transportation program in 2019-2024, including:

- STC 00605 – Totem Lake Blvd Gateway & Road Repair: \$4.8 million in 2018-2019 Awarded from the State Transportation Improvement Board, includes road repair, overlay, and bicycle, pedestrian and intersection improvements in the vicinity of The Village at Totem Lake;
- STC 05912 & STC 05913 - 124th Ave NE Roadway Improvements (North Section) ROW and Construction: Combined project totaling \$7.6 million, with \$1.8 million for right-of-way acquisition in 2019 and \$3.89 million for construction awarded by the Puget Sound Regional Council. This project was previously on the unfunded list but was able to be funded due to strong alignment with PSRC criteria for Regional Centers;
- STC 00607 - 98th Avenue NE Street Preservation: Total \$2.0 million project with \$631,000 awarded in 2019 from PSRC (Federal);
- STC 00604 - Central Way Street Preservation – Total project amount of \$214,000 of which \$184,000 awarded in 2019 from PSRC (Federal). This project supports the preliminary engineering phase of this work. An application for full preservation funds was made in 2018,

Capital Improvement Program – 2019 to 2024

scoring 84 with current pavement condition index in the 60-69 range, ranking it highly on the contingency list. Since preservation projects rank higher if PCI is in the 50-59 range the project will be well positioned when applying again in two years;

- NMC 07100 - NE 132nd Street Sidewalk Improvement – \$550,000 awarded in 2018-2019 from a direct State appropriation; project amount in the 2019-2024 CIP is \$250,000, with \$300,000 received in 2018; and,
- NMC 08100 - CKC to Redmond Central Connector: Total project cost of \$2.7 million, of which \$2.5 million is from direct State Capital Appropriations awarded for 2018-2019. Project scoped to connect the CKC with the Redmond Central Connector.

In addition to the Transportation awards, the Surface Water Program includes \$4 million awarded from the State Department of Ecology to fund SDC 10700 - 132nd Square Park Surface Water Retrofit Facility in 2019 and 2020 as noted above.

Beside these substantial awarded grant funds, a number of projects are included as funded, with a portion of the project funding relying on prospective unsecured funding that will be sought from external agencies, as follows:

- 100th Avenue NE Roadways investments in 2019 and 2020, including:
 - STC 08313 - 100th Ave NE Roadway Improvements (North Section): \$3.5 million total project, \$2.1 million of which is being requested from the State TIB;
 - STC 08314 – 100th Ave NE Roadway Improvements (Mid-North Section): \$5.3 million total project, \$2.0 million of which is being requested from the TIB;
 - TRC 13500 - 100th Avenue NE/Simonds Road Intersection Improvements: \$1.2 million total project, \$500,000 being requested from the TIB;
 - TRC 13600 - 100th Avenue NE/145th Street Intersection Improvements: \$1.2 million total project, \$500,000 being requested from TIB. Project is prioritizing completing construction elements that have a high independent utility in order to **improve alignment with TIB’s grant program goals.**
- NMC 08700 - Citywide School Walk Route Enhancements: \$2.4 million project, relying partially on \$250,000 through an application to **WSDOT’s Safe Routes to School Program to fill** a sidewalk gap leading to Mark Twain Elementary;
- NMC 08710 - North Kirkland/JFK School Walk Route Enhancements: \$950,000 total project, funded partially with \$365,000 requested through **WSDOT’s Safe Routes to School** Program for a major sidewalk deficiency on 90th Ave NE, serving Thoreau Elementary and other schools on Finn Hill;
- NMC 11302 - Citywide Greenways Network Project - 128th Avenue NE: Applied for \$692,000, highlighting project elements that align with key priorities for the WSDOT Ped & Bike program;
- TRC 12000 - Kirkland Intelligent Transportation System Phase 3: \$2.7 million project with \$1,025,600 in grant needs. ITS has traditionally been well received in federal and state funding competitions, however, the current grant funding trend has been moving to incorporate ITS elements into intersection and corridor projects with multiple scope elements. Staff will continue to evaluate this trend and potentially incorporate discrete ITS 3 elements within larger projects for grant applications that cater to the increasing focus on **“complete street” type projects;** and,
- TRC 12400 - 116th Avenue NE/NE 124th Street Intersection Improvements: Partnering with King Count METRO to seek funding from WSDOT Regional Mobility Grant - \$1.6 million total with the local match portion \$340,000 coming from King County METRO if

Capital Improvement Program – 2019 to 2024

the grant is secured. This project ranks highly for METRO and their performance data for the intersection indicates that it will rank highly in the WSDOT grant process.

8. Create measurable progress towards achieving the City Council's ten goals.

The following table portrays the CIP within the framework of eight of the Councils' ten goals; it is worth noting that while Human Service and Housing have presence in the operating budget, they do not traditionally have a capital element. A recent exception was the purchase of property for the Women and Family Shelter which was completed earlier in 2018, as previously discussed.

Funded Preliminary 2019-2024 CIP Projects by Council Goals

		Neighborhoods	Public Safety	Balanced Transportation	Parks, Open Spaces & Recreational Services	Financial Stability	Environment	Economic Development	Dependable Infrastructure
Transportation	\$ 92,619,100	✓	✓	✓	✓	✓		✓	✓
Parks	\$ 22,432,200	✓			✓		✓		✓
Public Safety	\$ 8,129,100	✓	✓			✓			✓
General Govt	\$ 9,997,600				✓	✓			✓
Surface Water	\$ 19,252,300	✓	✓	✓			✓		✓
Water Utility	\$ 14,481,500	✓				✓		✓	✓
Sewer Utility	\$ 27,371,500	✓				✓	✓	✓	✓
Grand Total	\$ 194,283,300	**	\$ 8,129,100	\$ 56,294,100	\$ 22,432,200	**	\$ 46,623,800	**	\$ 60,804,100

As is evident from the table, capital programs can touch on more than one council goal, and each goal is served by multiple capital programs. Rather than a precise accounting of the dollar value of benefit, which would be falsely precise, **the table identifies the magnitude of each goals' benefit from each contributing capital program**, through differentially sized check marks. The largest check mark in each row is intended to demonstrate which goal area benefits most from projects in a given program.

The projects previously discussed are included within the numbers shown in the table, as each drive progress towards these goals. Other projects that have not been previously discussed which are important in making progress towards these goals, include the following:

Neighborhoods

- NMC 00621 - Neighborhood Safety Program Improvements: \$400,000 to complete a number of neighborhood projects citywide under \$50,00, including bicycle facilities, crosswalks, intersection improvements, traffic calming, walkways/sidewalks, trails, and street lights;
- TRC 11703 - Neighborhood Traffic Control: \$150,000 for neighborhood traffic control elements such as traffic circles, speed humps, curb bulbs, lighting, radar speed signs and a variety of other improvements as identified in cooperation with the residents affected by the projects; and,

Capital Improvement Program – 2019 to 2024

- SDC 08100 - Neighborhood Drainage Assistance Program: \$150,000 to design and construct small-scale flooding solutions occurring outside the public right of way.

Public Safety

The Public Safety program projects previously discussed benefit this goal area directly. In addition, a number of Transportation program projects benefit public safety, including:

- NMC 08700 - Citywide School Walk Route Enhancements: \$2.45 million to create or improve sidewalks and associated pedestrian safety features on one side of all identified school walk route segments along both arterial and collector streets;
- NMC 00620 - Street Levy Pedestrian Safety: \$900,000 to provide for the construction and re-construction of crosswalks, crosswalk lighting, flashing beacons and other features to enhance the pedestrian experience consistent with the goals and objectives of the Transportation Master Plan;
- TRC 11700 - Citywide Traffic Management Safety Improvements: \$600,000 to design and construct new traffic signals, modify existing signals to incorporate flashing yellow arrows or other changes, and to modify driveways and other improvements that specifically address safety needs; and,
- TRC 11702 - Vision Zero Safety Improvements: \$300,000 to create an opportunity fund for improvements that come from Vision Zero work, an international road traffic safety project, which aims to achieve a transportation system with no fatalities or serious injuries in street traffic.

Balanced Transportation

The Transportation program is the largest component of the CIP, representing a \$92.6 million investment over six years to enhance mobility. The majority of these investments have been addressed individually throughout this memo.

Parks, Open Space and Recreational Services

In addition to projects discussed under CIP priority 5, notable projects include:

- PKC 04900 - Open Space, Park Land & Trail Acq Grant Match Program: \$100,000 to provide funding for acquisition of key sites as they become available; and,
- PKC 13330 - Neighborhood Park Land Acquisitions: \$5.4 million for acquisition of land for new neighborhood parks in areas of the City where gaps in level of service guidelines have been identified in the Park, Recreation, and Open Space (PROS) Plan.

Financial Stability

The benefits of significant recent investments in financial stability are currently being realized through **the transition to the City's new Finance and Human Resources Management System**. In addition, the proposed CIP includes investments to transition **many of the City's servers and data storage off-premises** as part of the Cloud/Disaster Recovery strategy recommended by the Information Technology Strategic Plan. This is embodied by ITC 12000 – Cloud Computing Services for Servers & Storage (\$2.24 million) which is a replacement to the Network Infrastructure project included in prior capital budgets. This modified project provides for the necessary cyclical equipment **replacements and upgrades, and contracts with external providers, to transition a portion of the City's**

Capital Improvement Program – 2019 to 2024

data processing and storage requirements to off-premises infrastructure. This project is currently funded through the IT sinking fund, which is an account in the General Capital Projects Fund that receives budgeted annual transfers of \$450,000 from the General Fund.

Environment

The Preliminary 2019-2024 CIP includes PKC 12100 - Green Kirkland Forest Restoration Program, which provides \$600,000 to implement a 20-year urban forest, wetlands, and natural areas restoration plan in City parks, including removal of invasive plants such as English ivy and Himalayan blackberry.

Economic Development

While there are no discrete economic development projects, in general, the Transportation and Surface Water projects in proximity to the Totem Lake redevelopment discussed previously have a strong economic development benefit, though the dollar amounts are reflected in the Transportation and Environment columns respectively. Similarly, projects that improve or benefit the physical infrastructure upon which commerce depends, such as the street system, have an economic development benefit. An example is STC 00600 – Annual Street Preservation Program, which is funded in part by an annual \$270,000 transfer from business license payments in recognition of this project's benefits to commerce.

Dependable Infrastructure

By its very nature, a capital improvement plan is structured around building and maintaining **the City's** infrastructure in a manner which ensures dependability for the public. While numerous investments that support this goal are discussed throughout this memo, other notable projects are shown in the table on the following page.

Capital Improvement Program – 2019 to 2024

2019-2024 Projects Supporting Dependable Infrastructure		2019-2024 Total
Transportation		
STC 00600	Annual Street Preservation	8,962,000
STC 00603	Street Levy Street Preservation Program	12,507,000
STC 08000	Annual Striping Program	3,000,000
NMC 05700	Annual Sidewalk Maintenance Program	1,200,000
TRC 11600	Annual Signal Maintenance Program	1,200,000
Surface Water		
SDC 04700	Annual Replacement of Aging/Failing Infrastructure	1,200,000
Water/Sewer		
WAC 88880	Annual Watermain Replacement Program	269,700
WAC 99990	Annual Water Pump Station/System Upgrade Program	269,800
SSC 88880	Annual Sanitary Pipeline Replacement Program	824,800
SSC 99990	Annual Sanitary Pump Station/System Upgrade Program	824,800
Information Technology		
ITC 10000	Network Server Replacements	250,000
ITC 11000	Network Infrastructure	1,573,400
ITC 13000	Network Phone Systems	601,800
ITC 14000	Network Security	270,000
ITC 20000	Geographic Information Systems	1,710,000
General Government - Facilities		
GGC 008*-012*	Facilities Sinking Fund Projects	2,917,700

9. Reprioritizes revenues from existing CIP projects that do not meet these priorities

The scope of funding available to finance capital projects is not limited to new revenues. At times, it makes sense to shift monies between projects to achieve the optimal impact in meeting Council priorities. To that end, a number of projects that had received funding in prior capital budgets have been defunded, freeing up resources for other projects. The following represent projects that have been defunded, alongside each is the project, or projects that received the reprioritized funding:

- PKC 05610 - Forbes Lake Park: Shifted funds to the Totem Lake Park – Expanded Phase I project to increase the size of the planned boardwalk from 8 feet to 10 feet; and,
- NMC 08400 - South Kirkland TOD/CKC Multi-modal Connection Phase 2: As discussed above, funds shifted to TRC 09400 - NE 132nd St/108th Avenue NE Intersection Improvements.

Capital Improvement Program – 2019 to 2024

CONCLUSION

The Preliminary 2019 to 2024 CIP reflects the prioritization criteria established by the City Council and provides infrastructure investments that are important to our residents and enhance the quality of life. It was developed to be decisive and responsive by applying all of the tools available to identify where to invest the available funds to best align with public input and Council policy guidance, while supporting redevelopment opportunities and leveraging external funding sources. As previously mentioned, the preliminary CIP may undergo changes in response to Council direction, or as the final operating budget decisions are made. The Final 2019-2024 CIP is scheduled for adoption along with the 2019-2020 Biennial Operating Budget on December 11, 2018.

**City of Kirkland
2019-2024 Preliminary Capital Improvement Program**

TRANSPORTATION PROJECTS

Funded Projects:

Project Number	Project Title	Prior Year(s)	2019	2020	2021	2022	2023	2024	2019-2024 Total	Funding Sources						
										Current Revenue	Street Levy	Impact Fees	Walkable Kirkland	Reserve	Debt	External/Pending Source
STC 00600	Annual Street Preservation Program		1,166,000	796,000	1,750,000	1,750,000	1,750,000	1,750,000	8,962,000	8,962,000						
STC 00603	Street Levy Street Preservation		1,613,000	997,000	2,433,000	2,460,000	2,488,000	2,516,000	12,507,000		12,507,000					
STC 00604	Central Way Street Preservation		214,000						214,000	30,000						184,000
STC 00605	<i>Totem Lake Blvd Gateway & Roadway Repair</i>	2,120,000	1,700,000	1,320,000					3,020,000							3,020,000
STC 00606	6th Street South Street Preservation		1,000,000	1,200,000					2,200,000	832,000	1,368,000					
STC 00607	98th Avenue NE Street Preservation		320,000	1,702,000					2,022,000	584,000	807,000					631,000
STC 05912	<i>124th Ave NE Roadway Improvements (North Section) ROW</i>			1,393,000	802,000				2,195,000	81,000		314,000				1,800,000
STC 05913	<i>124th Ave NE Roadway Improvements (North Section) Construction</i>				760,000	3,455,000	1,185,000		5,400,000	493,000		1,015,000				3,892,000
STC 08000	Annual Striping Program		500,000	500,000	500,000	500,000	500,000	500,000	3,000,000	3,000,000						
STC 08313	100th Avenue NE Roadway Improvements (North Section)		2,500,000	1,036,000					3,536,000	10,000		100,000	100,000	1,256,000	2,070,000	
STC 08314	100th Ave NE Roadway Imps (Mid-North Section)		3,517,000	1,762,000					5,279,000	129,000		164,000	107,000	2,611,100	2,267,900	
STC 08900	<i>Juanita Drive Auto Improvements</i>		3,300,000	2,000,000	1,300,000				6,600,000	824,000		456,000		20,000	5,300,000	
STC 99990	Regional Inter-Agency Coordination	82,000	82,000	82,000	82,000	82,000	82,000	82,000	492,000	410,000				82,000		
NMC 00610	Street Levy-Safe School Walk Routes				150,000	150,000	150,000	150,000	600,000		600,000					
NMC 00620	Street Levy-Pedestrian Safety		150,000	150,000	150,000	150,000	150,000	150,000	900,000		900,000					
NMC 00621	Neighborhood Safety Program Improvements	800,000	200,000	200,000					400,000				400,000			
NMC 01204	Central Way Crosswalk Upgrade		50,000	50,000					100,000	100,000						
NMC 05700	Annual Sidewalk Maintenance Program		200,000	200,000	200,000	200,000	200,000	200,000	1,200,000	972,000				228,000		
NMC 05701	Grant Funded Sidewalk Maintenance Program		2,000,000						2,000,000							2,000,000
NMC 07100	<i>NE 132nd Street Sidewalk Improvement</i>	300,000	250,000						250,000	50,000						200,000
NMC 08100	<i>CKC to Redmond Central Connector</i>	1,500,000	1,239,000						1,239,000	239,000						1,000,000
NMC 08610	<i>NE 124th St/124th Ave NE Ped Bridge Design & Construction</i>	11,810,000	5,593,100						5,593,100	1,050,000					4,543,100	
NMC 08700	<i>Citywide School Walk Route Enhancements</i>	3,133,200	850,000	400,000	300,000	300,000	300,000	300,000	2,450,000	640,000		450,000	130,000	680,000		550,000
NMC 08710	<i>North Kirkland/JFK School Walk Route Enhancements</i>		450,000	500,000					950,000	14,600	300,000		100,000			535,400
NMC 09010	Juanita Drive Multi-Modal (On-Street) Improvements			525,000					525,000	100,000		225,000		200,000		
NMC 09800	<i>Kirkland Ave Sidewalk Improvements</i>				400,000	200,000			600,000	345,000		255,000				
NMC 10900	Citywide Trail Connections (Non-CKC)			275,000					275,000			275,000				
NMC 10902	Lake Front Promenade Design Study			75,000					75,000	75,000						
NMC 11010	Citywide Accessibility Improvements	100,000	100,000		100,000	100,000	100,000	100,000	600,000	400,000			100,000	100,000		
NMC 11300	Citywide Greenways Networks			250,000	250,000	250,000	250,000	250,000	1,250,000	350,000		625,000		275,000		
NMC 11302	Citywide Greenways Network Project-128th Avenue NE	400,000	400,000						400,000	80,000			70,000			250,000
NMC 11500	CKC Emergent Projects Opportunity Fund	300,000	100,000						100,000	100,000						
NMC 12400	Totem Lake Public Improvements Phase II		7,500,000						7,500,000					1,485,000	6,015,000	
TRC 09400	<i>NE 132nd St/108th Avenue NE Intersect'n Imp</i>		500,000	720,000					1,220,000			61,000		659,000	500,000	
TRC 11600	Annual Signal Maintenance Program		200,000	200,000	200,000	200,000	200,000	200,000	1,200,000	744,000				456,000		
TRC 11700	Citywide Traffic Management Safety Improvements	300,000	100,000	100,000	100,000	100,000	100,000	100,000	600,000	300,000				300,000		
TRC 11702	Vision Zero Safety Improvement	200,000	50,000	50,000	50,000	50,000	50,000	50,000	300,000	200,000				100,000		
TRC 11703	Neighborhood Traffic Control	100,000		50,000					150,000	84,000				66,000		
TRC 11705	School Zone Beacon & Signage Improvements		50,000						50,000					50,000		
TRC 12000	Kirkland Intelligent Transportation System Phase 3	450,000	400,000	450,000	450,000	450,000	450,000	450,000	2,650,000	652,400		796,000		176,000		1,025,600
TRC 12400	116th Avenue NE/NE 124th Street Intersection Improvements			700,000	900,000				1,600,000							1,600,000
TRC 13500	100th Avenue NE/Simonds Road Intersection Imps		800,000	389,000					1,189,000	335,000		350,000				504,000
TRC 13600	100th Avenue NE/145th Street Intersection Imps		836,000	390,000					1,226,000	327,000		386,000				513,000
Total Funded Transportation Projects		21,595,200	37,930,100	18,562,000	10,477,000	10,647,000	8,155,000	6,848,000	92,619,100	22,513,000	16,482,000	5,472,000	800,000	5,084,000	20,225,200	22,042,900

Notes

Italics = Modification in timing and/or cost (see Project Modification/Deletion Schedule for more detail)

Bold = New projects

+ = Moved from unfunded status to funded status

" = Moved from funded status to unfunded status

= Projects to be funded with development-related revenues

TRANSPORTATION PROJECTS

Unfunded Projects in the Capital Facilities Plan Years 7-20

Project Number	Project Title	Total
STC 06300	120th Avenue NE Roadway Improvements	4,500,000
STC 07200	NE 120th Street Roadway Improvements (West Section)	15,780,600
STC 07700	NE 132nd St Rdwy Imprv.-Phase I (West Section)	1,739,000
STC 07800	NE 132nd St Rdwy Imprv.-Phase II (Mid Section)	408,000
STC 07900	NE 132nd St Rdwy Imprv.-Phase III (East Section)	1,444,000
STC 08100	Totem Lake Area Development Opportunity Program	500,000
STC 08315	100th Avenue NE Roadway Improvements (Mid-South Section)	5,930,000
STC 08316	100th Avenue NE Roadway Improvements (South Section)	3,619,000
STC 09400	Holmes Point Dr NE Road Embankment Stabilization Location 1	246,000
STC 09500	Holmes Point Dr NE Road Embankment Stabilization Location 2	412,000
STC 09600	Holmes Point Dr NE Road Embankment Stabilization Location 3	503,000
STC 09700	Holmes Point Dr NE Road Embankment Stabilization Location 4	551,000
STC 09800	Holmes Point Dr NE Road Embankment Stabilization Location 5	232,000
STC 09900	Champagne Pl Road NE Embankment Stabilization	563,000
STC 10000	62nd Ave NE Road Embankment Stabilization	823,000
STC 10100	114th Ave NE Road Reconstruction	1,900,000
STC 10200	90th Ave NE Road Surface Water Drainage Repair	420,000
NMC 01299	Crosswalk Upgrade Program	4,100,000
NMC 08630	CKC Roadway Crossings	3,370,100
NMC 09011	Juanita Drive Bicycle and Pedestrian Improvements	10,650,000
NMC 11100	108th Avenue NE Bicycle Lanes Upgrade	845,000
NMC 11399	Citywide Greenway Network	4,450,000
NMC 11700	On-Street Bicycle Network Phase I	1,120,000
NMC 88881	On-street Bicycle Network	3,280,000
NMC 99991	Sidewalk Completion Program	6,096,800
PTC 00200	Public Transit Speed and Reliability Improvements	500,000
PTC 00300	Public Transit Passenger Environment Improvements	500,000
PTC 00400	108th Avenue NE Transit Queue Jump - Phase I	4,875,000
PTC 00500	108th Avenue NE Transit Queue Jump - Phase II	5,640,000
TRC 09500	NE 132nd St/Fire Stn Access Dr Intersect'n Imp	480,000
TRC 09600	NE 132nd St/124th Ave NE Intersect'n Imp	7,400,000
TRC 09700	NE 132nd St/132nd Ave NE Intersect'n Imp	1,150,000
TRC 12500	Kirkland ITS Implementation Phase 4	2,620,000
TRC 12800	6th Street S/5th Place/CKC Transit Signal Priority	2,600,000
TRC 12900	NE 53rd Street Intersection Improvements	4,345,000
TRC 13000	NE 145th Street/Juanita-Woodinville Way Intersection Imps	2,100,000
TRC 13100	NE 80th Street/120th Avenue NE Intersection Improvements	1,700,000
TRC 13200	100th Avenue NE/132nd Street Intersection Improvements	1,647,000
TRC 13300	100th Avenue NE/Juanita-Woodinville Way Intersection Imps	2,161,000
TRC 13400	100th Avenue NE/137th Street Intersection Improvements	1,475,000
TRC 13700	Lake Street/Kirkland Avenue Intersection Improvements	1,553,000
TRC 13800	NE 100th Street/132nd Ave NE Intersection Improvements	1,743,000
Capacity Projects Subtotal		115,971,500
STC 00600 ^	Annual Street Preservation Program	22,750,000
STC 00603 ^	Street Levy Street Preservation	31,107,000
STC 08000 ^	Annual Striping Program	500,000
STC 99990 ^	Regional Inter-Agency Coordination	820,000
NMC 00621 ^	Neighborhood Safety Program Improvements	3,000,000
NMC 05700 ^	Annual Sidewalk Maintenance Program	2,600,000
TRC 11600 ^	Annual Signal Maintenance Program	2,600,000
TRC 11700 ^	Citywide Traffic Management Safety Improvements	1,400,000
TRC 11702	Vision Zero Safety Improvement	650,000
TRC 11703	Neighborhood Traffic Control	325,000
Non-Capacity Projects Subtotal		65,752,000
Total Transportation Master Plan Projects Yrs 7-20		181,723,500

Unfunded Projects in the Capital Facilities Plan Years 7-20 and Transportation Improvement Plan

NM 0024 201	Cross Kirkland Corridor Opportunity Fund	500,000
NM 0031	Crestwoods Park/CKC Corridor Ped/Bike Facility	2,505,000
NM 0080	Juanita-Kingsgate Pedestrian Bridge at I-405	4,500,000
NM 0106	Citywide CKC Connection	360,000
NM 0107	CKC to Downtown Surface Connection	2,000,000
Capital Facilities Projects Not in TMP Subtotal		9,865,000
Total Capital Facilities Plan Projects Yrs 7-20		191,588,500

Unfunded Transportation Improvement Plan/External Funding Candidates

Project Number	Project Title	Total
STC 05600	132nd Avenue NE Roadway Improvements	25,170,000
STC 06100	119th Avenue NE Roadway Extension	5,640,000
STC 06200	NE 130th Street Roadway Improvements	10,000,000
STC 06400	124th Avenue NE Roadway Extension	30,349,000
STC 07300	120th Avenue NE Roadway Extension	16,392,000
STC 08600	Finn Hill Emergency Vehicle Access Connection	900,000
NMC 03000	NE 90th Street/I-405 Pedestrian/Bicycle Overpass	3,740,700
NMC 03100	Crestwoods Park/CKC Corridor Ped/Bike Facility	2,505,000
NMC 03200	93rd Avenue Sidewalk	1,047,900
NMC 04300	NE 126th St Nonmotorized Facilities	4,277,200
NMC 04600	18th Avenue SW Sidewalk	2,255,000
NMC 05000	NE 80th Street Sidewalk	859,700
NMC 05400	13th Avenue Sidewalk	446,700
NMC 05500	122nd Ave NE Sidewalk	866,700
NMC 05800	111th Avenue Non-Motorized/Emergency Access Connection	2,000,000
NMC 06200	19th Avenue Sidewalk	814,200
NMC 07400	90th Ave NE Sidewalk	353,400
NMC 08000	Juanita-Kingsgate Pedestrian Bridge at I405	4,500,000
NMC 08600	Cross Kirkland Corridor Non-motorized Improvements	65,742,000
NMC 10600	Citywide CKC Connections	360,000
NMC 10700	CKC to Downtown Surface Connection	2,000,000
TRC 06700	Kirkland Way/CKC Bridge Abutment/Intersection Imprv	6,917,000
TRC 11400	Slater Avenue NE Traffic Calming - Phase I	247,000
TRC 11704	NE 68th Street Intersection Improvements/Access Management	4,375,000
TRC 12300	Slater Avenue NE (132nd Avenue NE)/NE 124th Street	2,124,000
Subtotal Unfunded Transportation Improvement Plan/External Funding Candidates		193,882,500
Grand Total Unfunded Transportation Projects		385,471,000

Notes

Italics = Modification in timing and/or cost

Bold = New projects

† = Moved from unfunded status to funded status

" = Moved from funded status to unfunded status

= Projects to be funded with development-related revenues

^ = Future, unfunded portion of projects funded in years 1-6

~ = Annual Programs with Candidate projects

Potential Non-Motorized Projects Under Placeholders; Not Included in Totals

Project Number	Project Title	Total
<i>NMC 88881 On-Street Bicycle Network Candidate Projects:</i>		
NMC 00100	116th Ave NE (So. Sect.) Non-Motorz'd Facil-Phase II	3,378,000
NMC 03600	NE 100th Street Bike lane	1,644,300
<i>NMC 99991 Sidewalk Completion Program Candidate Projects:</i>		
NMC 02600	NE 90th Street Sidewalk (Phase II)	706,200
NMC 03700	130th Avenue NE Sidewalk	833,600
NMC 04500	NE 95th Street Sidewalk (Highlands)	571,500
NMC 04700	116th Avenue NE Sidewalk (South Rose Hill)	840,000
NMC 04800	NE 60th Street Sidewalk	500,000
NMC 04900	112th Ave NE Sidewalk	527,600
NMC 06100	NE 104th Street Sidewalk	1,085,000
NMC 06300	Kirkland Way Sidewalk	414,500
NMC 07200	NE 132nd Street Sidewalk at Finn Hill Middle School	840,000
NMC 07500	84th Ave NE Sidewalk	4,052,800
NMC 07600	NE 140th St Sidewalk - Muir Elem Walk Rt Enhan. Phase 1	1,131,000
NMC 07700	NE 140th St Sidewalk - Keller Elem Walk Rt Enhan. - N	1,185,000
NMC 07800	NE 140th St Sidewalk - Keller Elem Walk Rt Enhan. - S	747,000
NMC 07900	NE 140th St Sidewalk - Muir Elem Walk Rt Enhan. Phase 2	648,000
NMC 08800	NE 124th Street Sidewalk	376,000
NMC 09700	132nd NE Sidewalk	732,000
NMC 10100	7th Avenue Sidewalk	208,000
NMC 10200	NE 120th Street Sidewalk	548,000
NMC 10300	120th Avenue NE Sidewalk	556,000
NMC 10400	NE 122nd Place/NE 123rd Street Sidewalk	1,294,000
NMC 10500	120th Avenue NE Sidewalk	812,000

**City of Kirkland
2019-2024 Preliminary Capital Improvement Program**

SURFACE WATER MANAGEMENT UTILITY PROJECTS

Funded Projects:

Project Number	Project Title	Prior Year(s)	2019	2020	2021	2022	2023	2024	2019-2024 Total	Funding Source		
										Current Revenue	Reserve	External Source
<i>SDC 04700</i>	<i>Annual Replacement of Aging/Failing Infrastructure</i>		200,000	200,000	200,000	200,000	200,000	200,000	1,200,000	1,200,000		
<i>SDC 04900</i>	<i>Forbes Creek / 108th Avenue NE Fish Passage Improvements</i>						595,100	728,000	1,323,100	1,323,100		
<i>SDC 05300</i>	<i>Forbes Creek / Coors Pond Channel Grade Controls</i>	260,200					440,000	600,000	1,040,000	1,040,000		
<i>SDC 05400</i>	<i>Forbes Creek / Cross Kirkland Corridor Fish Passage Improvements</i>			300,000	880,000	500,000			1,680,000	1,680,000		
<i>SDC 06300</i>	<i>Everest Creek - Slater Avenue at Alexander Street</i>						430,000	520,000	950,000	950,000		
<i>SDC 07600</i>	<i>NE 141st Street / 111th Avenue NE Culvert Headwall Repair</i>	941,500	610,000						610,000	610,000		
<i>SDC 08100</i>	<i>Neighborhood Drainage Assistance Program (NDA)</i>		50,000		50,000		50,000		150,000	100,000	50,000	
<i>SDC 08400</i>	<i>Market Street Storm Main Rehabilitation</i>	650,400	535,000						535,000	535,000		
<i>SDC 08800</i>	<i>Comfort Inn Pond Modifications</i>	1,470,100	81,300						81,300	81,300		
<i>SDC 08900</i>	<i>NE 142nd Street Surface Water Drainage Improvements</i>	194,000	50,000						50,000	50,000		
<i>SDC 09000</i>	<i>Goat Hill Drainage Ditch Conveyance & Channel Stabilization</i>				359,000	494,000			853,000	853,000		
<i>SDC 09200</i>	<i>Juanita Creek Culvert at NE 137th Street</i>	685,100			350,000	1,010,000	144,900		1,504,900	1,504,900		
<i>SDC 09300</i>	<i>Pleasant Bay Apartments Line Replacement</i>	322,000	355,000						355,000	355,000		
<i>SDC 10000</i>	<i>Brookhaven Pond Modifications</i>						410,000	290,000	700,000	700,000		
<i>SDC 10500</i>	<i>Property Acquisition Opportunity Fund</i>	150,000	50,000	50,000	50,000	50,000	50,000	50,000	300,000		300,000	
<i>SDC 10700</i>	<i>132nd Square Park Surface Water Retrofit Facility</i>	560,000	3,000,000	1,000,000					4,000,000			4,000,000
SDC 12100	Kirkland Advanced Mitigation Project			1,000,000	300,000				1,300,000	1,300,000		
<i>SDC 12200</i>	<i>Totem Lake Regional Detention Phase I</i>			260,000					260,000	260,000		
<i>SDC 12300</i>	<i>Lake Street Stormwater Repair</i>			160,000					160,000	160,000		
<i>SDC 12411</i>	<i>Cedar Creek Fish Passage/Culvert Replacement (100th Ave NE)</i>	300,000	84,700	2,115,300					2,200,000	284,700	1,915,300	
Total Funded Surface Water Management Utility Projects		5,533,300	5,016,000	5,085,300	2,189,000	2,254,000	2,320,000	2,388,000	19,252,300	12,987,000	2,265,300	4,000,000

Notes

Italics = Modification in timing and/or cost (see Project Modification/Deletion Schedule for more detail)

Bold = New projects

SURFACE WATER MANAGEMENT UTILITY PROJECTS**Unfunded Projects:**

Project Number	Project Title	Total
SDC 04500	<i>Carillon Woods Erosion Control Measures</i>	600,000
SDC 04601	<i>Regional Detention in Forbes Creek Basin Phase I</i>	2,000,000
SDC 04699	<i>Regional Detention in Forbes and Juanita Creek Basins</i>	8,600,000
SDC 05100	<i>Forbes Creek/King County Metro Access Road Culvert Enhancement</i>	1,400,000
SDC 06100	<i>Everest Park Stream Channel/Riparian Enhancements</i>	1,200,000
SDC 08501	<i>Cross Kirkland Corridor Water Quality Retrofit</i>	1,000,000
SDC 09400 "	<i>NE 114th Place Stormline Replacement</i>	405,000
SDC 09700 "	<i>Champagne Creek Stabilization</i>	890,000
SDC 10100	<i>Holmes Point Pipe Replacement at Champagne Creek Basin</i>	260,000
SDC 10200	<i>Juanita Drive Culvert Replacement</i>	750,000
SDC 10300	<i>Lakeview Drive Conveyance Modification</i>	2,800,000
SDC 11200	112th Avenue NE Pipe Repair	60,000
SDC 11300	113th Avenue NE Pipe Repair	120,000
SDC 11400	124th Avenue NE Pipe Repair	160,000
SDC 11500	Weaver's Pond Pipe Replacement	180,000
SDC 11600	NE 140th Street Pipe Replacement	100,000
SDC 11700	111th Avenue NE Pipe Repair	400,000
SDC 11800	Champagne Point Drive NE Pipe Repair	270,000
SDC 11900	NE 58th Street Pipe Repair	280,000
SDC 12000	Kingsgate Park Pipe Outfall Improvements	80,000
Total Unfunded Surface Water Management Utility Projects		21,555,000
<i>Funding Available from Annual Programs for Candidate Projects</i>		<i>1,200,000</i>
Net Unfunded Surface Water Management Utility Projects		20,355,000

Notes

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Bold = New projects

" = Moved from funded status to unfunded status

City of Kirkland 2019-2024 Preliminary Capital Improvement Program

WATER/SEWER UTILITY PROJECTS

Funded Projects:

Project Number	Project Title	Prior Year(s)	2019	2020	2021	2022	2023	2024	2019-2024 Total	Funding Source		
										Current Revenue	Reserve	External Source
WAC 05200 +	108th Avenue NE Watermain Replacement			970,400	809,600				1,780,000	1,780,000		
WAC 10200	104th Avenue NE Watermain Replacement		563,000						563,000	563,000		
WAC 12900	South Reservoir Seismic & Recoating Construction				2,363,500	1,636,500			4,000,000	2,120,000		1,880,000
WAC 12901	South Reservoir Seismic & Recoating Pre-Design		50,000						50,000	27,000		23,000
WAC 13300 +	Kirkland Avenue Watermain Replacement		1,500,000						1,500,000	1,500,000		
WAC 13400	5th Avenue S / 8th Street S Watermain Replacement				1,061,000	689,000			1,750,000	1,290,400	459,600	
WAC 15300	3rd Street Watermain Improvement	757,000	118,000						118,000	118,000		
WAC 15700	8th Avenue W Watermain Improvement				891,900	234,100			1,126,000	655,900	470,100	
WAC 15800	NE 112th Street Watermain Improvement	365,000	168,000						168,000	168,000		
WAC 15900	NE 113th Place Watermain Improvement	373,000	172,000						172,000	172,000		
WAC 16000	126th Avenue NE Watermain Improvement						700,000	800,000	1,500,000	1,500,000		
WAC 16400	NE 116th Place Watermain Replacement				190,000				190,000	139,700	50,300	
WAC 16700	11th Avenue Watermain Replacement				420,000				420,000		420,000	
WAC 16800	11th Place Watermain Replacement				605,000				605,000	605,000		
WAC 88880	Annual Watermain Replacement Program							269,700	269,700	269,700		
WAC 99990	Annual Water Pump Station/System Upgrade Program							269,800	269,800	269,800		
SSC 05200	108th Avenue NE Sewermain Replacement	711,400	1,394,000	4,835,600					6,229,600	5,129,600	1,100,000	
SSC 06200	NE 108th Street Sewermain Replacement					1,403,400	4,042,800	1,831,100	7,277,300	5,877,300	1,400,000	
SSC 07200	Kirkland Avenue Sewermain Replacement	285,000	2,015,000						2,015,000	2,015,000		
SSC 07710	West of Market Sewermain Replacement Phase I				2,200,000	3,000,000	2,500,000	2,500,000	10,200,000	10,200,000		
SSC 88880	Annual Sanitary Pipeline Replacement Program						302,600	522,200	824,800	824,800		
SSC 99990	Annual Sanitary Pump Station/System Upgrade Program						302,600	522,200	824,800	824,800		
Total Funded Water/Sewer Utility Projects		2,491,400	5,980,000	5,806,000	8,541,000	6,963,000	7,848,000	6,715,000	41,853,000	36,050,000	3,900,000	1,903,000

Notes

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Bold = New projects

+ = Moved from unfunded status to funded status

WATER/SEWER UTILITY PROJECTS**Unfunded Projects:**

Project Number	Project Title	Total
WAC 05700	116th Avenue NE Watermain Replacement	2,869,000
WAC 06700	North Reservoir Pump Replacement	644,000
WAC 09600	NE 83rd Street Watermain Replacement	477,000
WAC 09800	126th Ave NE/NE 83rd & 84th St/128th Ave NE Watermain Replacement	1,261,000
WAC 10300	NE 113th Place/106th Ave NE Watermain Replacement	885,000
WAC 10400	111th Ave NE/NE 62nd St-NE 64th St Watermain Replacement	1,571,000
WAC 10800	109th Ave NE/NE 58th St Watermain Replacement	532,000
WAC 10900	112th Ave NE Watermain Replacement	1,242,000
WAC 11100	NE 45th St And 110th/111th Ave NE Watermain Replacement	1,371,000
WAC 11300	116th Ave NE/NE 70th-NE 80th St Watermain Replacement	2,336,000
WAC 11800	112th-114th Avenue NE/NE 67th-68th Street Watermain Replacement	3,531,000
WAC 11900	109th Ave NE/111th Way NE Watermain Replacement	2,421,000
WAC 12000	111th Avenue Watermain Replacement	195,000
WAC 12200	116th Avenue NE/NE 100th Street Watermain Replacement	1,584,000
WAC 12300	NE 91st Street Watermain Replacement	479,000
WAC 12400	NE 97th Street Watermain Replacement	722,000
WAC 12600	North Reservoir Outlet Meter Addition	80,000
WAC 12700	650 Booster Pump Station	1,686,000
WAC 12800	106th Ave NE-110th Ave NE/NE 116th St-NE 120th St Watermain Replacement	2,422,000
WAC 13000	11th Place Watermain Replacement	359,000
WAC 13100	Supply Station #1 Improvements	68,000
WAC 13200	7th Avenue/Central Avenue Watermain Replacement	955,000
WAC 13500	NE 75th Street Watermain Replacement	750,000
WAC 13600	NE 74th Street Watermain Replacement	206,000
WAC 13700	NE 73rd Street Watermain Replacement	696,000
WAC 13800	NE 72nd St/130th Ave NE Watermain Replacement	1,553,000
WAC 14500	6th Street South Watermain Replacement	618,000
WAC 14600	6th Street/Kirkland Way Watermain Replacement	731,000
WAC 14700	106th Avenue NE Watermain Replacement	697,000
WAC 14900	Lake Washington Blvd Watermain Replacement	690,000
WAC 16500	3rd Street Watermain Replacement - Phase 2	541,000
SSC 06800	124th Avenue NE Sewermain Replacement	1,384,000
SSC 07799	West Of Market Sewermain Replacement Phase 2	10,861,000
SSC 08000	20th Avenue Sewermain Replacement	855,000
SSC 08300	111th Avenue NE Sewer Main Rehabilitation	764,000
SSC 08400	Reclaimed Water (Purple Pipe) Opportunity Fund	5,252,000
Subtotal Unfunded Water/Sewer Utility Projects		53,288,000
Funding Available from Annual Programs for Candidate Projects		13,506,900
Net Unfunded Water/Sewer Utility Projects		39,781,100

Notes

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**City of Kirkland
2019-2024 Preliminary Capital Improvement Program**

PARK PROJECTS

Funded Projects:

Project Number	Project Title	Prior Year Funding	2019	2020	2021	2022	2023	2024	2019-2024 Total	Funding Source						
										Current Revenue					External Sources	Reserves
										Real Estate Excise Tax	Kirkland Parks Levy	Parks Fac. Sinking Fund	Impact Fees	King County Parks Levy		
PKC 04900	<i>Open Space, Park Land & Trail Acq Grant Match Program</i>	100,000	100,000						100,000							100,000
PKC 06600	<i>Parks, Play Areas & Accessibility Enhancements</i>	1,015,000	250,000	250,000	150,000	150,000	150,000	150,000	1,100,000		1,100,000					
PKC 08711	<i>Waverly Beach Park Renovation Phase II</i>		515,000						515,000		515,000					
PKC 12100	<i>Green Kirkland Forest Restoration Program</i>	916,061	100,000	100,000	100,000	100,000	100,000	100,000	600,000		600,000					
PKC 13310	<i>Dock & Shoreline Renovations</i>	1,169,400			300,000	300,000	300,000	300,000	1,200,000					1,200,000		
PKC 13330	<i>Neighborhood Park Land Acquisition</i>	2,285,000	918,000	300,000	1,050,000	1,150,000	1,000,000	1,000,000	5,418,000	803,000		4,315,000	300,000			
PKC 13400 +	<i>132nd Square Park Playfields Renovation</i>		635,000	1,549,000					2,184,000	185,000	473,000	1,026,000				500,000
PKC 13420	132nd Square Park Master Plan		135,000						135,000		135,000					
PKC 13902	<i>Totem Lake Park Development - Expanded Phase I</i>	3,050,000	4,435,200	724,000					5,159,200			3,500,000		325,000		1,334,200
PKC 14200 +	<i>Doris Cooper Houghton Beach Park Restroom Replacement</i>			85,000					85,000	85,000						
PKC 14700	<i>Parks Maintenance Center</i>	8,150,000	1,500,000						1,500,000							1,500,000
PKC 15100	<i>Park Facilities Life Cycle Projects</i>	314,000	162,000	151,000	162,000	169,000	146,000	160,000	950,000			950,000				
PKC 15400	Indoor Recreation & Aquatic Facility Study				160,000				160,000	160,000						
PKC 15500	Finn Hill Neighborhood Green Loop Trail Master Plan					160,000			160,000	160,000						
PKC 15600	Park Restrooms Renovation/Replacement Program							1,583,000	1,583,000	1,583,000		750,000				
PKC 15700	Neighborhood Park Development Program							1,583,000	1,583,000	833,000		750,000				
Total Funded Park Projects		16,999,461	8,750,200	3,159,000	1,922,000	2,029,000	3,279,000	3,293,000	22,432,200	3,059,000	2,823,000	950,000	10,341,000	1,500,000	325,000	3,434,200

Notes

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Bold = New projects

+ = Moved from unfunded status to funded status

PARK PROJECTS**Unfunded Projects:**

Project Number	Project Title	Total
<i>PKC 05610</i>	<i>Forbes Lake Park Trail Improvements Phase II</i>	<i>6,000,000</i>
<i>PKC 09510</i>	<i>Heritage Park Development - Phase III & IV</i>	<i>4,000,000</i>
<i>PKC 09700</i>	<i>Reservoir Park Renovation Plan</i>	<i>50,000</i>
PKC 10800	McAuliffe Park Development	7,000,000
<i>PKC 11300</i>	<i>Spinney Homestead Park Renovation Plan</i>	<i>60,000</i>
<i>PKC 11400</i>	<i>Mark Twain Park Renovation Plan</i>	<i>75,000</i>
<i>PKC 11500</i>	<i>Terrace Park Renovation Plan</i>	<i>60,000</i>
<i>PKC 11600</i>	<i>Lee Johnson Field Artificial Turf Installation</i>	<i>5,000,000</i>
<i>PKC11902</i>	<i>Juanita Beach Park Development Phase II</i>	<i>10,000,000</i>
<i>PKC12210</i>	<i>Community Recreation Facility Construction</i>	<i>75,000,000</i>
<i>PKC 12400</i>	<i>Snyder's Corner Park Site Master Plan</i>	<i>100,000</i>
<i>PKC 12600</i>	<i>Watershed Park Master Plan</i>	<i>100,000</i>
<i>PKC 12700</i>	<i>Kiwanis Park Master Plan</i>	<i>75,000</i>
<i>PKC 12800</i>	<i>Yarrow Bay Wetlands Master Plan</i>	<i>200,000</i>
<i>PKC 12900</i>	<i>Heronfield Wetlands Master Planning & Development</i>	<i>125,000</i>
<i>PKC 13100</i>	<i>Park & Open Space Acquisition Program</i>	<i>10,000,000</i>
<i>PKC 13310</i>	<i>Dock & Shoreline Renovations</i>	<i>3,000,000</i>
<i>PKC 13510</i>	<i>Juanita Heights Park Master Plan</i>	<i>150,000</i>
<i>PKC 13600</i>	<i>Kingsgate Park Master Planning and Park Development</i>	<i>150,000</i>
<i>PKC 13800 "</i>	<i>Everest Park Restroom/Storage Building Replacement</i>	<i>1,800,000</i>
<i>PKC 13930</i>	<i>Totem Lake Park Development Phase II</i>	<i>4,000,000</i>
<i>PKC 13940</i>	<i>Totem Lake Park Development Phase III</i>	<i>3,000,000</i>
<i>PKC 14100</i>	<i>South Norway Hill Park Site Master Plan</i>	<i>150,000</i>
<i>PKC 14300</i>	<i>Marsh Park Restroom Replacement</i>	<i>85,000</i>
<i>PKC 14400</i>	<i>Cedar View Park Improvement Plan</i>	<i>50,000</i>
<i>PKC 14500</i>	<i>Environmental Education Center</i>	<i>200,000</i>
<i>PKC 14800</i>	<i>Forbes House Renovation & Historic Preservation Plan</i>	<i>50,000</i>
<i>PKC 14900</i>	<i>Taylor Playfields-Former Houghton Landfill Site Master Plan</i>	<i>300,000</i>
<i>PKC 15000</i>	<i>North Kirkland Community Center Renovation & Expansion Plan</i>	<i>75,000</i>
PKC 15300	Synthetic Turf Playfields Master Plan	135,000
Total Unfunded Parks Projects		130,990,000

Notes*Italics = Modification in timing and/or cost*

" = Moved from funded status to unfunded status

~ = Partially funded project

City of Kirkland
2019-2024 Preliminary Capital Improvement Program

PUBLIC SAFETY PROJECTS

Funded Projects:

Project Number	Project Title	Prior Year(s)	2019	2020	2021	2022	2023	2024	2019-2024 Total	Funding Source		
										Reserve	Debt	External Source
FIRE												
<i>PSC 06200</i>	<i>Defibrillator Unit Replacement</i>			143,100					143,100	143,100		
<i>PSC 06300</i>	<i>Air Fill</i>							86,200	86,200	86,200		
<i>PSC 06600</i>	<i>Thermal Imaging Cameras</i>		93,400						93,400	93,400		
<i>PSC 07100</i>	<i>Self Contained Breathing Apparatus (SCBA)</i>		135,400				767,100	115,100	1,017,600	1,017,600		
<i>PSC 07600</i>	<i>Personal Protective Equipment</i>		614,500	6,700	6,800	6,900	7,100	678,500	1,320,500	1,320,500		
<i>PSC 08000</i>	<i>Emergency Generators</i>	120,000		60,000		60,000			120,000	120,000		
<i>PSC 20000</i>	<i>Fire Equipment Replacement</i>		31,700	8,000	43,000	8,300	28,600	27,000	146,600	146,600		
POLICE												
<i>PSC 10000</i>	<i>Police Equipment Replacement</i>		111,600	175,900	116,800	104,500	91,800	101,100	701,700	701,700		
FACILITIES												
<i>PSC 30022</i>	<i>Fire Station 24 Replacement</i>	10,133,300	4,500,000						4,500,000	4,500,000		
Total Funded Public Safety Projects		10,253,300	5,486,600	393,700	166,600	179,700	894,600	1,007,900	8,129,100	8,129,100	-	-

Notes

Italics = Modification in timing and/or cost (see Project Modification/Deletion Schedule for more detail)

Public Safety Unfunded Projects:

Project Number	Project Title	Total
FIRE		
PSC 06800	Local Emergency/Public Communication AM Radio	119,100
POLICE		
PSC 12000	Police Strategic Plan Implementation	250,000
FACILITIES		
PSC 30030	Fire Station 27 Land Acquisition	6,000,000
PSC 30040	Fire Station 21 Expansion & Remodel	4,562,000
PSC 30050	Fire Station 22 Expansion & Remodel	7,452,000
PSC 30060	Fire Station 26 Expansion & Remodel	8,040,000
PSC 30070	Fire Station 27 Replacement	15,100,000
Total Unfunded Public Safety Projects		41,523,100

Notes

Italics = Modification in timing and/or cost (see Project Modification/Deletion Schedule for more detail)

" = Moved from funded status to unfunded status

City of Kirkland 2019-2024 Preliminary Capital Improvement Program

GENERAL GOVERNMENT PROJECTS - Technology

Funded Projects:

Project Number	Project Title	Prior Year Funding	2019	2020	2021	2022	2023	2024	2019-2024 Total	Funding Source	
										Reserves	Utility Funds
<i>ITC 10000</i>	<i>Network Server Replacements</i>	236,700							250,000	250,000	-
<i>ITC 11000</i>	<i>Network Infrastructure</i>	348,682	114,000	1,006,600	49,100	117,900	83,000	202,800	1,573,400	1,573,400	-
<i>ITC 12000</i>	<i>Cloud Computing Services for Servers & Storage</i>	1,179,400	581,700	330,700	330,700	330,700	330,700	330,700	2,235,200	1,725,200	510,000
<i>ITC 13000</i>	<i>Network Phone Systems</i>	445,000	125,300	95,300	95,300	95,300	95,300	95,300	601,800	601,800	-
<i>ITC 14000</i>	<i>Network Security</i>	187,778	75,000	30,000	30,000	75,000	30,000	30,000	270,000	270,000	-
<i>ITC 20000</i>	<i>Geographic Information Systems</i>	887,792	285,000	285,000	285,000	285,000	285,000	285,000	1,710,000	684,000	1,026,000
<i>ITC 50000</i>	<i>Copier Replacements</i>	81,278	34,000	34,600	36,000	55,900	29,000		189,500	189,500	-
Total Funded General Government Projects - Technology		3,366,630	1,215,000	1,782,200	826,100	959,800	1,103,000	943,800	6,829,900	5,293,900	1,536,000

Notes

Italics = Modification in timing and/or cost (see Project Modification/Deletion Schedule for more detail)

Bold = New projects

Technology Unfunded Projects:

Project Number	Project Title	Total
ITC20100	GIS Community Information Portal	100,000
ITC30400	New City Website & Platform	200,000
ITC30500	"Explore Kirkland" Redesign	75,000
ITC40300	Tyler Content Management in EnerGov Implementation	21,000
ITC60300	Information Technology Internal Process Improvement	251,200
<i>ITC70100</i>	<i>Fleet Management Systems Replacement</i>	<i>110,000</i>
ITC90600	Television Media Equipment Upgrade	210,000
ITC10001	CodeSmart Court Applications Replacement Evaluation	13,600
ITC10002	License Plate Reader for Patrol Cars	120,000
ITC10003	Police Evidence System Replacement	232,900
ITC11001	WiFi in the Parks Expansion	400,000
ITC13001	Parking Improvement Solutions Support	75,000
ITC14001	New Technology Pilot Programs	78,800
ITC15001	Enterprise Analytics	977,400
Total Unfunded General Government Projects - Technology		2,864,900

Notes*Italics = Modification in timing and/or cost***Bold= New projects**

**City of Kirkland
2019-2024 Preliminary Capital Improvement Program**

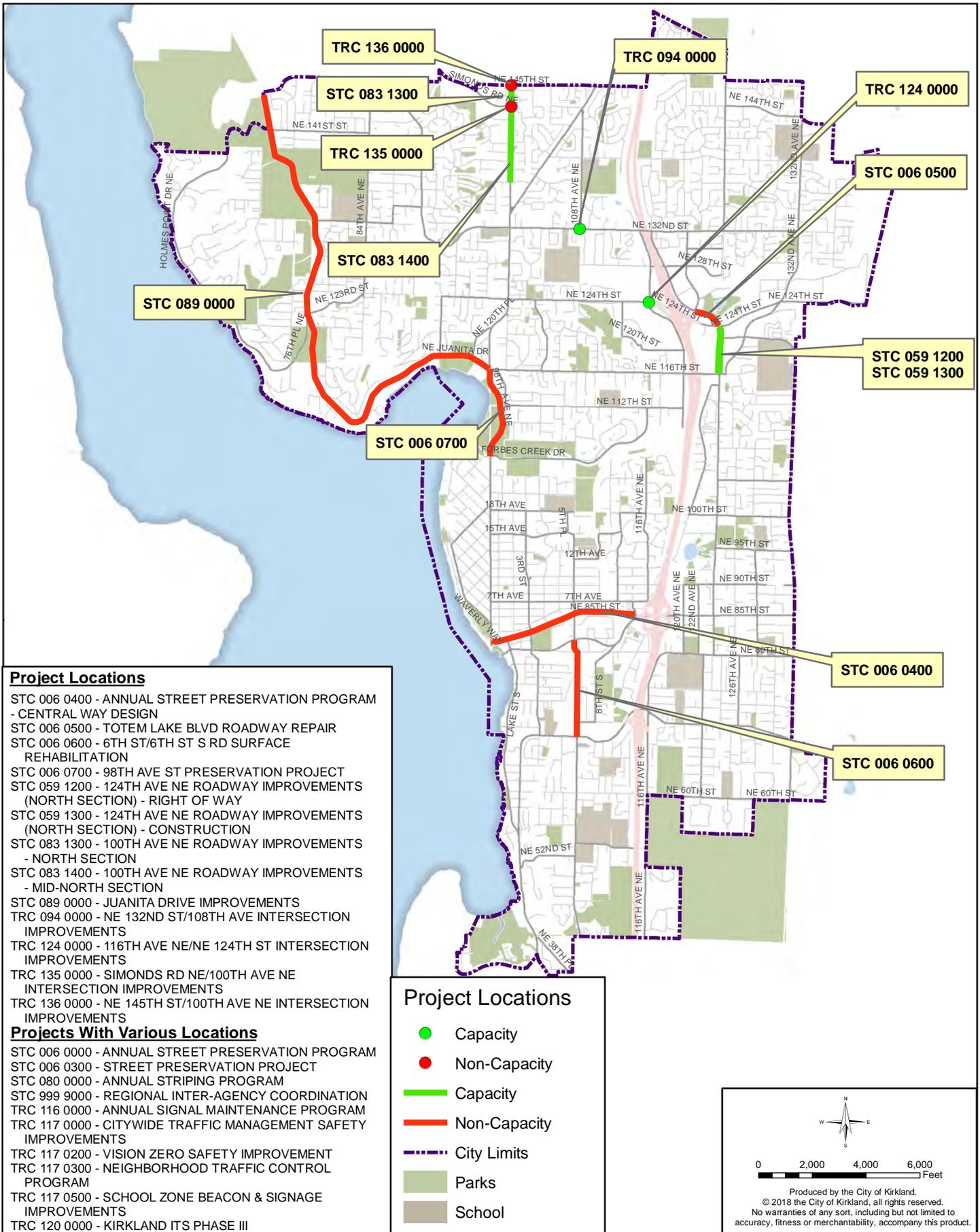
GENERAL GOVERNMENT PROJECTS - Facilities

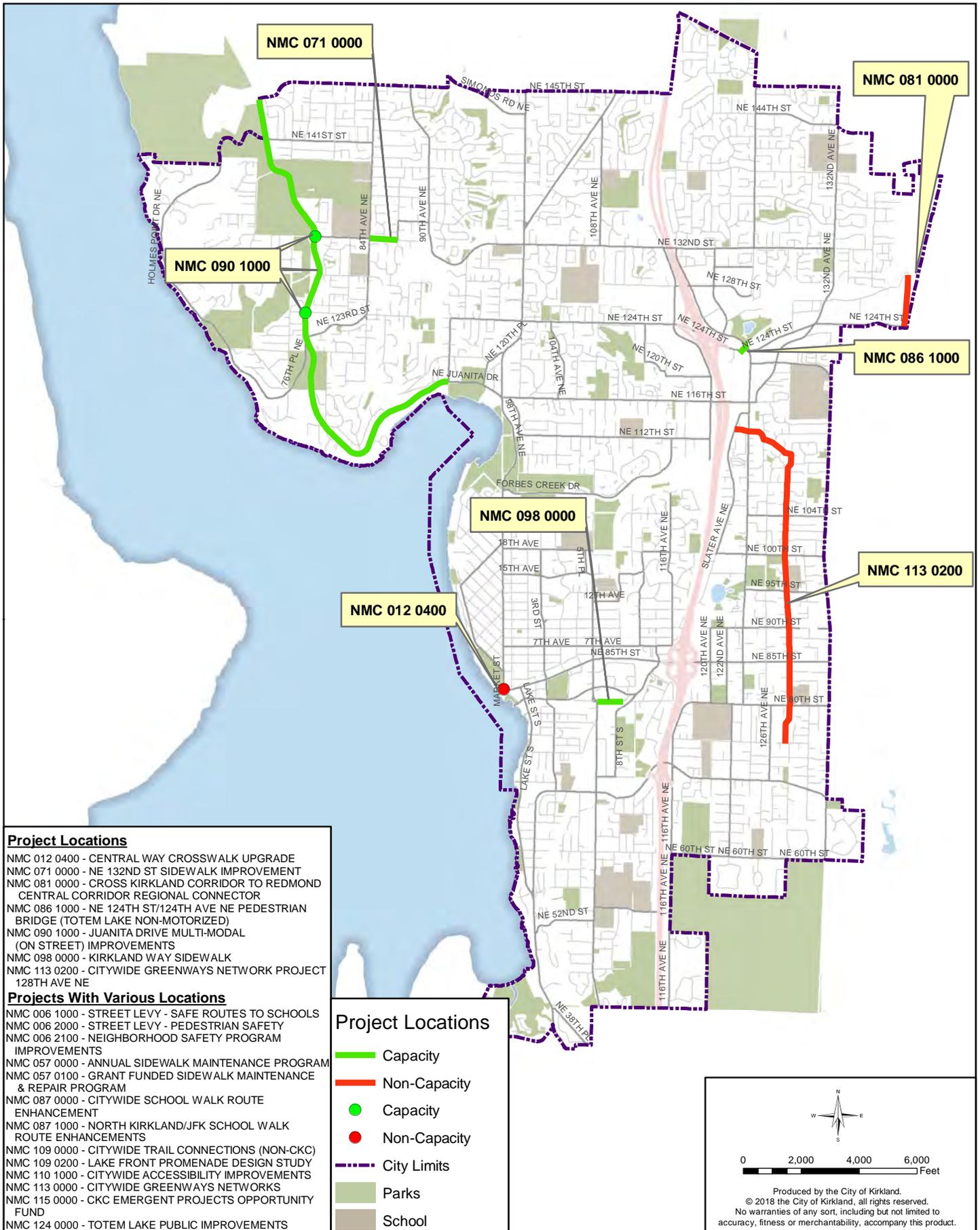
Funded Projects:

Facilities Sinking Fund													
Project Number	Project Title	Prior Year(s)	2019	2020	2021	2022	2023	2024	2019-2024 Total	Funding Source			
										Current Revenue	Reserve	Debt	External Source
GGC 00800	Electrical, Energy Management & Lighting Systems		17,800		27,200	96,400	28,400	152,600	322,400		322,400		
GGC 00900	Mechanical/HVAC Systems Replacements		361,700	88,100	14,600	12,000	106,800	239,400	822,600		822,600		
GGC 01000	Painting, Ceilings, Partition & Window Replacements		121,900	210,800	59,900	13,500	151,500	511,500	1,069,100		1,069,100		
GGC 01100	Roofing, Gutter, Siding and Deck Replacements			55,000	5,100		37,100	20,200	117,400		117,400		
GGC 01200	Flooring Replacements		37,100	167,600	172,500	28,400	22,700	157,900	586,200		586,200		
Subtotal Funded General Government Projects - Facilities Sinking Fund			-	538,500	521,500	279,300	150,300	346,500	1,081,600	2,917,700	-	2,917,700	-

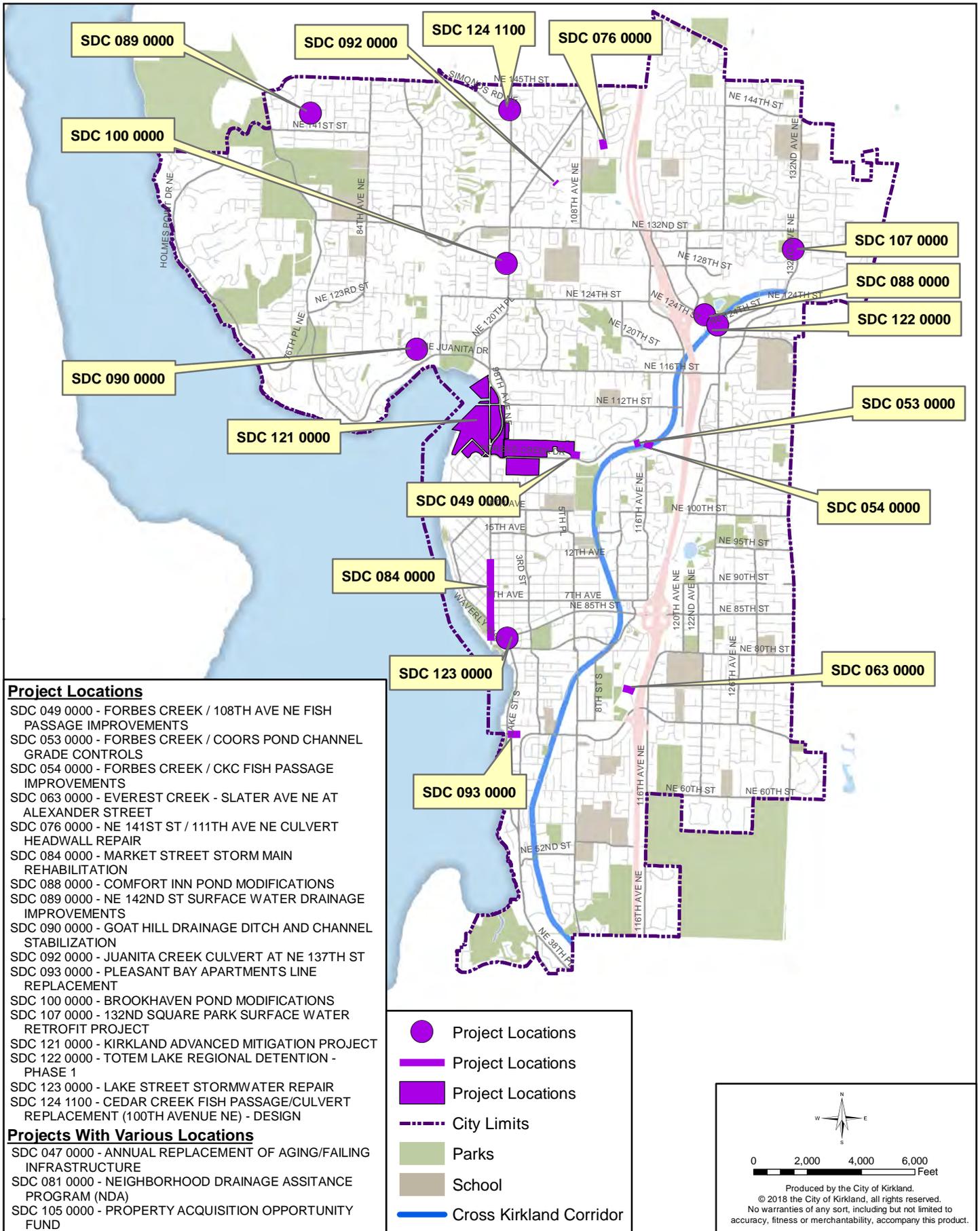
Other Projects													
Project Number	Project Title	Prior Year(s)	2019	2020	2021	2022	2023	2024	2019-2024 Total	Funding Source			
										Current	Reserve	Debt	External
GGC 03704	Public Works Maintenance Center Tenant Improvements		250,000	-					250,000		250,000		
Subtotal Funded General Government - Other Projects			-	250,000	-	-	-	-	250,000	-	250,000	-	-

Total Funded General Government Projects - Facilities			-	788,500	521,500	279,300	150,300	346,500	1,081,600	3,167,700	-	3,167,700	-
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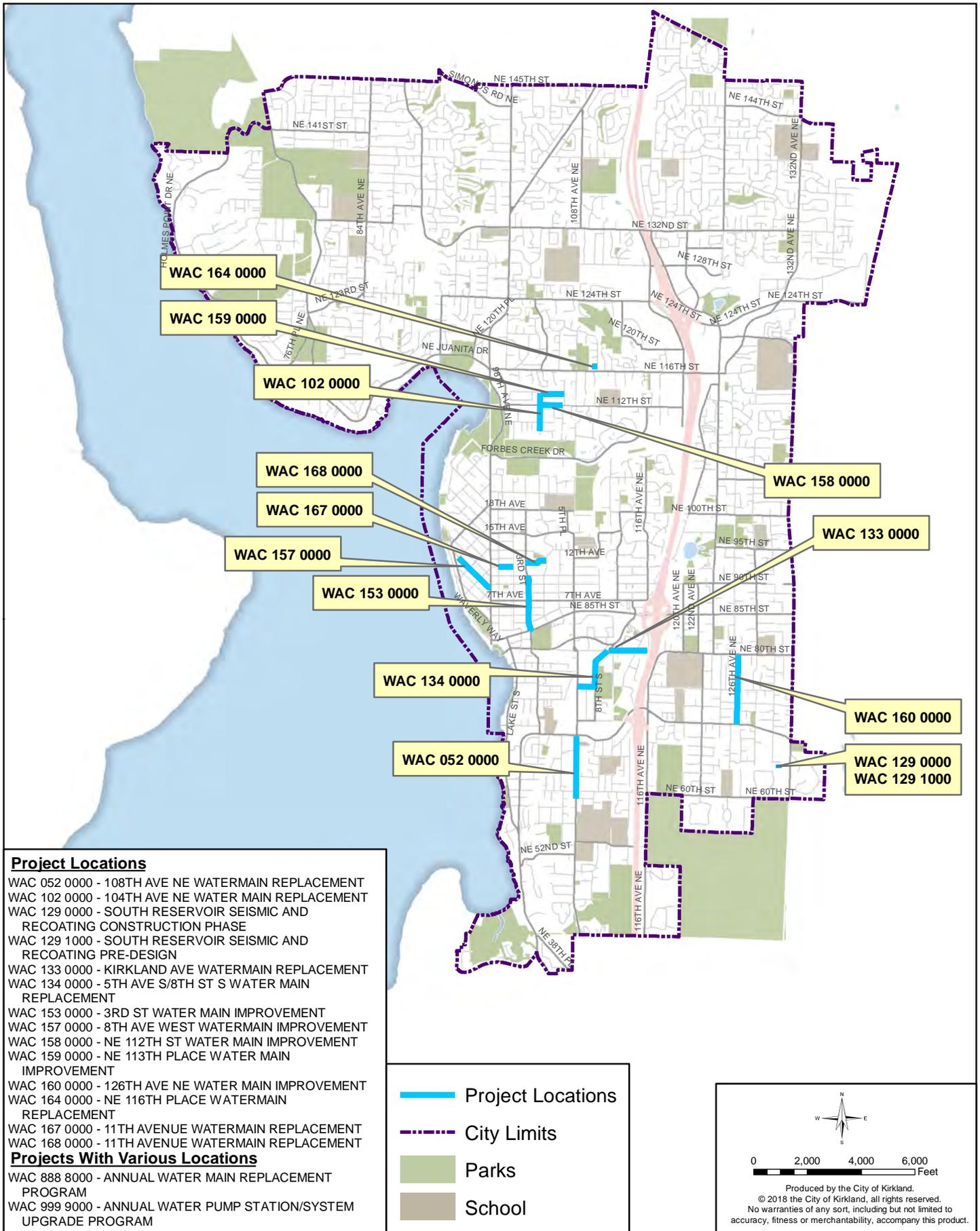




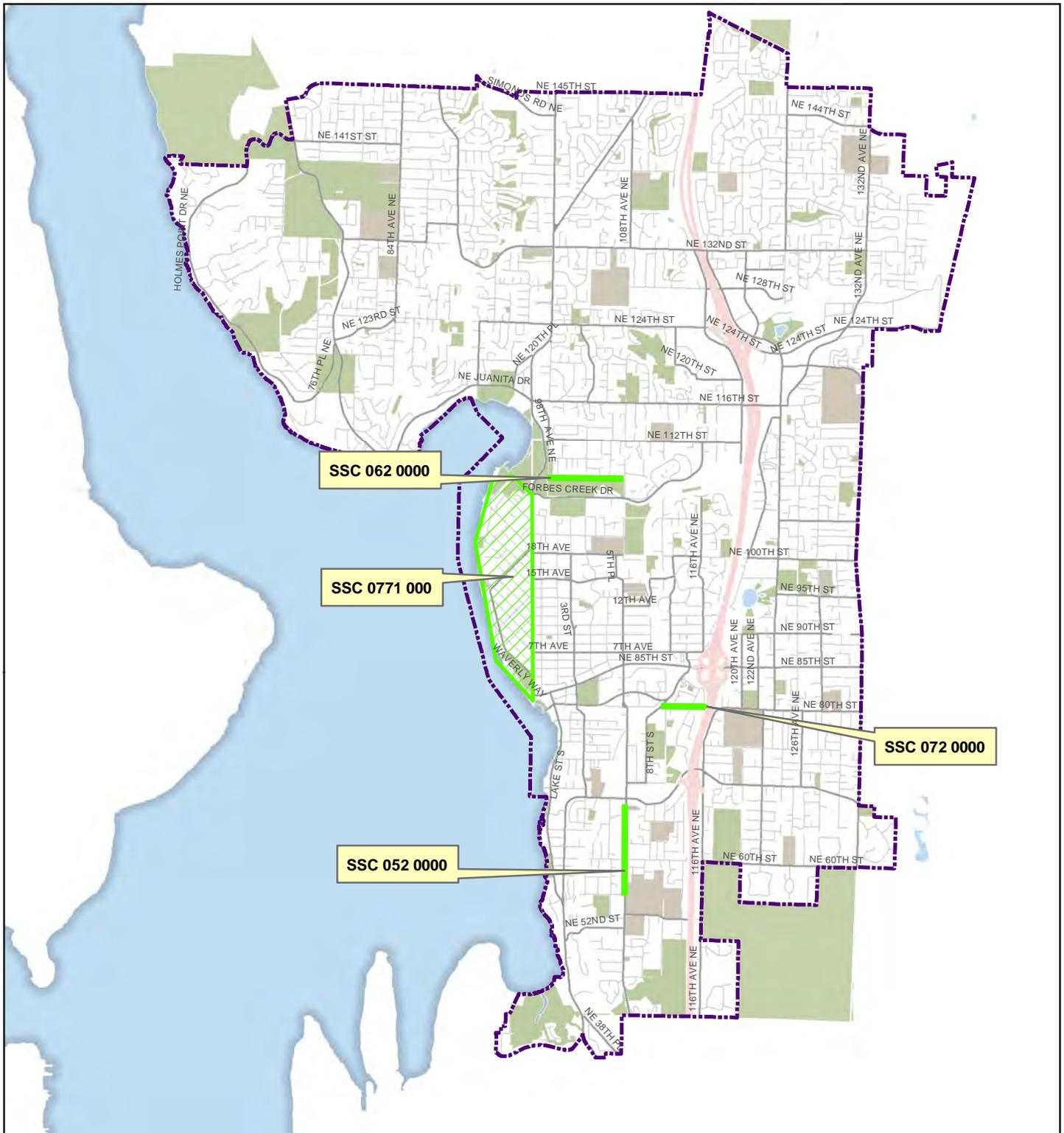
2019-2024 Funded Non-Motorized Transportation CIP



2019-2024 Funded Surface Water CIP



2019-2024 Funded Water CIP



Project Locations

- SSC 052 0000 - 108TH AVE NE SEWER MAIN REPLACEMENT
- SSC 062 0000 - NE 108TH ST SEWER MAIN REPLACEMENT
- SSC 072 0000 - KIRKLAND AVE SEWER MAIN REPLACEMENT
- SSC 077 1000 - WEST OF MARKET SEWERMAIN REPLACEMENT - PHASE 1

Projects With Various Locations

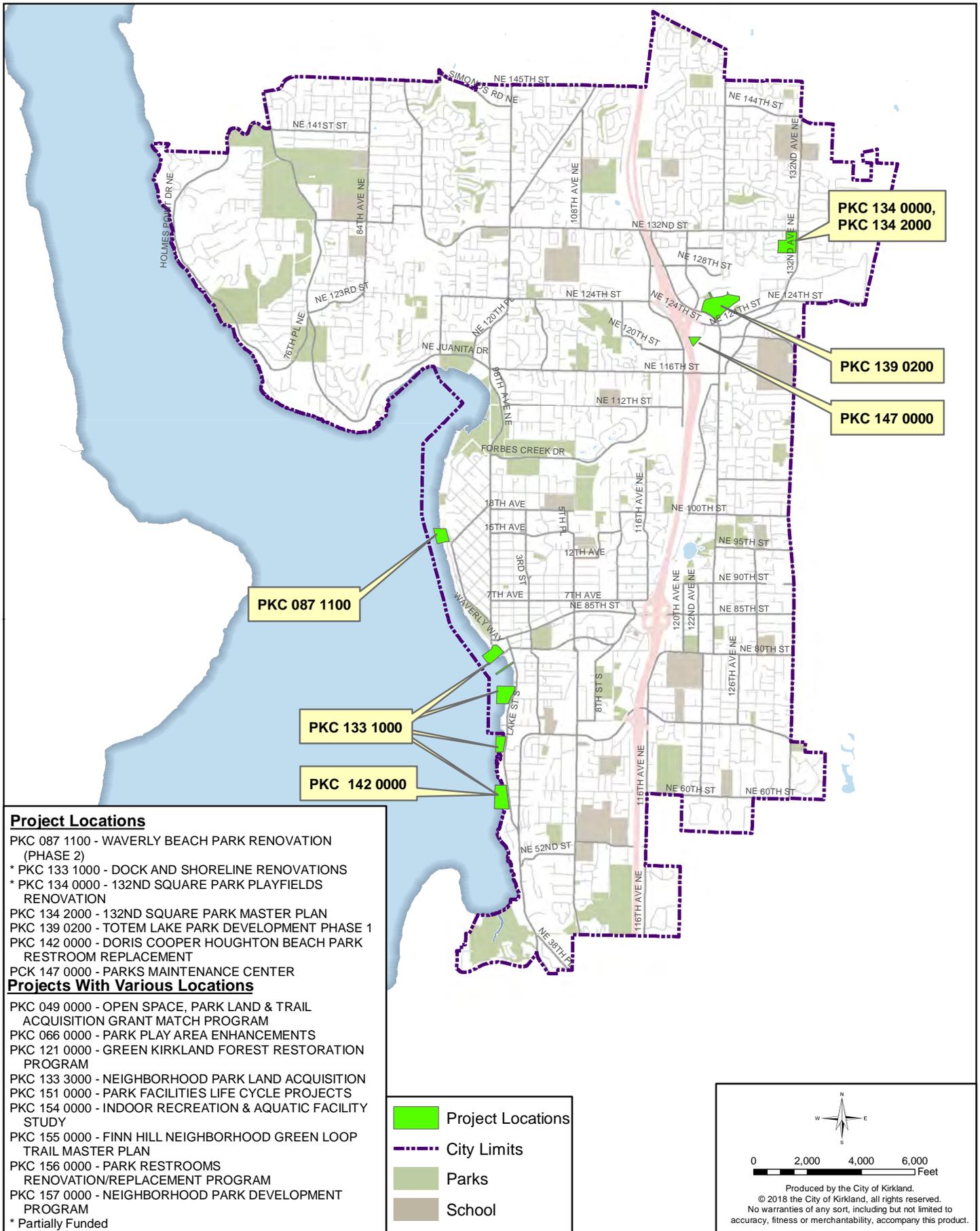
- SSC 888 8000 - ANNUAL SANITARY PIPELINE REPLACEMENT PROGRAM
- SSC 999 9000 - ANNUAL SANITARY PUMP STATION / SYSTEM UPGRADE PROGRAM

-  Project Locations
-  Project Locations
-  City Limits
-  Parks
-  School



0 2,000 4,000 6,000 Feet

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2019-2024 Funded Parks CIP



CITY OF KIRKLAND
Department of Parks & Community Services
123 5th Avenue, Kirkland, WA 98033 425.587.3300
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Lynn Zwaagstra, Director
Leslie R. Miller, Human Services Supervisor

Date: September 4, 2018

Subject: RECOVERY MONTH PROCLAMATION

RECOMMENDATION:

That the Mayor proclaim September 2018 as Recovery Month in Kirkland, Washington.

BACKGROUND DISCUSSION:

The purpose of National Recovery Month is to promote access to recovery, celebrate those in treatment, and continue to educate our communities about how to overcome the barriers of stigma and discrimination. **The theme for this year's Recovery Month is "Join the Voices for Recovery: Invest in Health, Home, Purpose, and Community."**

Staff will post the proclamation online and provide a link to additional resources through the City of Kirkland website.

More information about Recovery Month is on the Substance Abuse and Mental Health Services Administration website, www.recoverymonth.gov.

In addition, all are encouraged to attend King County's annual Behavioral Health Legislative Forum on Thursday, November 8th from 6:00 – 8:30 p.m. The agenda includes **King County's proposed behavioral health legislative priorities for 2019**, compelling personal stories from individuals in mental health and addiction, and the perspectives and priorities of legislators and county councilmembers. More information is available on the King County website, <http://www.kingcounty.gov/depts/community-human-services/mental-health-substance-abuse/legislative-issues/legislative-forum.aspx>.

Dave Murphy, Diversion and Reentry Services Sr. Manager for **King County's** Behavioral Health and Recovery Division will accept the proclamation at the September 4th City Council Meeting.



A PROCLAMATION OF THE CITY OF KIRKLAND

Proclaiming September 2018 as "Recovery Month" in Kirkland, Washington

WHEREAS, **behavioral health is an essential part of health and one's overall wellness; and**

WHEREAS, prevention of mental and substance use disorders works, treatment is effective, and people recover in our area and around the nation; and

WHEREAS, preventing and overcoming mental and substance use disorders is essential to achieving healthy lifestyles, both physically and emotionally; and

WHEREAS, we must encourage relatives and friends of people with mental and substance use disorders to implement preventive measures, recognize the signs of a problem, and guide those in need to appropriate treatment and recovery support services; and

WHEREAS, an estimated 400,000 people in King County are affected by mental and substance use disorders; and

WHEREAS, to help more people achieve and sustain long-term recovery, the U.S. Department of Health and Human Services (HHS), the Substance Abuse and Mental Health Services Administration (SAMHSA), the White House Office of National Drug Control Policy (ONDCP), the Washington State Department of Social and Health Services and King County Behavioral Health and Recovery Division invite all residents of Kirkland, Washington to participate in National Recovery Month;

NOW, THEREFORE, I, Amy Walen, Mayor of the City of Kirkland, do proclaim September 2018 as **"Recovery Month" in the City of Kirkland**, Washington and call upon the community to observe this month by supporting and participating in appropriate programs, activities, and **ceremonies supporting this year's theme, "Join the Voices for Recovery: Invest in Health, Home, Purpose, and Community."**

Signed this 4th day of September, 2018

Amy Walen, Mayor



CITY OF KIRKLAND
Department of Parks & Community Services
123 5th Avenue, Kirkland, WA 98033 425.587.3300
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Lynn Zwaagstra, Director
Leslie R. Miller, Human Services Supervisor

Date: September 4, 2018

Subject: EASTSIDE WELCOMING WEEK PROCLAMATION

RECOMMENDATION:

That Mayor Walen join the mayors of Bellevue, Issaquah, Redmond and Sammamish in proclaiming September 14 through September 23, 2018 as Eastside Welcoming Week.

BACKGROUND DISCUSSION:

Eastside Welcoming Week is part of the national Welcoming Week created by the organization Welcoming America. The cities of Kirkland, Bellevue, Issaquah, Redmond and Sammamish are joining communities across the country in celebrating the ways that immigrants and refugees make cities stronger economically, socially, and culturally.

Welcoming America recognizes that when American communities create an inclusive and warm environment to newcomers, everyone benefits. Immigrants and refugees are encouraged and enabled to share their many talents and contribute to the life of their neighborhoods.

Welcoming America provides the roadmap and support for communities to become more inclusive toward immigrants and all residents.

Launched in 2009, Welcoming America has spurred a growing movement across the United States, with one in eight Americans living in a Welcoming Community.

As our communities change, immigration and demographic shifts create new challenges and opportunities, both for newcomers and long-time residents.

Welcoming America believes that in a 21st century world, the strongest communities will be ones where all people can take part in economic, civic, and social life. These places show it is possible to create understanding, acceptance and a bright future for all. Welcoming communities foster a culture and policy environment that makes it possible for newcomers of all backgrounds to feel valued and to fully participate alongside their neighbors in the social, civic, and economic fabric of their adopted hometowns.

Welcoming America's local approach goes beyond a single program or service to work with institutions across the community to reduce the barriers that immigrants face to fully participating and build bridges between newcomers and long-time residents.

More information about Welcoming America and Welcoming Week is available on their website:
<https://www.welcomingamerica.org/programs/welcoming-week>.

The Mayor and Councilmembers are invited to participate in Welcoming Week events taking place on the Eastside. In particular, please note the following two programs:

WELCOME TO JUANITA

Saturday, Sept. 15, 12-3pm

Host: Juanita Neighborhood Association

Location: Edith Moulton Park, 108th Ave NE and NE 137th Pl, Kirkland WA 98034

Newcomers and established residents are invited to join the Welcoming Week celebration. Come learn about community resources, enjoy music and dance from other cultures, and make new friends. Free food, prizes, and much more!

ROGER FERNANDES: STORIES OF THE PUGET SALISH

Saturday, Sept. 15, 2-3pm

Host: King County Library System

Location: Kirkland Library, 308 Kirkland Ave, Kirkland WA 98033

Roger Fernandes shares myths and legends of the local Salish tribes, including the Snoqualmie, **Muckleshoot/Duwamish, Tulalip, Suquamish, and the S'Klallam. Hear stories of Puget Sound's first** residents and share some of your own stories with a neighbor.

Here is a link to the complete Eastside calendar:

<http://ericmembers.org/wp-content/uploads/2018/08/2018-Welcoming-Week-Events.pdf>

Debbie Lacy with the Eastside Refuge and Immigrant Coalition will accept the Proclamation.

PROCLAMATION

WHEREAS, the population on the Eastside continues to grow rapidly, increasing by over 80,000 residents in the last five years; and

WHEREAS, over 40% of these newcomers have arrived from places outside the United States; and

WHEREAS, more than one-third of Eastside residents now speak a language other than English at home; and

WHEREAS, diversity is the lifeblood of our community, bringing fresh perspectives and new ideas, innovation, and entrepreneurial spirit, leadership, and hard workers; and

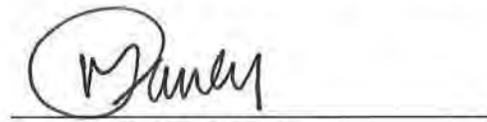
WHEREAS, our success depends on ensuring that all our residents feel welcome here;

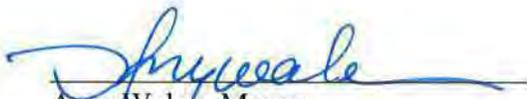
NOW, THEREFORE, WE, THE MAYORS OF BELLEVUE, ISSAQUAH, KIRKLAND, REDMOND, AND SAMMAMISH, WASHINGTON, proclaim September 14 through 23, 2018, as

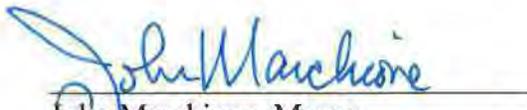
EASTSIDE WELCOMING WEEK

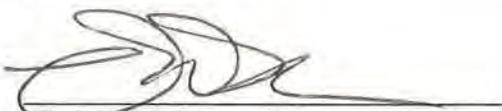
in our cities and call on all our residents to join together to build stronger communities across the Eastside.


John Chelminiak, Mayor
City of Bellevue
9-1-2018
Date


Mary Lou Pauly, Mayor
City of Issaquah
9-1-2018
Date


Amy Walsh, Mayor
City of Kirkland
9/1/18
Date


John Marchione, Mayor
City of Redmond
September 1, 2018
Date


Christie Malchow, Mayor
City of Sammamish
9-1-2018
Date

**CITY OF KIRKLAND**

Police Department

11750 NE 118th Street Kirkland, WA 98034 425.587.3400www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Cherie Harris, Chief of Police

Date: August 21, 2018

Subject: Explorer Presentation at 9/4/2018 Council Meeting

Kirkland Explorers participated in the second annual Snohomish County Tactical Event Challenge, the weekend of June 1-3, 2018. Out of the fourteen tactical events against nine teams from around Western Washington, our Explorer post took home 4-1st place trophies, 3-2nd place trophies, 1-3rd place trophies and trophy for top performing team overall. Explorer Lieutenant Christian Tomisser and Explorer Sergeant James Sullivan placed first in the pistol shoot competition.

It is recommended that a special presentation be made in order to recognize the extraordinary efforts and accomplishments of the Kirkland Police Department Explorers.

Chief Harris will call the participating Explorers in attendance forward. They will present their trophies and Explorer Lt. Christian Tomisser will give a brief synopsis of the Explorer program. Chief Harris will conclude by asking for a show of appreciation from the audience and Mayor Walen and Council will have an opportunity to shake the Explorers hands as they exit to the audience.

The following Officer, Explorers and Explorer Advisors were involved in the competition in Snohomish County:

Volunteer Advisor: (NORCOM Dispatcher):

Nicole Benson

Explorers: Lieutenant Christian Tomisser

Sergeant James Sullivan

Sergeant Brenna Stratton

Evan Stratton

Idriss Aitmessauoud

Zach McKenna

Olivia Aguirre



KIRKLAND CITY COUNCIL SPECIAL MEETING MINUTES

1. CALL TO ORDER

Mayor Walen called the study session to order at 6 p.m. and the regular meeting to order at 7:30 p.m.

2. ROLL CALL

ROLL CALL:

Members Present: Deputy Mayor Jay Arnold, Councilmember Dave Asher, Councilmember Tom Neir, Councilmember Toby Nixon, Councilmember Jon Pascal, Councilmember Penny Sweet, and Mayor Amy Walen.

Members Absent: None.

3. STUDY SESSION

a. Community Safety Ballot Measure Discussion

Joining Councilmembers for the discussion were City Manager Kurt Triplett, City Attorney Kevin Raymond, and Assistant City Manager James Lopez.

4. EXECUTIVE SESSION

None.

5. HONORS AND PROCLAMATIONS

None.

6. COMMUNICATIONS

a. Announcements

(1) National Night Out

City Manager Kurt Triplett provided the Council with an updated listing of National Night Out events.

b. Items from the Audience

Meredith Goldstein
Cathy Munsen
Sarah Franklin

June Palon
Tracy Hendershott
Greg Slayden
John Rudolph
Leo Gilbert
Nancy Bernard
Matt Bernard
Bea Nahon
Nancy Hartnell

c. Petitions

7. SPECIAL PRESENTATIONS

8. CONSENT CALENDAR

a. Approval of Minutes

(1) July 12, 2018

(2) July 17, 2018

(3) July 21, 2018

(4) July 28, 2018

(5) July 30, 2018

The minutes of the July 12, July 17, July 21, July 28 and July 30, 2018 City Council meetings were approved via approval of the consent calendar.

b. Audit of Accounts

payroll: \$4,058,149.35
bills: \$ 1,079,585.69
run #1716 checks #621496 - 621499
run #1717 checks #621528 - 621554
run #1718 check #621557
run #1719 check #621558
run #CA180801 check #700000
run #CA180802 check #700001
run #CA180803 checks #700002 - 700148

c. General Correspondence

d. Claims

(1) Claims for Damages

Claims received from Elsie Kong, Brittany Bitar, Thomas Cammann, and Kathleen Dier were acknowledged via approval of the consent calendar.

e. Award of Bids

(1) 6th Street South Water and Sewer Main Replacement Project

The construction contract for Schedule A and B - 6th Street South Water and Sewer Main Replacement was awarded to Shoreline Construction Company of Woodinville, Washington in the amount of \$2,143,440.20 and the use of \$960,000 of water/sewer construction reserves to increase the project budget was authorized via approval of the consent calendar.

(2) Market Street Storm Main Rehabilitation Project

The construction contract for the Market Street Storm Main Rehabilitation Project to Michels Pipe Services of Salem, Oregon in the amount of \$840,211.00 and the use of \$300,200 from Surface Water Reserves to increase the project budget was authorized via approval of the consent calendar.

(3) Lakefront Pedestrian and Bicycle Improvements Project

The construction contract for the Lakefront Pedestrian and Bicycle Improvement Project was awarded to C.A. Carey Corporation of Issaquah, Washington in the amount of \$2,042,777.00 and the use of \$205,000 from Annual Street Preservation funds to increase the project budget via approval of the consent calendar.

f. Acceptance of Public Improvements and Establishing Lien Period

(1) Peter Kirk Pool Plaster Liner Replacement Project

The work performed by Orca Pacific, Inc. of Auburn, Washington was accepted, thereby establishing the statutory lien period, and the transfer of surplus funds at the time of final project close-out to the REET 1 Reserves was approved, via approval of the consent calendar.

(2) NE 52nd Street Sidewalk Project

The work performed by Kamins Construction of Bothell, Washington was accepted, thereby establishing the statutory lien period, and the transfer of surplus funds at the time of final project close-out to original City grant

match funding source was approved, via approval of the consent calendar.

g. Approval of Agreements

h. Other Items of Business

- (1) Ordinance O-4656, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE DEDICATION OF CITY OWNED PROPERTY LOCATED AT 100TH AVENUE NE AND NE 132nd STREET FOR RIGHT OF WAY PURPOSES."

The ordinance was approved via approval of the consent calendar.

- (2) Cedar Creek Fish Passage/Culvert Replacement Project (100th Ave NE)

Council approved the use of \$300,000 of Surface Water Reserves to begin the design process for the Cedar Creek Fish Passage/Culvert at 100th Avenue NE in anticipation of proposed transportation improvements on 100th Avenue NE, via approval of the consent calendar.

- (3) Community Safety Survey Council Special Projects Reserve Funding

Council approved the use of \$29,300 of the Council Special Projects Reserve to fund Professional Services in the City Council's budget for the Community Safety Survey conducted by EMC in July 2018, via approval of the consent calendar.

- (4) Tourism Development Committee Resignation

Council acknowledged the resignation of Michelle Quisenberry and authorized the draft response, via approval of the consent calendar.

- (5) Ordinance O-4653, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE AMENDMENT OF KIRKLAND MUNICIPAL CODE CHAPTER 3.54 TO INCLUDE LAWFUL PERMANENT RESIDENTS OF THE UNITED STATES AS QUALIFYING APPLICANTS FOR CIVIL SERVICE POSITIONS AS REQUIRED BY LAW."

This item was pulled for consideration under New Business, item 11.b.

- (6) Resolution R-5325, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING OBJECTIVES FOR THE DEVELOPMENT OF TRANSIT-ORIENTED DEVELOPMENT AFFORDABLE HOUSING AND EXPANDED PARK AND RIDE FACILITIES AT THE KINGSGATE PARK AND RIDE SITE."

This item was pulled for consideration under Unfinished Business, item 10.d.

- (7) Resolution R-5326, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE SUBDIVISION AND FINAL PLAT OF THE BRIDGES (FORMERLY SCRIVANICH), PLANNING AND BUILDING DEPARTMENT FILE NO. SUB15-02157, AND SETTING FORTH CONDITIONS TO WHICH SUCH SUBDIVISION AND FINAL PLAT SHALL BE SUBJECT."

The resolution was approved via approval of the consent calendar.

- (8) Ordinance O-4652, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND GRANTING COMCAST CABLE COMMUNICATIONS, LLC, RENEWAL OF A NONEXCLUSIVE FRANCHISE FOR TRANSMISSION OF CABLE TELEVISION SERVICES IN, THROUGH, OVER AND UNDER THE STREET RIGHTS-OF-WAY OF THE CITY OF KIRKLAND."

The ordinance was approved via approval of the consent calendar.

- (9) Resolution R-5327, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING THE CITY MANAGER TO SIGN AN AGREEMENT BETWEEN YOUTH EASTSIDE SERVICES AND THE CITY OF KIRKLAND REGARDING THE USE AND OCCUPANCY OF THE FORBES HOUSE LOCATED AT JUANITA BEACH PARK."

The resolution was approved via approval of the consent calendar.

Motion to Approve the Consent Calendar, with the exception of items 8.h.(5). and 8.h.(6)., which were pulled for consideration under New Business, item 11.b. and Unfinished Business, item 10.d..

Moved by Councilmember Penny Sweet, seconded by Deputy Mayor Jay Arnold

Vote: Motion carried 7-0

Yes: Deputy Mayor Jay Arnold, Councilmember Dave Asher, Councilmember Tom Neir, Councilmember Toby Nixon, Councilmember Jon Pascal, Councilmember Penny Sweet, and Mayor Amy Walen.

9. PUBLIC HEARINGS

- a. Resolution R-5324, Providing for the Submission to the Qualified Electors of the City of Kirkland at an Election to be Held On November 6, 2018 of a Proposition Authorizing an Increase to the Sales and Use Tax in Kirkland of One-Tenth of One Percent (0.1%) on the Selling Price to Fund Enhanced Police Services and Community Safety; Setting Forth the text of the Ballot Proposition; Directing Proper City Officials to Take Necessary Actions; and Providing for Other Properly Related Matters

Mayor Walen opened the public hearing. Testimony was provided by Kimberly Scott and Nicole MacKenzie. No further testimony was offered and the Mayor closed the hearing.

Motion to Approve Resolution R-5324, entitled "A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF KIRKLAND AT AN ELECTION TO BE HELD ON NOVEMBER 6, 2018 OF A PROPOSITION AUTHORIZING AN INCREASE TO THE SALES AND USE TAX IN KIRKLAND OF ONE-TENTH OF ONE PERCENT (0.1%) ON THE SELLING PRICE TO FUND ENHANCED POLICE SERVICES AND COMMUNITY SAFETY; SETTING FORTH THE TEXT OF THE BALLOT PROPOSITION; DIRECTING PROPER CITY OFFICIALS TO TAKE NECESSARY ACTIONS; AND PROVIDING FOR OTHER PROPERLY RELATED MATTERS", as amended.

Moved by Councilmember Tom Neir, seconded by Councilmember Penny Sweet
Vote: Motion carried 7-0

Yes: Deputy Mayor Jay Arnold, Councilmember Dave Asher, Councilmember Tom Neir, Councilmember Toby Nixon, Councilmember Jon Pascal, Councilmember Penny Sweet, and Mayor Amy Walen.

Motion to Amend Resolution R-5324 to remove the word 'the' from line 291 so that the sentence reads "If approved, this proposition would increase the sales and use tax rate by one-tenth of one percent (0.1%) to provide ongoing funding for public safety purposes permitted under RCW 82.14.450...".

Moved by Councilmember Toby Nixon, seconded by Councilmember Tom Neir
Vote: Motion carried 7-0

Yes: Deputy Mayor Jay Arnold, Councilmember Dave Asher, Councilmember Tom Neir, Councilmember Toby Nixon, Councilmember Jon Pascal, Councilmember Penny Sweet, and Mayor Amy Walen.

Motion to Work with the Lake Washington School District and the community to ensure continuous improvement in the School Resource Officer (SRO) program and to make changes as needed.

Moved by Councilmember Jon Pascal, seconded by Councilmember Penny Sweet
Vote: Motion carried 7-0

Yes: Deputy Mayor Jay Arnold, Councilmember Dave Asher, Councilmember Tom Neir, Councilmember Toby Nixon, Councilmember Jon Pascal, Councilmember Penny Sweet, and Mayor Amy Walen.

Council recessed for a short break.

10. UNFINISHED BUSINESS

a. Parks Cost Recovery Study Update

Parks and Community Services Director Lynn Zwaagstra provided a briefing on the next steps in the cost-recovery study and received Council feedback.

- b. Ordinance O-4654, Relating to Development Fees Charged by the Kirkland Fire Department

Fire Marshal Mark Jung provided an update on proposed Fire Prevention Bureau fee recommendations.

Motion to Approve Ordinance O-4654, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO DEVELOPMENT FEES CHARGED BY THE KIRKLAND FIRE DEPARTMENT."

Moved by Councilmember Tom Neir, seconded by Councilmember Toby Nixon
Vote: Motion carried 7-0

Yes: Deputy Mayor Jay Arnold, Councilmember Dave Asher, Councilmember Tom Neir, Councilmember Toby Nixon, Councilmember Jon Pascal, Councilmember Penny Sweet, and Mayor Amy Walen.

- c. Bike Share Pilot Program

Transportation Manager Joel Pfundt provided a briefing on the proposed bike share pilot program and received council feedback on the program design.

- (1) Resolution R-5328, Revising Policy G-10 of the Public Works Department's Pre-Approved Plans to Allow Permitting for Bike Share Operation Use of Right-of-Way
- (2) Resolution R-5329, Providing the Public Works Director the Ability to Set Rules and Limitations for the Pilot Bike Share Program
- (3) Ordinance O-4655, Amending Section 5.74.040 of the Kirkland Municipal Code Adding an Annual Fee for Program Enhancements Associated with Bike Share Operations in the City

- d. Resolution R-5325, Approving Objectives for the Development of Transit-Oriented Development and Expanded Park and Ride Facilities at the Kingsgate Park and Ride Site

This item was pulled from the Consent Calendar 8.h.(6). for consideration under Unfinished Business. Public Works Director Kathy Brown and Transportation Engineering Manager Joel Pfundt responded to Council questions.

Motion to Approve Resolution R-5325, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING OBJECTIVES FOR THE DEVELOPMENT OF TRANSIT-ORIENTED DEVELOPMENT AFFORDABLE HOUSING AND EXPANDED PARK AND RIDE FACILITIES AT THE KINGSGATE PARK AND RIDE SITE", as amended.

Moved by Deputy Mayor Jay Arnold, seconded by Councilmember Jon Pascal
Vote: Motion carried 7-0

Yes: Deputy Mayor Jay Arnold, Councilmember Dave Asher, Councilmember Tom Neir, Councilmember Toby Nixon, Councilmember Jon Pascal, Councilmember Penny Sweet, and Mayor Amy Walen.

Motion to Amend Resolution R-5325, line 62, to delete the word "majority" and insert the word "balance" so that it reads, "A balance of the housing..."

Moved by Councilmember Dave Asher, seconded by Councilmember Penny Sweet

Vote: Motion failed 3 - 4

Yes: Deputy Mayor Jay Arnold, Councilmember Dave Asher, and Councilmember Jon Pascal.

No: Councilmember Tom Neir, Councilmember Toby Nixon, Councilmember Penny Sweet, and Mayor Amy Walen.

Motion to Amend Resolution R-5325, line 94, to delete the phrase, "preserve some open space for neighborhood uses and existing landscaped buffers".

Moved by Councilmember Dave Asher, seconded by Deputy Mayor Jay Arnold

Vote: Motion carried 5-2

Yes: Deputy Mayor Jay Arnold, Councilmember Dave Asher, Councilmember Tom Neir, Councilmember Toby Nixon, and Councilmember Penny Sweet.

No: Councilmember Jon Pascal, and Mayor Amy Walen.

Motion to Amend Resolution R-5325, line 97, to add the sentence, "Explore building housing and parking over 116th Avenue NE at this location."

Moved by Councilmember Dave Asher, seconded by Councilmember Penny Sweet

Vote: Motion carried 7-0

Yes: Deputy Mayor Jay Arnold, Councilmember Dave Asher, Councilmember Tom Neir, Councilmember Toby Nixon, Councilmember Jon Pascal, Councilmember Penny Sweet, and Mayor Amy Walen.

Motion to Amend Resolution R-5325, line 113, to add the sentence, "Ensure that some park and ride facilities, in as much as reasonably practicable, remain open and available at all times during construction.", as amended.

Moved by Councilmember Dave Asher, seconded by Councilmember Toby Nixon

Vote: Motion carried 7-0

Yes: Deputy Mayor Jay Arnold, Councilmember Dave Asher, Councilmember Tom Neir, Councilmember Toby Nixon, Councilmember Jon Pascal, Councilmember Penny Sweet, and Mayor Amy Walen.

Motion to Amend the Amendment to Resolution R-5325, line 113, to add the phrase, "and avoid parking impacts on the neighborhood during construction."

Moved by Councilmember Toby Nixon, seconded by Councilmember Penny Sweet

Vote: Motion carried 7-0

Yes: Deputy Mayor Jay Arnold, Councilmember Dave Asher, Councilmember Tom Neir, Councilmember Toby Nixon, Councilmember Jon Pascal, Councilmember Penny Sweet, and Mayor Amy Walen.

11. NEW BUSINESS

a. Advance Mitigation Project Update and Funding Approval

Surface Water Engineering Supervisor Jenny Gaus was available to answer questions for the Council.

Motion to Approve the reallocation of \$1,900,000 from placeholder projects in the 2017-2022 Capital Improvement Program to fund the Advanced Mitigation Project.

Moved by Councilmember Tom Neir, seconded by Councilmember Toby Nixon
Vote: Motion carried 7-0

Yes: Deputy Mayor Jay Arnold, Councilmember Dave Asher, Councilmember Tom Neir, Councilmember Toby Nixon, Councilmember Jon Pascal, Councilmember Penny Sweet, and Mayor Amy Walen.

b. Ordinance O-4653, Amending Kirkland Municipal Code Chapter 3.54 to Include Lawful Permanent Residents of the United States as Qualifying Applicants for Civil Service Positions as Required by Law

This item was pulled from the Consent Calendar 8.h.(5). for consideration under New Business. No action was taken and this item was postponed to the September 4th Council meeting.

12. REPORTS

a. City Council Regional and Committee Reports

Councilmembers share information regarding the reopening of Edith Moulton Park; the Le Tour de Totem Lake event; the Little League's Junior Softball World Series opening ceremonies; a Totem Lake Conversations event; a Sound Cities Association Partners Forum on cybersecurity; a ribbon-cutting for the new Hopelink facility in Redmond; the upcoming preview and opening of the new Whole Foods Market in Totem Lake; an upcoming Association of Washington Cities Legislative Priorities Committee meeting; the City of Kirkland Volunteer Appreciation Ice Cream Social; and the Little League's Softball World Series send-off rally.

b. City Manager Reports

(1) Calendar Update

City Manager Kurt Triplett suggested bringing the Business License Ordinance update to the September 4 meeting to conform to the State requirement forwarding further discussion of related issues to the Finance Committee or a future council meeting; Councilmembers referred the issue of personal backyard fires and wood smoke to the Public Safety Committee; Councilmembers referred the issue of mature trees and

eagles in trees to the Planning and Economic Development Committee; and Councilmembers requested to have a discussion about Initiative Measure 1639 brought to a future council meeting.

13. ITEMS FROM THE AUDIENCE

None.

14. ADJOURNMENT

The Kirkland City Council special meeting of August 6, 2018 was adjourned at 11:25 p.m.

Kathi Anderson, City Clerk

Amy Walen, Mayor



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

MEMORANDUM

To: Kurt Triplett, City Manager
From: Kathi Anderson, City Clerk
Date: September 4, 2018
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) Tyler Desmond
12729 NE 113th PI
Kirkland, WA 98033

Amount: \$316.15

Nature of Claim: Claimant states damage occurred to vehicle caused by a pothole on 124th Ave NE.

- (2) Wain A. Jarvi
20406 2nd Ave SE
Bothell, WA 98012

Amount: \$1,850.26

Nature of Claim: Claimant states damage to vehicle occurred when driving over a storm water manhole ring.

continued

- (3) Emmet G. Lenihan IV
12824 Holiday Dr
Kirkland, WA 98034

Amount: \$400-500

Nature of Claim: Claimant states damage occurred to vehicle by tree branches extending into the driving lane on 72nd Avenue.

- (4) Kenneth Yorozu
26639 SE 18th St
Sammamish, WA 98075
Amount: \$315.48

Nature of Claim: Claimant states damage occurred to **vehicle's tires** caused by bolts protruding from the base of a boat ramp bollard.

- (5) Jenny Li
437 18th Ave
Kirkland, WA 98033
Amount: \$3070.07

Nature of Claim: Claimant states damage occurred to vehicle caused by metal construction plates on 6th Street South.

- (6) Karen A. Murphy
30416 227th PI SE,
Black Diamond 98010
Amount: \$379.00

Nature of Claim: Claimant states loss of personal property sent to auction by the Kirkland Police Department.

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



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

MEMORANDUM

To: Kurt Triplett, City Manager

From: Marius Eugenio Jr., P.E., Project Engineer
David Snider, P.E., Capital Projects Manager
Kathy Brown, Public Works Director

Date: August 23, 2018

Subject: HOLMES POINT DRIVE STORM DRAIN REPLACEMENT - ACCEPT WORK

RECOMMENDATION:

City Council to:

- Accept the work performed by R.L. Alia Company, Renton, WA on the Holmes Point Drive Storm Drain Replacement (Project), thereby establishing the statutory lien period, and
- Authorize the return of remaining Project funds to the Utility funding source.

By taking action on this memo during approval of the consent calendar, City Council is accepting the work for the Project and authorizing the return of all remaining funds back to the Utility.

BACKGROUND DISCUSSION:

The Project provided storm water system improvements along a portion of Holmes Point Drive **in Kirkland's Finn Hill Neighborhood** (see Attachment A). The work included the installation of approximately 1,000 feet of replacement storm water conveyance pipe that re-routed the storm water to an existing but larger outfall into Lake Washington.

At the City Council meeting of [July 5, 2017](#), staff presented an update detailing the Project design and permitting challenges. This included a conveyance and capacity evaluation that led to a larger storm water conveyance pipe size, completion of a State Environmental **Policy Act Checklist as a result of the large pipe, and additional permitting due to the Project's** proximity to Lake Washington. Based on that discussion and staff's recommendation, the City Council authorized a budget increase from \$506,000 to \$706,000. Prior to going out to bid staff continued to work closely with **the City's design consultant, as well as with Northshore Utility District, regarding the District's** adjacent improvements, and incorporated a mutually beneficial design change that proved to reduce the originally anticipated construction costs for the Project.

At the City Council meeting of [November 21, 2017](#) Council awarded the construction contract to R.L. Alia in the amount of \$309,760.00 and authorized the return of \$73,000 to the Surface Water Construction Reserve funding source at that time. Construction began on January 19, 2018 and was physically complete on July 17, 2018, with payments to the contractor totaling \$303,239.44. There was one change order totaling \$5,370 for additional striping, but when combined with material quantities that were in some cases less than those originally estimated the Project had an overall net contract savings.

With project costs known there remains a current budget surplus of approximately \$14,000. Staff is recommending the return of all surplus funds to the Project funding source once all staff time is accounted for through the Project close-out process (see Attachments B and C).

Attachment A: Vicinity and Area Map
Attachment B: Project Budget Report
Attachment C: Fiscal Note

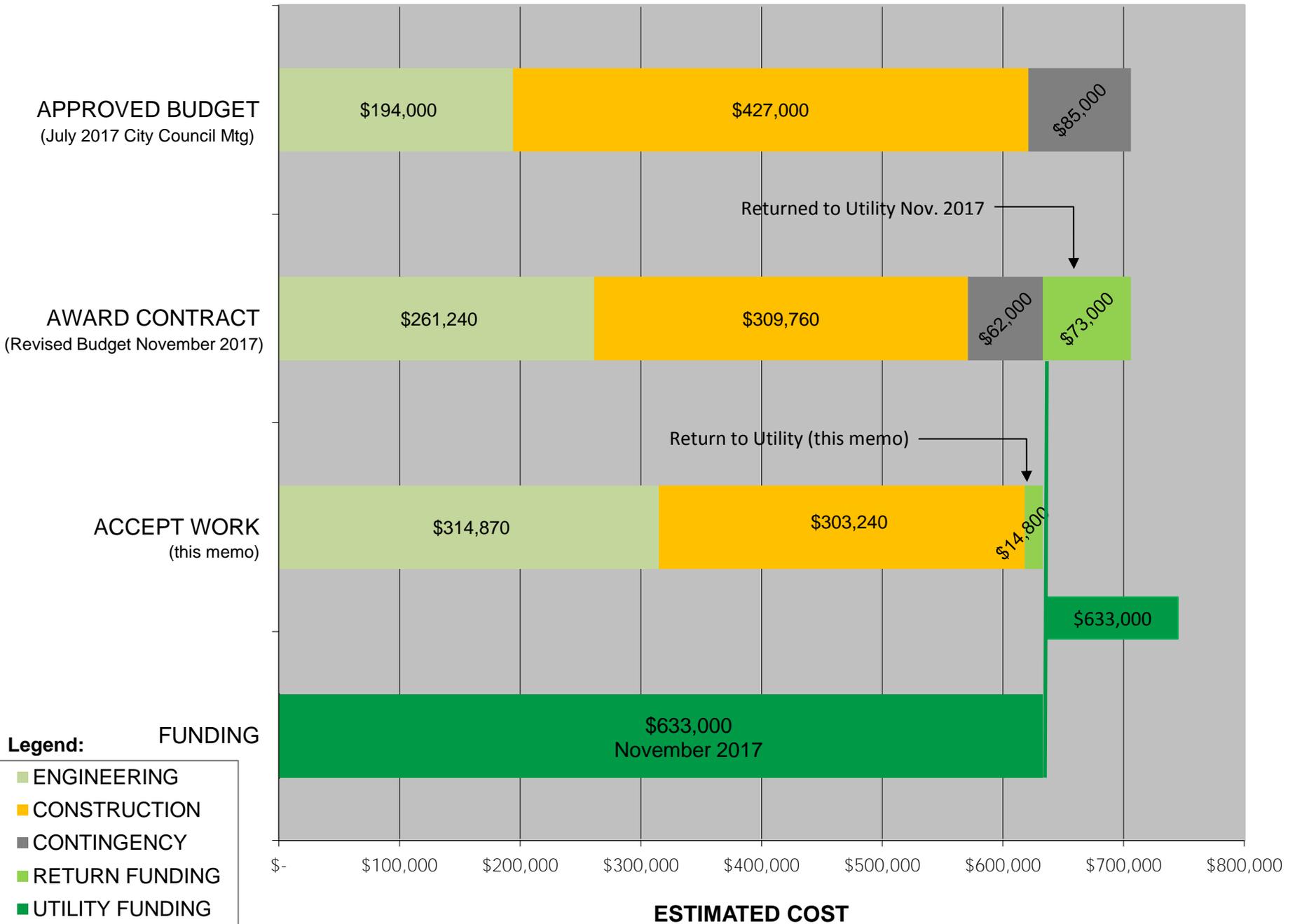


Vicinity Map
Holmes Point Drive Storm Drain Replacement
(CSD-0091)

HOLMES POINT DRIVE STORM DRAIN PROJECT
(CSD 0091)

Attachment B

PROJECT BUDGET REPORT



FISCAL NOTE

CITY OF KIRKLAND

Source of Request							
Kathy Brown, Director, Public Works Department							
Description of Request							
Return approximately \$14,000 to the Surface Water Construction Reserve following the closure of the Holmes Point Storm Drain Replacement project (SDC 091 00)							
Legality/City Policy Basis							
Fiscal Impact							
One-time addition of \$14,000 to the Surface Water Construction Reserve.							
Recommended Funding Source(s)							
	Description	2018 Est. End Balance	Prior Auth. 2017-18 Uses	Prior Auth. 2017-18 Additions	Amount This Request	Revised 2018 End Balance	2018 Target
	Surface Water Const. Reserve	2,658,105	(3,297,005)	1,336,144	14,000	711,244	n/a
<i>Reserve</i>	<p>Prior uses: \$900,000 for Wolff Property Purchase/Sale Agreement, \$359,000 for Comfort Inn Pond Modifications, \$350,400 for Juanita Drive Quick Wins, \$200,000 for Holmes Point Drive Storm Drain Replacement, \$165,000 for 6th Street Signals, \$151,000 for Holmes Point Drive Pipe Replacement, \$140,000 for 120th Ave NE Stormwater Pipe Replacement, \$72,000 for Edith Moulton Park Renovation, \$3,205 for Juanita Creek Rockery Replacement, \$300,200 for Market Street Storm Main Rehabilitation, and \$300,000 for the Cedar Creek Fish Passage Culvert Replacement.</p> <p>Prior additions include \$1,263,144 following project closures and \$73,000 returned from the Holmes Point Drive Storm Drain Replacement project.</p>						
<i>Revenue/Exp Savings</i>							
<i>Other Source</i>							
Other Information							
The exact amount being returned to the reserve is estimated prior to final charges.							

Prepared By	George Dugdale, Senior Financial Analyst	Date	August 28, 2018
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CITY OF KIRKLAND
Department of Public Works
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Kathy Brown, Public Works Director
John Burkhalter, Development Engineering & Environmental Services Manager
Jenny Gaus, Surface Water Engineering Supervisor
Betsy Adams, Environmental Education and Outreach Specialist

Date: August 20, 2018

Subject: Forbes Creek Yard Smart Rain Rewards Project—Grant Agreement

RECOMMENDATION:

It is recommended that the City Council:

- Authorize the City Manager to sign the attached Grant Agreement with the Washington State Department of Ecology for the "Forbes Creek Yard Smart Rain Rewards Project;" and
- Receive information regarding the staffing and funding plan associated with this project.

BACKGROUND DISCUSSION:

In 2015, the City submitted to the Puget Sound Partnership its proposed near-term actions for water quality improvements, which included a project in the Juanita Creek Watershed. That **project was added to the Partnership's extensive list of near-term actions** for the region. Puget Sound Partnership evaluates such submission but it does not actually have funds available to award grants. Often other agencies that do have funds for grants, such as the Washington State Department of Ecology (Ecology), will use the Partnership's **list** to identify projects for regional water quality improvement

Eventually, the City implemented the Juanita Creek project using a King County WaterWorks grant. That project engaged 86 households in an education program, and resulted in 14 single-family homeowners creating rain gardens and similar enhancements using both consultation and construction funding provided by the grant via the City.

Recently, the City was notified by Ecology that it wanted to fund the project the City submitted to Puget Sound Partnership in 2015. Staff informed Ecology that the Juanita Creek Watershed project had been completed, but asked if the City could use the grant funds for a similar project in the Forbes Creek Watershed. Ecology agreed.

The Forbes Creek Yard Smart Rain Rewards Project¹ will improve water quality in Forbes Creek through the implementation of “**green stormwater infrastructure**” (GSI) retrofit strategies such as cisterns, rain gardens, and the disconnection of downspouts on commercial, institutional, and residential properties. The project will provide technical assistance and financial rebates to encourage owners to implement GSI retrofits on their properties. Successful implementation will lead to the reduction of stormwater volume and pollutants.

The objective is to install GSI retrofit projects on 25 residential and 10 commercial or institutional properties in the Forbes Creek watershed to reduce the volume of runoff and pollution entering the creek. The program would involve educating participating property owners about the impact of impervious surfaces on stormwater quality and volume, and how they can improve water quality through the implementation of GSI retrofit strategies on their property.

Forbes Creek was developed largely without stormwater flow control or water quality treatment. Over the years, City stormwater improvement efforts in the Forbes Creek Watershed have included planning for retrofit facilities, regulating new development with contemporary standards, detecting and eliminating illicit discharge, education, and the purchase of over 155 acres of wetlands and riparian areas within the watershed. Yet, Forbes Creek still remains on the State list of impaired waters for fecal coliform bacteria, temperature, and dissolved oxygen. In addition, metals and other pollutants have been detected in the creek. The Water Quality Index and the Index of Biological Integrity are both in the poor range. High flows have damaged physical habitat and have reduced fish populations.

GSI is designed to mimic nature and to capture rainwater where it falls. GSI on private property makes homes and places of business “greener” and slows, captures, and cleans polluted runoff from roofs, patios, parking lots, and driveways at its source before it harms local creeks, lakes, and wetlands.

This would be the third phase of the Yard Smart Rain Rewards Program in the City. The first phase was a small pilot with 11 participating households in the Finn Hill neighborhood, funded through King Conservation District jurisdictional funds. The second, mentioned above, resulted in 14 new GSI projects in the Juanita Creek Watershed. This proposed project phase would enable the City to continue refining the project design and approach while at the same time facilitating actual improvements in the Forbes Creek Watershed.

The majority of the Forbes Creek watershed is in private ownership. The City’s efforts to site stormwater facilities to serve existing development are on-going, and enhanced control of flows from private property made possible through this program will complement the **City’s other** efforts. In addition to construction of facilities, this program will raise awareness and garner support for larger retrofit efforts.

The total cost for the Forbes Creek Yard Smart Rain Rewards Project is estimated to be \$377,913 (see attachment B). Of this amount, \$265,000 would come from Ecology, which in turn has obtained its funding for this grant from the National Estuary Program. This project will require a new, full-time two-year temporary position. Approximately 90-percent of the cost of the temporary position would be covered by the grant from Ecology, with the balance of the

¹ *In the grant agreement with Ecology, the project is called, “Technical & Financial Assistance—Private Property Green Stormwater Infrastructure (GSI) Retrofits in Kirkland.”*

Ecology grant used for outreach and rebates. The remaining cost of the temporary position, outreach, and rebates is proposed to come from the Surface Water Utility base budget and also Surface Water Utility reserves.

Forbes Creek Yard Smart Rain Rewards Project
2019-2020 Budget

EXPENSES		FUNDING SOURCES		
	Two Year Budget	Ecology Grant	Kirkland SWU Base	Kirkland SWU Reserves
Temp. Staff 1.0 FTE	\$218,486	\$199,351	\$19,135	-zero-
Rebates	\$100,000	\$21,000	\$26,087	\$52,913
Other Program Costs	\$59,427	\$44,649	\$14,778	-zero-
Totals	\$377,913	\$265,000	\$60,000	\$52,913
TOTAL OF ALL FUNDING SOURCES >				\$377,913

CITY COUNCIL ACTION REQUESTED

Staff requests that the City Council authorize the City Manager to sign the attached Grant Agreement with the Washington State Department of Ecology for the **"Forbes Creek Yard Smart Rain Rewards Project."**

Attachment A: Grant Agreement

Attachment B: 2019-2020 Service Package Request



Agreement No. WQNEP-2017-KirkPW-00036

WATER QUALITY NEP STORMWATER INITIATIVE AGREEMENT

BETWEEN

THE STATE OF WASHINGTON DEPARTMENT OF ECOLOGY

AND

CITY OF KIRKLAND

This is a binding Agreement entered into by and between the state of Washington, Department of Ecology, hereinafter referred to as “ECOLOGY,” and City of Kirkland, hereinafter referred to as the “RECIPIENT,” to carry out with the provided funds activities described herein.

GENERAL INFORMATION

Project Title:	Technical & Financial Assistance for Private Property in Kirkland
Total Cost:	\$265,000.00
Total Eligible Cost:	\$265,000.00
Ecology Share:	\$265,000.00
Recipient Share:	\$0.00
The Effective Date of this Agreement is:	09/01/2018
The Expiration Date of this Agreement is no later than:	09/01/2020
Project Type:	NEP Stormwater Strategic Initiative

Project Short Description:

This project will improve water quality in Forbes Creek through the implementation of Green Stormwater Infrastructure (GSI) retrofit strategies on commercial, institutional, and residential properties, in the City of Kirkland. This project will provide technical assistance and develop of a rebate program to encourage land owners to implement GSI retrofits on their property.

Project Long Description:

This project will provide technical assistance to promote and support implementation of GSI retrofit strategies on residential, commercial, and institutional properties in Forbes Creek watershed. Successful implementation will lead to reduction of stormwater volume and pollutants. The objective is to install GSI retrofit projects on 25 residential and 10 commercial and institutional properties in the Forbes Creek watershed to reduce the volume of runoff and pollution entering the creek. This program involves educating participating property owners about the impact of impervious surfaces on stormwater quality and volume – and how they can improve water quality through the implementation of GSI retrofit strategies on their property.

Agreement No: WQNEP-2017-KirkPW-00036
Project Title: Technical & Financial Assistance for Private Property in Kirkland
Recipient Name: City of Kirkland

Development of effective resource materials is a key aspect of this program. The program resource materials will be made publicly available on program web page. Factsheets pertaining to the program structure and specific GSI retrofit strategies will be used during the site assessment and given to participants to review in greater detail following the site assessment. Do-it-yourself (DIY) installation manuals will be developed and made available for the three GSI retrofit strategies most likely to be installed directly by residents.

Maintenance manuals will also be developed for three GSI retrofit strategies. These manuals are essential, as installation and maintenance of GSI retrofit strategies can be quite different from conventional strategies. Proper installation and ongoing, regular maintenance of GSI retrofit strategies are essential to their success as stormwater management techniques.

Property owners who participate in this program will participate in a site assessment with the RECIPIENT. During this site assessment, the RECIPIENT will walk through a participant's property with them and educate the property owner about the overall impact of stormwater issues and the use of GSI to help manage stormwater on-site. The RECIPIENT will also point out specific sources of stormwater on their property, give suggestions of how GSI could be used to manage this stormwater, and tell the participant about the GSI retrofit installation rebate offered as part of the project. Following the site visit, the RECIPIENT will prepare and share a site-specific report that includes detailed recommendations for GSI retrofit strategies appropriate for participant's property, including guidance for sizing and location.

Property owners who participate in a site assessment will be offered a rebate to install recommended projects that meet the RECIPIENT's specifications. An element of this project will be to develop an effective tiered rebate structure where rebate values will vary with GSI retrofit type and with amount of impervious surface removed or treated.

Program evaluation will occur both during the implementation period and at the end of the implementation period. Evaluation results will be used to refine the program, as needed, to make the program replicable by other entities in the region.

In addition to reducing stormwater volume in the Forbes Creek watershed, the ultimate objective is to have a technical and financial assistance program for GSI retrofits of existing private development that can be replicated by other jurisdictions.

Overall Goal:

Reduce runoff volume entering Forbes Creek from private properties.

- GSI retrofit projects will be installed on 25 residential and 10 commercial and institutional properties in Forbes Creek watershed by the end of the project period.

Increase project participant awareness of the impact of their property on stormwater volume.

- Site assessments focused on overall impact of stormwater issues as well as site-specific stormwater problems and solutions will be conducted with 75 property owners by the end of the project period.
- At least 50 percent of project participants will understand the purpose of GSI facilities by the end of the project period.

Develop replicable stormwater retrofit rebate program and associated materials.

- Develop three DIY installation and three maintenance guides for GSI retrofit strategies.
- Develop regionally-appropriate rebate structure for suite of GSI retrofit strategies.

Agreement No: WQNEP-2017-KirkPW-00036
 Project Title: Technical & Financial Assistance for Private Property in Kirkland
 Recipient Name: City of Kirkland

RECIPIENT INFORMATION

Organization Name: City of Kirkland

Federal Tax ID: 91-6001255

DUNS Number: 196822688

Mailing Address: 123 5th Ave
 Kirkland, Wa 98033

Physical Address: 123 5th Ave
 Kirkland, Washington 98033

Organization Email: kbutler@kirklandwa.gov

Organization Fax: (425) 587-3807

Contacts

Project Manager	<p>Betsy Adams</p> <p>123 5th Ave Kirkland, Washington 98033 Email: badams@kirklandwa.gov Phone: (425) 587-3858</p>
Billing Contact	<p>Kimberly Auman</p> <p>123 5th Ave Kirkland, Washington 98033 Email: kauman@kirklandwa.gov Phone: (425) 587-3133</p>
Authorized Signatory	<p>Tracey Dunlap Deputy City Manager</p> <p>123 5th Avenue Kirkland, Washington 98033 Email: tdunlap@kirklandwa.gov Phone: (425) 587-3101</p>

Agreement No: WQNEP-2017-KirkPW-00036
 Project Title: Technical & Financial Assistance for Private Property in Kirkland
 Recipient Name: City of Kirkland

ECOLOGY INFORMATION

Mailing Address: Department of Ecology
 Water Quality
 PO BOX 47600
 Olympia, WA 98504-7600

Physical Address: Water Quality
 300 Desmond Drive SE
 Lacey, WA 98503

Contacts

Project Manager	<p>Lola Flores</p> <p>PO Box 47600 Olympia, Washington 98504-7600 Email: LFLO461@ecy.wa.gov Phone: (360) 407-6549</p>
Financial Manager	<p>Lola Flores</p> <p>PO Box 47600 Olympia, Washington 98504-7600 Email: LFLO461@ecy.wa.gov Phone: (360) 407-6549</p>
Technical Advisor	<p>Gary Myers</p> <p>PO Box 47600 Olympia, Washington 98504-7600 Email: gmye461@ecy.wa.gov Phone: (360) 407-7498</p>

Agreement No: WQNEP-2017-KirkPW-00036
Project Title: Technical & Financial Assistance for Private Property in Kirkland
Recipient Name: City of Kirkland

AUTHORIZING SIGNATURES

RECIPIENT agrees to furnish the necessary personnel, equipment, materials, services, and otherwise do all things necessary for or incidental to the performance of work as set forth in this Agreement.

RECIPIENT acknowledges that they had the opportunity to review the entire Agreement, including all the terms and conditions of this Agreement, Scope of Work, attachments, and incorporated or referenced documents, as well as all applicable laws, statutes, rules, regulations, and guidelines mentioned in this Agreement. Furthermore, the RECIPIENT has read, understood, and accepts all requirements contained within this Agreement.

This Agreement contains the entire understanding between the parties, and there are no other understandings or representations other than as set forth, or incorporated by reference, herein.

No subsequent modifications or amendments to this agreement will be of any force or effect unless in writing, signed by authorized representatives of the RECIPIENT and ECOLOGY and made a part of this agreement. ECOLOGY and RECIPIENT may change their respective staff contacts without the concurrence of either party.

This Agreement shall be subject to the written approval of Ecology’s authorized representative and shall not be binding until so approved.

The signatories to this Agreement represent that they have the authority to execute this Agreement and bind their respective organizations to this Agreement.

IN WITNESS WHEREOF: the parties hereto, having read this Agreement in its entirety, including all attachments, do agree in each and every particular and have thus set their hands hereunto.

Washington State
Department of Ecology

City of Kirkland

By: _____

By: _____

Heather R. Bartlett
Water Quality
Program Manager
Date

Tracey Dunlap
Deputy City Manager
Date

Template Approved to Form by
Attorney General's Office

Agreement No: WQNEP-2017-KirkPW-00036
Project Title: Technical & Financial Assistance for Private Property in Kirkland
Recipient Name: City of Kirkland

SCOPE OF WORK

Task Number: 1 **Task Cost: \$3,352.00**

Task Title: PROJECT DEVELOPMENT

Task Description:

This task must be completed before initiating any other work under this subaward. Work completed on other tasks prior to completion of Task 1 may be ineligible for reimbursement.

1.1 DETAILED PROJECT PLAN (DPP)

The RECIPIENT will prepare a detailed project outline and timeline to describe project expectations and outcomes. The detailed project plan will also identify how the objectives of the project will be evaluated, including quantifiable performance measures and targets. As part of developing the detailed project plan, the RECIPIENT will meet with their Stormwater SI Grant Program Representative to discuss the project goals, tasks, timeline, and shared workload. Stormwater SI staff will have the opportunity to provide input on the plan and establish mutual expectations.

The RECIPIENT should provide relevant spatial data for their project and this should be identified in the detailed project plan. The RECIPIENT should consult with Stormwater SI staff and spatial analysts where appropriate to determine the spatial data, associated metadata, and data storage location that are relevant for the project. Project coordinates (latitude, longitude) should be submitted in decimal degrees.

1.2 QUALITY ASSURANCE PROJECT PLAN (QAPP) DEVELOPMENT

Per EPA subaward terms and conditions, the RECIPIENT must submit a Quality Assurance Project Plan (QAPP) or QAPP waiver to the Washington State Department of Ecology's National Estuary Program Quality Assurance Coordinator (NEP QC) using EPA's NEP guidance for QAPPs. See

<http://www.ecy.wa.gov/programs/eap/qa/docs/NEPQAPP/index.html>. If a QAPP is required, the RECIPIENT will work with the NEP QC to develop and approve the QAPP.

Work related to collecting environmental data may not begin until the QAPP or waivers are completed and approved. The detailed project plan (Task 1.1) may be appended to the QAPP waiver form in lieu of completing page 2.

1.3 EFFECTIVENESS CONSULTATION

The RECIPIENT will consult via telephone once a year with the Puget Sound Partnership (PSP) effectiveness team regarding project metrics being tracked (30 minutes). PSP effectiveness team will then provide an analysis approach for the NTA, about a paragraph per project, and will provide results of the effectiveness analysis to the Stormwater Strategic Initiative Advisory Team. The Stormwater SI grant program representative will send an email to put the RECIPIENT in contact with the PSP effectiveness team.

Task Goal Statement:

The RECIPIENT will develop a plan for project implementation and monitoring (if required) to support the successful completion of the PROJECT. As well as maintain communication with PSP to ensure project quality and relevance to the Strategic Initiative Goals.

Task Expected Outcome:

The RECIPIENT will produce and submit to ECOLOGY a DPP, QAPP waiver, and a QAPP (if required) prior to commencement of the PROJECT or monitoring efforts.

Agreement No: WQNEP-2017-KirkPW-00036
Project Title: Technical & Financial Assistance for Private Property in Kirkland
Recipient Name: City of Kirkland

Recipient Task Coordinator: Betsy Adams

PROJECT DEVELOPMENT

Deliverables

Number	Description	Due Date
1.1	Detailed project plan (DPP) and timeline uploaded to EAGL.	
1.2	QAPP Waiver Determination Form submitted to NEP QC and uploaded to EAGL. If QAPP is required, submit to QC, and once approved by NEP QC upload to EAGL.	
1.3	Effectiveness consultation, one per year for a 30min phone conversation directly with PSP.	

Agreement No: WQNEP-2017-KirkPW-00036
Project Title: Technical & Financial Assistance for Private Property in Kirkland
Recipient Name: City of Kirkland

SCOPE OF WORK

Task Number: 2 **Task Cost: \$6,703.00**

Task Title: PROJECT ADMINISTRATION AND MANAGEMENT

Task Description:

This task describes the data collection and reporting requirements associated with this subaward.

2.1 PROJECT FACTSHEET

The RECIPIENT will create a project factsheet and submit with the first quarterly progress report. These will be made publicly available.

2.2 QUARTERLY PROGRESS REPORTS AND PAYMENT REQUESTS (PRPR)

The RECIPIENT will upload all quarterly PRPR to EAGL. The RECIPIENT shall carry out all work necessary to meet ECOLOGY grant or loan administration requirements. Responsibilities include, but are not limited to:

- A description of the work completed in the reporting period, including total spending by the project sponsor and any partners and any completed deliverables.
- The status and completion date for the project activities and near-term deliverables.
- Description of any problem or circumstances affecting the completion date, scope of work, or costs.
- Evidence of satisfactory completion of all the reporting requirements relevant to the reporting period.

First Reporting Period (January 1–March 31) due by April 15; Second Reporting Period (April 1–June 30) due by July 15; Third Reporting Period (July 1–September 30) due by October 15; Fourth Reporting Period (October 1–December 31) due by January 15.

Requirements:

2.2.1 EPA FEATS REPORTING

Complete semi-annual FEATS progress reports, and a final FEATS report. The final FEATS report, reflecting the final project billing, will be provided by the RECIPIENT during project closeout, within 60 days of the expiration of the grant, and will describe the entire project, highlighting project outcomes, and discussing lessons learned. FEATS Reporting Periods: April 1–September 30, due by October 15; October 1–March 31, due by April 1. Draft final FEATS report to be defined in DPP.

2.2.2 PUGET SOUND PARTNERSHIP NTA REPORTING

NTA owners are required to report:

- Implementation status of their actions on semiannual basis (spring & fall)
- Financial status of their actions on an annual basis (summer)

2.2.3 STORAGE AND RETRIEVAL AND WATER QUALITY EXCHANGER (STORET) DATA REPORTING (IF NEEDED)

STORET refers to an electronic data system for water quality monitoring data developed by EPA. If the RECIPIENT collects any physical, chemical, or environmental data (e.g. dissolved oxygen, water temperature, salinity, turbidity, pH, phosphorous, total nitrogen, E. coli or Enterococci, and other biological and habitat data), then STORET reporting is required. Data for an entire calendar year (Jan 1–Dec 31) submitted annually. To assist in STORET tracking, name your project as follows: NEP_2016_ (organization name); the unique project ID needs to be 35 characters max. More information about WQX, WQX web, and the STORET warehouse, including tutorials, can be found at EPA website.

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 Recipient Name: City of Kirkland

Alternatively, the RECIPIENT can comply with this requirement by submitting project data formatted for entry into Ecology's Environmental Information Management (EIM) system, and Ecology will be responsible for the subsequent transfer of the data to STORET.

2.3 FINAL PROJECT REPORT

A final report will be written by the RECIPIENT describing the methods, results, lessons learned and recommendations for future work. The final report includes analyses of Infrastructure and Retrofit facility selection. As well as evaluates the success of achieving the performance measures identified in the detailed project plan. With the final project report will be an updated Project Factsheet.

Task Goal Statement:

Properly managed and fully documented project that meets ECOLOGY's grant or loan administrative requirements.

Task Expected Outcome:

- Timely and complete submittal of requests for reimbursement, quarterly progress reports, EAGL closeout report, FEATS reports, PSP NTA reports, STORET reports (if needed) and final project report.
- Properly maintained project documentation

Recipient Task Coordinator: Betsy Adams

PROJECT ADMINISTRATION AND MANAGEMENT

Deliverables

Number	Description	Due Date
2.1	Complete Project Factsheet (template provided), submitted directly to ECOLOGY Project Manager (PM).	
2.2	Quarterly Progress Reports and Invoicing submitted to EAGL. FEATS, PSP NTA and STORET reporting coordinate submittal with ECOLOGY PM.	
2.3	Submit Final Project Report including Final FEATS and updated factsheet.	

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Project Title: Technical & Financial Assistance for Private Property in Kirkland
Recipient Name: City of Kirkland

SCOPE OF WORK

Task Number: 3 **Task Cost:** \$64,627.00

Task Title: DEVELOP PPROGRAM RESOURCES MATERIALS

Task Description:

3.1 MATERIALS MANAGEMENT

The RECIPIENT will oversee development and review drafts of all documents created including resource documents (e.g., DIY do-it-yourself implementation guides), site assessment reports, landscape contractor outreach documents, and evaluation reports. Coordinate and communicate with contractors.

3.2 CONDUCT REVIEW OF PROGRAM MATERIALS

The RECIPIENT will gather materials from other similar projects and review program materials from five community programs, including RainScapes (Montgomery County, MD), Rain Check (Philadelphia, PA), Soak Up the Rain (NH), Rainwise (Seattle, WA), and Residential Stormwater Retrofit Program (Bellingham, WA) to determine best materials formats and content to use.

3.3 DEVELOP PROGRAM RESOURCE MATERIALS

Using information gathered from review of program materials and guidelines created as result of review in Task 3.2, the RECIPIENT will develop a suite of educational materials to support GSI retrofit program, including DIY implementation guides, and maintenance manuals.

Task Goal Statement:

The RECIPIENT will develop materials to support the technical assistance provided and the GSI retrofit program.

Task Expected Outcome:

The RECIPIENT will develop a suite of educational resource materials, including do-it-yourself (DIY) implementation guides and maintenance manuals that will be used by property owners.

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 Project Title: Technical & Financial Assistance for Private Property in Kirkland
 Recipient Name: City of Kirkland

Recipient Task Coordinator: Betsy Adams

DEVELOP PPROGRAM RESOURCES MATERIALS

Deliverables

Number	Description	Due Date
3.1	Upload the contract with contractor and the RECIPIENT's spreadsheet documenting review of contractor-generated materials to EAGL.	
3.2	Upload summary of program review findings with list of guidelines for layout and content of program materials based on research to EAGL.	
3.3	Upload the step-by-step process guide for participants, describing GSI retrofit program and project steps/schedule/timeline, including rebate process to EAGL.	
3.4	Upload refined versions of existing GSI retrofit strategy factsheets to EAGL.	
3.5	Upload DIY installation guides for up to three GSI retrofit strategies likely to be installed directly by residents to EAGL.	
3.6	Upload GSI facility maintenance guides for up to three GSI retrofit strategies to EAGL.	
3.7	Upload program web page, including program FAQ's to EAGL.	

Agreement No: WQNEP-2017-KirkPW-00036
 Project Title: Technical & Financial Assistance for Private Property in Kirkland
 Recipient Name: City of Kirkland

SCOPE OF WORK

Task Number: 4 **Task Cost:** \$18,466.00

Task Title: RECRUIT PROGRAM PARTICIPANTS

Task Description:

4.1 DEVELOP PROGRAM FLYER

The RECIPIENT will develop program overview flyer, describing pollution prevention benefits of program, benefits to program participants, and rebate options.

4.2 PARTICIPANT ENGAGEMENT

The RECIPIENT will conduct participant outreach and engagement via a variety of media channels including, but not limited to, direct mailing, social media, farmers markets, neighborhood meetings, natural yard care classes and local newspaper.

Task Goal Statement:

The RECIPIENT will recruit owners of properties connected to City of Kirkland municipal stormwater system in the Forbes Creek basin to participate in GSI retrofit program.

Task Expected Outcome:

Several land owners will implement GSI following the RECIPIENT's guidelines and with the RECIPIENT's help.

Recipient Task Coordinator: Betsy Adams

RECRUIT PROGRAM PARTICIPANTS

Deliverables

Number	Description	Due Date
4.1	Upload program overview flyer to EAGL.	
4.2	Upload collection of example social media posts, market materials, newspaper articles to EAGL for review before distribution.	
4.3	Upload program-specific powerpoint slides from natural yard care classes to EAGL.	

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 Project Title: Technical & Financial Assistance for Private Property in Kirkland
 Recipient Name: City of Kirkland

SCOPE OF WORK

Task Number: 5 **Task Cost:** \$21,929.00

Task Title: LANDSCAPE CONTRACTOR OUTREACH

Task Description:

5.1 LANDSCAPE CONTRACTOR ENGAGEMENT

The RECIPIENT will conduct contractor outreach and engagement via a variety of media channels including, but not limited to, social media, trade publications and direct mail.

5.2 LANDSCAPE CONTRACTOR REBATE PROGRAM TRAINING

The RECIPIENT will develop, schedule and conduct at least two presentations for landscape contractors with information regarding the GSI retrofit rebate program and how to help customers prepare and submit project approval and rebate paperwork.

Task Goal Statement:

The purpose of the outreach is to raise local contractors' awareness and interest in the program, and to facilitate their participation in the program.

Task Expected Outcome:

Conduct outreach to landscape contractors, as well as nurseries, who may provide services and materials to GSI retrofit program participants.

Recipient Task Coordinator: Betsy Adams

LANDSCAPE CONTRACTOR OUTREACH

Deliverables

Number	Description	Due Date
5.1	Upload collection of example social media posts, mail pieces, newspaper articles/ads, to EAGL.	
5.2	Upload presentation outline and sign-in sheets to EAGL.	

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Project Title: Technical & Financial Assistance for Private Property in Kirkland
Recipient Name: City of Kirkland

SCOPE OF WORK

Task Number: 6 **Task Cost:** \$103,535.00

Task Title: SITE ASSESSMENTS

Task Description:

6.1 PREPARE FOR SITE ASSESSMENTS

The RECIPIENT will conduct desktop screening to confirm participants meet program eligibility requirements. The RECIPIENT will coordinate visit schedule, call for utility locates and prepare for individual site assessments – assemble incentive items and packet of resources materials (for program participant). The RECIPIENT will also complete desktop review of existing structures and easements on individual properties that may impact potential for installation of stormwater retrofit strategies. This includes the review of recorded as-built drawings and existing easements for properties, use collected information to create site map to be used during site assessment.

6.2 CONDUCT SITE ASSESSMENTS AND COMPLETE REPORTS

The RECIPIENT will conduct a minimum of 30 and maximum of 100 site assessments to identify appropriate GSI retrofit strategies to implement. Visit may include soil infiltration testing, install downspout disconnection kits or provide bag of compost for interested participants and provide follow-up packets may include site assessment report describing recommended GSI retrofit strategies, site maps, and other materials tailored to retrofit recommendations. Follow up with participant re: site assessment report will confirm understanding of contents.

6.3 ASSIST PROGRAM PARTICIPANTS

The RECIPIENT will respond via email and phone to individual participant questions regarding program process and structure, as well as track participant project status.

Task Goal Statement:

The RECIPIENT will educate the participant about stormwater management through GSI and, specifically, point out sources of stormwater on their property, give suggestions of how GSI could be used to manage stormwater on their property, and tell participants about the GSI retrofit rebate being offered through the program.

Task Expected Outcome:

Property owners will participate in site assessments of their properties with a City of Kirkland representative.

Agreement No: WQNEP-2017-KirkPW-00036
Project Title: Technical & Financial Assistance for Private Property in Kirkland
Recipient Name: City of Kirkland

Recipient Task Coordinator: Betsy Adams

SITE ASSESSMENTS

Deliverables

Number	Description	Due Date
6.1	Upload document/spreadsheet detailing visit coordination and scheduling to EAGL.	
6.2	Upload images of incentive items including bags of compost and downspout disconnection kits to EAGL.	
6.3	Upload summary report of site visits including map of locations, landowner agreements, summary of options recommended, general observations from site visits to EAGL.	
6.4	Upload spreadsheet documenting participant project status and milestones, with set due dates to EAGL	

Agreement No: WQNEP-2017-KirkPW-00036
 Project Title: Technical & Financial Assistance for Private Property in Kirkland
 Recipient Name: City of Kirkland

SCOPE OF WORK

Task Number: 7 **Task Cost:** \$35,115.00

Task Title: DEVELOP AND ADMINISTER PROJECT REBATES

Task Description:

7.1 DEVELOP TIERED REBATE STRUCTURE

The RECIPIENT will review rebate structure from Kirkland pilot GSI retrofit program as well as the rebate structures for 5 other communities' GSI retrofit programs. Based on this research and lessons learned from Kirkland pilot program, the RECIPIENT will develop a tiered rebate structure for installations of GSI retrofit strategies, to be reviewed and approved by ECOLOGY PM.

7.2 ADMINISTER PROJECT REBATES

The RECIPIENT will review and approve project proposals/designs to confirm rebate eligibility and site appropriateness. As well as, provide necessary technical assistance to finalize designs and paperwork. The RECIPIENT will conduct site visit to confirm GSI retrofit strategies were installed per approved designs and process rebates for approved and installed projects.

Task Goal Statement:

Allow rebate to all recipients who participate in this program.

Task Expected Outcome:

Property owners who participate in a site assessment will be offered a rebate to install recommended GSI retrofit strategies. Rebate value will vary with project type and with amount of impervious surface removed or treated.

Recipient Task Coordinator: Betsy Adams

DEVELOP AND ADMINISTER PROJECT REBATES

Deliverables

Number	Description	Due Date
7.1	Upload comparison table of rebate structure for 5 GSI retrofit programs to EAGL.	
7.2	Upload description of tiered rebate structure, brief reports to EAGL.	
7.3	Upload summary documents, proposals and designs for at least 25 GSI retrofit strategy installation rebates to EAGL.	

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 Project Title: Technical & Financial Assistance for Private Property in Kirkland
 Recipient Name: City of Kirkland

SCOPE OF WORK

Task Number: 8 **Task Cost:** \$8,195.00

Task Title: PROGRAM EVALUATION

Task Description:

8.1 PARTICIPANT SURVEYS

The RECIPIENT will develop and conduct participant survey partway through program implementation in order to assess effectiveness of program implementation and reveal potential for adjustments to strategy.

8.2 CLOSE-OUT EVALUATION

The RECIPIENT will develop and conduct participant close-out survey at end of program period to assess overall effectiveness of program implementation.

Task Goal Statement:

Evaluate and track program efficiency and usefulness.

Task Expected Outcome:

Conduct program evaluation via participant survey during the course of program implementation to reveal potential for adjustments to strategy and at the end of program period to assess effectiveness of program implementation and to inform future phases of program.

Recipient Task Coordinator: Betsy Adams

PROGRAM EVALUATION

Deliverables

Number	Description	Due Date
8.1	Upload summary of program monitoring evaluation, including survey instrument to EAGL.	
8.2	Upload summary of close-out evaluation, including survey instrument to EAGL.	

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Project Title: Technical & Financial Assistance for Private Property in Kirkland
Recipient Name: City of Kirkland

SCOPE OF WORK

Task Number: 9 **Task Cost:** \$3,078.00

Task Title: BROADER IMPACTS AND COMMUNICATION

Task Description:

9.1 TOOLKIT OF REPLICABLE PROGRAM MATERIALS

Share on the City of Kirkland webpage the toolkit of the array of materials created for this program for anyone to use.

Task Goal Statement:

Distribute materials created for this program.

Task Expected Outcome:

Other cities will find the materials useful.

Recipient Task Coordinator: Betsy Adams

BROADER IMPACTS AND COMMUNICATION

Deliverables

Number	Description	Due Date
9.1	Upload toolkit of replicable program materials to EAGL.	

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 Recipient Name: City of Kirkland

BUDGET

Funding Distribution EG190049

NOTE: *The above funding distribution number is used to identify this specific agreement and budget on payment remittances and may be referenced on other communications from ECOLOGY. Your agreement may have multiple funding distribution numbers to identify each budget.*

Funding Title: NEP Stormwater Strategic Initiative Funding Type: Grant
 Funding Effective Date: 09/01/2018 Funding Expiration Date: 09/01/2020

Funding Source:

Title: National Estuary Program Stormwater Strategic Initiative

Type: Federal

Funding Source %: 100%

Description: EPA Cooperative Agreement

Federal Awarding Agency: U.S. Environmental Protection Agency
 Federal Awarding Agency Contact: Chris Castner
 Federal Awarding Agency Phone: 206-553-6517
 Federal Awarding Agency Email: castner.chris@epa.gov
 Federal Awarding Agency Address: 1200 Sixth Avenue, Suite 900 Seattle, WA 98101

CFDA Catalog Name: Puget Sound Action Agenda: Technical Investigations and Implementation Assistance Program

CFDA Number: 66.123

FAIN: 01J18101

Research Grant: No

Federal Award Date: 6/29/2016

Total Federal Award Amount: \$5,200,000.00

Federal Funds Obligated To Recipient: \$265,000.00

Approved Indirect Costs Rate: Approved Rate Negotiated Between ECOLOGY and RECIPIENT: 29.35%
 Recipient Match %: 0%
 InKind Interlocal Allowed: No
 InKind Other Allowed: No
 Is this Funding Distribution used to match a federal grant? No

Agreement No: WQNEP-2017-KirkPW-00036
Project Title: Technical & Financial Assistance for Private Property in Kirkland
Recipient Name: City of Kirkland

NEP Stormwater Strategic Initiative	Task Total
PROJECT DEVELOPMENT	\$ 3,352.00
PROJECT ADMINISTRATION AND MANAGEMENT	\$ 6,703.00
DEVELOP PPROGRAM RESOURCES MATERIALS	\$ 64,627.00
RECRUIT PROGRAM PARTICIPANTS	\$ 18,466.00
LANDSCAPE CONTRACTOR OUTREACH	\$ 21,929.00
SITE ASSESSMENTS	\$ 103,535.00
DEVELOP AND ADMINISTER PROJECT REBATES	\$ 35,115.00
PROGRAM EVALUATION	\$ 8,195.00
BROADER IMPACTS AND COMMUNICATION	\$ 3,078.00

Total: \$ 265,000.00

Agreement No: WQNEP-2017-KirkPW-00036
 Project Title: Technical & Financial Assistance for Private Property in Kirkland
 Recipient Name: City of Kirkland

Funding Distribution Summary

Recipient / Ecology Share

Funding Distribution Name	Recipient Match %	Recipient Share	Ecology Share	Total
NEP Stormwater Strategic Initiative	0.00 %	\$ 0.00	\$ 265,000.00	\$ 265,000.00
Total		\$ 0.00	\$ 265,000.00	\$ 265,000.00

AGREEMENT SPECIFIC TERMS AND CONDITIONS

N/A

SPECIAL TERMS AND CONDITIONS

GENERAL FEDERAL CONDITIONS

If a portion or all of the funds for this agreement are provided through federal funding sources or this agreement is used to match a federal grant award, the following terms and conditions apply to you.

A. CERTIFICATION REGARDING SUSPENSION, DEBARMENT, INELIGIBILITY OR VOLUNTARY EXCLUSION:

1. The RECIPIENT/CONTRACTOR, by signing this agreement, certifies that it is not suspended, debarred, proposed for debarment, declared ineligible or otherwise excluded from contracting with the federal government, or from receiving contracts paid for with federal funds. If the RECIPIENT/CONTRACTOR is unable to certify to the statements contained in the certification, they must provide an explanation as to why they cannot.
2. The RECIPIENT/CONTRACTOR shall provide immediate written notice to ECOLOGY if at any time the RECIPIENT/CONTRACTOR learns that its certification was erroneous when submitted or had become erroneous by reason of changed circumstances.
3. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meaning set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact ECOLOGY for assistance in obtaining a copy of those regulations.
4. The RECIPIENT/CONTRACTOR agrees it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under the applicable Code of Federal Regulations, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction.
5. The RECIPIENT/CONTRACTOR further agrees by signing this agreement, that it will include this clause titled "CERTIFICATION REGARDING SUSPENSION, DEBARMENT, INELIGIBILITY OR VOLUNTARY EXCLUSION" without modification in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
6. Pursuant to 2CFR180.330, the RECIPIENT/CONTRACTOR is responsible for ensuring that any lower tier covered transaction complies with certification of suspension and debarment requirements.
7. RECIPIENT/CONTRACTOR acknowledges that failing to disclose the information required in the Code of

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Federal Regulations may result in the delay or negation of this funding agreement, or pursuance of legal remedies, including suspension and debarment.

8. RECIPIENT/CONTRACTOR agrees to keep proof in its agreement file, that it, and all lower tier recipients or contractors, are not suspended or debarred, and will make this proof available to ECOLOGY before requests for reimbursements will be approved for payment. RECIPIENT/CONTRACTOR must run a search in <http://www.sam.gov> and print a copy of completed searches to document proof of compliance.

B. FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT (FFATA) REPORTING REQUIREMENTS:

CONTRACTOR/RECIPIENT must complete the FFATA Data Collection Form (ECY 070-395) and return it with the signed agreement to ECOLOGY.

Any CONTRACTOR/RECIPIENT that meets each of the criteria below must report compensation for its five top executives using the FFATA Data Collection Form.

- Receives more than \$25,000 in federal funds under this award.
- Receives more than 80 percent of its annual gross revenues from federal funds.
- Receives more than \$25,000,000 in annual federal funds.

Ecology will not pay any invoices until it has received a completed and signed FFATA Data Collection Form. Ecology is required to report the FFATA information for federally funded agreements, including the required DUNS number, at www.fsr.gov <http://www.fsr.gov> within 30 days of agreement signature. The FFATA information will be available to the public at www.usaspending.gov <http://www.usaspending.gov>.

For more details on FFATA requirements, see www.fsr.gov <http://www.fsr.gov>.

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GENERAL TERMS AND CONDITIONS

Pertaining to Grant and Loan Agreements With the state of Washington, Department of Ecology

GENERAL TERMS AND CONDITIONS AS OF LAST UPDATED 1/22/2018 VERSION

1. ADMINISTRATIVE REQUIREMENTS

- a) RECIPIENT shall follow the "Administrative Requirements for Recipients of Ecology Grants and Loans – EAGL Edition." (<https://fortress.wa.gov/ecy/publications/SummaryPages/1701004.html>)
- b) RECIPIENT shall complete all activities funded by this Agreement and be fully responsible for the proper management of all funds and resources made available under this Agreement.
- c) RECIPIENT agrees to take complete responsibility for all actions taken under this Agreement, including ensuring all subgrantees and contractors comply with the terms and conditions of this Agreement. ECOLOGY reserves the right to request proof of compliance by subgrantees and contractors.
- d) RECIPIENT's activities under this Agreement shall be subject to the review and approval by ECOLOGY for the extent and character of all work and services.

2. AMENDMENTS AND MODIFICATIONS

This Agreement may be altered, amended, or waived only by a written amendment executed by both parties. No subsequent modification(s) or amendment(s) of this Agreement will be of any force or effect unless in writing and signed by authorized representatives of both parties. ECOLOGY and the RECIPIENT may change their respective staff contacts and administrative information without the concurrence of either party.

3. ARCHAEOLOGICAL AND CULTURAL RESOURCES

RECIPIENT shall take reasonable action to avoid, minimize, or mitigate adverse effects to archeological and historic resources. The RECIPIENT must agree to hold harmless the State of Washington in relation to any claim related to historical or cultural artifacts discovered, disturbed, or damaged due to the RECIPIENT's project funded under this Agreement.

RECIPIENT shall:

- a) Contact the ECOLOGY Program issuing the grant or loan to discuss any Cultural Resources requirements for their project:
 - For capital construction projects or land acquisitions for capital construction projects, if required, comply with Governor Executive Order 05-05, Archaeology and Cultural Resources.
 - For projects with any federal involvement, if required, comply with the National Historic Preservation Act.
 - Any cultural resources federal or state requirements must be completed prior to the start of any work on the project site.
- b) If required by the ECOLOGY Program, submit an Inadvertent Discovery Plan (IDP) to ECOLOGY prior to implementing any project that involves ground disturbing activities. ECOLOGY will provide the IDP form.
RECIPIENT shall:
 - Keep the IDP at the project site.
 - Make the IDP readily available to anyone working at the project site.
 - Discuss the IDP with staff and contractors working at the project site.
 - Implement the IDP when cultural resources or human remains are found at the project site.
- c) If any archeological or historic resources are found while conducting work under this Agreement:
 - Immediately stop work and notify the ECOLOGY Program, the Department of Archaeology and Historic Preservation at (360) 586-3064, any affected Tribe, and the local government.
- d) If any human remains are found while conducting work under this Agreement:

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- Immediately stop work and notify the local Law Enforcement Agency or Medical Examiner/Coroner's Office, and then the ECOLOGY Program.
- e) Comply with RCW 27.53, RCW 27.44.055, and RCW 68.50.645, and all other applicable local, state, and federal laws protecting cultural resources and human remains.

4. ASSIGNMENT

No right or claim of the RECIPIENT arising under this Agreement shall be transferred or assigned by the RECIPIENT.

5. COMMUNICATION

RECIPIENT shall make every effort to maintain effective communications with the RECIPIENT's designees, ECOLOGY, all affected local, state, or federal jurisdictions, and any interested individuals or groups.

6. COMPENSATION

- a) Any work performed prior to effective date of this Agreement will be at the sole expense and risk of the RECIPIENT. ECOLOGY must sign the Agreement before any payment requests can be submitted.
- b) Payments will be made on a reimbursable basis for approved and completed work as specified in this Agreement.
- c) RECIPIENT is responsible to determine if costs are eligible. Any questions regarding eligibility should be clarified with ECOLOGY prior to incurring costs. Costs that are conditionally eligible require approval by ECOLOGY prior to expenditure.
- d) RECIPIENT shall not invoice more than once per month unless agreed on by ECOLOGY.
- e) ECOLOGY will not process payment requests without the proper reimbursement forms, Progress Report and supporting documentation. ECOLOGY will provide instructions for submitting payment requests.
- f) ECOLOGY will pay the RECIPIENT thirty (30) days after receipt of a properly completed request for payment.
- g) RECIPIENT will receive payment through Washington State Department of Enterprise Services' Statewide Payee Desk. RECIPIENT must register as a payee by submitting a Statewide Payee Registration form and an IRS W-9 form at the website, <http://www.des.wa.gov/services/ContractingPurchasing/Business/VendorPay/Pages/default.aspx>. For any questions about the vendor registration process contact the Statewide Payee Help Desk at (360) 407-8180 or email payeehelpdesk@watech.wa.gov.
- h) ECOLOGY may, at its sole discretion, withhold payments claimed by the RECIPIENT if the RECIPIENT fails to satisfactorily comply with any term or condition of this Agreement.
- i) Monies withheld by ECOLOGY may be paid to the RECIPIENT when the work described herein, or a portion thereof, has been completed if, at ECOLOGY's sole discretion, such payment is reasonable and approved according to this Agreement, as appropriate, or upon completion of an audit as specified herein.
- j) RECIPIENT must submit within thirty (30) days after the expiration date of this Agreement, all financial, performance, and other reports required by this agreement. Failure to comply may result in delayed reimbursement.

7. COMPLIANCE WITH ALL LAWS

RECIPIENT agrees to comply fully with all applicable federal, state and local laws, orders, regulations, and permits related to this Agreement, including but not limited to:

- a) RECIPIENT agrees to comply with all applicable laws, regulations, and policies of the United States and the State of Washington which affect wages and job safety.
- b) RECIPIENT agrees to be bound by all applicable federal and state laws, regulations, and policies against discrimination.
- c) RECIPIENT certifies full compliance with all applicable state industrial insurance requirements.
- d) RECIPIENT agrees to secure and provide assurance to ECOLOGY that all the necessary approvals and permits required by authorities having jurisdiction over the project are obtained. RECIPIENT must include time in their project timeline for the permit and approval processes.

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ECOLOGY shall have the right to immediately terminate for cause this Agreement as provided herein if the RECIPIENT fails to comply with above requirements.

If any provision of this Agreement violates any statute or rule of law of the state of Washington, it is considered modified to conform to that statute or rule of law.

8. CONFLICT OF INTEREST

RECIPIENT and ECOLOGY agree that any officer, member, agent, or employee, who exercises any function or responsibility in the review, approval, or carrying out of this Agreement, shall not have any personal or financial interest, direct or indirect, nor affect the interest of any corporation, partnership, or association in which he/she is a part, in this Agreement or the proceeds thereof.

9. CONTRACTING FOR GOODS AND SERVICES

RECIPIENT may contract to buy goods or services related to its performance under this Agreement. RECIPIENT shall award all contracts for construction, purchase of goods, equipment, services, and professional architectural and engineering services through a competitive process, if required by State law. RECIPIENT is required to follow procurement procedures that ensure legal, fair, and open competition.

RECIPIENT must have a standard procurement process or follow current state procurement procedures. RECIPIENT may be required to provide written certification that they have followed their standard procurement procedures and applicable state law in awarding contracts under this Agreement.

ECOLOGY reserves the right to inspect and request copies of all procurement documentation, and review procurement practices related to this Agreement. Any costs incurred as a result of procurement practices not in compliance with state procurement law or the RECIPIENT's normal procedures may be disallowed at ECOLOGY's sole discretion.

10. DISPUTES

When there is a dispute with regard to the extent and character of the work, or any other matter related to this Agreement the determination of ECOLOGY will govern, although the RECIPIENT shall have the right to appeal decisions as provided for below:

- a) RECIPIENT notifies the funding program of an appeal request.
- b) Appeal request must be in writing and state the disputed issue(s).
- c) RECIPIENT has the opportunity to be heard and offer evidence in support of its appeal.
- d) ECOLOGY reviews the RECIPIENT's appeal.
- e) ECOLOGY sends a written answer within ten (10) business days, unless more time is needed, after concluding the review.

The decision of ECOLOGY from an appeal will be final and conclusive, unless within thirty (30) days from the date of such decision, the RECIPIENT furnishes to the Director of ECOLOGY a written appeal. The decision of the Director or duly authorized representative will be final and conclusive.

The parties agree that this dispute process will precede any action in a judicial or quasi-judicial tribunal.

Appeals of the Director's decision will be brought in the Superior Court of Thurston County. Review of the Director's decision will not be taken to Environmental and Land Use Hearings Office.

Pending final decision of a dispute, the RECIPIENT agrees to proceed diligently with the performance of this Agreement and in accordance with the decision rendered.

Nothing in this Agreement will be construed to limit the parties' choice of another mutually acceptable method, in addition to the dispute resolution procedure outlined above.

11. ENVIRONMENTAL DATA STANDARDS

- a) RECIPIENT shall prepare a Quality Assurance Project Plan (QAPP) for a project that collects or uses environmental measurement data. RECIPIENTS unsure about whether a QAPP is required for their project shall contact

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the ECOLOGY Program issuing the grant or loan. If a QAPP is required, the RECIPIENT shall:

- Use ECOLOGY's QAPP Template/Checklist provided by the ECOLOGY, unless ECOLOGY Quality Assurance (QA) officer or the Program QA coordinator instructs otherwise.

- Follow ECOLOGY's Guidelines for Preparing Quality Assurance Project Plans for Environmental Studies, July 2004 (Ecology Publication No. 04-03-030).

- Submit the QAPP to ECOLOGY for review and approval before the start of the work.

b) RECIPIENT shall submit environmental data that was collected on a project to ECOLOGY using the Environmental Information Management system (EIM), unless the ECOLOGY Program instructs otherwise. The RECIPIENT must confirm with ECOLOGY that complete and correct data was successfully loaded into EIM, find instructions at: <http://www.ecy.wa.gov/eim>.

c) RECIPIENT shall follow ECOLOGY's data standards when Geographic Information System (GIS) data is collected and processed. Guidelines for Creating and Accessing GIS Data are available at:

<https://ecology.wa.gov/Research-Data/Data-resources/Geographic-Information-Systems-GIS/Standards>. RECIPIENT, when requested by ECOLOGY, shall provide copies to ECOLOGY of all final GIS data layers, imagery, related tables, raw data collection files, map products, and all metadata and project documentation.

12. GOVERNING LAW

This Agreement will be governed by the laws of the State of Washington, and the venue of any action brought hereunder will be in the Superior Court of Thurston County.

13. INDEMNIFICATION

ECOLOGY will in no way be held responsible for payment of salaries, consultant's fees, and other costs related to the project described herein, except as provided in the Scope of Work.

To the extent that the Constitution and laws of the State of Washington permit, each party will indemnify and hold the other harmless from and against any liability for any or all injuries to persons or property arising from the negligent act or omission of that party or that party's agents or employees arising out of this Agreement.

14. INDEPENDENT STATUS

The employees, volunteers, or agents of each party who are engaged in the performance of this Agreement will continue to be employees, volunteers, or agents of that party and will not for any purpose be employees, volunteers, or agents of the other party.

15. KICKBACKS

RECIPIENT is prohibited from inducing by any means any person employed or otherwise involved in this Agreement to give up any part of the compensation to which he/she is otherwise entitled to or receive any fee, commission, or gift in return for award of a subcontract hereunder.

16. MINORITY AND WOMEN'S BUSINESS ENTERPRISES (MWBE)

RECIPIENT is encouraged to solicit and recruit, to the extent possible, certified minority-owned (MBE) and women-owned (WBE) businesses in purchases and contracts initiated under this Agreement.

Contract awards or rejections cannot be made based on MWBE participation; however, the RECIPIENT is encouraged to take the following actions, when possible, in any procurement under this Agreement:

- a) Include qualified minority and women's businesses on solicitation lists whenever they are potential sources of goods or services.

- b) Divide the total requirements, when economically feasible, into smaller tasks or quantities, to permit maximum participation by qualified minority and women's businesses.

- c) Establish delivery schedules, where work requirements permit, which will encourage participation of qualified

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minority and women's businesses.

d) Use the services and assistance of the Washington State Office of Minority and Women's Business Enterprises (OMWBE) (866-208-1064) and the Office of Minority Business Enterprises of the U.S. Department of Commerce, as appropriate.

17. ORDER OF PRECEDENCE

In the event of inconsistency in this Agreement, unless otherwise provided herein, the inconsistency shall be resolved by giving precedence in the following order: (a) applicable federal and state statutes and regulations; (b) The Agreement; (c) Scope of Work; (d) Special Terms and Conditions; (e) Any provisions or terms incorporated herein by reference, including the "Administrative Requirements for Recipients of Ecology Grants and Loans"; and (f) the General Terms and Conditions.

18. PRESENTATION AND PROMOTIONAL MATERIALS

ECOLOGY reserves the right to approve RECIPIENT's communication documents and materials related to the fulfillment of this Agreement:

- a) If requested, RECIPIENT shall provide a draft copy to ECOLOGY for review and approval ten (10) business days prior to production and distribution.
- b) RECIPIENT shall include time for ECOLOGY's review and approval process in their project timeline.
- c) If requested, RECIPIENT shall provide ECOLOGY two (2) final copies and an electronic copy of any tangible products developed.

Copies include any printed materials, and all tangible products developed such as brochures, manuals, pamphlets, videos, audio tapes, CDs, curriculum, posters, media announcements, or gadgets with a message, such as a refrigerator magnet, and any online communications, such as web pages, blogs, and twitter campaigns. If it is not practical to provide a copy, then the RECIPIENT shall provide a description (photographs, drawings, printouts, etc.) that best represents the item.

Any communications intended for public distribution that uses ECOLOGY's logo shall comply with ECOLOGY's graphic requirements and any additional requirements specified in this Agreement. Before the use of ECOLOGY's logo contact ECOLOGY for guidelines.

RECIPIENT shall acknowledge in the communications that funding was provided by ECOLOGY.

19. PROGRESS REPORTING

- a) RECIPIENT must satisfactorily demonstrate the timely use of funds by submitting payment requests and progress reports to ECOLOGY. ECOLOGY reserves the right to amend or terminate this Agreement if the RECIPIENT does not document timely use of funds.
- b) RECIPIENT must submit a progress report with each payment request. Payment requests will not be processed without a progress report. ECOLOGY will define the elements and frequency of progress reports.
- c) RECIPIENT shall use ECOLOGY's provided progress report format.
- d) Quarterly progress reports will cover the periods from January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31. Reports shall be submitted within thirty (30) days after the end of the quarter being reported.
- e) RECIPIENT must submit within thirty (30) days of the expiration date of the project, unless an extension has been approved by ECOLOGY, all financial, performance, and other reports required by the agreement and funding program guidelines. RECIPIENT shall use the ECOLOGY provided closeout report format.

20. PROPERTY RIGHTS

- a) Copyrights and Patents. When the RECIPIENT creates any copyrightable materials or invents any patentable property under this Agreement, the RECIPIENT may copyright or patent the same but ECOLOGY retains a royalty free, nonexclusive, and irrevocable license to reproduce, publish, recover, or otherwise use the material(s) or property, and to

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authorize others to use the same for federal, state, or local government purposes.

b) Publications. When the RECIPIENT or persons employed by the RECIPIENT use or publish ECOLOGY information; present papers, lectures, or seminars involving information supplied by ECOLOGY; or use logos, reports, maps, or other data in printed reports, signs, brochures, pamphlets, etc., appropriate credit shall be given to ECOLOGY.

c) Presentation and Promotional Materials. ECOLOGY shall have the right to use or reproduce any printed or graphic materials produced in fulfillment of this Agreement, in any manner ECOLOGY deems appropriate. ECOLOGY shall acknowledge the RECIPIENT as the sole copyright owner in every use or reproduction of the materials.

d) Tangible Property Rights. ECOLOGY's current edition of "Administrative Requirements for Recipients of Ecology Grants and Loans," shall control the use and disposition of all real and personal property purchased wholly or in part with funds furnished by ECOLOGY in the absence of state and federal statutes, regulations, or policies to the contrary, or upon specific instructions with respect thereto in this Agreement.

e) Personal Property Furnished by ECOLOGY. When ECOLOGY provides personal property directly to the RECIPIENT for use in performance of the project, it shall be returned to ECOLOGY prior to final payment by ECOLOGY. If said property is lost, stolen, or damaged while in the RECIPIENT's possession, then ECOLOGY shall be reimbursed in cash or by setoff by the RECIPIENT for the fair market value of such property.

f) Acquisition Projects. The following provisions shall apply if the project covered by this Agreement includes funds for the acquisition of land or facilities:

1. RECIPIENT shall establish that the cost is fair value and reasonable prior to disbursement of funds provided for in this Agreement.

2. RECIPIENT shall provide satisfactory evidence of title or ability to acquire title for each parcel prior to disbursement of funds provided by this Agreement. Such evidence may include title insurance policies, Torrens certificates, or abstracts, and attorney's opinions establishing that the land is free from any impediment, lien, or claim which would impair the uses intended by this Agreement.

g) Conversions. Regardless of the Agreement expiration date, the RECIPIENT shall not at any time convert any equipment, property, or facility acquired or developed under this Agreement to uses other than those for which assistance was originally approved without prior written approval of ECOLOGY. Such approval may be conditioned upon payment to ECOLOGY of that portion of the proceeds of the sale, lease, or other conversion or encumbrance which monies granted pursuant to this Agreement bear to the total acquisition, purchase, or construction costs of such property.

21. RECORDS, AUDITS, AND INSPECTIONS

RECIPIENT shall maintain complete program and financial records relating to this Agreement, including any engineering documentation and field inspection reports of all construction work accomplished.

All records shall:

- a) Be kept in a manner which provides an audit trail for all expenditures.
- b) Be kept in a common file to facilitate audits and inspections.
- c) Clearly indicate total receipts and expenditures related to this Agreement.
- d) Be open for audit or inspection by ECOLOGY, or by any duly authorized audit representative of the State of Washington, for a period of at least three (3) years after the final grant payment or loan repayment, or any dispute resolution hereunder.

RECIPIENT shall provide clarification and make necessary adjustments if any audits or inspections identify discrepancies in the records.

ECOLOGY reserves the right to audit, or have a designated third party audit, applicable records to ensure that the state has been properly invoiced. Any remedies and penalties allowed by law to recover monies determined owed will be enforced. Repetitive instances of incorrect invoicing or inadequate records may be considered cause for termination.

All work performed under this Agreement and any property and equipment purchased shall be made available to ECOLOGY and to any authorized state, federal or local representative for inspection at any time during the course of

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this Agreement and for at least three (3) years following grant or loan termination or dispute resolution hereunder. RECIPIENT shall provide right of access to ECOLOGY, or any other authorized representative, at all reasonable times, in order to monitor and evaluate performance, compliance, and any other conditions under this Agreement.

22. RECOVERY OF FUNDS

The right of the RECIPIENT to retain monies received as reimbursement payments is contingent upon satisfactory performance of this Agreement and completion of the work described in the Scope of Work.

All payments to the RECIPIENT are subject to approval and audit by ECOLOGY, and any unauthorized expenditure(s) or unallowable cost charged to this Agreement shall be refunded to ECOLOGY by the RECIPIENT.

RECIPIENT shall refund to ECOLOGY the full amount of any erroneous payment or overpayment under this Agreement.

RECIPIENT shall refund by check payable to ECOLOGY the amount of any such reduction of payments or repayments within thirty (30) days of a written notice. Interest will accrue at the rate of twelve percent (12%) per year from the time ECOLOGY demands repayment of funds.

Any property acquired under this Agreement, at the option of ECOLOGY, may become ECOLOGY's property and the RECIPIENT's liability to repay monies will be reduced by an amount reflecting the fair value of such property.

23. SEVERABILITY

If any provision of this Agreement or any provision of any document incorporated by reference shall be held invalid, such invalidity shall not affect the other provisions of this Agreement which can be given effect without the invalid provision, and to this end the provisions of this Agreement are declared to be severable.

24. STATE ENVIRONMENTAL POLICY ACT (SEPA)

RECIPIENT must demonstrate to ECOLOGY's satisfaction that compliance with the requirements of the State Environmental Policy Act (Chapter 43.21C RCW and Chapter 197-11 WAC) have been or will be met. Any reimbursements are subject to this provision.

25. SUSPENSION

When in the best interest of ECOLOGY, ECOLOGY may at any time, and without cause, suspend this Agreement or any portion thereof for a temporary period by written notice from ECOLOGY to the RECIPIENT. RECIPIENT shall resume performance on the next business day following the suspension period unless another day is specified by ECOLOGY.

26. SUSTAINABLE PRACTICES

In order to sustain Washington's natural resources and ecosystems, the RECIPIENT is fully encouraged to implement sustainable practices and to purchase environmentally preferable products under this Agreement.

- a) Sustainable practices may include such activities as: use of clean energy, use of double-sided printing, hosting low impact meetings, and setting up recycling and composting programs.
- b) Purchasing may include such items as: sustainably produced products and services, EPEAT registered computers and imaging equipment, independently certified green cleaning products, remanufactured toner cartridges, products with reduced packaging, office products that are refillable, rechargeable, and recyclable, and 100% post-consumer recycled paper.

For more suggestions visit ECOLOGY's web page: Green Purchasing, ,
<https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Sustainable-purchasing>.

27. TERMINATION

- a) For Cause

ECOLOGY may terminate for cause this Agreement with a seven (7) calendar days prior written notification to the

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RECIPIENT, at the sole discretion of ECOLOGY, for failing to perform an Agreement requirement or for a material breach of any term or condition. If this Agreement is so terminated, the parties shall be liable only for performance rendered or costs incurred in accordance with the terms of this Agreement prior to the effective date of termination. Failure to Commence Work. ECOLOGY reserves the right to terminate this Agreement if RECIPIENT fails to commence work on the project funded within four (4) months after the effective date of this Agreement, or by any date mutually agreed upon in writing for commencement of work, or the time period defined within the Scope of Work.

Non-Performance. The obligation of ECOLOGY to the RECIPIENT is contingent upon satisfactory performance by the RECIPIENT of all of its obligations under this Agreement. In the event the RECIPIENT unjustifiably fails, in the opinion of ECOLOGY, to perform any obligation required of it by this Agreement, ECOLOGY may refuse to pay any further funds, terminate in whole or in part this Agreement, and exercise any other rights under this Agreement. Despite the above, the RECIPIENT shall not be relieved of any liability to ECOLOGY for damages sustained by ECOLOGY and the State of Washington because of any breach of this Agreement by the RECIPIENT. ECOLOGY may withhold payments for the purpose of setoff until such time as the exact amount of damages due ECOLOGY from the RECIPIENT is determined.

b) For Convenience

ECOLOGY may terminate for convenience this Agreement, in whole or in part, for any reason when it is the best interest of ECOLOGY, with a thirty (30) calendar days prior written notification to the RECIPIENT, except as noted below. If this Agreement is so terminated, the parties shall be liable only for performance rendered or costs incurred in accordance with the terms of this Agreement prior to the effective date of termination.

Non-Allocation of Funds. ECOLOGY's ability to make payments is contingent on availability of funding. In the event funding from state, federal or other sources is withdrawn, reduced, or limited in any way after the effective date and prior to the completion or expiration date of this Agreement, ECOLOGY, at its sole discretion, may elect to terminate the Agreement, in whole or part, or renegotiate the Agreement, subject to new funding limitations or conditions. ECOLOGY may also elect to suspend performance of the Agreement until ECOLOGY determines the funding insufficiency is resolved. ECOLOGY may exercise any of these options with no notification or restrictions, although ECOLOGY will make a reasonable attempt to provide notice.

In the event of termination or suspension, ECOLOGY will reimburse eligible costs incurred by the recipient/contractor through the effective date of termination or suspension. Reimbursed costs must be agreed to by ECOLOGY and the recipient/contractor. In no event shall ECOLOGY's reimbursement exceed ECOLOGY's total responsibility under the agreement and any amendments.

If payments have been discontinued by ECOLOGY due to unavailable funds, the RECIPIENT shall not be obligated to repay monies which had been paid to the RECIPIENT prior to such termination.

RECIPIENT's obligation to continue or complete the work described in this Agreement shall be contingent upon availability of funds by the RECIPIENT's governing body.

c) By Mutual Agreement

ECOLOGY and the RECIPIENT may terminate this Agreement, in whole or in part, at any time, by mutual written agreement.

d) In Event of Termination

All finished or unfinished documents, data studies, surveys, drawings, maps, models, photographs, reports or other materials prepared by the RECIPIENT under this Agreement, at the option of ECOLOGY, will become property of ECOLOGY and the RECIPIENT shall be entitled to receive just and equitable compensation for any satisfactory work

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completed on such documents and other materials.

Nothing contained herein shall preclude ECOLOGY from demanding repayment of all funds paid to the RECIPIENT in accordance with Recovery of Funds, identified herein.

28. THIRD PARTY BENEFICIARY

RECIPIENT shall ensure that in all subcontracts entered into by the RECIPIENT pursuant to this Agreement, the state of Washington is named as an express third party beneficiary of such subcontracts with full rights as such.

29. WAIVER

Waiver of a default or breach of any provision of this Agreement is not a waiver of any subsequent default or breach, and will not be construed as a modification of the terms of this Agreement unless stated as such in writing by the authorized representative of ECOLOGY.

....

TITLE Forbes Creek Yard Smart Rain Rewards Grant Support! 7cgh9gha UN						
DEPARTMENT		COST CENTER		FUND		
Public Works - Utilities		Surface Water Engineering		Surface Water Mgmt Utility		
COUNCIL GOALS						
<input checked="" type="checkbox"/> Environment	<input type="checkbox"/> Parks and Open Spaces	<input type="checkbox"/> Financial Stability	<input type="checkbox"/> Balanced Transportation	<input type="checkbox"/> Housing		
<input type="checkbox"/> Human Services	<input type="checkbox"/> Dependable Infrastructure	<input type="checkbox"/> Economic Development	<input type="checkbox"/> Neighborhoods	<input type="checkbox"/> Public Safety		
DESCRIPTION						
2-year temporary position to assist with the Forbes Creek Yard Smart Rain Rewards grant program and related education/outreach programs						
JUSTIFICATION						
The City has been awarded a \$265,000 grant from the Washington State Department of Ecology ("Ecology"). Ecology's funding source for this grant is the National Estuary Program. The proposed project is to work with private residential and non-residential property owners with the goal of facilitating them to install small-scale stormwater facilities--such as cisterns and rain gardens--on their properties. The project involves providing education and consultations with landowners, encouraging them to identify what type of facilities to install on their property, then providing financial rebates to the property owners for the cost of the new facilities. Choosing to install such facilities is at the discretion of the property owner. The two-year estimated cost of the program for staff, supplies, and rebates is \$377,913, or \$112,913 more than the grant. Staff work for this project is proposed to be provided by a two-year, full-time temporary employee at an estimated two-year cost of \$218,486. Ecology has agreed to allow \$199,351 of its grant to be used for staffing (about 90-percent of the two-year staffing cost). The balance of the Ecology grant amount (\$65,649) would be used to pay for a portion of rebates and other program costs. The remaining portion of the budget for rebates and other program costs, and the remaining 10-percent for staffing costs, totals \$112,913 and is proposed to be paid by the City. The proposed source of City funds over the two-year period is \$60,000 from the Surface Water base budget and a one-time use of Surface Water reserves of \$52,913 (\$60,000 + \$52,913 = \$112,913).						
Is this Service Package tied to a CIP Project? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes CIP # _____						
NUMBER OF POSITIONS REQUESTED		Ongoing	0.00	One-Time	1.00	
COST SUMMARY		2019		2020		
		Ongoing	One-Time	Ongoing	One-Time	Total
Personnel Services		\$ -	\$ 107,057	\$ -	\$ 111,429	\$ 218,486
Supplies & Services		\$ -	\$ 80,727	\$ -	\$ 78,700	\$ 159,427
Other		\$ -	\$ -	\$ -	\$ -	\$ -
Total Service Package Cost		\$ -	\$ 187,784	\$ -	\$ 190,129	\$377,913
Expenditure Savings		\$ -	\$ 30,000	\$ -	\$ 30,000	\$ 60,000
Offsetting Revenue		\$ -	\$ 132,500	\$ -	\$ 132,500	\$ 265,000
Net Service Package Cost		\$ -	\$ 25,284	\$ -	\$ 27,629	\$52,913



CITY OF KIRKLAND
Human Resources Department
123 Fifth Avenue, Kirkland, WA 98033 425.587.3210
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Chris Thomas, Director of Human Resources

Date: August 24, 2018

Subject: Amendment of KMC Chapter 3.54 to **include "Lawful Permanent Residents" as qualified applicants for Civil Service positions**

RECOMMENDATION

That the Council adopt the attached revised ordinance amending Chapter 3.54 of the Kirkland **Municipal Code to include "lawful permanent residents" as qualified applicants for civil service positions as required by law.**

BACKGROUND DISCUSSION

The Washington State legislature passed Senate Bill 6145 in February, 2018 and the law became effective on June 7, 2018. A legislative copy of the Senate bill is attached for review.

Prior to the passage of this legislation, an applicant for a civil service position had to be a United States citizen. With the enactment of this Bill, the qualification **is now expanded to allow a "lawful permanent resident"** to also qualify for a civil service position. **"Lawful permanent resident"** is defined in United States Code, Title 8, Section 1101 (a) (20) as follows:

The term "lawfully admitted for permanent residence" means the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws, such status not having changed.

The Kirkland Civil Service Commission was advised of this legislation at a Commission meeting held on May 29, 2018. They were provided with a copy of the Senate Bill and after discussing the matter, agreed that KMC 3.54 should be updated to be consistent with the new law.

The Human Resources Department has advised the Police and Fire Departments of this legislation. HR staff have also edited civil service job postings and advertisements to reflect this change. In summary, **Kirkland's civil service system is required to substantially accomplish** the purpose of state law (per RCW 35A.11.020) and amending KMC Chapter 3.54 ensures that compliance.

This version of the ordinance has been amended in conformity with Council direction from its August 3, 2018, meeting. Specifically, changing the citation in KMC 3.54.10(6) from U.S.C. Sec. 61101(a)(20) to what it should have been, which is 8 U.S.C. Sec. 1101(a)(20) **defining a "lawful permanent resident."** **Too, this version has "or as hereafter amended" added to the end of KMC 3.54.130(6)** so that future modifications to 1101(a)(20) will be applicable.

*Attachments: Senate Bill 6145
Ordinance O-4653*

CERTIFICATION OF ENROLLMENT

SENATE BILL 6145

Chapter 32, Laws of 2018

65th Legislature
2018 Regular Session

CIVIL SERVICE APPLICANTS--QUALIFICATIONS

EFFECTIVE DATE: June 7, 2018

Passed by the Senate February 7, 2018
Yeas 31 Nays 17

CYRUS HABIB

President of the Senate

Passed by the House February 27, 2018
Yeas 84 Nays 14

FRANK CHOPP

Speaker of the House of Representatives

Approved March 9, 2018 2:05 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 6145** as passed by Senate and the House of Representatives on the dates hereon set forth.

BRAD HENDRICKSON

Secretary

FILED

March 9, 2018

**Secretary of State
State of Washington**

SENATE BILL 6145

Passed Legislature - 2018 Regular Session

State of Washington 65th Legislature 2018 Regular Session

By Senators Saldaña, Keiser, Dhingra, and Kuderer

Read first time 01/09/18. Referred to Committee on Law & Justice.

1 AN ACT Relating to civil service qualifications; amending RCW
2 41.08.070, 41.12.070, 41.14.100, 43.101.080, and 43.101.095; and
3 adding a new section to chapter 41.04 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 41.08.070 and 1972 ex.s. c 37 s 2 are each amended
6 to read as follows:

7 An applicant for a position of any kind under civil service under
8 the provisions of this chapter, must be a citizen of the United
9 States of America or a lawful permanent resident who can read and
10 write the English language.

11 An applicant for a position of any kind under civil service must
12 be of an age suitable for the position applied for, in ordinary good
13 health, of good moral character and of temperate and industrious
14 habits; these facts to be ascertained in such manner as the
15 commission may deem advisable.

16 **Sec. 2.** RCW 41.12.070 and 1972 ex.s. c 37 s 3 are each amended
17 to read as follows:

18 An applicant for a position of any kind under civil service under
19 the provisions of this chapter, must be a citizen of the United

1 States of America or a lawful permanent resident who can read and
2 write the English language.

3 An applicant for a position of any kind under civil service must
4 be of an age suitable for the position applied for, in ordinary good
5 health, of good moral character and of temperate and industrious
6 habits; these facts to be ascertained in such manner as the
7 commission may deem advisable.

8 An application for a position with a law enforcement agency may
9 be rejected if the law enforcement agency deems that it does not have
10 the resources to conduct the background investigation required
11 pursuant to chapter 43.101 RCW. Resources means materials, funding,
12 and staff time. Nothing in this section impairs an applicant's rights
13 under state antidiscrimination laws.

14 **Sec. 3.** RCW 41.14.100 and 1963 c 95 s 3 are each amended to read
15 as follows:

16 An applicant for a position of any kind under civil service under
17 the provisions of this chapter, must be a citizen of the United
18 States or a lawful permanent resident who can read and write the
19 English language.

20 An application for a position with a law enforcement agency may
21 be rejected if the law enforcement agency deems that it does not have
22 the resources to conduct the background investigation required
23 pursuant to chapter 43.101 RCW. Resources means materials, funding,
24 and staff time. Nothing in this section impairs an applicant's rights
25 under state antidiscrimination laws.

26 **Sec. 4.** RCW 43.101.080 and 2015 c 225 s 90 are each amended to
27 read as follows:

28 The commission shall have all of the following powers:

- 29 (1) To meet at such times and places as it may deem proper;
30 (2) To adopt any rules and regulations as it may deem necessary;
31 (3) To contract for services as it deems necessary in order to
32 carry out its duties and responsibilities;
33 (4) To cooperate with and secure the cooperation of any
34 department, agency, or instrumentality in state, county, and city
35 government, and other commissions affected by or concerned with the
36 business of the commission;

1 (5) To do any and all things necessary or convenient to enable it
2 fully and adequately to perform its duties and to exercise the power
3 granted to it;

4 (6) To select and employ an executive director, and to empower
5 him or her to perform such duties and responsibilities as it may deem
6 necessary;

7 (7) To assume legal, fiscal, and program responsibility for all
8 training conducted by the commission;

9 (8) To establish, by rule and regulation, standards for the
10 training of criminal justice personnel where such standards are not
11 prescribed by statute;

12 (9) To own, establish, and operate, or to contract with other
13 qualified institutions or organizations for the operation of,
14 training and education programs for criminal justice personnel and to
15 purchase, lease, or otherwise acquire, subject to the approval of the
16 department of enterprise services, a training facility or facilities
17 necessary to the conducting of such programs;

18 (10) To establish, by rule and regulation, minimum curriculum
19 standards for all training programs conducted for employed criminal
20 justice personnel;

21 (11) To review and approve or reject standards for instructors of
22 training programs for criminal justice personnel, and to employ
23 personnel on a temporary basis as instructors without any loss of
24 employee benefits to those instructors;

25 (12) To direct the development of alternative, (~~innovate~~
26 ~~[innovative]~~) innovative, and interdisciplinary training techniques;

27 (13) To review and approve or reject training programs conducted
28 for criminal justice personnel and rules establishing and prescribing
29 minimum training and education standards recommended by the training
30 standards and education boards;

31 (14) To allocate financial resources among training and education
32 programs conducted by the commission;

33 (15) To allocate training facility space among training and
34 education programs conducted by the commission;

35 (16) To issue diplomas certifying satisfactory completion of any
36 training or education program conducted or approved by the commission
37 to any person so completing such a program;

38 (17) To provide for the employment of such personnel as may be
39 practical to serve as temporary replacements for any person engaged
40 in a basic training program as defined by the commission;

1 (18) To establish rules and regulations recommended by the
2 training standards and education boards prescribing minimum standards
3 relating to physical, mental and moral fitness which shall govern the
4 recruitment of criminal justice personnel where such standards are
5 not prescribed by statute or constitutional provision;

6 (19) To require county, city, or state law enforcement agencies
7 that make a conditional offer of employment to an applicant as a
8 fully commissioned peace officer or a reserve officer to administer a
9 background investigation including a check of criminal history,
10 verification of immigrant or citizenship status as either a citizen
11 of the United States of America or a lawful permanent resident, a
12 psychological examination, and a polygraph test or similar assessment
13 to each applicant, the results of which shall be used by the employer
14 to determine the applicant's suitability for employment as a fully
15 commissioned peace officer or a reserve officer. The background
16 investigation, psychological examination, and the polygraph
17 examination shall be administered in accordance with the requirements
18 of RCW 43.101.095(2). The employing county, city, or state law
19 enforcement agency may require that each peace officer or reserve
20 officer who is required to take a psychological examination and a
21 polygraph or similar test pay a portion of the testing fee based on
22 the actual cost of the test or four hundred dollars, whichever is
23 less. County, city, and state law enforcement agencies may establish
24 a payment plan if they determine that the peace officer or reserve
25 officer does not readily have the means to pay for his or her portion
26 of the testing fee;

27 (20) To promote positive relationships between law enforcement
28 and the citizens of the state of Washington by allowing commissioners
29 and staff to participate in the "chief for a day program." The
30 executive director shall designate staff who may participate. In
31 furtherance of this purpose, the commission may accept grants of
32 funds and gifts and may use its public facilities for such purpose.
33 At all times, the participation of commissioners and staff shall
34 comply with chapter 42.52 RCW and chapter 292-110 WAC.

35 All rules and regulations adopted by the commission shall be
36 adopted and administered pursuant to the administrative procedure
37 act, chapter 34.05 RCW, and the open public meetings act, chapter
38 42.30 RCW.

1 **Sec. 5.** RCW 43.101.095 and 2011 c 234 s 2 are each amended to
2 read as follows:

3 (1) As a condition of continuing employment as peace officers,
4 all Washington peace officers: (a) Shall timely obtain certification
5 as peace officers, or timely obtain certification or exemption
6 therefrom, by meeting all requirements of RCW 43.101.200, as that
7 section is administered under the rules of the commission, as well by
8 meeting any additional requirements under this chapter; and (b) shall
9 maintain the basic certification as peace officers under this
10 chapter.

11 (2)(a) As a condition of continuing employment for any applicant
12 who has been offered a conditional offer of employment as a fully
13 commissioned peace officer or a reserve officer after July 24, 2005,
14 including any person whose certification has lapsed as a result of a
15 break of more than twenty-four consecutive months in the officer's
16 service as a fully commissioned peace officer or reserve officer, the
17 applicant shall submit to a background investigation including a
18 check of criminal history, verification of immigrant or citizenship
19 status as either a citizen of the United States of America or a
20 lawful permanent resident, a psychological examination, and a
21 polygraph or similar assessment as administered by the county, city,
22 or state law enforcement agency, the results of which shall be used
23 to determine the applicant's suitability for employment as a fully
24 commissioned peace officer or a reserve officer.

25 (i) The background investigation including a check of criminal
26 history shall be administered by the county, city, or state law
27 enforcement agency that made the conditional offer of employment in
28 compliance with standards established in the rules of the commission.

29 (ii) The psychological examination shall be administered by a
30 psychiatrist licensed in the state of Washington pursuant to chapter
31 18.71 RCW or a psychologist licensed in the state of Washington
32 pursuant to chapter 18.83 RCW, in compliance with standards
33 established in rules of the commission.

34 (iii) The polygraph test shall be administered by an experienced
35 polygrapher who is a graduate of a polygraph school accredited by the
36 American polygraph association and in compliance with standards
37 established in rules of the commission.

38 (iv) Any other test or assessment to be administered as part of
39 the background investigation shall be administered in compliance with
40 standards established in rules of the commission.

1 (b) The employing county, city, or state law enforcement agency
2 may require that each peace officer or reserve officer who is
3 required to take a psychological examination and a polygraph or
4 similar test pay a portion of the testing fee based on the actual
5 cost of the test or four hundred dollars, whichever is less. County,
6 city, and state law enforcement agencies may establish a payment plan
7 if they determine that the peace officer or reserve officer does not
8 readily have the means to pay for his or her portion of the testing
9 fee.

10 (3) The commission shall certify peace officers who have
11 satisfied, or have been exempted by statute or by rule from, the
12 basic training requirements of RCW 43.101.200 on or before January 1,
13 2002. Thereafter, the commission may revoke certification pursuant to
14 this chapter.

15 (4) The commission shall allow a peace officer to retain status
16 as a certified peace officer as long as the officer: (a) Timely meets
17 the basic law enforcement training requirements, or is exempted
18 therefrom, in whole or in part, under RCW 43.101.200 or under rule of
19 the commission; (b) meets or is exempted from any other requirements
20 under this chapter as administered under the rules adopted by the
21 commission; (c) is not denied certification by the commission under
22 this chapter; and (d) has not had certification revoked by the
23 commission.

24 (5) As a prerequisite to certification, as well as a prerequisite
25 to pursuit of a hearing under RCW 43.101.155, a peace officer must,
26 on a form devised or adopted by the commission, authorize the release
27 to the commission of his or her personnel files, termination papers,
28 criminal investigation files, or other files, papers, or information
29 that are directly related to a certification matter or
30 decertification matter before the commission.

31 (6) The commission is authorized to receive criminal history
32 record information that includes nonconviction data for any purpose
33 associated with employment by the commission or peace officer
34 certification under this chapter. Dissemination or use of
35 nonconviction data for purposes other than that authorized in this
36 section is prohibited.

37 (7) For a national criminal history records check, the commission
38 shall require fingerprints be submitted and searched through the
39 Washington state patrol identification and criminal history section.

1 The Washington state patrol shall forward the fingerprints to the
2 federal bureau of investigation.

3 NEW SECTION. **Sec. 6.** A new section is added to chapter 41.04
4 RCW to read as follows:

5 "Lawful permanent resident" has the same meaning afforded a
6 person "lawfully admitted for permanent residence" in 8 U.S.C. Sec.
7 1101(a)(20), as of the effective date of this section.

Passed by the Senate February 7, 2018.

Passed by the House February 27, 2018.

Approved by the Governor March 9, 2018.

Filed in Office of Secretary of State March 9, 2018.

--- END ---

ORDINANCE O-4653

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE AMENDMENT OF KIRKLAND MUNICIPAL CODE CHAPTER 3.54 TO INCLUDE LAWFUL PERMANENT RESIDENTS OF THE UNITED STATES AS QUALIFYING APPLICANTS FOR CIVIL SERVICE POSITIONS AS REQUIRED BY LAW.

1 WHEREAS, the Washington State legislature recently passed
2 Senate Bill 6145, which extended the right to apply for Civil Service
3 positions with the state from only United States citizens to also include
4 lawful permanent residents of the United States; and

5
6 WHEREAS, RCW 35A.11.020 requires that code city civil service
7 systems must substantially accomplish the same purpose as provided
8 by state law; and

9
10 WHEREAS, amending KMC 3.54.050 and 3.54.130 to include
11 lawful permanent residents of the United States as qualified applicants
12 **for Civil Service positions will enable the City's civil service system to**
13 substantially accomplish the same purpose as state law.

14
15 NOW, THEREFORE, the City Council of the City of Kirkland do
16 ordain as follows:

17
18 Section 1. Kirkland Municipal Code Section 3.54.050 is amended
19 to read as follows:

20
21 3.54.050 Qualifications of applicants.

22 An applicant for a position of any kind under civil service must be a
23 citizen of the United States of America or a lawful permanent resident
24 who can read and write the English language. An applicant for a position
25 of any kind under civil service must be of an age suitable for the position
26 applied for, in ordinary good health, of good moral character and of
27 temperate and industrious habits; these facts to be ascertained in such
28 manner as the commission may deem advisable. Notwithstanding any
29 provision of this chapter actually or seemingly to the contrary, all other
30 qualifications for applicants for a position of any kind under civil service
31 will be determined by the appointing authority or power.

32
33 Section 2. Kirkland Municipal Code Section 3.54.130 is amended
34 to read as follows:

35
36 3.54.130 Definitions.

37 As used in this chapter, the following mentioned terms shall have the
38 following described meanings:

39 **(1) "Appointing authority or power" includes every person or group of**
40 **persons who, acting singly or in conjunction, as the city manager, or the**
41 **city manager's designee, is, or are, invested with power and authority**
42 **to select, appoint, or employ any person to hold any office, place,**
43 **position or employment subject to civil service.**

44 (2) "Appointment" includes all means of selection, appointing or
45 employing any person to hold any office, place, position or employment
46 subject to civil service.

47 (3) "Commission" means the civil service commission created in this
48 chapter, and "commissioner" means any one of the three commissioners
49 of that commission.

50 (4) "Full paid fire department" or "full paid firefighter" means that the
51 officers and firemen employed in such are paid regularly by the city and
52 devote their whole time to firefighting and fire prevention activities and
53 emergency medical services.

54 (5) "Full paid police department" or "full paid police officer" means
55 that the officers and policemen employed in such are paid regularly by
56 the city and devote their whole time to police duty.

57 (6) "Lawful permanent resident" has the same meaning afforded a
58 person "lawfully admitted for permanent residence" in 8 U.S.C. Sec.
59 1101(a)(20), as of the effective date of this section or as hereafter
60 amended.

61
62 Section 3. If any provision of this ordinance or its application to
63 any person or circumstance is held invalid, the remainder of the
64 ordinance or the application of the provision to other persons or
65 circumstances is not affected.

66
67 Section 4. This ordinance shall be in force and effect five days
68 from and after its passage by the Kirkland City Council and publication,
69 as required by law.

70
71 Passed by majority vote of the Kirkland City Council in open
72 meeting this ____ day of _____, 2018.

73
74 Signed in authentication thereof this ____ day of
75 _____, 2018.

Amy Walen, Mayor

Attest:

Kathi Anderson, City Clerk

Approved as to Form:

Kevin Raymond, City Attorney



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

MEMORANDUM

To: Kurt Triplett, City Manager

From: Katy Coleman, Sr. Development Engineering Analyst
Kathy Brown, Public Works Director

Date: August 21, 2018

Subject: RESOLUTION TO RECOGNIZE THE VACATION OF AND RELINQUISH ANY AND ALL OF **THE CITY'S INTEREST**, EXCEPT FOR A UTILITY EASEMENT, IN UNOPENED RIGHT-OF-WAY VAC-18-00329, "**CANTRELL**"

RECOMMENDATION:

It is recommended that the City Council adopt the attached Resolution recognizing the vacation of and relinquishing any and all interest, except for a utility easement, in a portion of unopened right-of-way abutting the parcel at 630-9th Avenue. Specifically, the subject right-of-way is identified as the south 8 feet of the unopened alley abutting the north boundary of the following described property: Lots 44 and 45, Block 169, Town of Kirkland, according to the plat thereof recorded in Volume 6 of Plats, page 53, records of King County, Washington.

Approval of this memo by adopting the Consent Calendar will recognize the vacation of and authorize relinquishing interest, except for a utility easement, in said right-of-way.

BACKGROUND DISCUSSION:

The unopened portion of the right-of-way abutting the property of 630-9th Avenue (see Attachment 1) originally was platted and dedicated in 1890 as Town of Kirkland. The "Five Year Non-User Statute" in Washington State law 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 remained unopened or unimproved for five continuous years, is then vacated. This area was part of the original incorporation of the City in 1905. The subject right-of-way has not been opened or improved. By operation of law it has been vacated, though it still appears on the City's records as unopened right-of-way.

The King County **Recorder's Office** will not recognize such de facto right-of-way vacations unless the jurisdiction in which it is located takes legislative action. In Kirkland, when property owners request acknowledgement of such right-of-way vacations City staff asks for supporting documentation and, if satisfactory, asks the Council to act on a Resolution that recognizes the vacation and relinquishes interest in the property, if any. This method is accepted by King County.

Colin and Janine Cantrell, owners of the property abutting this unopened right-of-way, submitted information to the City documenting that the right-of-way is subject to the Five Year Non-User Statute (Vacation by Operation of Law), Laws of 1889, Chapter 19, Section 32. In this case, the City has asked the owners to grant the City a utility easement within the unopened right-of-way to provide options in the future for both the City and the property owners. There are no utilities in this proposed easement area at this time.

After reviewing this information, the City Attorney concurs with the owners, and recommends approval of the enclosed Resolution to bring closure to the matter.

Attachment 1: Site and Vicinity Map

Attachment 2: Proposed Resolution



- Cantrell Property
- Proposed Vacation Recognition
- Other Pending Vacation Recognition
- Non-User Vacations Recognized

**Cantrell Property
Non-User Vacation Exhibit
630 9th Avenue**



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RESOLUTION R - 5330

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND RECOGNIZING THE VACATION OF AND RELINQUISHING ANY INTEREST THE CITY MAY HAVE, EXCEPT FOR A UTILITY EASEMENT, IN AN UNOPENED RIGHT-OF-WAY AS DESCRIBED HEREIN AND REQUESTED BY PROPERTY OWNERS COLIN M. AND JANINE M. CANTRELL.

1 WHEREAS, the City has received a request to recognize that
2 any rights to the lands originally dedicated in 1890 as right-of-way
3 within a portion of the Town of Kirkland plat has been vacated by
4 operation of law; and

5
6 WHEREAS, the Laws of 1889, Chapter 19, Section 32, provide
7 that any county road that remains unopened for five years after
8 authority is granted for opening the same is vacated by operation of
9 law at that time; and

10
11 WHEREAS, the area that is the subject of this request was part
12 of the original incorporation of the City of Kirkland in 1905, with the
13 referenced right-of-way having been unopened; and

14
15 WHEREAS, in this context, it is in the public interest to resolve
16 this matter by agreement.

17
18 NOW, THEREFORE, be it resolved by the City Council of the
19 City of Kirkland as follows:

20
21 Section 1. As requested by the property owners Colin and
22 Janine Cantrell, the City Council of the City of Kirkland hereby
23 recognizes that the following described right-of-way has been vacated
24 by operation of law and relinquishes any and all interest it may have,
25 except for a utility easement, in the portion of vacated right-of-way
26 described as follows:

27
28 The south 8 feet of the unopened alley, or whatever
29 portion remains for recognition of possible vacation by this
30 Resolution, abutting the north boundary of the following
31 described property: Lots 44 and 45, Block 169, Town of
32 Kirkland, according to the plat thereof recorded in Volume
33 6 of Plats, page 53, records of King County, Washington.

34
35 Section 2. This resolution does not affect any third party rights
36 in the property, if any.

37
38 Passed by majority vote of the Kirkland City Council in open
39 meeting this ____ day of _____, 2018

40
41

Signed in authentication thereof this _____ day of _____, 2018.

Amy Walen, Mayor

Attest:

Kathi Anderson, City Clerk



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

MEMORANDUM

To: Kurt Triplett, City Manager

From: Katy Coleman, Sr. Development Engineering Analyst
Kathy Brown, Public Works Director

Date: August 21, 2018

Subject: RESOLUTION TO RECOGNIZE THE VACATION OF AND RELINQUISH ANY AND ALL OF **THE CITY'S INTEREST**, EXCEPT FOR A UTILITY EASEMENT, IN UNOPENED RIGHT-OF-WAY VAC-18-00357, "**SAMION PACIFIC LLC**"

RECOMMENDATION:

It is recommended that the City Council adopt the attached Resolution recognizing the vacation of and relinquishing any and all interest, except for a utility easement, in a portion of unopened right-of-way abutting the parcel at 635-10th Avenue. Specifically, the subject right-of-way is identified the north 8 feet of the unopened alley abutting the south boundary of the following described property: the west 10 feet of Lot 21 and all of Lots 22 and 23, Block 169, Town of Kirkland, according to the plat thereof recorded in Volume 6 of Plats, page 53, records of King County, Washington.

Approval of this memo by adopting the Consent Calendar will recognize the vacation of and authorize relinquishing any and all interest, except for a utility easement, in said right-of-way.

BACKGROUND DISCUSSION:

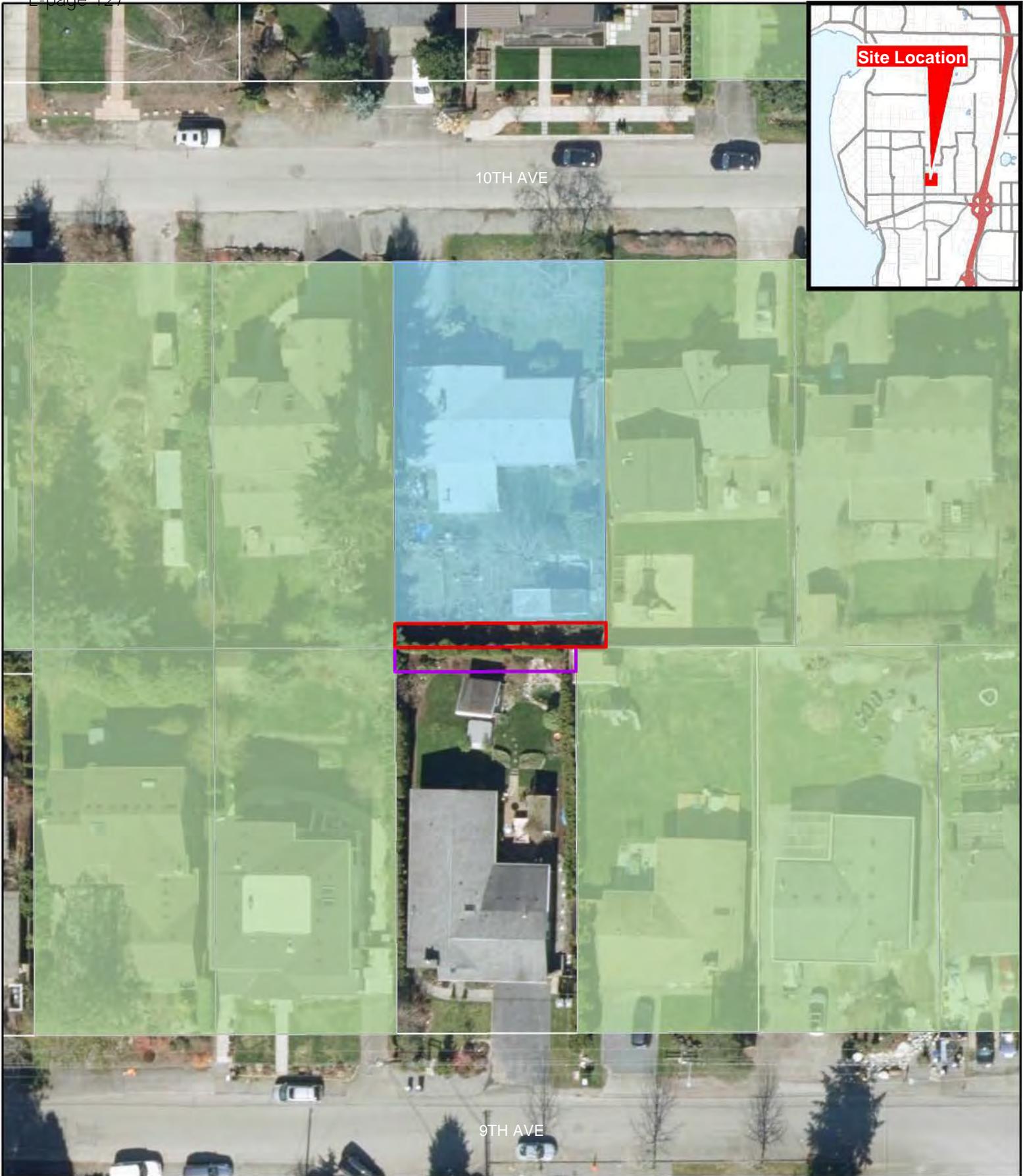
The unopened portion of the right-of-way abutting the property of 635-10th Avenue (see Attachment 1) originally was platted and dedicated in 1890 as Town of Kirkland. The "Five Year Non-User Statute" in Washington State law provides that any street or right-of-way platted, dedicated, or deeded prior to March 12, 1904, which was outside City jurisdiction when dedicated, and which remained unopened or unimproved for five continuous years, is then vacated. This area was part of the original incorporation of the City in 1905. The subject right-of-way has not been opened or improved. By operation of law it has been vacated, though it **still appears on the City's records as unopened right-of-way.**

The King County Recorder's Office will not recognize such de facto right-of-way vacations unless the jurisdiction in which it is located takes legislative action. In Kirkland, when property owners request acknowledgement of such right-of-way vacations the City asks for supporting documentation and, if satisfactory, asks the Council to act on a Resolution that recognizes the vacation and relinquishes interest in the property, if any. This method is accepted by King County.

Samion Pacific LLC, owner of the property abutting this right-of-way, submitted information to the City documenting the right-of-way was subject to the Five Year Non-User Statute (Vacation by Operation of Law), Laws of 1889, Chapter 19, Section 32. In this case, the City has asked the owners to grant the City a utility easement within the unopened right-of-way to provide options in the future for both the City and the property owners. There are no utilities in this proposed easement area at this time.

After reviewing this information, the City Attorney concurs with the owner, and recommends approval of the enclosed Resolution to bring closure to the matter.

Attachment 1: Site and Vicinity Map
Attachment 2: Resolution



- Samion Pacific, LLC Property
- Proposed Vacation Recognition
- Other Pending Vacation Recognition
- Non-User Vacations Recognized

**Samion Pacific, LLC
Non-User Vacation Exhibit
635 10th Avenue**



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RESOLUTION R - 5331

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND RECOGNIZING THE VACATION OF AND RELINQUISHING ANY INTEREST THE CITY MAY HAVE, EXCEPT FOR A UTILITY EASEMENT, IN AN UNOPENED RIGHT-OF-WAY AS DESCRIBED HEREIN AND REQUESTED BY PROPERTY OWNER SAMION PACIFIC, LLC.

1 WHEREAS, the City has received a request to recognize that
2 any rights to the lands originally dedicated in 1890 as right-of-way
3 within a portion of the Town of Kirkland plat has been vacated by
4 operation of law; and

5
6 WHEREAS, the Laws of 1889, Chapter 19, Section 32, provide
7 that any county road that remains unopened for five years after
8 authority is granted for opening the same is vacated by operation of
9 law at that time; and

10
11 WHEREAS, the area that is the subject of this request was part
12 of the original incorporation of the City of Kirkland in 1905, with the
13 referenced right-of-way having been unopened; and

14
15 WHEREAS, in this context it is in the public interest to resolve
16 this matter by agreement.

17
18 NOW, THEREFORE, be it resolved by the City Council of the
19 City of Kirkland as follows:

20
21 Section 1. As requested by the property owner Samion Pacific,
22 LLC, the City Council of the City of Kirkland hereby recognizes that the
23 following described right-of-way has been vacated by operation of law
24 and relinquishes all interest it may have, except for a utility easement,
25 in the portion of the vacated right-of-way described as follows:

26
27 The north 8 feet of the unopened alley, or whatever
28 portion remains for recognition of possible vacation by this
29 Resolution, abutting the south boundary of the following
30 described property: the west 10 feet of Lot 21 and all of
31 Lots 22 and 23, Block 169, Town of Kirkland, according to
32 the plat thereof recorded in Volume 6 of Plats, page 53,
33 records of King County, Washington.

34
35 Section 2. This resolution does not affect any third party rights
36 in the property, if any.

37
38 Passed by majority vote of the Kirkland City Council in open
39 meeting this ____ day of _____, 2018.

40
41

Signed in authentication thereof this _____ day of _____, 2018.

Amy Walen, Mayor

Attest:

Kathi Anderson, City Clerk



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

MEMORANDUM

To: Kurt Triplett, City Manager

From: Katy Coleman, Sr. Development Engineering Analyst
Kathy Brown, Public Works Director

Date: August 21, 2018

Subject: RESOLUTION TO RECOGNIZE THE VACATION OF AND RELINQUISH ANY AND ALL OF **THE CITY'S INTEREST**, EXCEPT FOR A WATER LINE EASEMENT IN 15TH AVENUE, IN UNOPENED RIGHT-OF-WAY VAC-18-00168, "**PETER KIRK ELEMENTARY**"

RECOMMENDATION:

It is recommended that the City Council adopt the attached Resolution recognizing the vacation of and relinquishing any and all interest, except for a water main easement in 15th Avenue, in portions of unopened rights-of-way abutting three parcels owned by the Lake Washington School District No. 414: 1) 1312-6th Street (Peter Kirk Elementary School); 2) 1306-6th Street; and 3) 632-14th Place. Specifically, the subject rights-of-way are identified in Exhibits A and B of the Resolution.

Approval of this memo by adopting the Consent Calendar will recognize the vacation of and authorize relinquishing any and all interest, except for a water line easement in 15th Avenue, in said rights-of-way.

BACKGROUND DISCUSSION:

The unopened portion of the rights-of-way abutting the subject properties (see Attachment 1) originally were platted and dedicated in 1890 by two plats; Lake Avenue Addition to Kirkland, and Supplementary Plat of Central Addition to Kirkland. The "Five Year Non-User Statute" in Washington State law 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. This area was part of the original incorporation of the City in 1905. The subject rights-of-way have not been opened or improved. **By operation of law they have been vacated, though they still appear on the City's records as unopened rights-of-way.**

The King County Recorder's Office will not recognize such **de facto right**-of-way vacations unless the jurisdiction in which it is located takes legislative action. In Kirkland, when property owners request acknowledgement of such right-of-way vacations City staff asks for supporting documentation and, if satisfactory, asks the Council to act on a Resolution that recognizes the vacation and relinquishes interest in the property, if any. This method is accepted by King County.

As the map shows (see Attachment A), there are several unopened rights-of-way impacting the Peter Kirk Elementary School site, with the old/existing school building itself having been built over two of them. The proposed Resolution would recognize the vacation of all of these rights-of-way, but the City would retain a water line easement in 15th Avenue. There is presently a domestic water main in that location.

Separately from this action, as part of the permitting process for the redeveloping school, the City required an east/west non-motorized connection to the Cross Kirkland Corridor (CKC). This new connection meanders mostly westward from where the CKC intersects with the alignment of 13th Avenue, but it does not strictly follow any of the vacated rights-of-way. Requiring this connection was to fulfill the policy intent in the Cross Kirkland Corridor Master Plan, which calls for a CKC connection along the alignment of 14th Place. Because it was identified during the permit process that there are some environmental constraints in the vacated 14th Place area, the decision was made to make the connection a little to the south of where the plan indicates.

The Lake Washington School District, owner of the properties abutting these rights-of-way, submitted information to the City documenting that the rights-of-way were subject to the Five Year Non-User Statute (Vacation by Operation of Law), Laws of 1889, Chapter 19, Section 32.

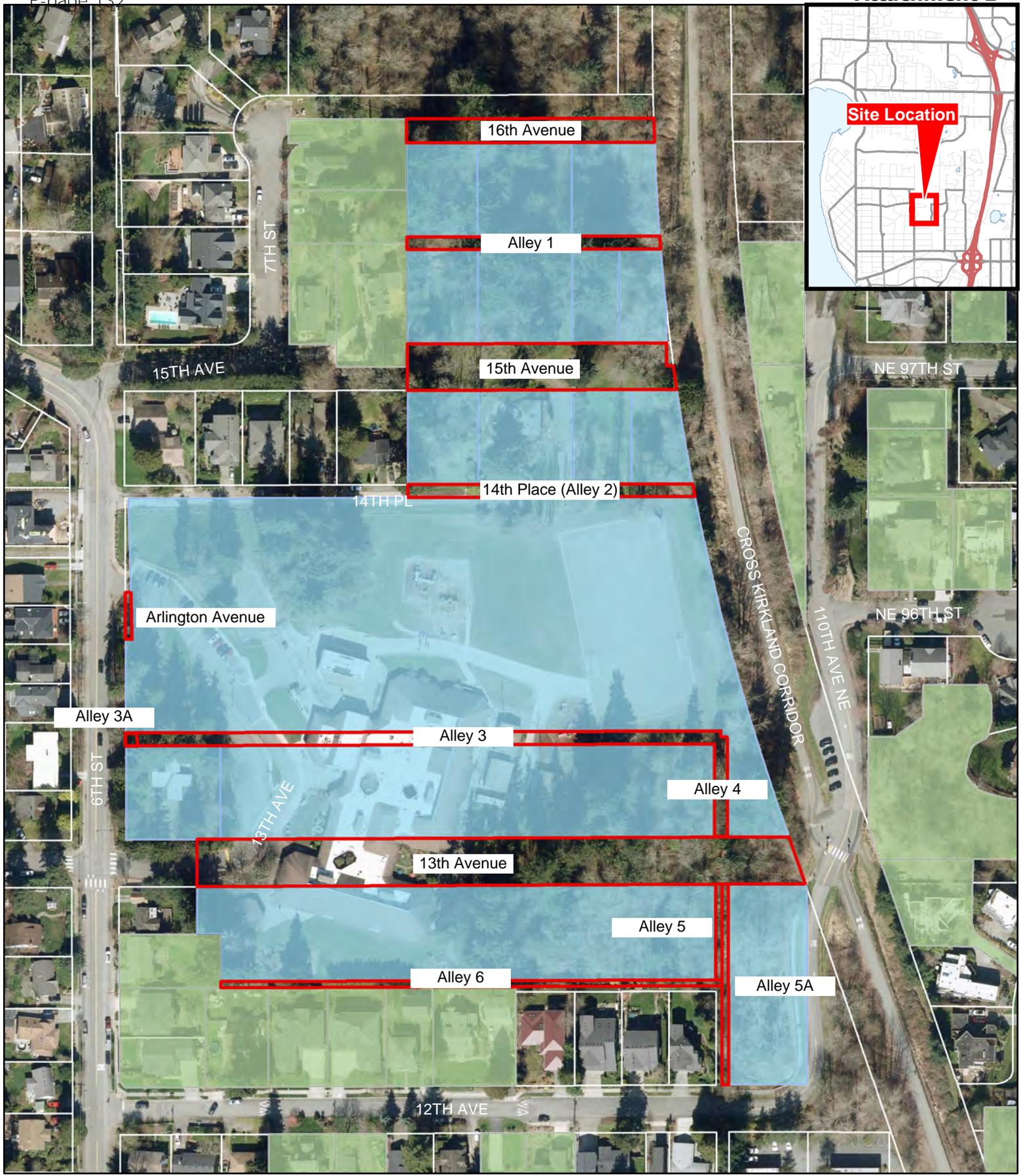
After reviewing this information, the City Attorney concurs with the owner, and recommends approval of the enclosed Resolution to bring closure to the matter.

Attachment 1: Site and Vicinity Map

Attachment 2: Proposed Resolution

Exhibit A to Proposed Resolution: Property Descriptions

Exhibit B to Proposed Resolution: Map of Vacated Areas



**Peter Kirk Elementary
Non-User Vacation Exhibit
1312 6th St and others**

- LWSD #414 Properties
- Proposed Vacation Recognition
- Non-User Vacations Recognized



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RESOLUTION R - 5332

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND RECOGNIZING THE VACATION OF AND RELINQUISHING ANY INTEREST THE CITY MAY HAVE, EXCEPT FOR A WATER LINE EASEMENT, IN UNOPENED RIGHTS-OF-WAY AS DESCRIBED HEREIN AND REQUESTED BY PROPERTY OWNER LAKE WASHINGTON SCHOOL DISTRICT NO. 414.

1 WHEREAS, the City has received a request to recognize that
2 any rights to the land originally dedicated in 1890 as rights-of-way
3 within portions of Lake Avenue Addition to Kirkland and
4 Supplementary Plat of Central Addition to Kirkland have been vacated
5 by operation of law; and

6
7 WHEREAS, the Laws of 1889, Chapter 19, Section 32, provide
8 that any county road which remains unopened for five years after
9 authority is granted for opening the same is vacated by operation of
10 law at that time; and

11
12 WHEREAS, the area which is the subject of this request was
13 part of the original incorporation of the City of Kirkland in 1905, with
14 the referenced rights-of-way having been unopened; and

15
16 WHEREAS, in this context it is in the public interest to resolve
17 this matter by agreement.

18
19 NOW, THEREFORE, be it resolved by the City Council of the
20 City of Kirkland as follows:

21
22 Section 1. As requested by the property owner, Lake
23 Washington School District No. 414, the City Council of the City of
24 Kirkland hereby recognizes that the rights-of-way described in Exhibits
25 A and B have been vacated by operation of law, and relinquishes any
26 and all interest it may have in them; except for a water line easement
27 in 15th Avenue (Moreton Avenue) in that vacated right-of-way
28 described in Exhibits A and B.

29
30 Section 2. This resolution does not affect any third party rights
31 in the property, if any.

32
33 Passed by majority vote of the Kirkland City Council in open
34 meeting this ____ day of _____, 2018.

35
36 Signed in authentication thereof this ____ day of
37 _____, 2018.

Amy Walen, Mayor

Attest:

Kathi Anderson, City Clerk

EXHIBIT A**16th Avenue (Harrison Avenue):**

The south 30 feet of unopened 16th Avenue (Harrison Avenue), or whatever portion remains for recognition of possible vacation by this Resolution, abutting the north boundary of the following described property: Lots 3 through 13, Block 12, Lake Avenue Addition to Kirkland, according to the plat thereof recorded in Volume 6 of Plats, Page(s) 86, records of King County, Washington; EXCEPT any portion lying easterly of the westerly line of the right-of-way of the Northern Pacific Railway.

“Alley 1”:

The unopened alley right-of-way, or whatever portion remains for recognition of possible vacation by this Resolution, abutting the following described boundaries of the following described properties: The south boundary of Lots 3 through 13, and the north boundary of Lots 38 through 48; all in Block 12, Lake Avenue Addition to Kirkland, according to the plat thereof recorded in Volume 6 of Plats, Page(s) 86, records of King County, Washington; EXCEPT any portion lying easterly of the westerly line of the right-of-way of the Northern Pacific Railway.

15th Avenue (Moreton Avenue):

The unopened 15th Avenue (Moreton Avenue), or whatever portion remains for recognition of possible vacation by this Resolution, abutting the following described boundaries of the following described properties: the south boundary of lots 38 through 48, Block 12, and the north boundary of lots 2 through 13, Block 13; all in Lake Avenue Addition to Kirkland, according to the plat thereof recorded in Volume 6 of Plats, Page(s) 86, records of King County, Washington; EXCEPT any portion lying easterly of the westerly line of the right-of-way of the Northern Pacific Railway.

“Alley 2” (14th Place):

The unopened alley right-of-way (14th Place) , or whatever portion remains for recognition of possible vacation by this Resolution, abutting the following described boundaries of the following described properties: the south boundary of Lots 2 through 13, and the north boundary of Lots 38 through 50; all in Block 13, Lake Avenue Addition to Kirkland, according to the plat thereof recorded in Volume 6 of Plats, Page(s) 86, records of King County, Washington; EXCEPT any portion lying easterly of the westerly line of the right-of-way of the Northern Pacific Railway.

Arlington Avenue:

The unopened Arlington Avenue, or whatever portion remains for recognition of possible vacation by this Resolution, abutting the following described boundaries of the following described properties: the south boundary of Tract F and the north boundary of Tract G; all in Supplementary Plat of Central Addition to Kirkland, according to the plat thereof recorded in Volume 6 of Plats, page 85, records of King County, Washington.

EXHIBIT A (continued)**“Alley 3”:**

The unopened alley right-of-way, or whatever portion remains for recognition of possible vacation by this Resolution, abutting the following described boundaries of the following described properties: the south boundary of Lots 1 through 25, together with that portion of vacated alley adjoining; and the north boundary of Lots 26 through 50, together with that portion of vacated alley adjoining; all in Lake Avenue Addition to Kirkland, according to the plat thereof recorded in Volume 6 of Plats, Page(s) 86, records of King County, Washington.

“Alley 3A”:

The unopened alley right-of-way, or whatever portion remains for recognition of possible vacation by this Resolution, abutting the following described boundaries of the following described properties: the south boundary of Tract G and the north boundary of Tract H; all in Supplementary Plat of Central Addition to Kirkland, according to the plat thereof recorded in Volume 6 of Plats, page 85, records of King County, Washington.

13th Avenue (Jefferson Avenue):

The unopened 13th Avenue (Jefferson Avenue) , or whatever portion remains for recognition of possible vacation by this Resolution, abutting the following described boundaries of the following described properties: the south boundary of Lots 30 through 50, Block 20; and the north boundary of Lots 1 through 21, Block 21; and the south boundary of Lot 10, Block 19; and the north boundary of Lot 1, Block 22; all in Lake Avenue Addition to Kirkland, according to the plat thereof recorded in Volume 6 of Plats, Page(s) 86, records of King County, Washington; EXCEPT any portion lying easterly of the westerly line of the right-of-way of the Northern Pacific Railway.

“Alley 4”:

The unopened alley right-of-way, or whatever portion remains for recognition of possible vacation by this Resolution, abutting the following described boundaries of the following described properties: the east boundary of Lot 50, Block 20, and the west boundary of lots 6 through 10, Block 19; all in Lake Avenue Addition to Kirkland, according to the plat thereof recorded in Volume 6 of Plats, Page(s) 86, records of King County, Washington; EXCEPT any portion lying easterly of the westerly line of the right-of-way of the Northern Pacific Railway.

“Alley 5”:

The west 8 feet of unopened alley right-of-way, or whatever portion remains for recognition of possible vacation by this Resolution, abutting the east boundary of the following described property: Lot 1, Block 21, Lake Avenue Addition to Kirkland, according to the plat thereof recorded in Volume 6 of Plats, Page(s) 86, records of King County, Washington.

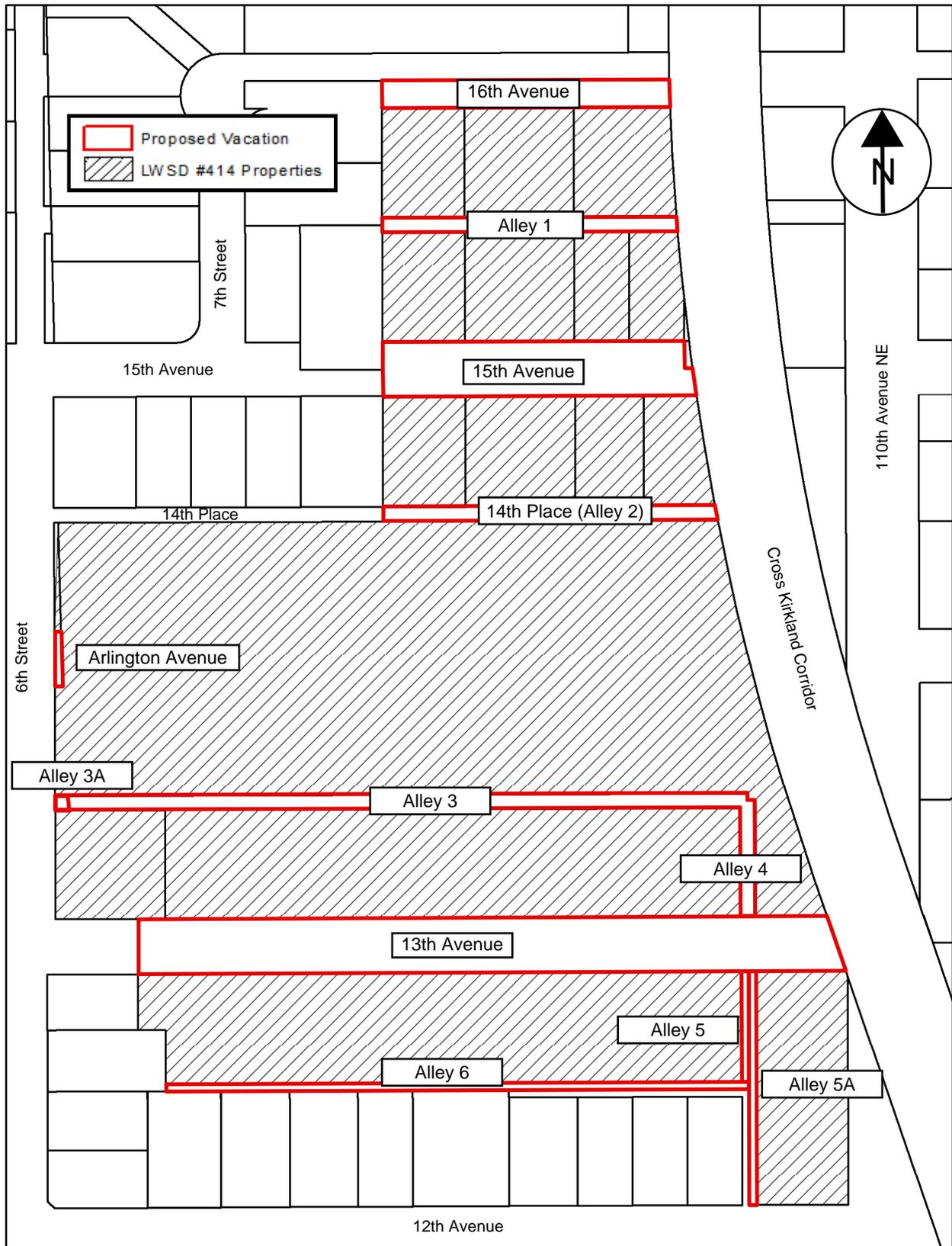
EXHIBIT A (continued)**“Alley 5A”:**

The east 8 feet of unopened alley right-of-way, or whatever portion remains for recognition of possible vacation by this Resolution, abutting the west boundary of the following described property: Lots 1 through 10, Block 22, Lake Avenue Addition to Kirkland, according to the plat thereof recorded in Volume 6 of Plats, Page(s) 86, records of King County, Washington; EXCEPT any portion lying easterly of the westerly line of the right-of-way of the Northern Pacific Railway.

“Alley 6”:

The north 8 feet of unopened alley right-of-way, or whatever portion remains for recognition of possible vacation by this Resolution, abutting the south boundary of the following described property: Lots 1 through 21, Block 21, Lake Avenue Addition to Kirkland, according to the plat thereof recorded in Volume 6 of Plats, Page(s) 86, records of King County, Washington.

Exhibit B





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

MEMORANDUM

To: Kurt Triplett, City Manager

From: Kathi Anderson, City Clerk
Michael Olson, Director of Finance and Administration

Date: August 16, 2018

Subject: Resignation and Appointment of Transportation Commission Member

RECOMMENDATION:

That Council acknowledges receipt of **Xander Fiss'** resignation from the Kirkland Transportation Commission, authorizes the attached draft response thanking him for his past year of service, and appoints alternate Douglas Jacobson to the remainder of the unexpired term.

BACKGROUND DISCUSSION:

Mr. Fiss has communicated his resignation effective August 3, 2018. Council had selected Douglas Jacobson as the alternate Transportation Commission appointee at their March 27, 2018 special meeting. Mr. Jacobson has confirmed his continued interest in serving on the Commission. If Council confirms their selection, **Mr. Jacobson's** appointment to the unexpired term would be effective September 4, 2018 and end March 31, 2021.

By approving the consent calendar the Council authorizes these actions.

On Aug 3, 2018, at 6:12 PM,

Xander Fiss <XFiss@kirklandwa.gov<mailto:XFiss@kirklandwa.gov>> wrote:

City Council,

Due to changing life circumstances, I am choosing to resign my position on Kirkland's Transportation Commission. Thank you for the opportunity to participate in Kirkland's governing process.

Sincerely,

Xander Fiss

DRAFT

September 4, 2018

Xander Fiss

Kirkland, Washington 98033

Dear Mr. Fiss,

We have received your resignation from the Kirkland Transportation Commission.

The City Council appreciates your contributions to the Commission during your past year of service, and we thank you for volunteering your time and talent to serve the Kirkland community.

Best wishes in your current and future endeavors.

Sincerely,

Kirkland City Council

By Amy Walen,
Mayor



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

MEMORANDUM

To: Kurt Triplett, City Manager

From: Kathi Anderson, City Clerk
Michael Olson, Director of Finance and Administration

Date: September 4, 2018

Subject: Resignation of Tourism Development Committee Member

RECOMMENDATION:

That Council acknowledges receipt of **Sue Rosenfield's** resignation from the Kirkland Tourism Development Committee and authorizes the attached resignation letter and draft response thanking her for her past year of service.

BACKGROUND DISCUSSION:

Ms. Rosenfield has communicated her resignation effective August 7, 2018. **The City Clerk's** Office has begun a recruitment to fill this vacancy for the remainder of the unexpired term.

By approving the consent calendar the Council authorizes these actions.

From: Sue Rosenfield
Sent: Tuesday, August 07, 2018 4:29 PM
To: Kathi Anderson
Cc: Ellen Miller-Wolfe; Philly Marsh
Subject: Re: Resignation from Kirkland TDC

Please accept this this email as my official resignation from the Kirkland Tourism Development Committee effective immediately. As of August 1st, I am no longer working with the Kirkland Arts Center. Thank you for the opportunity to serve the City of Kirkland on the committee. If I have an opportunity to work or live in Kirkland again, I would be more than happy to serve in another capacity for this beautiful community.

My contact information is below.

Sincerely,

Sue Rosenfield

DRAFT

September 4, 2018

Dear Ms. Rosenfield,

We have received your letter of resignation from the Kirkland Tourism Development Committee.

The City Council appreciates your contributions to the Committee during your term of service, and we thank you for volunteering your time and talent to serve the Kirkland community.

Best wishes in your current and future endeavors.

Sincerely,

Kirkland City Council

By Amy Walen,
Mayor



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

MEMORANDUM

To: Kurt Triplett, City Manager

From: Archie Ferguson, Fleet Manager
Kathy Brown, Public Works Director

Date: July 23, 2018

Subject: SURPLUS OF EQUIPMENT RENTAL VEHICLE

RECOMMENDATION:

It is recommended that the City Council approve the surplus of the Equipment Rental vehicles identified in this memo and thus remove them **from the City's Equipment Rental Replacement Schedule**.

Approval of the consent calendar will authorize these vehicle surplus actions.

BACKGROUND DISCUSSION:

The surplus of vehicles and equipment that have been replaced with new vehicles or equipment, or that no longer **meet the needs of the City, is consistent with the City's Equipment Rental Replacement Schedule Policy**. Under this policy, if approved by City Council, vehicles and equipment are sold or disposed of in accordance with the *Kirkland Municipal Code*, chapter 3.86, "Sale and Disposal of Surplus Personal Property."

The criteria for replacement are reviewed annually for each vehicle by Fleet Management prior to making a recommendation. Replacement criteria include the following:

- Wear and tear on the engine, drive train, and transmission;
- Condition of the structural body and major component parts;
- **The vehicle's frequency and nature of** past repairs;
- **Changes in the vehicle's** mission as identified by the department it serves;
- Changes in technology;
- Vehicle right-sizing;
- The impact of future alternative fuels usage; and/or
- Specific vehicle replacement funding accrued.

The decision to replace a vehicle requires the consensus of the Fleet Management staff and the operating department. Vehicles should be replaced close to the point where major repairs and expenses occur in order to maximize their usefulness without sacrificing resale value, with consideration given to **the vehicle's established accounting life**.

The accounting life of a vehicle is the number of years of anticipated useful life to City operations. The accounting life is determined by historical averages and replacement cycles of

Memorandum to Kurt Triplett

Page 2

actual City vehicles. The accounting life provides a timeline basis for the accrual of vehicle Replacement Reserve charges. At the end of the established useful life, there should be sufficient funds in the Replacement Reserve Fund to purchase a similar replacement vehicle. The accounting life is a guideline only, and the actual usage of vehicles typically vary from averages.

The City of Kirkland standard accounting life for a vehicle, which is also consistent with the industry standard, is eight years or 80,000 miles, whichever comes first. This life is also supported by FleetAnswers.com which recently published Municipal Vehicle Replacement Trends. Among cities, the average age of replacement for cars is 6.7 years, for class 1-5 trucks it is 7.7 years, and for police vehicles it is four years. The City's standard for Fire Engines/Pumpers and for Fire Ladder/Aerial apparatus is 18 years.

The following equipment is recommended for surplus by this memo:

<u>Fleet #</u>	<u>Year</u>	<u>Make & Model</u>	<u>License</u>	<u>Mileage</u>
PU-56	2005	Dodge Grand Caravan	39475D	31,395
F213	2006	Chevrolet Suburban	42067D	24,693
F217	2008	Chevrolet Uplander	47452D	37,515
F219	2010	Chevrolet Suburban	50360D	123,796

PU-56 was assigned to Park's Recreation Services. The unit has exceeded the normal anticipated useful life by four years.

F213 was assigned to Fire Operations. The unit has exceeded the normal anticipated useful life by three years.

F217 was assigned to Fire Preparedness (EOM). The unit has exceeded the normal anticipated useful life by two years, and there have been changes in the vehicle's mission.

F219 was assigned to Fire Training. The unit is due for replacement this year and has exceeded the normal anticipated mileage by 43,000 miles.



CITY OF KIRKLAND

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

MEMORANDUM

To: Kurt Triplett, City Manager

From: Greg Piland, Purchasing Agent

Date: August 15, 2018

Subject: REPORT ON PROCUREMENT ACTIVITIES FOR COUNCIL MEETING OF September 4, 2018.

This report is provided to apprise the Council of recent and upcoming procurement activities where the cost is estimated or known to be in excess of \$50,000. The **"Process" column on the table indicates the process being used to determine the award of the contract.**

The **City's major procurement activities** initiated since the last report dated July 6, 2018 are as follows:

	Project	Process	Estimate/Price	Status
1.	Cedar View Park Storm Connection Project	Job Order Contracting	\$113,221.84	Work order issued to Saybr Contractors of Tacoma, WA.
2.	6 th Street South Water and Sewer Main Replacement Project	Invitation for bids	\$2,143,440.20	Contract awarded to Shoreline Construction of Woodinville, WA.
3.	Market Street Storm Main Rehabilitation Project	Request for bids	\$840,211.00	Contract awarded to Michels Corporation of Salem, OR.
4.	Lakefront Pedestrian and Bicycle Improvements Project	Invitation for bids	\$2,042,777.00	Contract awarded to C.A. Carey Corporation of Issaquah, WA.

Please contact Greg Piland if you have any questions regarding this report.



CITY OF KIRKLAND
Planning and Building Department
123 5th Avenue, Kirkland, WA 98033
425.587.3600 - www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Allison Zike, AICP, Planner
Adam Weinstein, AICP, Deputy Planning Director
Eric Shields, AICP, Planning and Building Director

Date: August 21, 2018

Subject: Satterberg Short Plat Appeal Hearing
SUB17-00733

RECOMMENDATION

The City Council should consider the appeal of the Planning and Building **Director's** decision approving the Satterberg short plat filed by Brenda Krauth and direct staff to return to the September 18, 2018 Council meeting with a resolution to:

1. Affirm the decision of the Planning and Building Director;
2. Reverse the decision of the Planning and Building Director; or,
3. Modify the decision of the Planning and Building Director.

The City Council may, by a vote of at least five members, suspend the rule to vote on the matter at the next meeting and vote on the appeal at this meeting. In the event the City Council votes **to affirm the Director's decision** at this meeting, a draft resolution is enclosed.

Staff recommends that the City Council affirm the decision of the Planning and Building Director because the appellant has not provided sufficient evidence to **demonstrate that the Planning and Building Director's decision was incorrect.**

PROCEDURE

City Council Rules of Procedure

Under the Council Rules of Procedure, the City Council shall consider a Process I appeal at one meeting and vote on the application at the next or a subsequent meeting. As mentioned previously, the City Council may, by a vote of at least

five members, suspend the rule to vote on the matter at the next meeting and vote on the application at this meeting. The Council vote shall occur within 90 calendar days of the date on which the letter of appeal was filed. In this case, the appeal was filed on July 12, 2018, and 90 calendar days is October 10, 2018.

City Council Consideration

Kirkland Municipal Code section 22.20.245 states that the Council will decide on **an appeal of the Planning Director's decision on a short plat when 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. In this case, the new public road is not proposed to be constructed with development of the short plat, but the dedication of the 70th **Avenue NE 'panhandle' has potential to be part of a future** through road connection.

Pursuant to Chapter 145 of the Zoning Code, the City Council must consider the appeal in an open record appeal hearing. The scope of the appeal is limited to **the specific elements of the Planning Director's decision disputed in the letter of appeal**, and the City Council may only consider comments, testimony and arguments on these specific elements.

The appellant, applicant, and any person who submitted written comments or information to the Planning Director on the application during the comment period established in the Notice of Application may participate in the appeal hearing. However, a party who signed a petition may not participate in the appeal unless such party also submitted independent written comments or information. The applicant may submit a written response to an appeal filed by an appellant. Further, the City Council, in its discretion, may ask questions of the appellant, applicant, parties of record or staff regarding facts in the record, and may request oral argument on legal issues. The City Council may reasonably limit the extent of the oral testimony to facilitate the orderly and timely conduct of the hearing. For instance, the Council may limit each side (proponents and opponents) to speak for a maximum of ten minutes each.

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

BACKGROUND

Project Proposal

The applicant, The Blueline Group, has proposed to divide a 2.42 acre parcel through an Integrated Development Plan (IDP) short plat (File No. SUB17-00733) into seven lots in the RSA 4 zone. The subject property is located at

13220 69th Avenue NE within the Holmes Point Overlay. See Enclosure 1 for the site plan for the proposal. The RSA 4 zone is a single-family residential zone with a minimum lot size of 7,600 square feet.

Access to Lots 2 and 3 would be from a new access easement off of the expanded 69th Avenue NE right-of-way. Access to Lots 1, and 4-7 would be via a new right-of-way road of NE 133rd Street to be developed with the short plat, connecting the existing 69th Avenue NE right-of-way to the newly dedicated 70th Avenue NE right-of-way. The Public Works Department is requiring that the existing privately owned 'panhandle' of 70th Avenue NE be dedicated as public right-of-way with this short plat, but is not requiring any improvement of that right-of-way at this time. Improvement of 70th Avenue NE may occur if other properties in the vicinity are developed in the future. The Public Works Department is requiring NE 133rd Street to be blocked off by bollards (or a similar barrier) from 70th Avenue NE, so that it cannot be accessed by through traffic.

Planning Director Decision

The criteria for approving a short plat is as follows:

- Municipal Code section 22.20.140 states that the Planning and Building Director may approve a short subdivision only if:
 1. There are adequate provisions for open spaces, drainage ways, rights-of-way, easements, water supplies, sanitary waste, power service, parks, playgrounds, and schools; and
 2. It will serve the public use and interest and is consistent with the public health, safety, and welfare. The Planning and Building Director shall be guided by the policy and standards and may exercise the powers and authority set forth in Revised Code of Washington (RCW) 58.17.
- Zoning Code section 145.45 states that the Planning and Building Director may approve a short subdivision only if:
 3. It is consistent with all applicable development regulations and, to the extent there is no applicable development regulation, the Comprehensive Plan; and
 4. It is consistent with the public health, safety, and welfare.

On June 22, 2018, the Planning Director approved the application pursuant to the above criteria and subject to the conditions outlined in the staff report (see Enclosure 2).

APPEAL***Appeal of Planning Director's Decision***

On July 12, 2018, appellant Brenda Krauth filed a timely appeal of the Planning and Building Director's decision approving the short plat with conditions. Ms. **Krauth's July 12, 2018** appeal letter and a follow-up clarification email dated July 16, 2018 are included as Enclosure 3. The appellant is contesting the location of a turnaround and other access and utility locations for the proposed development, and raises concerns about tree protection. The applicant, Murray Franklyn, submitted written testimony in response to the appeal, dated August 22, 2018 (see Enclosure 4).

Staff Analysis

KZC Section 145.80 requires that staff prepare an analysis of the specific factual findings and conclusions disputed in the letter(s) of appeal. Of the appeal items submitted by the appellant, only one was identified by staff as relevant to the decisional criteria for a short plat approval. Below is the relevant appeal item **followed by staff's analysis** (other issues not relevant to the appeal are addressed under "Other Issues," below).

Delivery Truck Turn-around: The appellant raises the issue of a delivery truck turnaround that is associated with the plat development and is shown on the **appellant's** private property at 13305 70th Avenue NE (see Enclosure 1). The appellant considers this an encroachment onto their property, and states that the turnaround was not shown on the map published for public comment (Notice of Application) or in the maps included in the Notice of Decision.

*Staff Response: **The City's Zoning Code** states that the Fire Department may require a temporary emergency vehicle turnaround on dead-end streets which are longer than 200 feet and will be connected in the future. To meet this requirement, **the applicant's** preliminary plans contained **within the Director's Decision show a hammerhead turnaround on the appellant's property at 13305 70th Avenue NE (shown below), but this location was not specifically approved by staff at the short plat review stage. Instead, the Notice of Decision was issued with the following Condition of Approval from the Public Works Department (see Enclosure 2, page 43):***

Provide a fire department turn-around at the east end of NE 133rd Street in a temporary easement. The turn-around may be released

upon the completion of 70th Avenue NE. A turn-around is not required if lots are sprinklered, coordinate with the Fire Department.

***The Condition of Approval contained within the Director's Decision** requires only the provision of the turnaround (or the alternative of providing home sprinklers) but indicates that the review of the location of the turnaround will occur with **the City's review of the required land surface modification permit**. The short plat approval, including the referenced condition of approval, does not need to be fundamentally **altered or denied in order for the City to ensure that Ms. Krauth's concern about easement rights are adequately addressed**.*

The condition of approval meets the City's code requirement, and there was no error made in the Director's decision relevant to application of the code. Staff could potentially approve the hammerhead on an adjacent property through review of the land surface modification permit, but would require proof of adequate easement rights granted by the property owner prior to doing so.

Other Issues

Most of the items **raised in the appellant's letter** are outside the scope of the short plat decisional criteria, either because the City does not have regulatory authority to require the item as a condition of the short plat, or because it is most appropriate to finalize the review and confirm compliance during the land surface modification and/or building permit stages of the project.

The appellant's points of concern, while not identified by staff as appeal issues, are listed below followed by a staff analysis.

1. Decommissioning NE 133rd Street Gravel Easement: The appellant states that the three properties utilizing an existing gravel road within an existing access easement across the southern portion of the parcels addressed 13304 69th Avenue NE, 6916 NE 133rd Street, and 13305 70th Avenue NE will be approaching the City about decommissioning that easement and utilizing the newly developed NE 133rd Street right-of-way in the future.

Staff Response: Staff has provided information to the involved parties on this topic, which is not within the scope of the short plat decision nor appeal.

2. Relocation of Utilities: The appellant requests that utilities currently located within the existing easement across the southern portion of the parcels addressed 13304 69th Avenue NE, 6916 NE 133rd Street, and

13305 70th Avenue NE, be relocated to the newly developed NE 133rd Street right-of-way.

Staff Response: The City does not have the authority to require the relocation of electric (PSE), water (Northshore Utility District), or sewer (Northshore Utility District) utilities administered by other agencies, and as such, this item cannot be added to the scope of work under the short plat approval. This comment was considered informational only, and is not considered a basis for appeal.

3. Tree Retention/Protection: The appellant questions how potential impacts to a tree on her property would be mitigated when the subject short plat is developed and the new NE 133rd Street right-of-way is paved.

Staff Response: Tree #8287 as shown on the **applicant's Tree Retention Plan is located on the appellant's property at 13305 70th Avenue NE, adjacent to the NE 133rd Street right-of-way to be dedicated and developed with the short plat.** Tree protection measures for this tree have been proposed by the **applicant's arborist** and **approved by the City's Development Review Arborist.** The Notice of Decision includes a Condition of Approval that requires the applicant to follow the approved Tree Retention Plan. This comment by the appellant was considered an inquiry for information and not a basis for appeal. Staff will review the land surface modification and building permits to ensure the approved tree retention plan is followed.

4. Right to Address Issues Previously Undiscovered: The appellant has **included the following statement in appeal letter (see Enclosure 3): "I reserve the right to review/appeal/discuss further discoverable issues within the Notice of Decision that were changed such as the plat map."**

Staff Response: Per the procedures discussed in the City Council Consideration section above, the appeal hearing can only consider issues **already raised in the appellant's appeal letter.** The appellant will have an opportunity to submit relevant additional written comments prior to the meeting, and provide written and/or verbal comments at the City Council hearing. Additional issues not originally submitted in the appeal letter cannot be raised for the first time at the appeal hearing.

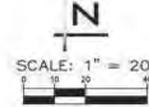
ENCLOSURES

1. Applicant Proposal
2. SUB17-00733 Satterberg Short Plat, Planning Director Decision and Attachments

3. Appeal Letter(s) filed by Brenda Krauth
4. Written Testimony submitted by applicant, Murray Franklyn

SW1/4, SW1/4, SEC. 24, TWP. 26 N, RGE. 4 E, W.M.
MATCHLINE, SEE SHEET IDP-02

SUB17-00733 APPEAL
ENCLOSURE
APPROVED DP PLAN



STCR	DETAILS	STA / OFF
SSMH 1	RM 412.19 8" E 408.48 (N-E) 8" E 406.48 (OUT-N)	10+25.06, 5.00' LT
SSMH 2	RM 417.50 8" E 408.10 (N-E) 8" E 408.10 (N-S) 8" E 409.00 (OUT-W)	10+98.74, 4.94' LT
SSMH 2A	RM 418.94 8" E 412.10 (N-E) 8" E 412.10 (N-S)	30+56.01, 60.82' RT
SSMH 3	RM 425.30 8" E 416.00 (OUT-W)	13+21.81, 5.00' LT

NOTES

- SEE SHEET CV-D1 FOR DIMENSIONS OF ROW DEDICATION, EASEMENTS, LOT LINES, FIRE TRUCK TURNING MANEUVERS AND DELIVERY TRUCK TURN-AROUNDS.
- REFER ALSO TO PRELIMINARY SHORT PLAT PREPARED BY GORE.
- EXISTING ON-SITE BUILDINGS AND HARSCAPE TO BE REMOVED.

STORMWATER VAULT INFO	
FINISHED GRADE OVER VAULT	VARIABLES (412.00 TO 416.00)
INSIDE TOP OF VAULT EL	411.50
OUTSIDE TOP OF VAULT EL	410.50
LIVE STORAGE REQUIRED	20,832 OF
LIVE STORAGE PROPOSED (164'x11.75'x5.6')	21,582 OF
BOTTOM OF LIVE EL	404.40
DEAD STORAGE REQUIRED (CELL 2 ONLY)	4,504 OF
DEAD STORAGE PROVIDED (164'x11.75'x4')	7,708 OF
TOP OF DEAD EL	404.40
BOTTOM OF DEAD EL	400.40
10.5' SEDIMENT STORAGE REQUIRED FOR CELL 1, 1.0' SEDIMENT STORAGE REQUIRED FOR CELL 2	

UNDERGROUND UTILITY NOTE

UNDERGROUND UTILITIES ARE SHOWN IN THE APPROXIMATE LOCATION. THERE IS NO GUARANTEE THAT ALL UTILITY LINES ARE SHOWN, OR THAT THE LOCATION, SIZE AND MATERIAL IS ACCURATE. THE CONTRACTOR SHALL UNCOVER ALL INDICATED PIPING WHERE CROSSING, INTERFERENCES, OR CONNECTIONS OCCUR PRIOR TO TRENCHING OR EXCAVATION FOR ANY PIPE OR STRUCTURES. TO DETERMINE ACTUAL LOCATIONS, SIZE AND MATERIAL, THE CONTRACTOR SHALL MAKE THE APPROPRIATE PROVISION FOR PROTECTION OF SAID FACILITIES. THE CONTRACTOR SHALL NOTIFY ONE CALL AT 8-1-1 (WASHINGTON1.COM) AND ARRANGE FOR FIELD LOCATION OF EXISTING FACILITIES BEFORE CONSTRUCTION.

Project tie-in to existing storm drainage system connecting to pipe in NE 130th Pl. right-of-way

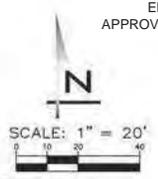
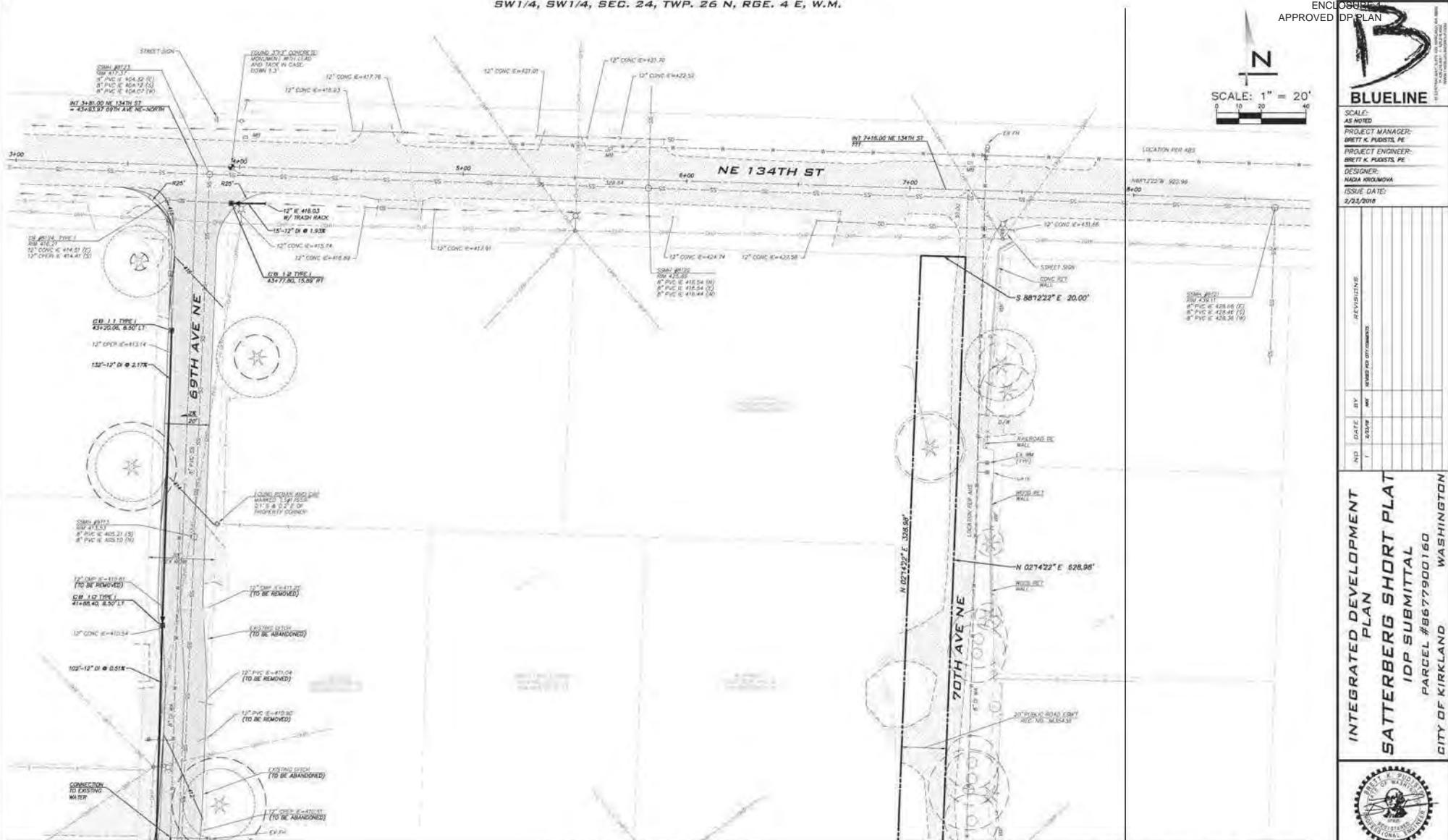
INTEGRATED DEVELOPMENT PLAN
SATTERBERG SHORT PLAT
IDP SUBMITTAL
PARCEL #8667900160
WASHINGTON



2/23/16
JOB NUMBER
17-261
SHEET NUMBER
IDP-01
SHT 3 OF 10

SW1/4, SW1/4, SEC. 24, TWP. 26 N, RGE. 4 E, W.M.

SUB17-00733 APPEAL
ENCLOSURE
APPROVED DP PLAN



SCALE: AS NOTED
PROJECT MANAGER:
BRETT K. PUDISTIL, PE
PROJECT ENGINEER:
BRETT K. PUDISTIL, PE
DESIGNER:
NADIA KROLKOVA
ISSUE DATE:
2/21/2018

NO.	DATE	BY	DESCRIPTION
1			

INTEGRATED DEVELOPMENT PLAN
SATTERBERG SHORT PLAT
IDP SUBMITTAL
PARCEL #86677900160
WASHINGTON



2/23/18
JOB NUMBER:
17-281
SHEET NUMBER:
IDP-02
SHT 4 OF 10

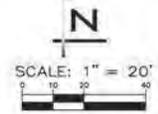
MATCHLINE, SEE SHEET IDP-01

UNDERGROUND UTILITY NOTE
UNDERGROUND UTILITIES ARE SHOWN IN THE APPROXIMATE LOCATION. THERE IS NO GUARANTEE THAT ALL UTILITY LINES ARE SHOWN, OR THAT THE LOCATION, SIZE AND MATERIAL IS ACCURATE. THE CONTRACTOR SHALL UNCOVER ALL INDICATED PIPING WHERE CROSSING, INTERFERENCES, OR CONNECTIONS OCCUR PRIOR TO TRENCHING OR EXCAVATION FOR ANY PIPE OR STRUCTURES, TO DETERMINE ACTUAL LOCATIONS, SIZE AND MATERIAL. THE CONTRACTOR SHALL MAKE THE APPROPRIATE PROVISION FOR PROTECTION OF SAID FACILITIES. THE CONTRACTOR SHALL NOTIFY ONE CALL AT 8-1-1 (WASHINGTON1.COM) AND ARRANGE FOR FIELD LOCATION OF EXISTING FACILITIES BEFORE CONSTRUCTION.

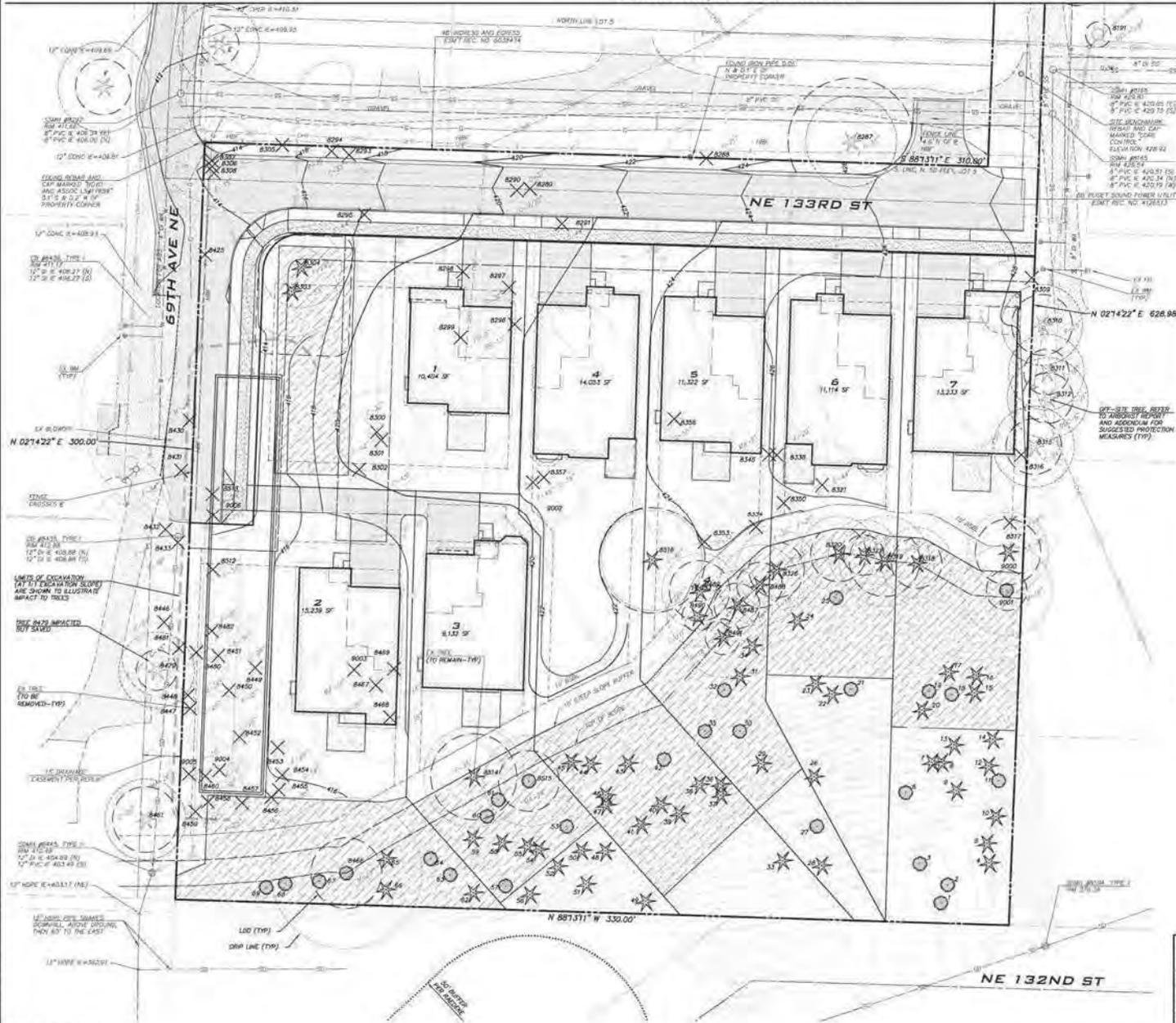
2/21/2018 10:28 AM
 C:\Users\blu\OneDrive\Documents\17-281\17-281-02.dwg
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SW1/4, SW1/4, SEC. 24, TWP. 26 N, RGE. 4 E, W.M.
MATCHLINE, SEE SHEET TR-02

SUB17-00733 APPEAL
ENCLOSURE
APPROVED DP PLAN



BLUELINE
SCALE: AS NOTED
PROJECT MANAGER:
BRETT K. PLUSTIS, PE
PROJECT ENGINEER:
BRETT K. PLUSTIS, PE
DESIGNER:
NADIA KROLKOVA
ISSUE DATE:
2/21/2018



TREE RETENTION CALCS

LOT #		LOT SIZE	REQUIRED TREE CREDITS	EXISTING RETAINED TREE CREDITS
1	GROSS	10,404 SF	6	0
	NON-PNA	7,738 SF	10	33
2	GROSS	15,239 SF	8	0
	NON-PNA	10,958 SF	15	44.5
3	GROSS	9,132 SF	5	23
	NON-PNA	6,740 SF	9	23.5
4	GROSS	14,053 SF	8	16.5
	NON-PNA	10,325 SF	13	73
5	GROSS	11,322 SF	6	45.5
	NON-PNA	8,350 SF	11	83
6	GROSS	11,114 SF	6	23.5
	NON-PNA	8,287 SF	7	36.5
7	GROSS	13,233 SF	10	135.5
	NON-PNA	3,368 SF	12	40

*PER K2C 70.15.4.6.1: TREES - VALUABLE TREES AT A TREE DENSITY OF 150. TREE CREDITS PER ACRE WITHIN THE PNA, CALCULATED AS DESCRIBED IN K2C 95.33 TREE DENSITY REQUIREMENT. NOTE: THE TREE DENSITY FOR THE REMAINING LOT AREA IS 30. TREE CREDITS PER ACRE.

**SEE ARBORIST TABLE ON SHEET TR-04

PLANT REPLACEMENT TREES WHEN EXISTING RETAINED TREE CREDIT IS LESS THAN REQUIRED TREE CREDIT.

1 CREDIT = 6" TALL CONIFER OR 2" CALIBER DECIDUOUS OR BROADLEAF EVERGREEN. REPLACEMENT TREES TO BE LOCATED DURING BUILDING PERMIT PROCESS.



UNDERGROUND UTILITY NOTE

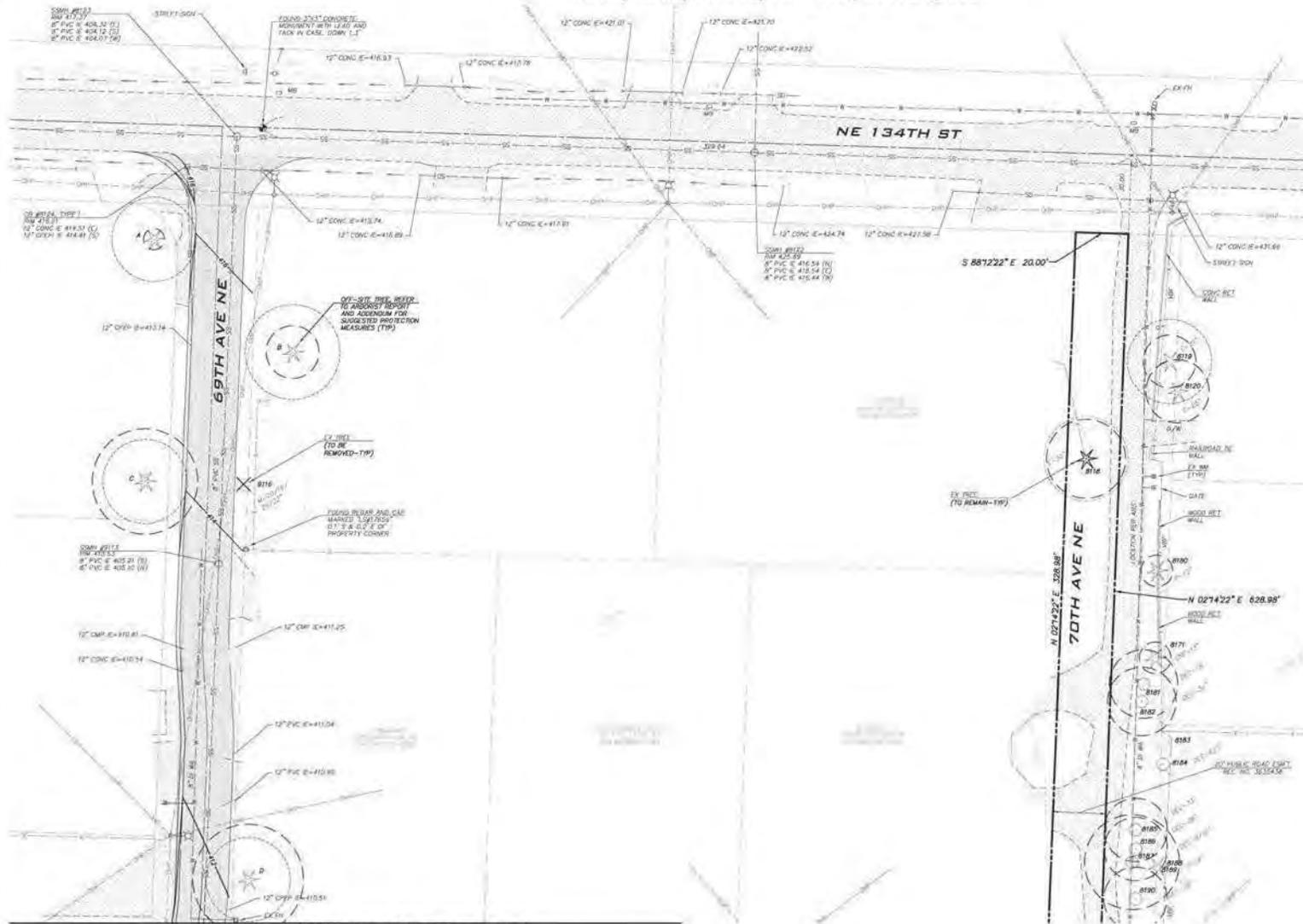
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TREE RETENTION PLAN
SATTERBERG SHORT PLAT
IDP SUBMITTAL
PARCEL #8677900160
CITY OF KIRKLAND WASHINGTON

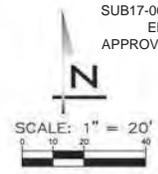


2/23/18
JOB NUMBER
17-281
SHEET NAME
TR-01
SHT - 7 OF 10

SW1/4, SW1/4, SEC. 24, TWP. 26 N, RGE. 4 E, W.M.



MATCHLINE, SEE SHEET TR-01



SUB17-00733 APPEAL
ENCLOSURE
APPROVED DP PLAN



SCALE: AS NOTED
PROJECT MANAGER:
BRETT K. PUDIST, PE
PROJECT ENGINEER:
BRETT K. PUDIST, PE
DESIGNER:
NADIA KROLIMOVA
ISSUE DATE:
2/23/2018

NO.	DATE	BY	REV.	DESCRIPTION
1	2/23/18	ME	1	ISSUED FOR SUBMITTAL

TREE RETENTION PLAN
SATTERBERG SHORT PLAT
IDP SUBMITTAL
 PARCEL #8677900160
 WASHINGTON

TREE LEGEND

- ✕ EXISTING CONIFEROUS TREE TO BE REMOVED
- ✕ EXISTING DECEIDUOUS TREE TO BE REMOVED
- ✕ EXISTING ON-SITE CONIFEROUS TREE TO REMAIN
- ✕ EXISTING ON-SITE DECEIDUOUS TREE TO REMAIN
- ✕ EXISTING OFF-SITE CONIFEROUS TREE TO REMAIN
- ✕ EXISTING OFF-SITE DECEIDUOUS TREE TO REMAIN
- LIMITS OF DISTURBANCE
- DRYPINE

UNDERGROUND UTILITY NOTE
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2/23/18
 JOB NUMBER:
17-281
 SHEET NAME:
TR-02
 SHEET **8** OF **10**

DATE: 2/23/2018 11:22 AM
 USER: bpuddist
 PROJECT: 17-281-02 TR-02

SW1/4, SW1/4, SEC. 24, TWP. 26 N, RGE. 4 E, W.M.

SUB17-00733 APPEAL
ENCLOSURE
APPROVED DP PLAN



SCALE:
AS NOTED
PROJECT MANAGER:
BRIET K. PLADST, PE
PROJECT ENGINEER:
BRIET K. PLADST, PE
DESIGNER:
NADIA ROLANOVA
ISSUE DATE:
2/23/2018

TREE TABLE

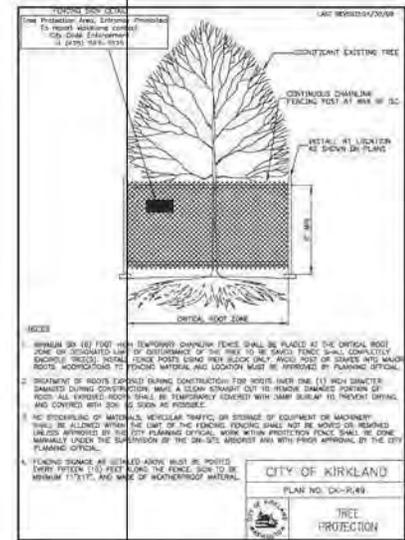
Table with columns: RETAIN, Category, Assumed Available, Tree #, DBH, Species, Diameter, Health, Structure, Visible Defects, Visible Tree, LOD. Contains 100 rows of tree inventory data.

TREE TABLE-CONTINUANCE

Table with columns: Tree #, Category, Assumed Available, Tree #, DBH, Species, Diameter, Health, Structure, Visible Defects, Visible Tree, LOD. Continuation of tree inventory data.

TREE PROTECTION MEASURES

- 1. TREE PROTECTION FENCES WILL NEED TO BE RECALCULATED AROUND EACH TREE OR GROUP OF TREES TO BE PROTECTED...
2. CONCRETE BLOCKS MUST NOT BE USED TO DEPOSIT WASTE OR WASH OUT MATERIALS FROM TRUCKS...
3. TREE PROTECTION FENCES NEED TO BE CLEARLY MARKED WITH THE FOLLOWING OR SIMILAR TEXT...
4. THE AREA WITHIN THE TREE PROTECTION FENCING MUST BE COVERED WITH WOOD CHIPS...
5. WHEN EXCAVATION OCCURS NEAR TREES THAT ARE SCHEDULED FOR RETENTION...
6. PUTTING UTILITIES UNDER THE ROOT ZONE...
7. WATERING...



UNDERGROUND UTILITY NOTE
UNDERGROUND UTILITIES ARE SHOWN IN THE APPROXIMATE LOCATION, THERE IS NO GUARANTEE THAT ALL UTILITY LINES ARE SHOWN, OR THAT THE LOCATION, SIZE AND MATERIAL IS ACCURATE...
2/23/18
JOB NUMBER: 17-281
SHEET NAME: TR-03
SHT 9 OF 10

TREE TABLES, NOTES & DETAILS
SATTERBERG SHORT PLAT
IDP SUBMITTAL
PARCEL #8677900160
CITY OF KIRKLAND WASHINGTON



SW1/4, SW1/4, SEC. 24, TWP. 26 N, RGE. 4 E, W.M.

SUB17-00733 APPEAL
ENCLOSURE
APPROVED DP PLAN

LDT NO.	Tree No.	DBH	Species	TOTAL TDC		TDC WITHIN ENA		TDC OUTSIDE ENA	
				By TREE	By LOT	by TREE	by LOT	by TREE	by LOT
1	8303	37	Douglas fir	18		18			
1	8304	29	Douglas fir	15	33	15	33		0
2	62	16	Douglas fir	6		6			
3	63	8	Bigleaf maple	1		1			
3	64	21	Bigleaf maple	6		6			
2	65	20	Douglas fir	9		9			
2	66	7	Douglas fir	1.5		1.5			
2	67	14	Bigleaf maple	3		3			
2	68	18	Pacific madrone	5		5			
2	69	14	Pacific madrone	3		3			
2	8486	28	Bigleaf maple	10	44.5	10	44.5		0
3	48	18	Western red cedar	7.5		7.5			
3	49	14	Western red cedar	4.5		4.5			
3	50	26	Douglas fir	13.5		13.5			
3	51	15	Western red cedar	4.5		4.5			
3	52	48	Douglas fir	30		30			
3	53	28	Bigleaf maple	10		10			
3	54	14	Douglas fir	4.5		4.5			
3	55	8	Douglas fir	1.5		1.5			
3	56	26	Douglas fir	13.5		13.5			
3	57	14	Pacific madrone	3		3			
3	58	6	Douglas fir	1.5		1.5			
3	59	24	Douglas fir	12		12			
3	60	20	Pacific madrone	6		6			
3	61	22	Bigleaf maple	7		7			
3	8514	35	Douglas fir	19.5		19.5			
3	8515	24	Pacific madrone	8	146.5		73.5	8	73
4	33	31	Western red cedar	16.5				16.5	
4	36	26	Douglas fir	13.5				13.5	
4	37	12	Western red cedar	3				3	
4	38	10	Douglas fir	1.5				1.5	
4	39	18	Douglas fir	7.5				7.5	
4	40	16	Western red cedar	6				6	
4	41	14	Douglas fir	4.5				4.5	
4	42	16	Bigleaf maple	4				4	
4	43	18	Western red cedar	7.5				7.5	
4	44	22	Western red cedar	10.5				10.5	
4	45	20	Western red cedar	9				9	
4	46	14	Douglas fir	4.5				4.5	
4	47	10	Western red cedar	1.5	89.5		1.5	71	16.5
5	27	13	Bigleaf maple	2				2	
5	28	6	Western red cedar	1.5				1.5	
5	29	36	Douglas fir	21				21	
5	30	23	Pacific madrone	6				6	
5	31	24	Douglas fir	12				12	
5	32	26	Pacific madrone	9				9	
5	34	8	Douglas fir	1.5				1.5	
5	35	19.24	Bigleaf maple	11				11	
5	8487	18	Douglas fir	7.5				7.5	
5	8488	18	Douglas fir	7.5				7.5	
5	8489	26	Western red cedar	13.5				13.5	
5	8490	11	Western red cedar	1.5				1.5	
5	8491	19	Western red cedar	7.5				7.5	
5	8516	45	Western red cedar	27	129.5		81	21	45.5
6	21	7	Bigleaf maple	1				1	
6	22	21	Western red cedar	10.5				10.5	
6	23	21	Douglas fir	9				9	
6	24	18	Douglas fir	7.5				7.5	
6	25	22	Pacific madrone	7				7	
6	26	13	Douglas fir	3				3	
6	8319	28	Douglas fir	15				15	
6	8320	22	Douglas fir	10.5				10.5	
6	8322	16	Douglas fir	6				6	
6	8326	21	Douglas fir	10.5	80		10.5	36.5	27.5
7	1	18	Bigleaf maple	5				5	
7	2	14	Bigleaf maple	3				3	
7	3	26	Bigleaf maple	9				9	
7	4	21	Western hemlock	9				9	
7	5	16	Western red cedar	7.5				7.5	
7	6	13	Bigleaf maple	3				3	
7	7	33	Western red cedar	18				18	
7	8	17	Douglas fir	6				6	
7	9	22	Douglas fir	10.5				10.5	
7	10	25	Western red cedar	12				12	
7	11	12	Bigleaf maple	3				3	
7	12	31	Western red cedar	16.5				16.5	
7	13	24	Douglas fir	12				12	
7	14	22	Douglas fir	10.5				10.5	
7	15	16	Douglas fir	1.5				1.5	
7	16	14	Douglas fir	3				3	
7	17	28	Douglas fir	15				15	
7	18	7	Bigleaf maple	1				1	
7	19	19	Red alder	5				5	
7	20	7	Douglas fir	1.5				1.5	
7	8318	21	Douglas fir	9				9	
7	9000	26	Douglas fir	13.5				13.5	
7	9001	16	Bigleaf maple	4	175.5	4	40		155.5
TOTAL				897.5		897.5		401.5	294

ARBORIST SUGGESTED INSTRUCTIONS FOR OFFSITE TREES

David West, CR Horticulture, LLC
111 Schwegel - ADDENDUM to Arborist Report, 13240 60th Ave SW, Kirkland WA 98033
February 21, 2018
Page 2 of 7

The table below summarizes the planned TDC by LOT (number) within a neighborhood the ENA. A list of all trees by number is attached:

LOT No.	TDC by TREE	TDC by LOT	TOTAL TDC	TOTAL TDC WITHIN ENA	TOTAL TDC OUTSIDE ENA
1	31	33	64	64	0
2	44.5	0	44.5	44.5	0
3	241.5	73.5	315	315	0
4	89.5	1.5	91	91	0
5	128.5	0	128.5	128.5	0
6	40	56.5	96.5	96.5	0
7	175.5	40	215.5	215.5	0
TOTAL	1407.5	413.0	1820.5	1820.5	0

1. Define trees potentially impacted by road improvements along WPA Ave that are considered in my report (also see the Neighboring Tables) and are not currently mapped on the City Database files (DCI and TMS).

The remaining system for 4 of these offsite trees is changed if there are any actual reports to indicate to avoid confusion with the existing system used to identify trees on the map or the south of the project.

The following table provides data for the offsite trees (rows) based on the edge of the WPA Ave RTW, and the suggested distances for grading/retention for trees (columns) are then 10' depth, and 0' or greater.

Tree #	DBH	Species	10'	0'
8441	24"	Western red cedar	24"	12"
8479	17"	Douglas fir	17"	0"

There are changes as reflected in the Supplemental IDP prepared for the BlueLine Corridor.

2. Tree #114 is located within the WPA Avenue file system.

3. Two offsite trees near the walk are proposed for retention: 8461 and 8479. Condition of TDC was shown on the attached Tree Database file, and in the table below.



SCALE: AS NOTED
PROJECT MANAGER: BRETT K. PLADSTL, PE
PROJECT ENGINEER: BRETT K. PLADSTL, PE
DESIGNER: NADIA KROLKOVA
ISSUE DATE: 2/21/2018

NO.	DATE	BY	DESCRIPTION
1			
2			
3			
4			
5			
6			
7			

TREE TABLES
SATTERBERG SHORT PLAT
IDP SUBMITTAL
PARCEL #86677900160
CITY OF KIRKLAND WASHINGTON



2/23/18
JOB NUMBER: 17-281
SHEET NAME: TR-04
SHT 10 OF 10

UNDERGROUND UTILITY NOTE
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CITY OF KIRKLAND
Planning and Building Department
 123 Fifth Avenue, Kirkland, WA 98033
 425.587.3600 - www.kirklandwa.gov

CITY OF KIRKLAND NOTICE OF DECISION

JUNE 28, 2018

Permit application: Satterberg Short Plat, File No. [SUB17-00733](#)

Location: [13220 69th Avenue NE](#) (see Attachment 1)

Applicant: Moira Haughian, The Blueline Group

Project description: Integrated Development Plan (IDP) proposal to divide one 105,576 SF parcel into 7 lots ranging from 9,132 SF to 15,239 SF in the RSA 4 zone and Holmes Point Overlay. The proposal includes right-of-way dedications with the potential for future through road connections (see Attachment 2).

Decisions Included: Short Plat (Process I)

Project Planner: Allison Zike, AICP, Planner

SEPA Determination: Exempt

Department Decision: **Approval with Conditions**



 Eric Shields, Director
 Planning and Building Department

Decision Date:	June 22, 2018
Appeal Deadline:	July 12, 2018

Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation.

How to Appeal: *Only the applicant or those persons who previously submitted written comments or information to the Planning Director are entitled to appeal this decision.* A party who signed a petition may not appeal unless such a party also submitted independent written comments or information. An appeal must be in writing and delivered, along with fees set by ordinance, to the Planning Department by 5:00 p.m., July 12, 2018. For information about how to appeal, contact the Planning and Building Department at (425) 587-3600. An appeal of this project decision would be heard by the City Council.

Comment to City Council: If you do not file an appeal, but would like to express concerns about policies or regulations used in making this decision or about the decision making process, you may submit comments to citycouncil@kirklandwa.gov. Expressing your concerns in this way will not affect the decision on this application, but will enable the City Council to consider changes to policies, regulations or procedures that could affect future applications.

I. CONDITIONS OF APPROVAL

- A. This application is subject to the applicable requirements contained in the Kirkland Municipal Code, Zoning Code, and Building and Fire Code. Attachment 3, Development Standards, is provided in this report to familiarize the applicant with some of these development regulations. This attachment references current regulations and does not include all of the additional regulations. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these ordinances. When a condition of approval conflicts with a development regulation in Attachment 3, the condition of approval shall be followed.
- B. Prior to recording the short plat, the applicant shall:
1. Show on the short plat map sufficient land dedication to develop (see Conclusion V.B.2.b):
 - a. The NE 133rd St. road connection between 69th Ave. NE and 70th Ave. NE to the specifications indicated by the Public Works Official in Attachment 3;
 - b. The required street improvements in the 69th Ave. NE right-of-way to the specifications indicated by the Public works Official in Attachment 3; and
 - c. The 70th Ave. NE right-of-way dedication only.
 2. Show on the short plat map the area of Protected Natural Area (PNA) easements on Lots 1-7, adjusted to accommodate the required pedestrian trail easement, and include a note on the face of the plat that references the Protected Natural Area Easements and states that the trees and associated vegetation shall be maintained in perpetuity (see Conclusion V.C.2.b).
 3. Show an easement area encompassing land sufficient to develop a pedestrian trail connection to the specifications indicated by the Public Works Official in Attachment 3 (see Conclusion V.D.2.c).
 4. Show on the short plat map the below items identified by the geotechnical evaluation prepared by Terra Associates, Inc. dated September 19, 2017 (see Conclusion V.F.1.a):
 - a. Crest of slope;
 - b. 10' steep slope buffer as measured from the crest of slope; and
 - c. 10' building setback as measured from the outer edge of the 10' steep slope buffer.
 - d. A Natural Growth Protection Easement over the steep slope.
 5. Obtain the appropriate permits and demolish the existing single-family residence and shed on the subject property (see Section II – Current Land Use).
- C. As part of the application for a Land Surface Modification Permit and the building permits for each lot, the applicant shall submit:
1. Plans consistent with the approved IDP plan shown in Attachment 2 and the Development Standards in Attachment 3, except for the pedestrian trail which should be modified to be located outside of PNA's (see Conclusion V.C.2.b); and,

2. Plans demonstrating compliance with the minimum vegetation standards of KZC 70.15.4 within the designated PNA's (see Conclusion V.C.2.b);
 3. Plans showing the required pedestrian trail improvements to the specifications indicated by the Public Works Official in Attachment 3 (see Conclusion V.D.2.d).
 4. A Tree Retention Plan indicating retention of all viable trees as shown on the approved IDP plan in Attachment 2 (see Conclusion V.E.2.a(1)).
 5. An updated arborist report that contains any special instructions specifically outlining any work proposed within the limits of the disturbance protection area (i.e., hand-digging, tunneling, root pruning, any grade changes, clearing, monitoring, and aftercare) for Trees A, B, 9116, C, D, and E so that the trees remain viable after construction (see Conclusion V.E.2.b).
 6. A note on the plans indicating a qualified arborist is required to be on site to supervise any pavement removal and the excavation for new pavement within the limits of disturbance for Trees A, B, 9116, C, D, and E (see Conclusion V.E.2.c).
 7. Plans consistent with the recommendations in Terra Associates, Inc. geotechnical evaluation dated September 19, 2017 (see Conclusion V.F.2.b).
 8. An updated geotechnical evaluation that specifically addresses the siting of the required pedestrian trail easement, and provides recommendations for construction of the trail in accordance with the development standards in Attachment 3 (see Conclusions V.D.2.e(4) and V.F.2.d).
- D. Prior to issuance of a grading or building permit, whichever occurs first, the applicant shall record a Geologically Hazardous Area Covenant on the subject property (see Conclusion V.F.2.c).
- E. Prior to the final inspection for each building permit, the applicant shall submit as-built landscape plans showing all PNAs dedicated under the short plat recording meet the minimum native vegetation standards of KZC 70.15.4 (see Conclusion V.C.2.c).

II. SITE AND NEIGHBORHOOD CONTEXT

Zoning District	RSA 4, Low Density Residential
Comprehensive Plan Designation	LDR 4, Low Density Residential
Property Size	105,576 SF / 2.424 Acres
Current Land Use	<p>The property is currently developed with one single-family dwelling unit and several accessory structures (see Attachment 4). The single-family residence and accessory structures are proposed to be demolished with the subject short plat development.</p> <p><u>Staff Analysis:</u> Retention of the existing residence and accessory structures would not fully comply with the development standards relative to the proposed short plat lot line configuration. Therefore, the applicant should demolish the existing structures prior to recording the short plat</p>
Proposed Lot Sizes	<p>Lot 1: 10,404 SF Lot 2: 15,239 SF Lot 3: 9,132 SF Lot 4: 14,053 SF Lot 5: 11,322 SF Lot 6: 11,114 SF Lot 7: 13,233 SF</p> <p>Right-of-Way Dedication: Approximately 20,955 SF</p>
Density and Lot Size Compliance for RSA Zones	<p>The maximum number of units in the RSA 4 zone is 4 units per acre. The minimum lot size in the RSA 4 zone is 7,600 SF.</p> <p><u>Staff Analysis:</u> The subject property contains 2.424 acres, which based on a density of 4 units per acre, is large enough to contain 9.695 units. Per Kirkland Zoning Code (KZC) 15.30(DD-17), where the maximum number of units results in a fraction, the number shall be rounded up if the fraction is 0.50 or greater. A density of 9.695 rounds up to 10 units allowed. The proposal for seven units complies with the maximum density allowed. The proposed lots all comply with minimum lot size of 7,600 SF.</p>
Terrain	<p>The currently developed portion of the site has a relatively shallow gradient sloping upwards by approximately 14 feet from west to east over 310 linear feet. In the southeast portion of the property, the site descends approximately 50 feet from northwest to southeast with varying degrees of steepness (see Attachment 4). City maps identify a high landslide hazard overlay over a small portion of the south portion of the lot (see Attachment 5). A Geotechnical Evaluation prepared by Terra Associates, Inc. and dated September 19, 2017 was submitted with the short plat</p>

	application (see Attachment 6). See Section V.F below for an analysis of Geologically Hazardous Areas.
Trees	There are 144 significant trees on the site and 32 significant trees located off site that may be affected by the proposed development. Attachment 7 shows the location, tree number, and general health of the trees, as assessed by the applicant's arborist. The applicant is proposing an Integrated Development Plan (IDP) pursuant to KZC 95.30.4 & 95.30.5. See Attachment 3, Development Standards, for information on the City's review of the arborist report as well as tree preservation requirements.
Holmes Point Overlay (KZC 70)	At least 25% of the total lot area for each individual lot must be designated as a Protected Natural Area (PNA). Below is a breakdown of the proposed PNA for each lot: Lot 1: 2,666 SF (25.6%) Lot 2: 4,280 SF (28.1%) Lot 3: 2,392 SF (26.2%) Lot 4: 3,728 SF (26.5%) Lot 5: 2,972 SF (26.2%) Lot 6: 2,817 SF (25.3%) Lot 7: 3,388 SF (25.6%) See Section V.C for a complete analysis.
Access	Access to Lots 1, 4, 5, 6, and 7 is proposed from the new NE 133 rd St right-of-way that will be developed with the subject short plat. Access to Lot 2 is proposed from the existing 69 th Ave NE right-of-way. Access to Lot 3 will be from a 15' wide access easement located across the northern portion of Lot 2 (see Attachment 2).
Neighboring Zoning and Development	
• North	RSA 4, Single-family Residences
• South	RSA 4, Single-family Residences, unopened NE 130 th Place/NE 132 nd Street ROW, and vacant land
• East	RSA 4, Single-family Residences
• West	RSA 4, Single-family Residences

III. PUBLIC NOTICE AND COMMENT

- A.** The public comment period for this application ran from January 22, 2018 to February 9, 2018. The City received 17 comments emails during the formal public comment period (see Attachment 8). Below is a summary of public comments followed by a brief staff response.

1. Widening of 69th Ave. NE: Several neighbors expressed concern over the requirement to widen the pavement on 69th Ave. NE to 20 feet. There is an existing storm drainage ditch on the west side of the existing paved road, and the proposed extent of widened pavement interferes with the drainage ditch and several off-site trees. Specifically, many neighbors had concerns about

how the additional pavement would impact surface water runoff to their properties which are downhill from the existing paved road. The widened pavement will also encroach into areas that some neighbors have been using as personal driveway and/or yard areas.

Staff Response: The 69th Ave. NE right-of-way itself is not widening, however, the applicant will be required to widen the pavement to be 20 feet wide from NE 134th Street to the subject property, in order to meet minimum Fire Department safety standards. The road design will account for storm water collection from the new street paving. The existing storm water ditch will be piped as needed to accommodate the increased street pavement width where it will cover the existing ditch.

2. Stormwater Runoff Impacts to Existing Homes: Many of the existing homes in the neighborhood cited issues with stormwater accumulating on their properties, and are concerned that the development of the access roads and new homes will exacerbate existing drainage issues.

Staff Response: Off-site stormwater drainage from the new pavement width along 69th Ave. NE shall be collected and conveyed. However, the applicant for the current short plat development is not required to fix existing off-site stormwater drainage issues.

3. Stormwater Management for New Homes: Several questions were submitted to inquire where stormwater from the new development will be routed, specifically, if stormwater will be directed to an existing drainage ditch in NE 130th Pl. and if that drainage ditch has the capacity for additional stormwater. Questions were also raised about how runoff from the new development will impact the steep slope on the southeastern portion of the property.

Staff Response: Stormwater drainage from the new impervious surfaces within the development will be collected, conveyed and detained to release at the pre-developed run off rate. The storm water from the site will be piped to an existing storm main and flow through this pipe to NE 130th Place (see Sheet 3, Attachment 2). A downstream analysis will be required to be provided with the applicant's land surface modification permit to ensure the new stormwater run-off does not overwhelm the downstream conveyance system.

4. Development of 70th Ave. NE: Residents inquired as to the status and plans for the existing driveway within private easements, which is labeled as 70th Ave. NE on the plans, and expressed interest in maintaining it in its current state.

Staff Response: The subject property currently has a 20-foot wide 'panhandle' that extends up to NE 134th Street. The Public Works Department is requiring that 'panhandle' to be dedicated as public right-of-way (see Section V.B below), but is not requiring any improvement of that right-of-way with this short plat. Improvement of 70th Ave. NE may occur if other properties in the vicinity are developed in the future. The Public Works Department is requiring NE 133rd Street to be blocked off by bollards (or a similar barrier) from 70th Ave. NE, so that through traffic cannot occur (see Attachment 3).

5. Development of NE 133rd St.: Given development of a new public road within dedicated right-of-way (NE 133rd St.), one neighbor submitted a request to decommission the existing access easement that runs along the southern portion of the parcels addressed 13304 69th Ave. NE, 6916 NE 133rd St., and 13305 70th Ave NE, in order to restore the easement area to pervious area, and to allow the above-mentioned parcels access from the new right-of-way.

Staff Response: Development of the short plat improvements will not require the existing access easement and pavement within NE 133rd Street to be decommissioned. The City would allow the existing lots at the above-mentioned addresses to access their properties from the new NE 133rd St. public road, and decommissioning the easement is a private matter that could be addressed between residents as long as all properties maintain legal access.

6. Steep Slopes: Concerns were raised about development of the new homes negatively impacting the steep slope on the property and the potential for landslides.

Staff Response: The applicant has submitted a Geotechnical Evaluation (see Attachment 6) that recommends the top of the slope be delineated, and a 10-foot vegetated buffer and 10-foot building setback be imposed from the top of slope. The total steep slope setback (vegetated buffer plus building setback) is recommended to be 20 feet from the top of slope. Per the submitted evaluation, construction of the new homes are not anticipated to negatively impact the steep slope if the steep slope setback is maintained. The City is requiring the applicant to record the steep slope setback on the face of the plat. See Section V.F for a full analysis.

7. Density: Many residents raised the concern that seven (7) units was too many, and that the number of units proposed was not compatible with the existing neighborhood character. Several comments stated that the City should not grant the property any zoning "exemptions" or "variances."

Staff Response: The short plat proposal is not proposing any exemptions or variances to the current zoning. Rather, the current land use review is to divide the property subject to the existing development standards for the applicable zone. When this property was annexed into the City of Kirkland in 2011, the City adopted the same zoning that applied to the property when it was part of unincorporated King County, and this zoning was not altered under the recently approved Finn Hill Neighborhood Plan. The subject property is zoned RSA 4, and the maximum density is 4 units per acre. The proposal is not exceeding this density, and the proposed lot configuration shows all lots exceeding the minimum lot size of 7,600 SF (proposed lots range from 9,132 SF to 15,239 SF).

8. Loss of Existing Green/Open Spaces: Several comments expressed concern over the loss of green and/or open space as a result of the subject development, and in the Finn Hill neighborhood in general.

Staff Response: The property is zoned RSA 4, which is a low-density residential zone allowing detached dwelling units at a maximum density of 4 units per acre. The property is also within the Holmes Point Overlay, which imposes additional development standards to minimize site disturbance and allow infill at urban densities while providing an increased level of environmental protection for the Holmes Point area. These standards limit the allowable amount of site disturbance on lots in Holmes Point to reduce visual impacts of development, maintain community character and protect a high proportion of the undisturbed soils and vegetation, tree cover, and wildlife. Kirkland Zoning Code (KZC) Section 70.15 sets forth the Holmes Point development standards, and includes the below:

- Maximum lot coverage regulated proportionally to the net lot size of each lot;
- A maximum of 50% of the lot may be used for garden, lawn or landscaping;

- *Total site alteration, including impervious surfaces and other alterations, shall not exceed 75% of the lot area; and,*
- *At least 25% of the lot area shall be designated as a Protected Natural Area (PNA), in a location that requires the least alteration of existing native vegetation. The PNA must include the minimum vegetation standards set forth in KZC 70.15.4.*

The applicant has proposed adequate Protected Natural Area Easements on all seven proposed lots (see Section II above and Section V.C below). With the building permits for each lot, the applicant must show how each lot meets the minimum PNA vegetation standards, or what supplemental plantings will be provided to meet the minimum standards. Furthermore, Lots 3-7 of the subject development will have additional area beyond their designated Protected Natural Areas that will not be allowed to be developed because of the steep slope on the southeast portion of the property.

9. Tree Retention: Many neighbors expressed the importance of retaining trees on-site, and some specifically mentioned retaining trees on the relatively flat portion of the lot where the applicant has proposed building pads for the new homes.

Staff Response: The City's objective is to retain as many viable trees as possible on a developing site while still allowing the development proposal to move forward in a timely manner. That review includes an evaluation of neighboring trees that may be impacted by development.

While there are several trees being removed on the relatively flat portion of the property in order to accommodate the new building footprints and required frontage improvements, KZC 70.15.4 requires that each lot provide a minimum of 30 tree density credits per acre for the lot area outside of the PNA, and a minimum of 150 tree density credits per acre within the PNA. Each lot provides more than the minimum required number of tree credits (total required inside and outside the Protected Natural Area) through retaining existing trees within their Protected Natural Area Easements, but may have to plant supplemental trees for the area of the lots outside of the Protected Natural Area easement.

The City is requiring a qualified arborist to be on site during any demolition and/or excavation in the 69th Ave. NE right-of-way because of the proximity of the proposed road improvements to several existing on- and off-site trees. See Section V.E below for a full analysis.

10. Neighborhood Traffic: Residents submitted comments regarding existing heavy traffic in the neighborhood and all the way out to Juanita Dr. NE., and inquired if a traffic signal would be considered at the intersection of Juanita Dr. NE and NE 138th Pl.

Staff Response: The increased traffic volumes from the proposed development do not trigger off-site transportation improvements nor does it trigger the need for a traffic signal at Juanita Dr. NE and NE 138th Place. The applicant will be required to pay transportation impact fees, but no other transportation mitigation is warranted or required.

11. Sewer Pump Station: A neighbor inquired if the development will require a sewer pump station to service the new houses.

Staff Response: The project is in the Northshore Utility District sewer and water service area, and sewer requirements are determined by the utility district. Residents may contact Northshore Utility District directly for more information.

12. Locations of New Utility Lines: Several residents inquired where the new utility lines to service the new homes will be located.

Staff Response: The franchise utility companies will determine how services are provided to the project, but as a condition of development no new overhead utility lines will be allowed. All service lines to the Project will be located underground and the locations are required to be shown on the land surface modification permit submittal documents.

13. Building Setbacks: Questions were submitted about how far buildings must be setback from the easement and/or access roads.

Staff Response: The setbacks in the RSA zone are as follows: Front yard- 20 feet; Side yard- 5 feet; Rear yard- 10 feet. The front yard setbacks from Lots 1 and 4-7 will be measured from the property line adjacent to the newly dedicated NE 133rd St. right-of-way. Lots 2 and 3 will have a required rear yard setback from the access easement shown in Attachment 2.

14. Construction Access: Concerns were raised about where the developer will gain construction access and many neighbors expressed that construction access should not be granted on 70th Ave. NE or the existing easement labeled as NE 133rd St. There were also questions about how access to existing homes on 69th Ave. NE would be maintained during construction.

Staff Response: If the project parcel has access rights on 70th Ave. NE (20-foot wide pan handle connected to NE 134th St), and if they have easement rights over the adjacent parcels, the City does not have authority to restrict construction access over those areas. The 69th Ave. NE public right of way may also be utilized. The developer will need to coordinate access for residents to the neighboring properties during construction.

IV. CRITERIA FOR SHORT PLAT APPROVAL

- A.** Facts: Municipal Code section 22.20.140 states that the Planning Director may approve a short subdivision only if:

1. There are adequate provisions for open spaces, drainage ways, rights-of-way, easements, water supplies, sanitary waste, power service, parks, playgrounds, and schools; and
2. It will serve the public use and interest and is consistent with the public health, safety, and welfare. The Planning and Building Director shall be guided by the policy and standards and may exercise the powers and authority set forth in RCW 58.17.

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

3. It is consistent with all applicable development regulations and, to the extent there is no applicable development regulation, the Comprehensive Plan; and
4. It is consistent with the public health, safety, and welfare.

- B.** Conclusions: The proposal complies with Municipal Code section 22.20.140 and Zoning Code section 145.45. It is consistent with the Comprehensive Plan. With the recommended conditions of approval, it is consistent with the Zoning Code and Subdivision regulations and there are adequate provisions for open spaces, drainage ways, rights-of-way, easements, water supplies, sanitary waste, power service, parks, playgrounds, and schools. It will serve the public use and interest and is consistent with the public health, safety, and welfare because it will add housing stock to the City of Kirkland in a manner that is consistent with applicable development regulations.

V. DEVELOPMENT REGULATIONS

A. The following is a review, in a checklist format, of compliance with the design requirements for subdivisions found in KMC 22.28. All lots comply with the minimum lots sizes for this zone.

Complies as proposed	Complies as conditioned	Code Section
KMC 22.28.050 – Lots - Dimensions		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Lots are shaped for reasonable use and development
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Minimum lot width is 15' where abutting right-of-way, access easement, or tract

B. Provisions for Public and Semi-Public Land

1. Facts:

a. Kirkland Municipal and Zoning Code Provisions

- 1) Municipal Code section 22.28.020 states that the City may require dedication of land for school sites, parks and open space, rights-of-way, utilities infrastructure, or other similar uses if this is reasonably necessary as a result of the subdivision.
- 2) Municipal Code Section 22.28.080 requires that all lots have direct legal access as required by the Zoning Code. The City will determine whether access will be right-of-way or vehicular access easement or tract on a case-by-case basis.
- 3) Municipal Code Section 22.28.090 requires the applicant to comply with the requirements of Chapter 110 of the Zoning Code with respect to dedication and improvement of adjacent right-of-way.
- 4) KZC Section 105.10.1.b requires that for five (5) or more detached dwelling units, a dedicated and improved public right-of-way is required. KZC Chapter 110 contains the required improvements.
- 5) KZC Sections 110.10 and 110.25 require the applicant to make half street improvements in rights-of-way abutting the subject property.
- 6) Zoning Code section 110.60 states that the Public Works Director may require the applicant to make land available, by dedication, for new rights-of-way and utility infrastructure if this is reasonably necessary as a result of the development activity.

b. Right-of-Way Dedication

- 1) The proposed site design includes the below detailed right-of-way dedications as required by Public Works (see Attachment 2 and 3):
 - a. Approximately 11,550 SF along the north portion of the site to accommodate the new NE 133rd St. right-of-way. The connection will create a new public road that runs east-west, and terminates at the new 70th Ave. NE right-of-way.

- b. Approximately 2,825 SF in the northwest corner of the subject property, as a continuation of the 69th Ave. NE right-of-way to accommodate required right-of-way improvements.
 - c. Approximately 6,580 SF over the existing "panhandle" labeled as 70th Ave. NE that is 20 feet wide and extends north to NE 134th St. There are no required road improvements within the new right-of-way with the subject development; the 70th Ave. NE right-of-way may be required to be improved with a future development and opening of 70th Ave. NE.
- c. Right-of-Way Improvements
- 1) The Public Works official has determined the new, NE 133rd St. right-of-way be constructed with the following improvements:
 - a. Paved 20-foot wide roadway with Type-A concrete curb and gutter;
 - b. 4.5-foot wide landscape strip behind the curb with street trees planted 30-foot on-center;
 - c. 5-foot wide sidewalk behind the landscape strip;
 - d. 'No Parking Anytime' signs installed along the north side of NE 133rd St.;
 - e. Fire Department turn-around in a temporary easement at the east end NE 133rd St., unless the structures on the lots are sprinklered; and,
 - f. Bollards to prevent vehicular traffic between NE 133rd St. and 70th Ave. NE.
 - 2) The Public Works official has determined that the 69th Ave. NE right-of-way be improved with the following:
 - a. Widen existing paved roadway to achieve a minimum pavement width of 20 feet from NE 134th St. south to the north boundary of the subject property;
 - b. New 69th Ave. NE right-of-way adjacent to subject property:
 - i. Paved 20-foot wide roadway with Type-A concrete curb and gutter;
 - ii. 4.5-foot wide landscape strip behind the east curb with street trees planted 30-foot on-center;
 - iii. 5-foot wide sidewalk behind the landscape strip; and,
 - iv. 'No Parking Anytime' signs along new frontage.
 - 3) The Public Works official has determined the new 70th Ave. NE right-of-way be improved with bollards to prevent vehicular traffic between NE 133rd Street and 70th Ave. NE. No other road improvements are being required in the 70th Ave. NE right-of-way.

2. Conclusions:

- a. The proposed NE 133rd St. road connection is entirely encompassed by the subject property and is reasonably necessary as a result of the subject short plat.
- b. Pursuant to Municipal Code section 22.28.020 and Zoning Code section 110.60, the Public Works Official determined that prior to recording the short plat, the applicant should dedicate adequate land to install the

required improvements in the new NE 133rd St., 69th Ave. NE, and 70th Ave. NE rights-of-way to the standards listed above and in Attachment 3.

C. Compliance with Holmes Point Overlay

1. Facts:

- a. All new lots in the Holmes Point Overlay must comply with the development standards as prescribed by KZC Chapter 70. Some of the standards should be reviewed with the short plat application while others should be reviewed with the subsequent development permits.
- b. The subdivision requirements listed in Chapter 70.15.5 identify that each lot within the subdivision must comply with the development standards in KZC 70.15.2-4, and KZC 70.15.5.a-b. These standards relate to the review of the Integrated Development Plan, and limit impervious surfaces, require retention of significant trees, limit the total site alteration to 75% of each lot area, require retention of at least 25% of the lot as a Protected Natural Area (PNA), and minimize disturbance associated with road improvements.
- c. The applicant has submitted a plan based on the Holmes Point Overlay development standards, specifically containing the following information:
 - 1) The applicant has listed the maximum allowed lot coverage for each lot, and the City's calculated lot coverage for each lot is listed, on Sheet 1 of Attachment 2.
 - 2) The City's Development Review Arborist has evaluated all existing trees and understory vegetation on site. The City's determination of viability and health of all significant trees impacted by development and understory conditions within the PNA's can be found in Attachment 3.
 - 3) Pursuant to KZC 70.15.3.b, the total site alteration shall not exceed 75 percent of the lot area. The preliminary access easement and utility easement design indicates less than 75 percent of the site will be disturbed with the installation of structures, access, utilities and other improvements (see Attachment 2).
 - 4) A preliminary plan showing the approximate location and area of the proposed PNAs on each lot (see Attachment 2 and PNA area analysis in Section II., above). The PNAs for six of the seven proposed lots encompass the steep slope on the southeast portion of the property (see Attachment 2).
 - 5) The applicant has worked with the Public Works Department to establish the minimum public and private road improvements necessary to serve the development on site.
- d. The required pedestrian trail easement runs through the PNA's for Lots 4-7 (see Attachment 9, and reference Section V.D). The lot area within the trail easement does not count towards the minimum PNA requirement.

2. Conclusions: The proposal complies with Holmes Point Overlay development standards of Kirkland Zoning Code Chapter 70, provided the following conditions and associated recommendations are satisfied.

- a. Prior to recording the short plat, the applicant should:
 - 1) Show on the face of the plat Protected Natural Areas on each lot

- as shown in Attachment 2, except where adjusted to accommodate the required pedestrian trail easement.
- 2) Place a note on the face of the short plat document that references the Protected Natural Areas and states that the trees and associated vegetation shall be maintained in perpetuity (see Attachment 10).
- b. As part of the land surface modification and building permits for each lot, the applicant should submit plans
 - 1) Consistent with the approved IDP plan shown in Attachment 2 and the Development Standards in Attachment 3, except for the pedestrian trail which should be located outside of the PNA's; and,
 - 2) Demonstrating compliance with the minimum vegetation standards within the PNA's per KZC 70.15.4.
 - c. Prior to the final inspections for each building permit, the applicant should submit an as-built landscape plan showing all vegetation required to be planted or preserved within the designated PNA's on each lot.

D. Pedestrian Trail Easement

1. Facts:

a. Kirkland Municipal Code (KMC) and Zoning Code (KZC) Provisions

- a. KMC 22.28.170 establishes that the City may require the installation of pedestrian walkways if a walkway is indicated as appropriate in the Comprehensive Plan, if it is reasonably necessary to provide efficient pedestrian access to a designated activity center of the City, or if blocks are unusually long. Pedestrian access shall be provided by means of dedicated rights-of-way, tracts or easements at the City's option.
- b. KMC 22.28.070 sets forth that, generally, blocks should not exceed five hundred feet in length. Blocks that are more than seven hundred fifty feet in length should allow for midblock pedestrian access.
- c. KZC 105.18.1 states that promoting an interconnected network of pedestrian routes within neighborhoods is an important goal within the City, and that installing pedestrian connections and other pedestrian improvements with new development reduces the reliance on vehicles, reduces traffic congestion and promotes nonmotorized travel options and provides health benefits.
- d. KZC 105.19.1 states that the City may require the applicant to install pedestrian walkways for use by the general public on the subject property and dedicate public pedestrian access rights where the walkway is reasonably necessary as a result of the development activity, and additionally when (a) a pedestrian connection is indicated as appropriate in either the Comprehensive Plan or Nonmotorized Transportation Plan; or designated elsewhere in the City's code; or (b) if it is reasonably necessary to provide efficient pedestrian access to a designated activity center of the City or to transit; (c) if blocks are unusually long; or (d) pedestrian access is necessary to connect between: (i) existing or planned dead end streets; or (ii) through streets;

or (iii) an existing street and the Cross Kirkland Corridor or Eastside Rail Corridor; or (iv) other public pedestrian access walkways.

b. Comprehensive Plan Policies

- a. **Comprehensive Plan Policy 4.1**, Trail System, states that the City should develop a network of shared-use pedestrian and bicycle trails to enable connections within parks and between parks, nearby neighborhoods, public amenities, and major pedestrian and bicycle routes identified in the Active Transportation Plan. Furthermore, the Comprehensive Plan includes language that the City should partner with local utilities, public agencies and private landowners to secure trail easements and access to open space for trail connections; and, that the City should integrate the siting of proposed trail segments into the development review process.
- b. **Comprehensive Plan Policy 4.2**, Signature Trails and Connections, states that the City should develop, enhance and maintain signature greenways and trails that stretch across the community and that connect residents to the City's many parks, natural areas, recreational facilities and other amenities. The policy specifically references the "Finn Hill Connection: Consider protection and development of a greenway and trail corridor to connect existing trail systems and provide additional recreational amenities."
- c. **Comprehensive Plan Goal T-1** is to complete a safe network of sidewalks, trails and improved crossings where walking is comfortable and the first choice for many trips.
- d. **Comprehensive Plan Policy T-5.1** states that the City should focus on transportation system developments that expand and improve walkable neighborhoods.
- e. **Ordinance No. 4636** - The City Council amended its Comprehensive Plan by adopting the Finn Hill Neighborhood Plan on January 16, 2018 through Ordinance #4636 (see Attachment 11). The goals and policies in the following subsections are from the Finn Hill Neighborhood Plan as it relates to pedestrian trail connections with regard to development in the specific neighborhood where the project at issue in this review is located. Furthermore, the pedestrian plan is also consistent with the main goals of the City's Comprehensive Plan and Municipal Code to provide pedestrian access to public parks, which are considered designated activity centers of the City.
 - (a) **Comprehensive Plan Goal FH-5** is to establish a Green Loop Corridor that circles the neighborhood connecting parks, open spaces, pedestrian trails, wildlife corridors and natural areas, as shown in Figure 5.1, Finn Hill Parks and Open Space (see Attachment 11, page 22).
 - (b) **Comprehensive Plan Policy FH-5.2** states that the City should, through the development review process, secure public easements or greenbelt easements to provide public access and preserve natural areas within the [Green Loop] Corridor (see Attachment 12).

- (c) **Comprehensive Plan Goal FH-7** is to expand the walking, hiking, and cycling trail system and connect detached parts of the neighborhood and parks. Figure 5.3 of the neighborhood plan (see Attachment 13) shows the existing trail system and desired extensions.
- (d) **Comprehensive Plan Policy FH-7.1** states that the City should create and enhance pedestrian trail connections: between Juanita Beach, Juanita Heights Park, O.O. Denny and Big Finn Hill Parks and Saint Edward State Park; between areas of the neighborhood that are isolated or disconnected, including Hermosa Vista and Goat Hill; to connect with trail systems outside of the neighborhood.
- (e) **Comprehensive Plan Policy FH-7.2** states that the City should partner with local utilities, public agencies, and private landowners to secure trail easements and access for trail connections.

c. Project Details

- (1) The subject property is within the identified Green Loop Corridor (see Attachment 12).
- (2) There is an identified desired extension of the Finn Hill trail system in the Comprehensive Plan that runs through the subject property (see Attachment 12).
- (3) The identified desired trail extension running through the subject property connects with an existing trail within the NE 132nd St. right-of-way that connects directly to Big Finn Hill Park (see Attachment 13).
- (4) The identified desired trail extension running through the subject property continues southward, and future desired trail connections have the potential to connect with O.O. Denny Park (see Attachment 13).
- (5) The NE 134th St. block runs east to west from 72nd Ave. NE to 68th Pl. NE, and is over 1,200 feet long. The proposed trail would create a midblock pedestrian connection down 70th Ave. NE.
- (6) The proposed trail connection would create a pedestrian connection between the dead end streets of 70th Ave. NE and NE 132nd St.

2. Conclusions:

- a. The required pedestrian trail connection is consistent with the applicable Kirkland Municipal Code and Zoning Code regulations as shown in subsection 'c' below.
- b. The required pedestrian trail connection, as shown in the City's Comprehensive Plan/Finn Hill Trail System map, runs through the subject property and is reasonably necessary as a result of this short plat because the short plat increases the number of residents in the area who need easy and accessible access to parks, recreation activities, and other natural areas, and the trail will provide direct and efficient pedestrian access for those residents, and other residents, to a designated activity center of the City, i.e., Big Finn Hill Park, and will

also connect to future trails aimed at accessing another designated activity center, i.e., O.O. Denny Park.

- c. The required pedestrian trail connection will promote the Goals and Policies of the City's Municipal Code, Zoning Code, and Comprehensive Plan because it will:
- (1) Create a midblock pedestrian connection through the NE 134th St. block, which is more than 750 feet in length;
 - (2) Create a pedestrian connection between two existing or planned dead end streets at 70th Ave. NE and NE 132nd St.;
 - (3) Create a pedestrian connection to an existing trail within the NE 132nd St. right-of-way;
 - (4) Be developed within the identified Green Loop Corridor and the area identified on the Finn Hill Trail Systems map of the Comprehensive Plan;
 - (5) Provide public access within the Green Loop Corridor;
 - (6) Connect to, and expand the City's walking and hiking trail system, and connect detached parts of the neighborhood and parks;
 - (7) Create and enhance pedestrian trail connections between O.O. Denny Park and Big Finn Hill Park, and areas of the neighborhood that are disconnected;
 - (8) Reduce the reliance on vehicles, reduce traffic congestion and promote nonmotorized travel options and encourage walking and biking, which benefits the health and well-being of residents in addition to reducing motorized traffic; and,
 - (9) Enhance a signature greenway and trail system and directly connect residents to City parks, recreational facilities and other natural areas.
- d. Pursuant to Municipal Code section 22.28.170 and Zoning Code section 105.19.1, the Public Works Official determined that prior to recording the short plat the applicant should show on the face of the plat an easement encompassing adequate land for the pedestrian trail connection.
- e. The easement for the pedestrian trail connection should be located such that it:
- (1) Does not interfere with the building footprints as shown on the approved IDP plan (see Attachment 2);
 - (2) Is outside of the designated PNA's on land shown as open space. The PNA's on affected lots should be adjusted to provide the required minimum square footage accounting for the subtraction of easement area.
 - (3) Does not require removal of any trees shown to be retained on the approved IDP plan (see Attachment 2).
 - (4) Follows the recommendations of a geotechnical engineering report to be submitted with the Land Surface Modification permit application.
- f. As part of the application for the Land Surface Modification permit the application should show the required pedestrian trail connection

improvements to be reviewed and approved by the Public Works Official.

E. Trees

1. Facts:

- a. The applicant has submitted a Tree Retention Plan prepared by a certified arborist (see Attachment 7) as part of their application for an Integrated Development Plan (IDP) (KZC 95.30.4). This approach allows the City to consider specific tree retention and removals at the time of plat approval, rather than applying for Phased Review (KZC 95.30.6.a).
- b. The City's Arborist has reviewed the IDP application and determined that the specific standards concerning tree retention, removals and site modification have been met, provided that the City's specific recommendations in Attachment 3 are incorporated into the applicant's IDP (see Attachment 2).
- c. At 698 retained tree credits, the overall site meets the minimum tree density which is 126 tree credits.
- d. KZC 70.15 requires that all lots individually provide the minimum required tree density credits of a minimum of 30 tree density credits per acre outside of the PNA, and a minimum of 150 tree density credits per acre within the PNA. Based on the applicant's arborist report, and the City's review of the applicant's Tree Retention Plan, Lots 1 and 2 are the only lots that do not meet the minimum tree density credits for the non-PNA portion of the lots using existing retained tree credits.
- e. The limits of disturbance for the right-of-way trees along 69th Ave NE (Trees A, B, 9116, C, D, E and F) in most cases is greater than the distance to the shown edge of pavement, with the exception being Tree F. The proposed widened paving of 69th Ave NE conflicts with the limits of disturbance for these trees. The City's arborist has recommended that the applicant's arborist should be onsite during demolition of the existing pavement and during excavation for any expansion of the pavement, to monitor any impacts to the above-mentioned trees.

2. Conclusions:

With the City Arborist recommendations for approval incorporated into the IDP, the proposed tree retention plan complies with the applicable City requirements provided that the applicant should:

- a. Retain all viable trees as shown on the IDP (see Attachment 2).
- b. Submit an updated arborist report with the LSM permit that contains any special instructions specifically outlining any work proposed within the limits of the disturbance protection area (i.e., hand-digging, tunneling, root pruning, any grade changes, clearing, monitoring, and aftercare) for Trees A, B, 9116, C, D, and E so that the trees remain viable after construction.
- c. Retain a qualified arborist to be on site to supervise any pavement removal and the excavation for new pavement within the limits of disturbance for Trees A, B, 9116, C, D, and E.

F. Geologically Hazardous Areas

1. Facts: KMC 22.28.180 states that the applicant has the responsibility in proposing a plat to be sensitive with respect to the natural features, including topography, streams, lakes, wetlands, habitat, geologic features and vegetation, of the property. The plat must be designed to preserve and enhance as many of these valuable features as possible.

Zoning Code regulations on geologically hazardous areas address slope stability, run-off, structural concerns, and liability issues. The Planning Department evaluates proposals located on hazardous slopes based on the criteria in KZC Chapter 85. The evaluation is based on a geotechnical report prepared by a qualified geotechnical engineer.

- a. City critical area maps show a high landslide hazard area over a small part of the southern portion of the site (see Attachment 5). A geotechnical evaluation prepared by Terra Associates, Inc. dated September 19, 2017 was submitted with the short plat application (see Attachment 6).
- b. The Terra Associates, Inc. geotechnical evaluation recommends maintaining a native vegetated buffer zone of ten feet from the slope crest with a building setback distance of ten feet from this buffer (see Attachment 6). The applicant has depicted the ten-foot vegetated buffer (steep slope buffer) and the ten-foot building setback from the steep slope buffer on their IDP plans (see Attachment 2).
- c. The Terra Associates, Inc. geotechnical report provides recommendations for development outside of the steep slope and associated building setback. Provided these recommendations are followed, Terra Associates, Inc. does not anticipate the stability of the site or adjacent properties will be adversely affected (see Attachment 6).
- d. Pursuant to KZC Section 85.45, the City can require the applicant to enter into an agreement with the City, which runs with the property, in a form acceptable to the City Attorney, indemnifying the City for any damage resulting from the development activity on the subject property which is related to the physical condition of the property (see Attachment 13).
- e. The submitted geotechnical evaluation did not evaluate the siting of the required pedestrian trail easement (see Section V.D above)

2. Conclusions:

- a. There are constraining factors in regard to steep slopes that affect the applicant's proposal. The applicant should show the following items on the face of the plat as identified by the geotechnical evaluation prepared by Terra Associates, Inc. dated September 19, 2017:
 - 1) Crest of slope as determined by the geotechnical engineer and depicted by the surveyor;
 - 2) 10' steep slope buffer as measured from the crest of slope; and,
 - 3) 10' building setback as measured from the outer edge of the 10' steep slope buffer.
 - 4) A Natural Growth Protection Easement over the steep slope.
- b. There are no constraining geological factors on the site outside of the steep slope and associated buffers, provided that future development on the site should follow the recommendations in the geotechnical report (see Attachment 6).

- c. Due to the presence of steep slopes on the subject property, the applicant should submit a Geologically Hazardous Areas Agreement (see Attachment 13) and record it prior to the issuance of a grading and or building permits.
- d. The applicant should submit an updated geotechnical evaluation with the land surface modification permit that specifically addresses the siting of the required pedestrian trail easement, and provides recommendations for construction of the trail in accordance with the development standards in Attachment 3.

VI. SUBSEQUENT MODIFICATIONS

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

VII. SHORT PLAT DOCUMENTS – RECORDATION – TIME LIMIT (KMC 22.20.370)

The short plat must be recorded with King County within five (5) years of the date of approval or the decision becomes void; provided, however, that in the event judicial review is initiated, the running of the five (5) years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the recording of the short plat.

VIII. APPENDICES

Attachments 1 through 13 are attached.

1. Vicinity Map
2. Approved IDP Plan
3. Development Standards
4. Survey
5. City Landslide Hazard Map
6. Geotechnical Evaluation
7. Arborist Report
8. Public Comments
9. Protected Natural Area Easement Language
10. Finn Hill Neighborhood Plan
11. Green Loop Corridor Map
12. Finn Hill Trail System Map
13. Geologically Hazardous Areas Covenant

IX. PARTIES OF RECORD

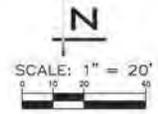
Applicant: Moira Haughian, The Blueline Group
Parties of Record
Planning and Building Department
Department of Public Works

**SATTERBERG SHORT PLAT
SUB17-00733**



SW1/4, SW1/4, SEC. 24, TWP. 26 N, RGE. 4 E, W.M.
MATCHLINE, SEE SHEET TR-02

SUB17-00733 APPRAISAL
ENCLOSURE 2
DIRECTOR'S DECISION



BLUELINE
SCALE: AS SHOWN
PROJECT MANAGER:
BRETT K. WOODS, PE
PROJECT ENGINEER:
BRETT K. WOODS, PE
DESIGNER:
NADIA KRUMHOLTZ
ISSUE DATE:
2/23/2018

TREE RETENTION CALCS

LOT #	GROSS LOT SIZE	*REQUIRED TREE CREDITS	**EXISTING RETAINED TREE CREDITS
1	10,404 SF	6	0
	2,738 SF PNA		3.3
2	15,239 SF	8	0
	4,280 SF PNA		44.5
3	9,132 SF	5	7.3
	6,740 SF PNA		73.5
4	14,053 SF	8	16.5
	10,325 SF PNA		7.3
5	11,322 SF	6	48.5
	8,350 SF PNA		8.3
6	11,114 SF	6	23.5
	2,817 SF PNA		56.5
7	13,213 SF	10	135.5
	3,368 SF PNA		40

*PER K2C 70.15.4.1. TREES - VALUABLE TREES AT A TREE DENSITY OF 150. TREE CREDITS PER ACRE WITHIN THE PNA, CALCULATED AS DESCRIBED IN K2C 93.33 TREE DENSITY REQUIREMENT. NOTE: THE TREE DENSITY FOR THE REMAINING LOT AREA IS 30. TREE CREDITS PER ACRE.

**SEE ARBORIST TABLE ON SHEET TR-04

PLANT REPLACEMENT TREES WHEN EXISTING RETAINED TREE CREDIT IS LESS THAN REQUIRED TREE CREDIT.
1 CREDIT = 8" TALL CONIFER OR 2" CALIBER DECIDUOUS OR BROADLEAF EVERGREEN. REPLACEMENT TREES TO BE LOCATED DURING BUILDING PERMIT PROCESS.

TREE LEGEND

- ⊗ EXISTING CONIFEROUS TREE TO BE REMOVED
- ⊗ EXISTING DECIDUOUS TREE TO BE REMOVED
- ⊗ EXISTING ON-SITE CONIFEROUS TREE TO REMAIN
- ⊗ EXISTING ON-SITE DECIDUOUS TREE TO REMAIN
- ⊗ EXISTING OFF-SITE CONIFEROUS TREE TO REMAIN
- ⊗ EXISTING OFF-SITE DECIDUOUS TREE TO REMAIN
- LIMITS OF DISTURBANCE
- DRIVELINE

UNDERGROUND UTILITY NOTE
UNDERGROUND UTILITIES ARE SHOWN IN THE APPROXIMATE LOCATION. THERE IS NO GUARANTEE THAT ALL UTILITY LINES ARE SHOWN, OR THAT THE LOCATION, SIZE AND MATERIAL IS ACCURATE. THE CONTRACTOR SHALL UNCOVER ALL INDICATED PIPING WHERE CROSSING, INTERFERENCES, OR CONNECTIONS OCCUR PRIOR TO TRENCHING OR EXCAVATION FOR ANY PIPE OR STRUCTURES. TO DETERMINE ACTUAL LOCATION, SIZE AND MATERIAL, THE CONTRACTOR SHALL MAKE THE APPROPRIATE PROVISION FOR PROTECTION OF SAID FACILITIES. THE CONTRACTOR SHALL NOTIFY ONE CALL AT 8-1-1 (WASHINGTON1.COM) AND ARRANGE FOR FIELD LOCATION OF EXISTING FACILITIES BEFORE CONSTRUCTION.

TREE RETENTION PLAN
 SATTERBERG SHORT PLAT
 IDP SUBMITTAL
 PARCEL #8677900160
 CITY OF KIRKLAND WASHINGTON

2/23/18
JOB NUMBER:
17-281
SHEET NAME:
TR-01
SHT 7 OF 10

DATE: 2/23/2018 11:23:00 AM
 USER: bwoods
 PROJECT: 17-281 TR-01
 SHEET: TR-01

SW 1/4, SW 1/4, SEC. 24, TWP. 26 N, RBE. 4 E, W.M.

SUB17-0073
ENCLOSURE 2
DIRECTOR'S DECISION



BLUELINE
AS BIDD
PROJECT MANAGER
BRIEF A. HUBER, PE
PROJECT ENGINEER
DANIELA M. HUBER, PE
DESIGNER
MOMA ARCHITECTS
ISSUE DATE:
2/21/2018

NO.	DATE	BY	REVISIONS
1	2/21/18	MM	ISSUE FOR BIDDING

TREE TABLES
DIP SUBMITTAL
PARCEL #8677900160
CITY OF KIRKLAND
WASHINGTON



2/15/18
17-281
TR-04
PAGE 10 OF 10

ARBORIST SUGGESTED INSTRUCTIONS FOR OFFSITE TREES

1. SUGGESTED INSTRUCTIONS FOR OFFSITE TREES:

Tree ID	Tree Species	Tree Size	Tree Health	Tree Location	Tree Status
1	Douglas fir	18"	1.5	18"	1.5
2	Douglas fir	18"	1.5	18"	1.5
3	Douglas fir	18"	1.5	18"	1.5
4	Douglas fir	18"	1.5	18"	1.5
5	Douglas fir	18"	1.5	18"	1.5
6	Douglas fir	18"	1.5	18"	1.5
7	Douglas fir	18"	1.5	18"	1.5
8	Douglas fir	18"	1.5	18"	1.5
9	Douglas fir	18"	1.5	18"	1.5
10	Douglas fir	18"	1.5	18"	1.5
11	Douglas fir	18"	1.5	18"	1.5
12	Douglas fir	18"	1.5	18"	1.5
13	Douglas fir	18"	1.5	18"	1.5
14	Douglas fir	18"	1.5	18"	1.5
15	Douglas fir	18"	1.5	18"	1.5
16	Douglas fir	18"	1.5	18"	1.5
17	Douglas fir	18"	1.5	18"	1.5
18	Douglas fir	18"	1.5	18"	1.5
19	Douglas fir	18"	1.5	18"	1.5
20	Douglas fir	18"	1.5	18"	1.5
21	Douglas fir	18"	1.5	18"	1.5
22	Douglas fir	18"	1.5	18"	1.5
23	Douglas fir	18"	1.5	18"	1.5
24	Douglas fir	18"	1.5	18"	1.5
25	Douglas fir	18"	1.5	18"	1.5
26	Douglas fir	18"	1.5	18"	1.5
27	Douglas fir	18"	1.5	18"	1.5
28	Douglas fir	18"	1.5	18"	1.5
29	Douglas fir	18"	1.5	18"	1.5
30	Douglas fir	18"	1.5	18"	1.5
31	Douglas fir	18"	1.5	18"	1.5
32	Douglas fir	18"	1.5	18"	1.5
33	Douglas fir	18"	1.5	18"	1.5
34	Douglas fir	18"	1.5	18"	1.5
35	Douglas fir	18"	1.5	18"	1.5
36	Douglas fir	18"	1.5	18"	1.5
37	Douglas fir	18"	1.5	18"	1.5
38	Douglas fir	18"	1.5	18"	1.5
39	Douglas fir	18"	1.5	18"	1.5
40	Douglas fir	18"	1.5	18"	1.5
41	Douglas fir	18"	1.5	18"	1.5
42	Douglas fir	18"	1.5	18"	1.5
43	Douglas fir	18"	1.5	18"	1.5
44	Douglas fir	18"	1.5	18"	1.5
45	Douglas fir	18"	1.5	18"	1.5
46	Douglas fir	18"	1.5	18"	1.5
47	Douglas fir	18"	1.5	18"	1.5
48	Douglas fir	18"	1.5	18"	1.5
49	Douglas fir	18"	1.5	18"	1.5
50	Douglas fir	18"	1.5	18"	1.5
51	Douglas fir	18"	1.5	18"	1.5
52	Douglas fir	18"	1.5	18"	1.5
53	Douglas fir	18"	1.5	18"	1.5
54	Douglas fir	18"	1.5	18"	1.5
55	Douglas fir	18"	1.5	18"	1.5
56	Douglas fir	18"	1.5	18"	1.5
57	Douglas fir	18"	1.5	18"	1.5
58	Douglas fir	18"	1.5	18"	1.5
59	Douglas fir	18"	1.5	18"	1.5
60	Douglas fir	18"	1.5	18"	1.5
61	Douglas fir	18"	1.5	18"	1.5
62	Douglas fir	18"	1.5	18"	1.5
63	Douglas fir	18"	1.5	18"	1.5
64	Douglas fir	18"	1.5	18"	1.5
65	Douglas fir	18"	1.5	18"	1.5
66	Douglas fir	18"	1.5	18"	1.5
67	Douglas fir	18"	1.5	18"	1.5
68	Douglas fir	18"	1.5	18"	1.5
69	Douglas fir	18"	1.5	18"	1.5
70	Douglas fir	18"	1.5	18"	1.5
71	Douglas fir	18"	1.5	18"	1.5
72	Douglas fir	18"	1.5	18"	1.5
73	Douglas fir	18"	1.5	18"	1.5
74	Douglas fir	18"	1.5	18"	1.5
75	Douglas fir	18"	1.5	18"	1.5
76	Douglas fir	18"	1.5	18"	1.5
77	Douglas fir	18"	1.5	18"	1.5
78	Douglas fir	18"	1.5	18"	1.5
79	Douglas fir	18"	1.5	18"	1.5
80	Douglas fir	18"	1.5	18"	1.5
81	Douglas fir	18"	1.5	18"	1.5
82	Douglas fir	18"	1.5	18"	1.5
83	Douglas fir	18"	1.5	18"	1.5
84	Douglas fir	18"	1.5	18"	1.5
85	Douglas fir	18"	1.5	18"	1.5
86	Douglas fir	18"	1.5	18"	1.5
87	Douglas fir	18"	1.5	18"	1.5
88	Douglas fir	18"	1.5	18"	1.5
89	Douglas fir	18"	1.5	18"	1.5
90	Douglas fir	18"	1.5	18"	1.5
91	Douglas fir	18"	1.5	18"	1.5
92	Douglas fir	18"	1.5	18"	1.5
93	Douglas fir	18"	1.5	18"	1.5
94	Douglas fir	18"	1.5	18"	1.5
95	Douglas fir	18"	1.5	18"	1.5
96	Douglas fir	18"	1.5	18"	1.5
97	Douglas fir	18"	1.5	18"	1.5
98	Douglas fir	18"	1.5	18"	1.5
99	Douglas fir	18"	1.5	18"	1.5
100	Douglas fir	18"	1.5	18"	1.5

2. OFFSITE TREES... (text describing tree preservation and removal instructions)

TREE CREDITS TABLE

LOT No.	Tree No.	Tree Species	Tree Size	Total DC	By Tree	By Tree	Total DC	By Tree
1	8104	Douglas fir	18"	1.5	1.5	1.5	1.5	1.5
1	8105	Douglas fir	18"	1.5	1.5	1.5	1.5	1.5
1	8106	Douglas fir	18"	1.5	1.5	1.5	1.5	1.5
1	8107	Douglas fir	18"	1.5	1.5	1.5	1.5	1.5
1	8108	Douglas fir	18"	1.5	1.5	1.5	1.5	1.5
1	8109	Douglas fir	18"	1.5	1.5	1.5	1.5	1.5
1	8110	Douglas fir	18"	1.5	1.5	1.5	1.5	1.5
1	8111	Douglas fir	18"	1.5	1.5	1.5	1.5	1.5
1	8112	Douglas fir	18"	1.5	1.5	1.5	1.5	1.5
1	8113	Douglas fir	18"	1.5	1.5	1.5	1.5	1.5
1	8114	Douglas fir	18"	1.5	1.5	1.5	1.5	1.5
1	8115	Douglas fir	18"	1.5	1.5	1.5	1.5	1.5
1	8116	Douglas fir	18"	1.5	1.5	1.5	1.5	1.5
1	8117	Douglas fir	18"	1.5	1.5	1.5	1.5	1.5
1	8118	Douglas fir	18"	1.5	1.5	1.5	1.5	1.5
1	8119	Douglas fir	18"	1.5	1.5	1.5	1.5	1.5
1	8120	Douglas fir	18"	1.5	1.5	1.5	1.5	1.5
1	8121	Douglas fir	18"	1.5	1.5	1.5	1.5	1.5
1	8122	Douglas fir	18"	1.5	1.5	1.5	1.5	1.5
1	8123	Douglas fir	18"	1.5	1.5	1.5	1.5	1.5
1	8124	Douglas fir	18"	1.5	1.5	1.5	1.5	1.5
1	8125	Douglas fir	18"	1.5	1.5	1.5	1.5	1.5
1	8126	Douglas fir	18"	1.5	1.5	1.5	1.5	1.5
1	8127	Douglas fir	18"	1.5	1.5	1.5	1.5	1.5
1	8128	Douglas fir	18"	1.5	1.5	1.5	1.5	1.5
1	8129	Douglas fir	18"	1.5	1.5	1.5	1.5	1.5
1	8130	Douglas fir	18"	1.5	1.5	1.5	1.5	1.5
1	8131	Douglas fir	18"	1.5	1.5	1.5	1.5	1.5
1	8132	Douglas fir	18"	1.5	1.5	1.5	1.5	1.5
1	8133	Douglas fir	18"	1.5	1.5	1.5	1.5	1.5
1	8134	Douglas fir	18"	1.5	1.5	1.5	1.5	1.5
1	8135	Douglas fir	18"	1.5	1.5	1.5	1.5	1.5
1	8136	Douglas fir	18"	1.5	1.5	1.5	1.5	1.5
1	8137	Douglas fir	18"	1.5	1.5	1.5	1.5	1.5
1	8138	Douglas fir	18"	1.5	1.5	1.5	1.5	1.5
1	8139	Douglas fir	18"	1.5	1.5	1.5	1.5	1.5
1	8140	Douglas fir	18"	1.5	1.5	1.5	1.5	1.5
1	8141	Douglas fir	18"	1.5	1.5	1.5	1.5	1.5
1	8142	Douglas fir	18"	1.5	1.5	1.5	1.5	1.5
1	8143	Douglas fir	18"	1.5	1.5	1.5	1.5	1.5
1	8144	Douglas fir	18"	1.5	1.5	1.5	1.5	1.5
1	8145	Douglas fir	18"	1.5	1.5	1.5	1.5	1.5
1	8146	Douglas fir	18"	1.5	1.5	1.5	1.5	1.5
1	8147	Douglas fir	18"	1.5	1.5	1.5	1.5	1.5
1	8148	Douglas fir	18"	1.5	1.5	1.5	1.5	1.5
1	8149	Douglas fir	18"	1.5	1.5	1.5	1.5	1.5
1	8150	Douglas fir	18"	1.5	1.5	1.5	1.5	1.5
1	8151	Douglas fir	18"	1.5	1.5	1.5	1.5	1.5
1	8152	Douglas fir	18"	1.5	1.5	1.5	1.5	1.5
1	8153	Douglas fir	18"	1.5	1.5	1.5	1.5	1.5
1	8154	Douglas fir	18"	1.5	1.5	1.5	1.5	1.5
1	8155	Douglas fir	18"	1.5	1.5	1.5	1.5	1.5
1	8156	Douglas fir	18"	1.5	1.5	1.5	1.5	1.5
1	8157	Douglas fir	18"	1.5	1.5	1.5	1.5	1.5
1	8158	Douglas fir	18"	1.5	1.5	1.5	1.5	1.5
1	8159	Douglas fir	18"	1.5	1.5	1.5	1.5	1.5
1	8160	Douglas fir	18"	1.5	1.5	1.5	1.5	1.5
1	8161	Douglas fir	18"	1.5	1.5	1.5	1.5	1.5
1	8162	Douglas fir	18"	1.5	1.5	1.5	1.5	1.5
1	8163	Douglas fir	18"	1.5	1.5	1.5	1.5	1.5
1	8164	Douglas fir	18"	1.5	1.5	1.5	1.5	1.5
1	8165	Douglas fir	18"	1.5	1.5	1.5	1.5	1.5
1	8166	Douglas fir	18"	1.5	1.5	1.5	1.5	1.5
1	8167	Douglas fir	18"	1.5	1.5	1.5	1.5	1.5
1	8168	Douglas fir	18"	1.5	1.5			



CITY OF KIRKLAND
Planning and Building Department
123 5th Avenue, Kirkland, WA 98033
425.587.3600 - www.kirklandwa.gov

SHORT PLAT DEVELOPMENT STANDARDS LIST

File: SUB17-00733, SATTERBERG SHORT PLAT

This application must comply with all applicable standards. The listing below outlines those standards in a typical development sequence.

KMC refers to Kirkland Municipal Code, KZC refers to Kirkland Zoning Code

TREE PLAN SUMMARY

KMC 22.28.210 & KZC 95.30 Significant Trees.

A Tree Retention Plan was submitted with the short plat in which the location of all proposed improvements were known. Therefore KZC 95.30.4 & 95.30.5 – known as an Integrated Development Plan, or IDP, applies in regards to tree retention. The approved IDP is included as Attachment 2 of the staff report. There are 144 significant trees on the site, of which 136 are viable. These trees have been assessed by staff and the City's Arborist. The trees on the relatively flat portion of the site, above the steep slope buffer identified on the site plan, are identified by number in the following chart.

Significant Trees:	High Retention Value	Moderate Retention Value	Low Retention Value (V) – viable (NV) – not viable
8118	X		
8288	X		
8289	X		
8290		X	
8291	X		
8292	X		
8293	X		
8294	X		
8295		X	
8296			NV
8297	X		
8298			NV
8299		X	
8300	X		
8301		X	
8302	X		
8303	X		
8304		X	

8305			NV
8306	X		
8307			NV
8308			NV
8309		X	
8316		X	
8317		X	
8318		X	
8319		X	
8320	X		
8321	X		
8322		X	
8326	X		
8334	X		
8338		X	
8345		X	
8350	X		
8353	X		
8356		X	
8357		X	
8425			NV
8434			NV
8447	X		
8448		X	
8449		X	
8450		X	
8451		X	
8452		X	
8453		X	
8454		X	
8455		X	
8456	X		
8457		X	
8458		X	
8459		X	
8460		X	
8466		X	
8467	X		
8468	X		
8469		X	
8480		X	
8481		X	

8482		X	
8487		X	
8488		X	
8489	X		
8490		X	
8491		X	
8512	X		
8513	X		
8514		X	
8515		X	
8516		X	
9000		X	
9001		X	
9002		X	
9003		X	
9004		X	
9005		X	
9006		X	

Subject Property:

Existing on-site grove: Yes No Discuss - proposed impacts to grove, which trees are to be retained/removed, comments...

Conflicts between trees and utilities: Yes No If yes, tree #'s: _____

Acceptable Tree Protection Fencing Shown on plans: Yes No Redline Suggestions Below

The arborist report is accurate and limits of disturbance are reasonable.

In the report the arborist stated that he didn't map or tag the trees in the PNA, but that he did do a visual inventory to ensure that the City's tree density credit requirements are met. He gave a total TDC of 480.5 in the PNA. One PNA is located in the NW corner of the property and includes two existing trees proposed for retention. The remainder of the PNA is void of trees or understory vegetation. The remaining PNAs are located in a contiguous area along the southern 1/3 of the property. This area has a mixed native conifer-deciduous trees with a good understory vegetation composition. Some of the Pacific madrones in this area have thinning canopies and appear to be diseased. There is also quite a bit of invasive understory vegetation that will need to be removed including Himalayan blackberry and English ivy. Despite these issues, this is an excellent location to place the PNAs as it has the best tree cover and composition and the entire area is a critical area (steep slope).

The proposed vault location will require the removal of many viable trees at the SW corner of the property. It may be worth exploring an alternative location for the vault such as shifting it north in order to save some of the trees in the SW corner. However, this would likely eliminate the two trees (8303 & 8304) proposed for retention in the PNA for the northwestern-most lot. If there is a way to reconfigure the lots so that the PNAs are all contiguous as shown in Figure 1, then that would be ideal.

Concerning the ROW trees along 69th Ave (A, B, 9116, C, D, E and F): The LOD for these trees in most cases is greater than the distance to the edge of pavement, with the exception being tree F. It looks like they have shifted the edge of pavement for the improved road to accommodate these LODs. The applicant's arborist should be onsite when they are doing demolition of the existing pavement and during excavation for any expansion of the pavement, to ensure the trees are not impacted.

I typed the onsite trees based only on their health and structural condition and did not take the proposed development into account at this time as there is room to adjust some of the proposed structures and lot lines. For this reason there are only a few trees (outside of the PNA) that are non-viable and low retention value. All other trees were deemed high retention value or moderate retention value based on their health and structural condition. Typing trees this way will allow us to see where the best trees are on the property.

High Retention Value Trees

8118, 8288, 8289, 8291, 8292, 8293, 8294, 8297, 8300, 8302, 8303, 8306, 8320, 8321, 8326, 8334, 8350, 8353, 8447, 8456, 8467, 8468, 8489, 8512, 8513

Moderate Retention Value Trees

8290, 8295, 8299, 8301, 8304, 8309, 8316, 8317, 8318, 8319, 8322, 8338, 8345, 8356, 8357, 8448, 8449, 8450, 8451, 8452, 8453, 8454, 8455, 8457, 8458, 8459, 8460, 8466, 8469, 8480, 8481, 8482, 8487, 8488, 8490, 8491, 8514, 8515, 8516, 9000, 9001, 9002, 9003, 9004, 9005, 9006

Low Retention Value Trees

8296, 9298, 8305, 8307, 8308, 8425, 8434

No trees are to be removed with an approved short plat or subdivision permit. Based on the approved IDP, the applicant shall retain and protect all viable trees throughout the development of each single family lot except for those trees allowed to be removed for the installation of the plat infrastructure improvements *and* construction of the residence and associated site improvements. Modifications to the Tree Retention Plan must be approved per KZC 95.30(6)(b).

PRIOR TO RECORDING

KMC 22.20.362 Short Plat - Title Report. The applicant shall submit a title company

certification which is not more than 30 calendar days old verifying ownership of the subject property on the date that the property owner(s) (as indicated in the report) sign(s) the short plat documents; containing a legal description of the entire parcel to be subdivided; describing any easements or restrictions affecting the property with a description, purpose and reference by auditor's file number and/or recording number; any encumbrances on the property; and any delinquent taxes or assessments on the property.

KMC 22.20.366 Short Plat - Lot Corners. The exterior short plat boundary and all interior lot corners shall be set by a registered land surveyor. If the applicant submits a bond for construction of short plat improvements and installation of permanent interior lot corners, the City may allow installation of temporary interior lot corners until the short plat improvements are completed.

KMC 22.20.390 Short Plat - Improvements. The owner shall complete or bond all required right-of-way, easement, utility and other similar improvements.

KMC 22.28.110-130 Vehicular Access Easements. Municipal Code sections 22.28.110 and 22.28.130 establish that if vehicular access within the plat is provided by means other than rights-of-way, the plat must establish easements or tracts, compliant with Zoning Code Section 105.10, which will provide the legal right of access to each of the lots served.

KMC 22.32.010 Utility System Improvements. All utility system improvements must be designed and installed in accordance with all standards of the applicable serving utility.

KMC 22.32.020 Water System. The applicant shall install a system to provide potable water, adequate fire flow and all required fire-fighting infrastructure and appurtenances to each lot created.

KMC 22.32.030 Stormwater Control System. The applicant shall comply with the construction phase and permanent stormwater control requirements of the Municipal Code.

KMC 22.32.040 Sanitary Sewer System. The developer shall install a sanitary sewer system to serve each lot created.

KMC 22.32.050 Transmission Line Undergrounding. The applicant shall comply with the utility lines and appurtenances requirements of the Zoning Code.

KMC 22.32.080 Performance Bonds. In lieu of installing all required improvements and components as part of a plat or short plat, the applicant may propose to post a bond, or submit evidence that an adequate security device has been submitted and accepted by the service provider (City of Kirkland and/or Northshore Utility District), for a period of one year to ensure completion of these requirements within one year of plat/short plat approval.

LAND SURFACE MODIFICATION AND/OR BUILDING PERMIT REQUIREMENTS

KZC 20.10-60.187 Required Yards for Multi-family Development: The side yard may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached must provide a minimum side yard of five feet. The rear yard may be reduced to zero feet if the rear of the dwelling unit is attached to a dwelling unit on an adjoining lot.

KZC 85.25.1 Geotechnical Report Recommendations. A written acknowledgment must be added to the face of the plans signed by the architect, engineer, and/or designer that he/she has reviewed the geotechnical recommendations and incorporated these recommendations into the plans.

KZC 85.45 Liability. The applicant shall enter into an agreement with the City, which runs with the property, in a form acceptable to the City Attorney, indemnifying the City for any damage resulting from development activity on the subject property which is related to the physical condition of the property (see Attachment ____).

KZC 90.155 Liability. The applicant shall enter into an agreement with the City which runs with the property, in a form acceptable to the City Attorney, indemnifying the City for any

damage resulting from development activity on the subject property which is related to the physical condition of the stream, minor lake, or wetland (see Attachment ____).

KZC 95.35.2.b.(3)(b)i Tree Protection Techniques. A description and location of tree protection measures during construction for trees to be retained must be shown on demolition and grading plans.

KZC 95.34 Tree Protection. Prior to development activity or initiating tree removal on the site, vegetated areas and individual trees to be preserved shall be protected from potentially damaging activities. Protection measures for trees to be retained shall include (1) placing no construction material or equipment within the protected area of any tree to be retained; (2) providing a visible temporary protective chain link fence at least 4 feet in height around the protected area of retained trees or groups of trees until the Planning Official authorizes their removal; (3) installing visible signs spaced no further apart than 15 feet along the protective fence stating "Tree Protection Area, Entrance Prohibited" with the City code enforcement phone number; (4) prohibiting excavation or compaction of earth or other damaging activities within the barriers unless approved by the Planning Official and supervised by a qualified professional; and (5) ensuring that approved landscaping in a protected zone shall be done with light machinery or by hand.

KZC 95.45 Tree Installation Standards. All supplemental trees to be planted shall conform to the Kirkland Plant List. All installation standards shall conform to Kirkland Zoning Code Section 95.45.

KZC 110.60.5 Street Trees. All trees planted in the right-of-way must be approved as to species by the City. All trees must be two inches in diameter at the time of planting as measured using the standards of the American Association of Nurserymen with a canopy that starts at least six feet above finished grade and does not obstruct any adjoining sidewalks or driving lanes.

KZC 95.52 Prohibited Vegetation. Plants listed as prohibited in the Kirkland Plant List shall not be planted in the City.

KZC 105.10 Vehicular Access Easements or Tracts. The access easement or tract shall be ____ feet wide and contain a paved surface ____ feet in width. The access easement or tract shall be screened from the adjacent property to the ____ with a minimum five-foot high sight-obscuring fence; or vegetation that will provide comparable screening to a five-foot fence within two years of planting; along the entire easement or tract outside the required front yard.

105.10.2 Pavement Setbacks. The paved surface in an access easement or tract shall be set back at least 5 feet from any adjacent property which does not receive access from that easement or tract. An access easement or tract that has a paved area greater than 10 feet in width must be screened from any adjacent property that does not receive access from it. Screening standards are outlined in this section.

KZC 105.19 Public Pedestrian Walkways. The height of solid (blocking visibility) fences along pedestrian pathways that are not directly adjacent a public or private street right-of-way shall be limited to 42 inches unless otherwise approved by the Planning or Public Works Directors. All new building structures shall be setback a minimum of five feet from any pedestrian access right-of-way, tract, or easement that is not directly adjacent a public or private street right-of-way. If in a design district, see section and Plate 34 for through block pathways standards.

KZC 105.47 Required Parking Pad. Except for garages accessed from an alley, garages serving detached dwelling units in low density zones shall provide a minimum 20-foot by 20-foot parking pad between the garage and the access easement, tract, or right-of-way providing access to the garage.

KZC 115.25 Work Hours. It is a violation of this Code to engage in any development activity or to operate any heavy equipment before 7:00 am. or after 8:00 pm Monday through Friday, or before 9:00 am or after 6:00 pm Saturday. No development activity or use of heavy equipment may occur on Sundays or on the following holidays: New Year's Day, Memorial Day,

Independence Day, Labor Day, Thanksgiving, and Christmas Day. The applicant will be required to comply with these regulations and any violation of this section will result in enforcement action, unless written permission is obtained from the Planning Official.

KZC 115.40 Fence Location. Fences over 6 feet in height may not be located in a required setback yard. A detached dwelling unit abutting a neighborhood access or collector street may not have a fence over 3.5 feet in height within the required front yard. No fence may be placed within a high waterline setback yard or within any portion of a north or south property line yard, which is coincident with the high waterline setback yard.

KZC 115.42 Floor Area Ratio (F.A.R.) Limits. Floor area for detached dwelling units is limited to a maximum floor area ratio in low density residential zones. See Use Zone charts for the maximum percentages allowed. This regulation does not apply within the disapproval jurisdiction of the Houghton Community Council.

KZC 115.43 Garage Requirements for Detached Dwelling Units in Low Density Zones. 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. Whenever practicable, garage doors shall not be placed on the front façade of the house. Side-entry garages shall minimize blank walls. For garages with garage doors on the front façade, increased setbacks apply, and the garage width shall not exceed 50% of the total width of the front façade. These regulations do not apply within the disapproval jurisdiction of the Houghton Community Council. Section 115.43 lists other exceptions to these requirements.

KZC 115.75.2 Fill Material. All materials used as fill must be non-dissolving and non-decomposing. Fill material must not contain organic or inorganic material that would be detrimental to the water quality, or existing habitat, or create any other significant adverse impacts to the environment.

KZC 115.90 Calculating Lot Coverage. The total area of all structures and pavement and any other impervious surface on the subject property is limited to a maximum percentage of total lot area. See the Use Zone charts for maximum lot coverage percentages allowed. Section 115.90 lists exceptions to total lot coverage calculations. See Section 115.90 for a more detailed explanation of these exceptions.

KZC 115.95 Noise Standards. The City of Kirkland adopts by reference the Maximum Environmental Noise Levels established pursuant to the Noise Control Act of 1974, RCW 70.107. See Chapter 173-60 WAC. Any noise, which injures, endangers the comfort, repose, health or safety of persons, or in any way renders persons insecure in life, or in the use of property is a violation of this Code.

KZC 115.115 Required Setback Yards. This section establishes what structures, improvements and activities may be within required setback yards as established for each use in each zone.

KZC 115.115.3.g Rockeries and Retaining Walls. Rockeries and retaining walls are limited to a maximum height of four feet in a required yard unless certain modification criteria in this section are met. The combined height of fences and retaining walls within five feet of each other in a required yard is limited to a maximum height of 6 feet, unless certain modification criteria in this section are met.

KZC 115.115.3.n Covered Entry Porches. In residential zones, covered entry porches on dwelling units may be located within 13 feet of the front property line if certain criteria in this section are met. This incentive is not effective within the disapproval jurisdiction of the Houghton Community Council.

KZC 115.115.3.o Garage Setbacks. In low density residential zones, garages meeting certain criteria in this section can be placed closer to the rear property line than is normally allowed in those zones.

KZC 115.115.3.p HVAC and Similar Equipment: These may be placed no closer than five feet of a side or rear property line, and shall not be located within a required front yard; provided, that 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 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.

KZC 115.115.5.a Driveway Width and Setbacks. For a detached dwelling unit, a driveway and/or parking area shall not exceed 20 feet in width in any required front yard, and shall be separated from other hard surfaced areas located in the front yard by a 5-foot wide landscape strip. Driveways shall not be closer than 5 feet to any side property line unless certain standards are met.

KZC 115.135 Sight Distance at Intersection. Areas around all intersections, including the entrance of driveways onto streets, must be kept clear of sight obstruction as described in this section.

KZC 145.22.2 Public Notice Signs. Within seven (7) calendar days after the end of the 21-day period following the City's final decision on the permit, the applicant shall remove all public notice signs.

PRIOR TO OCCUPANCY

KZC 90.145 Bonds. The City may require a bond and/or a perpetual landscape maintenance agreement to ensure compliance with any aspect of the Drainage Basins chapter or any decision or determination made under this chapter. A ___ is required for ___. (see Attachment ___).

KZC 95.40 Bonds. The City may require a maintenance agreement or bond to ensure compliance with any aspect of the Landscaping chapter. A ___ is required for ___ (see Attachment ___).

KZC 110.60.6 Mailboxes. Mailboxes shall be installed in the development in a location approved by the Postal Service and the Planning Official. The applicant shall, to the maximum extent possible, group mailboxes for units or uses in the development.

KZC 110.75 Bonds. The City may require or permit a bond to ensure compliance with any of the requirements of the Required Public Improvements chapter. A ___ shall be submitted for ___.



DEVELOPMENT STANDARDS

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FIRE DEPARTMENT

FIRE DEPARTMENT COMMENTS

Contact: Grace Steuart at 425-587-3660; or gsteuart@kirklandwa.gov

VAULT UNDER ACCESS

The storm water vault is under the west access road. The vault shall be designed for fire truck loading.

HYDRANTS

Existing hydrants are adequate to provide coverage for the proposed project. The closest hydrants (on NE 69th and NE 70th) shall be equipped with 5" Storz fittings.

FIRE FLOW

Fire flow requirement for this project is 1,000 gpm. The project is in Northshore Utility District. (A certificate of water availability from NUD showing 1500-2000 gpm has been provided.)

SPRINKLER THRESHOLD

Per Kirkland Municipal Code, all new buildings which are 5,000 gross square feet or larger require fire sprinklers. Included are single family homes, duplexes, and zero lot line townhouses where the aggregate area of all connected townhouses is greater than 5,000 square feet; garages, porches, covered decks, etc, are included in the gross square footage. (This comment is included in the short plat conditions for informational purposes only.)

PUBLIC WORKS DEPARTMENT

Public Works Staff Contacts

Building and Land Surface Modification (Grading) Permit Process:

John Burkhalter, Development Engineer Supervisor

Phone: 425-587-3846 / E-mail: jburkhalter@kirklandwa.gov

General Conditions:

1. All public improvements associated with this project including street and utility improvements, must meet the City of Kirkland Public Works Pre-Approved Plans and Policies Manual. A Public Works Pre-Approved Plans and Policies manual can be purchased from the Public Works Department, or it may be retrieved from the Public Works Department's page at the City of Kirkland's web site.
2. This project will be subject to Public Works Permit and Connection Fees. It is the applicant's responsibility to contact the Public Works Department by phone or in person to determine the fees. The applicant should anticipate the following fees:
 - o Surface Water Connection Fees *
 - o Water and Sewer connection charges from Northshore Utility District.
 - o Septic Tank Abandonment Inspection Fee
 - o Right-of-way Fee
 - o Review and Inspection Fee
 - o Building Permits associated with this proposed project will be subject to the traffic, park, and school impact fees per Chapter 27 of the Kirkland Municipal Code. The impact fees shall be paid prior to issuance of the Building Permit(s). Any existing buildings within this project which are demolished will receive a Traffic Impact Fee credit,

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Park Impact Fee Credit and School Impact Fee Credit. This credit will be applied to the first Building Permits that are applied for within the project. The credit amount for each demolished building will be equal to the most currently adopted Fee schedule. *

* Fee to be paid with the issuance of a Building Permit.

3. All street and utility improvements shall be permitted by obtaining a Land Surface Modification (LSM) Permit, including the required LSM Checklist.
4. Requirements for Integrated Development Plan (IDP) Projects: When the Subdivision application is submitted for an IDP project, engineering plans and reports are required at a 70% design level. This includes:
 - Water and sewer service locations that have been approved by the service provider (City of Kirkland, Northshore Utility District, or Woodinville Water District).
 - Storm drainage design that has been approved for layout by the City.
 - Access location(s) for all lots.
 - Required frontage improvements and any necessary right-of-way dedications.

To accomplish these requirements, additional submittals and coordination may be required prior to submittal of the IDP. Coordinate these items with the Development Engineer as necessary.

5. Subdivision Performance and Maintenance Securities:
 - The subdivision can be recorded in advance of installing all the required street and utility improvements by posting a performance security equal to 130% of the value of work. This security amount will be determined by using the City of Kirkland's Improvement Evaluation Packet (available in either Excel or PDF). Contact the Development Engineer assigned to this project to assist with this process.
6. This project is exempt from concurrency review.
7. All civil engineering plans which are submitted in conjunction with a building, grading, or right-of-way permit must conform to the Public Works Policy G-7, Engineering Plan Requirements. This policy is contained in the Public Works Pre-Approved Plans and Policies manual.
8. All street improvements and underground utility improvements (storm, sewer, and water) must be designed by a Washington State Licensed Engineer; all drawings shall bear the engineers stamp.
9. All plans submitted in conjunction with a building, grading or right-of-way permit must have elevations which are based on the King County datum only (NAVD 88).
10. A completeness check meeting is required prior to submittal of any Building Permit applications.
11. The required tree plan shall include any significant tree in the public right-of-way along the property frontage.
12. All subdivision recording documents shall include the following language:
 - o Utility Maintenance: Each property owner shall be responsible for maintenance of the sanitary sewer, storm water stub, rain garden, permeable pavement, or any infiltration facilities (known as Low Impact Development) from the point of use on their own property to the point of connection in the City sanitary sewer main or storm water main. Any portion of a sanitary sewer, surface water stub, rain garden, permeable pavement, or any infiltration facilities, which jointly serves more than one property, shall be jointly maintained and repaired by the property owners sharing such stub. The joint use and maintenance shall "run with the land" and will be binding on all property owners within this subdivision, including their heirs, successors and assigns.
 - o Public Right-of-way Sidewalk and Vegetation Maintenance: Each property owner shall be responsible for keeping the sidewalk abutting the subject property clean and litter free. The property owner shall also be responsible for the maintenance of the vegetation within the abutting landscape strip. The maintenance shall "run with the land" and will be binding on all property owners within this subdivision, including their heirs, successors and

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assigns.

If the lots have on-site private storm water facilities, include this language on the subdivision recording document:

o Maintenance of On-site Private Stormwater Facilities: Each Lot within the Subdivision has a stormwater facility (infiltration trench, dry wells, dispersion systems, rain garden, and permeable pavement) which is designed to aid storm water flow control for the development. The stormwater facility within the property shall be owned, operated and maintained by the Owner. The City of Kirkland shall have the right to ingress and egress the Property for inspection of and to reasonable monitoring of the performance, operational flows, or defects of the stormwater/flow control facility.

If the City of Kirkland determines related maintenance or repair work of the stormwater facility is required, the City of Kirkland shall give notice to the Owner of the specific maintenance and/or repair work required. If the above required maintenance or repair is not completed within the time set by the City of Kirkland, the City of Kirkland may perform the required maintenance or repair, or contract with a private company capable of performing the stormwater facility maintenance or repair and the Owner will be required to reimburse the City for any such work performed.

The Owner is required to obtain written approval from the City of Kirkland prior to replacing, altering, modifying or maintaining the storm water facility.

If the project contains LID storm improvements that will be installed as a condition of the new home Building Permit, then include this condition on the Short Plat recording documents:

o Installation of Low Impact Development (LID) storm drainage improvements with Building Permits: All LID storm drainage features depicted on Sheet ____ of ____ of issued permit LSM1X-0XXXX shall be installed in conjunction with the construction of each new home on lots X to X. The LID improvements include, but are not limited to the rain gardens and the pervious driveways. The Building Permit for the new signal family home on lots X to X will not receive a final inspection until said LID improvements are installed. The pervious access road/Tract serving lots X and X shall be constructed or secured by a performance bond prior to recording of the short plat

Water and Sanitary Sewer Conditions:

1. The existing septic system shall be abandoned per City standards with a Demo Permit.
2. Northshore Utility District (NUD) approval required for sanitary sewer and water service. A letter of sewer/water availability is required. Contact NUD at 425-398-4400.
3. See Fire Department conditions for fire flow requirements.

Surface Water Conditions:

1. Provide temporary and permanent storm water control in accordance with the 2016 King County Surface Water Design Manual (KCSWDM) and the City of Kirkland Addendum (Policy D-10).
2. To determine the drainage review level required, the target impervious surface area is the maximum allowable lot coverage area for the project, plus any offsite improved impervious areas. See Policies D-2 and D-3 in the Public Works Pre-Approved Plans for drainage review information, or contact Kirkland Surface Water staff at (425) 587-3800 for assistance. The Kirkland Drainage Review Flow Chart is a helpful tool to determine a project's drainage review level. Drainage review levels are summarized below:

- Full Drainage Review

- o Any non-single-family residential project that creates more than 2,000 sf of new and/or replaced impervious surface, or greater than 7,000 sf of land disturbing activity will trigger a Full Drainage Review.
- o Single family residential projects that propose improvements greater than the Simplified thresholds explained above will be subject to a Full Drainage Review.

3. A preliminary drainage report (Technical Information Report) must be submitted with the subdivision application. This must include a downstream analysis for all projects (except for Basic and Simplified Drainage

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Review projects). Provide a level one off-site analysis per Core Requirement #2 of the KCSWDM.

4. This project is in a Level 2 Flow Control Area, and is required to comply with core drainage requirements in the KCSWDM. Historic (forested) conditions shall be used as the pre-developed modeling condition for design of the stormwater detention system.

5. Evaluate the feasibility and applicability of dispersion, infiltration, and other stormwater Low Impact Development (LID) Best Management Practices (BMPs) per the KCSWDM. If feasible, stormwater LID BMPs are required to the maximum extent feasible. If LID BMPs are infeasible, pervious pavement cannot be used to reduce overall impervious lot coverage. The Private Maintenance Agreement will be recorded on all projects that construct a stormwater LID BMP or facility, per Policy D-7.

6. Soil information may be necessary for designing LID BMPs per the KCSWDM, and there are other reasons a soil report is necessary for a project (e.g., steep slopes, sensitive areas, etc.). Refer to Policy D-8 for details.

7. Special inspections may be required for LID BMPs on this project. Provide documentation of inspections by a licensed geotechnical professional that the BMP will function as designed.

8. If the project will create or replace more than 5,000 square feet of pollution generating impervious surface (PGIS), provide stormwater quality in accordance with the KCSWDM.

9. Soil Amendment per Pre-Approved Plan E.12 is required for all landscaped areas.

10. Provide a separate storm drain connection to each lot for conveyance. All roof and driveway drainage must be tight-lined to the storm drain system or utilize low impact development techniques on-site.

11. Provide collection and conveyance of right-of-way storm drainage. Extend the storm main along all new roadways, to and through the limits of the property. Provide a plan and profile design for the storm sewer system. Size and material of construction shall be in accordance with the City Kirkland Pre-Approved Plans and Notes. Refer to Policy D-5 for details.

12. A 15 foot wide public storm sewer line easement for all right-of-way water must be recorded with the property.

13. Provide a 15' wide access easement to the storm detention control manhole; easement must be improved with 10' of asphalt and drainage control to protect against erosion.

14. A storm sewer "Joint Maintenance Agreement" must be recorded with the property for the jointly used storm sewer lines.

15. If working within an existing ditch, the applicant is hereby given notice that the Army Corps of Engineers (COE) has asserted jurisdiction over upland ditches draining to streams. Either an existing Nationwide COE permit or an Individual COE permit may be necessary for work within ditches, depending on the project activities. Applicants should obtain the applicable COE permit; information about COE permits can be found at: U.S. Army Corps of Engineers, Seattle District Regulatory Branch
<http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits.aspx>

Specific questions can be directed to: Seattle District, Corps of Engineers, Regulatory Branch, CENWS-OD-RG, Post Office Box 3755, Seattle, WA 98124-3755, Phone: (206) 764-3495

16. Construction Stormwater Pollution Prevention Plan (CSWPPP):

- All proposed projects that will conduct construction activities onsite, or offsite must provide stormwater pollution prevention and spill controls to prevent, reduce, or eliminate the discharge of pollutants (including sediment) to onsite or adjacent stormwater systems or watercourses.
- Refer to Core Requirement No. 5 in the KCSWDM and Policy D-12.
- Provide an erosion control report and plan with the Building or Land Surface Modification Permit application. The plan shall be in accordance with the KCSWDM.
- Construction drainage control shall be maintained by the developer and will be subject to periodic inspections.

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During the period from May 1 and September 30, all denuded soils must be covered within 7 days; between October 1 and April 30, all denuded soils must be covered within 12 hours. Additional erosion control measures may be required based on site and weather conditions. Exposed soils shall be stabilized at the end of the workday prior to a weekend, holiday, or predicted rain event.

17. If the project site is one acre or greater, the following conditions apply:

- The applicant is responsible to apply for a Construction Stormwater General Permit from Washington State Department of Ecology. Provide the City with a copy of the Notice of Intent for the permit. Permit Information can be found at the following website: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/>
 - o Among other requirements, this permit requires the applicant to prepare a Storm Water Pollution Prevention Plan (SWPPP) and identify a Certified Erosion and Sediment Control Lead (CESCL) prior to the start of construction. The CESCL shall attend the City of Kirkland PW Dept. pre-construction meeting with a completed SWPPP.
- Turbidity monitoring by the developer/contractor is required for any surface water leaving the site.
- A Stormwater Pollution Prevention and Spill (SWPPS) Plan must be kept on site during all phases of construction and shall address construction-related pollution generating activities. Follow the guidelines in the Ecology Pollution Prevention Manual for plan preparation.

Street and Pedestrian Improvement Conditions:

1. The subject property abuts 69th Ave NE. This street is a Neighborhood Access type street. Additionally, NE 133rd St and 70th Ave NE have been identified by the Finn Hill Neighborhood Transportation Plans as possible future roads. Zoning Code sections 110.10 and 110.25 require the applicant to make half-street improvements in rights-of-way abutting the subject property. Section 110.30-110.50 establishes that this street must be improved with the following:

69th Ave NE

- A. Dedicate sufficient right-of-way (ROW) abutting the property to install half-street improvements. The ½ ROW shall measure 25 feet from CL to PL.
- B. Provide a vehicular turn; the existing right-of-way and paving is sufficient for a vehicular turn around.
- C. Install Type-A concrete curb and gutter. The face of curb shall be 12 feet east of the current property line. Widen the street pavement to meet the new curb and gutter. Total road width shall be 20 feet minimum.
- D. Provide No Parking Anytime signs along the new frontage.
- E. Install a 4.5-ft landscape strip behind the curb, with street trees 30 feet on-center.
- F. Install a 5-ft wide concrete sidewalk behind the landscape strip.
- G. Identify and protect trees with retention value in the right-of-way.
- H. Install a minimum of 20 feet of paved surface from the north end of the plat to NE 134th St to allow emergency and vehicular access.

NE 133rd St

- A. Dedicate sufficient right-of-way (ROW) abutting the property to install street improvements. The ROW dedication shall measure 35 feet from the north property line.
- B. Install a 20 ft wide roadway with a Type-A concrete curb and gutter.
- C. Install a 4.5-ft landscape strip behind the curb, with street trees 30 feet on-center.
- D. Install a 5-ft wide concrete sidewalk behind the landscape strip along the entire frontage.
- E. Provide No Parking Anytime signs along the north side of the new roadway.
- F. Provide a fire department turn-around at the east end of NE 133rd St in a temporary easement. The turn-around easement may be released upon the completion of 70th Ave NE. A turn-around is not required if lots are sprinklered, coordinate with the Fire Department.
- G. Identify and protect trees with retention value in the right-of-way.

70th Ave NE

- A. Dedicate the 20' wide flag for a future opening of 70th Ave NE.
- B. No additional street improvements are required along the flag at this time. Ensure any existing access to adjacent properties along the flag is maintained.
- C. Provide bollards at the end of NE 133rd St so that there will be no through traffic to the private driveway.

SUB17-00733

Page 6 of 7

2. Pedestrian Path Connection: Provide a pedestrian path connection from the existing trail in the NE 132nd St unopened right-of-way starting roughly at the southwest corner of Lot 4 where it abuts the right-of-way north easterly across Lots 5 and 6 terminating at the east property line of Lot 7 at the north boundary of the proposed steep slope buffer. The pedestrian path will consist shall be a 5 foot wide gravel similar to a forest service type trail (embedded metal posts and treated 2x12's) and be encompassed in a 10 foot wide public pedestrian easement. Future developments to the east will complete the path connection to 70th Ave Ne.

3. Access Requirements (KZC Chapter 105.10):

A. The driveway for each lot shall be long enough so that parked cars do not extend into any easement, tract, or right-of-way (20' minimum). The parking pad shall measure 20' by 20'.

4. Meet the requirements of the Kirkland Driveway Policy R-4. Spacing Table from R-4, for reference:

5. Meet the requirements of the Kirkland Intersection Sight Distance Policy R.13. All street and driveway intersections shall not have any visual obstructions within the sight distance triangle.

6. When three or more utility trench crossings occur within 150 lineal ft. of street length or where utility trenches parallel the street centerline, the street shall be overlaid with new asphalt or the existing asphalt shall be removed and replaced per the City of Kirkland Street Asphalt Overlay Policy R-7.

- Existing streets with 4-inches or more of existing asphalt shall receive a 2-inch (minimum thickness) asphalt overlay. Grinding of the existing asphalt to blend in the overlay will be required along all match lines.
- Existing streets with 3-inches or less of existing asphalt shall have the existing asphalt removed and replaced with an asphalt thickness equal or greater than the existing asphalt provided however that no asphalt shall be less than 2-inches thick and the subgrade shall be compacted to 95% density.

7. Prior to the final of the building or grading permit, pay for the installation street signs at the new intersections, and provide a new stop sign and street signs at the intersection of NE 134th ST and 69th Ave NE

8. Install new monuments at the intersections of NE 133rd St and 69th Ave NE aligned with the monument in NE 134th St and 12.5 feet from the north property line. Provide additional monuments as may be required by the Licensed Surveyor for the Project.

9. It shall be the responsibility of the applicant to relocate any above-ground or below-ground utilities which conflict with the project, associated street, or utility improvements.

10. Underground all new and existing on-site utility lines and overhead transmission lines. Underground any new off-site transmission lines.

11. Zoning Code Section 110.60.9 establishes the requirement that existing utility and transmission (power, telephone, etc.) lines on-site and in rights-of-way adjacent to the site must be underground. The Public Works Director may determine if undergrounding transmission lines in the adjacent right-of-way is not feasible and defer the undergrounding by signing an agreement to participate in an undergrounding project, if one is ever proposed. In this case, the Public Works Director has determined that undergrounding of existing overhead utility on NE 134th St is not feasible at this time and the undergrounding of off-site/frontage transmission lines should be deferred with a Local Improvement District (LID) No Protest Agreement. The final recorded subdivision mylar shall include the following note:

Local Improvement District (LID) Waiver Agreement. Chapter 110.60.7.b of the Kirkland Zoning Code requires all overhead utility lines along the frontage of the subject property to be converted to underground unless the Public Works Director determines that it is infeasible to do so at the time of the subdivision recording. If it is determined to be infeasible, then the property owner shall consent to the formation of a Local Improvement District, hereafter formed by the City or other property owners. During review of this subdivision it was determined that it was infeasible to convert the overhead utility lines to underground along the frontage of this subdivision on NE 134th St. Therefore, in consideration of deferring the requirement to underground the overhead utility lines at the time of the

SUB17-00733

Page 7 of 7

subdivision recording, the property owner and all future property owners of lots within this subdivision hereby consent to the formation of a Local Improvement District hereafter formed by the City or other property owners

12. New LED street lights may be required per Puget Sound Energy design and Public Works approval. Contact the INTO Light Division at PSE for a lighting analysis. If lighting is necessary, design must be submitted prior to issuance of a grading or building permit.

Brynja Myren - Account Sales Manager, Intolight, PUGET SOUND ENERGY
Tel 425-462-3833 | Cell 206-604-3348 | Fax 425-462-3149
Email brynja.myren@pse.com | Website: www.intolight.com

SW1/4 SW1/4, SEC. 24, TWP. 26 N., RGE. 4 E., W.M.

SUB17-00733

SAPPHIRE ENERGY, L.L.C.
ENGINEER
DIRECTOR'S DECISION

DIRECTOR'S DECISION



SCALE: 1" = 40'

GENERAL NOTES

- 1. THIS SURVEY IS BASED ON THE CENTERLINE OF THE HIGHWAY AS SHOWN ON THE PLANS.
- 2. THE BOUNDARY LINES SHOWN ON THESE PLANS ARE BASED ON THE CENTERLINE OF THE HIGHWAY AS SHOWN ON THE PLANS.
- 3. THE BOUNDARY LINES SHOWN ON THESE PLANS ARE BASED ON THE CENTERLINE OF THE HIGHWAY AS SHOWN ON THE PLANS.
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- 10. THE BOUNDARY LINES SHOWN ON THESE PLANS ARE BASED ON THE CENTERLINE OF THE HIGHWAY AS SHOWN ON THE PLANS.

LEGAL DESCRIPTION

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ASSUMPTIONS

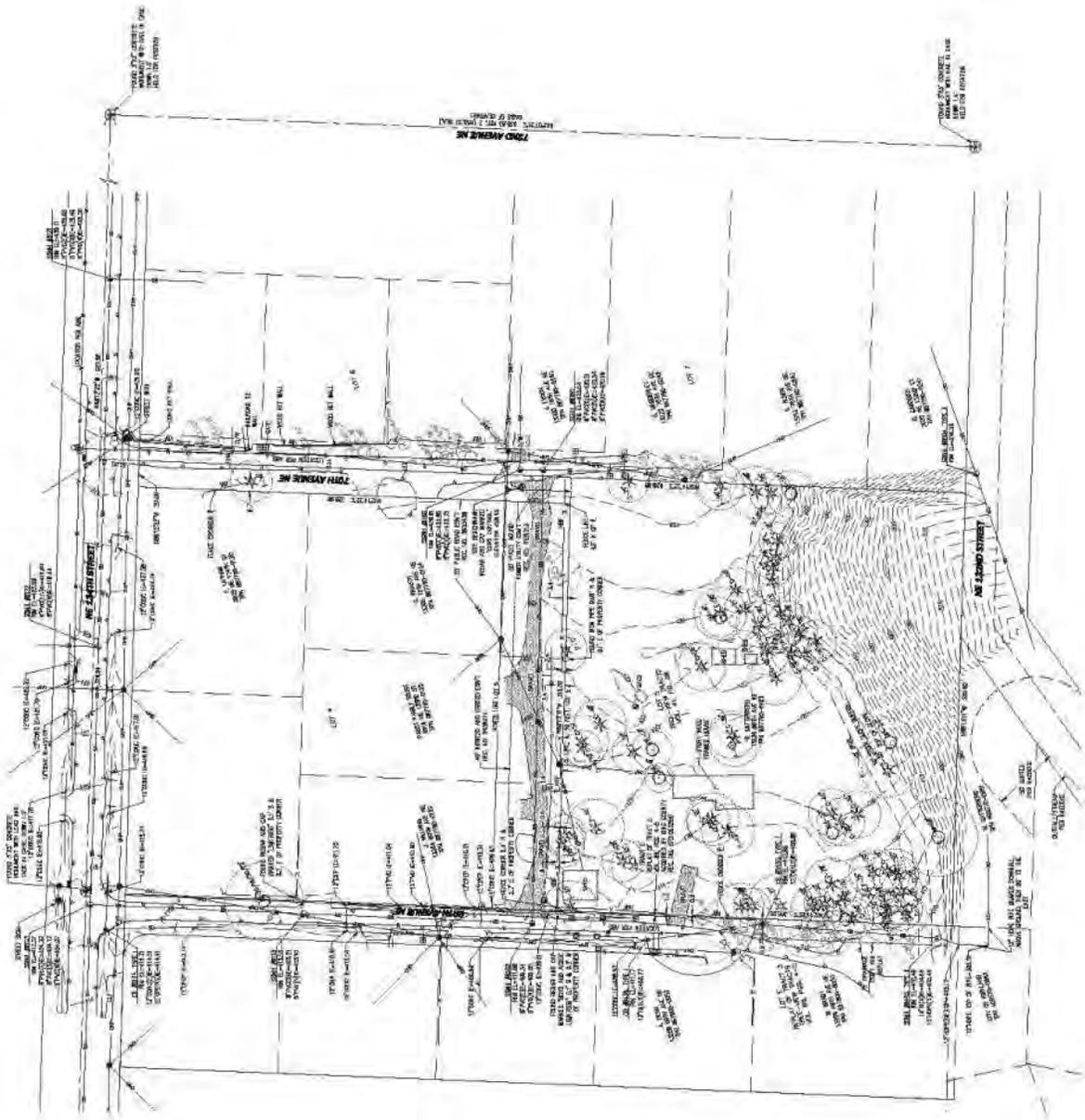
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NOTES

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LEGEND

- 1. ROAD RIGHT-OF-WAY
- 2. PROPERTY BOUNDARY
- 3. EASEMENT
- 4. EASEMENT
- 5. EASEMENT
- 6. EASEMENT
- 7. EASEMENT
- 8. EASEMENT
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- 14. EASEMENT
- 15. EASEMENT
- 16. EASEMENT
- 17. EASEMENT
- 18. EASEMENT
- 19. EASEMENT
- 20. EASEMENT



14711 NE 15TH STREET
 BELLEVUE, WA 98007
 ENGINEERING - PLANNING - SURVEYING

PROJECT NUMBER	2017-10-24
DESIGNED BY	ROBERT O. HEST
APPROVED BY	
DATE	2017-10-24

SHEET	1
OF	1

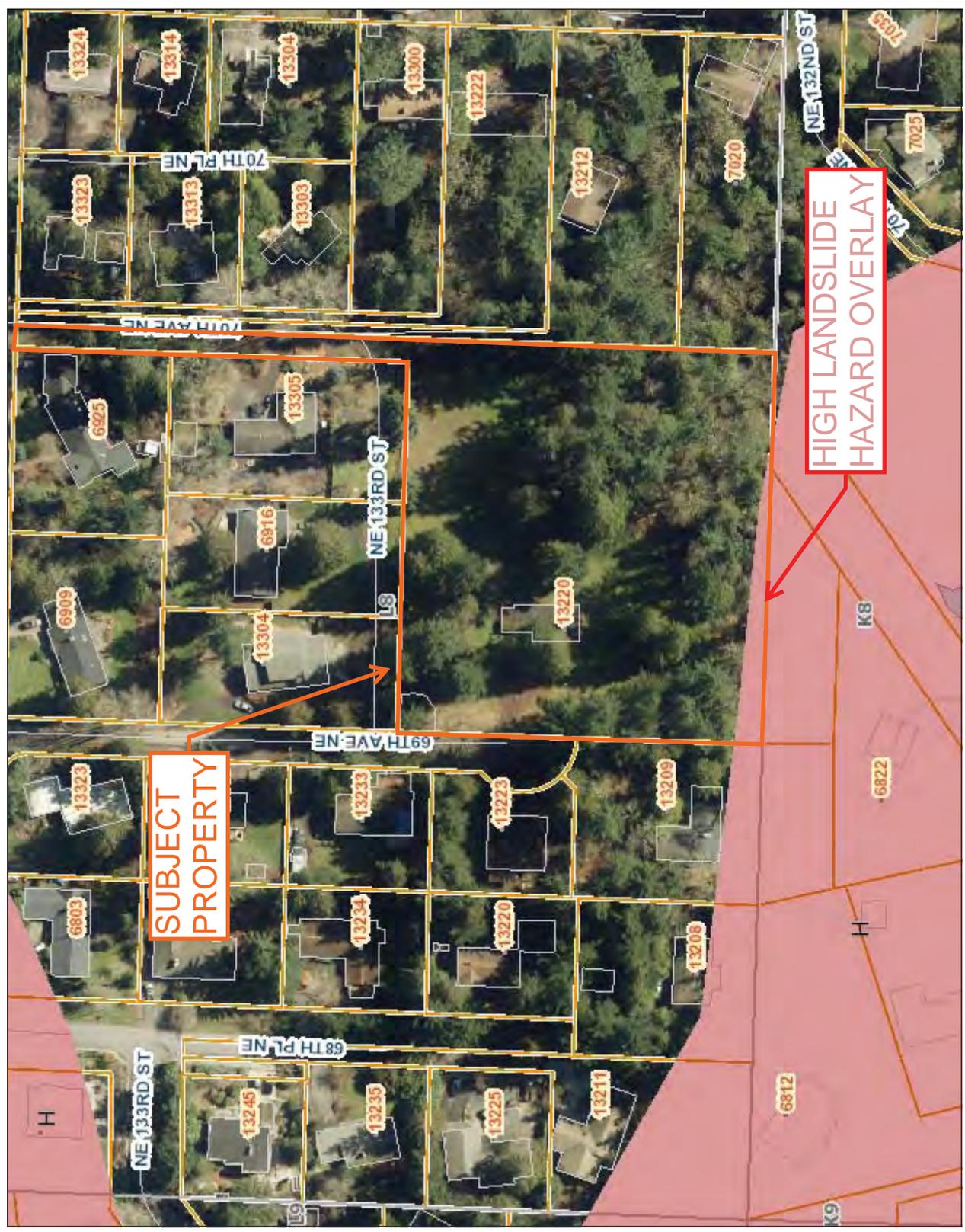


Legend

- Streams: Open (blue line), Pipe (dashed blue line)
- Landslide: High (red square), Moderate (orange square)
- Wetlands: (light blue square)
- Seismic Address: (black square)
- Address: Other Address (black dot), Current Address (grey square), Current ADU (white square), Pending Address (pink square)
- City Limits: (dashed purple line)
- Grid: (white square)
- QQ Grid: (white square)
- Cross Kirkland Corridor: (green line)
- Regional Rail Corridor: (blue line)
- Streets: (yellow outline)
- Parcels: (white outline)
- Place Names: (white outline)
- Buildings: (white outline)
- Lakes: (blue area)
- Parks: (green area)
- Schools: (green square)

1:1,465

Notes



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

0.0 Miles

0 0.02

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0.0

NAD_1983_StatePlane_Washington_North_FIPS_4601_Feet





TERRA ASSOCIATES, Inc.

Consultants in Geotechnical Engineering, Geology
and
Environmental Earth Sciences

September 19, 2017
Project No. T-7726

Mr. Todd Levitt
Murray Franklyn
14410 NE Bel-Red Road
Bellevue, Washington 98007

Subject: Geotechnical Evaluation
Satterberg Property
13220 – 69th Avenue NE
Kirkland, Washington

Dear Mr. Levitt:

As requested, we performed a geotechnical evaluation at the subject property. The purpose of our work was to explore subsurface conditions at the site in order to evaluate the capability of the site soils to infiltrate stormwater runoff, recommend building setbacks from steep slopes, and to provide a recommended soil bearing capacity for residential foundation design.

The site is an approximately 2.39-acre parcel located on 69th Avenue NE in Kirkland, Washington. The site location is shown on Figure 1. The site is currently developed with a small single-family residence and associated small outbuildings. Existing surface gradients are relatively flat across the developed portion of the site with a steep slope descending from northwest to southeast along the southeastern corner of the property. Total site relief is on the order of 60 feet. Site vegetation consists primarily of grass lawn and with scattered stands of mature trees around the developed and level portion of the property. The steep slope in the southeast corner of the property is heavily vegetated with mature trees and a dense understory.

SUBSURFACE CONDITIONS

On August 25, 2017, we observed soil and groundwater conditions at 2 test pits excavated to maximum depths of approximately 2 ½ feet below existing site grades using hand tools. The approximate test pit locations are shown on Figure 2. The Test Pit Logs are attached as Figures 4 and 5.

Mr. Todd Levitt
September 19, 2017

Soils

The soils observed in the test pits consisted of six inches of organic topsoil overlying medium dense to dense silty sand with gravel (weathered and unweathered glacial till). The unweathered glacial till soils were noted to exhibit a moderate level of cementation.

The *Geologic Map of the Kirkland Quadrangle, Washington*, by J.P. Minard (1983) shows site soils mapped as Glacial Till (Qvt), which is consistent with our site observations.

The United States Department of Agriculture (USDA) Soil Conservation Service (SCS) has mapped the soils in the planned development area as *Alderwood gravelly sandy loam, 8 to 15 percent slopes (AgC)*. This soil type is described as derived from glacial drift and/or glacial outwash over dense glaciomarine deposits, which is consistent with our field observations.

Groundwater

We did not observe groundwater seepage in either of the test pits. We did however, observe soil mottling within both the weathered till and in the upper portion of the unweathered till soils. Soil mottling is an indication that seasonally fluctuating groundwater seepage develops within the mottled soil zone at times. We would expect that groundwater seepage develops during the normally wet winter months immediately above the dense unweathered glacial till layer. This occurs as a result of rainfall that infiltrates through the upper soil zone and becomes perched on the underlying dense cemented till. These soils have a relatively low permeability that impedes the continued downward migration of the infiltrated rainfall. As a result, groundwater seepage will develop and tend to flow laterally along the contact. Locally, such seepage is referred to as interflow.

The occurrence of interflow will fluctuate seasonally with the highest seepage levels occurring during the normally wet winter to late spring months (November to June).

DISCUSSION

Infiltration Feasibility

The City of Kirkland requires that infiltration facilities meet the requirements set forth in Chapter 5.2 of the 2016 *King Count Surface Water Design Manual*. This publication states that infiltration is considered feasible where at least 3 feet of permeable soil is located between the bottom of the infiltration facility and the maximum wet-season water table. Based on the conditions observed in the test pits, this soil condition does not exist at the site. We observed dense cemented glacial till and soil mottling at depths ranging from six inches to two feet below the existing surface grades which would prohibit infiltration based on the cited publication. Therefore, we recommend that infiltration of development stormwater not be attempted at the site.

Mr. Todd Levitt
September 19, 2017

Steep Slope Building Setbacks

In general, observations at the site did not reveal any indication of past or current slope movements that would indicate a potential landslide hazard. We did not see any evidence of uniformly leaning trees, tension cracks, or seepage flowing from the slope face that would be indicative of unstable slopes. We did observe evidence of minor erosion along the middle of the slope in the form of 6 to 12 inches of exposed soils on the downslope side of several mature trees.

Based upon our reconnaissance of the slopes, there is no indication of past or current slope instability. The native glacial till soils exhibit high shear strengths and are inherently stable in steep conditions. If appropriate building setbacks and vegetated buffers are maintained, development of the parcel will have no impact on this current stability nor will residential properties be in jeopardy due to unstable slope conditions. However, the soils on the middle portion of the slope are experiencing minor erosion. This is due to stormwater currently flowing uncontrolled over the crest of the slope. The development of the property will largely mitigate this process with design and construction of stormwater facilities that will collect, detain and direct discharge to approved points of controlled discharge. In addition to these measures, we recommend maintaining a native vegetated buffer zone of ten feet from the slope crest with a building setback distance of ten feet from this buffer.

Soil Bearing Capacity

In our opinion, the medium dense to dense native soils observed in the test pits are suitable for support of residential building loads. We recommend designing foundations for a net allowable bearing capacity of 2,500 pounds per square foot (psf). For short-term loads, such as wind and seismic, a one-third increase in this allowable capacity can be used. With the anticipated loads and this bearing stress applied, building settlements should be less than one-half inch. For determination of seismic forces, per the 2015 International Building Code (IBC), site class "C" should be used.

For designing foundations to resist lateral loads, a base friction coefficient of 0.35 can be used. Passive earth pressures acting on the sides of the footings can also be considered. We recommend calculating this lateral resistance using an equivalent fluid weight of 300 pounds per cubic foot (pcf). We recommend not including the upper 12 inches of soil in this computation because it can be affected by weather or disturbed by future grading activity. This value assumes the foundation will be constructed neat against competent soil or backfilled with structural fill. The recommended friction and passive values include a safety factor of 1.5.

LIMITATIONS

We prepared this report in accordance with generally accepted geotechnical engineering practices. No other warranty, expressed or implied, is made. This report is the copyrighted property of Terra Associates, Inc., and is intended for specific application to the Satterberg Property project in Kirkland, Washington. This report is for the exclusive use of Murray Franklyn and their authorized representatives.

The analyses and recommendations presented in this report are based on data obtained from the on-site test pits. Variations in soil conditions can occur, the nature and extent of which may not become evident until construction. If variations appear evident, Terra Associates, Inc. should be requested to reevaluate the recommendations in this report prior to proceeding with construction.

Mr. Todd Levitt
September 19, 2017

We trust the information presented is sufficient for your current needs. If you have any questions or require additional information, please call.

Sincerely yours,
TERRA ASSOCIATES, INC.



Alexander Dendy, P.E.
Staff Engineer



Theodore J. Schepper, P.E.
Principal

9-19-17

- Encl:
- Figure 1 - Vicinity Map
 - Figure 2 - Exploration Location Plan
 - Figure 3 - Unified Soil Classification System
 - Figures 4 and 5 - Test Pit Logs



NOTE:

THIS SITE PLAN IS SCHEMATIC. ALL LOCATIONS AND DIMENSIONS ARE APPROXIMATE. IT IS INTENDED FOR REFERENCE ONLY AND SHOULD NOT BE USED FOR DESIGN OR CONSTRUCTION PURPOSES.

REFERENCE: SITE PLAN PROVIDED BY KING COUNTY IMAPS.

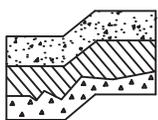
LEGEND:

 APPROXIMATE TEST PIT LOCATION

0 50 100



APPROXIMATE SCALE IN FEET



Terra Associates, Inc.
Consultants in Geotechnical Engineering
Geology and
Environmental Earth Sciences

EXPLORATION LOCATION PLAN
SATTERBERG PROPERTY
KIRKLAND, WASHINGTON

Proj.No. T-7726

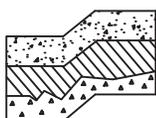
Date: SEPT 2017

Figure 2

MAJOR DIVISIONS			LETTER SYMBOL	DIRECTOR'S DECISION TYPICAL DESCRIPTION	
COARSE GRAINED SOILS	More than 50% material larger than No. 200 sieve size	GRAVELS More than 50% of coarse fraction is larger than No. 4 sieve	Clean Gravels (less than 5% fines)	GW	Well-graded gravels, gravel-sand mixtures, little or no fines.
				GP	Poorly-graded gravels, gravel-sand mixtures, little or no fines.
		Gravels with fines	GM	Silty gravels, gravel-sand-silt mixtures, non-plastic fines.	
			GC	Clayey gravels, gravel-sand-clay mixtures, plastic fines.	
	More than 50% material smaller than No. 200 sieve size	SANDS More than 50% of coarse fraction is smaller than No. 4 sieve	Clean Sands (less than 5% fines)	SW	Well-graded sands, sands with gravel, little or no fines.
				SP	Poorly-graded sands, sands with gravel, little or no fines.
		Sands with fines	SM	Silty sands, sand-silt mixtures, non-plastic fines.	
			SC	Clayey sands, sand-clay mixtures, plastic fines.	
FINE GRAINED SOILS	SILTS AND CLAYS Liquid Limit is less than 50%		ML	Inorganic silts, rock flour, clayey silts with slight plasticity.	
			CL	Inorganic clays of low to medium plasticity. (Lean clay)	
			OL	Organic silts and organic clays of low plasticity.	
	SILTS AND CLAYS Liquid Limit is greater than 50%		MH	Inorganic silts, elastic.	
			CH	Inorganic clays of high plasticity. (Fat clay)	
			OH	Organic clays of high plasticity.	
HIGHLY ORGANIC SOILS			PT	Peat.	

DEFINITION OF TERMS AND SYMBOLS

COHESIONLESS	<u>Density</u>	<u>Standard Penetration Resistance in Blows/Foot</u>	 2" OUTSIDE DIAMETER SPILT SPOON SAMPLER
	Very Loose Loose Medium Dense Dense Very Dense	0-4 4-10 10-30 30-50 >50	 2.4" INSIDE DIAMETER RING SAMPLER OR SHELBY TUBE SAMPLER
COHESIVE	<u>Consistency</u>	<u>Standard Penetration Resistance in Blows/Foot</u>	 WATER LEVEL (Date)
	Very Soft Soft Medium Stiff Stiff Very Stiff Hard	0-2 2-4 4-8 8-16 16-32 >32	Tr TORVANE READINGS, tsf Pp PENETROMETER READING, tsf DD DRY DENSITY, pounds per cubic foot LL LIQUID LIMIT, percent PI PLASTIC INDEX N STANDARD PENETRATION, blows per foot



Terra Associates, Inc.
Consultants in Geotechnical Engineering
Geology and Environmental Earth Sciences

**UNIFIED SOIL CLASSIFICATION SYSTEM
SATTERBERG PROPERTY
KIRKLAND, WASHINGTON**

Proj.No. T-7726

Date:SEPT 2017

Figure 3

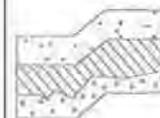
LOG OF TEST PIT NO. TP-1

FIGURE 4

PROJECT NAME: Satterberg Property PROJ. NO: T-7726 LOGGED BY: AJDLOCATION: Kirkland, Washington SURFACE CONDITIONS: Grass APPROX. ELEV: N/ADATE LOGGED: August 25, 2017 DEPTH TO GROUNDWATER: N/A DEPTH TO CAVING: N/A

Depth (ft)	Sample No.	Description	Consistency/ Relative Density	W (%)
0		(6 inches of organic TOPSOIL) Red-brown grading to tan silty SAND with gravel, fine to medium grained sand, fine to coarse gravel, dry, mottled. (SM) (Weathered Till)		
1			Medium Dense	
2		Gray-brown silty SAND with gravel, fine to medium grained sand, fine to coarse gravel, dry, moderately cemented, mottled. (SM) (Glacial Till)	Dense	
		Test pit terminated at approximately 2.5 feet. No groundwater seepage observed.		
3				

NOTE: This subsurface information pertains only to this test pit location and should not be interpreted as being indicative of other locations at the site.



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LOG OF TEST PIT NO. TP-2

FIGURE 5

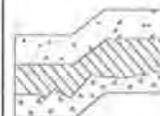
PROJECT NAME: Satterberg Property PROJ. NO: T-7726 LOGGED BY: AJD

LOCATION: Kirkland, Washington SURFACE CONDITIONS: Grass APPROX. ELEV: N/A

DATE LOGGED: August 25, 2017 DEPTH TO GROUNDWATER: N/A DEPTH TO CAVING: N/A

Depth (ft)	Sample No.	Description	Consistency/ Relative Density	W (%)
0		(6 inches of organic TOPSOIL) Gray-brown silty SAND with gravel, fine to medium grained sand, fine to coarse gravel, dry, moderately cemented, mottled to 1 foot. (SM) (Glacial Till)	Dense	
1		Test pit terminated at approximately 1.5 feet. No groundwater seepage observed.		
2				
3				

NOTE: This subsurface information pertains only to this test pit location and should not be interpreted as being indicative of other locations at the site.



Terra Associates, Inc.
 Consultants in Geotechnical Engineering
 Geology and
 Environmental Earth Sciences



Greenforest Incorporated



Consulting Arborist

TO: Todd Levitt
CR Homebuilders, LLC
14410 Bel Red Road
Bellevue WA 98007

REFERENCE: *Arborist Report, Satterberg*

SITE ADDRESS: 13220 69th Ave NE, Kirkland WA 98034

DATE: November 28, 2017

PREPARED BY: Favero Greenforest, ISA Certified Arborist # PN -0143A
ISA Tree Risk Assessment Qualified
ASCA Registered Consulting Arborist #379

You contacted me and contracted my services to prepare an *arborist report* of the regulated trees on the site. You also provided me a topographic survey of the site showing the locations of the regulated trees. I visited the site 9/12, 11/1 and 11/14 this year and visually inspected the trees on the site, which are the subject of this report.

SUMMARY:

<i>Retained Trees</i>	18
<i>Retained Tree Density Credit</i>	201.5
<i>Slope Trees - TDC</i>	480.5
TOTAL TDC	682
<i>Minimum Required TDC</i>	58

This report establishes the condition of the regulated trees on site (KZC §95.30.4.c), and also provides a *significant tree inventory* as per KZC §95.30.4.a, including:

Todd Levitt, CR Homebuilders, LLC

RE: Satterberg Arborist Report, 13220 69th Ave NE Kirkland WA 98033

DATE: November 28, 2017

Page 2 of 20

The site is a 2.42-acre parcel within the Holmes Point Overlay. It has one single-family residence and a few outbuildings. The northern (approximately) two-thirds of the parcel is relatively flat, and covered mostly in lawn grass. The subject trees here are predominantly evergreen, and though predominately native species, there are a few fruiting (apple and cherry) trees.

The southern (approximately) one-third is steep slope and associated buffer. All the regulated trees in this area are native species: including conifers (Fir and Cedar), broadleaf evergreens (Madrone) and deciduous (Bigleaf maple).

My initial inspection included trees on the northern (and relatively flat) portion of the parcel. These trees were marked with a 1" x 3.5" aluminum tag indicating tree number prior to my fieldwork. I returned to the site 11/1/17 to inventory offsite trees for the proposed plat's main access along 69th Ave NE. On a third visit, on 11/14/17, I tallied the regulated trees on the southern (and sloped) one-third portion of the parcel in preparation for establishing that these trees will meet City's tree density credit requirement. These trees are not tagged/numbered, but were visually tallied and sorted by species and size (in the attached table).

LIMITATIONS AND USE OF THIS REPORT

This tree report establishes, via the most practical means available, the existing conditions of the trees on the subject property. Ratings for health and structure, as well as any recommendations are valid only through the development and construction process. This report is based solely on what is readily visible and observable, without any invasive means.

There are several conditions that can affect a tree's condition that may be pre-existing and unable to be ascertained with a visual-only analysis. No attempt was made to determine the presence of hidden or concealed conditions which may contribute to the risk or failure potential of trees on the site. These conditions include root and stem (trunk) rot, internal cracks, structural defects or construction damage to roots, which may be hidden beneath the soil. Additionally, construction and post-construction circumstances can cause a relatively rapid deterioration of a tree's condition.

TREE INSPECTION - Tree Health, Condition and Viability

I visually inspected each tree from the ground. I performed a Level 1 risk assessment.¹ This is the standard assessment for populations of trees near specified targets, conducted in order to identify obvious defects or specified conditions such as a pre-development inventory. This is a

¹ Companion publication to the ANSI A300 Part 9: Tree Shrub and Other woody Plant Management – Standard Practices, Tree Risk Assessment. 2011. ISA.

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limited visual assessment focuses on identifying trees with imminent and/or probable likelihood of failure, and/or other visible conditions that will affect tree retention.

I recorded tree species and size (DBH). I estimated the average dripline of each tree. I rated the condition of each tree, both health and structure. A tree's structure is distinct from its health. This inspection identifies what is visible with both.

High-risk trees can appear healthy in that they can have a dense, green canopy. This may occur when there is sufficient sapwood or adventitious roots present to maintain tree health, but inadequate strength for structural support.

Conversely, trees in poor health may or may not be structurally stable. For example, tree decline due to root disease is likely to cause the tree to be structurally unstable, while decline due to drought or insect attack may not.

One way that tree health and structure are linked is that healthy trees are more capable of compensating for structural defects. A healthy tree can develop adaptive growth that adds strength to parts weakened by decay, cracks, and wounds.

This report identifies unhealthy trees based on existing health conditions and tree structure, and specifies which trees are most suitable for preservation.²

No invasive procedures were performed on any trees. The results of this inspection are based on what was visible at the time of the inspection.

The attached inventory summarizes my inspection results and provides the following information for each surveyed tree:

Retain Tree Status – for onsite trees, indicates if tree is proposed to be retained.

Tree Category – indicates if tree is significant (regulated) or unhealthy and non-viable.

Available Tree Density Credit (TDC) – Assigned TDC based on stem diameter. (1.5X for native conifers.)

Retained (TDC) – tallies the credits for trees proposed to be retained.

Tree number as shown on tag in the field, and on attached exhibit.

DBH Stem diameter in inches measured 4.5 feet from the ground. (Multiple-stemmed trees are reported as a single integer, calculated as the quadratic mean diameter.)

Tree Species Common name.

Dripline Average branch extension from the trunk as radius in feet.

² Companion publication to the ANSI A300 Part 5: Tree Shrub and Other woody Plant Maintenance – Standard Practices, Managing Trees During Construction. 2008. ISA.

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Health and Structure ratings '1' indicates no visible health-related problems or structural defects, '2' indicates minor visible problems or defects that may require attention if the tree is retained, and '3' indicates significant visible problems or defects and tree removal is recommended.

Visible defects Obvious structural defects or diseases visible at time of inspection, which includes:

Asymmetric canopy - the tree has an asymmetric canopy from space and light competition from adjacent trees.

Chlorotic - yellowing or off-color foliage.

Deadwood - large and/or multiple dead branches throughout canopy.

Decay - process of wood degradation by microorganisms resulting in weak and defective structure.

Diseased (needle cast, brown rot, mottle virus) - foliage and stems show evidence of disease infection.

Dogleg in trunk - trunk with a bow or defective bend (90°) in trunk often half way or further up the trunk.

Double leader - the tree has multiple stem attachments, which may require maintenance or monitoring over time.

Fill - soil is filled over a portion of the root system.

Flagging - indicates foliar/stem disease infection.

Oozing resin - on fir trees can indicate stress/decline or root rot infection.

Hanger - dead hanging branch.

Ivy - dense ivy prevents a thorough inspection, and other defects may be present.

Lean - angle of the trunk from vertical.

Stumpsprout - tree previously cut at grade with multiple stems and potentially weak attachments.

Suppressed - tree crowded by larger adjacent trees, with defective structure and/or low vigor. Retain tree only as a grove tree, not stand-alone.

Sweep - tree leans away from adjacent trees. Characterized by a leaning lower trunk and a top that is more upright.

Viable Tree - a determination by the arborist whether the tree is viable for retention.

Limits of Disturbance - Limits of Disturbance (LOD) are calculated for all the regulated trees (and for offsite trees on adjoining parcels with overhanging driplines). They are listed in attachment 3 as radii in feet from the trunk for the side of the tree to be impacted by construction. They are determined using rootplate³ and trunk

³ Coder, Kim D. 2005. *Tree Biomechanics Series*. University of Georgia School of Forest Resources.

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diameter,^{4,5} and ISA Best Management Practices.⁶ These represent the area to be protected during construction. These LOD are malleable and may be adjusted during the construction process.

REQUIRED TREE DENSITY & AVAILABLE TREE DENSITY CREDIT

Required tree density is calculated by multiplying the acreage of the proposed lot area by 30, which equals 58. (1.93 X 30 = 57.9, or 58 rounded.)

Eighteen trees are proposed for retention upon the flat northern portion. These trees provide 201.5 TDC. In addition, I tallied 65 trees on the slope at the south of the parcel, providing 480.5 TDC. The total TDC for the project is 682.

(Native conifers, when retained, are given 1.5X their charted density credit value from Table 95.33.1, from KZC).

TREE RETENTION

The following table lists the trees proposed for retention (excluding slope trees tallied in attachment 4).

TDC	Tree No.	DBH	Species	TDC	Tree No.	DBH	Species
18	8303	33	Douglas-fir	13.5	8489	26	Western red-cedar
15	8304	29	Douglas-fir	1.5	8490	11	Western red-cedar
9	8318	21	Douglas-fir	7.5	8491	19	Western red-cedar
15	8319	28	Douglas-fir	19.5	8514	35	Douglas-fir
10.5	8320	22	Douglas-fir	12	8515	24	Pacific madrone
6	8322	16	Douglas-fir	27	8516	45	Western red-cedar
10.5	8326	23	Douglas-fir	13.5	9000	26	Douglas-fir
10	8466	28	Bigleaf maple	4	9001	16	Bigleaf maple
7.5	8487	18	Douglas-fir	201.5	8118	30	Douglas-fir
7.5	8488	18	Douglas-fir				

⁴ Smiley, E. Thomas, Ph. D. *Assessing the Failure Potential of Tree Roots, Shade Tree Technical Report*. Bartlett Tree Research Laboratories.

⁵ Fite, Kelby and E. Thomas Smiley. 2009. *Managing Trees During construction; Part Two*. Arborist News. ISA.

⁶ Companion publication to the ANSI A300 Series, Part 5: *Managing Trees During Construction*. 2008. ISA.

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SPECIAL INSTRUCTIONS FOR WORK WITHIN CRITICAL ROOT ZONES

Tree No.	DBH	Species	DL	Instructions for LOD
8303	33"	Douglas-fir	18'	LOD for these 2 trees is defined by the inside edge of the proposed sidewalk to the west and north, limit of vault excavation to the south (25' south of 8303), and the edge of the proposed utility main to the east (20' east of 8304).
8304	29"	Douglas-fir	16'	
8318	21"	Douglas-fir	14'	No disturbance within the 10' Steep Slope Buffer along the top of the slope.
8319	28"	Douglas-fir	18'	
8320	22"	Douglas-fir	15'	
8322	16"	Douglas-fir	14'	
8326	23"	Douglas-fir	16'	
8466	28"	Bigleaf maple	30'	
8487	18"	Douglas-fir	14'	
8488	18"	Douglas-fir	16'	
8489	26"	Western red-cedar	15'	
8490	11"	Western red-cedar	12'	
8491	19"	Western red-cedar	16'	
8516	45"	Western red-cedar	20'	No disturbance is proposed within this tree's dripline.

SUGGESTED INSTRUCTIONS FOR OFFSITE TREES

Tree No.	DBH	Species	DL	Suggestions
8185	28"	Black cottonwood		New paving surface is proposed over the existing pavement, and will have no impact to these trees.
8186	28"	Black cottonwood		
8187	(6) 18"	Black cottonwood		
8188	14"	Douglas-fir		
8190	28"	Black cottonwood		
8287	35"	Douglas-fir	18'	LOD established 25' from trunk to the east and west. South of the tree, to the north edge of the proposed roadway, where possible limit soil disturbance.
8310	25"	Douglas-fir	16'	Where possible, limit soil disturbance within the 5' BSBL, cover soil surface with 9 inches arborist woodchips to prevent soil compaction and water evaporation.
8311	18"	Douglas-fir	15'	
8312	21"	Douglas-fir	16'	
8315	24"	Western red-cedar	16'	
9116	18,28, 28,28"	Bigleaf maple	25'	Proposed new storm main is outside the LOD for this tree. Proposed work is limited to installing new pavement over existing.

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LOCATION AND TYPE OF PROTECTION MEASURES FOR TREES.

No work is proposed with the critical root zones of the retained tree. Limits of protection are established at this tree's dripline.

Minimum six (6) foot temporary chain-link fence shall be installed at the driplines of all retained trees prior to any site clearing or disturbance. Fence shall completely encircle the retained trees. Install fence posts using pier block only. A City planner must approve any modifications to the fencing material and location.

No stockpiling of materials, vehicular or pedestrian traffic, material storage or use of equipment or machinery shall be allowed within the protective fencing. Fencing shall not be moved or removed unless approved by a City planner. Any work, activity or soil disturbance within the protection fencing, or critical root zone, shall be reviewed, approved and monitored by the project arborist.

Instructions and specifications for pruning roots or branches shall be addressed individually as needed.

Fencing signage as detailed (see attached) must be posted every fifteen (15) feet along the fencing.

NATIVE VEGETATION

The northern and buildable portion of the site is relatively flat with a slight western aspect. Groundcover is predominantly grass lawn and herbaceous broadleaf weeds. Most of the larger trees have bare soil beneath their canopies, and some with ivy established. Mid-story vegetation is limited in this area to a very few ornamental shrubs. Native vegetation and invasive brambles grow along the east and west perimeters of this northern portion.

A steep slope and associated buffer are at the south end of the parcel. Invasive brambles are established along the top of the slope, where there is increased sunlight. A mix of native groundcovers (Western swordfern, Oregon grape) and mid-story shrubs (Indian plum, Western filbert, Ocean spray, Salal) are scattered along the slope, in addition to invasive ivy and holly.

Attachment 4 provides a summary of native and invasive groundcover and mid-story species in specific areas on site, listed in descending order of frequency.

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Attachments:

- 1. Assumptions and Limiting Conditions**
- 2. Certificate of Performance**
- 3. Significant Tree Inventory**
- 4. Slope Tree Tally**
- 5. Site Exhibit**
- 6. Native Vegetation Exhibit**
- 7. Tree Protection Detail**



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Attachment No. 1 - Assumptions & Limiting Conditions

1. A field examination of the site was made 9/12/2017. My observations and conclusions are as of that date.
2. Care has been taken to obtain all information from reliable sources. All data has been verified insofar as possible; however, the consultant/arborist can neither guarantee nor be responsible for the accuracy of information provided by others.
3. I am not a qualified land surveyor. Reasonable care was used to match the trees indicated on the sheets with those growing in the field.
4. Construction activities can significantly affect the condition of retained trees. All retained trees should be inspected after construction is completed, and then inspected regularly as part of routine maintenance.
5. Unless stated other wise: 1) information contained in this report covers only those trees that were examined and reflects the condition of those trees at the time of inspection; and 2) the inspection is limited to visual examination of the subject trees without dissection, excavation, probing, or coring. There is no warranty or guarantee, expressed or implied that problems or deficiencies of the subject tree may not arise in the future.
6. The consultant does not assume any liability for the subject tree and does not represent the transfer of such for any risks associated with the tree from the landowner to the consultant. Risk management is solely the responsibility of the landowner.
7. The consultant/appraiser shall not be required to give testimony or to attend court by reason of this report unless subsequent contractual arrangements are made.



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Attachment No. 2 - Certification of Performance

I, Favero Greenforest, certify that:

- I have personally inspected the trees and the property referred to in this report and have stated my findings accurately.
- I have no current or prospective interest in the vegetation or the property that is the subject of this report and have no personal interest or bias with respect to the parties involved.
- The analysis, opinion, and conclusions stated herein are my own and are based on current scientific procedures and facts.
- My analysis, opinion, and conclusions were developed and this report has been prepared according to commonly accepted arboricultural practices.
- No one provided significant professional assistance to me, except as indicated within the report.
- My compensation is not contingent upon the reporting of a predetermined conclusion that favors the cause of the client of any other party nor upon the results of the assessment, the attainment of stipulated results, or the occurrence of any subsequent events.

I further certify that I am a member in good standing of International Society of Arboriculture (ISA), and the ISA PNW Chapter, I am an ISA Certified Arborist (#PN-0143A) and am Tree Risk Assessment Qualified, and am a Registered Consulting Arborist® (#379) with American Society of Consulting Arborists. I have worked as an independent consulting arborist since 1989.

Signed:


GREENFOREST, Inc.
By Favero Greenforest, M. S.

Favero Greenforest

Digitally signed by Favero Greenforest
DN: cn=Favero Greenforest, o, ou,
email=greenforestinc@mindspring.com, c=US
Date: 2017.11.28 10:33:28 -08'00'

Date: November 28, 2017

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Attachment No. 3 – Significant Tree Inventory

RETAIN	Category	Assigned TDC	Available TDC	Tree No.	DBH	Species	Dripline	Health	Structure	Visible Defects	Viable Tree	LOD
	Significant	11		8118	30"	Douglas-fir	16'	1	1		Yes	15'
	Significant	6		8288	21"	Douglas-fir	16'	1	1		Yes	10'
	Significant	14		8289	37"	Western red-cedar	20'	1	1		Yes	16'
	Significant	2		8290	9,10"	Western red-cedar	14'	1	2	Asymmetric canopy	Yes	7'
	Significant	20		8291	49"	Western red-cedar	20'	1	1		Yes	22'
	Significant	12		8293	33"	Western red-cedar	16'	1	1		Yes	15'
	Significant	9		8294	26"	Douglas-fir	17'	1	1		Yes	13'
	Significant	18		8295	44"	Douglas-fir	22'	2	1	Needle cast fungal disease	Yes	22'
	Unhealthy	0		8296	13"	Cherry (fruiting)	15'	3	2	Mottle virus, brown rot fungus disease, oozing resin, deadwood	NO	6'
	Significant	12		8297	32"	Douglas-fir	16'	1	1		Yes	16'
	Unhealthy	0		8298	9,13"	Pacific madrone	14'	3	2	Diseased, deadwood	NO	8'
	Significant	1		8299	9"	Apple (fruiting)	11'	2	2	Diseased, suppressed	Yes	5'
	Significant	12		8300	32"	Western red-cedar	16'	1	1		Yes	18'
	Significant	17		8301	42"	Douglas-fir	20'	1	2	Sweep	Yes	26'
	Significant	17		8302	43"	Western red-cedar	20'	1	1		Yes	24'
X	Significant	12	18	8303	33"	Douglas-fir	18'	1	1		Yes	18'
X	Significant	10	15	8304	29"	Douglas-fir	16'	1	2	Ivy, deadwood	Yes	16'
	Unhealthy	0		8305	9"	Pacific madrone	10'	3	2	Diseased, lean	NO	6'
	Significant	13		8306	35"	Douglas-fir	20'	1	1		Yes	18'
	Significant	6		8309	21"	Western red-cedar	16'	1	2	Asymmetric, suppressed	Yes	10'



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RETAIN	Category	Assigned TDC	Available TDC	Tree No.	DBH	Species	Dripline	Health	Structure	Visible Defects	Viable Tree	LOD
	Significant	10		8316	29"	Douglas-fir	18'	1	2	Double leader, dogleg	Yes	14'
	Significant	16	24	8317	40"	Douglas-fir	20'	1	2	Deadwood	Yes	16'
X	Significant	6	9	8318	21"	Douglas-fir	14'	1	2	S-curve in lower trunk	Yes	10'
X	Significant	10	15	8319	28"	Douglas-fir	18'	1	2	Soil filled around rootcrown	Yes	14'
X	Significant	7	10.5	8320	22"	Douglas-fir	15'	1	1		Yes	11'
	Significant	18	27	8321	45"	Western red-cedar	17'	1	1		Yes	20'
X	Significant	4	6	8322	16"	Douglas-fir	14'	1	2	Soil filled around rootcrown	Yes	8'
X	Significant	7	10.5	8326	23"	Douglas-fir	16'	1	1		Yes	11'
	Significant	7		8334	22"	Douglas-fir	17'	1	1		Yes	11'
	Significant	15		8338	39"	Douglas-fir	20'	1	2	Deadwood, hanger	Yes	19'
	Significant	1		8345	8"	Pacific madrone	15'	1	2	Lean	Yes	6'
	Significant	6		8350	21"	Douglas-fir	16'	1	1		Yes	10'
	Significant	12		8353	32"	Douglas-fir	18'	1	1		Yes	6'
	Significant	21		8356	55"	Western red-cedar	18'	1	2	Decay	Yes	25'
	Significant	15		8357	39"	Western red-cedar	18'	1	2	Growth obstruction (abutting tree)	Yes	20'
	Unhealthy	0		8425	(9) 10-15"	Bigleaf maple	30'	1	3	Stumpsprout	NO	18'
	Unhealthy	0		8434	8,14"	Western red-cedar	12'	1	3	Sweep, asymmetric	NO	8'
	Significant	6		8447	20"	Western red-cedar	16'	1	1		Yes	10'
	Significant	9		8448	26"	Bigleaf maple	16'	2	2	Diseased, sweep	Yes	13'
	Significant	10		8449	28"	Douglas-fir	20'	1	2	Asymmetric, hanger	Yes	13'
	Significant	2		8450	13"	Douglas-fir	14'	1	2	Asymmetric	Yes	7'
	Significant	14		8451	37"	Douglas-fir	16'	2	2	Oozing resin, suspect	Yes	18'



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RETAIN	Category	Assigned TDC	Available TDC	Tree No.	DBH	Species	Dripline	Health	Structure	Visible Defects	Viable Tree	LOD
										Armillaria root rot fungi infection		
	Significant	9		8452	27"	Douglas-fir	20'	1	2	Asymmetric, deadwood	Yes	14'
	Significant	6		8453	20"	Douglas-fir	18'	2	2	Oozing resin	Yes	10'
	Significant	2		8454	13"	Western red-cedar	14'	1	2	Asymmetric	Yes	6'
	Significant	13		8455	35"	Douglas-fir	18'	2	1	Oozing, flagging in canopy	Yes	16'
	Significant	4		8456	17"	Western red-cedar	15'	1	1		Yes	8'
	Significant	8		8457	25"	Douglas-fir	16'	2	1	Oozing resin	Yes	11'
	Significant	4		8458	17"	Western red-cedar	16'	1	2	Asymmetric	Yes	8'
	Significant	8		8459	24"	Western red-cedar	16'	1	2	Asymmetric	Yes	12'
	Significant	9		8460	26"	Pacific madrone	15'	2	2	Diseased, lean, sweep	Yes	13'
X	Significant	10	10	8466	28"	Bigleaf maple	30'	1	2	Decay, deadwood	Yes	14'
	Significant	9		8467	26"	Western red-cedar	18'	1	1		Yes	12'
	Significant	13		8468	35"	Western red-cedar	18'	1	1		Yes	16'
	Significant	18		8469	44"	Western red-cedar	18'	1	2	Asymmetric	Yes	22'
	Significant	4		8480	16"	Douglas-fir	14'	2	2	Asymmetric, suppressed, sweep	Yes	8'
	Significant	5		8482	18"	Douglas-fir	16'	1	2	Sweep	Yes	9'
X	Significant	5	7.5	8487	18"	Douglas-fir	14'	2	2	Oozing resin, soil filled around trunk	Yes	9'
X	Significant	5	7.5	8488	18"	Douglas-fir	16'	1	2	Soil filled around trunk	Yes	9'
X	Significant	9	13.5	8489	26"	Western red-cedar	15'	1	1		Yes	12'
X	Significant	1	1.5	8490	11"	Western red-cedar	12'	1	2	Asymmetric, fill, suppressed,	Yes	6'



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RETAIN	Category	Assigned TDC	Available TDC	Tree No.	DBH	Species	Dripline	Health	Structure	Visible Defects	Viable Tree	LOD
										sweep		
X	Significant	5	7.5	8491	19"	Western red-cedar	16'	1	2	Fill	Yes	7'
	Significant	14		8512	37"	Douglas-fir	25'	1	1		Yes	17'
	Significant	10		8513	29"	Douglas-fir	18'	1	1		Yes	15'
X	Significant	13	19.5	8514	35"	Douglas-fir	20'	1	2	Ivy covering trunk	Yes	17'
X	Significant	8	12	8515	24"	Pacific madrone	18'	2	2	Diseased, ivy	Yes	12'
X	Significant	18	27	8516	45"	Western red-cedar	20'	1	2	Double leader,	Yes	21'
X	Significant	9	13.5	9000	26"	Douglas-fir	16'	1	2	Asymmetric	Yes	13'
X	Significant	4	4	9001	16"	Bigleaf maple	18'	1	2	Asymmetric	Yes	8'
	Significant	18		9002	45"	Douglas-fir	20'	1	2	Growth obstruction (abutting tree)	Yes	22'
	Significant	6		9003	20"	Pacific madrone	10'	1	2	Lean	Yes	10'
	Significant	1		9004	9"	Western red-cedar	10'	1	2	Suppressed, sweep	Yes	5'
	Significant	11		9005	30"	Douglas-fir	18'	1	2	Dogleg	Yes	15'
	Significant	1		9006	10"	Western red-cedar	14'	1	2	Asymmetric	Yes	6'
OFF SITE TREES												LOD*
	Offsite	0	0	1	18"	Blue spruce	16'					8'
	Offsite	0	0	2	42"	Western red-cedar	18'					18'
	Offsite	0	0	4	40"	Western red-cedar	16'					18'
	Offsite	0	0	5	42"	Western red-cedar	16'					18'
	Offsite	0	0	6	28"	Western red-cedar	16'					14'
	Offsite	0	0	7	44"	Douglas-fir	18'					20'
	Offsite	0	0	8119	21"	Western red-cedar						10'



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RETAIN	Category	Assigned TDC	Available TDC	Tree No.	DBH	Species	Dripline	Health	Structure	Visible Defects	Viable Tree	LOD
	Offsite	0	0	8120	25"	Western red-cedar						12'
	Offsite	0	0	8171	13"	Deodar cedar						6'
	Offsite	0	0	8180	12"	Douglas-fir						6'
	Offsite	0	0	8181	30"	Black cottonwood						13'
	Offsite	0	0	8182	30"	Black cottonwood						13'
	Offsite	0	0	8185	28"	Black cottonwood						12'
	Offsite	0	0	8186	28"	Black cottonwood						12'
	Offsite	0	0	8187	(6) 18"	Black cottonwood						18'
	Offsite	0	0	8188	14"	Douglas-fir						7'
	Offsite	0	0	8190	28"	Black cottonwood						12'
	Offsite	0	0	8191	7,7"	Scouler's willow						5'
	Offsite	0	0	8287	35"	Douglas-fir	18'	1	1			16'
	Offsite	0	0	8310	25"	Douglas-fir	16'	1	2	Asymmetric		12'
	Offsite	0	0	8311	18"	Douglas-fir	15'	1	1			9'
	Offsite	0	0	8312	21"	Douglas-fir	16'	2	1	Needle cast fungus disease		10'
	Offsite	0	0	8315	24"	Western red-cedar	16'	1	2	Double leader		11'
	Offsite	0	0	8430	26"	Bigleaf maple	35'	1	2	Decay		13'
	Offsite	0	0	8431	34"	Douglas-fir	20'	1	1			16'
	Offsite	0	0	8432	24"	Western red-cedar	16'	1	1			12'
	Offsite	0	0	8433	39"	Douglas-fir	20'	2	1	Oozing resin		18'
	Offsite	0	0	8446	37"	Douglas-fir	20'	3	1	Copious oozing resin, suspect armillaria root rot infection		16'



Todd Levitt, CR Homebuilders, LLC

RE: Satterberg Arborist Report, 13220 69th Ave NE Kirkland WA 98033

DATE: November 28, 2017

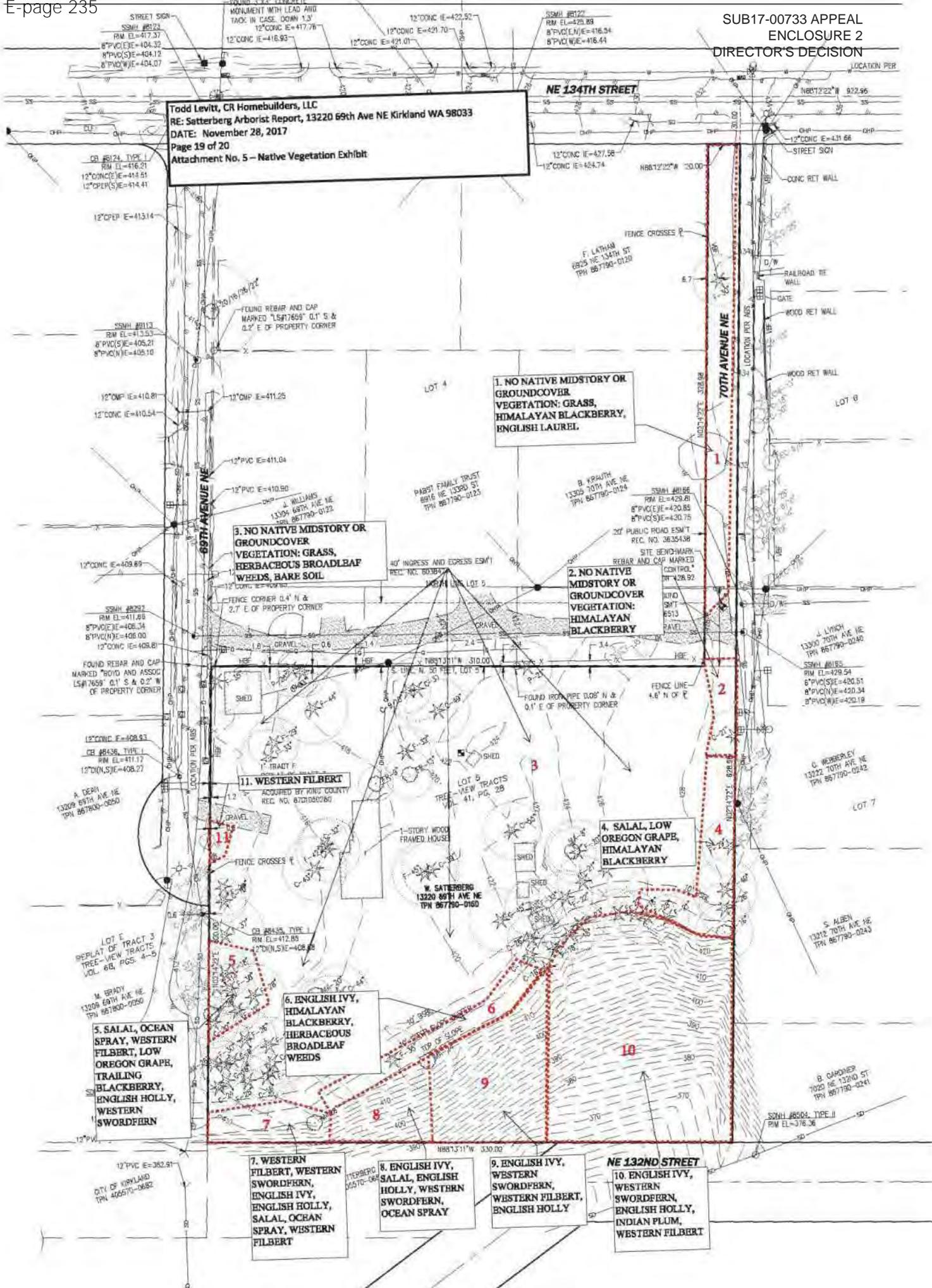
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RETAIN	Category	Assigned TDC	Available TDC	Tree No.	DBH	Species	Dripline	Health	Structure	Visible Defects	Viable Tree	LOD
	Offsite	0	0	8461	26"	Western red-cedar	16'	1	1			13'
	Offsite	0	0	8479	17"	Douglas-fir	15'	2	2	Asymmetric, chlorotic, corky bark		8'
	Offsite	0	0	8481	15"	Western red-cedar	15'	1	1			8'
	Offsite	0	0	9116	18,28,28,28"	Bigleaf maple	25'					19'

*Suggested LOD for offsite trees; not a requirement.



Todd Levitt, CR Homebuilders, LLC
RE: Satterberg Arborist Report, 13220 69th Ave NE Kirkland WA 98033
DATE: November 28, 2017
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Attachment No. 5 – Native Vegetation Exhibit



1. NO NATIVE MIDSTORY OR GROUND COVER
VEGETATION: GRASS, HIMALAYAN BLACKBERRY, ENGLISH LAUREL.

3. NO NATIVE MIDSTORY OR GROUND COVER
VEGETATION: GRASS, HERBACEOUS BROADLEAF WEEDS, BARE SOIL

2. NO NATIVE MIDSTORY OR GROUND COVER
VEGETATION: HIMALAYAN BLACKBERRY

11. WESTERN FILBERT

4. SALAL, LOW OREGON GRAPE, HIMALAYAN BLACKBERRY

5. SALAL, OCEAN SPRAY, WESTERN FILBERT, LOW OREGON GRAPE, TRAILING BLACKBERRY, ENGLISH HOLLY, WESTERN SWORDFERN

6. ENGLISH IVY, HIMALAYAN BLACKBERRY, HERBACEOUS BROADLEAF WEEDS

7. WESTERN FILBERT, WESTERN SWORDFERN, ENGLISH IVY, ENGLISH HOLLY, SALAL, OCEAN SPRAY, WESTERN FILBERT

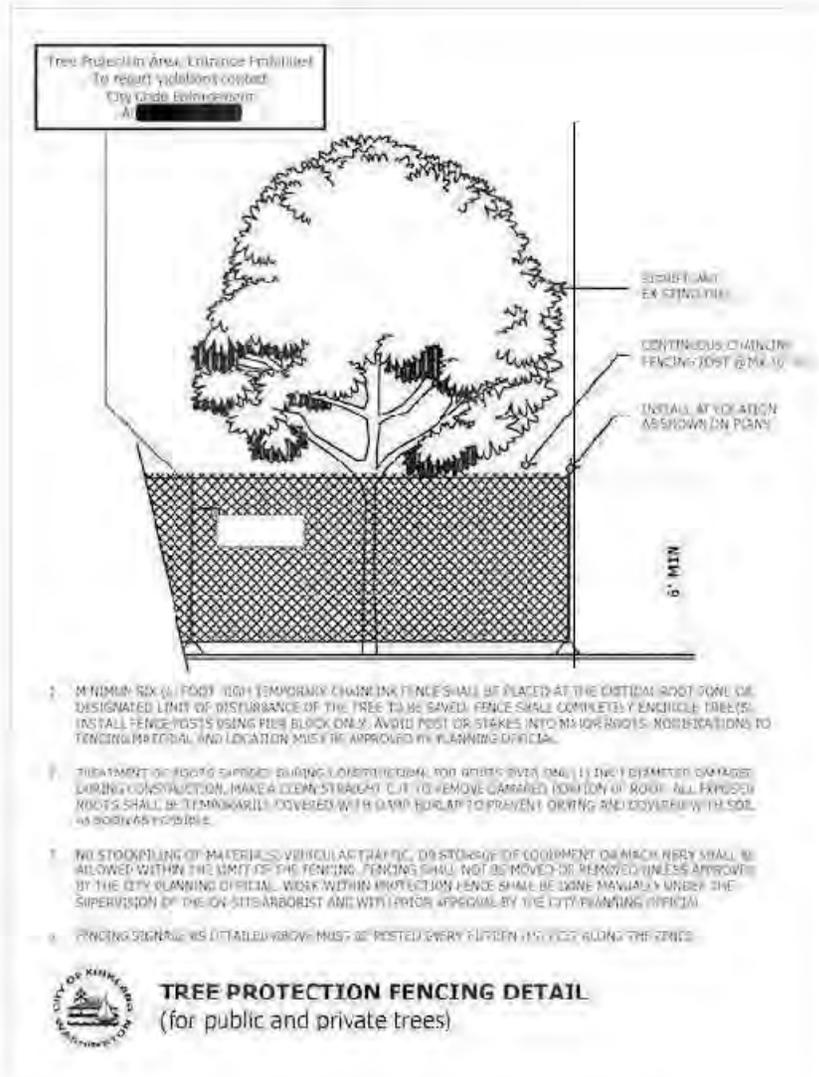
8. ENGLISH IVY, SALAL, ENGLISH HOLLY, WESTERN SWORDFERN, OCEAN SPRAY

9. ENGLISH IVY, WESTERN SWORDFERN, WESTERN FILBERT, ENGLISH HOLLY

10. ENGLISH IVY, WESTERN SWORDFERN, ENGLISH HOLLY, INDIAN PLUM, WESTERN FILBERT

Todd Levitt, CR Homebuilders, LLC
 RE: Satterberg Arborist Report, 13220 69th Ave NE Kirkland WA 98033
 DATE: November 28, 2017
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Attachment No. 6 –
 Tree Protection Detail





Greenforest Incorporated



Consulting Arborist

TO: Todd Levitt
CR Homebuilders, LLC
14410 Bel Red Road
Bellevue WA 98007

REFERENCE: Satterberg – ADDENDUM to *Arborist Report*

SITE ADDRESS: 13220 69th Ave NE, Kirkland WA 98034

DATE: February 21, 2018

PREPARED BY: Favero Greenforest, ISA Certified Arborist # PN -0143A
ISA Tree Risk Assessment Qualified
ASCA Registered Consulting Arborist® #379

This addendum is prepared subsequent to an IDP meeting with City of Kirkland Urban Forester on 1/16/18 regarding the referenced project.

1. The tally of the regulated trees on the sloped southern portion of the site was inadvertently omitted from my Arborist Report (referred to as Attachment No. 4). This initial tree tally provided a tree count and tree credits (TDC) for the regulated trees on the slope (which were not surveyed).

The tree tally of this addendum provides a total list of viable trees and their TDCs per LOT, including both within and without the Protected Natural Areas (PNA).

The minimum tree density required is 150 tree credits per acre within the PNA, and 30 tree credits per acre outside the PNA.

Todd Levitt, CR Homebuilders, LLC

RE: Satterberg – ADDENDUM to *Arborist Report*, 13220 69th Ave NE Kirkland WA 98033

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The table below summarizes the retained TDC by LOT number, within and outside the PNAs. A list of all trees by number is attached.

LOT No.	Total By LOT	Total Within PNA	Total Outside PNA
1	33	33	0
2	44.5	44.5	0
3	146.5	73.5	73
4	89.5	73	16.5
5	128.5	83	45.5
6	80	56.5	23.5
7	175.5	40	135.5
TOTAL	697.5	403.5	294

2. Offsite trees potentially impacted by road improvements along 69th Ave NE are inventoried in my initial report (and also in the following table), and are now accurately mapped on the Tree Retention Plan TR-01 and TR-02.

The numbering system for 6 of these offsite trees is changed (from my initial report) to alphabetic to avoid confusion with the numeric system used to identify trees on the slope at the south of the project.

The following table provides data for the offsite trees, their distance from the edge of the 69th Ave ROW, and the suggested distances for grading/excavation for two scenarios: less than 9" depth, and 9" or greater.

Current Tree No.	Previous Tree No.	DBH	Species	DL	Dist. To 69th ROW	LOD for <9"	LOD for >9"
A	1	18"	Blue spruce	16'	9'	4'	9'
B	2	42"	Western red-cedar	18'	15'	10'	21'
9116	9116	18,28,28,28"	Bigleaf maple	25'	-2'	12'	26'
C	4	40"	Western red-cedar	16'	9'	10'	20'
D	5	42"	Western red-cedar	16'	6'	10'	21'
E	6	28"	Western red-cedar	16'	4'	8'	14'
F	7	44"	Douglas-fir	18'	11'	11'	22'

Todd Levitt, CR Homebuilders, LLC

RE: Satterberg – ADDENDUM to *Arborist Report*, 13220 69th Ave NE Kirkland WA 98033

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3. SUGGESTED INSTRUCTIONS FOR OFFSITE TREES

Tree No.	DBH	Species	DL	Suggestions
8287	35"	Douglas-fir	18'	LOD established 25' from trunk to the east and west. South of the tree, to the north edge of the proposed roadway, where possible limit soil disturbance.
8310	25"	Douglas-fir	16'	Where possible, limit soil disturbance within the 5' BSBL, cover soil surface with 9 inches arborist woodchips to prevent soil compaction and water evaporation.
8311	18"	Douglas-fir	15'	
8312	21"	Douglas-fir	16'	
8315	24"	Western red-cedar	16'	

4. Tree 8118 is located within the 70th Avenue NE future ROW.
5. Two offsite trees near the vault are proposed for retention: 8461 and 8479. Driplines and LOD are shown on the attached Tree Retention Plan, and in the table below.

No.	DBH	Species	DL	LOD
8461	26"	Western red-cedar	16'	13'
8479	17"	Douglas-fir	15'	8'

These changes are reflected in the Satterberg IDP prepared by The Blueline Group.

Todd Levitt, CR Homebuilders, LLC
RE: Satterberg – ADDENDUM to *Arborist Report*, 13220 69th Ave NE Kirkland WA 98033
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LOT No.	Tree No.	DBH	Species	TOTAL TDC		TDC WITHIN PNA		TDC OUTSIDE PNA	
				By TREE	By LOT	by TREE	by LOT	by TREE	by LOT
1	8303	33"	Douglas-fir	18			18		
1	8304	29"	Douglas-fir	15	33		15	33	0
2	62	16"	Douglas-fir	6			6		
2	63	8"	Bigleaf maple	1			1		
2	64	21"	Bigleaf maple	6			6		
2	65	20"	Douglas-fir	9			9		
2	66	7"	Douglas-fir	1.5			1.5		
2	67	14"	Bigleaf maple	3			3		
2	68	18"	Pacific madrone	5			5		
2	69	14"	Pacific madrone	3			3		
2	8466	28"	Bigleaf maple	10	44.5		10	44.5	0
3	48	18"	Western red-cedar	7.5			7.5		
3	49	14"	Western red-cedar	4.5			4.5		
3	50	26"	Douglas-fir	13.5			13.5		
3	51	15"	Western red-cedar	4.5			4.5		
3	52	48"	Douglas-fir	30			30		
3	53	28"	Bigleaf maple	10				10	
3	54	14"	Douglas-fir	4.5				4.5	
3	55	8"	Douglas-fir	1.5				1.5	
3	56	26"	Douglas-fir	13.5			13.5		
3	57	14"	Pacific madrone	3				3	
3	58	6"	Douglas-fir	1.5				1.5	

Todd Levitt, CR Homebuilders, LLC
RE: Satterberg – ADDENDUM to Arborist Report, 13220 69th Ave NE Kirkland WA 98033
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LOT No.	Tree No.	DBH	Species	TOTAL TDC		TDC WITHIN PNA		TDC OUTSIDE PNA	
				By TREE	By LOT	by TREE	by LOT	by TREE	by LOT
3	59	24"	Douglas-fir	12				12	
3	60	20"	Pacific madrone	6				6	
3	61	22"	Bigleaf maple	7				7	
3	8514	35"	Douglas-fir	19.5				19.5	
3	8515	24"	Pacific madrone	8	146.5	73.5		8	73
4	33	31"	Western red-cedar	16.5				16.5	
4	36	26"	Douglas-fir	13.5		13.5			
4	37	12"	Western red-cedar	3		3			
4	38	10"	Douglas-fir	1.5		1.5			
4	39	18"	Douglas-fir	7.5		7.5			
4	40	16"	Western red-cedar	6		6			
4	41	14"	Douglas-fir	4.5		4.5			
4	42	16"	Bigleaf maple	4		4			
4	43	18"	Western red-cedar	7.5		7.5			
4	44	22"	Western red-cedar	10.5		10.5			
4	45	20"	Western red-cedar	9		9			
4	46	14"	Douglas-fir	4.5		4.5			
4	47	10"	Western red-cedar	1.5	89.5	1.5	73		16.5
5	27	13"	Bigleaf maple	2				2	
5	28	6"	Western red-cedar	1.5				1.5	
5	29	36"	Douglas-fir	21		21			
5	30	21"	Pacific madrone	6		6			
5	31	24"	Douglas-fir	12		12			
5	32	26"	Pacific madrone	9		9			

Todd Levitt, CR Homebuilders, LLC
RE: Satterberg – ADDENDUM to Arborist Report, 13220 69th Ave NE Kirkland WA 98033
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LOT No.	Tree No.	DBH	Species	TOTAL TDC		TDC WITHIN PNA		TDC OUTSIDE PNA	
				By TREE	By LOT	by TREE	by LOT	by TREE	by LOT
5	34	6"	Douglas-fir	1.5		1.5			
5	35	19,24"	Bigleaf maple	11		11			
5	8487	18"	Douglas-fir	7.5		7.5			
5	8488	18"	Douglas-fir	7.5		7.5			
5	8489	26"	Western red-cedar	13.5				13.5	
5	8490	11"	Western red-cedar	1.5				1.5	
5	8491	19"	Western red-cedar	7.5		7.5			
5	8516	45"	Western red-cedar	27	128.5		83	27	45.5
6	21	7"	Bigleaf maple	1				1	
6	22	23"	Western red-cedar	10.5				10.5	
6	23	21"	Douglas-fir	9				9	
6	24	18"	Douglas-fir	7.5		7.5			
6	25	22"	Pacific madrone	7		7			
6	26	13"	Douglas-fir	3				3	
6	8319	28"	Douglas-fir	15		15			
6	8320	22"	Douglas-fir	10.5		10.5			
6	8322	16"	Douglas-fir	6		6			
6	8326	23"	Douglas-fir	10.5	80	10.5	56.5		23.5
7	1	18"	Bigleaf maple	5				5	
7	2	14"	Bigleaf maple	3				3	
7	3	26"	Bigleaf maple	9				9	
7	4	21"	Western hemlock	9				9	
7	5	19"	Western red-cedar	7.5				7.5	
7	6	11"	Bigleaf maple	1				1	

Todd Levitt, CR Homebuilders, LLC
 RE: Satterberg – ADDENDUM to *Arborist Report*, 13220 69th Ave NE Kirkland WA 98033
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LOT No.	Tree No.	DBH	Species	TOTAL TDC		TDC WITHIN PNA		TDC OUTSIDE PNA	
				By TREE	By LOT	by TREE	by LOT	by TREE	by LOT
7	7	33"	Western red-cedar	18				18	
7	8	17"	Douglas-fir	6				6	
7	9	22"	Douglas-fir	10.5				10.5	
7	10	25"	Western red-cedar	12				12	
7	11	12"	Bigleaf maple	2				2	
7	12	31"	Western red-cedar	16.5				16.5	
7	13	24"	Douglas-fir	12				12	
7	14	22"	Douglas-fir	10.5				10.5	
7	15	10"	Douglas-fir	1.5		1.5			
7	16	13"	Douglas-fir	3		3			
7	17	28"	Douglas-fir	15		15			
7	18	7"	Bigleaf maple	1		1			
7	19	19"	Red alder	5		5			
7	20	7"	Douglas-fir	1.5		1.5			
7	8318	21"	Douglas-fir	9		9			
7	9000	26"	Douglas-fir	13.5				13.5	
7	9001	16"	Bigleaf maple	4		4			
TOTALS				697.5	175.5	4	403.5		135.5
				697.5	697.5		403.5		294

Allison Zike

From: Johnny Aguilar <prominence@hotmail.com>
Sent: Thursday, January 18, 2018 8:43 AM
To: Allison Zike; Rob Jammerman
Cc: Johnny Aguilar
Subject: Satterberg Property Development (13220 69th Ave NE)

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: PUBLIC COMMENT, Attn

Hello Allison and Rob,

I am writing to you in regards to the Satterberg property (13220 69th Ave NE) development on Finn Hill. We live at 13233 on 69th Ave NE. We have several major concerns regarding the development of this project, in particular, having to do with the widening of 69th Ave NE and the potential impacts this has to us. I know other neighbors have expressed concerns about the housing development itself. We do strongly align with those concerns. I grew up on Finn Hill, even graduated from Juanita HS, and have seen the wild life dissipate and traffic increase significantly (not long ago it took me 30 minutes to get off the hill). However, we are significantly concerned with the development and widening of 69th Ave NE as this imposes risks to our health and home.

Upon purchasing our home 7 years ago, we thought we owned the property all the way to the ditch. The privacy, vegetation, and distance from the street were several major factors in our decision to buy. After seeing where the property line is, and considering the pending road development, this truly would have been a game changer for us.

It appears we would lose up to 10 or 12 feet of our driveway. Every inch of driveway is critical to us, as there is such limited parking in our neighborhood. The walkway from our driveway to our front door would potentially get cut off. In fact, the walkway would more or less lead directly to the street. Losing that significant portion of our driveway would be devastating to us in many ways.

In looking at the border line, it will cut through one tree in particular that is very important to us. Going down the entire line, we would lose all of our Junipers that provide privacy and even protection for many birds that live in the area. These plants soak up water that is vital to improve the storm water runoff, which I will get to further down.

Continuing on with the land and vegetation, the border is only a few feet from a large, mature fir. This fir tree is very large. We are extremely concerned with impacts to the roots and its ability to take in water as it does today. This tree is close enough to our house that if it should fall in the wrong place, at the wrong time, it could kill us and/or our kids. **What study or research has been done, or will be done, to ensure the impact of this development will not interfere with this tree's existence and health?**

Stormwater runoff is a major problem for my house. We are downhill from the street, and half of our house is underground. Last year, our house flooded 3 or 4 times. I have found that water collects against the foundation and makes its way to the base of my driveway where it just stops and then seemingly, backs up. I have to pump literally hundreds of gallons of water from a makeshift catch basin, into our gutter lines. I don't know where this water comes from. It does not come from my gutters. Water continues to accumulate here for days and weeks after the last rainfall. This is a major concern to us. I discussed with the city last year, and they do not have any ideas or solutions. Based on the development and widening of the street, any negative impact to the natural runoff of stormwater would be disastrous to us. **What study or research has been done to identify the potential impact of stormwater runoff to the surrounding residents, in particular us? I do not expect the development on the Satterberg property in improve this at all (the water runoff is downhill from us).**

I sadly do not have any realistic expectations to affect the development on the Satterberg property. However, knowing that the street development will fundamentally change our landscape and way of living is extremely

unfortunate and concerning to us. We feel we could ultimately be put in greater danger of trees falling, and at greater risk for flooding and expensive home repair.

Your attention to these concerns is greatly appreciated!!

Johnny and Tara Aguilar
(206)255-3618

Allison Zike

From: Jeri L ALBEN <jlalben@comcast.net>
Sent: Monday, January 22, 2018 12:45 PM
To: Allison Zike
Cc: Rob Jammerman; Joe Williams
Subject: Satterberg development SUB17-00733

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: PUBLIC COMMENT, Attn

Dear Allison,

I am writing to confirm that we are part of the neighborhood group represented by the communications of Joe Williams, and want to continue our right to appeal as the Satterberg development (SUB17-00733) proceeds. We have interest in all of the issues mentioned in Joe's letter of January 10, 2018 as well as subsequent communications.

A primary interest/concern is any activity or plans for 70th Ave NE, as we have an easement on that road from our property out to 134th.

Also, since we directly abut the property, we have particular interest in any issues regarding that: fences, tree issues, drainage, etc.).

Thank you for your consideration,

Steve and Jeri Alben

13212 70th Ave NE

Kirkland WA 98034

January 22, 2018

Allison Zike

From: Mike Anderson <mx-anderson@outlook.com>
Sent: Thursday, January 11, 2018 8:43 PM
To: Allison Zike; ICE Patti
Subject: Satterberg Property Development on Finn Hill (SUB17-0073)

Follow Up Flag: Follow up
Flag Status: Completed

Categories: PUBLIC COMMENT, Attn

Hi Allison,
My wife and my property borders 70th Ave NE. Please confirm that 70th Ave NE will not be modified, as this is private property, co-owned with other landowners. How will this lane be protected from use by heavy construction equipment, the general public, and the new house owners which aren't owners of the lane? Please confirm that the new paved NE 133rd will not connect to 70th Ave NE.

Could you please confirm you received this letter by the deadline?

Thank you,
Mike and Patti Anderson

Allison Zike

From: Lisa Ayrault <laayrault@gmail.com>
Sent: Monday, January 22, 2018 7:50 PM
To: Allison Zike
Subject: Satterberg Short Plat, File No. SUB17-00733

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: PUBLIC COMMENT, Attn

To: Allison Zike, Project Planner

From: Lisa Ayrault, 7105 NE 135th Street, Kirkland, Wa, 98034, laayrault@gmail.com

Re: Satterberg Short Plat application, File No. SUB17-00733

Dear Ms. Zike,

I live nearby and am very familiar with this parcel, and I have two concerns about the proposed development:

First and foremost, I'm sure you are well aware that the southern portion of the parcel drops off quite steeply to a ravine below. I have lived in the area long enough to have observed significant landslide activity in recent years. One slide I witnessed occurred approximately one-tenth of a mile to the south, on the north-facing slope of this same ravine, at 13109-70th Lane NE (Elizabeth Moses property). The landslide threat in this ravine is not hypothetical.

A slide triggered by development at the Satterberg parcel, which lies at the upper end of the ravine, would negatively impact property owners and watershed quality for the length of this delicate ravine ecosystem -- in addition to posing an obvious safety hazard.

Therefore, it's imperative that the ravine's north slope not be further destabilized by this proposed development. Building setbacks and preservation of natural areas must be strictly enforced. Impermeable paving must be minimized and runoff water must not be directed down the ravine slopes.

My second concern is with the number of homes that the applicant is proposing to build on this parcel (seven). Looking at the existing map of neighboring parcels, this number seems excessive -- particularly after factoring in reasonable setbacks from the steep ravine slope. I have not taken time yet to calculate whether building seven homes on this parcel falls within the zoning limits specified in the recently approved Finn Hill Neighborhood plan. Because of the steep ravine slopes, this parcel is not a good candidate for bending the rules.

Thank you,
Lisa Ayrault

Allison Zike

From: Jason Behr <jebehr@yahoo.com>
Sent: Monday, January 22, 2018 4:54 PM
To: Allison Zike
Subject: comments on permit: SUB17-00733

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: PUBLIC COMMENT, Attn

I'd like to write that my wife and I are opposed to the proposed development along NE 133rd St. In short, the first time our family drove by the posted permit notice, we all let out an audible "oh no"... that street is known by our family as "Bunny Lane" because of the amazing trees and open field that almost always give us the gift of rabbit (and other wildlife) sightings every time we pass. It's one of the prime (and last remaining) examples of why we chose our neighborhood, and why we love Kirkland.

We moved to this neighborhood after searching for homes for over a year, and being discouraged at the highly developed density in other parts of Kirkland, Bellevue, Redmond, etc. By contrast, this corner of the Finn Hill neighborhood seemed incredibly well planned for having preserved its natural spaces better than elsewhere. Extra patches of green spaces is what gives it its character... a character that is rapidly disappearing from all over Kirkland. Already in the past year we've seen several green spaces vanish in the Juanita Drive corridor (natural spaces being the only thing that makes the frequently astounding traffic bearable)... with more permit signs posted monthly. In our own neighborhood, we've already seen another favorite open space, with some of the neighborhood's oldest and largest trees, dismantled with development. So for us, this is a chance to finally make a stand and not find out about the development too late. This neighborhood is valued by its residents not by its development opportunity, but by this opposite... it is defined by its uniquely underdeveloped quiet and green spaces.

If you have to do something to the land, turn half of it into a park space. Just please, please don't break it up into the proposed 7 "postage-stamp" lots and cram in Seattle-style density into our community's still-green neighborhood. Kirkland is the healthy, green alternative to places like Bellevue and Seattle... don't fall trap to trying to imitate their density and growth. Instead, help us maintain what is becoming increasingly rare... private land that is taken care of for its own environmental and aesthetic value. Once taken away, we'll never get that green space back again.

Jason & Jun Behr
13233 67th Ave NE
Kirkland, WA

jebehr@yahoo.com
permit number #SUB17-00733

Allison Zike

From: Ginger Briner <mikegingerb@earthlink.net>
Sent: Sunday, January 14, 2018 1:37 PM
To: Allison Zike
Cc: Rob Jammerman; Joe Williams
Subject: Satterberg short plat SUB 17-00733

Follow Up Flag: Follow up
Flag Status: Completed

Categories: PUBLIC COMMENT, Attn

Ms. Zike,

We live at the south end of 69th Ave NE. We are opposed to the widening of 69th Ave NE. Our quiet and serene neighborhood would be greatly disrupted by the widening of this street.

We are concerned about how we would get in and out of our property during construction and the major impact to our neighbors.

And what about all the trees? Will the trees on our property line whose roots grow onto the Satterberg property be cut down. I believe our property is the only lot that directly abuts the Satterberg property.

We are concerned about how close the houses would be built to our lot. Building on the Satterberg lot would mean much more traffic on 69th Ave NE.

We are very unhappy about losing our country atmosphere to development of the Satterberg short plat SUB 17-00733.

Mike Brady
Ginger Briner
13209 69th Ave NE
Kirkland, WA 98034

Allison Zike

From: Ken Cowan <kenfcowan@gmail.com>
Sent: Sunday, January 28, 2018 7:03 AM
To: Allison Zike
Subject: Public Comment SUB17-00733

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Attn, PUBLIC COMMENT

Hi Allison, I would like to express my concern regarding the development of the southern half of this property. It is on a steep bank with some wet land below. Clearing the trees on this bank could have a destabilizing effect. In November 2015 a landslide was caused by the development of the MacDonald property nearby and I would hate to see something similar happen here.

The 132nd St road easement that runs along the southern edge of this property is a popular walking trail as it provides pedestrian access to the top of the hill for many Holmes Point Drive residence. I live right at the top of this trail and see many people using it every day. I would hate to see development on that hillside ruin this nice little walk through the woods for everyone.

I think it is reasonable to develop the northern half but would really like to see the hillside preserved.

Thank you for considering my concerns.

Ken Cowan
7025 NE 132nd St.
Kirkland, WA 98034
kenfcowan@gmail.com

Allison Zike

From: Anthony Dean <tonydean1@hotmail.com>
Sent: Thursday, January 18, 2018 7:37 PM
To: Allison Zike
Cc: John Burkhalter; Jenny Dean
Subject: Satterberg Short Plat and 69th Ave NE

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: PUBLIC COMMENT, Attn

Allison,

My wife Jenny and I are homeowners adjacent to property that is being considered for development known as the "Satterberg Short Plat"(Parcel #8677900160). We have lived in this home at 13223 69th Ave NE since 1999 and have been very happy in this neighborhood. A drawing currently being reviewed by the city shows improvements to 69th Ave NE directly in front of our property and we would like to submit comments for consideration. There is city right-of-way for a potential cul-de-sac that would impact significantly trees, landscaping and a new cedar fence and gate. It is our understanding presently that the city and developer both have deemed the cul-de-sac to be unnecessary and that fire truck access and turnaround could be accomplished within the confines of the new development and existing asphalt. We affirm this design approach. We would be happy to discuss the subject further with all parties should something change in this determination.

Thank you and best regards,

Tony and Jenny Dean
13223 69th Ave. NE
Kirkland, WA 98034
(h) 425-823-5051
(c) 425-466-3337

Allison Zike

From: Bruce Gardiner <bruce@GardinerLaw.com>
Sent: Thursday, January 11, 2018 8:22 PM
To: Allison Zike
Subject: Re: SUB17-00733 Preliminary Plat Layout

Follow Up Flag: Follow up
Flag Status: Completed

Categories: PUBLIC COMMENT, Attn

Allison Zike
City Planner, City of Kirkland
Via email

Allison, my wife and I have the following concerns about the proposed Satterberg Short Plat, File No. SUB17-00733.

1. The addition of 7 new properties, with the families and vehicles occupying the homes will add additional traffic on the local streets in the neighborhood, on 72th and the intersection of Juanita Drive and the only street access to the entire upper Denny area, which is already overloaded with traffic. Will a light be considered for the intersection with Juanita Drive, as the new left turn security lane does not seem to be working?
2. The development of additional housing on the seven plats will increase the overloading of run-off over the top of the hill and into the ravine that is the southern area of the new plat, increasing the potential for slides on the hillside, and water running down the ravine, which has already twice caused flooding and slides on NE 130th which comes up from Lake Washington. How much did it cost the County, and then the City and Northshore Utility District to repair the previous water damage to the road and houses on 130th?
3. Will the development require a sewer pump station to service the new houses?
4. The five lot development to the East of the proposed sub division required a large storm water retention vault and a significant pipe line to drain the excess water down the ravine and to the drainage that runs along 130th. I expect this development will require the same, or larger, storm water retention system, with the overflow pipe running down the same ravine – what will focusing the additional runoff down the same drainage ditch do?

Sincerely yours,

D. Bruce Gardiner
KK Gardiner
7020 NE 132d St
Kirkland, WA 98034

Bruce Gardiner
425-823-9456

On 1/10/2018 12:07 PM, Allison Zike wrote:

Mr. Gardiner,

Please see attached preliminary plat map with initial markups by our Public Works Department.

Thank you,

Allison Zike, AICP | Planner
Planning and Building Department
City of Kirkland
p: 425.587.3259 | azike@kirklandwa.gov

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Allison Zike

From: Ron Good <rondoggonegood@yahoo.com>
Sent: Thursday, January 11, 2018 9:12 AM
To: Allison Zike
Subject: SATTERBERG SHORT PLAT, FILE NO. SUB17-0073

Follow Up Flag: Follow up
Flag Status: Completed

Categories: PUBLIC COMMENT, Attn

Hi Allison,

I am writing to you in regards to the proposed Satterberg Short Plat that is set to be developed in the Finn Hill neighborhood.

We met with Todd and Trey of Franklin-Murry on Sunday and they gave us details about how they plan to develop the property.

Obviously the density of the proposed plat development is much higher than the surrounding neighborhood that has been this way for decades, and the location of the development would require widening our quiet "alley" to accommodate the increased traffic flow.

My/our concern is how the increased runoff after the road improvements are made to accommodate the new development will affect us. The residents on the west side of 69th ave ne are on the downhill slope, (we are 13323.) Our house is a daylight basement design and our lower level sits eight feet below grade on the 69th ave side. Since it was built in 1964, we have never had any water problems at the foundation and we are concerned that if the ditch is covered, it may effect our ability to divert runoff away from the house.

We understand that the proposed development from Franklin-Murray fits within the parameters laid out by Kirkland Municipal Code yet it does not lend itself to the comfortable quiet neighborhood feel that this area was designed for.

Thank-you for being available to hear our concerns and any advice you may have for us to take steps to protect our property would be greatly appreciated.

Sincerely,
Ron and Vicki Good
13323 69th Ave Ne
Kirkland Wa 98034
206.280.1516



Virus-free. www.avast.com

Allison Zike

From: Brenda MK <ocnblu@hotmail.com>
Sent: Thursday, January 18, 2018 5:03 PM
To: Allison Zike; Brenda MK
Subject: Comment SUB17-00733 Satterberg Short Plat

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: PUBLIC COMMENT, Attn

January 18, 2018

Allison Zike
Project Planner
123 5th Ave
Kirkland, WA 98033
azike@kirklandwa.gov

RE: SUB17-00733 (Parcel Number 867790-0160)

Dear Allison,

I am writing on behalf of my comments regarding the development of Satterberg short plat SUB17-00733.

This letter is longer than anticipated. However, since I am writing with the understanding that comments must be submitted in writing to maintain ability to address these concerns in the future, I will leave it in its entirety. Thank you ever so much for your time and assistance as we work through this process.

I very much appreciate growth must happen to accommodate increasing populations. I also appreciate the special nature of this neighborhood – there is a tangible close association with nature and strong feeling of community within it. I am adding my voice to that of my neighbors to support how best we can incorporate these issues together.

1. Housing density on lot size. Proposed housing plan is out of character for the existing space. I understand the builder has stated they are requesting fewer houses than allowed (stating they are allowed up to 10). However, a portion of the property is located on steep hillsides. I do not believe the hill portion of the property should be included in the housing allocations – for determining R4 compliance or impervious surface allocation. As well, the land used for providing access roads (which I agree should be required from the lot being developed) should be subtracted from the available space for R4 housing. The developers housing plan calls for close-spaced, large houses on long, narrow lots. This effectively results in a large and foreboding 2-story structural wall when observed from the neighborhood – side of the development which is highly out of character with the natural space within which it is being built. Furthermore, there is significant concern about mitigating potential for

landslides – given situations such as Oso and Montecito we must take into account the very real risk to safety.

2. Open space is healthy. Throughout the years and within the past week I have witnessed significant wildlife use of this area – a group of 3 bald eagles circling with one diving earlier this week along with deer, resident owls, resident and raptors, and a host of small mammals and numerous birds who inhabit the space whether year round or seasonally. To completely fill the meadow further destroys this vital ecosystem that is what makes Finn Hill such a unique space. Open space has been rampantly developed in the immediate area. We must realize the long-term impact.
3. Should the development move forward, my concerns regard the consequential impacts on my property – 13305 70th Ave NE as well as my neighbors. Specific concerns / requests regarding the impact are:
 - Decommission current, private, gravel 133rd St. easement between 69th and 70th Aves.
 - Return decommissioned 133rd St easement to absorbent surface.
 - Return decommissioned 133rd St easement to the 3 lots owning the private easements.
 - Provide access to 6916 133rd St and 13304 69th Ave with curb cut off of new, paved 133rd St. rather than across 13305 70th Ave NE private property.
 - Provide water main access to 6916 133rd St off of new water main – abandoning current water main located crossing 13305 70th Ave NE.
 - Provide electric access to 6916 133rd St through new electrical off of new paved 133rd St – abandoning and removing current electrical access across and on 13305 70th Ave NE.
 - Provide electrical/phone access to 13305 70th Ave NE from transformer / pole currently on 70th Ave NE at the current 133rd St. This is located closer to the residence electric meter than the existing access line which must crisscross the property.
 - The use of 70th Ave for access – this street is already torn up by the garbage and recycling trucks, additional traffic would burden the road even more. Additionally, keeping the refuse trucks from driving over the existing in-ground water meters has been exceptionally challenging – more traffic would prove even a greater risk.
 - What is now marked of the Satterberg easement on the west side of 70th has been used for greater than 20 years by the residents bordering the west side of 70th Ave. indeed, the property directly to the north of me has a back-yard fence built into it which has been there longer than I have (greater than 15 years) and looked well-established when I moved into my lot.
 - Myself and by comments of neighbors along 70th Ave have been drawn to this area due to the quiet nature and natural beauty. For the city to control access along 70th Ave is concerning. Plans to eventually widen it into a 20' street with curbs/ sidewalk, etc is out of nature with the space. This neighborhood does not lend itself to covering with concrete sidewalks and curbs – please preserve the natural beauty!
4. Trees. Yes, trees! Oh, I know, I understand this is a sensitive topic between the city, developers, citizens, Finn Hill neighborhood alliance, etc. I am in support of the Finn Hill overlay. And feel strongly that trees provide FAR greater than natural beauty – they are absolutely vital in the health of the ecosystem. The builder, at a recent neighborhood meeting, indicated the trees they are leaving on the steep hillside section of the lot are more than enough to satisfy the tree cover requirements. I appreciate they have drawn in plans to retain a few trees on the west side of the upper lot. But why can we not work around existing large trees, including working around sensitive root zones? This has been accomplished in many areas of the West. I have witnessed construction sites remaining sensitive to existing trees. Once the large trees are gone, the environment suffers. Once the area is bare, it is difficult to bring the tree cover back. For example, I understand Portland now has to offer a rebate program to encourage citizens to plant trees to bring back tree covers to offset the loss of mature

trees. Wouldn't it be grand if we were proactive enough to require responsible stewardship from the get-go?!

Specifically, I am concerned - and have brought up to the developer at our neighborhood meeting - about the continued health of a mature Douglas Fir on the south side of my lot abutting the new 133rd St. The entire south side of the root structure will be paved over (as well as be subjected to preparation of the road bed and base. How will this be mitigated? This tree provides a reasonable amount of shade to my property as well as the benefits to the ecosystem. We cannot merely plant another one and wait for it to grow. Neither myself, nor the following generation will be alive when a newly planted seedling would finally attain the grand stature of the existing vulnerable tree. The developers representative responded by saying one cannot 'take' the neighboring property by nature of an overhanging tree. However, the tree has pre-dated the development by many decades and should it suffer as seems likely, but for this project, would the stately tree have been damaged.

I truly appreciate your time and assistance with this project. I look forward to working together with the city to establish a responsible and viable solution which not only benefits the builders and city, but remains sensitive to the residents and may positively influence preserving the unique quality of this special area now and far into the future.

Thank you,

Brenda

Brenda Krauth
13305 70th Ave NE
Kirkland, WA 98034
ocnblu@hotmail.com

Allison Zike

From: Serena Ximeng Li <serenali114@gmail.com>
Sent: Wednesday, January 17, 2018 10:47 AM
To: Allison Zike; Rob Jammerman
Subject: Satterberg short plat SUB17-00733- Neighbor Appeal

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: PUBLIC COMMENT, Attn

Hello Allison and Rob,

I am a neighbor of Satterberg's Property. I am just writing to you regarding the future development of this projected land. First of all, this intensive development is out of character for our corner of the neighborhood. Many of us including my family chose to move here because of the low traffic and open space you hope to develop, expecting that development would not be possible due to tree-filled tranquil road (70th). We've enjoyed jogging in the quiet community road and my kid loved seeing deers around and riding toy trucks along. Dividing the land into narrow strips to pack in 7 new houses, cutting down many of the beautiful tall trees, and paving a significant fraction of the land in the sensitive Holmes Point Overlay is completely counter to this neighborhood's character and what we value.

New Development Road Related Issues

-Confirm that 70th Ave NE will not be modified, as this is private property, co-owned with other landowners. How will this lane be protected from use by heavy construction equipment, the general public, and the new house owners which aren't owners of the lane? Confirm that the new paved NE 133rd will not connect to 70th Ave NE?

-Confirming how far the new houses will be distant from the NE 133th st and 70th ave? Because most of the houses are located along with this two roads. How to make this new development less dense to protect the privacy of current home owners.

Water issues

- Please explain plans for the new catch basin. How will insects be controlled in this still water basin?

Utilities

- Where will the new water main be brought in?
- Where will the new electricity main be brought in? Since the power outage is quite frequent in this area, how will this new construction minimize the impact of electricity?

Serena(Ximeng)
13303 70th P1 NE

--

Serena Li | Real Estate Broker
Realogics Sotheby's International Realty

15 Lake Street, Kirkland, WA 98033
m 425.314.6608 **o** 425.658.5300 **f** 425.658.5400
w SerenaLi.rsir.com



Allison Zike

From: JON MCWHIRTER <MCWHJON@msn.com>
Sent: Saturday, January 20, 2018 1:25 PM
To: Allison Zike
Cc: Joe Williams; s.cocco@comcast.net
Subject: Satterberg development

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: PUBLIC COMMENT, Attn

Dear Allison:

We are the property owners at 6909 NE 134th Street, at the southeast corner of NE 134th St. and 69th Ave. NE.

We are opposed to the widening of 69th Ave NE to the full 20 feet as planned due to the impact upon several trees adjacent to the street. At a minimum, substantial root damage is likely for the healthy trees on our property, as well as to the healthy trees across the street from us on our neighbor's property. Additionally, this will adversely affect the driveways of our neighbors along 69th Ave. NE since their properties are sloped and the street widening will require the slope of the driveways to be increased further in order to match the height of the widened thoroughfare. If some widening is inevitable due to the increased traffic, a partial widening would be preferred, which would at least reduce the impact on the affected houses.

Additionally, there is a large, dangerous Maple tree substantially on city easement on the east side of 69th Ave. NE between NE 133rd St and NE 134th St that in our opinion needs to be removed with haste. This tree has lost branches before, and with more car traffic and children on bicycles and such, the danger of being hit by falling branches is increased.

Sincerely,

Jon and Sally McWhirter
6909 NE 134th St.
Kirkland, WA 98034
Cell phone - Jon: 206 459 3384
Sally - 425 260 1100

Allison Zike

From: Wes Pabst <wandmpabst@gmail.com>
Sent: Thursday, January 11, 2018 3:03 PM
To: Allison Zike
Cc: jtwgearhead@gmail.com
Subject: SUB17-0073

Follow Up Flag: Follow up
Flag Status: Completed

Categories: PUBLIC COMMENT, Attn

Allison Zike
City of Kirkland
planning Department

Dear Ms. Zike,

I wish to reserve my rights of involvement in the above subject subdivision through this correspondence. Joe Williams' letter of January 10, 2018, addressed to you, covers my generic concerns. I have specific concerns which I desire be addressed regarding the proposed project. These include water run-off mitigation from various sources, the decommissioning of the private gravel road servicing my ingress and egress, re-routing of my domestic water service, removal of then to be decommissioned utility poles in my easement, among other concerns

You have advised me verbally to contact Public Works to identify my specific concerns. I thank you for your assistance.

Respectfully submitted,

Wes and Marsha Pabst
6916 NE 133rd Street
Kirkland 98034
530-867-1480
Wandmpabst@gmail.com

Sent from my iPad

Allison Zike

From: Mary-Jo Phoenix <phoenix.maryjo@gmail.com>
Sent: Friday, January 19, 2018 4:38 PM
To: Allison Zike
Subject: Satterberg short plat SUB17-0073 concerns/questions

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: PUBLIC COMMENT, Attn

Hello,

I would like to express my concern about the development SUB17-0073, which is on street adjacent to my house. The concerns are summarized below.

First and foremost, this intensive development is out of character for our corner of the neighborhood. The neighborhood has long been developed, without a new house being built in many years. Many of us chose to move here because of the low traffic and open space you hope to develop, expecting that development would not be possible due to the single-lane access road (69th). We've watched two generations of a deer herd come of age in the meadow - photographed them eating apples in the meadow for many years, we've played baseball and frisbee with the kids, and star-watched from the middle of that very dark, tree-filled area. Dividing the land into narrow strips to pack in seven new houses, cutting down many of the beautiful tall trees, and paving a significant fraction of the land in the sensitive Holmes Point Overlay is completely counter to this neighborhood's character and what we value.

Road Issues

1) 69th Ave NE is described as needing to be widened to 20' between 134th and 133rd, then significantly wider south of that point. This change would significantly impact our neighbors and tree cover.

- The increase in pavement width would infringe on the existing ditches, trees, driveways, and power poles that have existed for decades in this area. Driveways both upslope and downslope would require new contouring work in order to match the widened road. In some cases, entire driveways would need to be re-contoured to make them usable. Trees that are close to the new pavement risk root damage. How would these issues be addressed?

- How will disruption of power and phone/internet be minimized during relocation of utility poles?

- What steps will be taken to ensure that existing property lines will be respected absolutely? There's already been concern expressed that some development survey markers are incorrectly placed.

2) Confirm that 70th Ave NE will not be modified, as this is private property, co-owned with other landowners. How will this lane be protected from use by heavy construction equipment, the general public, and the new house owners which aren't owners of the lane? Confirm that the new paved NE 133rd will not connect to 70th Ave NE?

3) Existing gravel NE 133rd St is private land maintained at owner expense. We will not allow construction traffic or heavy equipment to use this road. Even the garbage trucks tear up this road easily due to the extensive water flooding and erosion issues in the area.

4) How will the 69th road building be timed to enable heavy equipment access to the development land? How will landowners at the south end of 69th be able to access their property without delay during road and house construction?

5) With construction of the new paved NE 133rd St, the existing gravel NE 133rd St may be decommissioned by its owners, returning it to planted/absorbent natural surfaces. 13304 69th and 6916 NE 133rd will use the new paved NE 133rd St for access to our properties. Is there a problem doing this?

- 6) Construction of the new paved NE 133rd St will require removal/relocation of utility poles along the North side of the meadow. How will this be addressed? What will the property border look like?
- 7) Please explain plans for the cul-de-sac. What drove the design, how will impact on adjacent landowners be mitigated, how will the property lines be dealt with, etc.
- 8) With the proposed short plat, there are now close to 50 new houses being built in this neighborhood, with a single access point off busy Juanita Drive. The new turn lane to northbound Juanita Drive is virtually unusable, considering how fast people travel up and down the hill - you can't tell in time whether they're going to turn or continue up the hill. When we do try to use that new lane, people assume you're going to continue into their lane and honk or swerve, which is dangerous for cyclists on the shoulder. The city needs to consider completely revamping the intersection of Juanita Drive and NE 138th Pl for safety. A roundabout has been suggested, which would calm the traffic significantly.
- 9) There is also an increase in traffic on 72nd Ave NE based on all the new houses in the neighborhood. Speeding is a problem, especially since there are not many sidewalks and there are many pedestrians and bicyclists sharing the road with the cars that are exceeding the speed limit.
- 10) Water issues
This area has extensive water and flooding issues. During heavy rains, the earth becomes saturated and water floods 69th Ave NE (see previous note in road issues) and properties downhill. Homeowners in the area have issues with flooding, both inside and outside the house, due to this runoff.
- Considering that the meadow is at higher elevation than both 133rd and the properties to the West, and that the substantial addition of impermeable asphalt for new 133rd will significantly increase the runoff, how will you avoid making this problem worse?
- Please explain plans for the new catch basin. How will insects be controlled in this still water basin?
- 11) Utilities
- Where will the new water main be brought in?
- Miscellaneous
12) - Will a fence be constructed between the development and abutting properties? (along 133rd and 13209 69th Ave NE)
13) What additional impacts to homes on 70th Ave NE are expected in terms of traffic or other?

Regards,
Mary Jo Phoenix
13313 70th Pl NE Kirkland, WA 98034

Allison Zike

From: Rocky <rocke@4speeds.net>
Sent: Wednesday, January 10, 2018 11:54 AM
To: Allison Zike
Cc: Bruce Gardiner; Wes & Marsha Pabst; Tom Neir
Subject: Permit number SUB17-00733

Follow Up Flag: Follow up
Flag Status: Completed

Categories: PUBLIC COMMENT, Attn

David L. Speed
7102 NE 132nd Street
Kirkland, WA 98034

Allison;

Subdivision of the property located at 13220 69th Ave NE 9Satterberg Short Plat, File No. SUB17-007330 in Kirkland will degrade the character of the neighborhood from a large lot suburban neighborhood on a cul-de-sac to a higher density neighborhood for the benefit of real estate developers at the cost to the existing taxpayers (and voters).

First, the map is misleading as the majority of the property under consideration is an unbuildable slope.

These subdivision applicants have been granted in the past and the effect has reached the maximum tolerable level for this area.

What planning will handle solid waste removal? This is a problem on my street now (NE 132nd Street). Power is a chronic problem in this neighborhood

Additional traffic on essentially rural local streets with no sidewalks and little lighting will further endanger pedestrians.

There is but a single entrance and exit point into this area. Does this meet the requirements for safety and disaster response? We have trees down across our road frequently and slow response from city or parks services (to wit: a major snag remains uncleared after more than 2 months).

Additional traffic will be introduced to the trail crossing and un-permitted parking area between Big Finn Hill Park and the woodlands adjoining St Edwards.

Additional traffic will be directed onto the intersection at Juanita which is a dangerous blind curve.

I see no mitigating efforts being made by the developers for reducing the current quality of life. All hail profit!

I bought into a residential neighborhood with a reasonable population density. If current zoning ordinances are to be granted exemptions at the current rate, it effectively changes the area zoning without public input. Driving to Bellevue this morning, I was, quite frankly, appalled at the number of signs up to request zoning modifications that I saw as I crept along at under 10 mph on surface streets. There is a wholesale assault on zoning in this area; this is neither proper city planning nor proper governance.

It is my intention to raise this issue further.

Please deny this application and put the question of changing the nature of our community to the homeowners, not the developers.

Thanks for listening.

David Speed

425.305.4131

Allison Zike

From: Joe Williams <jtwgearhead@gmail.com>
Sent: Wednesday, January 10, 2018 11:13 PM
To: Allison Zike
Subject: SUB17-0073

Follow Up Flag: Follow up
Flag Status: Completed

Categories: PUBLIC COMMENT, Attn

Hi Allison,

Our neighbors have gathered our concerns about the development, below. I will make sure they understand the rules about public comment and right to appeal, but this should give you a sense of what's important to us.

Once we get you up to speed on the issues, it might make sense to schedule a sit-down meeting to discuss.

Thanks for your attention,

Joe

First and foremost, this intensive development is out of character for our corner of the neighborhood. The neighborhood has long been developed, without a new house being built in many years. Many of us chose to move here because of the low traffic and open space you hope to develop, expecting that development would not be possible due to the single-lane access road (69th). We've watched two generations of a deer herd come of age in the meadow - photographed them eating apples in the meadow for many years, we've played baseball and frisbee with the kids, and star-watched from the middle of that very dark, tree-filled area. Dividing the land into narrow strips to pack in seven new houses, cutting down many of the beautiful tall trees, and paving a significant fraction of the land in the sensitive Holmes Point Overlay is completely counter to this neighborhood's character and what we value.

Road Issues

1) 69th Ave NE is described as needing to be widened to 20' between 134th and 133rd, then significantly wider south of that point. This change would significantly impact our neighbors and tree cover.

- The increase in pavement width would infringe on the existing ditches, trees, driveways, and power poles that have existed for decades in this area. Driveways both upslope and downslope would require new contouring work in order to match the widened road. In some cases, entire driveways would need to be re-contoured to make them usable. Trees that are close to the new pavement risk root damage. How would these issues be addressed?
- How will disruption of power and phone/internet be minimized during relocation of utility poles?
- What steps will be taken to ensure that existing property lines will be respected absolutely? There's already been concern expressed that some development survey markers are incorrectly placed.

- 2) Confirm that 70th Ave NE will not be modified, as this is private property, co-owned with other landowners. How will this lane be protected from use by heavy construction equipment, the general public, and the new house owners which aren't owners of the lane? Confirm that the new paved NE 133rd will not connect to 70th Ave NE?
- 3) Existing gravel NE 133rd St is private land maintained at owner expense. We will not allow construction traffic or heavy equipment to use this road. Even the garbage trucks tear up this road easily due to the extensive water flooding and erosion issues in the area.
- 4) How will the 69th road building be timed to enable heavy equipment access to the development land? How will landowners at the south end of 69th be able to access their property without delay during road and house construction?
- 5) With construction of the new paved NE 133rd St, the existing gravel NE 133rd St may be decommissioned by its owners, returning it to planted/absorbent natural surfaces. 13304 69th and 6916 NE 133rd will use the new paved NE 133rd St for access to our properties. Is there a problem doing this?
- 6) Construction of the new paved NE 133rd St will require removal/relocation of utility poles along the North side of the meadow. How will this be addressed? What will the property border look like?
- 7) Please explain plans for the cul-de-sac. What drove the design, how will impact on adjacent landowners be mitigated, how will the property lines be dealt with, etc.
- 8) With the proposed short plat, there are now close to 50 new houses being built in this neighborhood, with a single access point off busy Juanita Drive. The new turn lane to northbound Juanita Drive is virtually unusable, considering how fast people travel up and down the hill - you can't tell in time whether they're going to turn or continue up the hill. When we do try to use that new lane, people assume you're going to continue into their lane and honk or swerve, which is dangerous for cyclists on the shoulder. The city needs to consider completely revamping the intersection of Juanita Drive and NE 138th Pl for safety. A roundabout has been suggested, which would calm the traffic significantly.

Water issues

This area has extensive water and flooding issues. During heavy rains, the earth becomes saturated and water floods 69th Ave NE (see previous note in road issues) and properties downhill. Homeowners in the area have issues with flooding, both inside and outside the house, due to this runoff.

- Considering that the meadow is at higher elevation than both 133rd and the properties to the West, and that the substantial addition of impermeable asphalt for new 133rd will significantly increase the runoff, how will you avoid making this problem worse?
- Please explain plans for the new catch basin. How will insects be controlled in this still water basin?

Utilities

- Where will the new water main be brought in?

Miscellaneous

- Will a fence be constructed between the development and abutting properties? (along 133rd and 13209 69th Ave NE)

Allison Zike

From: Joe Williams <jwtgearhead@gmail.com>
Sent: Sunday, January 14, 2018 11:32 AM
To: Allison Zike
Cc: Rob Jammerman
Subject: Widening of 69th Ave NE SUB17-00733

Follow Up Flag: Follow up
Flag Status: Completed

Categories: PUBLIC COMMENT, Attn

Dear Allison,

I've surveyed all property owners abutting 69th Ave NE, which is proposed to be widened to 20' of asphalt as part of the Satterberg short plat. Every owner is opposed to this intrusive road widening, expressing opinions ranging from "we ... would prefer the road not be widened" to "we are vehemently opposed to the widening". Widening the road would result in significant impact to driveways, utility poles, trees, planting beds, hedges, fences, etc. We understand that this is city right-of-way, but the existing road width has been in place for decades and we do not see a compelling reason that it should be changed. Please help keep the impact of this short plat on our neighborhood to a minimum and waive the need to widen 69th Ave NE.

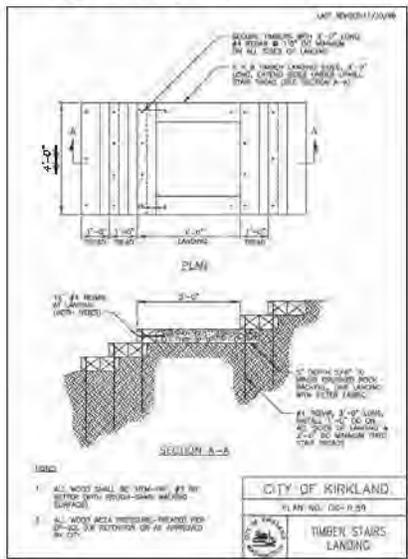
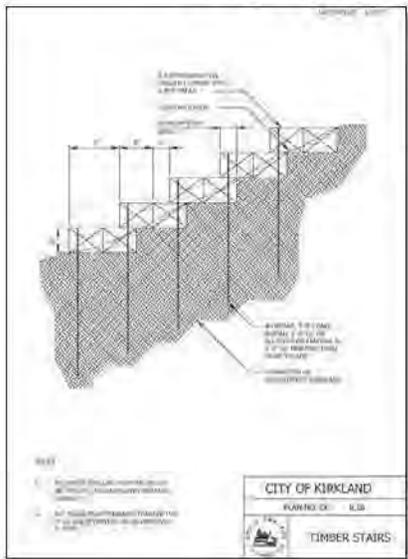
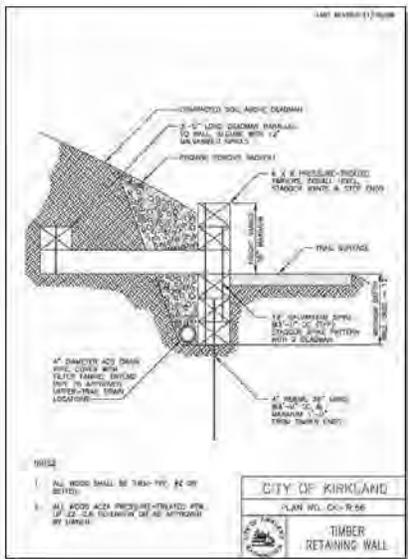
There are improvements that could be made to 69th for better rain runoff control, to eliminate a threatening maple tree which is mostly on the city right-of-way, and other changes which would actually help the neighborhood. We would prefer the city and developer concentrate on fixing these issues and leave the existing paved roadway on 69th at the current width. In addition, the developer should repair any damage to 69th caused by heavy equipment use, excavation, or other processes that occur during development of the short plat.

I will suggest that the other property owners send their opinions directly to you so can confirm the universal nature of our resistance to the road widening.

Thanks,

Joe Williams
13304 69th Ave NE

BW1/4, BW1/4, BEG. 24, TWP. 26 N, RBE. 4 E, W.M.



SUB17-0073 APPEAL ENCLOSURE 2 DIRECTOR'S DECISION

BLUELINE

SCALE: AS NOTED
 PROJECT MANAGER: BRETT K. PUNDS, PE
 PROJECT ENGINEER: LINSEY HANDEL, PE
 DESIGNER: NIKKA KROMANIK
 ISSUE DATE: 4/22/2018

NO.	DATE	BY	DESCRIPTION

TRAIL DETAILS
 SATTERBERG SP / IDP
 LBM PERMIT PLANS
 PARCEL #8677900160
 CITY OF KIRKLAND WASHINGTON



6/21/18
 JOB NUMBER: 17-251
 SHEET NUMBER: TRL-02
 OUT OF 24

UNDERGROUND UTILITY NOTE
 UNDERGROUND UTILITIES ARE SHOWN IN THE APPROXIMATE LOCATION. THERE IS NO GUARANTEE THAT ALL UTILITY LINES ARE SHOWN, OR THAT THE LOCATION, SIZE AND MATERIAL IS ACCURATE. THE CONTRACTOR SHALL UNCOVER ALL INDICATED PIPING WHERE CROSSING, INTERFERENCES, OR CONNECTIONS OCCUR PRIOR TO TRENCHING OR EXCAVATION FOR ANY PIPE OR STRUCTURES. TO DETERMINE ACTUAL LOCATIONS, SIZE AND MATERIAL, THE CONTRACTOR SHALL MAKE THE APPROPRIATE PROVISION FOR PROTECTION OF SAID FACILITIES. THE CONTRACTOR SHALL NOTIFY ONE CALL AT 8-1-1 (WASHINGTON.COM) AND ARRANGE FOR FIELD LOCATION OF EXISTING FACILITIES BEFORE CONSTRUCTION.

02/27/2018 09:58 AM - 2018-04-22 10:00 AM
 C:\Projects\17281\17281\17281-02-02.dwg



HOLMES POINT OVERLAY ZONE PROTECTED NATURAL AREA EASEMENT

_____, owner of the hereinafter described real property ("Grantor"), hereby grants to the City of Kirkland, a municipal corporation ("Grantee") a Holmes Point Overlay Zone Protected Natural Area easement ("PNA Easement") over and across the following described real property:

No tree trimming, tree topping, tree cutting, tree removal, shrub or brush-cutting or removal of native vegetation, application of pesticides, herbicides, or fertilizers; construction; clearing; or alteration activities shall occur within the PNA Easement without prior written approval from the City of Kirkland. Application for such written approval is to be made to the Kirkland Department of Planning and Community Development who may require inspection of the premises before issuance of the written approval and following completion of the activities. Any person conducting or authorizing such activity in violation of this paragraph or the terms of any written approval issued pursuant hereto, shall be subject to the enforcement provisions of Chapter 170, Ordinance 3719, the Kirkland Zoning Code. In such event, the Kirkland Department of Planning and Community Development may also require within the immediate vicinity of any damaged or fallen vegetation, restoration of the affected area by planting replacement trees and other vegetation as required in applicable sections of the Kirkland Zoning Code. The Department also may require that the damaged or fallen vegetation be removed.

It is the responsibility of the property owner to maintain the PNA Area by removing non-native, invasive, and noxious plants in a manner that will not harm the PNA and in accordance with Kirkland Zoning Code Chapter 70 requirements for trees and other vegetation within the PNA.

The City shall have a license to enter the PNA Easement (and the property if necessary for access to the PNA Easement) for the purpose of monitoring compliance with the terms of this easement.

Each of the undersigned owners agree to defend, pay, and save harmless the City of Kirkland, its officers, agents, and employees from any and all claims of every nature whatsoever, real or imaginary, which may be made against the City, its officers, agents, or employees for any damage to property or injury to any person arising out of the existence of said PNA Easement over said owner's property or the actions of the undersigned owners in carrying out the responsibilities under this agreement, including all costs and expenses, and recover attorney's fees as may be incurred by the City of Kirkland in defense thereof; excepting therefrom only such claims as may arise solely out of the negligence of the City of Kirkland, its officers, agents, or employees.

This easement is given to satisfy a condition of the development permit approved by the City of Kirkland under Kirkland File/Permit No. _____, for construction of _____ upon the following described real property:

This easement shall be binding upon the parties hereto, their successors and assigns, and shall run with the land.

DATED at Kirkland, Washington, this _____ day of _____, _____.

(Sign in blue ink)

(Individuals Only)

OWNER(S) OF REAL PROPERTY (INCLUDING SPOUSE)

(Individuals Only)

STATE OF WASHINGTON)
County of King) SS.

On this ____ day of _____, _____, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared

_____ and _____ to me known to be the individual(s) described herein and who executed the Public Ingress and Egress Easement and acknowledged that _____ signed the same as _____ free and voluntary act and deed, for the uses and purposes therein mentioned.

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

Notary's Signature

Print Notary's Name

Notary Public in and for the State of Washington,

Residing at: _____

My commission expires: _____

(Partnerships Only)

OWNER(S) OF REAL PROPERTY

(Name of Partnership or Joint Venture)

By General Partner

By General Partner

By General Partner

(Partnerships Only)

STATE OF WASHINGTON)
) SS.
County of King

On this ____ day of _____, _____, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared

_____ and _____ to me, known to be general partners of _____, the partnership that executed the Public Ingress and Egress Easement and acknowledged the said instrument to be the free and voluntary act and deed of each personally and of said partnership, for the uses and purposes therein set forth, and on oath stated that they were authorized to sign said instrument.

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

Notary's Signature

Print Notary's Name
Notary Public in and for the State of Washington,
Residing _____ at:

My commission expires: _____

Finn Hill Neighborhood Plan

Overview

In collaboration with the City of Kirkland, the U.W. Green Futures Lab (GFL) worked with Finn Hill residents and the Finn Hill Neighborhood Alliance (FHNA) to develop a neighborhood plan. This is the first neighborhood plan for Finn Hill following annexation to Kirkland in 2011.

Preparation of the Finn Hill Neighborhood Plan involved a comprehensive, two year-long process that included public events, online surveys, and development of alternatives by residents, and feedback on priorities, goals and policies from the neighborhood. The public outreach activities and involvement of City commissions, have guided development of this Plan.

1. Vision Statement

The following statement reflects how residents envision the Finn Hill neighborhood and written based on an extensive public outreach process held in February and March 2016.

Finn Hill is a predominantly residential, heavily treed and picturesque neighborhood overlooking Lake Washington. Rising to a height of 535 feet above sea level, with ravines and steep slopes on its flanks, Finn Hill is bounded by Lake Washington to the south and west, NE 145th Street to the north, and the Juanita neighborhood to the east. Access to the neighborhood is limited to three main entry points: Juanita Drive provides access to the southern and western portions of the hill, and Simonds Road/NE 145th streets and NE 132nd/90th streets provide the north east/west access to Finn Hill.

Two mixed use neighborhood commercial centers located on Juanita Drive, Finn Hill Neighborhood Center and Holmes Point Residential Market (Inglewood and Holmes Point), provide retail amenities and multi-family housing in the neighborhood.

Finn Hill residents feel very strongly about the unique setting of their neighborhood. Parks and natural areas are the stars of Finn Hill and considered high value resources that provide important wildlife and recreation connections. There is a deep affinity with, and a desire to care for, the natural environment, parks, open space, tree canopy, and Lake Washington. Residents take pride in their history of participating in fundraising campaigns, work parties, and planning activities focused on protecting the neighborhood's woodlands, streams and parks. Preserving or improving natural open space connectivity wherever possible is a major goal for Finn Hill residents, and received overwhelming support through the public outreach process. Finn Hill is encompassed by

many steep slopes that residents recognize must be protected or developed carefully to prevent landslides and erosion.

In keeping with the desire to preserve natural areas, Finn Hill residents seek to keep density low in single family residential areas. Although Finn Hill residents understand the need to accommodate newcomers to the neighborhood, they are especially concerned about the consequences from additional density such as undesirable changes to the character of established neighborhoods, loss of tree canopy, and increased traffic congestion.

Multi-family development should be located adjacent to neighborhood commercial zones in order to avoid conflicts with low-density areas and concentrate residential densities in areas that will support public transit. The improvement or redevelopment of existing commercial centers, rather than expanding commercial areas makes more sense in the context of Finn Hill. The Finn Hill Neighborhood Center (Inglewood commercial area) in particular has strong potential for redevelopment and residents expressed a desire to see the amenities here updated and diversified. The Inglewood shopping center could support the inclusion of more multifamily or diverse housing in and adjacent to the center, particularly if doing so would justify additional transit services for the neighborhood.

Transportation around and through Finn Hill is currently car centric. The existing trails and bike networks are much enjoyed and need further improvement. There is also a need for better connectivity up/down hills and towards key facilities such as schools, parks, and shopping centers. Forming a safe network of sidewalks and trails where walking is facilitated and comfortable is a major goal for Finn Hill. There are also concerns about traffic congestion during commute hours on key roads in Finn Hill, particularly Juanita Drive which is the main north- south thoroughfare through the neighborhood. Finn Hill residents support exploring alternative public transit solutions to reduce the need for residents to use their personal cars, especially during heavy commute periods.

Overall, residents want to preserve the existing character of the neighborhood while planning for the future.

2. Guiding Neighborhood Values

Finn Hill residents' vision for their neighborhood's future seeks to balance the preservation and enhancement of its natural environment with the challenges of accommodating regional growth. Ideas and values about parks and the natural environment are closely related to issues concerning land use and transportation. Since the Finn Hill Neighborhood Plan must be implemented through a series of goals and policies, this section is meant to lay out the guiding values and ideas that connect the goals and policies between and within chapters and provide a basis for the rest of the neighborhood plan.

Value 1: Promote human and wildlife connectivity through multifunction, interconnected green spaces.

Neighborhood parks and green spaces should be connected into a continuous loop of woodland and trails. Key functions for these spaces include providing wildlife habitat, preserving forest canopy, protecting critical areas (including steep slopes), providing hiking and walking opportunities, and providing opportunities for biking that do not conflict with pedestrians. Ideally, the woodlands and trails would create a pervasive sense of connection with the natural environment. Additionally, they would support a broad, neighborhood-wide network of pedestrian sidewalks and paths, and bikeways, that would knit Finn Hill's two commercial areas more closely with the neighborhood.

Value 2: Provide a consistent land use pattern that supports the neighborhood's desire to retain its low density character.

A range of low density single family zoning exists from four to eight dwelling units per acre or equivalent RSA 4 to RSA 8 zoning. A patchwork of zoning districts exist where lower density surrounds smaller, islands of higher single family density zones. The neighborhood's residential zoning should minimize small pockets of zoning that allow residential development at densities and in forms that are inconsistent with surrounding homes. As part of the neighborhood planning process and depending on the topography, environmentally critical areas, existing street network and surrounding development, changes in land use to lower or higher density may be appropriate to provide a more consistent land use pattern. (See Land Use Section 6 for additional discussion).

Value 3: Protect critical areas and preserve tree canopy cover and wildlife habitat to maintain the natural environment.

For critical areas including landslide hazard areas, the neighborhood should examine regulatory options for increased protection of these areas and connecting them to the broader green space network city wide (see NV1, above). These include:

- a. Regulating development on geological hazard areas and streams and wetlands;
- b. Zoning approaches such as encouraging clustering of lots or structures to reduce impacts on slopes and retain more trees;
- c. Requiring protective covenants or open space easements to protect critical areas; and
- d. Purchasing property containing critical areas.

See Natural Environment Section 4 for more discussion.

Value 4: Develop the neighborhood commercial districts into pedestrian oriented villages that are human in scale, provide needed services, gathering places, within walking distance of residential, support transit options, developed with sensitivity to the neighborhood's environmental and traffic concerns and maintain the neighborhood's character.

This value complements Neighborhood Value 2 above and is based on the principles of the "10 minute walkable neighborhoods" concept discussed in the Land Use Element of the Comprehensive Plan. This concept emphasizes accessibility and walkable destinations, and it has already been implemented in other neighborhoods of Kirkland. Finn Hill residents have expressed an openness to considering denser multifamily residential development near existing commercial districts, in order to diversify residential housing choices (including affordable housing and housing for seniors), enhance shopping amenities, and improve transit options.

Value 5: New development in the neighborhood should be in keeping with the neighborhood's vision of preserving and enhancing Finn Hill's natural environment.

Land use changes and development review decisions should reflect the vision statement and the goals and policies of the neighborhood plan.

Residential and commercial development applications should be evaluated carefully with regard to their impact on transportation in and out of the neighborhood. They should particularly be evaluated in regard to commute congestion, their impact on the neighborhood's tree canopy, and their impact on surface water quality and flow management.



Denny Fest Summer Event

3. Historical Context

Prior to European settlement, Douglas fir, Western Hemlock and Western Red Cedar forests dominated Kirkland and Finn Hill. Fire was the major disturbance in the ecosystem, after which both understory shrubs and canopy trees would regenerate¹.

Just south of Finn Hill at the mouth of Juanita Creek was a settlement of the Duwamish tribe called *TUHB-tuh-byook'w*. It was occupied by members of the Duwamish tribe and was part of a larger group of settlements on the eastern shore of Lake Washington in what is now Kirkland². These settlements were abandoned in the mid- to late-19th century after the Duwamish ceded 54,000 acres of land under the 1855 Treaty of Point Elliott³.

Early European settlers of Finn Hill were predominantly of Finnish descent. The first families settled in 1896; some of the 55 families in the area include the Reineckainen (later changed to Raine), Norman, Mielonen, Petonen, Lindquist, Jarvi, Salmonson, and Haapa families⁴. The Finnish language was spoken. Families would share Finnish style bath houses heated with wood. At one time there were three halls for community dances, plays, and other programs.

As elsewhere in Kirkland, these early settlers first logged the area, then burned and pulled out the massive stumps left behind to prepare the land for agriculture. The Woodins Logging Co. had a tramway to take the logs from the top of the hill to Juanita Bay. Fruit, dairy, and vegetables were among the crops grown.

The Inglewood neighborhood—now part of Finn Hill and the area of Finn Hill's largest commercial development was first platted and named by L.A. Wold in 1888⁵. In the 1970's Paul Kirk designed a unique subdivision into 21 circular one acre lots surrounded by common open space in the southeast area of Finn Hill.

O.O. Denny Park is named for Orion Denny, son of Seattle founder Arthur Denny. The property was Orion's country estate and his widow willed it to the City of Seattle. The property was later used as a summer camp for kids before becoming open to the public as a park.

As Seattle was preparing for the 1962 World's Fair, and the 10 million people who'd be coming to experience it, the Evergreen Point floating bridge was completed to connect Kirkland to Seattle.

¹ Halpern, C. B., & Spies, T. A. (1995). Plant species diversity in natural and managed forests of the Pacific Northwest. *Ecological Applications*, 5(4), 913-934.

² Coast Salish Villages of Puget Sound. Located at: http://coastsalishmap.org/new_page_6.htm

³ Viltos-Rowe, Irene. Waste Not, Want Not—The Native American Way.

⁴ Kirkland Heritage Society records; Radford, Barbara. What's in a Name located at: <http://finnhillalliance.org/2013/12/whats-in-a-name-2/>

⁵ Majors, H. M. (1975). *Exploring Washington*. Van Winkle Publishing Company.

This led to a sharp increase in the population of communities on the eastside, including Kirkland and Finn Hill

Today, single family residential has replaced farms and agriculture. Finn Hill was annexed into Kirkland in 2011.

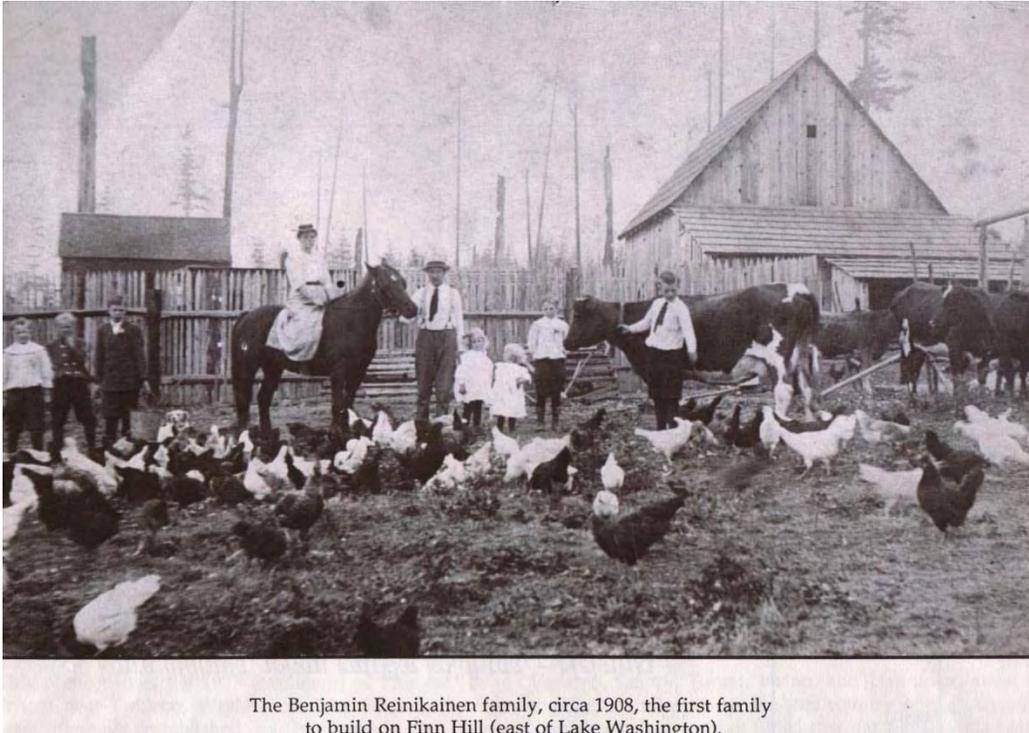


Photo from the Barrie and Raine/Snow Collections.

4. Natural Environment

The goals and policies herein build on the citywide Comprehensive Plan Environment Element policies. What is unique about the Finn Hill neighborhood is the amount of forested hills, natural stream corridors and shoreline areas concentrated within the City of Kirkland, which is reflected in the neighborhood's vision statement on protecting the local natural environment.

During the development of the Finn Hill Neighborhood Plan, the following priorities were emphasized through community outreach exercises:

- Conserve the natural environment, including tree canopy, wildlife habitat, streams, and wetlands.
- Restrict and enforce development standards to protect critical areas including streams, wetlands, and steep slopes susceptible to erosion and landslide hazards.
- Provide wildlife corridors and recreational connectivity.
- Ensure development standards protect the natural environment and forested neighborhood character.

Goal FH-1: Protect and enhance Finn Hill Neighborhood's natural environment.

Protect and enhance the natural environment by retaining native topography, tree canopy, and stream and wildlife corridors, which are key to stabilizing steep slopes, controlling storm water, and preserving neighborhood character.

Goal FH-2: Require new development to preserve and protect ecosystem functions.

Compliance with the Zoning Code regulations regarding tree retention, critical areas, and geologic hazardous areas are necessary to ensure new development, redevelopment and land surface modification meet neighborhood expectations and relevant goals and policies.

Trees and Forest Ecosystems

Goal FH-3: Maintain a healthy, sustainable urban forest through the protection and restoration of native trees, vegetation, and soil.

To protect Finn Hill's neighborhood character and natural environment, concern for existing and future urban tree canopy coverage (UTC) emerged as a neighborhood priority. The benefits associated with protecting Finn Hill's tree canopy include:

- High tree canopy coverage contributes to lower storm water runoff volumes, lower peak stream flows and fewer flooding incidents.

- Protecting native vegetation reduces soil erosion, preventing sediment and other pollutants from entering streams and Lake Washington.
- Preserving continuous tree canopy is important for maintaining wildlife habitat and providing wildlife corridors.
- Protecting native trees and vegetation helps to protect soil ecosystems. In return, soils and the communities of microorganisms that they support are important in supporting healthy native trees and vegetation.



Policy FH 3.1: Preserve and restore tree canopy throughout the neighborhood.

Maintaining tree canopy is a priority for the entire Finn Hill Neighborhood. See section below regarding the Holmes Point Overlay area (HPO) where a tree canopy goal for the area is established to help preserve steep slopes, soil, vegetation and trees through designated Protected Natural Areas. Other Zoning Code regulations require open space covenants and easements be recorded on property to protect critical areas and slopes, in conjunction with strong development standards described in Policy FH 3.2, FH 4.6 and FH 4.9.

Preserving forest canopy and ecosystem function is also achieved through public purchase of land. Implementation of many of the strategies in the Kirkland Urban Forestry Strategic Management Plan also work towards achieving this policy.

Policy FH 3.2: Establish regulations to protect trees during development, particularly large native trees and groves, and require restoration of trees, vegetation and soil impacted by development.

Strengthening tree retention regulations is a major concern of Finn Hill residents. The majority of residents support more stringent limits on tree removal including the need for enforcement of adopted regulations. Residents want protection of existing trees, retention of tree canopy and restoration of impacted areas.

Protecting mature trees is important for the aforementioned reasons, as larger trees substantially improve air quality, mitigate storm water, reduce heat island temperatures, sequester more carbon, offer diverse wildlife habitat opportunities and contribute to neighborhood character.

Emphasis should be on retaining and replanting native tree species such as Douglas Fir, Vine Maple and Madrone trees.

The City should improve and enforce regulations which may result in amending KZC Chapter 70, Holmes Point Overlay and Chapter 95, Tree Management and Required Landscaping regulations.

Policy FH 3.3: Protect soil quality during development.

Protecting and enhancing soil quality focuses not just on characteristics such as nutrient availability, but also focuses on soil biological activity, organic matter content, water infiltration, and soil structure. Therefore native soils should be kept intact as much as possible, preventing soil compaction, erosion and removal during construction activities. Soil quality can be protected by 1) reducing the allowable clearing and grading areas; 2) limiting disturbance to native soils during construction; 3) applying protective layers of mulch blankets over soils where heavy equipment access is required; 4) complying with erosion control requirements; and 5) salvaging and storing native top soil for reapplication to the site. Low impact development techniques and soil requirements for planting new native trees and vegetation in the Zoning Code are encouraged to implement this policy.

In addition to these policies that address tree protection, the policies in the Holmes Point Overlay section (below) are also relevant.

Streams, Wetlands, and Shorelines

Finn Hill contains many streams, particularly along the western edge of Lake Washington's shoreline, and a number of wetlands (See Figure 4.1). The residents of Finn Hill feel strongly that streams, wetlands and the Lake Washington shoreline habitat should be protected and restored. These values are consistent with adopted policies in the Environment and Shoreline Area Chapters of the Comprehensive plan, regulations in KZC Chapter 90, Critical Areas Wetlands, Streams, Chapter 83, Shoreline regulations and City sponsored volunteer restoration programs.

Goal FH-4: Preserve and restore streams, wetlands and shorelines and protect their biological integrity, including in stream and adjacent riparian habitat.



Figure 4.1: Finn Hill Wetlands, Stream, and Lakes

Policy FH-4.1: Encourage public and private property owners to protect and enhance streams, wetlands, and buffers for wildlife habitat and corridors.

The 2014 Surface Water Master Plan includes an inventory conducted for Finn Hill prior to annexation which describes techniques property owners and the community can do to improve streams and wetlands including:

- Removing trash debris from streams and wetlands
- Removing structures or barriers to improve fish passage
- Restoring stream channels and buffers to improve habitat
- Monitoring streams and wetlands for invasive species
- Adding woody debris to streams
- Removing invasive species from buffers and planting with native vegetation
- Educating residents about stream bacterial loads caused by pet waste

The neighborhood, in cooperation with the City's Green Kirkland Partnership program can help restore streams, wetland and forested areas. The Finn Hill Neighborhood Alliance in cooperation with the City can disseminate information encouraging property maintenance that will preserve and enhance the quality of neighborhood streams and wetlands.

Policy FH-4.2: Work with public and private property owners on education and compliance with shoreline regulations and to enhance shoreline habitat along Lake Washington.

Development located within the jurisdiction of the Shoreline Management Act must comply with the state and local shoreline regulations in KZC Chapter 83. Kirkland is a Green Shores™ for Homes (GSH) pilot city. GSH is a voluntary incentive based program designed specifically for shoreline properties. Other shoreline habitat policies for Kirkland are contained in the Shoreline Area Chapter of the Comprehensive Plan and the Parks, Recreation and Open Space (PROS) plan.



Surface Water

Unmanaged surface water contributes to environmental degradation through reduction in water quality, erosion of ravines and streams, and flash flooding and of ravines and streams. Preventing and minimizing these adverse impacts is important to the Finn Hill neighborhood. Implementing Low Impact Development (LID), which encourages infiltrating surface water on site, and other techniques to reduce surface water volume and pollution, is the main approach for addressing surface water. LID techniques improve water quality by filtering surface water before entering Lake Washington.

City policy and regulatory documents that address these issues are the Surface Water Master Plan (SWMP), Kirkland Municipal Code Chapter 15.52 and Zoning Code Chapters 90, Critical Areas, Wetlands, Streams regulations. The SWMP includes an inventory of surface water issues in Finn Hill that should be implemented as resources are available. Policy 4.1 above lists several techniques that property owners can do to improve stream corridors.

Policy FH-4.3: Use natural storm water solutions to protect fish and other aquatic organisms (e.g. Low Impact Development reducing runoff from impervious surface area).

Residents support use of Low Impact Development (LID) techniques such as rain gardens, pervious paving, cisterns, land conservation, green roofs, bio-swales, infiltration systems such as trenches and drywells, and other forms of bio-retention, curb extensions, cascades, and porous gutters.

Policy FH -4.4: Educate property owners and residents to prevent point and nonpoint source pollution to improve water quality in local streams and Lake Washington.

The City together with the Finn Hill Neighborhood Alliance should provide educational awareness and the enforcement programs to help prevent point and nonpoint source pollution.

Policy FH- 4.5: Conduct retrofit planning for existing conditions with the goal of improving hydrology and water quality consistent with the Surface Water Master Plan.

Retrofit planning is the development of storm water flow control and water quality treatment facilities to serve existing development that does not currently have such facilities, or that has facilities designed to old or out-of-date standards. Facilities can be either de-centralized small ones that serve individual streets or buildings, or regional large facilities that serve multiple buildings and streets.

Slopes and Geologic Hazardous Areas

Finn Hill's topography includes many steep slopes and stream corridor ravines, particularly on the east, south, and west edges of the neighborhood (See Figure 4.2: Geologically Hazardous Areas). These geologically hazardous areas and ravines are susceptible to erosion and landslides, particularly if disturbed and existing vegetation is removed. Soils susceptible to seismic hazards (including liquefaction) are generally located in areas containing wetlands.

Zoning Code Chapter 85, Critical Areas: Geologically Hazardous Areas, establishes the regulations applied to development on property containing geologically hazardous areas. In Seismic and Landslide Hazard Areas, development activity is subject to increased scrutiny and must comply with regulations to control erosion contained in KMC Title 15, along with the Zoning Code Holmes Point Overlay Chapter KZC 70, Tree Management and Landscaping Chapter KZC 95, and Critical Area regulations for wetland and streams in KZC 90.



3-Dimensional Model of Finn Hill Topography

Source: U.W. Green Futures Lab

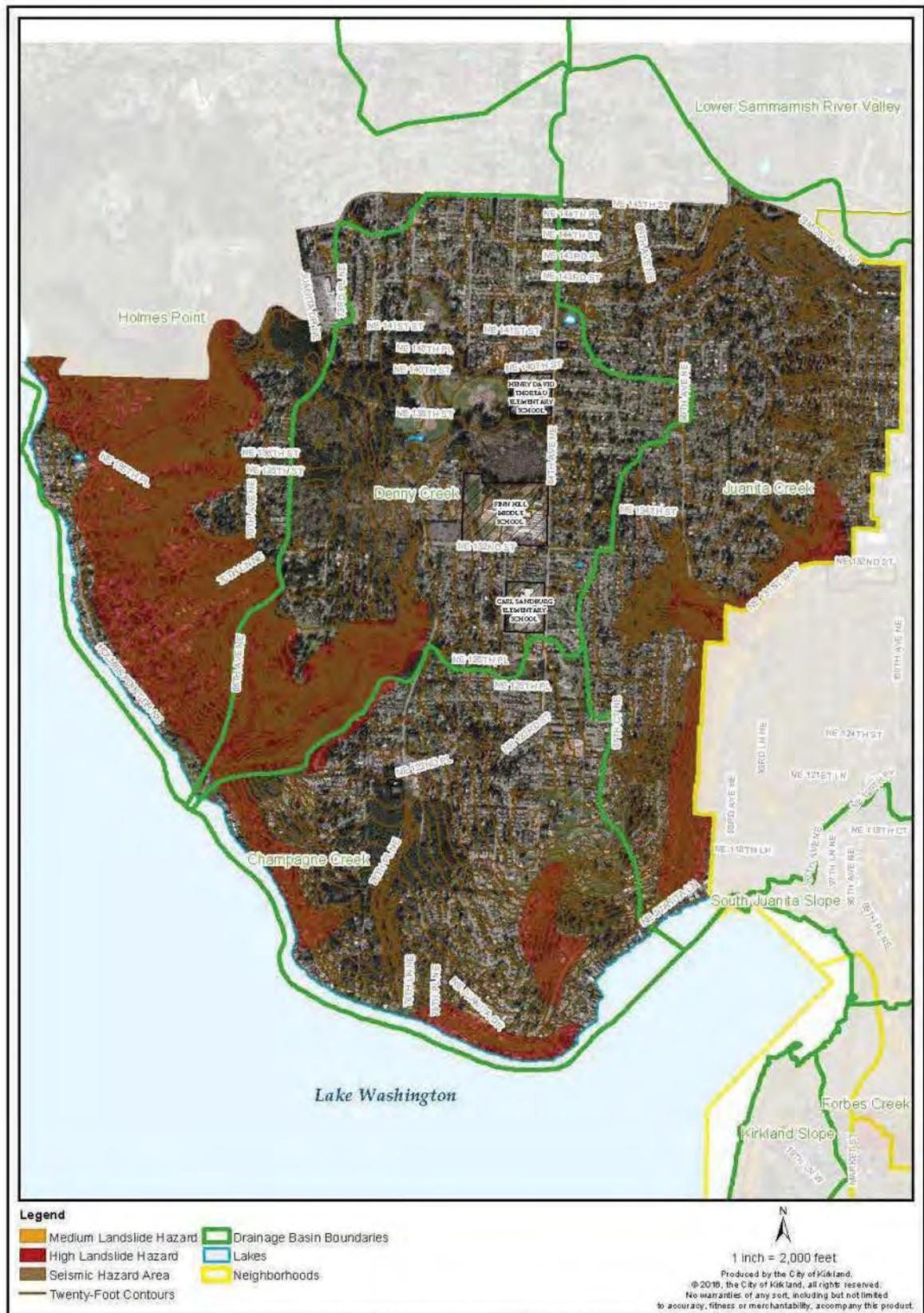


Figure 4.2: Finn Hill Geologically Hazardous Areas

Policy FH- 4.6. Protect moderate and high landslide areas by limiting development and maintaining existing vegetation.

Controlling erosion and preventing landslides is a desired goal expressed by Finn Hill residents.

Consistent with the regulations for property containing geologically hazardous soils are regulated in the City's codes, standards for limiting development on steep slopes should include:

- Conduct slope stability and structural analysis to minimize damage to life and property.
- Retain steep slopes in a natural condition through the creation of greenbelt easements.
- Locate development away from steep slope areas and drainage courses to preserve significant groupings of native trees and vegetation. Flexibility in lot size, clustering of housing units and placement of proposed improvements may be necessary to achieve this.
- Restrict lot coverage to retain vegetation and consider policies controlling setbacks.
- Control surface water runoff at pre-development levels.
- Retain watercourses and wetlands in a natural state.
- Retain native trees and vegetation to the maximum extent.

Holmes Point Overlay

The Holmes Point Overlay (HPO) area is generally located west of Juanita Drive (see Figure 4.3). The HPO is dominated by the largest area of sensitive environmental features in the City, including stream corridors, steep slopes greater than 40%, and slopes susceptible to moderate and high landslide and erosion hazards.

The Holmes Point Overlay zone is a regulatory overlay with the purpose of providing increased environmental and tree protection in the Holmes Point area. The HPO regulations have existed in King County since 1999 and were carried over to the KZC Chapter 70 with the 2011 annexation.

The intent of the HPO overlay is to limit the amount of site disturbance on lots in order to protect vegetation, tree cover and wildlife, retain natural topography, protect potential geohazardous slopes, reduce visual impacts of development, and maintain community character. The HPO regulations limit maximum lot coverage and greater tree retention requirements beyond what is allowed outside the HPO and require a portion of the lot to be designated for tree and vegetation retention in perpetuity as a Protected Natural Area (PNA).



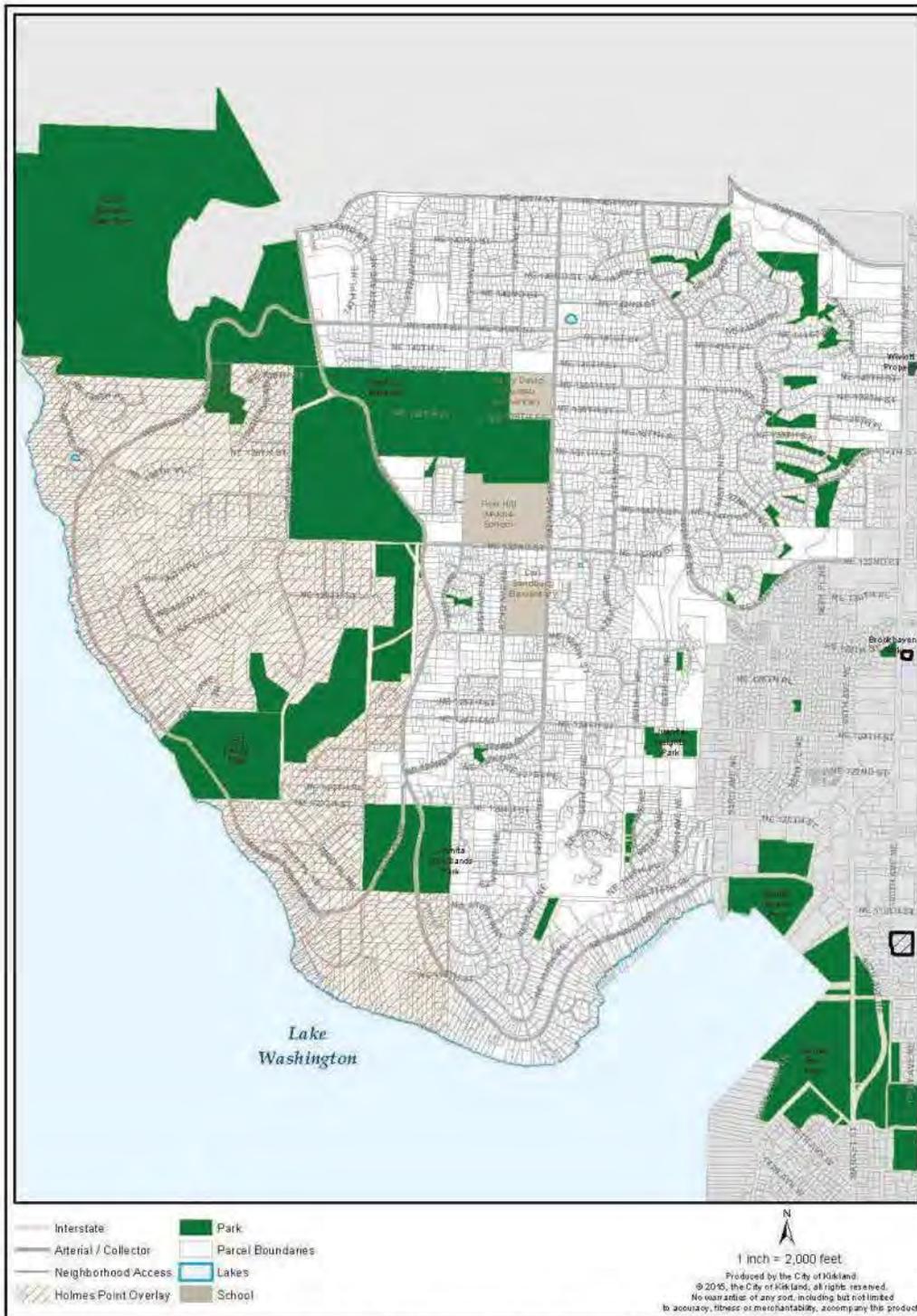


Figure 4.3: Holmes Point Overlay

Policy FH-4.7: Protect, enhance and restore trees in the HPO with a tree canopy goal of 60%.

Tree and canopy protection is a significant concern of Finn Hill residents. The environmental conditions in the HPO area mentioned above, justify a higher level of tree retention in order to help maintain a tree canopy of 60% within the Holmes Point Overlay zone compared to the tree canopy goal for the rest of the City at 40% (see Environment Chapter of the Comprehensive Plan).

Policy FH-4.8: Strengthen the regulations and enforcement of the Holmes Point Overlay (HPO).

To meet the canopy goal, the neighborhood supports clarifying and strengthening the HPO regulations. Concerns are that during the development review process a greater number of trees are removed than the intent of the HPO regulations allow. Because of environmental, topography or constraints of development such as location of vehicular access or utilities, the number of lots or residential density allowed by zoning may not be achievable in all cases. Balancing the intent of the HPO policies and regulations for greater retention of trees and natural areas with property rights and the underlying zoning density will be necessary in order to meet the neighborhood goals and policies.

Policy FH-4.9: Limit site disturbance and retain trees and native vegetation on slopes to avoid or minimize damage to life and property.

Because of the natural constraints of the HPO area discussed above, development in the HPO area should be subject to the following development standards and as contained in KZC Holmes Point Overlay Zone Chapter 70, KZC Critical Areas: Geologically Hazardous Areas, Chapter 85 and KZC Critical Areas for Wetlands and Streams, Chapter 90.

- Limit the amount of site disturbance
- Limit the amount of impervious service or lot coverage
- Retain a percentage of lot in open space
- Retain trees and natural vegetation and soils to a greater extent than outside the HPO
- Preserve and protect natural areas in perpetuity within an easement recorded on the property
- Provide supplemental replanting of native vegetation, evergreen trees and soil enhancement
- Cluster lots, limit site disturbance and locate vehicular access away from the steepest slopes
- Prepare geotechnical report and slope stability analysis
- Retain and enhance watercourses

- Review and approve short plats and subdivisions with integrated development plans so that the amount of site disturbance for locating structures, utilities, access and tree retention/removal is determined prior to beginning construction.

Policy FH-4.10: Encourage clustering development away from slopes susceptible to moderate and high landslide potential to retain natural topography, vegetation and avoid damage to life and property.

Clustering of development away from slopes should be a priority during development review to retain topography, trees, vegetation and minimize disturbance to moderate and high landslide hazard slopes. A qualified geotechnical engineer or engineering geologist may make other recommendations to be implemented during the permit review and construction phases of development.

Policy FH-4.11: Conduct a neighborhood education program on the importance of tree retention, planting of native vegetation and HPO regulations.

Educational programs for property owners, developers, and tree removal companies on topics such as tree maintenance and HPO code requirements would encourage stewardship of the urban forest and citizen awareness of violations to help achieve the goals of the HPO. Property owners could also be encouraged to increase planting native vegetation and trees. The City and neighborhood should partner together to conduct educational programs to support the intent of the HPO regulations.

Wildlife Habitat

Finn Hill residents greatly value the fish, plants, and wildlife that live in the neighborhood and strongly support protecting and restoring wildlife habitat. Wildlife habitat areas provide food, protective cover, nesting and breeding areas, and corridors for movement for native plants, fish, or wildlife including but not limited to threatened, endangered, migratory and priority species. There are several known eagles nests located on the west side of Finn Hill above Lake Washington as well as heron, owls, pileated woodpecker, and coyotes in the neighborhood.

Historically, Finn Hill was blanketed with a dense conifer forest, including Douglas fir, Western Red Cedar, and Western Hemlock. Forest fires were frequent occurrences resulting in a patchwork of conifer forest and burned areas dominated by native shrub species including Vine Maple, Huckleberry, Salal, and Oregon Grape. While it is impossible to return to these conditions, an ideal urban forest provides wildlife habitat and corridors that reflect the habitat requirements of key species.

Previous sections Slopes, Geologic Hazardous Areas, Trees and Forests and Streams, Wetlands, and Shorelines build on the policies below. The funding policy identified in 3.1 will be instrumental

in setting aside land for wildlife habitat. In addition, the Green Loop discussed in Section 5 (Parks and Open Spaces) provides an opportunity to improve, connect, and protect wildlife corridors.

Finn Hill already contains a number of protected open space and natural areas (See Figure 4.3). These are managed by multiple governmental bodies, including City of Kirkland, City of Seattle, and King County. The continued preservation of these protected areas will require cooperation between Finn Hill residents and these entities.

Policy FH-4.12: Promote and educate the public about wildlife and backyard habitat, in conjunction with Kirkland's designation as a certified Community Wildlife Habitat by The National Wildlife Federation.

Additional opportunities for improving wildlife habitat that could be explored include encouraging safe snag tree retention on private property, shadier riparian areas, and pollinator corridors.

5. Parks and Open Space

Finn Hill includes 389 acres of parks and open space (38% of the city's park land). Finn Hill contains parks owned by several different public agencies (Figure 5.1). These include a portion of St. Edward State Park, Big Finn Hill Park, and O.O. Denny Park. Other neighborhood recreational facilities that are not always publically accessible include school facilities with outdoor sports fields and indoor gymnasiums.

Finn Hill residents place a high value on parks and preserving natural areas (discussed in the Natural Environment Section 4). Priorities discussed in this chapter are open space conservation, desired improvements to existing parks, expansion of park land, creating a Green Loop Corridor, pedestrian and bike trails, and improved access to Lake Washington.



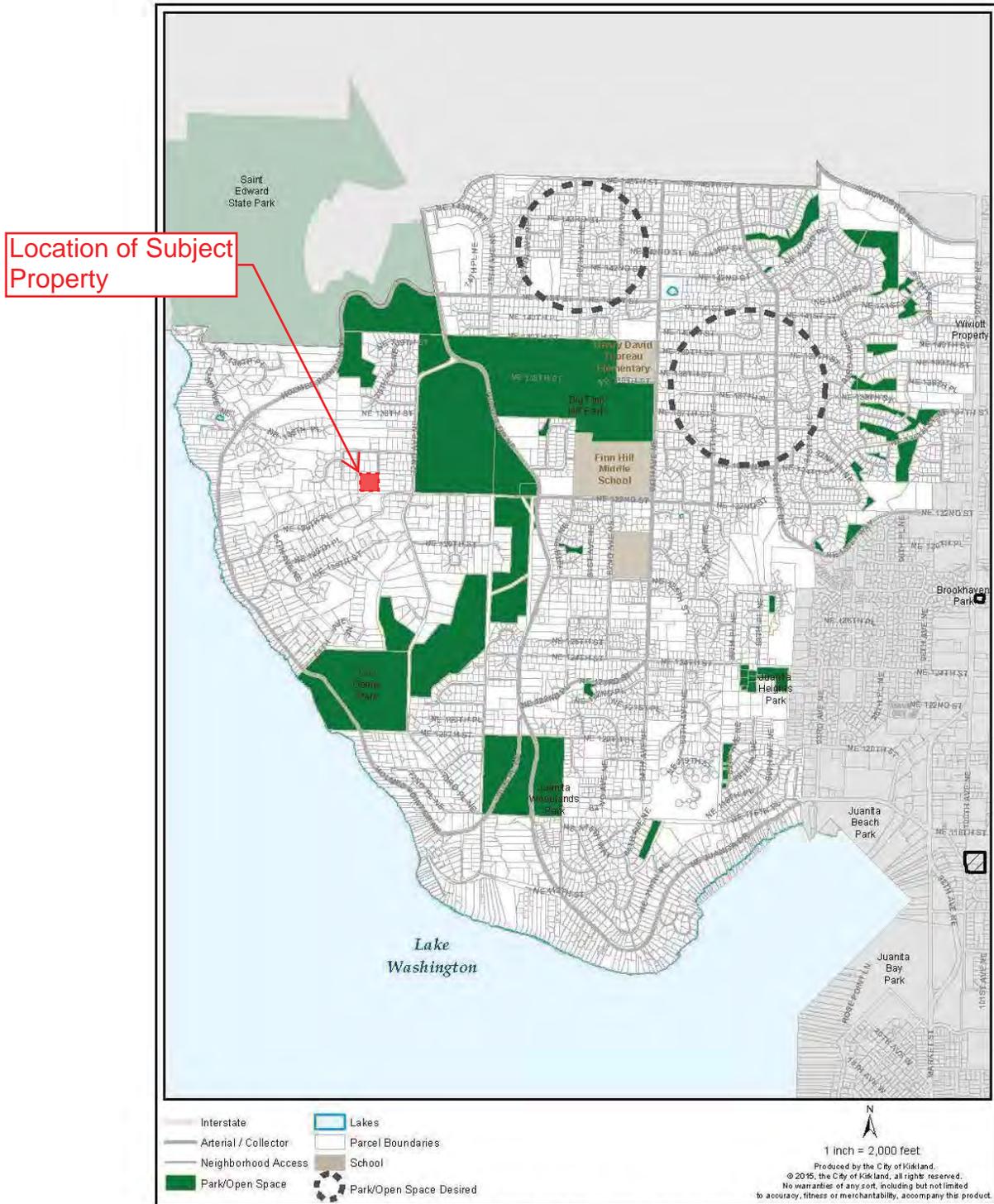


Figure 5.1: Finn Hill Parks and Open Space

Green Loop Corridor

Goal FH-5: Establish a Green Loop Corridor that circles the neighborhood connecting parks, open spaces, pedestrian trails, wildlife corridors and natural areas, as shown in Figure 5.1.

The neighborhood desires a Green Loop Corridor that could link current parks, open spaces, forested areas, natural areas, pedestrian trail and street systems, to promote active recreation and environmental preservation in Finn Hill. Figure 5.2 shows the location for the priority segments of the Corridor that should be established first.

The Green Loop Corridor concept promotes policies in the Kirkland Parks, Recreation and Open Space Plan (PROS Plan) of creating a Finn Hill Connection greenway and connections to the Lakes to Locks Water Trail.

Policy FH-5.1: Develop a Master Plan for the Green Loop Corridor using a public review process under the direction of the Park Board that:

- ***Includes the location, design and functions for the different segments***
- ***Promotes uses that meet the diverse needs of people for recreation, including walking, hiking, wildlife viewing, dog walking, and other forms of recreation***
- ***Prioritizes the segment of the loop connecting the Lake Washington shoreline to the top of Finn Hill, Juanita Beach Park to Juanita Heights, Juanita Woodlands and Big Finn Hill Park (see Figure 5.2 for priority locations)***
- ***Maintains and promotes retention of native vegetation and trees in natural areas, wildlife protection, stream and fish protection***
- ***Encourages public and private restoration efforts to remove invasive plant species and plant native herbaceous plants, shrubs, and trees.***

Policy FH-5.2: Through the development review process, secure public easements or greenbelt easements to provide public access and preserve natural areas within the Corridor.

It will be necessary to obtain public access easements over private property to connect the Corridor together with public parks, open space and public rights of way. One way to do this would be to obtain public access easements as part of the development review and approval process of a short plat or subdivision application in order to link pedestrian connections within the Corridor.

Funding mechanisms could also be explored for acquisition of land, trails or easements needed to create improvements within the Green Loop Corridor such as through the Capital Improvement

Program, grants or donations from non-profit organizations. For example, development impact fees could be set aside for the acquisition of green space needed to create the Green Loop Corridor.



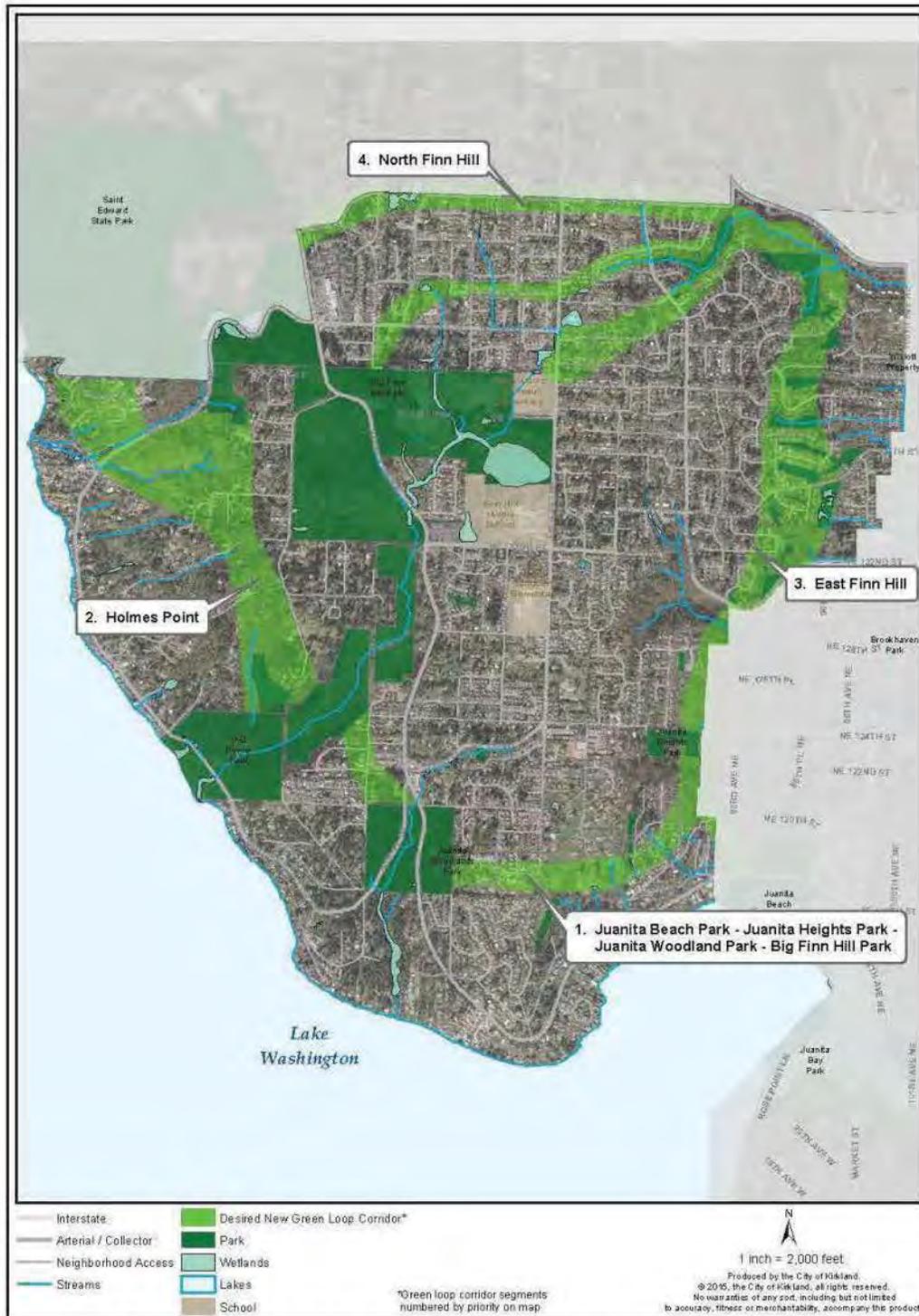


Figure 5.2 Green Loop Corridor and Development Priorities

Parks

Residents of Finn Hill desire improvements to the existing parks, acquisition of land for parks, new or improved signage, new activities, maintenance and preservation. The Parks, Recreation, and Open Space (PROS) plan identifies some of the same desired improvements requested during the public outreach for this neighborhood plan. As not all parks in Finn Hill are owned by the City of Kirkland, the City and the neighborhood should engage King County and the State in a public planning process for the development and improvement of all the parks in Finn Hill.

Goal FH-6: Improve existing parks and open spaces, strengthen local connections with nature and promote neighborhood parks.

Policy FH-6.1: Consider and implement facility improvements to existing City owned parks and help facilitate improvements to non-City owned parks in coordination with other agencies.

The neighborhood has identified desired improvements to the following parks:

- At Big Finn Hill Park: community gardens or P-patches, dog parks, and addressing conflicts between biking and walking user groups
- At Juanita Heights Park: provide improved signage and wayfinding for public access, and move the park entrance to NE 124th St.
- At O.O. Denny Park: new picnic and BBQ facilities, swimming facilities, and improved connectivity to Big Finn Hill Park. Shoreline and forest restoration plan, pest management strategy.
- At Juanita Triangle Park and Juanita Woodlands Park: improved signage and wayfinding.
- Finn Hill Middle School: Potential City-School Wetland Partnership (PROS Plan)



Policy FH-6.2: Preserve significant natural areas for recreation, for residents to connect with nature, and for habitat protection at all parks including:

- At Juanita Heights Park: Explore potential expansion to preserve and protect existing forest and provide trail connectivity, explore land acquisition and/or public easements to ensure connectivity to Juanita Beach, and explore purchase of vacant lots on steep slopes (see Figure 5.3).
- At O.O. Denny Park: Enhance shoreline natural areas by removing hard shoreline structures and creating soft vegetated shorelines to improve ecological functions.
- Explore options for preservation at other parks.

Policy FH-6.3: Promote a variety of uses in parks, including walking trails, children's playgrounds, social gathering areas, off leash dog areas and natural preservation.

As master plans are developed for the various parks and open spaces within Finn Hill the activities and improvements listed above should be considered.

Policy FH-6.4: Pursue acquisition of land and improvements for parks and open space as opportunities become available.

As property becomes available, the City and other organizations should look for new park opportunities and expansion of existing parks and open space. Areas acquired for public parks and open space preservation could also support the Finn Hill neighborhood's desire to protect native tree canopy (see Natural Environment policies 4.2, streams and wetlands, 4.3 wildlife preservation, 4.5 for hiking trails).

Policy FH-6.5: Create smaller active neighborhood parks in the northeastern quadrant of Finn Hill.

The Kirkland PROS Plan indicates a level of service guideline of a park within a quarter mile of each household. Finn Hill residents desire new neighborhood parks in the northeast part of Finn Hill, where small parks within walkable distance are missing (see Figure 5.1).

Trails for Bikes and Pedestrians

Pedestrian and bicycle pathways provide an important transportation function within the parks and open space system. While there is an extensive pedestrian trail system in Finn Hill, it is generally limited to parks. As reflected in the vision statement, Transportation and Mobility Section and Green Corridor Section above, Finn Hill residents would like to create and/or enhance trail connections within the neighborhood:

Goal FH-7: Expand the walking, hiking, and cycling trail system and connect detached parts of the neighborhood and parks.

Figure 5.3 below shows the existing trail system and desired extensions that could be developed for recreational use in addition to non-motorized pedestrian and bike system.

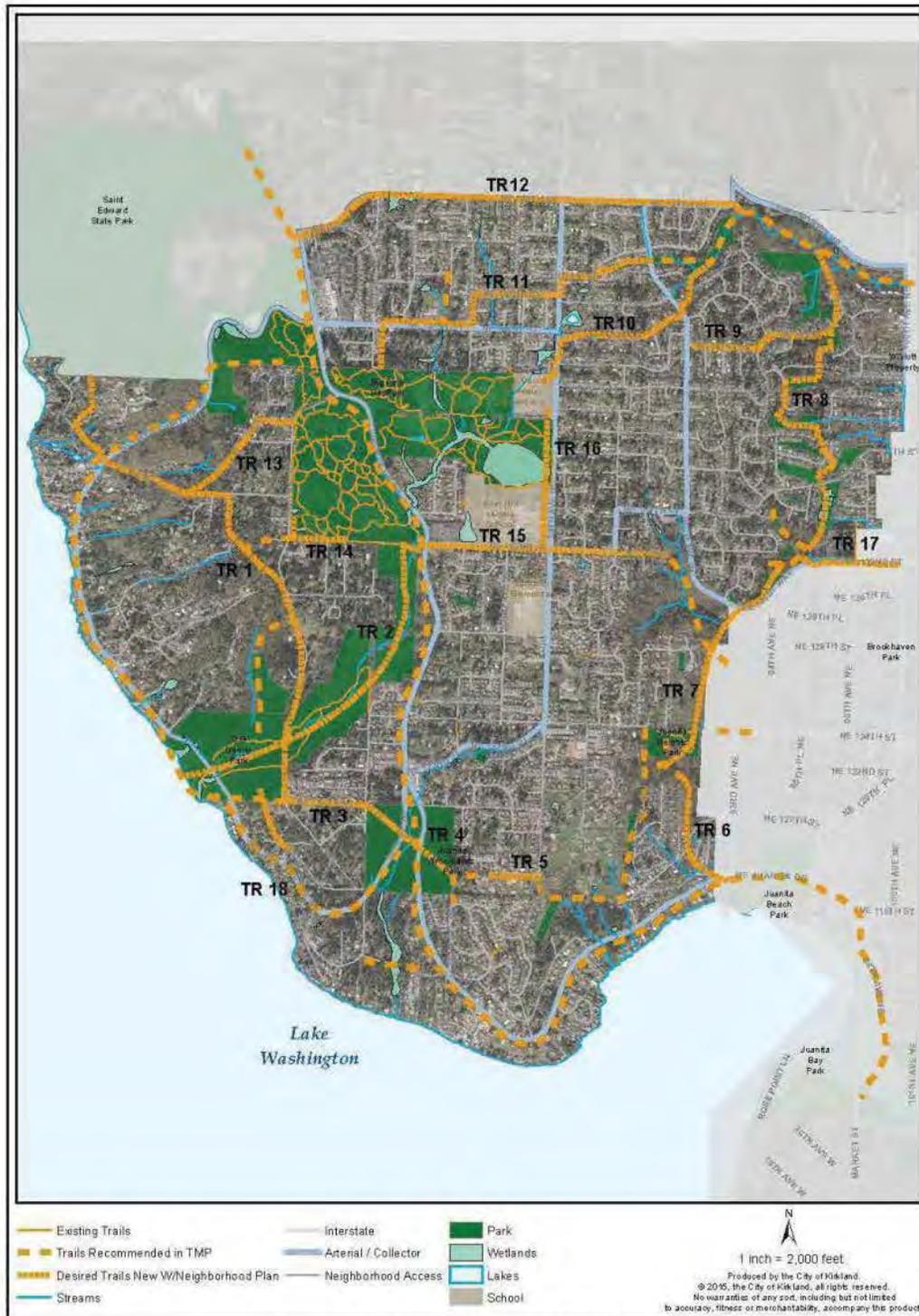


Figure 5.3 Finn Hill Trail System

Policy FH-7.1: Create and enhance pedestrian trail connections:

- ***Between Juanita Beach, Juanita Heights Park, O.O. Denny and Big Finn Hill Parks and Saint Edward State Park.***
- ***Between areas of the neighborhood that are isolated or disconnected, including Hermosa Vista and Goat Hill***
- ***Connect with trail systems outside of the neighborhood***

Policy FH-7.2: Partner with local utilities, public agencies, and private landowners to secure trail easements and access for trail connections.

As discussed in Section 1 above public access easements will need to be acquired for both the Green Corridor Loop system and for trail connections.

Lake Washington Shoreline Access

There is a strong community desire for more publicly accessible waterfront areas, including for small non-motorized watercraft. Existing public shoreline access is limited to O.O. Denny Park. Street ends with potential for public access could be improved.

Policy FH-7.3: Improve public street ends to provide lake viewing and public access to Lake Washington in compliance with Shoreline Master Plan.

Consistent with other shoreline areas of the city, public right of way street ends in Finn Hill should be improved to allow public pedestrian and non-motorized access to Lake Washington.

Policy FH-7.4: Restore public shorelines on Lake Washington to improve habitat, hydrology, and recreational opportunities.

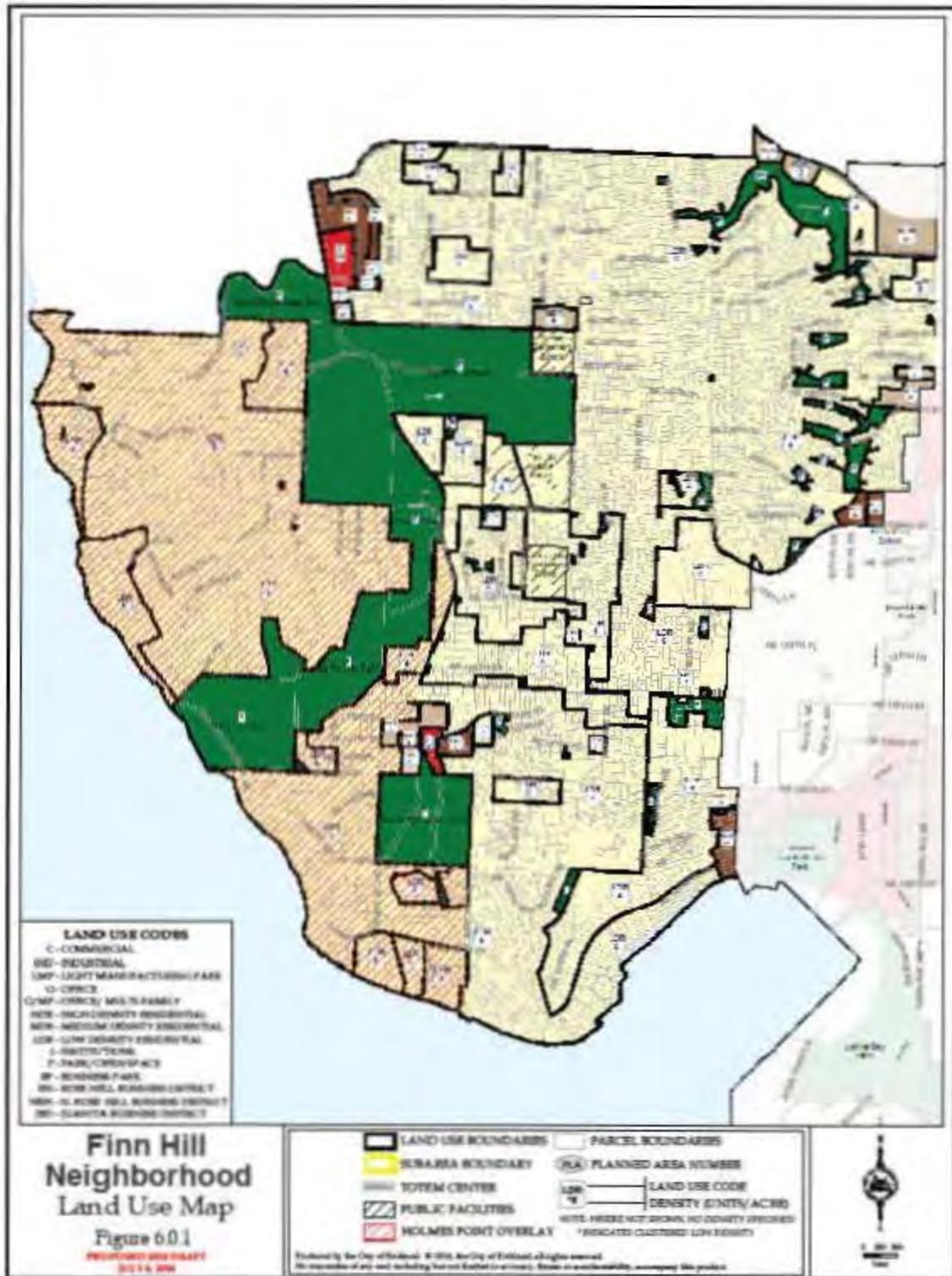
Public parks and open space located along the shoreline should be restored with soft armoring techniques and native plants consistent with the policies contained in the Shoreline Chapter of the Comprehensive Plan.

6. Land Use

Prior to the annexation of Finn Hill into the City of Kirkland in 2011, King County zoning allowed a broad range of residential densities, resulting in a patchwork of land use districts and islands of higher single family density surrounded by lower density development patterns in some areas constrained by critical areas such as steep slopes, stream corridors and ravines. Figure 6.1 shows the land use districts map for Finn Hill. Approximately three percent of the land is zoned for multi-family and eighty percent zoned low density residential.

The neighborhood plan process provided an opportunity to evaluate the land use patterns, zoning district boundaries and residential density to be consistent with the Land Use Element and other policies in the Comprehensive Plan. In some areas a lower density or higher density is more appropriate. Land use and zoning changes were based on a variety of factors including the existing density of development within each zone, surrounding development pattern, accessibility and street network, topography and proximity to commercial services. The neighborhood is supportive of the "10 minute walkable neighborhood" concept. This concept emphasizes that areas considered for an increase in density should be near walkable destinations such as retail, services, schools and parks.

(Note: This map will need to be revised).



Low Density Single Family Residential

Finn Hill Neighborhood contains a range of single-family housing densities. The land use pattern is generally the same as designated by King County prior to annexation. As new and infill development occurs, streets, sidewalks and utilities are being brought up to City standards.

The Finn Hill community emphasized maintaining the low density residential character and natural environment of the neighborhood as a priority. Those neighborhood values for Finn Hill residents are noted in the vision statement and are reflected in the following goal.

Goal FH-8: Retain the residential character of the neighborhood, natural environment and tree canopy while accommodating new development.

Policy FH-8.1: Limit development in environmentally sensitive or geologically hazardous areas, and minimize loss of native vegetation and tree canopy coverage.

The Finn Hill community supports limiting development in environmentally critical areas, in order to mitigate disruption to wildlife, retain tree canopy as much as possible, and conserve land for open space and parks. Development policies and standards are also discussed in the Natural Environment section. Regulations may restrict or reduce allowed residential density especially in environmentally critical areas, steep slopes or the Holmes Point Overlay zone. Mechanisms to encourage preservation (e.g. greenbelt easements) are also discussed in the Natural Environment and Parks and Open Space sections.

Policy FH-8.2: Establish a logical development pattern with zoning district boundaries that take into account existing and planned land uses, vehicular access, property lines, topographic conditions, and natural features.

This policy seeks to address the patchwork of zoning in Finn Hill and to minimize islands of zoning districts surrounded by lower density areas. In general, for most of Finn Hill's relatively flat land with a connected street network, the appropriate zoning is low density residential with a range of six to eight dwelling units per acre (LDR 6-8; equivalent RSA 6 and RSA 8 zones). Some islands of low density RSA 8 zoning are surrounded by lower density zoning. For many areas located on steep slopes containing streams, wetlands, geologically hazardous areas, and large forested areas the density is lower in order to provide added environmental protection (LDR 4 or equivalent RSA 4 zone).

The Holmes Point Overlay area requires a higher level of environmental protection (discussed in Section 4: Natural Environment) and therefore, there was neighborhood support to reduce residential density from what was in place at time of annexation.



Policy FH-8.3: Allow alternative housing options that are compatible with surrounding development.

A variety of housing styles provides housing choices for people in various stages of life and family living situations. Consistent with City wide policies in the Land Use and Housing Elements, clustered housing, accessory dwelling units, cottage, carriage, and two/three unit homes should be encouraged in low density zones.

Multi-family Residential

A range of medium (MDR) and high-density (HDR) multi-family zones (five to 24 dwelling units per acre exist (comparable zoning RMA 5.0, RMA 3.6, RMA 1.8, RMA 2.4) along major streets and surrounding the two commercial areas. Medium density is appropriate on the perimeter of low density residential areas with access to major streets. High density residential is appropriate within and adjacent to the two mixed use commercial areas where residential units have access to major streets and potential for increased transit service.

Goal FH-9: Medium and high density residential development is appropriate adjacent to the two commercial areas.

Residents of Finn Hill support focusing medium and high density residential zoning/development around commercial areas consistent with the City of Kirkland's Land Use Element, "10 minute walkable neighborhood concept" and to enhance commercial amenities and transit options.

Policy FH-9.1: Encourage development of affordable housing in multi-family and mixed-use commercial areas.

Affordable housing is best located when mixed with market rate multifamily housing units and in areas with good access to transit, employment and shopping. As redevelopment occurs in the mixed use commercial centers, affordable housing is encouraged consistent with citywide policies and regulations. In addition, opportunities for affordable housing should also be considered and encouraged in single family areas.

Commercial Areas

Goal FH-10: Encourage neighborhood commercial areas to be mixed use, pedestrian oriented gathering places, and support the commercial needs of the neighborhood.

Finn Hill currently has two Neighborhood Business commercial areas designated by the Land Use Element (See Figure 6.3).

The larger commercial area in north Finn Hill is designated as the Finn Hill Neighborhood Center (known as the Inglewood shopping area). Appropriate uses for the Finn Hill Neighborhood Center are a mix of commercial uses including office, retail, restaurants, hotels, and business services serving neighborhood and sub-regional markets, along with multifamily/multi-use housing. Grocery stores should remain a high priority for this location. Architectural and site design should be pedestrian oriented, in scale with the surrounding residential neighborhood, and provide effective transition techniques between commercial uses and surrounding residential neighborhoods.

The southern commercial area is designated as the Holmes Point Residential Market in the Land Use Element. This area is appropriate for commercial uses to serve the local neighborhood and residential units above or behind commercial and office uses. Like the Finn Hill Neighborhood Center discussed above, new development should be pedestrian oriented and in scale with the surrounding residential area.

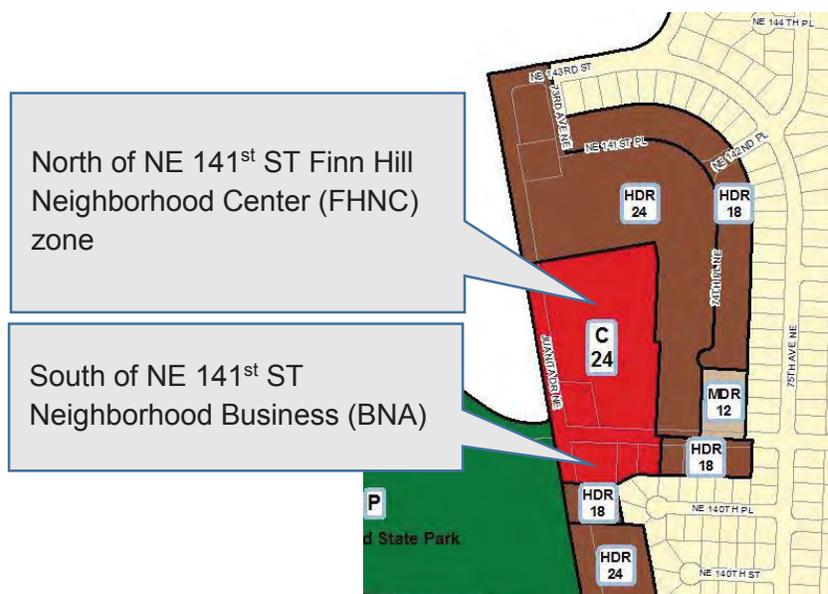
The intent of neighborhood business centers is to provide gathering places or central focal points with goods and services for residents within a 10 minute walking radius. Design review is required to ensure attractive site and building design that is compatible in scale and character with the surrounding neighborhood.

In multiple community workshops and surveys, Finn Hill residents identified that they would like better access to local commercial areas and amenities, as currently they need to travel outside Finn Hill for basic amenities. Additionally, there are insufficient connections (pedestrian, bike, car, and transit) between commercial areas and the surrounding neighborhood. Targeting new development to the two existing commercial areas was preferred to creating additional commercial zones.

The community identified restaurants, cafes, pubs, and locally-owned retail stores as desired types of businesses. The community also expressed that future development should accommodate expanded transit services, alternative modes of transportation, in order to mitigate for increased traffic congestion, increased housing density, and environmental degradation (see Transportation section). Policies for each of the commercial areas and general urban design goals were developed based on these values.

Finn Hill Neighborhood Commercial Center

The Finn Hill Neighborhood Center is currently a one story strip mall style commercial development surrounded by two story townhomes and offices to the south. Current uses include a grocery store, restaurants, a gas station, and a coffee stand along with one-story office buildings. Finn Hill residents believe that the Finn Hill Neighborhood Center is an underutilized resource that is poorly connected to the surrounding neighborhood (no public transit and poor pedestrian and bike access via trails and sidewalks). Additionally, traffic congestion in and around the area is a major concern.



Policy FH-10.1: Encourage the Finn Hill Neighborhood Center to be a mixed-use pedestrian oriented neighborhood commercial area with improved public amenities, public transit, access for bicyclists, trail and sidewalk connections. Allow mixed use up to five stories if properties are consolidated, project includes a grocery store, public plazas, affordable housing, green building and sustainable site standards.

Should redevelopment occur north of NE 141st Street, the Finn Hill Neighborhood Center (FHNC) is envisioned as a pedestrian oriented mixed use development consisting of residential and commercial buildings open space plazas, grocery store, small neighborhood retail stores, wine

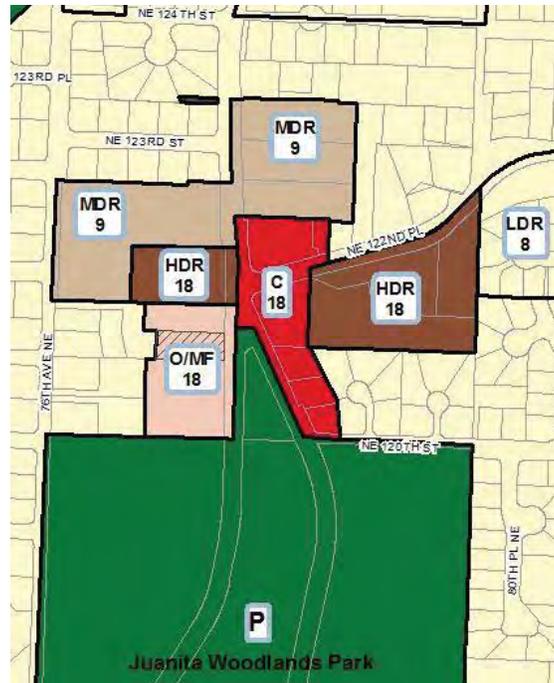
bars or pubs and improved transit service. Building heights of three to five stories are appropriate. To encourage redevelopment, five stories should be allowed if properties are consolidated, uses include a grocery store, the project includes public plazas, affordable housing, green building and sustainable site standards. Design Guidelines for Pedestrian Oriented Districts should be used with attention to architectural scale, massing and upper story step backs, and pedestrian connections.



South of NE 141st Street, are several small parcels containing general and medical office uses. These parcels shall remain as Neighborhood Business.

Holmes Point Residential Market Commercial Area

The Holmes Point Residential Market area is currently a one story strip mall style commercial development surrounded by multifamily and single family housing. Current amenities include a restaurant and gas stations. An office use is across the street to the west. Finn Hill residents feel that it is an underutilized resource that lacks public transit access, connections for bicyclists, and connections for pedestrians with trails and sidewalks. Traffic congestion in and around the area is a major concern, particularly on Juanita Drive and NE 122nd Place.



Holmes Point Residential Market is shown in red

Policy FH-10.2: Encourage the Holmes Point Residential Market area to be a neighborhood commercial area with improved amenities, public transit, bike connections, and trail/sidewalk connections.

Although smaller in scale to the Finn Hill Neighborhood Center, the Holmes Point Residential Market area is envisioned as a more energetic commercial development with small scale neighborhood services, restaurants supported by the surrounding multi-family and low density residential neighborhood. Appropriate building height is up to three stories subject to the Design Guidelines for Pedestrian Oriented Development.



Urban Design Principles:

Figure 6.2 shows the urban design assets in the neighborhood. These include views of Lake Washington and the Olympic and Cascade Mountains and the approximate locations for gateway features and activity nodes.

Goal FH-11: Enhance the urban design of Finn Hill commercial areas to strengthen neighborhood identity and create places for people to gather.

Policy FH-11.1: Promote the use of pedestrian-oriented design techniques as described in the Design Guidelines for Pedestrian Oriented Business Districts, and the Design Regulations in Chapter 92 of the Kirkland Zoning Code.

The following design principles for the two commercial areas are based on community input and feedback from multiple community outreach events.

Structures:

- Commercial areas should include mixed-use buildings with housing or office over retail.
- Building scale should be sensitive to the surrounding neighborhood context, reflecting the neighborhood identity.

- Promote high quality site design and streetscape improvements that identify Finn Hill as unique to other commercial districts such as the use of decorative pedestrian street lighting.
- Create effective transitions between commercial areas and surrounding residential areas.
- Buildings that are pedestrian oriented in design should be located such that sidewalks may be activated with activities.

Streets and Connectivity:

- Commercial area streets should be multi-modal and include on-street parking and underground parking.
- Encourage pedestrian connections between uses on a site and adjacent properties.
- Minimize the obtrusive visual nature of parking lots by orienting them to the back or side of buildings or within parking structures and perimeter landscaping.

Amenities:

- Public spaces include gathering places or plazas with seating options.
- Develop gateway features to strengthen the identity of the neighborhood (such as gateway signs, landscaping or art feature; See Figure 6.2)
- Provide bicycle and pedestrian amenities including directional signage.

Sustainability:

- Green building techniques such as green walls, green roofs, native plants, storm water cells, tree retention, permeable paving should be installed
- Renewable energy should be employed in the commercial areas, particularly solar.

Public Art:

- Public art such as sculptures, environmental art, architectural art, community engagement should be used where possible to add character to the commercial areas.

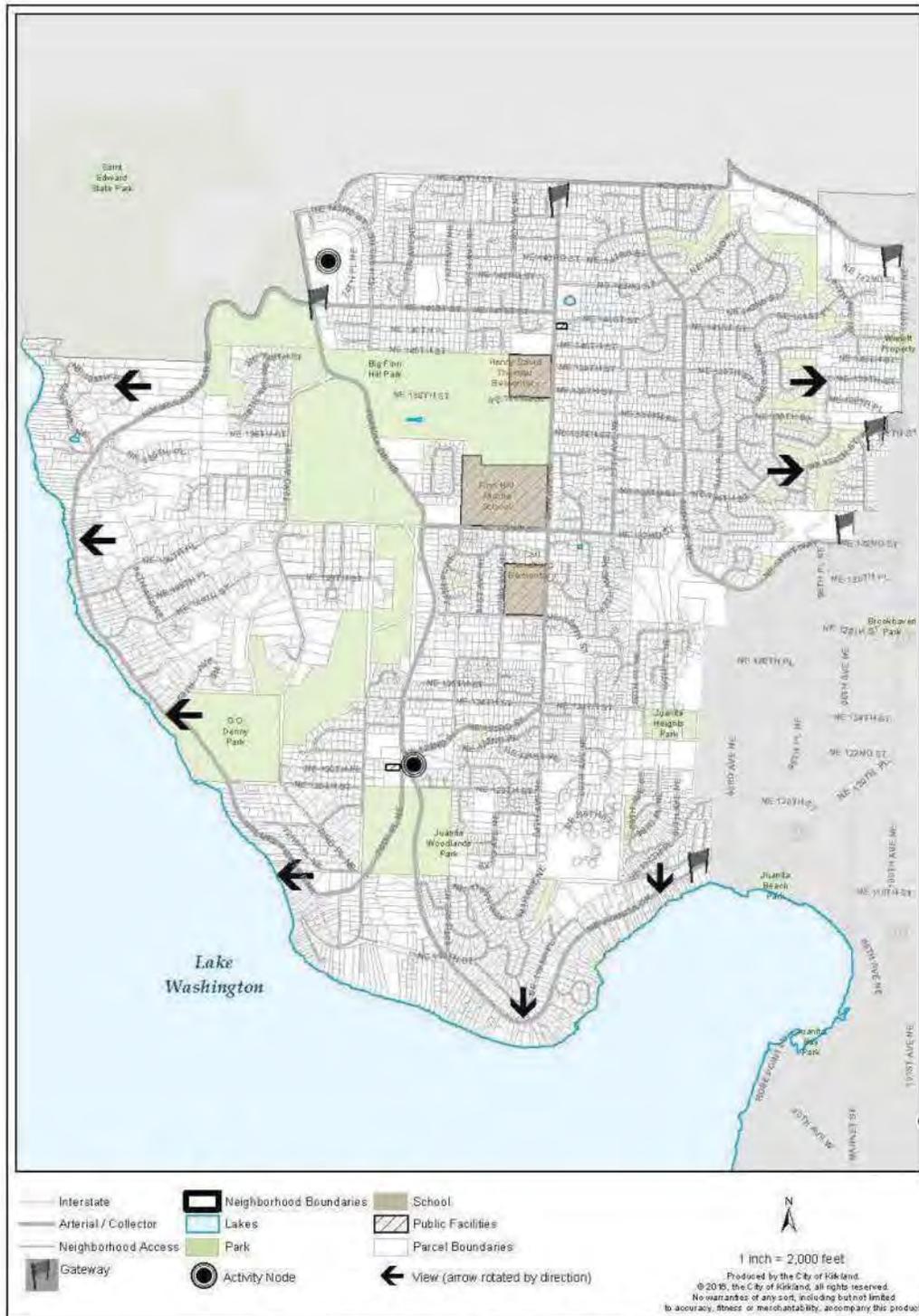


Figure 6.2: Urban Design Features

7. Transportation and Mobility

The vision for the Finn Hill Neighborhood transportation system is to provide safe, comfortable, and efficient circulation for people who walk, ride bicycles, drive cars and ride transit, within the neighborhood. During the neighborhood plan public participation process, residents emphasized the importance of improving the existing trails and bike network, particularly the connectivity to key destinations (schools, shopping center, etc). Other comments expressed are covered in the City wide Transportation Element such as implement Complete Streets, low impact development techniques along streets to handle surface water, coordinate land use with transportation and transit policies, and prioritize sidewalks on school walk routes.

The transportation and mobility goals in this chapter are intended to make public transit, walking and or riding a bicycle an attractive option for most residents in the neighborhood. Investments in the neighborhood should also be prioritized in order to support these options. The City's Transportation Element will guide the implementation of these goals as well as the Capital Improvement Plan (CIP). References to transportation policies in the Transportation Element are included throughout this chapter.

This chapter addresses primarily circulation in the public right-of-way. Recreational trails, the Green Corridor Loop, are discussed in the Parks and Open Spaces section.

Sidewalks, Intersections, and Pedestrian Mobility throughout the Finn Hill Neighborhood

Throughout the neighborhood plan public outreach process, Finn Hill residents expressed concerns regarding the lack of safe sidewalk connections to important neighborhood assets, including: schools, parks, transit stops, and other public destinations. The 2016 status of sidewalk completion in Finn Hill is shown in Figure 7.1.

As the neighborhood grows over time, sidewalks should be brought up to City standards and connections to neighborhood assets should be prioritized. Residents identified a network of sidewalks and intersections that they felt are a high priority for improvement in the neighborhood (Figure 7.2).

Goal FH-12: Form a safe multi-modal network of sidewalks, trails, bikeways and crosswalks where walking and cycling are the first choice for many trips.

Goal FH-13: Create and improve sidewalk connections to schools and destinations throughout the neighborhood.

Policy FH-13.1: Establish safe and comfortable pedestrian crossings on major arterials.

Finn Hill residents are concerned about the safety of new and existing pedestrian facilities throughout the neighborhood. Residents support installing crosswalks, signage, safety refuge islands, signals, flashing lights and flags at intersections; improved lighting; sidewalks along major arterials, separation travel modes (e.g. raised curbs) where other forms of non-motorized and motorized transportation may cause safety concerns for pedestrians and addressing sight distance issues.

Policy FH-13.2: Prioritize designated School Walk Routes for pedestrian improvements.

City wide priorities encourage children to walk to school and to complete a sidewalk network on all school walk routes. Consistent with this city wide policy, completing a network of sidewalk systems and other public improvements on school walk routes within the neighborhood is desired.

Policy FH-13.3: Prioritize pedestrian pathways to neighborhood destinations (parks, public transit, and commercial areas) to improve and encourage pedestrian connections to amenities.

Finn Hill residents identified a number of critical neighborhood pedestrian connections such as connections between 84th Avenue and the Hermosa Vista development and Goat Hill area and improving pedestrian access to parks, public transit, commercial areas and the shoreline (See Figure 7.2). Removing barriers to pedestrian pathways by providing connections through cul de sacs and dead end streets is also desired.

Policy FH-13.4: Along streets, provide pedestrian amenities such as crosswalks, sidewalks, street trees, lighting and street furniture to encourage walking, provide informal gathering places and enhance the pedestrian experience.

Providing the pedestrian amenities suggested in this policy make walking more enjoyable and safe, especially around destinations such as commercial areas, parks and schools.

Vehicular Circulation

Figure 7.3 shows the major vehicular circulation routes throughout the Finn Hill neighborhood and street classifications. As part of the neighborhood plan outreach process, Finn Hill residents are concerned about traffic congestion in their neighborhood, particularly as there are a limited number of arterials and entry points into the neighborhood. Two key concerns regarding vehicular traffic emerged from community outreach: congestion and safety. At the same time there are areas of Finn Hill with underdeveloped streets. Improvements to these are necessary to enhance vehicular circulation and emergency access.

Commuter traffic on Juanita Drive is a major concern as it is the main north-south route through the neighborhood and a key entry point to the neighborhood. Ongoing development in Finn Hill and surrounding areas is intensifying commute congestion issues. To address these issues, residents would like to focus policies toward encouraging neighborhood trips with more efficient alternative modes of transportation. Through the Neighborhood Traffic Control program techniques can be implemented to minimize commuter cut thru traffic on internal neighborhood streets.

Goal FH-14: Implement a more efficient, safe and sustainable transportation system.

Policy FH-14.1: Prioritize improvements which encourage transit use, car-pools, bicycle-use and more sustainable forms of transportation which minimize our impact on the environment.

This policy reflects resident's priorities to provide a multi modal transportation system over time in Finn Hill.

Policy FH-14.2: Develop a map where potential street connections could be made.

In some areas of Finn Hill the street system is underdeveloped, with dead ends, missing street connections, and with pavement and sidewalks that are not to city standards (Figures 7.1, 2, 3 show the existing street classifications, status of sidewalks, pathways and trails). It is important to plan for a street network that allows access for emergency vehicles, general vehicles, pedestrians and bicycles. While circulation through the neighborhood is important, the connections should also minimize impact to neighborhoods when possible. Connections that are required as a result of redevelopment are reviewed for final alignment, location and street improvement standards when the development is submitted to the City for review. When new street connections are not required or not feasible, pedestrian and bicycle connections should still be pursued. Creating a map where the potential street connections provides direction for property owners, developers, and City staff.

Note: Figure 7.4 street connections map to be inserted at a future time.

Policy FH-14.3: Conduct studies to determine the design standards for the following streets:

- ***Residential streets within the Holmes Point Overlay area***
- ***Holmes Point Drive corridor***
- ***NE 131st Way/90th Avenue NE corridor***

Finn Hill residents would like the character of the neighborhood to influence the design of pedestrian and street facilities that are built. For example some residents feel sidewalks may not

be appropriate for all areas and that "walking lanes" may be more appropriate for areas of the neighborhood with a more rural character. Developing the design standards for the streets should be created through a public involvement process. The standards should consider alternative designs for streets consistent with the City's Complete Streets Ordinance, such as the type of sidewalks, whether on-street parking is allowed, lighting, vegetation, pedestrian amenities, topographic or critical area constraints, tree retention, neighborhood character, all while providing emergency vehicular access. The presence of physical constraints such as steep topography, critical areas or to retain trees in a particular location may also require modification to city standards for right of way improvements.

Policy FH-14.4: Minimize direct access to Juanita Drive to enhance safety and efficiency of circulation.

Because of topographic constraints and speed of vehicular traffic, access to Juanita Drive should be limited. If driveways to Juanita Drive must be provided, they should be separated by at least 300 feet wherever possible. New driveways should be located so that future development can meet this standards and/or use a shared driveway. Access easements to allow for shared access to Juanita Drive and/or interior connections to side streets should be provided. As access to side streets becomes available driveways to Juanita Drive should be closed where possible.



Figure 7.3: Finn Hill Street Classifications

Policy FH-14.5: Discourage regional and bypass traffic in residential neighborhoods.

Residents' safety concerns focused on problems with speeding and ensuring that neighborhood streets are safe for multiple forms of transportation. Traffic calming strategies could be developed to discourage regional traffic from using residential neighborhood streets.

Policy FH-14.6: Minimize cut-through traffic and reduce speeding through residential neighborhoods in coordination with City's Neighborhood Traffic Control program.

Evaluate traffic patterns and volumes in the neighborhood to minimize cut-through traffic and speeding, in order to support the existing Neighborhood Traffic Control Program.

Bicycle Facilities

Bicycle supportive facilities provide recreational opportunities and alternative transportation options. Desired improvements for bicyclists include providing protected bike facilities on arterials and collector, as well as providing safe crossings on Juanita Drive. Finn Hill residents are interested in bicycle routes that connect to parks and other key destinations within the neighborhood and region (See Figure 7.5).

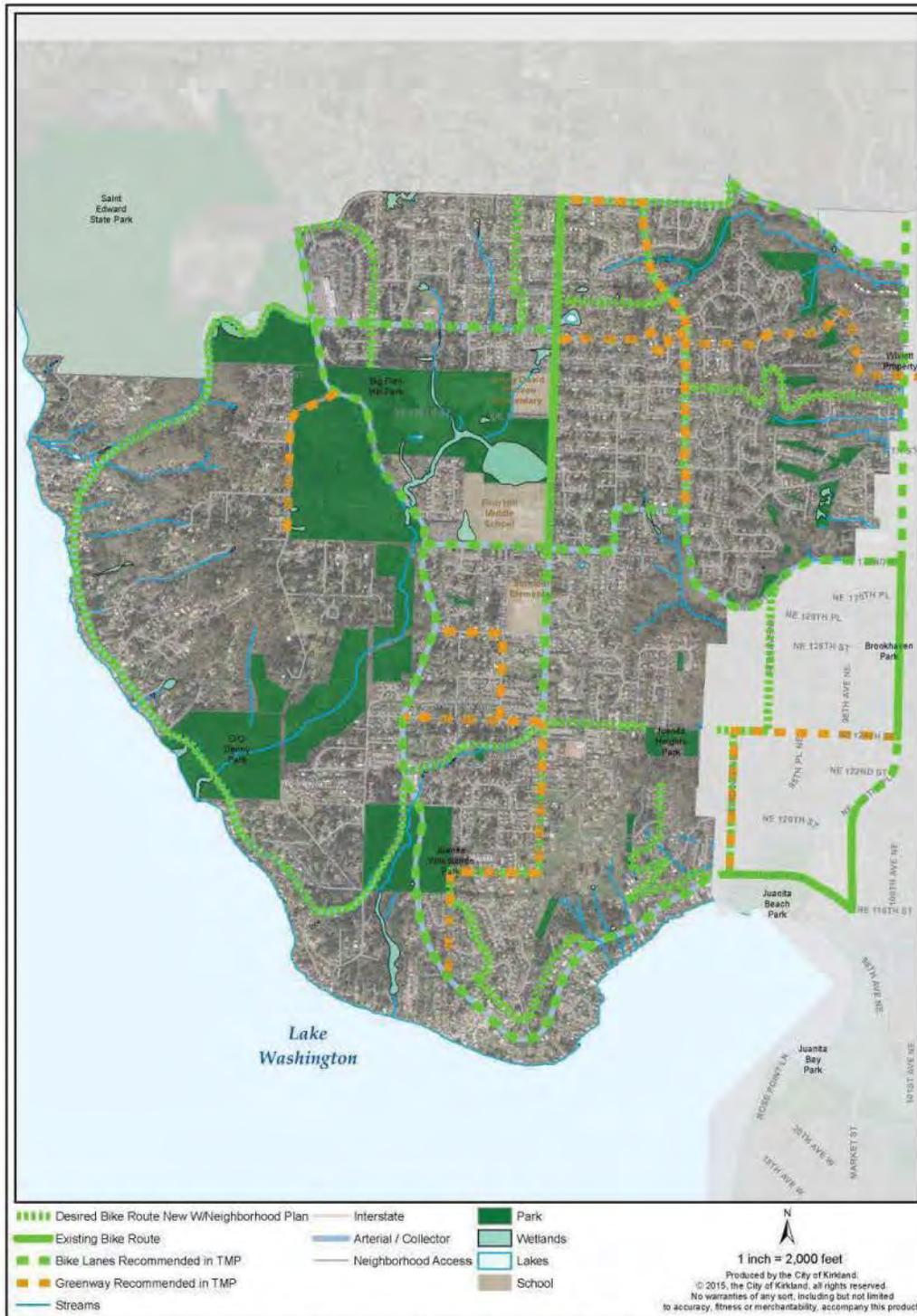


Figure 7.5 Finn Hill Priority Bike Routes

Goal FH-15: Expand safe and comfortable bicycle connections throughout the neighborhood and to surrounding areas.

Safety, user friendliness, and connectivity are key concerns that residents have regarding Finn Hill's bicycle routes and facilities. Safe bicycle access within and through the neighborhood is a high priority. Approaches to address safety include creating separated bicycle lanes (including painted buffers and physical separation) and implementing Neighborhood Greenways on residential streets that are connected to bicycle facilities on major arterials. The implementation of these policies can be monitored under the performance measures and action items related to in the Transportation Element of the Comprehensive Plan.

Policy FH-15.1: Improve bicycle connections to destinations within the neighborhood (parks, transit facilities, schools, and shopping areas) and to trail systems outside of Finn Hill.

Similar to providing pedestrian trails and sidewalks discussed above, a priority for the neighborhood is to provide a bicycle system to be able to travel throughout the neighborhood to key destinations. Providing safe bicycle and intersection facilities to allow children and parents to travel to and from school reduces vehicle traffic around schools and neighborhood is a high priority.

Policy FH-15.2: Establish neighborhood greenways throughout the neighborhood.

Neighborhood Greenways are designated residential streets, generally off main arterials, with low volumes of vehicular traffic and low speeds where people who walk and bike are given priority.

Policy FH-15.3: Determine the needs of commuter and recreational bike rider groups.

The Finn Hill residents have identified two different types of bicycle routes and facilities: commuter and recreational bicycle facilities. These facilities may require specific bicycle amenities (e.g. repair stations, directional signs) along existing and proposed routes to support ridership.

Residents would like to improve the connectivity of Finn Hill's bicycle routes within the neighborhood and to the broader trail network. Bicycle facilities should connect to parks and amenities within Finn Hill. Bike facilities should also connect to other regional trail systems outside of Finn Hill (Lake Washington Loop Trail, Burke Gilman, Cross Kirkland Corridor, and Sammamish River Trail). Incorporating the pedestrian and bicycle connections and facility needs for Finn Hill in the Active Transportation Plan is a priority. The City should explore ways to expedite improvements.

Policy FH-15.4: Explore public pedestrian and bicycle easements across properties to complete the trail system.

During the development review process, there may be opportunities to acquire public access easements across private property to provide pedestrian and bike trail connections to pedestrian and bicycle networks.

Transit Service

The Finn Hill neighborhood is served by public transit in the northwest corner via King County Metro bus route 234. Finn Hill residents expressed interest in a more extensive neighborhood transit system (See Figure 7.4). Additional transit options may benefit the community by assisting the aging population, increasing connectivity to transit hubs, and providing alternative transit services for commuters.

The current low density land use and development pattern in the Finn Hill neighborhood makes it difficult to sustain additional fixed-route transit service because the ridership is lower than many other transit routes operated by King County Metro Transit. The City of Kirkland will continue to advocate for better transit solutions for the neighborhood. This includes new approaches to transit that do not rely on fixed bus routes, such as King County Metro's Neighborhood Connections program which provides small-scale flexible transit programs.

Goal FH-16: Prioritize investments in the neighborhood toward increasing Public Transit options.

Considering the low density land use pattern, the City should support alternative transit options. Pedestrian and bicycle networks linked to neighborhood destinations such as commercial areas, parks and schools support transit use. Providing transit amenities such as frequent service, inviting bus shelters, bus stops in key safe neighborhood activity areas with easy pedestrian access encourage more transit use.

Policy FH-16.1 Work with transit agencies and other providers to connect transit within Finn Hill's two commercial areas to surrounding transit centers outside the neighborhood.

The City and King County Metro should prioritize and coordinate infrastructure and needed density to support increased transit service to the two commercial areas in Finn Hill. The commercial areas serve as focal points for the neighborhood providing goods and services, are surrounded by higher density residential housing and nearby parks and located along a major north/south corridor.

Policy FH-16.2: Explore alternative modes of transportation or research transit service options suitable for lower-density areas of the neighborhood (e.g. shuttles, car shares, vanpools).

In lower density areas not sufficient to support transit service, alternative modes of transit service, ride shares, or shuttles should be explored to link people together with commercial areas, schools, and parks.

8. Public Services and Utilities

Water, sewer, and storm drainage services and facilities are adequate for existing and foreseeable future developments in the Finn Hill Neighborhood. There are segments of the street network system that are not open, paved or not up to City standards. If not included in the Capital Improvement Program, new development is required to install and upgrade water, sewer service and streets as a condition of development and to meet storm water requirements. The goals and policies contained in the Utilities, Capital Facilities and Public Services Chapters of the Comprehensive Plan and Northshore Utility District Comprehensive Plans provide the general framework for these services and facilities.

Goal FH-17: Provide public and private utility services for the neighborhood.

Policy FH-17.1: Provide emergency services (fire and police) to the Finn Hill neighborhood at levels enhanced beyond those provided prior to annexation in 2011.

The City provides emergency services to fire and medical emergencies, fire prevention, and public education and participates in regional specialized response for hazardous materials, technical rescue and paramedic services.

The City conducted a Standard of Coverage and Deployment Plan and Fire Strategic Plan to evaluate response services for fire suppression, emergency medical services and specialty situations. The study identified the need for a new dual fire station number 24 to serve the northern areas of the City including Finn Hill neighborhood. The new station 24 will be located in the north part of the City and is due to be completed by 2019.

Policy FH-17.2: Provide potable water, sanitary sewer and surface water management facilities to new and existing development in accordance with the Northshore Utility District Water and Sanitary Sewer Comprehensive Plans, the Kirkland Surface Water Master Plan, Kirkland Municipal Code, and adopted Kirkland Surface Water Design Manual requirements.

The Northshore Utility District provides water services to the Finn Hill Neighborhood. As a member of the Cascade Water Alliance, both the City of Kirkland and Northshore Utility District purchase their water supply from Seattle Public Utilities who gets it from the Tolt River Watershed, with occasional supply from the Cedar River Watershed.

The Northshore Utility District provides sewer service to residents in Finn Hill. See Natural Environment, Section 4. Surface Water for more information on storm water management policies and protection of stream corridors and Lake Washington.

Puget Sound Energy (PSE) provides the Kirkland area with electricity and natural gas.

Policy FH-17.3: Encourage undergrounding of overhead utilities

Undergrounding overhead utilities is encouraged to improve views and aesthetics of an area by removing visual clutter.

Approximate Location of Subject Property

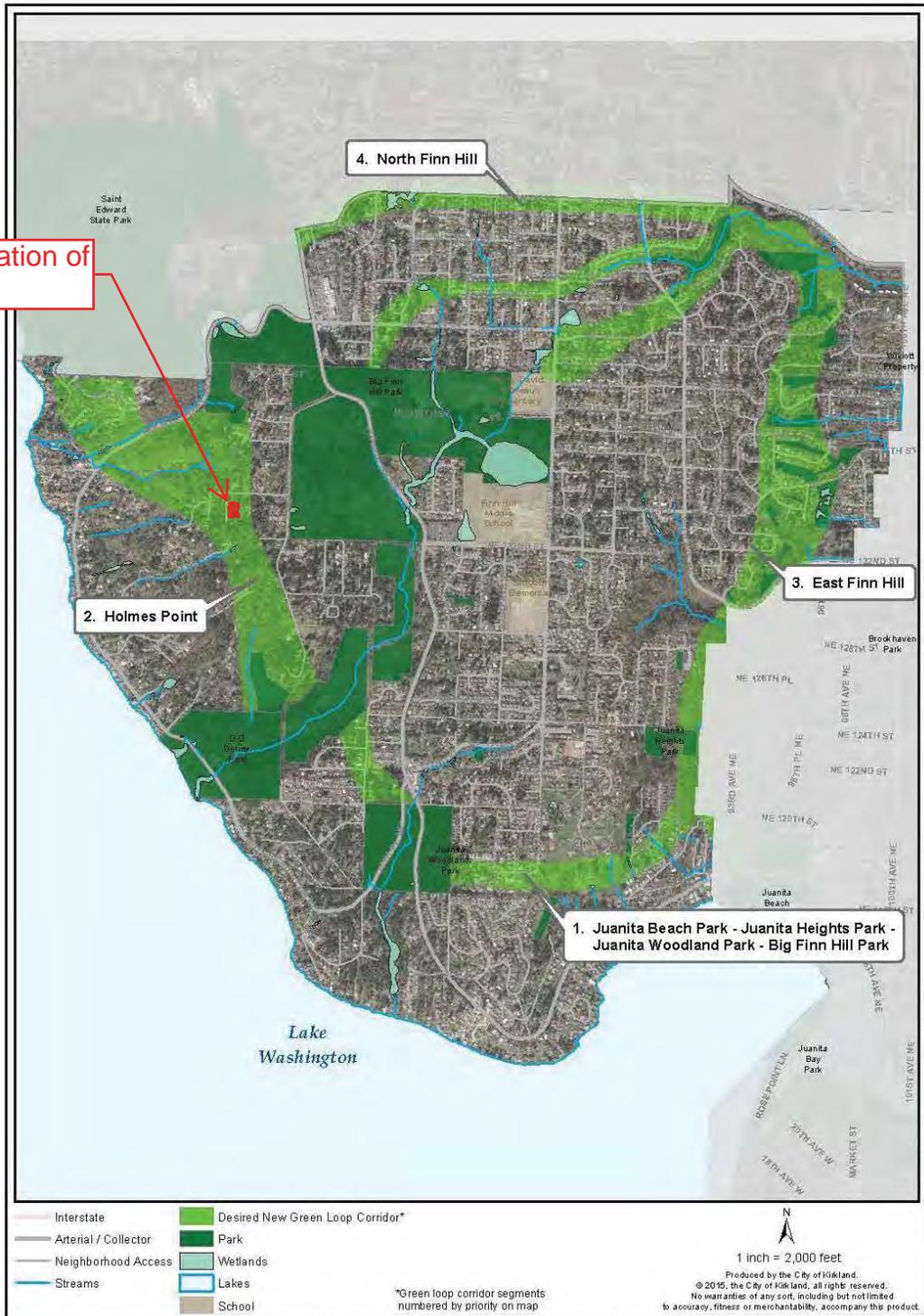


Figure 5.2 Green Loop Corridor and Development Priorities

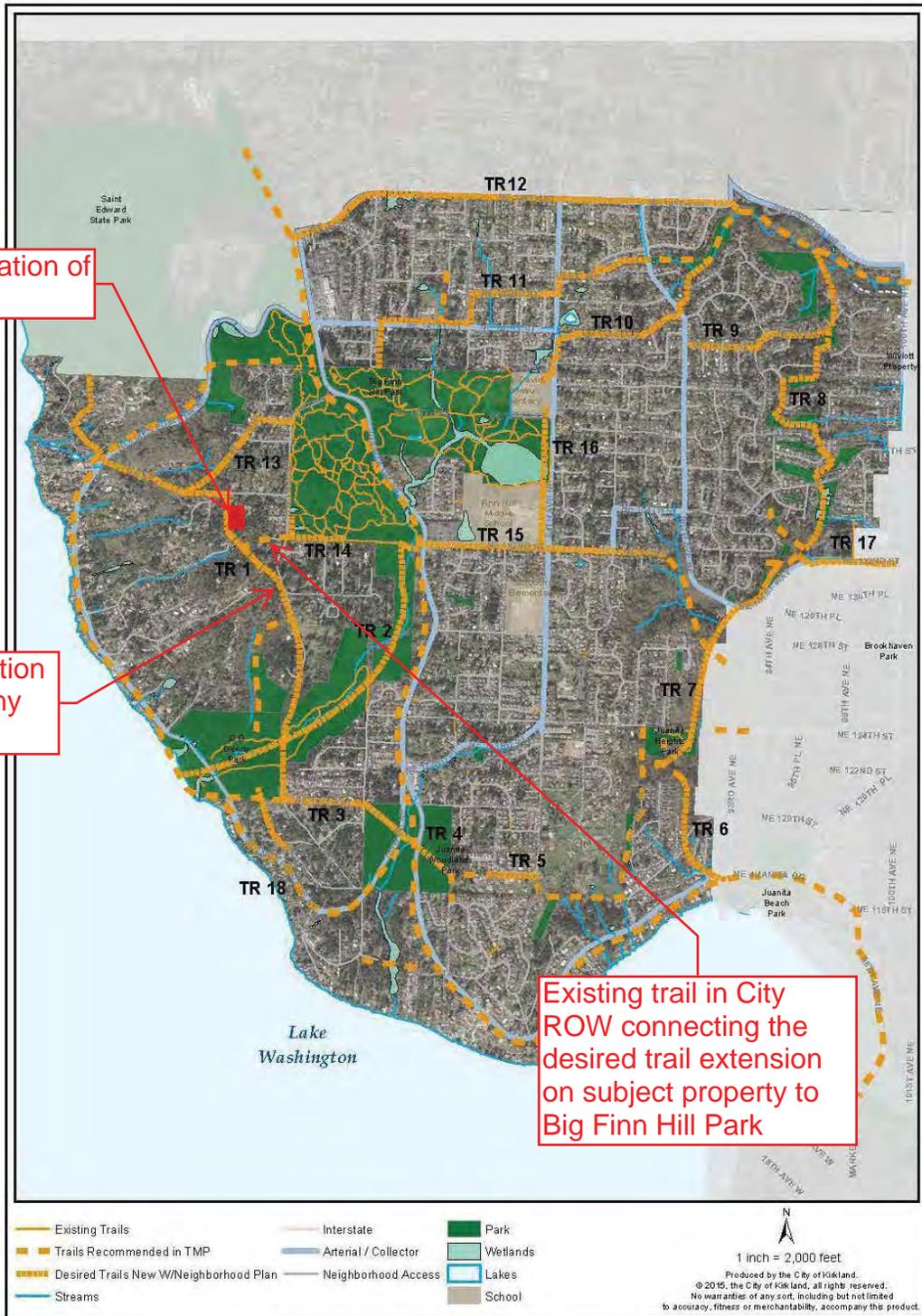


Figure 5.3 Finn Hill Trail System



GEOLOGICALLY HAZARDOUS AREAS COVENANT

<i>File No.:</i>	
<i>Parcel Number:</i>	
<i>Project Name:</i>	
<i>Project Address:</i>	

Declarant _____ hereby declares and agrees as follows:

1. Declarant is the owner of the real property described below and incorporated herein by reference, which is the "property" referred to herein.
2. Declarant agrees to defend, indemnify, and hold the City of Kirkland harmless from all loss, including claim made therefor, which the City may incur as a result of any landslide or seismic activity occurring on the property and for any loss including any claim made therefor resulting from soil disturbance on the "property" in connection with the construction of improvements, including but not limited to storm water retention and foundations. "Loss" as used herein means loss including claim made therefor from injury or damage incurred on or off the "property," together with reasonable expenses including attorneys fees for investigation and defense of such claim.
3. This hold harmless is a perpetual covenant running with the "property" and is binding upon the Declarant's successor and assigns.
4. The real property subject to this Agreement is situated in Kirkland, King County, Washington, and described as follows:

DATED at Kirkland, Washington, this _____ day of _____, _____.

(Sign in blue ink)

(Individuals Only)

OWNER(S) OF REAL PROPERTY (INCLUDING SPOUSE)

(Individuals Only)

STATE OF WASHINGTON)

) SS.

County of King)

On this _____ day of _____, _____, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared _____ and

_____ to me known to be the individual(s) described herein and who executed the Geologically Hazardous Areas Covenant and acknowledged that _____ signed the same as _____ free and voluntary act and deed, for the uses and purposes therein mentioned.

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

Notary's Signature

Print Notary's Name
Notary Public in and for the State of Washington,
Residing at: _____
My commission expires: _____

(Corporations Only)

OWNER(S) OF REAL PROPERTY

(Name of Corporation)

By President

By Secretary

(Corporations Only)

STATE OF WASHINGTON)
County of King) SS.

On this ____ day of _____, _____, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared _____ and _____ to me, known to be the President and Secretary, respectively, of _____, the corporation that executed the Geologically Hazardous Areas Covenant and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth, and on oath stated that they were authorized to sign said instrument and that the seal affixed is the corporate seal of said corporation.

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

Notary's Signature

Print Notary's Name
Notary Public in and for the State of Washington,
Residing at: _____
My commission expires: _____

July 12, 2018



To Whom It May Concern,

I am writing in appeal of June 28, 18 Notice of Decision re: Satterberg Short Plat File No SUB17-00733 13220 69th Ave NE.

I am the homeowner of 13305 70th Ave NE. I have the following concerns which I request to appeal:

1. Delivery Truck turn-around from 133rd St (new) onto 13305 70th Ave NE. Using any portion of my ~~personal~~ property I consider to be an illegal taking. No portion of this project should impact property within the legal boundary of 13305 70th Ave without my express written (& verified) consent.
 2. The utility lines (& H₂O line) along N boundary of current (gravel) 133rd St should be relocated to utility easement along new 133rd St.
 3. Decommission current (gravel) 133rd St. & return to permeable surface.
 4. Any previously undiscovered changes in updated Decision which impact 13305 70th St NE 98034.
 5. Retain tree health of significant tree on 13305 70th Ave NE <sup>not only at time of grading, but also impact of develop-
ment over root zone causing decline.</sup>
- Thank you.

Brenda

Brenda Krauch
13305 70th Ave NE
Kirkland, WA 98034

425-802-8240

conblu@
hotmail.com

Allison Zike

From: Brenda MK <ocnblu@hotmail.com>
Sent: Monday, July 16, 2018 7:04 AM
To: Allison Zike
Cc: Williams, Joe
Subject: Satterberg Short Platt (File Number SUB17-00733) - appeal

Dear Allison,

Thank you for speaking with me Thursday, June 12th regarding the Satterberg Short Platt (File Number SUB17-00733) - specifically as it impacts my property at 13305 70th Ave Ne, Kirkland 98034.

As discussed, here are clarifications of my notes of appeal:

DELIVERY TRUCK TURN-AROUND:

You stated the "hammerhead" turn around indicated on the map had not been reviewed by the city and would not be allowed as it was not located on an approved public right of way (to be further clarified with both myself and another neighbor who questioned the turn-around boundaries (Mr Williams), by public works). As I had no written ascertainment of this by appeal deadline, I have included this issue as an appeal.

- I consider this not only an encroachment on my property, but an actual illegal taking of my property.
- The addition of the turn-around crossing my property lines was NOT included on the public map for comment, nor on multiple maps utilized in the Notice of Decision (6-28- 18).
- My property lines will be surveyed by an independent surveying service and I expect no development activity to occur within the boundary lines of my property. This will be monitored.

DECOMMISSION GRAVEL 133RD ST (IN LIEU OF NEW PAVED 133RD ST):

As you suggested, though the city has heard individually from each of the 3 homeowners impacted, all homeowners affected with decommissioning the current gravel 133rd St will contact the city as a group to discuss this further.

RELOCATE UTILITIES/WATER MAIN ALONG NORTH EASEMENT OF GRAVEL 133RD ST:

Thank you for explaining that PSE will determine where any utilities are relocated. As I am unsure how the city approves utility relocation, I again request this be considered in the development process.

- Leaving the utilities along north side of gravel 133rd St significantly impacts use of my property - effectively cutting useable space in half. As I have indicated, please relocate utilities to north side of new (paved) 133rd St. Electric to 13305 70th Ave may best be addressed from 70th Ave as this coincides with location of electric meter.
- Relocating utilities to north side of new (paved) 133rd St also significantly enhances future development potential of 13305 70th Ave NE.

TREE RETENTION - SIGNIFICANT TREE BOUNDARY OF DEVELOPMENT LOT

I appreciate an arborist will be on site during grading. I remain concerned about tree health of mature Douglas fir on my property at the boundary line along new 133rd St (paved). Decline once the roots are paved over will occur over a period of time. How is this being mitigated?

RESERVING RIGHT TO ADDRESS ISSUES PREVIOUSLY UNDISCOVERED IN 'NOTICE OF DECISION':

I was surprised to hear the plat map utilized in a portion of the 6-28-18 indicated a turn-around on my property was new to the city and had not been approved/reviewed by the city as you mentioned. I reserve the right to review/appeal/discuss further discoverable issues within the Notice of Decision that were changed such as the platt map.

I truly appreciate your time and assistance reviewing this project with me and how it impacts my property.

Thank you,

Brenda

Brenda Krauth, 13305 70th Ave NE, Kirkland, WA 98034, 425-814-6937, ocnblu@hotmail.com



Virus-free. www.avg.com

Allison Zike

From: James Lynch <JamesL@murrayfranklyn.com>
Sent: Wednesday, August 22, 2018 10:27 AM
To: Todd Levitt; Allison Zike
Cc: John Burkhalter; Jeremy McMahan
Subject: RE: SUB17-00733 Appeal Hearing: September 4 Confirmed
Attachments: Satterberg Access Easement North.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Allison,

Thank you for being flexible regarding our response time on this appeal. Below is a response to the appeal to support the City's evaluation. Please let us know if you have any questions or would like any additional information to aid in your review.

The Applicant has been and intends to continue working collaboratively with the Appellant and other neighbors of the subject property to mitigate impacts of the proposed subdivision and achieve "win-win" solutions that provide mutual benefits to the Applicant neighboring property owners, including the Appellant. Although the parties continue to discuss an exchange of potentially valuable concessions—such as recognizing or creating an easement for Applicant to tie into an existing sewer line on the neighbors' property in exchange for several of the items raised in the Appeal and other potential benefits—in the absence of such an agreement there is no basis in the City's code or applicable law to mandate the items specified in the Appeal.

1. The Appellant asserts the proposed use of any portion of her property amounts to an "illegal taking." Specifically at issue is a turnaround proposed near the end of the proposed NE 133rd Street Right of Way dedication. The turnaround is a "hammerhead" design in accordance with the City's typical vehicle turnaround standard, CK-R.16, which standard provides for compliance with Fire Department turnaround requirements. The Appellant's objection is that the proposed paved turnaround extends approximately 20-25' northward from the Applicant property onto the southern portion of the Appellant's property. An east-west gravel road currently crosses the Appellant's property in the same southern area.

The Appeal must be denied on this point because there is a longstanding recorded access Easement in favor of the Applicant property upon the entire southern 40' of the Appellant property. The turnaround roadway depicted in the Application is appropriate pursuant to the recorded ingress and egress Easement, King County Recording No. 6038474, a copy of which is attached for convenience. The Easement includes the right to "construct, improve, repair and maintain a roadway for ingress and egress," as well as a right to "cut and remove brush, trees and other obstructions." The turnaround is not an "illegal taking" but a lawful and appropriate exercise of longstanding, recorded easement rights.

The scope of access conferred by the existing Easement is also consistent with the City's requirements for the proposed turnaround. Pursuant to KZC 110.25, the Applicant is providing half-street improvements for the new NE 133rd Street Right of Way dedication, as NE 133rd Street is identified in the Finn Hill Neighborhood Transportation Plan as a possible future road. Consistent with this improvement proposal and the Transportation Plan, the City is requiring a temporary turnaround, primarily for Fire Department use in relation to the subject property (see SUB17-00733, Attachment 3, page 5) until NE 133rd Street is connected eastward with future development. The existing access easement includes that right, as well as access for deliveries to the

Applicant property, and the turnaround is appropriately proposed as extending from the Right of Way dedication into the easement area.

The Applicant has a clear recorded right to use the southern 40 feet of the Appellant's property for ingress and egress and to construct or improve a roadway on the Appellant property for that purpose. The turnaround is within the scope of the Easement and consistent with City requirements. The appeal is appropriately denied on this item.

2. It is unclear what water lines the Appellant believes should be relocated, but it is clear that nothing in the Application will impact any existing water service to the Appellant's property or any of her neighbors. If the Appellant or her neighbors desire to relocate their existing water lines to the proposed new joint utility trench within the NE 133rd St Right of Way dedication, or improve their service by tying into the new water main in the Right of Way, it is incumbent upon them to make the necessary arrangements with the Kirkland Water Division and bear the associated cost. The proposed subdivision does not impact the Appellant's existing water supply, and there is no basis to require relocation of her existing water line or establish a new connection for her. The appeal is properly denied on this point.
3. The proposed subdivision will not impact the existing east-west gravel road serving and crossing the southern portion of Appellant's property, except the addition of the turnaround referenced in Item 1 within the 40' easement. The proposed dedication of public Right of Way on the Appellant property does not impact the existing private road on the Appellant's property, and there is no nexus that would support requiring the Applicant to "decommission" the Appellant's road. Indeed, as noted in Item #1, there is a recorded access easement underlying the existing gravel road, and the Appellant does not have legal authority to remove the road without the consent of the Easement holders, much less does the City have any basis to require the Applicant to remove it from the Appellant's property. The appeal should be denied on this item.
4. Item #4 appears to be a placeholder for any new potential changes to the applications. The conditions of approval are set forth in the Notice of Decision, and any changes must be made and processed in accordance with the applicable Code and legal requirements. The appeal should be denied on this point.
5. The Applicant will be required to follow with the Tree Retention Plan in the Application and Notice of Decision, which includes compliance with City's code regarding tree retention and removal, and applicable management practices for tree protection during construction. The Applicant intends to follow these requirements. While it is not clear what tree the Appellant seeks to preserve, the Tree Retention Plan is supported by an professional Arborist Report and properly identifies the trees to be retained and removed in accordance with KZC 95.30. The Easement referenced in Item #1 further includes the right to remove trees and other obstructions within the 40' easement area. The Notice of Decision properly approves the Tree Retention Plan, and the appeal is properly denied.

Thank you again for your hard work on this.

Best Regards,

James R. Lynch

MURRAY FRANKLYN FAMILY OF COMPANIES

14410 NE BEL-RED ROAD | BELLEVUE, WA 98007

DIRECT: 425.649.8139 | OFFICE : 425.644.2323 | WWW.MURRAYFRANKLYN.COM

RESOLUTION R-5333

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AFFIRMING THE PLANNING DIRECTOR DECISION APPROVING THE SATTERBERG SHORT PLAT IN THE PLANNING AND BUILDING DEPARTMENT FILE NO. SUB17-00733.

1 WHEREAS, The Blueline Group filed applications with the
2 Planning and Building Department for approval, through a Process I
3 review, of a short subdivision located within a Single-Family Residential
4 (RSA) 4 zone; and

5
6 WHEREAS, the Director of the Planning and Building Department
7 issued his Findings, Conclusions, and Recommendations on June 22,
8 2018, which approved the Satterberg Short Plat; and

9
10 WHEREAS, Brenda Krauth, party of record, filed a timely appeal
11 **of the Director's decision to approve the application for the preliminary**
12 subdivision on July 12, 2018; and

13
14 WHEREAS, the City Council, in an appeal hearing held during the
15 September 4, 2018 meeting, did carefully consider the appeal, the staff
16 report on the appeal, and the oral and written arguments of the persons
17 entitled to participate in the appeal hearing.

18
19 NOW, THEREFORE, BE IT RESOLVED by the City Council of the
20 City of Kirkland as follows:

21
22 Section 1. **The Director's decision approving the Satterberg Short**
23 Plat is upheld and the Findings, Conclusions, and Decisions of the
24 Director entered June 22, 2018, and filed in the Planning and Building
25 Department File No. SUB17-00733, are adopted by the City Council.

26
27 Passed by majority vote of the Kirkland City Council in open
28 meeting this ____ day of _____.

Signed in authentication this ____ day of _____.

Amy Walen, Mayor

Attest:

Kathi Anderson, City Clerk



CITY OF KIRKLAND
Department of Parks & Community Services
505 Market Street, Suite A, Kirkland, WA 98033 425.587.3300
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Lynn Zwaagstra, Director, Department of Parks and Community Services
Mary Gardocki, Park Planning and Development Manager
Brian Baker, Public Works Capital Project Coordinator

Date: September 4, 2018

Subject: TOTEM LAKE PARK UPDATE – 60% DESIGN

RECOMMENDATION:

City Council to receive an update on design progress and project estimate for Totem Lake Park Phase One project. Based on updated cost estimates, which, in total, exceed the budget, staff recommends modifying the design to exclude some of the optional features explored in the design process. Staff will be seeking City Council input and guidance on these optional design elements.

BACKGROUND DISCUSSION:

Totem Lake Park Master Plan

In 2013 the City Council directed the Parks and Community Services Department to create a Totem Lake Park Master Plan. Working in conjunction with the property owner, King Conservation District, the goal was to develop an overall plan for future park improvements to the Lake property. The City Council formally adopted the Totem Lake Park Master Plan in December 2013 (Master Plan summary graphic: Attachment A).

Totem Lake Park is an overall 20-acre site (still in the midst of acquisition from King Conservation District) located in the heart of the Totem Lake Urban Center. The lake parcel is comprised primarily of wetlands, and the lake itself encompasses about 4 acres of the property. A 1.6 acre upland parcel, formerly the Yuppie Pawn site, now owned by the City, is also part of the park.

The following elements formed the basis for developing the Master Plan for Totem Lake Park:

Revealing the lake and creating a sense of place.

The lake and wetland itself is a gem, but it seems very few people in the surrounding **community know it's even there. There is limited access to the site with development and** natural barriers walling off the site from all sides. The Master Plan provides an opportunity to develop a strong sense of place that can become a catalyst for a new vision and new development that can revitalize the greater Totem Lake community.

It's not just a place; it's a starting point and a destination.

With its location along the Cross Kirkland Corridor (CKC), the two facilities can leverage each other, with the whole of their benefits being greater than the sum of the parts. When viewed in tandem with the future regional connections provided by the corridor, the park can become a starting point or a destination for those using the CKC.

Enhance the human experience while enhancing ecological performance.
Totem Lake Park is an ecological gem, yet with some obvious impacts from the urban areas that surround it. One of the critical opportunities of the Master Plan is to enhance the human experience of the park, opening it up to become an icon of the community, even as we work to enhance the ecological performance of the lake and wetland.

An economic catalyst.

Although the park itself may not drive economic development strategies, it is a catalyst that can help bring people to the area. Thoughtful development of surrounding properties can enable Totem Lake Park to become a destination that then supports other services. In addition, being adjacent to and developed as a vital portion of the Cross Kirkland Corridor, the site brings a unique opportunity to provide services for CKC users.

Implementing the Master Plan

After the Master Plan was adopted by the City Council in 2013, staff identified the following initial action steps:

- 1) Ensure that future City planning efforts appropriately address Totem Lake Park Master Plan recommendations, including:
 - a. Comprehensive Plan and Totem Lake Neighborhood Plan
 - b. Cross Kirkland Corridor Master Plan
 - c. Transportation Master Plan
 - d. Park, Recreation, and Open Space (PROS) Plan

Status: the Master Plan has been integrated into these various planning documents.
- 2) Pursue acquisition of adjacent upland parcel(s) as recommended by the Plan.

Status: City has acquired the site currently known as the Yuppie Pawn property.
- 3) Pursue acquisition of Totem Lake parcel from the King Conservation District to the City of Kirkland.

Status: Property acquisition is scheduled to be completed in 2018.
- 4) Pursue acquisition of King County-owned parcel adjacent to Lake.

Status: Property acquisition was completed in 2017.
- 5) Integrate Totem Lake Park Master Plan implementation into the Parks CIP and in conjunction with the bi-annual budget process. Pursue project development.

Status: Phase 1 Implementation has been funded at approximately \$7 million.

As with other large-scale park master plans, implementation typically occurs in several phases over a long period of time. Phasing and prioritizing decisions are considered by the City Council as part of the budget and CIP processes. Given the accelerated pace of private development in the Totem Lake area, particularly multi-family residential development, the City Council has given staff direction to expedite implementation **of the park Master Plan by developing the 'Upland Parcel', i.e., former Yuppie Pawn site, and the east boardwalk connecting the park's north trail system to the CKC.**

The Parks CIP was reprioritized in 2016 to direct funding (\$7.06 million) towards this significant first phase of the Master Plan. Advancing park development of the upland parcel will provide new residents, shoppers, employees, and CKC users with important and much-needed park and recreation amenities, given the lack of such amenities in the neighborhood. Planned improvements include a **public restroom, children's play** areas, lawn areas, seating, picnicking amenities, and parking.

30% Design Milestone

The project team, led by the landscape architectural firm The Berger Partnership, began working on the design in earnest in 2017 and reached the 30% design milestone in March 2018. The design was reviewed and decisions were made to finalize the project related to project scope, general design direction, use of materials, and choices of furnishings and play equipment, including the 'sprayground' feature. Attachment B provides the 30% site plan that was presented at the March 6, 2018, City Council meeting. Design highlights included:

Overall Design Context. Located within the Urban Center and adjacent to both the Village at Totem Lake and CKC, Totem Lake Park is anticipated to be heavily used by shoppers, workers, nearby residents, and trail users as a respite and recreation destination. The design of the upland parcel incorporates a thoughtful balance of greenscape and hardscape, emphasizing a variety of seating options and viewing perspectives. Connectivity and pedestrian circulation are points of emphasis for the designers – to the shopping district, **to the park's existing trail** system, and to the CKC.

Restroom. The park restroom will be engineered to be open year-round and will incorporate family-style toilet rooms. Building design has been developed at the 60% design milestone.

Boardwalk. A **10'** boardwalk connecting to the CKC is currently designed to allow for shared use by both pedestrians and cyclists. The boardwalk will also incorporate wider and strategically-placed rest stations providing viewing opportunities, interpretive features, and seating. Completion of the boardwalk will allow for a nearly 0.6 mile loop around the lake, using a combination of park trails, the CKC, and Totem Lake Boulevard.

Children's Play Area. **The design direction for the children's play area emphasizes inclusive play** for children of varying ages and abilities, and a variety of equipment engineered to encourage movement, provide challenge, and spark the imagination. A particular goal will be to include a tower-like play structure which can provide views of the lake and surrounding wetlands. Approximately 3,200 square feet is set aside for the play area, on par with the size of playgrounds at parks such as Peter Kirk and Houghton Beach.

Sprayground. This optional feature was not part of the original design concept. The Rotary Club of Kirkland Downtown has expressed interest in helping to fund an active water play feature (**'sprayground'**) for Kirkland's park system. The concept of integrating a sprayground into the Totem Lake Park project was thought to offer an intriguing opportunity to both meet **Rotary's project vision and enhance the park design in a unique way**. At the City Council meeting of March 6, 2018, staff received direction to incorporate a sprayground area into the 30% design drawings and develop associated construction cost estimates. This includes the water circulation, filtration, and treatment systems, as well as custom-designed spray and water play features.

Initial cost estimates indicated that the sprayground would cost approximately \$1 million, resulting in a total project estimate of \$7,410,000, of which the Rotary Club was planning to fundraise \$350,000 for the project.

With feedback from Council, staff continued working on the project design and included the suggested amenities, such as the sprayground and adding Wi-Fi connectivity throughout the park. The Council also asked the design team to evaluate whether additional parking could be incorporated into the project, as the sprayground in particular was likely to be a popular draw for families.

Park Board Review

The Park Board reviewed the 30% park design at their regular meeting of February 14.

- *Would like to see wildlife considered in the design. Be sure to integrate interpretive and viewing features.*
- *Strong support for sprayground feature. Like the natural sprayground features over typical steel and plastic components.*
- *Consider integrating natural elements around the park that could also be used for imaginative play.*
- *Liked social seating, tables, which could accommodate many people.*
- *Would like to see sprayground be a water feature when not in use or some other function.*
- *Liked the theme of the sprayground being interactive and accessible water feature, in light of **the fact that the lake itself is generally "untouchable"**.*
- *Like integrated seating with long sweeping features.*
- *Strong preference for height, tower, in play features.*
- *Give more consideration for lighting. Since the park will be more urban, would like to see this discussed. Noted there is an issue with introducing light into a natural area.*
- *Evaluate cost/benefit of increasing width of boardwalk from 8-feet to 10-feet in recognition of potentially extensive use by pedestrians and cyclists. Think long-term on how it will be used.*

These suggestions were considered in detail as the project design progressed.

60% Design Milestone

The sprayground feature and other optional amenities such as Wi-Fi were further developed into the design along with construction estimates. Attachment C is the 60% design renderings of the overall

site layout with a playground, sprayground, restroom, on-street parking as available, and five (5) ADA on-site parking spaces. It was not possible, given property constraints and environmental regulations to identify additional parking spaces without substantially eliminating recreation space in the park. Design highlights remain the same: a playground, sprayground, boardwalk, asphalt path and restroom building; however, the most recent construction estimate for this design now significantly exceeds the budgeted amount, to be discussed in more detail below.

The 60% design was presented at *Le Tour de Totem Lake* event on July 28, 2018 for further input from the community. Themes included positive feedback on the play structure and sprayground, interest to incorporate educational components about wetlands and their role in the environment, and interest to make the water play feature educational rather than reflecting an "abundance of water."

Public Art

A committee comprised of Cultural Arts Commission and Park Board members selected Vancouver, Canada artist Jill Anholt (www.jillanholt.ca/) to develop public art for the project. Ms. Anholt worked closely with the design team on art integration concepts. The art committee selected the concept entitled *Trace*. The artist explains the concept as follows:

*Trace is inspired by the incredibly rich and diverse range of wildlife that occupies Totem Lake Park. Rarely seen except through lucky timing and extremely careful observation, inhabitants of this urban wetland include: 150 different kinds of birds, deer, beavers, muskrats, raccoons, coyotes, turtles, bullfrogs and a variety of fish, amongst many other species. A series of brightly colored vertical markers located along the new boardwalk extend far above the landscape, highlighting the presence of **the Totem Lake Park's wetland and piquing the publics' curiosity to explore the area more closely.** Each work appears as a kind of whimsical sculptural form on its own, however careful observation from particular vantage points along the new boardwalk allow the viewer to experience a coalescing of sequential art elements into recognizable outlines of bird and animals that occupy the Totem Lake wetland. The appearance of these outlines, like the animals themselves, are fleeting and transitory, requiring careful observation and a particular point of view in order to see them. Trace encourages visitors to pause and look deeper into the landscape, enhancing their understanding and curiosity for **Totem Lake Park's ecology. In doing so, there is the hope that visitors will develop a sense of stewardship and care for the preservation of this precious ecosystem. It is also hoped that this unusual experience will become a kind of 'local secret' that more and more people will discover by accident, over time or through shared knowledge or social media, drawing increasingly more attention to this important environmental asset in the future.***

The artist's design is in Attachment D and incorporated in the overall construction estimate.

Project Budget Update

Upon completing the 60% design, The Berger Partnership provided a new construction estimate. If all evaluated elements are included, the project will exceed the adopted budget by an estimated \$1.88 million. The Rotary Club has set a goal of raising \$350,000, which would reduce the gap to \$1.53 million. To provide the Council with financial and programmatic options, Berger has delineated the project into a base estimate and itemized optional amenities. The base estimate includes a public

restroom, **children's play area, lawn areas, seating**, site amenities, and proposed parking. The itemized optional amenities include the sprayground, an expanded playground area if the sprayground is removed from the design, Wi-Fi, street lighting, and artistic boardwalk railings. Based on these new cost estimates, staff does not recommend moving forward with the options of the sprayground, Wi-Fi, artistic boardwalk railing, or street lighting. Staff is seeking City Council direction on whether to remove these options from the project at this point, or to identify additional funding for some or all of the optional elements. Staff does recommend including an expanded playground at an estimated cost of \$150,000 if the sprayground is eliminated. This recommendation would result in an overall construction estimate of \$7,893,505 and the need to identify an additional \$159,305 for the project.

Table 1 below summarizes project funding and cost estimates for the base project, second playground and itemized amenities for the park.

Table 1: Estimated Expenses and Project Funding

Funding Item: Proposed Budget 2019-2024 CIP	Amount
Secured Funding ('19-'24 CIP)	\$ 7,884,200
Current Estimate: Base Project Expenses by Category	Amount
Design and Engineering	\$ 767,680
Project Management	\$ 321,000
Inspection	\$ 338,000
Permitting	\$ 54,000
Art	\$ 77,625
Construction	\$ 5,759,270
Contingency	\$ 575,930
Estimated Base Project Total	\$ 7,893,505
Secured Funding [from above]	\$ 7,884,200
Difference [secured funding - base]	\$ (9,305)
Current Estimate: Other Optional Itemized Amenities	Amount
Sprayground	\$ 1,492,700
<i>Potential Rotary Club Fundraising for Sprayground</i>	<i>(\$350,000)</i>
Expanded Playground (Sprayground Alternative)	\$ 150,000
Wi-Fi for Park	\$ 201,515
Street Lighting	\$ 143,299
Artistic boardwalk railing	\$ 44,781

Ongoing Maintenance and Operational Costs

Ongoing costs to operate and maintain the new park have yet to be budgeted and will be requested as part of the 2019-2020 budget process. **The Department's estimate of annual maintenance costs for Totem Lake Park is \$85,000 - \$100,000 and includes servicing and maintaining the restrooms, garbage collection, landscaping, and boardwalk and playground maintenance.**

Next Steps

Staff is seeking City Council direction to finalize the features to include in the park design. Based on City Council direction, staff will move forward towards 90% design and permitting with the modified design. Final design and permitting is scheduled to be completed by October with an anticipated bid opening in February and a construction start of spring, 2019. Park opening would occur in spring/summer of 2020.

Sprayground

Based on the cost and complexity revealed at the 60% design stage, staff is not recommending a sprayground at Totem Lake Park. The site is significantly constrained and will not likely have sufficient parking to support its likely popularity. However the staff and Park Board are strongly supportive of a sprayground somewhere in Kirkland. Both the staff and the Board are also very appreciative of the financial commitment and support from the Rotary Club and desire to execute a partnership that results in such an amenity for Kirkland. If the City chooses to invest over a million dollars into a sprayground, it could likely provide a more expansive and effective amenity elsewhere in the City. If the Council concurs with the proposed Totem Lake Park recommendation, staff will continue to analyze other park sites in the system to locate a sprayground in the near future.

Attachments:

- A – Master Plan Graphic
- B – Phase 1 30% Design Renderings
- C – Phase 1 60% Design Renderings
- D – **Artist's Concept – "Trace"**

TOTEM LAKE PARK MASTER PLAN



Totem Lake Park is a 17-acre site located in the heart of the Totem Lake Urban Center. Currently owned by the King Conservation District (KCD) and co-managed by the City of Kirkland, the lake has been known by several names over the years, but became known as Totem Lake in 1973 after the opening of the nearby shopping mall. The property was donated to KCD in 1978 and in 1995 the City partnered with KCD to create trails, boardwalks, and historical and ecological interpretive features on the site. The City is currently finalizing transfer of the property from KCD as an official City of Kirkland park.

The Urban Land Institute, a non-profit organization comprised of land use and real estate experts, recommended to the City in 2011 that Totem Lake Park be developed as a catalyzing strategy to help create a "sense of place" in Totem Lake. Their report said "the Lake itself can become the heart of a redeveloping neighborhood and a place with which Totem Lake residents, existing and new, can truly identify." The Kirkland City Council formally adopted the Totem Lake Park Master Plan in December 2013.

The City's recently-adopted 2017–2022 Capital Improvement Program (CIP) provides funding of over \$7 million to begin implementation of the Plan. This first phase of park development will be completed by 2020 and will include expanded wetland boardwalks and construction of upland park features such as picnic and seating areas, children's playground, restroom, and environmental enhancements.

For more information visit www.kirklandwa.gov



Totem Lake Park | Phase 1 | Spray Ground



Totem Lake Park | Phase 1 | Spray Ground







TRACE

TOTEM LAKE PARK ART CONCEPT
July 9, 2018

Jill Anholt Studio

Observations of Totem Lake

Totem Lake Park is a rare gem: a functional, natural wetland surrounded by an urban area. And despite its placement in Kirkland, there is a general lack of knowledge about the purpose and importance of the wetlands amongst locals and visitors to the area.

Many people have no idea there is actually a lake in Totem Lake Park as it is difficult to see from surrounding area and within wetlands themselves.

What is even less understood about this site is that there is an immense variety of species of microbes, plants, insects, amphibians, reptiles, birds, fish and mammals that all contribute to the rich biodiversity of the Totem Lake Park wetland.

The wetland 's importance must be appreciated by citizens in order to ensure its survival for the future in the face of the threat of encroaching development.

The artwork concept developed for Totem Lake Park aspires to play a role in changing people's perceptions of this important ecological gem: provoking curiosity, interest and engagement and encouraging a sense of pride and stewardship that will ensure the park's vitality for future generations.



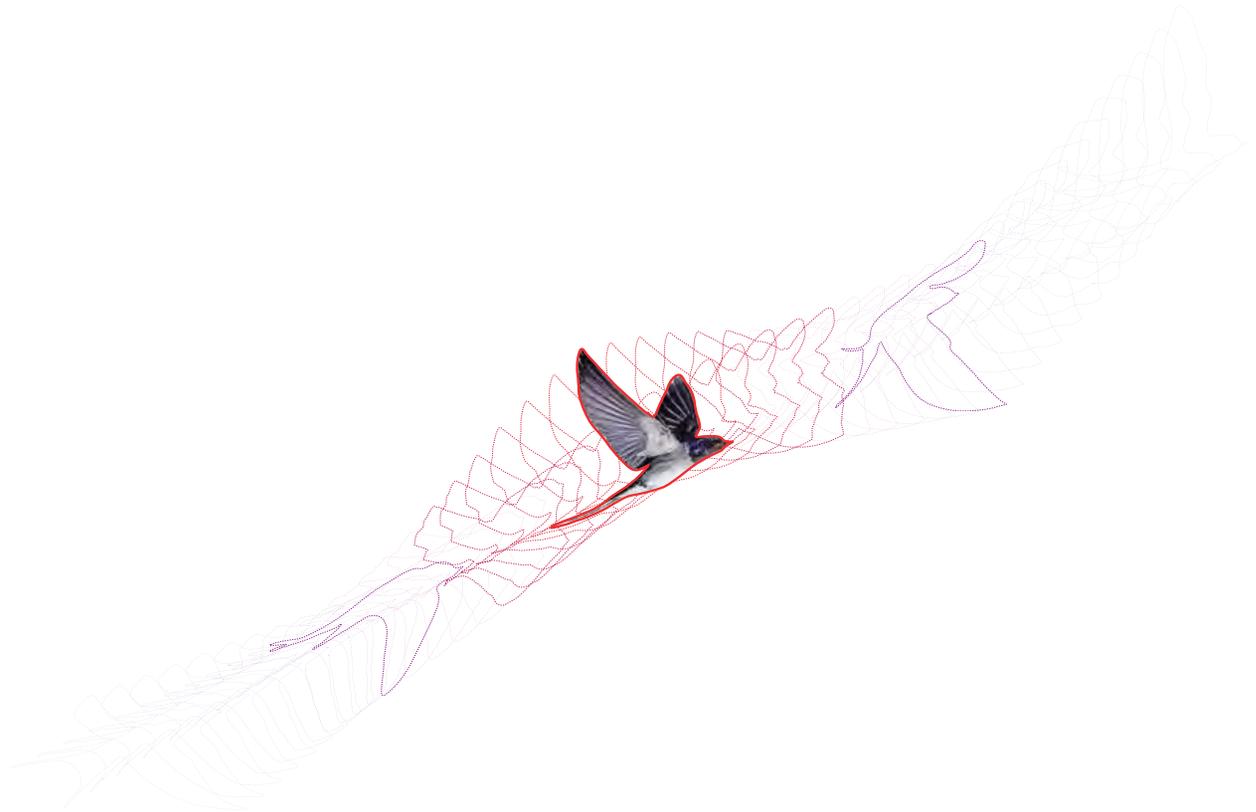
Concept Statement : *Trace*

The artwork concept entitled *Trace* is inspired by the incredibly rich and diverse range of wildlife that occupies Totem Lake Park. Rarely seen except through lucky timing and extremely careful observation, inhabitants of this urban wetland include: 150 different kinds of birds, deer, beavers, muskrats, raccoons, coyotes, turtles, bullfrogs and a variety of fish, amongst many other species.

Trace is composed of a series of brightly coloured vertical markers located along the new boardwalk. The art elements extend far above the landscape where they are visible from a distance, highlighting the presence of the Totem Lake Park's wetland and piquing the public's curiosity to explore the area more closely.

The artwork manifests as 3 experiences, each composed from a pair of vertical art components. Each single art component appears as a kind of whimsical sculptural form when seen in isolation, however when viewed from a certain perspective, each pair of components align to form a recognizable outline of a bird, fish or animal species that inhabits the Totem Lake wetland. The appearance of these outlines, like the animals themselves, are fleeting and transitory, requiring careful observation and a particular point of view in order to see them.

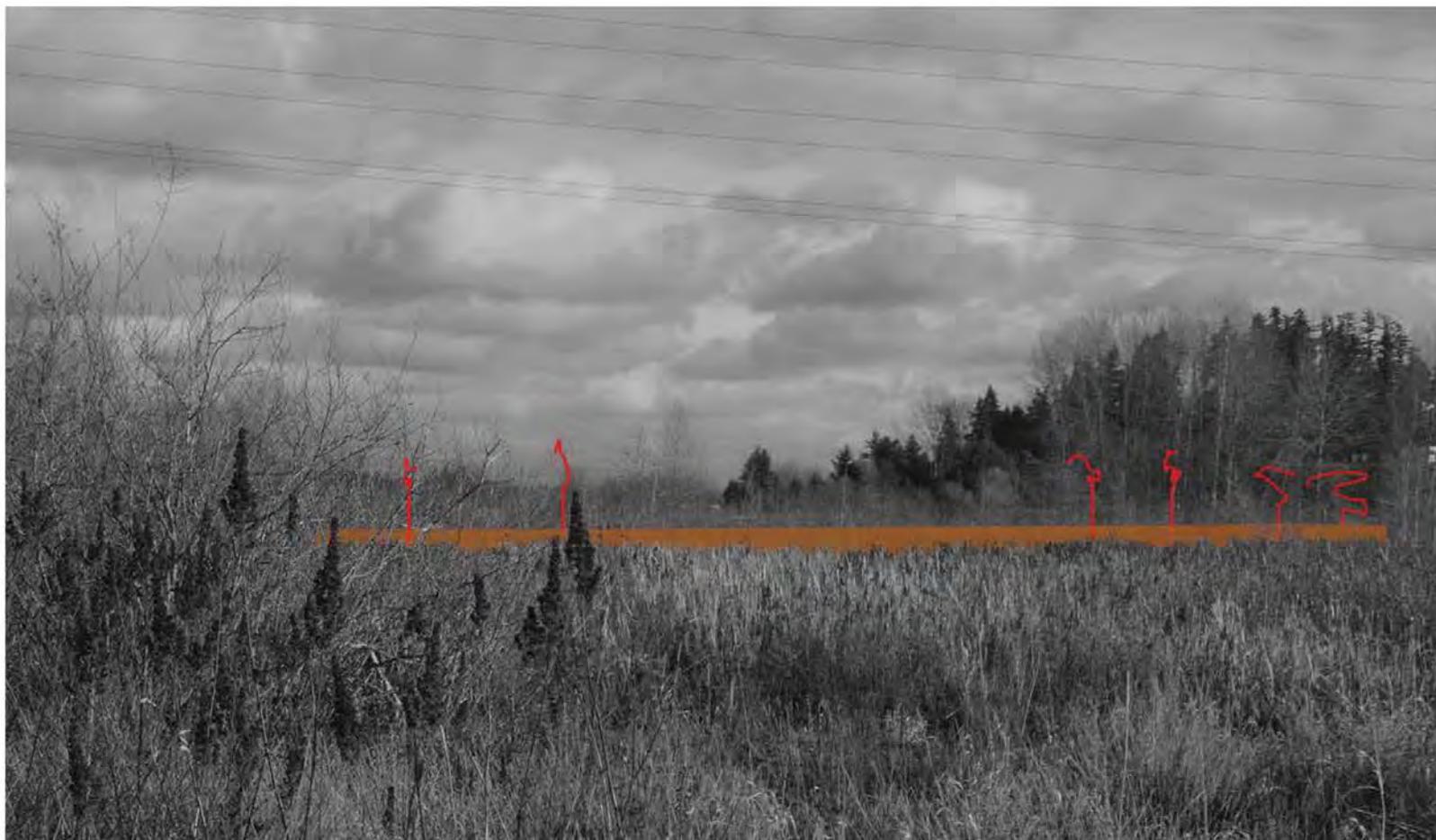
Trace encourages visitors to pause and look deeper into the landscape, enhancing their understanding and curiosity for Totem Lake Park's ecology, with the hope that a sense of stewardship and care for the preservation of this precious ecosystem can be fostered. It is anticipated that the revelation of the *Trace* elements will become a kind of "local secret" that more and more people will discover over time, drawing increasingly more attention to this important environmental asset in the future.



Proposed Location

The three artworks are placed along the proposed boardwalk, positioned along different straight sections to provide visitors with a view-line of the aligned art components at varying points along their journey. Artwork A (Fish) is revealed when moving south along the boardwalk, Artwork B (Beaver) is revealed moving south east, and Artwork C (Bird) is revealed moving west along the boardwalk.





View from a distance



Fish



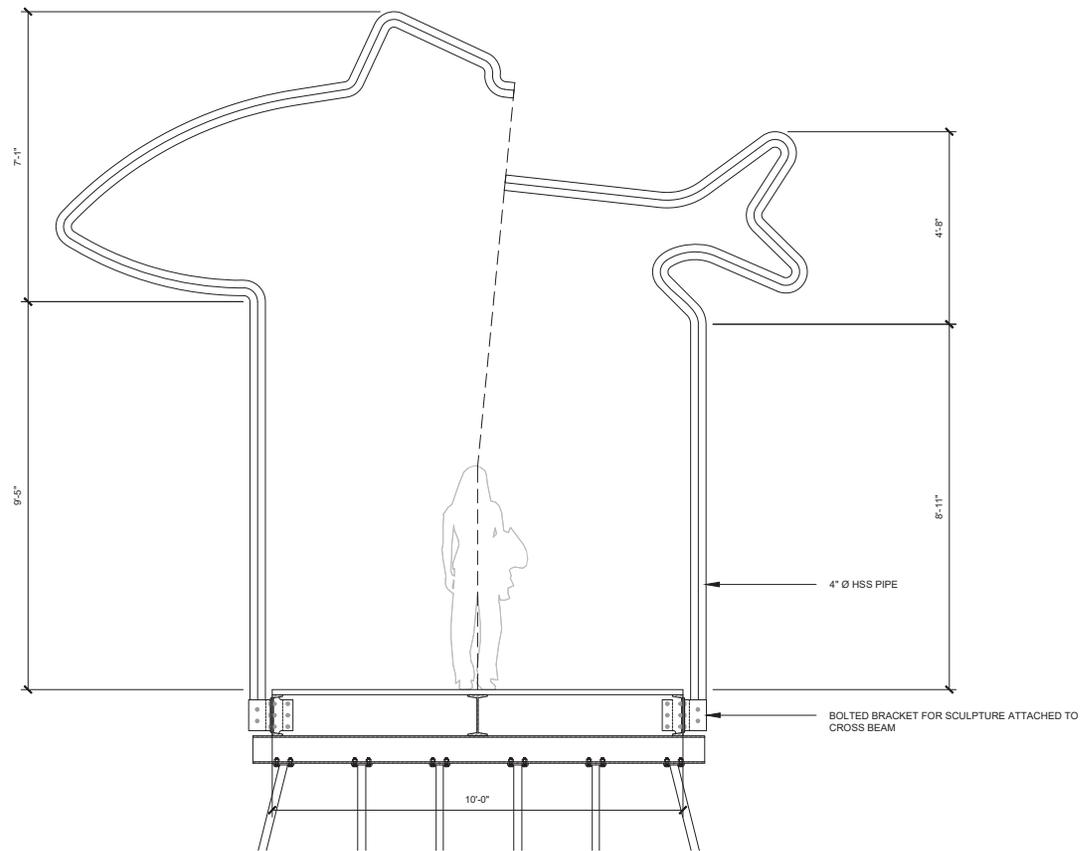
Beaver



Bird

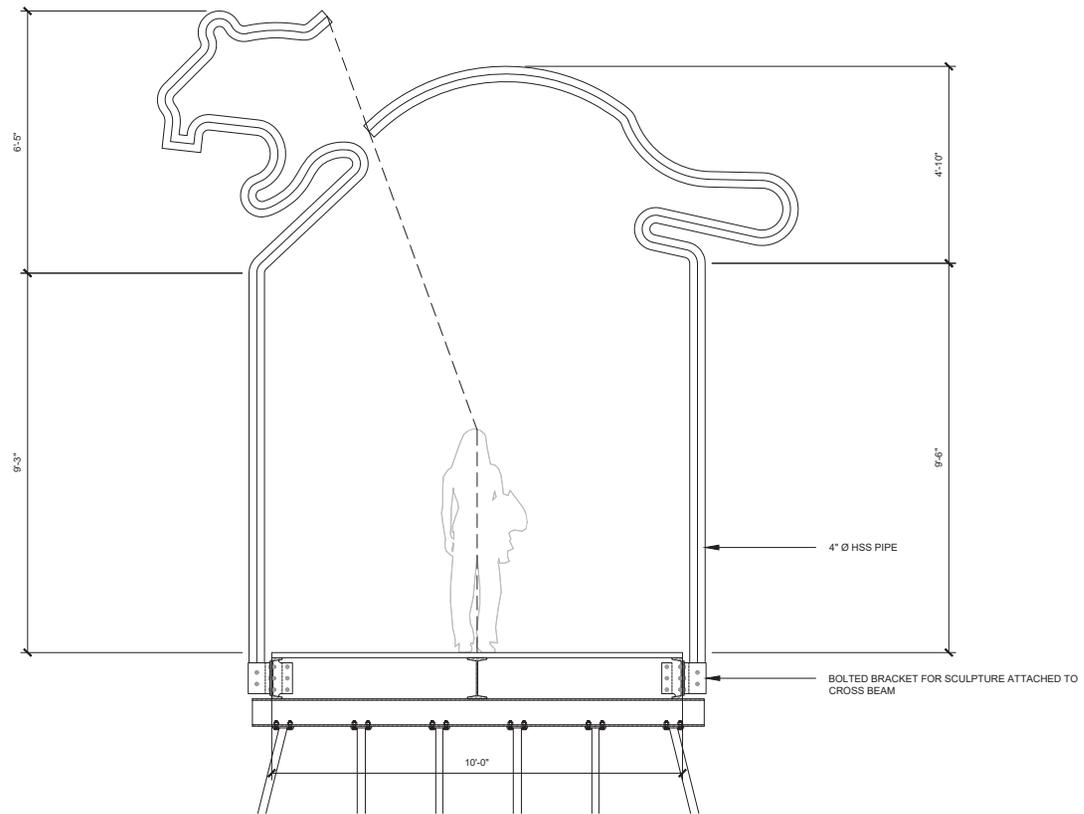
In alignment perspective view

Fish



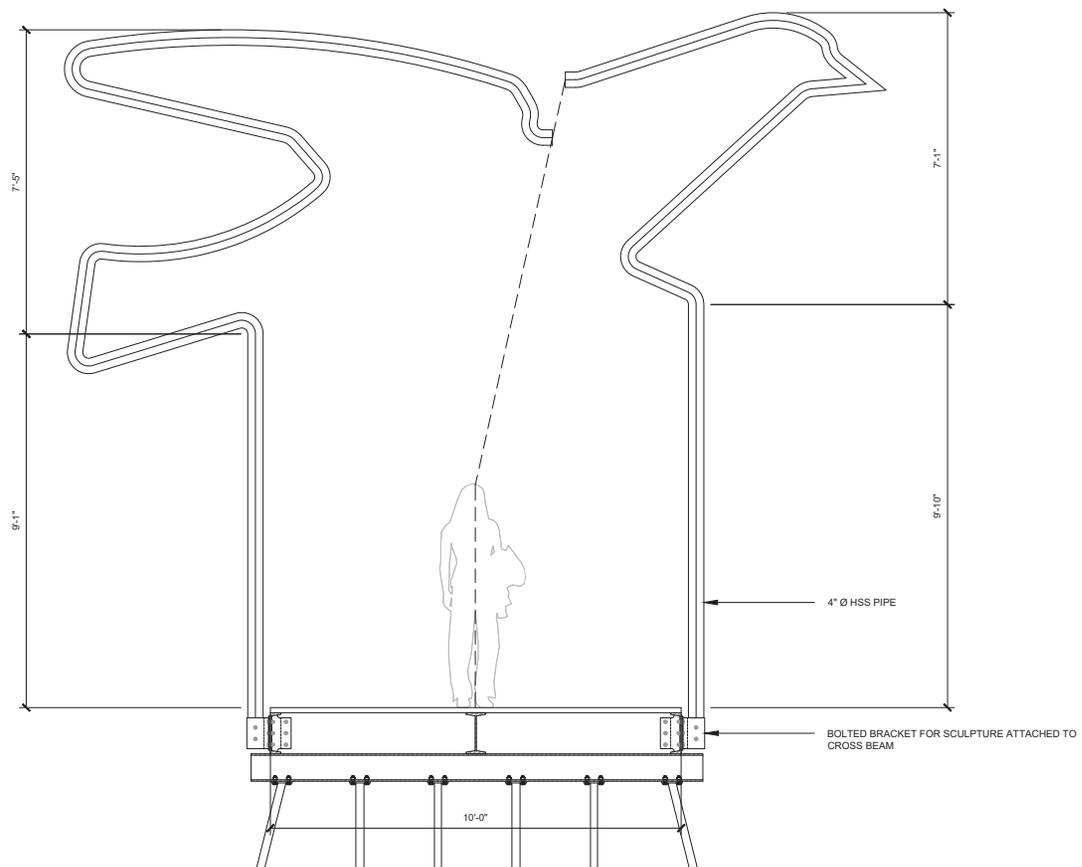
Artwork A - front elevation

Beaver



Artwork B - front elevation

Bird



Artwork C - front elevation

Preliminary Budget

Materials and Fabrication	Total	
ANIMAL SHAPES		
4" diameter pipe HSS and schedule 40 rolled to artist specifications stamped engineering drawings complete shop welding for 6 finished elements sandblast, primed and top-coated		
	Fish	\$16,500.00
	Bird	\$17,000.00
	Beaver	\$18,000.00
MOBILIZE AND TRANSPORT		\$5,000.00
material lift and hand installation transportation to site assume <u>no</u> field work (drilling, taping or welding)		
ATTACHMENTS TO WALKWAY installed by project contractor	\$0.00	budget covered by Berger
Sub-total materials and installation		\$56,500.00
ADDITIONAL COSTS		
Artist Fees (20%)		\$13,000.00
Washington State Sales Tax on Materials		\$4,875.00
Contingency (5%)		\$3,250.00
Sub-total Soft Costs		\$21,125.00
ESTIMATED TOTAL PROJECT COST		\$77,625.00

Additional Notes

- The widening of the boardwalk necessitated an increase in scale in the height and diameter of the art components in order to achieve alignment. This increased the budget as did the inclusion of Washington State Sales Tax which was expected to be extra to the budget rather than included in this budget.
- Berger Landscape Architects have agreed to supply the artwork attachments for the art components in their boardwalk design. Further collaboration between the art fabricator and Berger will occur in the Final Design stages of the project in order to design and integrate the mounting system with the artwork components.
- As no heavy machinery can be brought onto the boardwalk, it is anticipated that the attachment sleeves would already be in place prior to installation of the artwork. The artwork components would need to be carried and installed by hand using the assistance of a material lift, a lightweight lifting device placed on the walkway. The fabricator cost for installation does not include any major fieldwork (ie. no welding, drilling or tapping).



CITY OF KIRKLAND

Department of Public Works
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MEMORANDUM

To: Kurt Triplett, City Manager

From: John MacGillivray, Solid Waste Programs Supervisor
Kathy Brown, Public Works Director

Date: August 23, 2018

Subject: 2019-2020 Proposed Solid Waste Rates Briefing

RECOMMENDATION

That the City Council receive a briefing at its September 4, 2018 meeting to include an overview of the utility rates review **process ("Utility Rates 101") and a presentation of** the proposed 2019-2020 Solid Waste rates with the opportunity to provide feedback and direction to staff.

BACKGROUND

At its July 31, 2018 Finance and Administration Committee meeting, City Council committee members received a briefing on the first draft of the proposed 2019-2020 Solid Waste rates.

In preparation for the budget process, staff updated its Solid Waste rate projections for the 2019-2020 biennium using consultant assistance from Sound Resource Management. The Solid Waste rates are highly sensitive to, and informed by, the pass-through of rate increases from the King County Solid Waste Division; rates are also affected by an annual consumer price indicator escalator contractually granted to Waste Management (WMI). **Kirkland's** Solid Waste rate analysis therefore runs **concurrent with King County's budget and** rate adoption processes and the July release of the June-June CPI-W Seattle, Tacoma, Bremerton Wage Earners Index. In the case of Solid Waste rates, per RCW 35.21.157 the City must notify rate payers of rate increases at least 45 days before the effective date of the increase which requires final adoption of a rate ordinance no later than the October 16, 2018 City Council meeting.

The process of developing the 2019-2020 proposed Solid Waste rates was based on a combination of the financial performance of the utility over the past several years, needs as identified in the annual Solid Waste work plan, and contractual obligations and requirements. The proposed rates are designed to ensure the future financial integrity of the utility while bearing in mind the impacts on ratepayers.

The rates developed reflect the following overarching principles:

- Fully fund ongoing operations
- Maintain cash reserves
- Maintain or enhance capital contributions
- Achieve regular, modest rate adjustments in lieu of infrequent, large rate increases
- Reduce the commercial-to-single family residential cross subsidy

- SOLID WASTE UTILITY RATES BACKGROUND

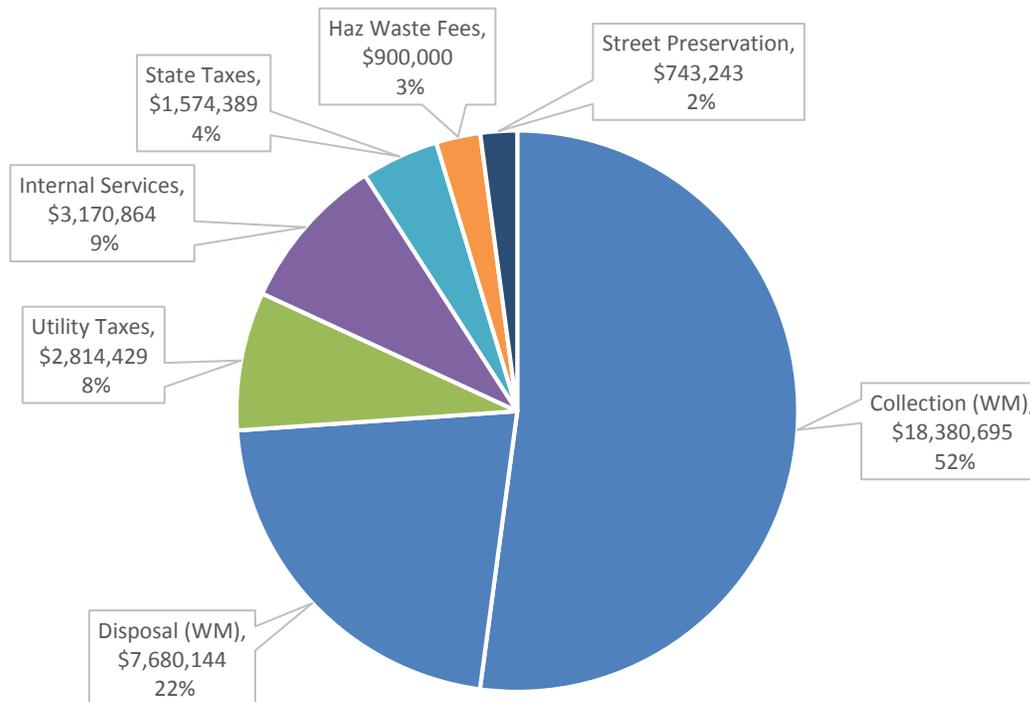
Overview

The Solid Waste Utility provides collection and disposal services for Kirkland residents and businesses through its contract with WMI. Billing services are provided by the Utility Billing Division of the Finance and Administration Department. **At the Council's direction, the City has** periodically evaluated shifting billing services to WM, but each evaluation has shown that the City currently provides billing services at a lower cost and with better local control. Finally, waste avoidance, reduction, and recycling program development and education and outreach activities are implemented by City staff with the occasional assistance of outside consultants.

Solid Waste Utility Budget

As shown below in *Chart 1*, the majority of the budget (74%) is comprised of payments to WMI for the collection and disposal/recycling of trash, recyclables, and organics. The monthly payment to WMI is subdivided into two categories: collection costs make up 70% and disposal costs account for 30%. Taxes (City utility and State) and hazardous waste fees account for 15% of the total budget. The remaining 11% is comprised of City services and an annual street preservation fee paid to the Capital Improvement Program to mitigate the ongoing wear and tear heavy collection vehicles have on City streets. The total proposed 2019/2020 biennial budget is \$35,263,764. For the 2017-2018 biennium through July 2018, the utility is collecting approximately 103% of its projected budget, largely due to stronger-than-anticipated revenues from the commercial sector.

Chart 1: Solid Waste Utility Budget Distribution

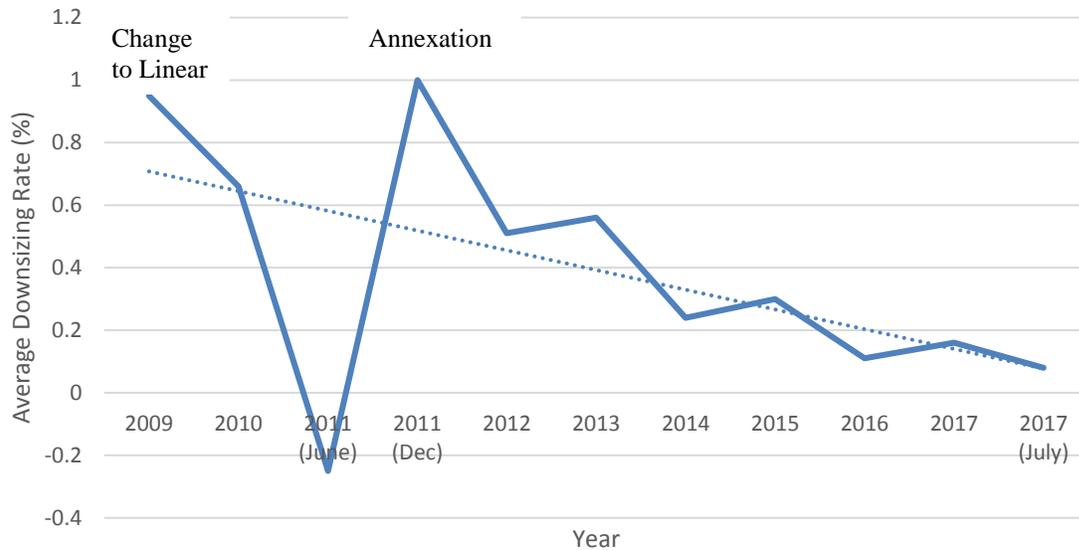


Solid Waste Rate Adjustment Drivers

The following factors and drivers were influential in drafting the proposed 2019-2020 Solid Waste rates:

- King County Solid Waste Division Disposal Fee Increase. On July 23, 2018 the King County Executive transmitted the proposed 2019/2020 King County Solid Waste Division disposal fee and budget to the Metropolitan King County Council (MKCC). The proposal includes a 4.6% increase in the disposal fee from \$134.59/ton to \$140.82/ton, subject to change pending MKCC review and adoption in September. The major drivers in the proposed King County disposal rate include:
 - Inflation and administrative costs
 - Further development of the Cedar Hills Regional Landfill Station (pending MKCC approval and city ratification of the Comprehensive Solid Waste Management Plan's **disposal** recommendation)
 - Siting of a Northeast Recycling and Transfer Station (pending MKCC approval and city ratification of the Comprehensive Solid Waste Management Plan's **transfer** system recommendation)
 - Construction of the South County Recycling and Transfer Station
 - Increased tonnage handling
 - Compliance with various environmental regulations
 - A low income discount on the disposal fee at transfer stations
- Consumer Price Index Rate Adjustment to WMI. The City is contractually required to grant WMI an annual CPI adjustment to the collection/service component of its wholesale rates paid by the City by 100% of the Seattle-Tacoma-Bremerton Metropolitan Area for Urban Wage Earners and Clerical Workers (CPI-W 1982-1984) in the period ending in June of each year. The allowed CPI rate adjustment for 2019 is 3.65%. The rate model conservatively estimates the 2020 CPI increase will be 3.5%.
- A steady but stable rate of downsizing. **The City's linear** Solid Waste rate model must account for downsizing; that is, the migration of customers from the large cart sizes (96/64 gallons) where the utility accrues excess revenue to the smaller cart sizes (10/20 gallons) where the utility operates at revenue deficit. The 35 gallon service offering is revenue neutral. The equal price-per-gallon inherent to linear rates naturally encourages customers to downsize to the service offering that best matches their waste production. The rate model conservatively accounts for this phenomenon by estimating downsizing rates of 1.7% and 1.8% in 2019 and 2020, respectively. As shown below in *Graph 1*, Kirkland experienced an abnormally high rate of downsizing when linear rates were first established in 2009 and for a two year period after annexation between June 2011 and 2013. The downsizing drew down the Solid Waste cash reserve to an uncomfortably low level in 2012. Over the course of 2014-2018 the cash reserve was replenished and the rate of downsizing has stabilized back to predictable, pre-annexation levels so the downsizing can once again be forecasted with high degree of certainty in the rate modeling.

Graph 1: Container Downsizing (2009-Current)



- **Street Preservation Fee.** Currently, WMI regularly operates 29 heavy garbage, recycling, and organics collection vehicles in Kirkland (20 residential, 7 multifamily/commercial, and 2 roll-off). In 2011, a \$300,000 street preservation fee was incorporated in the solid waste rates to mitigate the damage heavy solid waste collection **vehicles do to Kirkland's streets. The funding is provided annually to the Public Works Capital Improvement Program (CIP) and is used for the asphalt overlay program. The initial funding amount was borrowed from the City of Bothell's prior solid waste contract and has acted as a reasonable approximation of the pavement damage. The \$300,000 in funding has not changed since 2011 nor been subject to annual inflationary increases.**

Starting with the 2019/2020 biennium, staff is proposing to increase the street preservation fee to \$365,000 and \$378,000, respectively, to reflect inflation over time, thereby increasing the fee by \$143,000 over the two year period. These amounts reflect the compounded CPI-W since 2012, as shown below in *Table 1*. The rate impact of the increases contribution is .30% each year.

Year	CPI -W	CPIW-Escalated Fee Amount	Actual Fee (Current)
2011	First Year	N/A	\$300,000
2012	3.7%	\$311,100	\$300,000
2013	2.67%	\$319,406	\$300,000
2014	1.16%	\$324,516	\$300,000
2015	2.23%	\$331,752	\$300,000
2016	1.08%	\$335,334	\$300,000
2017	1.99%	\$342,007	\$300,000
2018	3.03%	\$352,369	\$300,000
2019	3.65%	\$365,230	\$300,000
2020	3.5% (est)	\$378,013	\$300,000
	Total	\$3,356,727	\$3,000,000

Other Rate Considerations

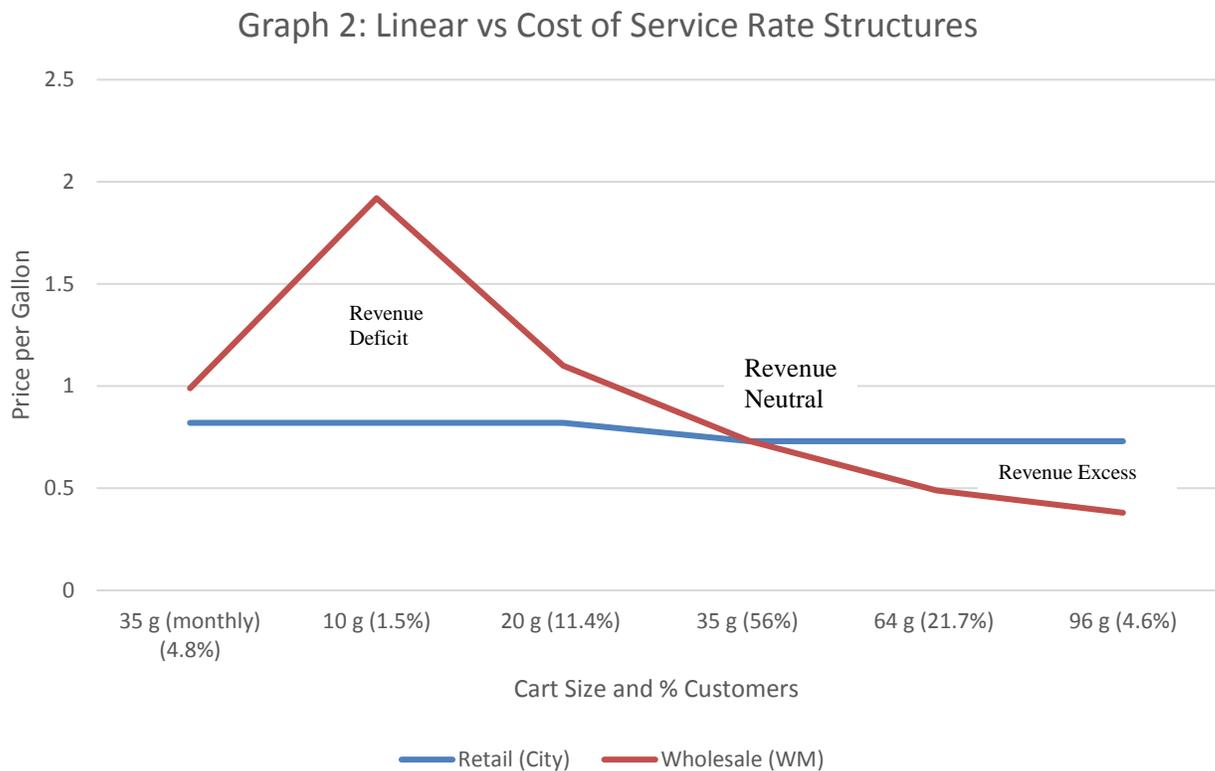
- China Sword. The recent restrictions by China on the import of specific recyclables from the northwest, mainly mixed plastics and paper, will not impact the proposed solid waste rates. Due to Chinese restrictions, processing costs and commodity values have temporarily increased and decreased, respectively. Consequently, WMI has requested a rate increase that is currently under review and consideration by staff. However, any increase, if granted at all, would instead be an ancillary surcharge and would not impact **the wholesale rates and consequently the City's retail rates.**

Solid Waste Rate Assumptions and Features

- Maintain staffing levels. The proposed Solid Waste rates would maintain the current ongoing staffing levels at 2.5 FTEs. Staffing includes a 1.0 FTE Solid Waste Programs Supervisor, a 1.0 FTE Recycling Programs Coordinator, and a .50 FTE Environmental Education and Outreach Specialist (EOS). A proposed service package, discussed later in this memorandum, would use one-time cash reserve funding to increase the EOS position by .25 FTE to .75 FTE for the biennium.
- Equal Cart-based Service Rates. The cart-based garbage service rates in single family residential and multifamily/commercial are the same. This policy direction was given by City Council several years ago to provide rate equity between the two sectors where the multifamily/commercial cart rates were previously higher than single family cart rates.
- Commercial Organics Program. The costs for the Commercial Organics Program are embedded in the rates (25% allocated to single family and 75% to multifamily/commercial). The program offers weekly or semi-weekly food composting service at no additional cost to about 125 qualified multifamily properties and businesses.
- **Maintain the "nearly linear" rate structure to encourage waste reduction and recycling.** In 2009, City Council adopted a linear rate structure in which the cost per gallon in Kirkland's retail rates were equalized amongst all service offerings. This rate structure naturally encourages downsizing since customers do not receive a "bulk discount" for having a larger cart size as is the case in a cost-of-service model. Linear rates offer customers the opportunity to downsize to a smaller, more affordable service offering by optimizing their use of embedded recycling and composting services provided at no additional cost. Linear rates have been foundational in *maintaining or marginally increasing Kirkland's high annual recycling diversion rate* in the single family residential sector, particularly after annexation when Kirkland added 10,000 new customers previously serviced under cost-of-service rate structure.

When Kirkland's linear retail rate model is overlayed onto the WMI wholesale rate cost-of-service model, the Solid Waste Utility loses revenue on the small service offerings but gains revenue on the larger carts. If an inordinate number of customers migrate from large to small service levels, the consequent impact on revenues and cash reserves bears close monitoring. For the 2013-2014 and 2015-2016 biennia, City Council adopted **a revised "nearly linear" rate structure**, as shown in *Graph 2*, where the price per gallon of the smaller service levels (10/20 gallon weekly and 35 gallon monthly) was increased slightly higher than the price per gallon for the larger carts (64 and 96 gallon) as a way

to hedge against continued downsizing and decrease the revenue deficit. The majority of Kirkland's 21,975 customers (57%) have settled at the 35 gallon weekly service where the retail price matches the wholesale price paid to WMI.



- **Maintain Cash Reserve Balance.** The Solid Waste Utility cash reserve policy is to maintain a cash reserve of no less than \$1.3 million which covers the monthly invoice paid to WMI plus internal expenses. The Solid Waste Utility pays WMI monthly but bills its customers every two months so maintaining a reasonable and healthy cash reserve allows the City to pay WMI monthly and bill its customers in arrears. Currently, the Solid Waste cash reserve stands at approximately \$1.8 million and has been replenished at a slightly higher rate than expected due to the strong economy, particularly in the commercial sector. The proposed rates intend to maintain but not increase the current cash reserve level. If all service packages discussed later in the memorandum are approved, the cash reserve would be reduced by \$173,000.
- **Reduce the commercial to single family cross subsidy.** During the 2017-2018 utility rate review and adoption process, City Council passed Resolution R-5210 requiring the elimination of rate cross subsidies by the end of 2022 unless such elimination is deemed to be impractical due to unforeseen circumstances. For the 2019-2020 biennium, staff is proposing to reduce the commercial-to-single family residential cross subsidy incrementally by 50% or about \$130,000 by 2020 and reduce the remaining 50% of the subsidy by 2022 as a way to soften the blow to single family residents by smoothing the impact over four years instead of two.

- Increase the affordability of bulky waste collection. For several years, the cost charged to customers to dispose of/recycle bulky waste items like appliances, mattresses, and furniture at the curb has been cost prohibitive when compared to the costs charged at regional transfer stations and by private junk hauling companies. The 2018 retail rate charged to customers to dispose of bulky waste is about \$131 for each item and, consequently, the service has a low usage rate. In contrast, the wholesale rates paid to WMI for the service range between \$67-\$74.

Due to lack of use bulky waste collection is not, nor has it ever been, a significant revenue generator for the utility. This proposed adjustment would make this service revenue neutral by reducing the City retail rate to match the WMI wholesale rate. This price reduction would make the service more attractive and affordable to residents while maintaining the "premium" nature of the curbside service relative to self-transporting bulky items to transfer stations where customer pay between \$10-\$30. The price reduction will also serve as a way to discourage illegal dumping activity.

PROPOSED SERVICE PACKAGES

The following three service packages are proposed to be included in the 2019/2020 Solid Waste budget. The total combined service package request is \$159,500 with all of the funding proposed to be one-time from the Solid Waste cash reserve with no impact on rates. All costs shown are biennial. Narratives of each service package are included below.

Service Package 1: Environmental Education and Outreach Specialist

.25 FTE Environmental Education and Outreach Specialist			
Cost: \$49,500	Rate Impact: None	Funding Type: One-time	Funding Source: Solid Waste Cash Reserve
Details and Justification			
<p>The Solid Waste Environmental Education and Outreach Specialist (EOS) has been funded as a permanent, ongoing .50 FTE position since 2007. Since 2014, Washington State Department of Ecology grant funding has been used to increase the position by .25 FTE to .75 FTE. The additional .25 FTE has been funded as one-time temporary on a semi-annual basis and provides Solid Waste with additional labor hours to support reuse, waste reduction, and recycling through the coordination of community education programs, special events, and the design and production of associated collateral.</p> <p>The grant funding source no longer allows the billing of staff labor hours that cannot be directly linked to quantifiable recycling diversion and the available grant funding was cut by 60% by the State Legislature in 2018. This service package would change the funding source for the .25 FTE from one-time grant funding to one-time cash reserve funding, converting the EOS position to a .75 FTE for 2019/2020.</p>			

Service Package 2: Partial Restoration of Unlimited No Cost Yard Waste Extras

Yard Waste Extras			
Cost: \$30,000	Rate Impact: None	Funding Type: One-time	Funding Source: Solid Waste Cash Reserve
Details and Justification			
<p>In 2013, the City ended its rate-subsidized offering of unlimited no cost yard waste extras for single family residents due to increasingly unsustainable costs after annexation. Since that time, numerous customers have asked the City reconsider its policy of charging for yard waste extras, particularly during the fall leaf and storm season. During the fall, City crews provide increased neighborhood street sweeping services and respond to urban flooding complaints caused by leaves and other woody debris caught on catch basins and drainage culverts. Resident assistance with leaf removal is now less reliable and less frequent due to the extra disposal costs.</p> <p>This service package would allow residents to place out an unlimited number of extra units yard waste during the month of November only, modeled on the City of Seattle's program. In exchange for not charging customers for extra units of yard waste, Seattle asks its customers to help keep leaves out of drains to reduce the risk of flooding. SPU accepts up to ten bags of extra yard waste per household at no additional cost from November 1-30. This service will provide residents with the ability to compost large accumulations of yard debris as well as encourage residents to assist the City by removing their leaves from the streets and catch basins.</p> <p>Due to the uncertainty surrounding the additional number of extra units of yard waste that may be generated, this service package is proposed as a pilot project to be funded for the biennium out of the Solid Waste cash reserve.</p>			

Service Package 3: Multifamily Recycling Assistance

For the 2017/2018 biennium, City Council provided Solid Waste with \$80,000 in rate-supported funding to enhance recycling assistance provided to multifamily property managers and residents. Residents in multifamily properties typically have significantly lower recycling diversion rates and less services available. Cascadia Consulting provided additional support through direct technical assistance, recommended improvements and access to educational materials, and conducted research on potential additional services. The Cascadia Consulting project summary is included as *Attachment 1* to this memorandum.

The consultant assisted Solid Waste with three specific tasks:

Task 1: Property Manager Toolkit and Move-in Plan. This task provided assistance through the review of existing City outreach channels and materials. Through this task, **Cascadia assessed Kirkland's** multifamily recycling webpages and available resources, and recommended organization of specific materials for new move-ins and the reconfiguration of on-line multifamily resources. Property managers and people living in multifamily properties have different preferences on how to receive information and the results of this task recommended offering recycling information and key resources in a variety of ways. Through **this task, Solid Waste staff reconfigured the City's webpages to offer our resources more clearly** to property managers and to residents directly.

Task 2: Best Management Practices Research and Innovation. Cascadia researched innovative new potential programs for multifamily audiences, by looking into key strategies used by leading jurisdictions. Cascadia offered evaluation of costs, feasibility, and diversion potential, and ultimately recommended two programs for potential further development: a prompt-based education program and a bulky item collection program.

Cascadia recommended that should more funding be available, Kirkland should consider further research into the specific needs of property managers around bulky item collection to inform a possible pilot program.

Task 3: Multifamily Property Outreach. City of Kirkland staff has been providing customized outreach and technical assistance to multifamily properties for several years.

Utilizing Cascadia's team of outreach staff enabled the City to expand on its efforts. The focus of Task 3 was to provide direct on-site assistance for property managers and direct outreach to residents. Through this program, Cascadia offered assistance to 35 properties. This assistance included visits to 947 units at 12 properties, using door-to-door delivery of durable recycling bags and recycling information. Recycling service changes were made at 10 properties, resulting in 37.4 cubic yards of added weekly recycling capacity.

Kirkland's multifamily recycling rate has continued to increase due to investment in education and programs, and was at 22.8% at the end of 2017. As recently as 2014, the diversion rate was hovering around 18%. Unfortunately, WMI changed its diversion rate calculation methodology during this project so staff is unable to definitively determine the impact this project has had upon the multifamily recycling diversion rate. The new calculation has Kirkland multifamily recycling diversion rate now hovering at 30.9% through July 2018.

Multifamily Recycling Assistance			
Cost: \$80,000	Rate Impact: None	Funding Type: One-time	Funding Source: Solid Waste Cash Reserve
Details and Justification			
<p>This service package request for 2019/2020 funding would build on and continue the 2017-2018 work, and accommodate outreach to some of the 4,642 multifamily units in pre-permit review and construction coming to Kirkland in the next two years. This influx of additional multifamily units would benefit from proactive technical assistance, onsite visits, and implementation of move-in programs to help build a waste reduction and recycling culture from day one.</p> <p>This service package funding request of \$80,000 for the 2019-20 biennium would be allocated toward 1) additional multifamily technical assistance and direct property outreach and 2) the implementation of interviews and focus groups with multifamily property managers, in an effort to gather more information and data about potentially adding bulky item collection at multifamily properties in 2021 to offer more convenience, equalize service offerings, and reduce illegal dumping activity. \$25,000 would be allocated toward the latter research, a recommendation from the 17-18 Cascadia Consulting final report. This budget will allow communications with 16-24 Kirkland property managers representing a mix of property types and areas of the City, to ask about what issues they have with bulky items, what types of assistance would be useful, and to evaluate a range of pricing signals. The remaining \$55,000 would be allocated toward direct on-site multifamily property outreach and would allow staff and its consultant to reach out to between 50-75 additional properties in 2019 and 2020.</p>			

PROPOSED SOLID WASTE RATES

As shown in *Table 2*, staff is proposing a two-year Solid Waste rate with equal percentage rate increases in 2019 and 2020. The overall average increase each year is 3.4%. In order to reduce the cross subsidization between the commercial and single family sectors by 50 percent by 2020, the proposed rates for single family are 4.5% per year versus 1.8% per year for the multifamily/commercial sector. The proposed rates for the roll-off sector (containers >10 yd³ in capacity and compactors) are subsidy-free and proposed to increase by 4.3% each year.

Sector	Proposed Rate Increase*	
	2019	2020
Single Family	4.5%	4.5%
Multifamily/Commercial	1.8%	1.8%
Roll-off	4.3%	4.3%
Average	3.4%	3.4%

* The proposed 4.6% King County disposal fee increase and the 3.65% 2019 CPI rate adjustment to WMI comprise 82% of the proposed rate adjustment. Other rate drivers in the proposed Kirkland solid waste rate include downsizing forecasts and administrative cost increases.

Impact to Average Single Family Residential Customer

The average residential customer, after taxes and fees, would pay \$2.68 per month or \$32.16 more per year in 2020 versus 2018. Of the six service offerings, the 35 gallon garbage cart service is used as an example of the typical customer as **56% of Kirkland's residents subscribe** to this service level. *Table 3* below illustrates the total customer cost billed to the customer including the base monthly rate, the effective utility tax rate of 10.5%, and the hazardous waste fee pass-through collected and remitted to the Local Hazardous Waste Management Program of King County.

	2018	2019	2020	End 2020
35 gallon/weekly	\$25.56	\$26.70	\$27.90	
10.5% Utility Tax	\$2.68	\$2.80	\$2.93	
KC Hazardous Waste Fee	\$0.84	\$0.89	\$0.93	
Total	\$29.08	\$30.39	\$31.76	
Increase/month		\$1.31	\$1.37	\$2.68
Increase/year		\$15.72	\$16.44	\$32.16

Impact to Average Multifamily/Commercial Customer

Of the 42 possible service levels for multifamily/commercial (seven container sizes and six possible service days per week) the 4 cubic yard once-per-week dumpster service is the most popular and serves below in *Table 4* as an example of the average multifamily/commercial customer. Relative to 2018, after taxes and fees, the average multifamily/commercial customer would pay \$9.22 more per month or \$110.64 per year in 2020.

	2018	2019	2020	End 2020
4 yard 1x/week	\$241.01	\$244.56	\$248.15	
10.5% Utility Tax	\$25.31	\$25.68	\$26.06	
KC Hazardous Waste Fee	\$12.01	\$12.66	\$13.34	
Total	\$278.33	\$282.90	\$287.55	
Increase/month		\$4.57	\$4.65	\$9.22
Increase/year		\$54.84	\$55.80	\$110.64

PROGRESS AND NEXT STEPS

Table 5 shows the progress made to date and upcoming next steps in the utility rate adoption process.

Status	Utility	Action	Forum	Date
<input checked="" type="checkbox"/>	Solid Waste	Discussion	FAC	July 31
<input checked="" type="checkbox"/>	Surface Water, Water, Sewer	Discussion	FAC	August 28
	Rates 101 and Solid Waste	Discussion	Regular Meeting	September 4
	Surface Water, Water, Sewer	Discussion	Study Session	September 18
	All Utilities	Adoption	Regular Meeting	October 2 or 16

CITY OF KIRKLAND MULTIFAMILY ASSISTANCE

2017-18 Project Summary

Cascadia Consulting was hired by City of Kirkland in August 2017 to identify and implement outreach strategies likely to be successful in reducing waste generation and improving recycling participation at multifamily complexes. The following report identifies work completed in the 2017-18 contract year, as of August 15, 2018.

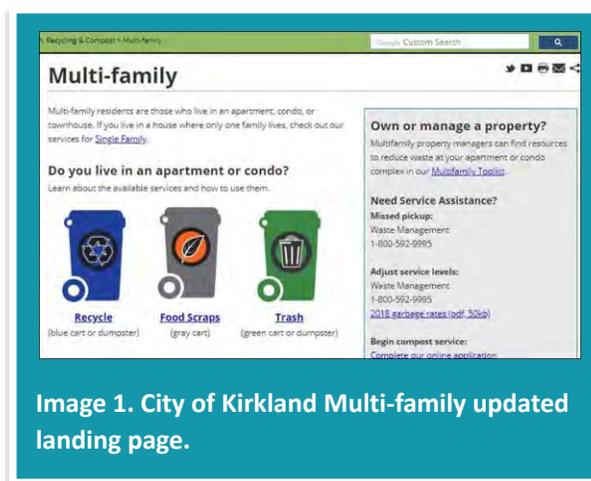
TASK 1. DEVELOP NEW RESIDENT MOVE-IN TOOLKIT

The City of Kirkland has already invested in developing high-quality education materials, tools, and resources but wanted to organize them into a toolkit for property managers and new residents in a multifamily setting.

For this task, Cascadia reviewed all existing materials available for property managers and residents, and researched website content and recycling toolkits produced for property staff by other jurisdictions.

Following the review and best practices research, Cascadia recommended specific updates to the City of Kirkland's website to centralize relevant resources in a web-based toolkit and to make materials and information more tailored to property managers and easier to find. Cascadia also recommended development of a resident recycling kit including a guide for residents new to Kirkland's recycling program and tear off annual mailer for property managers.

Through work on multifamily projects in other jurisdictions, Cascadia has identified that property staff and residents access information through multiple channels including: website, mail, phone, email, or in-person interactions. **Each person living and working at a multifamily property may have different preferences to gather information about how to recycle properly.** It is important that the City of Kirkland make resources available through each channel. In addition to helping the City develop a web-based toolkit, Cascadia developed a Marketing Strategy and Outreach Plan to guide the City's approach to marketing the toolkits and other available resources to multifamily properties in Kirkland.



TASK 2. BEST MANAGEMENT PRACTICES RESEARCH AND INNOVATION

For this task, Cascadia researched strategies used by leading jurisdictions across North America for addressing multifamily recycling challenges as well as strategies that have not yet been implemented in other jurisdictions but that have been explored or researched as possible solutions to challenges faced in multifamily settings.

In the first phase of research, Cascadia conducted a preliminary evaluation of the cost, diversion potential, and feasibility of implementing seven different programs or strategies, including:

- On-site textiles collection
- On-site electronics collection
- On-site bulky collection
- Resident visual reminders pilot
- Incentives program
- Performance reporting pilot
- Community reuse or swap events

As part of the research process, Cascadia Consulting Group interviewed representatives from New York Department of Sanitation, Waste Management in Oakland, Austin Resource Recovery, Zerocycle, and ReCollect. Cascadia also reviewed literature and other documents published.

Based on the preliminary evaluation findings, Cascadia recommended three of the seven strategies as meriting deeper exploration for implementation in Kirkland. City of Kirkland staff ultimately selected two strategies for further development: **resident visual reminders** and **on-site bulky waste collection**. Cascadia conducted additional research and analysis and developed a set of implementation recommendations for each strategy.

For the **resident visual reminders** strategy, Cascadia provided specific implementation recommendations on message design, placement location, and multicultural accessibility. To further assess and quantify the potential impact the strategy could have on multifamily recycling citywide, Cascadia recommended first conducting a pilot. Based on information about the impact of resident reminders from other pilot programs, Cascadia estimated that a pilot reaching 15 large multifamily properties in Kirkland could increase diversion of recyclables by 14 tons in a year or reduce recycling contamination (depending on the messaging focus of the pilot).

If future funding becomes available, Cascadia recommended conducting further research related to design and implementation of an **on-site bulky waste collection program**. Additional information is needed on perceived need for the program from property managers, potential usage levels, hauler collection costs, funding and subsidization structures, accepted items, impacts on curbing illegal dumping behaviors, and on-site collection logistics.

TASK 3. ASSISTANCE AT LARGE MULTIFAMILY PROPERTIES

Prior to this project, City of Kirkland staff have been implementing best practices for increasing and sustaining multifamily recycling. This includes a combination of **property management engagement, infrastructure improvements, and resident education**. Cascadia specializes in widespread implementation of these best practices and was contracted to expand the reach of the City's assistance efforts. Key features of each of these elements include:

Property Management Engagement

- Assess properties regularly for whether infrastructure improvements or other assistance is needed.
- Coordinate service changes with property decision makers to ensure service is appropriate for property needs.
- Provide property managers resources, tools, and incentives to maintain infrastructure and educate residents.

Infrastructure Improvements - Four C's of Multifamily Recycling

- **Convenience** – Recycling and garbage containers should be equally convenient for residents to access. This generally requires co-location of containers wherever possible.
- **Clarity** – It must be clear to residents which container is for garbage and which container is for recycling. Containers should have large, identifying labels and image-based signs posted at every point of collection.
- **Capacity** – There must be sufficient room in the recycling container for residents to place their recyclables. For most properties, recycling service should be approximately 50 percent of its total service volume, with per unit recycling capacity in the range of 20 to 30 gallons (0.10 to 0.15 cubic yards).
- **Color** – Color coding of containers improves clarity around which container is intended for recyclables. Blue is generally associated with recycling.

Resident Education – Once the 4Cs of infrastructure are in place

- **Conduct door-to-door outreach to residents** using community-based social marketing approaches, cultural competency outreach principles, and a multilingual staff whenever possible. Prioritize outreach to properties with adequate infrastructure and recycling capacity in place.
- **Distribute recycling tote bags and educational materials** tailored specifically for a multifamily audience.

As part of the 2017-18 project, Cascadia offered assistance to 35 properties through implementation of these best practices and customized property support.

Customized Property Support

To identify properties to participate in the program, City of Kirkland staff and Cascadia analyzed service levels for all multifamily properties in Kirkland and focused on medium and large properties with low diversion rates. Once properties were identified, a site assessment was completed. The goals of a site assessment were:

- 1) to make contact with the screened properties (or complete a drop-in assessment if property decision maker could not be reached during the selection process),

- 2) determine whether additional recycling capacity or other infrastructure improvements were needed and, if so,
- 3) provide the property decision makers with technical assistance to make the necessary service changes and improvements.

Cascadia offered assistance to 35 properties and completed site assessments at 33 properties. (Two properties received resident materials and additional support from City of Kirkland.)

During site assessments, field staff developed service change recommendations with the help of a cloud-based tool that calculated per-unit recycling capacity and allowed them to try out different recommendations for container quantities and sizes needed to meet benchmark standards for recycling in different ways to find an approach that worked best with the unique needs and constraints of each property.

At properties where a decision maker could never be reached after multiple attempts (via phone, email, and site visit), the Kirkland Recycling Program Coordinator decided to move forward with no-contact service changes where appropriate. In these cases, additional recycling capacity was needed and could be added by simply adding an additional day of recycling pickup. Properties with significant infrastructure improvement needs or where recommended service changes would affect monthly waste bills were not included in no-contact service changes.

In total, service changes were completed at 10 properties. Of the 10 service changes completed, five were no-contact service changes. These changes resulted in **37.4 cubic yards of additional multifamily recycling capacity** per week in the City of Kirkland. (Representing a **26 percent increase** in average per unit capacity.)

37.4 cubic yards of recycling added per week at multifamily properties



Resident Education

In total, 12 properties representing 947 units received resident education. Of those 12 properties, 11 received door-to-door outreach and one property decided to deliver materials to residents directly.

Door-to-door outreach was conducted during weekday afternoons (typically 1pm-6pm) by a multilingual outreach team capable of communicating with residents in English, Spanish, and Vietnamese. Outreach staff visited each residential unit once.

When residents were reached at home, outreach staff followed a script using community-based social marketing principles to engage and educate residents, including walking the resident through a web-based interactive recycling “quiz”. At properties with new or additional recycling service, outreach staff alerted residents to the changes and confirmed that residents were aware of recycling container locations onsite.

Residents were given a reusable tote bag along with education materials. Residents who received the tote bag were asked to provide a verbal commitment that they would use the tote bag to carry separated recyclables to the central recycling container. Reusable tote bags were distributed to all 12 properties that received resident education representing 947 units.

At units where bags were provided and no resident was home, outreach staff left a tote bag at the door or with the property manager (per the manager's instructions).

Outreach staff achieved an average interaction rate of 27 percent at units reached directly, meaning that staff spoke with a resident at approximately 1 in every 4 units visited.

In addition to resident education, assistance staff installed special signage to help residents understand how to dispose of materials in the recycling and garbage containers. (Per City of Kirkland's multifamily waste service contract, properties already have color-coded containers onsite to support proper resident participation.)

"I'm so happy that we have more recycling, this service [education] is amazing."

– Resident at Villa Sonoma

"Very educational!"

– Resident at SCG Atlas Woodlake

"Thank you for what you are doing."

– Resident at Wild Glen Condo
(and member of the Hyatt Hotel Green Team)

Additional Assistance Provided

Providing effective assistance to support recycling participation requires a tailored approach at each multifamily property based on the unique factors that influence the recycling program, such as the number of units, types of residents, layout of collection containers, involvement of property staff in collection, just to name a few. In addition to standard service updates and door-to-door resident education, properties require tailored assistance based on their needs. For this project, examples of additional assistance included:

- In-person, email, and phone education for property decision makers about the City of Kirkland's Code 16.08.012 (G).
- Developing tailored outreach messaging. For example, contamination messaging at properties where pre/post audits have shown high levels of garbage in the recycling, food waste education at properties that participate in organics collection, or multilingual resident engagement at properties where residents speak a language other than English.
- Delivering free materials for property managers to provide new residents during move-in.
- Providing demonstrations of website tools and resources available to property staff.
- Pitching benefits of improving recycling service to condominium boards.
- Providing training and education to in-home staff that work with residents (e.g. home house aids in senior living facilities).

Results

Over the course of the 2017-18 multifamily assistance project, Cascadia offered assistance to 35 properties, including making service changes at 10 properties that resulted in 37.4 cubic yards of additional weekly recycling capacity, and conducted door-to-door resident outreach at 12 properties representing 947 units.

Bin Audits

Pre and post bin audits were completed at five properties assisted in 2018. Initial bin audits occurred during the onsite assessment. Final bin audits were completed approximately one month after assistance was provided.

Pre and post bin audit results are compared to quantitatively evaluate program success. Staff assess recycling contamination and volume by completing a visual audit evaluating container fullness (to the nearest 10%) and composition of the materials. (Materials are not weighed or physically sorted.)

Almost all properties that received service changes had increased recycling volumes observed in recycling containers during post-assistance audits. Increased recycling volumes were observed at three out of four properties audited that received both service changes and door-to-door outreach, and at the property that received service changes only (no outreach).

Bin audits before and after assistance show that additional recycling capacity combined with door-to-door outreach can increase recycling volumes without significantly increasing contamination at multifamily properties.

Property Name	Recycling Contamination (% by volume)		Recycling Volume (cy/wk)	
	Pre	Post	Pre	Post
STONEBRIDGE CONDOS - NE 105TH CT	unknown	18%	1.8	1.6
HIDDEN RIVER TOWNHOMES - NE 130TH LN	11%	17%	9.7	20.1 ▲
WILD GLEN CONDO - 100TH AVE NE	4%	5%	9.5	10.4 ▲
SCG ATLAS WOODLAKE LLC - NE 132ND ST	7%	6% ▼	11.1	37.4 ▲
BRIDLE ESTATES - 132ND AVE NE	3%	2% ▼	3.5	4.7 ▲

Recommendations

The City of Kirkland currently provides service to over 500 multifamily properties and it is expected that several large new properties, representing an additional 4,500 multifamily units, will be added to the City's service in the next few years. To continue improving recycling outcomes at multifamily buildings in Kirkland, it is essential to ensure that property managers and residents at both existing and new properties have the education, resources, and supportive infrastructure to enable successful recycling participation.

Bin audits before and after assistance show that additional recycling capacity combined with door-to-door outreach can substantially increase recycling volumes without significantly increasing contamination at multifamily properties. To achieve measurable progress in recycling program outcomes, Cascadia makes the following recommendations:

- Expand technical assistance to reach additional multifamily properties, including the use of no-contact service changes where needed.
- Deliver recycling toolkits to property managers at new properties for distribution to new residents and engage property managers in recycling program launch where feasible.
- Utilize Waste Management's multilingual guidelines for resident education.
- Send a yearly mailer and email (when on file) to property managers notifying them about the recycling program and available resources and assistance.



CITY OF KIRKLAND

City Attorney's Office

123 Fifth Avenue, Kirkland, WA 98033 425.587.3030

www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Julian Glasser, Intern
Kevin Raymond, City Attorney

Date: August 6, 2018

Subject: ADOPTING RECENT STATE LAW CONCERNING THE USE AND POSSESSION OF VAPOR PRODUCTS BY MINORS

RECOMMENDATION:

City Council pass the attached Ordinance to create a civil infraction for the possession of vapor products by minors under the age of 18 and to prohibit the use of vapor products in certain places, including schools, playgrounds, and daycare facilities.

BACKGROUND DISCUSSION:

"Vapor products" are similar to tobacco products in that the user inhales from them like a conventional cigarette. Instead of smoke, however, vapor products emit a vapor or aerosol substance. The emerging research on vapor products suggests that such products may pose significant health risks to minors. Vapor products contain nicotine and younger users are most susceptible to developing an addiction to nicotine.¹ Minors who use vapor product are also more likely to subsequently use tobacco products and expose themselves to the harmful effects of tobacco.² In addition, vapor products pose a potential cancer risk because they contain carcinogens such as acetaldehyde and formaldehyde.³

School Resource Officers (SROs) with the Kirkland Police Department have reported a problem of students using vapor products at schools in Kirkland but lack the necessary authority to respond. The Council has previously approved ordinances to adopt statutes under RCW Title **70, which concerns "Public Health and Safety."** In 2011, the City adopted RCW 70.155.080, creating a civil infraction for the purchase or possession of tobacco products by minors. The Kirkland Municipal Code ("**KMC**") 11.12.130 adopts the RCW **Title 70, entitled "Public Health and Safety" by reference.** This ordinance similarly adopts RCW 70.345, Sections .010, .140 and .150 by reference to be consistent with state law.

¹ *Nicotine Addiction and Your Health*, U.S. Department of Health & Human Services. (July 3, 2015).

² *Electronic Cigarettes*, National Institute of Drug Abuse. (June, 2018).

³ *A Smoking Gun: Cancer-causing chemicals in e-cigarettes*, Center for Environmental Health. State law requires cities to prosecute misdemeanor crimes committed within their jurisdictions. RCW 39.34.180. (September, 2015).

By adopting RCW 70.345.140, this Ordinance would create a similar civil infraction for possession of vapor products by minors. By adopting RCW 70.345.150, the Ordinance would also prohibit the use of vapor products in places such as schools, playgrounds, and daycare facilities.

State law requires that cities prosecute all misdemeanor crimes committed within their jurisdictions. RCW 39.34.180. State misdemeanor laws cannot be prosecuted by cities unless they have been expressly adopted by city code or incorporated by reference to state statute, however. *City of Auburn v. Gaunt*, 174 Wn.2d 321 (2012). Once incorporated into the code by such reference, city misdemeanor citations may be issued with specific reference to the applicable state misdemeanor statute. Title 11 of the KMC, Criminal Code, incorporates by reference numerous state misdemeanor statutes. As explained in KMC Section 11.04.010(e), **the City thereby "intends to assume jurisdiction over and become the jurisdictional authority for the enforcement and prosecution of misdemeanor and gross misdemeanor crimes committed within the city of Kirkland."**

ORDINANCE O-4657

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO VAPOR PRODUCTS AND PUBLIC HEALTH AND SAFETY.

1 **WHEREAS, Kirkland Municipal Code ("KMC") Chapter 11.12**
2 adopts numerous provisions of the Revised Code of Washington
3 **("RCW") as elements of the City's criminal code; and**
4

5 WHEREAS, various RCW provisions related specifically to public
6 and health safety are included in KMC Section 11.12.030, including
7 those related to the unlawful purchase or possession of tobacco
8 products by persons under the age of eighteen; and
9

10 WHEREAS, in 2016 the Washington Legislature, through new
11 Chapter 70.345 RCW, also made it unlawful for persons under the age
12 of eighteen to purchase or possess vapor products or for any individual
13 to use vapor products in specified indoor or outdoor areas, including
14 those related to child care facilities, schools and playgrounds.
15

16 NOW, THEREFORE, the City Council of the City of Kirkland do
17 ordain as follows:
18

19 Section 1. Kirkland Municipal Code Section 11.12.130 is
20 amended to read as follows.
21

22 **11.12.130 RCW Title 70, entitled "Public Health and Safety"—**
23 Adoption by reference.
24

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

29 RCW 70.74.010 Definitions.
30 RCW 70.74.160 Unlawful access to explosives.
31 RCW 70.74.295 Abandonment of explosives.
32 RCW 70.74.300 Explosive containers to be marked—Penalty.
33 RCW 70.74.310 Gas bombs, explosives, stink bombs, etc.
34 RCW 70.74.400 Seizure and forfeiture.
35 RCW 70.93.060 Littering prohibited—Penalties—Litter
36 cleanup restitution payment.
37 RCW 70.155.010 Definitions.
38 RCW 70.155.080 Purchasing, possessing by persons under
39 the age of 18—Civil infraction—Courts of
40 jurisdiction.
41 RCW 70.345.010 Definitions.

42 RCW 70.345.140 Purchasing, possessing by persons under
43 eighteen—Penalty—Jurisdiction.

44 RCW 70.345.150 Use of products in public places—When
45 prohibited.

46
47 Section 2. If any provision of this ordinance or its application to
48 any person or circumstance is held invalid, the remainder of the
49 ordinance or the application of the provision to other persons or
50 circumstances is not affected.

51
52 Section 3. This ordinance shall be in force and effect five days
53 from and after its passage by the Kirkland City Council and publication
54 pursuant to Section 1.08.017, Kirkland Municipal Code in the summary
55 form attached to the original of this ordinance and by this reference
56 approved by the City Council.

57
58 Passed by majority vote of the Kirkland City Council in open
59 meeting this ____ day of _____, 2018.

60
61 Signed in authentication thereof this ____ day of
62 _____, 2018.

Amy Walen, Mayor

Attest:

Kathi Anderson, City Clerk

Approved as to Form:

Kevin Raymond, City Attorney



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

MEMORANDUM

To: Kurt Triplett, City Manager

From: Michael Olson, Director of Finance and Administration

Date: August 23, 2018

Subject: BUSINESS LICENSE ORDINANCE AMENDMENTS PHASE 1

RECOMMENDATION:

City Council approves the ordinance amending the Business License Code to be compliant with the **State's** Model Business License Ordinance and the State Business Licensing Service (BLS).

BACKGROUND DISCUSSION:

The Washington State Legislature passed Engrossed House Bill (EHB) 2005 (RCW 35.90) in 2017 which requires two actions by cities with business licenses. Both actions apply to Kirkland.

First, the law requires cities with business licenses to establish a workgroup to create a model business license ordinance with a licensing threshold by July 2018 for adoption by all business license cities by January 1, 2019.

Kirkland staff participated in the process throughout the life of the workgroup; which concluded its work creating the model business license threshold and definition of "engaging in business" in June. The Department of Revenue issued the final language on July 10. Kirkland is required to adopt the model license ordinance before January 1, 2019. RCW 35.90.090 states that any city or town that does not adopt the model ordinance by the deadline of January 1, 2019 is prohibited from enforcing its general business licensing requirements until it adopts the model ordinance provisions.

Secondly, the law requires all cities with business licenses to administer their business license **through the state's Business Licensing System (BLS) by 2022 or FileLocal by 2020.**

Kirkland staff researched both BLS and File Local in 2017 and determined that participation with BLS provided more benefits to both Kirkland businesses and the City of Kirkland in the **management of the City's** business licensing program. Once Kirkland notified the state of its intention to partner with BLS, BLS scheduled Kirkland with conversion and implementation in the 4th quarter of 2018 and a go live date for service on November 29, 2018.

BLS requires a 75 day notice period of any changes to the cities' **business license code**, therefore, **Kirkland's conversion on November 29 results in required notification to BLS** of business license code changes by September 15, 2018.

August 29, 2018

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Amendments Required by the Model Business License Language

The Model Ordinance (Attachment A) consists of two sections: 1) A threshold exemption where businesses who conduct business within the city and do not maintain a place of business within the city limits and have gross proceeds of less than \$2,000 are exempt from paying license fees **and 2) A definition of "Engaging in Business"**.

As the threshold exemption applies only to businesses with a physical location outside of Kirkland City limits, it is believed that the impact to business licensing revenue with this change will be minimal.

There are two options with the threshold exemption: 1) A city can choose to require the business to still register their business and pay no fee or 2) A city can exempt the business from both the fees and the registration requirement.

The proposed ordinance includes the threshold language second option where exempt businesses would still be required to register their business with the City, similar to businesses inside city limits which are exempt under 7.02.120(c) such as tax exempt organizations, non-profit, religious, civic and social organizations.

However, Council may choose to exempt these businesses from registering by striking the following section in the proposed ordinance:

7.02.120(c)(5)

For purposes of the license by this chapter, any person or business whose annual value of products, gross proceeds of sales, or gross income of the business in the City is equal to or less than \$2,000 and who does not maintain a place of business within the city, shall submit a business license registration to the Director or designee. The threshold does not apply to regulatory license requirements or activities that require a specialized permit.

and adding the following:

7.02.060 No license required in certain circumstances.

(h) Any person or business whose annual value of products, gross proceeds of sales, or gross income of the business in the City is equal to or less than \$2,000 and who does not maintain a place of business within the city, shall be exempt from the general business license requirements in this chapter. The threshold does not apply to regulatory license requirements or activities that require a specialized permit.

The portion of the model license ordinance **language for the definition of "Engaging in business"** is included in the proposed ordinance section 7.02.030(d) and the portion of the definition which describes the activities that do not require a business license have been added to section 7.02.060(d) and (e).

The model language contains more detail and additional examples of what constitutes engaging in business. However, it is consistent with the application and enforcement **of Kirkland's current** definition of engaging in business. Examples of engaging in business in the model ordinance which are not in **Kirkland's** current business license ordinance include:

- (d) Making repairs or providing maintenance or service to real or tangible personal property, including warranty work and property maintenance.

August 29, 2018

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- (e) Providing technical assistance or service, including quality control, product inspections, warranty work, or similar services on or in connection with tangible personal property sold by the person or on its behalf.
- (h) Collecting current or delinquent accounts.
- (k) Rendering professional services such as those provided by accountants, architects, attorneys, auctioneers, consultants, engineers, professional athletes, barbers, baseball clubs and other sports organizations, chemists, consultants, psychologists, court reporters, dentists, doctors, detectives, laboratory operators, teachers, veterinarians.
- (l) Meeting with customers or potential customers, even when no sales or orders are solicited at the meetings.
- (n) Investigating, resolving, or otherwise assisting in resolving customer complaints.

Amendments Required with Conversion to BLS for Business Licensing Application

BLS has recommended a number of amendments to the Kirkland Business License Code, a summary of which is included as Attachment B. Many of the changes are process oriented noting that payments and applications are made to BLS and not the City of Kirkland. All BLS suggested changes are noted in the attached ordinance.

Phase 2 Amendments to the Business License Ordinance

Additional changes to the Business License Code have been suggested by the Council or the public which do not have a mandatory timeline requirement to implement. As these potential amendments require further discussion, the recommendation is to present these changes at a future Council Meeting.

Potential Phase 2 amendments to the Business License code include but are not limited to;

- Expanding the definition of non-profit business to include additional 501(c) **businesses such as homeowner's associations** or political campaigns (KMC 7.02.120),
- Restructuring the penalties for late payments (KMC 7.02.190),
- Edits to the Short-term-rentals-Special Provisions (KMC 7.02.0300), and
- Housekeeping items such as exempting no fee businesses (i.e. government) from the requirement to obtain a license for each location (KMC 7.02.040(b)).

As previously requested by the Council, the Finance Department has suspended collecting business license fees for homeowner associations that did not previously have a business license but were recently informed by the City of the need to obtain a business license. The collection of fees will remain suspended until the Council takes final action on potential Phase 2 business license fee ordinance amendments. However, **the HOA's** that received notice have been informed that they may still be required to obtain a business license and pay the license fees, depending on the final amendments related to 501 (c) organizations selected by the Council.

Conclusion

Staff recommend approval of the attached ordinance to be compliant with EHB 2005 Model Ordinance and Business Licensing Service provisions to meet the 75 day notification requirements for business license code changes. Further changes to the requirements will be brought forward for deliberation in early 2019, after the transition to BLS is complete.

Model Business License Threshold Final Version
June 2018

Model business license threshold options: (cities would adopt one of the options)

1. Threshold Exemption:

To the extent set forth in this section, the following persons and businesses shall be exempt from the registration, license and/or license fee requirements as outlined in this chapter:

(1) Any person or business whose annual value of products, gross proceeds of sales, or gross income of the business in the city is equal to or less than \$2,000 (or higher threshold as determined by city) and who does not maintain a place of business within the city shall be exempt from the general business license requirements in this chapter. The exemption does not apply to regulatory license requirements or activities that require a specialized permit.

2. Threshold with Fee-free License/Registration-only Option:

For purposes of the license by this chapter, any person or business whose annual value of products, gross proceeds of sales, or gross income of the business in the city is equal to or less than \$2,000 (or higher threshold as determined by city) and who does not maintain a place of business within the city, shall submit a business license registration to the Director or designee. The threshold does not apply to regulatory license requirements or activities that require a specialized permit.

[City would list this fee-free license in its business license rates section as \$0 or no fee.]

Engaging in business model definition:

"Engaging in business"

(1) The term "engaging in business" means commencing, conducting, or continuing in business, and also the exercise of corporate or franchise powers, as well as liquidating a business when the liquidators thereof hold themselves out to the public as conducting such business.

(2) This section sets forth examples of activities that constitute engaging in business in the City, and establishes safe harbors for certain of those activities so that a person who meets the criteria may engage in de minimus business activities in the City without having to pay a business license fee. The activities listed in this section are illustrative only and are not intended to narrow the definition of "engaging in business" in subsection (1). If an activity is not listed, whether it constitutes engaging in business in the City shall be determined by considering all the facts and circumstances and applicable law.

(3) Without being all inclusive, any one of the following activities conducted within the City by a person, or its employee, agent, representative, independent contractor, broker or another acting on its behalf constitutes engaging in business and requires a person to register and obtain a business license.

(a) Owning, renting, leasing, maintaining, or having the right to use, or using, tangible personal property, intangible personal property, or real property permanently or temporarily located in the City.

(b) Owning, renting, leasing, using, or maintaining, an office, place of business, or other establishment in the City.

(c) Soliciting sales.

(d) Making repairs or providing maintenance or service to real or tangible personal property, including warranty work and property maintenance.

(e) Providing technical assistance or service, including quality control, product inspections, warranty work, or similar services on or in connection with tangible personal property sold by the person or on its behalf.

- (f) Installing, constructing, or supervising installation or construction of, real or tangible personal property.
 - (g) Soliciting, negotiating, or approving franchise, license, or other similar agreements.
 - (h) Collecting current or delinquent accounts.
 - (I) Picking up and transporting tangible personal property, solid waste, construction debris, or excavated materials.
 - (j) Providing disinfecting and pest control services, employment and labor pool services, home nursing care, janitorial services, appraising, landscape architectural services, security system services, surveying, and real estate services including the listing of homes and managing real property.
 - (k) Rendering professional services such as those provided by accountants, architects, attorneys, auctioneers, consultants, engineers, professional athletes, barbers, baseball clubs and other sports organizations, chemists, consultants, psychologists, court reporters, dentists, doctors, detectives, laboratory operators, teachers, veterinarians.
 - (l) Meeting with customers or potential customers, even when no sales or orders are solicited at the meetings.
 - (m) Training or recruiting agents, representatives, independent contractors, brokers or others, domiciled or operating on a job in the City, acting on its behalf, or for customers or potential customers.
 - (n) Investigating, resolving, or otherwise assisting in resolving customer complaints.
 - (o) In-store stocking or manipulating products or goods, sold to and owned by a customer, regardless of where sale and delivery of the goods took place.
 - (p) Delivering goods in vehicles owned, rented, leased, used, or maintained by the person or another acting on its behalf.
- (4) If a person, or its employee, agent, representative, independent contractor, broker or another acting **on the person's behalf, engages in no other activities in or with the City but the following, it need not** register and obtain a business license.
- (a) Meeting with suppliers of goods and services as a customer.
 - (b) Meeting with government representatives in their official capacity, other than those performing contracting or purchasing functions.
 - (c) Attending meetings, such as board meetings, retreats, seminars, and conferences, or other meetings wherein the person does not provide training in connection with tangible personal property sold by the person or on its behalf. This provision does not apply to any board of director member or attendee engaging in business such as a member of a board of directors who attends a board meeting.
 - (d) Renting tangible or intangible property as a customer when the property is not used in the City.
 - (e) Attending, but not participating in a "trade show" or "multiple vendor events". Persons participating at a trade show shall review the City's trade show or multiple vendor event ordinances.
 - (f) Conducting advertising through the mail.
 - (g) Soliciting sales by phone from a location outside the City.
- (5) A seller located outside the City merely delivering goods into the City by means of common carrier is not required to register and obtain a business license, provided that it engages in no other business activities in the City. Such activities do not include those in subsection (4). 4

The City expressly intends that engaging in business include any activity sufficient to establish nexus for purposes of applying the license fee under the law and the constitutions of the United States and the State of Washington. Nexus is presumed to continue as long as the taxpayer benefits from the activity that constituted the original nexus generating contact or subsequent contacts.

Citation	Comments
7.02.020	Added an allowance for exceptions to the chapter's licensing requirement to exist.
7.02.030 (c)	Added a definition of BLS as a new definition in subsection (c); renumbered the subsequent, existing subsection definitions in 'c' thru 'q' accordingly (now numbered 'd' thru 'r')
7.02.100 (a)-(e)	Various revisions, additions, and deletions to change the described application process as will be handled through BLS.
7.02.110 (a)	modified reference to accommodate the application being submitted through BLS and BLS sending information to the city.
7.02.160 (g)	Added notation that BLS would handle instances of dishonored payment when the original payment is submitted through BLS.
7.02.180 (a)	Revised to accommodate renewal through BLS and that the expiration date is established by BLS, and a license term may be prorated.
7.02.180 (c)	Changed reference to the statute governing disclosure of the licensing account information.
7.02.180 (d)	Modified to accommodate the combined licensing requirements for a change in location.
7.02.190 (a)	Showed that a late renewal is assessed a penalty by BLS, not the city, deleted the staged late renewal penalty scheduled for the city penalty.
7.02.190 (b)	inserted that a license left delinquent for at least 120 days would be cancelled and would require reapplication.
7.02.190 (c)	Subsection is renumbered from originally being subsection (b). Clarified that the late original application penalty is assessed and collected directly by the city, outside of BLS. Inserted the staged penalty schedule originally in subsection (a) that this subsection had originally referred to.
7.02.200 (a)	clarified that penalties that constitute debt to the city are [only] those that were assessed by the city.
7.02.210	Modified language to clarify the license is not transferrable, removed option of transferring the license to a new entity [structure] without also requiring an application.
7.08.020	Added the state licensing required for ambulance companies to operate in Kirkland is in addition to the business license under 7.02 KMC
7.12.020	Changed all references to the various amusement and vending machine master license and per device fees required in the section so that they are all payed directly to the city, and not as part of the annual business license. The BLS process will not support the collection of these additional fees at this time. The city will need to maintain these licenses and collect the respective fees internally, outside of the BLS process.
7.12.050	Further clarified the licenses and fees required in chapter 7.12 are handled directly by the city outside of the BLS process.
7.16.010	Provided distinction the Closing Out Sale License is in addition to a business license under 7.02
7.20.020	Provided distinction the Cabaret License, and other licenses in the chapter, are all in addition to a business license under 7.02

7.20.070	Changed reference to the various cabaret licenses and fees required in the chapter so that they are all applied for and payed directly to the city, and not as part of the annual business license. The BLS process will not support the collection of these additional licenses and fees at this time. The city will need to maintain these licenses and collect the respective fees internally, outside of the BLS process.
7.26.020	Added clarification that the licenses and fees of this chapter are in addition to the business license under 7.02
7.32.040 (a)	Added clarification that the licenses and fees of this chapter are in addition to the business license under 7.02
7.36.030	Added clarification that the licenses and fees of this chapter are in addition to the business license under 7.02
7.52.020	Added clarification that the license and fees of this chapter are in addition to the business license under 7.02

ORDINANCE O-4658

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO BUSINESS LICENSES AND REGULATIONS AND AMENDING TITLE 7 OF THE KIRKLAND MUNICIPAL CODE.

1 WHEREAS, the Washington State Legislature passed Engrossed
2 House Bill (EHB) 2005 (RCW Chapter 35.90) in 2017 which affects City
3 **of Kirkland ("City") business licensing requirements; and**

4
5 WHEREAS, the law required cities with business license
6 programs to establish a workgroup to create a model business license
7 ordinance to take effect by January 1, 2019, or be prohibited from
8 enforcing city general business license requirements until model
9 ordinance provisions are adopted; and

10
11 WHEREAS, the City participated in the workgroup to develop a
12 model business license ordinance; and

13
14 WHEREAS, the new law requires all cities with a business license
15 **program to use the state's Business Licensing System (BLS) by 2022 or**
16 **FileLocal by 2020; and**

17
18 WHEREAS, the City has determined that BLS offers the most
19 benefit for management of its business licensing program; and

20
21 **WHEREAS, BLS has scheduled the City's conversion and**
22 **implementation for the fourth quarter of 2018; and**

23
24 WHEREAS, amendments to the Kirkland Municipal Code are
25 needed to meet the new state requirements.

26
27 NOW, THEREFORE, the City Council of the City of Kirkland do
28 ordain as follows:

29
30 Section 1. Kirkland Municipal Code Section 7.02.020 is amended
31 to read as follows.

32
33 7.02.020 Policy and scope.

34 All persons engaging in a business or occupation within the limits of the
35 city shall be subject to the provisions of this chapter, unless otherwise
36 indicated in this chapter.

37
38 Section 2. Kirkland Municipal Code Section 7.02.030 is amended
39 to read as follows.

40
41 7.02.030 Definitions.

42 Where used in this chapter, the following words and terms shall have
43 the meanings as defined in this section, unless, from the context, a more
44 limited or different meaning is clearly defined or apparent:

45 (a) **"Business"** includes all activities, occupations, pursuits, or
46 professions located and/or engaged within the city, with the object of
47 gain, benefit or advantage to the person engaging in the same, or to
48 any other person or class, directly or indirectly, and includes nonprofit
49 enterprises.

50 (b) **"Business license"** means that document issued by the city
51 licensing the transaction of the indicated business by the person whose
52 name appears thereon for the stated period.

53 (c) "Business licensing service" or "BLS" means the program within
54 the Washington State Department of Revenue providing business
55 licensing services to the city.

56 (d) **"Engaging in business"**

57 (1) The term "engaging in business" means commencing, conducting,
58 or continuing in any business within the city, whether or not an office
59 or physical location for the business lies within the city, and also the
60 exercise of corporate or franchise powers, as well as liquidating a
61 business when the liquidators thereof hold themselves out to the public
62 as conducting such business.

63 (2) This section sets forth examples of activities that constitute engaging
64 in business in the City, and establishes safe harbors for certain of those
65 activities so that a person who meets the criteria may engage in de
66 minimus business activities in the City without having to pay a business
67 license fee. The activities listed in this section are illustrative only and
68 are not intended to narrow the definition of "engaging in business" in
69 subsection (1). If an activity is not listed, whether it constitutes
70 engaging in business in the City shall be determined by considering all
71 the facts and circumstances and applicable law.

72 (3) Without being all inclusive, any one of the following activities
73 conducted within the City by a person, or its employee, agent,
74 representative, independent contractor, broker or another acting on its
75 behalf constitutes engaging in business and requires a person to register
76 and obtain a business license.

77 A. Owning, renting, leasing, maintaining, or having the right to use, or
78 using, tangible personal property, intangible personal property, or real
79 property permanently or temporarily located in the City including both
80 short-term and long-term rentals.

81 B. Owning, renting, leasing, using, or maintaining, an office, place of
82 business, or other establishment in the City.

83 C. Soliciting sales.

84 D. Making repairs or providing maintenance or service to real or tangible
85 personal property, including warranty work and property maintenance.

86 E. Providing technical assistance or service, including quality control,
87 product inspections, warranty work, or similar services on or in
88 connection with tangible personal property sold by the person or on its
89 behalf.

90 F. Installing, constructing, or supervising installation or construction of,
91 real or tangible personal property.

92 G. Soliciting, negotiating, or approving franchise, license, or other
93 similar agreements.

94 H. Collecting current or delinquent accounts.

95 I. Picking up and transporting tangible personal property, solid waste,
96 construction debris, or excavated materials.

97 J. Providing disinfecting and pest control services, employment and
98 labor pool services, home nursing care, janitorial services, appraising,

99 landscape architectural services, security system services, surveying,
 100 and real estate services including the listing of homes and managing
 101 real property.

102 K. Rendering professional services such as those provided by
 103 accountants, architects, attorneys, auctioneers, consultants, engineers,
 104 professional athletes, barbers, baseball clubs and other sports
 105 organizations, chemists, consultants, psychologists, court reporters,
 106 dentists, doctors, detectives, laboratory operators, teachers,
 107 veterinarians.

108 L. Meeting with customers or potential customers, even when no sales
 109 or orders are solicited at the meetings.

110 M. Training or recruiting agents, representatives, independent
 111 contractors, brokers or others, domiciled or operating on a job in the
 112 City, acting on its behalf, or for customers or potential customers.

113 N. Investigating, resolving, or otherwise assisting in resolving customer
 114 complaints.

115 O. In-store stocking or manipulating products or goods, sold to and
 116 owned by a customer, regardless of where sale and delivery of the
 117 goods took place.

118 P. Delivering goods in vehicles owned, rented, leased, used, or
 119 maintained by the person or another acting on its behalf.

120 The City expressly intends that engaging in business include any activity
 121 sufficient to establish nexus for purposes of applying the license fee
 122 under the law and the constitutions of the United States and the State
 123 of Washington. Nexus is presumed to continue as long as the taxpayer
 124 benefits from the activity that constituted the original nexus generating
 125 contact or subsequent contacts.

126 ~~(e) "Engaging in business" means commencing, conducting or~~
 127 ~~continuing in any business within the city, whether or not an office or~~
 128 ~~physical location for the business lies within the city. "Engaging in~~
 129 ~~business" includes the performance of work or services by contractors,~~
 130 ~~consultants, representatives, agents or other persons within the city,~~
 131 ~~even though the office location of the contractor, consultant,~~
 132 ~~representative, agent or other person is not within the city limits; the~~
 133 ~~exercise of corporate or franchise powers, as well as the liquidation of~~
 134 ~~a business when the liquidators hold themselves out to the public as~~
 135 ~~conducting such business; acting as a solicitor or canvasser; short-term~~
 136 ~~and long-term rentals; and furnishing temporary employees and/or~~
 137 ~~workers to other businesses. By way of illustration only and without~~
 138 ~~being all-inclusive, a business with an office or physical location outside~~
 139 ~~the city limits which sells or leases personal property to buyers or~~
 140 ~~lessees in the city; accepts or executes a contract to perform~~
 141 ~~construction or installation services contracts in the city; solicits sales in~~
 142 ~~the city; or renders services to others in the city; is engaged in business~~
 143 ~~in this city, irrespective of whether or not such business maintains a~~
 144 ~~permanent place of business in the city.~~

145 ~~(d)~~(e) **"Finance and administration director" or "director" means the**
 146 **city of Kirkland director of finance and administration or his/her**
 147 **designee.**

148 ~~(e)~~(f) **"Gross receipts" shall have its ordinary meaning and also means**
 149 **the value accruing from the business activity within the city or**
 150 **conducted from the city including compensation for the rendition of**
 151 **services (without any deduction for labor costs or the cost of materials**
 152 **used), sale of personal property (without any deduction for the cost of**

153 property sold), gains or dividends realized, rents, royalties,
154 contributions, fees and commissions, all without any deduction for any
155 expense, taxes, or losses.

156 ~~(f)~~(g) **"Person" includes individual natural persons, any firm,**
157 corporation, association, sole proprietor, club, partnership, trust,
158 receiver, administrator, executor, estate, company, independent
159 contractor, society, any officer, agent, personal representative, any
160 group of individuals acting as a unit, the United States or the state of
161 Washington or any instrumentality thereof, and includes the singular
162 and the plural.

163 ~~(g)~~(h) **"City" means the city of Kirkland, Washington.**

164 ~~(h)~~(i) **"Year" means a calendar year, except where otherwise specified**
165 or when permission is obtained from the director to use a different fiscal
166 year.

167 ~~(i)~~(j) **"L&I" means the Washington State Department of Labor and**
168 Industries.

169 ~~(j)~~(k) **"Place of business" or "office" includes, but is not limited to, the**
170 following: maintaining, occupying, or using a permanent building or
171 facility, premises or other fixed location as an office or location for
172 conducting business; residential units used for short-term or long-term
173 rentals or leases, or a location where the regular business of the person
174 is conducted and which is either owned by the person or over which the
175 person exercises legal dominion and control; or a location which
176 includes a business sign, mailing address, and permanent phone. A
177 vehicle such as a pickup, van, truck, boat or other motor vehicle will not
178 be considered a place of business for purposes of this chapter.

179 ~~(k)~~(l) **"Casual or isolated sale" means a sale made by a person who is**
180 not engaged in the business of selling the type of property involved.
181 Persons who hold themselves out to the public as making sales at retail
182 or wholesale are deemed to be engaged in business, and sales made by
183 them of the type of property which they hold themselves out as selling
184 are not casual or isolated sales even though such sales are not made
185 frequently.

186 ~~(l)~~(m) **"Employee" means and includes each of the following persons**
187 who are not required by the city to have his/her/its own separate city
188 of Kirkland business license:

189 (1) **Any person who is on the business's payroll, and includes all full-**
190 time, part-time, and temporary employees or workers; and

191 (2) Self-employed persons, sole proprietors, owners, managers, and
192 partners; and

193 (3) Any other person who performs work, services or labor at the
194 business, including an independent contractor who is not required to
195 have a separate city of Kirkland business license.

196 ~~(m)~~(n) **"Contractor" means any person who, in the capacity of an**
197 independent contractor, contracts with any business, property owner or
198 person to perform a particular job or jobs, whether the remuneration
199 received for performing the job or jobs is on a cost-plus basis, a flat sum
200 basis or a salary computed at so much per hour.

201 ~~(n)~~(o) **"Subcontractor" means any person who in the capacity of an**
202 independent contractor contracts with any contractor to perform a
203 particular trade or job, whether the remuneration received for
204 performing the job or jobs is on a cost-plus basis, a flat sum basis, or a
205 salary basis computed at so much per hour.

206 ~~(e)(p)~~ **"Residential unit" means either a detached dwelling unit or an**
 207 attached or stacked dwelling unit, as those terms are defined in the
 208 **city's Zoning Code.**

209 ~~(p)(q)~~ **"Short-term rental" means the rental of a residential unit for**
 210 less than thirty days. A short-term rental is not a bed and breakfast
 211 house or home occupation as defined in the Zoning Code for purposes
 212 of this chapter.

213 ~~(e)(r)~~ **"Long-term rental" means the rental or lease of a residential**
 214 unit for a period of thirty days or more. A long-term rental is not a bed
 215 and breakfast house or home occupation as defined in the Zoning Code.

216
 217 Section 3. Kirkland Municipal Code Section 7.02.040 is amended
 218 to read as follows.

219
 220 7.02.040 Business license required.

221 (a) It is unlawful to engage in any business within the city without
 222 first having obtained a **business license ("license") from the city and**
 223 being the holder of a currently valid license to engage in such business
 224 or activity.

225 (b) If a business is conducted from more than one premises in the
 226 city a separate registration and license shall be required for each
 227 premises within the city.

228 (c) If more than one business, as indicted with a separate UBI
 229 number, is conducted upon or from a single premises a separate
 230 registration and license shall be required for each separate business
 231 conducted, operated, engaged in or practiced.

232 (d) Persons or companies doing business in Kirkland must comply with
 233 this chapter regardless of the physical location of the business (i.e.,
 234 whether inside or outside Kirkland city limits).

235 (e) Limited Exemption from Multiple License Requirements. A
 236 business which holds a currently valid city of Kirkland general business
 237 license need not obtain an additional business license to conduct
 238 business at a second location so long as the second location is not
 239 rented, leased, subleased or owned by such business.

240
 241 Section 4. Kirkland Municipal Code Section 7.02.060 is amended
 242 to read as follows.

243
 244 7.02.060 No license required in certain circumstances.

245 (a) Employees. The requirement for a separate business license shall
 246 **not apply to a person in respect to the person's employment in the**
 247 capacity as an employee, as distinguished from, for example, that of an
 248 independent contractor. For purposes of this section, it shall be
 249 presumed that a person is not an employee of a business unless that
 250 business makes contributions to the state Employment Security
 251 Department on behalf of such person. The fact that the business makes
 252 industrial insurance contributions on behalf of such worker will not rebut
 253 this presumption.

254 (b) Farmers. No license or registration fee will be required for any
 255 farmer, gardener, or other person to sell, deliver, or peddle any fruits,
 256 vegetables, berries, eggs, or any farm produce or edibles raised,
 257 gathered, produced, or manufactured by such person; provided, that
 258 this exemption does not apply to any dairy product, meat, poultry, eel,

259 fish, mollusk, or shellfish (except as otherwise provided with regard to
260 wild-caught salmon and crab under RCW [36.71.090](#)).

261 (c) **Real Estate Agents. For the purposes of this chapter, "real estate**
262 **agent" means a person who is licensed under Chapter [18.85](#) RCW and**
263 **whose license is being retained by a broker licensed as a broker under**
264 **Chapter [18.85](#) RCW ("designated broker"). Due to the unique legal**
265 **controls placed upon the real estate agent/broker relationship, a real**
266 **estate agent whose license is retained by a designated broker holding a**
267 **currently valid city of Kirkland business license is not required to have**
268 **his/her own separate business license if all of the following are true:**

269 (1) The real estate agent engages in no business in Kirkland other
270 than the work with the designated broker; and

271 (2) The designated broker notifies the city in writing as part of each
272 year's business license renewal of the name of each real estate agent
273 that the city should consider to be the equivalent of an employee of the
274 designated broker for the purposes of this chapter; and

275 (3) The designated broker includes the real estate agent in counting
276 the number of employees to determine the revenue generating
277 regulatory license fee (RGRL) to be paid for the designated broker's
278 business license and includes the real estate agent's gross receipts in
279 calculating the designated broker's gross receipts for the purposes of
280 this chapter.

281 (d) If a person, or its employee, agent, representative, independent
282 contractor, broker or another acting on the person's behalf, engages in
283 no other activities in or with the City but the following, it need not
284 register and obtain a business license.

285 (1) Meeting with suppliers of goods and services as a customer.

286 (2) Meeting with government representatives in their official capacity,
287 other than those performing contracting or purchasing functions.

288 (3) Attending meetings, such as board meetings, retreats, seminars, and
289 conferences, or other meetings wherein the person does not provide
290 training in connection with tangible personal property sold by the person
291 or on its behalf. This provision does not apply to any board of director
292 member or attendee engaging in business such as a member of a board
293 of directors who attends a board meeting.

294 (4) Renting tangible or intangible property as a customer when the
295 property is not used in the City.

296 (5) Attending, but not participating in a "trade show" or "multiple vendor
297 events". Persons participating at a trade show shall review the City's
298 trade show or multiple vendor event ordinances.

299 (6) Conducting advertising through the mail.

300 (7) Soliciting sales by phone from a location outside the City.

301 (e) A seller located outside the City merely delivering goods into the City
302 by means of common carrier is not required to register and obtain a
303 business license, provided that it engages in no other business activities
304 in the City. Such activities do not include those in subsection (d).

305 ~~(d)(f)~~ No license is required if a person engages in no activities within
306 the city but the following:

307 ~~(1) Mere delivery of goods;~~

308 ~~(2)(1)~~ Activities that are within the term and scope of a city special
309 event permit, pursuant to Chapter [19.24](#) or a community program
310 activity as defined in Section [19.24.010](#) (e.g., vendors at a temporary
311 booth who are included under an entity's special event or community

312 program permit, consistent with the term and activity for which the
 313 permit was issued);
 314 ~~(3)(2)~~ Activities that are within the term and scope of a city-operated
 315 and city-managed parks event that would otherwise be exempt if they
 316 were conducted pursuant to a special events permit;
 317 ~~(4)~~ Meeting with suppliers of goods and services as a customer;
 318 ~~(5)(3)~~ Attending meetings where the person does not provide training
 319 for a fee;
 320 ~~(6)~~ Renting personal property as a customer when the property is not
 321 used in the city;
 322 ~~(7)(4)~~ **Sale of one's own residence;**
 323 ~~(8)(5)~~ Employing a household employee or being a customer of a
 324 domestic worker (e.g., babysitters, nannies, health aides, maids, or yard
 325 workers); or
 326 ~~(9)(6)~~ Casual and isolated sales.
 327 ~~(e)(g)~~ No license or registration fee will be required for any judge or
 328 court commissioner of the Kirkland municipal court or for any person
 329 filling a judicial or hearing examiner position for the city of Kirkland.

330
 331 Section 5. Kirkland Municipal Code Section 7.02.070 is amended
 332 to read as follows.

333
 334 7.02.070 Presumptions.

335 The following presumptions shall be made in interpreting and applying
 336 this chapter, unless rebutted as provided in this chapter:

337 (a) It shall be presumed that an entity that has been issued a Unified
 338 **Business Identifier Number ("UBI")** by the state of Washington is a
 339 separate business that is required to have its own city of Kirkland
 340 business license.

341 (b) It shall be presumed that an entity that has been issued a state
 342 industrial insurance account number, a state self-insurer number, or a
 343 state revenue tax reporting account number is a separate business that
 344 is required to have its own city of Kirkland business license.

345 (c) It shall be presumed that average annual gross receipts of an
 346 entity are at least twenty thousand dollars per each employee who
 347 works for the entity in Kirkland except in the instances of short-term
 348 rentals and long-term rentals and leases of residential units. This
 349 presumption does not apply to businesses with one or fewer FTE's with
 350 gross receipts under \$12,000.

351 (d) It shall be presumed that an owner, manager, and/or managing
 352 partner of a business that is more than sixty days late in paying any
 353 amount due under this chapter is willfully, knowingly and intentionally
 354 evading his or her legal duties under this chapter.

355
 356 Section 6. Kirkland Municipal Code Section 7.02.100 is amended
 357 to read as follows.

358
 359 7.02.100 Application for license.

360 (a) Formal Application Required. Every person required to have a
 361 license must submit a business license application to the Business
 362 Licensing Service. The application must include all information required
 363 for each license requested and full fees due, including the handling fee
 364 required by RCW 19.02.075. The Business Licensing Service will ensure

365 ~~the application is complete before transmitting the information and~~
 366 ~~appropriate fees to the city for review prior to issuance of a license.~~

367 ~~(a) Formal Application Required. Every person required to have a~~
 368 ~~license shall submit the city's application for business license form to the~~
 369 ~~finance and administration department. At the same time, the applicant~~
 370 ~~should deposit with the finance and administration department the total~~
 371 ~~amount due for the annual license. Alternatively, the applicant may~~
 372 ~~request city assistance in determining the amount due. An application~~
 373 ~~will not be considered complete until the city receives the total amount~~
 374 ~~due for the annual license.~~

375 ~~(b) The application must include the address of the business; the~~
 376 ~~name and address of the owner; an emergency notification name, and~~
 377 ~~phone number; the nature of business conducted; the number of~~
 378 ~~employees; and other information as may be requested by the director~~
 379 ~~or required by the Business Licensing Service to complete processing of~~
 380 ~~the application.~~

381 ~~(b) The applicant shall state the address or addresses of the business~~
 382 ~~or proposed business or businesses; the name and address of the owner~~
 383 ~~or applicant; an emergency notification name, phone number and~~
 384 ~~address; the type of business; the number of employees; and other~~
 385 ~~information as requested by the director.~~

386 ~~(c) If the applicant is a partnership, the application must be made by~~
 387 ~~one of the partners; if a corporation, by one of the officers thereof; if a~~
 388 ~~foreign corporation, partnership or nonresident individual, by the~~
 389 ~~resident agent or local manager of the corporation, partnership or~~
 390 ~~individual.~~

391 ~~(d)(c) Commencement of Business Activities. No person shall be~~
 392 ~~entitled or authorized to engage in business within the city until such~~
 393 ~~time as the director has approved the issuance of a business license~~
 394 ~~pursuant to the terms of this chapter. The issuance of a receipt for the~~
 395 ~~amount deposited with the application and/or the acceptance of a~~
 396 ~~business license application by the city shall not be deemed to grant any~~
 397 ~~right or privilege under this chapter, except as otherwise provided by~~
 398 ~~law.~~

399 ~~(e) Burden on Applicant. The director is authorized, but not required,~~
 400 ~~to mail to persons engaging in business forms for applications for~~
 401 ~~licenses, but failure of the person to receive any such form shall not~~
 402 ~~excuse the person from making application for and obtaining the license~~
 403 ~~required by this chapter.~~

404
 405 Section 7. Kirkland Municipal Code Section 7.02.110 is amended
 406 to read as follows.

407
 408 7.02.110 Review of application.

409 **(a) The director, upon receipt of an applicant's information, shall cause**
 410 **an investigation and review of the application to be made by the proper**
 411 **city officials, and shall approve or deny issuance of the license within**
 412 **thirty days after.**

413 ~~(a) The director, upon receipt of an application form, shall cause an~~
 414 ~~investigation and review of the application to be made by the proper~~

415 ~~city officials, and shall issue or deny issuance of the license within thirty~~
416 ~~days after the city receives a complete application.~~

417 (b) The proposed use of premises shall not be in violation of any city
418 building, safety, fire, health or land use regulations as determined by
419 the city department charged with the enforcement of said regulations.

420 (c) If a person required by the terms and provisions of this chapter to
421 pay a license fee for any period fails or refuses to do so, he/she/it shall
422 not be granted a license for the current period until the delinquent
423 license fee, together with penalties, has been paid in full. Neither the
424 applicant nor the proposed business shall be in default under the
425 provisions of this chapter or indebted or obligated in any manner to the
426 city, except for current taxes and other obligations not past due.

427 (d) Qualifications of Applicants. The director may deny issuance (or
428 renewal) of a business license or permit when the licensee, officer or
429 partner thereof, or another person with a legal interest in the license:

430 (1) Knowingly causes, aids, abets, or conspires with another to cause
431 any person to violate any of the laws or regulations of this state or the
432 city which may affect or relate to the licensed business;

433 (2) Has obtained a license or permit by fraud, misrepresentation,
434 concealment, or through inadvertence or mistake;

435 (3) Is convicted of, forfeits bond upon, or pleads guilty to any offenses
436 related to the operation of the licensed business or had a license
437 revoked or suspended by the city or another jurisdiction;

438 (4) Makes a misrepresentation or fails to disclose a material fact to
439 the city related to any of the obligations set forth in this chapter;

440 (5) Violates any building, safety, fire or health regulation on the
441 premises in which the business is located after receiving warning from
442 the city to refrain from such violations; or

443 (6) Is in violation of a zoning regulation or any other regulation of the
444 city.

445 (e) If an application is denied, any person aggrieved may request
446 director review as provided in this chapter.

447

448 Section 8. Kirkland Municipal Code Section 7.02.120 is amended
449 to read as follows.

450

451 7.02.120 Basic license fee.

452 The basic license fee for the annual license issued under this chapter
453 shall be as follows:

454 (a) Basic Fee. Each business with twelve thousand dollars or more in
455 average annual gross receipts shall pay a basic business license fee of
456 one hundred dollars per year.

457 (b) Registration Fee. Any business with less than twelve thousand
458 dollars average annual gross receipts shall pay a registration fee of fifty
459 dollars per year.

460 (c) Exemptions. The following entities may claim an exemption from
461 the basic license fee or registration fee, but if exempt under this
462 subsection such entities shall still register under this chapter:

463 (1) Certain Organizations Exempt from Federal Income Tax. An
464 organization that files with the city a copy of its current IRS 501(c)(3)
465 exemption certificate issued by the Internal Revenue Service.

466 (2) A governmental entity that engages solely in the exercise of
467 governmental functions. Activities which are not exclusively

468 governmental, such as some of the activities of a hospital or medical
469 clinic, are not exempt under this chapter.

470 (3) A nonprofit business operated exclusively for a religious purpose,
471 upon furnishing proof to the finance and administration department of
472 its nonprofit status. For the purposes of this chapter, the activities that
473 are not part of the core religious functions are not exempt.

474 (4) Civic groups, service clubs, and social organizations that are not
475 engaged in any profession, trade, calling, or occupation, but are
476 organized to provide civic, service, or social activities in the city.
477 Examples of such organizations may include, but are not limited to:
478 **Soroptomists; Kiwanis; Lions; Rotary; American Legion; children's and**
479 **adults' athletic organizations; and similar types of groups, clubs or**
480 **organizations.**

481 (5) For purposes of the license by this chapter, any person or business
482 whose annual value of products, gross proceeds of sales, or gross
483 income of the business in the City is equal to or less than \$2,000 and
484 who does not maintain a place of business within the city, shall submit
485 a business license registration to the Director or designee. The threshold
486 does not apply to regulatory license requirements or activities that
487 require a specialized permit.

488 ~~(5)(6)~~ (6) A business that can demonstrate to the satisfaction of the
489 director that it is exempt due to preemption by state or federal law.

490
491 Section 9. Kirkland Municipal Code Section 7.02.160 is amended
492 to read as follows.

493
494 7.02.160 Revenue generating regulatory license fee (RGRL).

495 (a) General. In addition to the basic license fee, the highest applicable
496 RGRL in this section shall be paid for the annual license issued under
497 this chapter.

498 (1) A business with less than twelve thousand dollars of average
499 annual gross receipts shall be exempt from any RGRL.

500 (2) A business located within the city limits of Kirkland with ten or
501 fewer employees or FTEs shall be exempt from the RGRL for the first
502 year of business operation only. Businesses exempt from the RGRL
503 under this subsection shall still be required to pay the basic license fee
504 under Section [7.02.120](#) and register the number of employees and FTEs
505 under this chapter.

506 (3) For the purposes of this section and in determining the applicable
507 **RGRL, the term "employee" means and includes each of the following**
508 persons who are not required by the city to have his/her/its own
509 separate city of Kirkland business license:

510 (A) **Any person who is on the business's payroll, and includes all full-**
511 **time, part-time, and temporary employees or workers; and**

512 (B) Self-employed persons, sole proprietors, owners, managers, and
513 partners; and

514 (C) Any other person who performs work, services or labor at the
515 business, including an independent contractor who is not required to
516 have a separate city of Kirkland business license.

517 (4) An entity that is entirely exempt from paying the basic license fee
518 shall be exempt from any RGRL.

519 (5) An entity with some activities or functions that are exempt from
520 the basic license fee and some that are not exempt shall pay an RGRL

521 based on the number of its employees that are involved in the functions
522 or activities that are not exempt.

523 (b) Amount of RGRL.

524 (1) Revenue Generating Regulatory License (RGRL) Fee Method.
525 Except as otherwise provided by this chapter, every person engaging in
526 business within the city shall pay an RGRL based upon the number of
527 employee hours worked in Kirkland during the previous year. Annual
528 employee hours are calculated based on the sum of the four quarterly
529 reports submitted to the Washington State Department of Labor and
530 Industries for the previous year. It will be the responsibility of the
531 employer to determine the number of hours worked within the city from
532 these reports. Businesses that did not file quarterly reports with the
533 Washington State Department of Labor and Industries shall determine
534 the number of hours worked within the city and demonstrate, if
535 required, to the satisfaction of the finance and administration director
536 or his/her authorized agent, that the number of employee hours worked
537 is correct.

538 (2) The annual license fee (base fee and RGRL) shall be calculated by
539 adding the base fee of one hundred dollars per business license to the
540 full-time-equivalent employees that worked in Kirkland multiplied by one
541 hundred and five dollars. The approved tax rate per full-time employee
542 is \$0.054688 (which represents a RGRL multiplier of \$0.054688 per
543 employee hour worked), as may be adjusted herein. Employers without
544 a full year history would need to estimate the number of employee hours
545 that will be worked in the current calendar year.

546 (3) If a business has more than one location in Kirkland, the annual
547 business license fee calculation must include a base fee for each location
548 and the RGRL for annual employee hours at all locations.

549 (c) Alternative FTE Method. A business may choose to calculate its
550 annual license fee by adding the one-hundred-dollar base fee to the
551 RGRL based on multiplying one hundred and five dollars by the number
552 of its employees. The number of employees shall be based on the sum
553 of the employees in the four quarterly reports submitted to the
554 Washington State Department of Labor and Industries for the previous
555 year divided by four. It will be the responsibility of the employer to
556 determine the number of employees working within the city from these
557 reports. Businesses that did not file quarterly reports with the
558 Washington State Department of Labor and Industries shall determine
559 the number of employees working in the city and demonstrate, if
560 required, to the satisfaction of the finance and administration director
561 or his/her authorized agent, that the number of employees is correct.
562 Employers without a full year history would need to estimate the number
563 of employees that will work in the city for the current calendar year.

564 (1) Once the FTE methodology has been selected, it must be used for
565 future renewals.

566 (2) Businesses with more than one location must use the same
567 method of calculation for all locations.

568 (3) For businesses with employees who work less than one thousand,
569 nine hundred twenty hours per year (the work hour figure used by the
570 Washington Department of Labor and Industries) the total number of
571 hours worked by all such employees during the four quarters of the
572 previous year shall be added together and divided by one thousand,
573 nine hundred twenty to determine the FTE equivalency.

574 (4) It will be the responsibility of the business to determine the total
 575 number of FTEs (or equivalency) and demonstrate, if required, to the
 576 satisfaction of the finance and administration director or his/her
 577 authorized agent that the calculation is accurate.

578 (d) The license fee for a business required to be licensed under this
 579 **chapter and not located within the city's corporate limits shall** be
 580 calculated by adding the one-hundred-dollar base fee and the RGRL
 581 based upon the number of employee hours worked within the city, but
 582 in no event shall the license fee be less than the minimum fee set forth
 583 in this chapter. If the number of employee hours worked is not known
 584 at the time of renewal, the business shall estimate the maximum
 585 number of employee hours they anticipate using in Kirkland during the
 586 year.

587 (e) Businesses doing business in the city that have no employees
 588 physically working within the city shall pay the minimum license fee
 589 required under this chapter.

590 (f) The minimum fee for any license issued under this chapter shall
 591 be two hundred and five dollars (a base fee of one hundred dollars and
 592 an RGRL of one hundred and five dollars), as may be adjusted herein.

593 (g) Payment made by draft or check shall not be deemed a payment
 594 of the fee unless and until the same has been honored in the usual
 595 course of business, nor shall acceptance of any such check or draft
 596 operate as a quittance or discharge of the fee unless and until the check
 597 or draft is honored. The Business Licensing Service will address any
 598 dishonored payment submitted through its processes. Any person who
 599 submits a business license fee payment by check directly to the city
 600 pursuant to the provisions of this chapter shall be assessed an NSF fee
 601 set by the finance and administration director if the check is returned
 602 unpaid by a bank or other financial institution for insufficient funds in
 603 the account or for any other reason.

604 (h) If any person required by the terms and provisions of this chapter
 605 to pay a license fee for any period fails or refuses to do so, he or she
 606 shall not be granted a license for the current period until the delinquent
 607 license fee, together with penalties, has been paid in full. Any license
 608 fee due and unpaid under this chapter and any penalties thereon shall
 609 constitute a debt to the city and may be collected in court proceedings
 610 in the same manner as any other debt in like amount, which remedy
 611 shall be in addition to all other existing remedies.

612 (i) If no higher RGRL applies under this section, then the minimum
 613 RGRL shall be one hundred and five dollars.

614
 615 Section 10. Kirkland Municipal Code Section 7.02.180 is
 616 amended to read as follows.

617
 618 7.02.180 License period, renewal and terms.

619 (a) A business license will expire on the date established by the
 620 Business Licensing Service, and must be renewed on or before that date.
 621 The term and respective fee of the license may be prorated to
 622 synchronize the expiration date with the date established by the
 623 Business Licensing Service.

624 ~~(a) A business license will expire on the last day of the twelfth month~~
 625 ~~after it is issued ("license year"). Each licensee shall be responsible for~~
 626 ~~renewal of the license for each license year. A business shall submit its~~

627 ~~application for renewal at least fifteen calendar days prior to the~~
 628 ~~expiration of its license.~~

629 (b) Display of License. A license granted under this chapter shall be
 630 posted in a conspicuous place in the place of business of the licensee.
 631 No person shall allow any license to be posted, displayed, or used after
 632 its expiration, suspension, or revocation, or if it is not a valid license for
 633 the premises where displayed.

634 **(c) A business licensee's account information is governed by RCW**
 635 **19.02.115 concerning its disclosure.**

636 ~~(c) The business name, address and application form of each licensed~~
 637 ~~business is for the purposes of Chapter 42.17 RCW a public record,~~
 638 ~~subject to request for public record disclosure.~~

639 (d) Change of Location. A licensee must notify the Business Licensing
 640 Service of a change in location. The change may require reapplication
 641 for a new license, and approval by the city before commencing business
 642 at the new location, as provided for in this chapter.

643 ~~(d) Change of Location. A licensee must notify the city of a change in~~
 644 ~~location and obtain a new business license unless the city will issue a~~
 645 ~~replacement license. The replacement license will be issued free of~~
 646 ~~charge if the licensee demonstrates, to the satisfaction of the director,~~
 647 ~~that the business can be legally conducted at the new location and that~~
 648 ~~no changes are being made other than that the existing business is~~
 649 ~~moving to the new location.~~

650 (e) Payment made by draft or check shall not be deemed a payment
 651 of the fee unless and until the same has been honored in the usual
 652 course of business, nor shall acceptance of any such check or draft
 653 operate as a quittance or discharge of the amounts due unless and until
 654 the check or draft is honored.

655
 656 Section 11. Kirkland Municipal Code Section 7.02.190 is
 657 amended to read as follows.

658
 659 7.02.190 Penalty for late payment.

660 (a) A business that fails to renew its license by the expiration date will
 661 be assessed the late renewal penalty authorized by RCW 19.02.085.

662 ~~(a) A business that fails to renew its license on time shall pay a penalty~~
 663 ~~in addition to the amount charged for the annual license as follows:~~

664 ~~(1) Up to twenty-nine days late, a penalty of twenty-five dollars or ten~~
 665 ~~percent of the amount for the license, whichever is greater;~~

666 ~~(2) Between thirty and fifty-nine days late, a penalty of fifty dollars or~~
 667 ~~fifty percent of the amount for the license, whichever is greater;~~

668 ~~(3) Sixty or more days late, a penalty of one hundred dollars or one~~
 669 ~~hundred percent of the amount for the license, whichever is greater;~~

670 ~~(4) The director is authorized, but not obligated, to waive all or a~~
 671 ~~portion of the penalties provided herein in the event that the director~~
 672 ~~determines that the late payment was the result of excusable neglect or~~
 673 ~~extreme hardship.~~

674 (b) A business license that remains delinquent for at least 120 days
 675 after the expiration date will be cancelled. After cancellation, a business

676 must reapply for a business license as provided in this chapter in order
 677 to continue business in the city.

678 ~~(c)(b)~~ Late Application. A business that fails to obtain a license before
 679 first commencing business in Kirkland shall pay a penalty directly to the
 680 city according to the schedule in this subsection ~~(a) of this section~~. The
 681 penalty is in addition to the amount charged for the annual license for
 682 all years the business has been in operation or to the greatest extent
 683 allowed by law; provided, that the number of days late shall mean the
 684 number of days between the commencement of business and the date
 685 the city receives a complete application.

686 (1) Up to twenty-nine days late, a penalty of twenty-five dollars or ten
 687 percent of the amount for the license, whichever is greater;

688 (2) Between thirty and fifty-nine days late, a penalty of fifty dollars or
 689 fifty percent of the amount for the license, whichever is greater;

690 (3) Sixty or more days late, a penalty of one hundred dollars or one
 691 hundred percent of the amount for the license, whichever is greater;

692 (4) The director is authorized, but not obligated, to waive all or a
 693 portion of the penalties provided herein in the event that the director
 694 determines that the late payment was the result of excusable neglect or
 695 extreme hardship.

696
 697 Section 12. Kirkland Municipal Code Section 7.02.200 is
 698 amended to read as follows.

699
 700 7.02.200 Debt owed to city.
 701 (a) Any amount due and unpaid under this chapter and any city-
 702 assessed penalty thereon shall constitute a debt to the city and may be
 703 collected in the same manner as any other debt, including through code
 704 enforcement and court proceedings, and these remedies shall be in
 705 addition to all other existing remedies. Interest shall accrue on amounts
 706 owed to the city under this chapter at the same rate as provided for
 707 superior court judgments.

708 (b) Issuance of a business license does not forgive amounts owed to
 709 the city or penalties thereon.

710
 711 Section 13. Kirkland Municipal Code Section 7.02.210 is
 712 amended to read as follows.

713
 714 7.02.210 Transfer or sale of business—~~New license required.~~
 715 A city business license is personal to the licensee and is nontransferable
 716 ~~except as provided in this chapter.~~ Upon the sale or transfer of a
 717 business, the license issued to the prior owner or transferor shall
 718 automatically expire on the date of such sale or transfer. The new owner
 719 must obtain a new business license. ~~;~~ provided, that the director may
 720 waive the provisions of this section if the business demonstrates, to the
 721 satisfaction of the director, that the change in the entity is not a change
 722 in ownership

723
 724 Section 14. Kirkland Municipal Code Section 7.08.020 is
 725 amended to read as follows.

726 7.08.020 Permit and license required.

727 No person, firm or corporation shall operate, or cause to be operated,
728 any ambulance in the city without first securing current, valid licenses
729 as required by RCW Chapter 18.73. This licensing requirement is in
730 addition to any city business licensing that may be required under
731 Chapter 7.02 KMC.

732
733 Section 15. Kirkland Municipal Code Section 7.12.020 is
734 amended to read as follows.

735
736 7.12.020 License fees.

737 The licenses and respective fees provided for in this chapter are all in
738 addition to any business license and business license fees that may be
739 required under Chapter 7.02 KMC.

740 (a) Amusement Devices. Any distributor, owner or operator of an
741 amusement device shall pay a license fee of fifty dollars per machine
742 per year, payable annually in advance to the director of finance and
743 administration. ~~at the time of issuance or renewal of the distributor's,~~
744 ~~owner's or operator's business license.~~

745 (b) Every distributor, owner or operator of cigarette vending machines
746 doing business as such within the city shall pay an annual license fee in
747 the sum of fifty dollars for a master license payable annually in advance
748 to the director of finance and administration. Also, any distributor,
749 owner, operator or user of such cigarette vending machines shall pay
750 an additional sum of ten dollars per machine per year, payable annually
751 in advance to the director of finance and administration. ~~Payment shall~~
752 ~~be made at the time of issuance or renewal of the distributor's, owner's~~
753 ~~or operator's business license.~~

754 It is further required that each cigarette vending machine in the city
755 shall be equipped with an electric lock or device to be operated by the
756 owner and/or employees only.

757 (c) Juke Box or Record Player.

758 (1) Every "distributor" (as defined in Section 7.12.010(c)) shall pay to
759 the city an annual master license fee of one hundred dollars per year
760 payable in advance; ~~at the time of issuance or renewal of the~~
761 ~~distributor's, owner's or operator's business license.~~

762 (2) Every "operator" (as defined in Section 7.12.010(e)) shall pay to
763 the city an annual machine license fee of twenty-five dollars per machine
764 per year payable in advance; ~~at the time of issuance or renewal of the~~
765 ~~distributor's, owner's or operator's business license.~~

766 (3) Every "owner and operator" (as defined in Section 7.12.010(f))
767 shall pay to the city an annual machine license fee of twenty-five dollars
768 per year, in advance ~~at the time of issuance or renewal of the~~
769 ~~distributor's, owner's or operator's business license.~~

770
771 Section 16. Kirkland Municipal Code Section 7.12.050 is
772 amended to read as follows.

773 7.12.050 Terms and rates of licenses.
774 Licenses ~~and fees issued~~ required under this chapter shall be applied for
775 with, and issued directly by the finance director, as a regulatory process
776 separate from the city business license that is handled through the
777 Business Licensing Service ~~with the applicant's business license and shall~~
778 ~~renew and expire at the same time as the applicant's business license.~~
779 In the event an applicant for a license under this chapter already has a
780 city business license, the initial term of the license under this chapter
781 shall expire at the same time as the business license expires, as
782 established by the Business Licensing Service.

783
784 Section 17. Kirkland Municipal Code Section 7.16.010 is
785 amended to read as follows.

786
787 7.16.010 Closing out sale license required.
788 It is unlawful for any person to advertise or conduct any auction, sales
789 of distressed goods, removal or closing out sale without first filing with
790 the city clerk the inventory hereinafter provided for and obtaining from
791 him a license for such sale or auction, **to be known as a "closing out sale**
792 **license."** This license is in addition to a city business license that may be
793 required under Chapter 7.02 KMC.

794
795 Section 18. Kirkland Municipal Code Section 7.20.020 is
796 amended to read as follows.

797
798 7.20.020 License required.
799 It is unlawful for any person to conduct, manage or operate a cabaret
800 unless such person is the holder of a valid and current license from the
801 city to do so, obtained as provided in this chapter. The cabaret license
802 and other licenses provided for in this chapter are all in addition to a
803 business license that may be required under Chapter 7.02 KMC.

804
805 Section 19. Kirkland Municipal Code Section 7.20.070 is
806 amended to read as follows.

807
808 7.20.070 License issuance.
809 Application for, along with payment of fees for the Cabaret licenses
810 provided for in this chapter shall be made to, and issued directly by the
811 city, separate from the business license process under Chapter 7.02
812 KMC administered through the Business Licensing Service. ~~with the~~
813 ~~applicant's business license and shall renew and expire at the same time~~
814 ~~as the applicant's business license.~~ In the event an applicant for a
815 cabaret license already has a city business license, the initial term of the
816 cabaret license shall expire at the same time as the business license as
817 established by the Business Licensing Service.

818
819 Section 20. Kirkland Municipal Code Section 7.26.020 is
820 amended to read as follows.

821
822 7.26.020 License required.
823 The licenses and related fees required by this chapter are in addition to
824 a business license that may be required under Chapter 7.02 KMC.

825 (a) It is unlawful for any person to conduct, manage or operate an
826 erotic performance establishment unless such person is the holder of a
827 valid and subsisting license from the city to do so, obtained in the
828 manner provided in this chapter.

829 (b) It is unlawful for any performer, employee or manager to
830 knowingly work in or about, or to knowingly perform any service or
831 entertainment directly related to the operation of an unlicensed erotic
832 performance establishment.

833 (c) It is unlawful for any manager to work in an erotic performance
834 establishment unless such person is the holder of a valid and subsisting
835 license from the city to do so.

836
837 Section 21. Kirkland Municipal Code Section 7.32.040 is
838 amended to read as follows.

839
840 7.32.040 Massage parlor or public bathhouse—License
841 required—Fee.

842 (a) It is unlawful to conduct, operate or maintain a massage parlor or
843 public bathhouse unless such establishment or premises is licensed by
844 the city. The licenses and related fees required by this chapter is in
845 addition to the business license that may be required under Chapter
846 7.02 KMC. The application, issuance, renewal, and revocation of such
847 licenses shall be governed by Sections 7.20.030, 7.20.040 and 7.20.080
848 of this title.

849 (b) The fee for a massage parlor license or public bathhouse shall be
850 and is hereby fixed in the sum of seventy-five dollars per year.

851
852 Section 22. Kirkland Municipal Code Section 7.36.030 is
853 amended to read as follows.

854
855 7.36.030 License required—Application.
856 Every person, firm or corporation before commencing to carry on, open,
857 conduct or operate a pawnbroker, secondhand dealer or coin dealer
858 business shall obtain a license to do so. The licenses and related fees
859 required by this chapter are in addition to a business license that may
860 be required under Chapter 7.02.KMC. The issuance of such a license
861 shall be governed by Sections 7.20.040 and 7.20.080.

862
863 Section 23. Kirkland Municipal Code Section 7.52.020 is
864 amended to read as follows.

865
866 7.52.020 License—Required.
867 It is unlawful to conduct, manage, operate or sponsor a celebration as
868 herein defined without first obtaining from the city a valid and subsisting
869 celebration license. The license and fees required by this chapter are in
870 addition to a business license that may be required under Chapter 7.02
871 KMC.

872
873 Section 24. If any provision of this ordinance or its application
874 to any person or circumstance is held invalid, the remainder of the
875 ordinance or the application of the provision to other persons or
876 circumstances is not affected.

877 Section 25. This ordinance shall be in force and effect November
 878 29, 2018, after its passage by the Kirkland City Council and publication
 879 pursuant to Section 1.08.017, Kirkland Municipal Code in the summary
 880 form attached to the original of this ordinance and by this reference
 881 approved by the City Council.

882
 883 Passed by majority vote of the Kirkland City Council in open
 884 meeting this _____ day of _____, 2018.

885
 886 Signed in authentication thereof this _____ day of
 887 _____, 2018.

 Amy Walen, Mayor

Attest:

 Kathi Anderson, City Clerk

Approved as to Form:

 Kevin Raymond, City Attorney

PUBLICATION SUMMARY
OF ORDINANCE NO. **O-4658**

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO BUSINESS LICENSES AND REGULATIONS AND AMENDING TITLE 7 OF THE KIRKLAND MUNICIPAL CODE.

SECTION 1. Amends the policy and scope of business licenses and regulations.

SECTION 2. Amends the definitions related to business licenses and regulations.

SECTION 3. Amends the requirements of a business license.

SECTION 4. Amends the circumstances when no business license is required.

SECTION 5. Amends the presumptions made for interpreting and applying the Business Licenses and Regulations chapter.

SECTION 6. Amends the application for a business license.

SECTION 7. Amends the review process for a business license.

SECTION 8. Amends the threshold for the basic license fee for a business license for businesses not located in the city limits.

SECTION 9. Amends the process of dishonored payments in the payment of the revenue generating regulatory license fee.

SECTION 10. Amends the license period, renewal and terms for a business license.

SECTION 11. Amends the penalty for late payment for a business license.

SECTION 12. Amends collection of any unpaid debt owed to the city for a business license fee.

SECTION 13. Clarifies that a new business license is required upon the transfer or sale of a business.

SECTION 14. Amends the permit and license requirements for the operation of an ambulance in the City.

SECTION 15. Amends the licensing and respective fees related to amusement devices.

SECTION 16. Amends the terms and rates of licenses related to amusement devices.

SECTION 17. Amends licensing requirements for a closing out sale.

SECTION 18. Amends licensing requirements for cabarets.

SECTION 19. Amends the conditions for issuance of a cabaret license.

SECTION 20. Amends license requirements for erotic performance establishments.

SECTION 21. Amends the license requirements and fees for massage parlors and public bathhouses.

SECTION 22. Amends the application and licensing requirements for pawnbrokers and secondhand dealers.

SECTION 23. Amends the license requirements for a celebration license.

SECTION 24. Provides a severability clause for the ordinance.

SECTION 25. 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 November 29, 2018, 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 _____, 2018.

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

Kathi Anderson, City Clerk