



CITY OF KIRKLAND

CITY COUNCIL

Penny Sweet, Mayor • Jay Arnold, Deputy Mayor • Dave Asher • Kelli Curtis
Tom Neir • Toby Nixon • Jon Pascal • 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, October 1, 2019
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. Special Joint Meeting with Planning Commission

(1) Kirkland Zoning Code Chapter 95 – Tree Code Update

4. EXECUTIVE SESSION

5. HONORS AND PROCLAMATIONS

a. Domestic Violence Awareness Month Proclamation

b. Walk and Bike to School Month Proclamation

c. National Code Compliance Month Proclamation

6. COMMUNICATIONS

a. Announcements

b. Items from the Audience

c. Petitions

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.

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

7. PUBLIC HEARINGS

a. Resolution R-5389, Opposing Initiative Measure No. 976, Concerning Motor Vehicle Taxes and Fees

(1) Initiative Measure No. 976

Initiative Measure No. 976 concerns motor vehicle taxes and fees.

This measure would repeal or remove authority to impose certain vehicle taxes and fees, including charges funding mass-transit or regional transportation; change vehicle valuation laws; and limit motor-vehicle-license fees to \$30, except voter-approved charges.

Should this measure be enacted into law?

() Yes

() No

8. SPECIAL PRESENTATIONS

9. CONSENT CALENDAR

a. Approval of Minutes

(1) September 17, 2019

b. Audit of Accounts and Payment of Bills and Payroll

c. General Correspondence

d. Claims

(1) Claims for Damages

e. Award of Bids

f. Acceptance of Public Improvements and Establishing Lien Period

g. Approval of Agreements

h. Other Items of Business

(1) Resolution R-5390, Allocating the City's Portion of Community Development Block Grant (CDBG) Funds For 2020

(2) Resolution R-5391, Relinquishing any Interest the City May Have, Except for a Utility Easement, in Unopened Right-of-Way as Described Herein and Requested by Property Owners Evan C. Blake and Daniel Gillison

- (3) Resolution R-5392, Establishing a Parks and Community Services Department Resource Allocation Model as an Addendum to Fiscal Policy Established Through Resolution R-5347
- (4) Resignation of Library Board Member
- (5) Resignation of Tourism Development Committee Member
- (6) Procurement Report

10. BUSINESS

- a. Draft 2020 State Legislative Priorities
- b. 132nd Square Park Master Plan Briefing
- c. Pesticide Reduction Strategies – Part 1
- d. Goat Hill Storm Drainage Repair Project Update

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.

11. REPORTS

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

12. ITEMS FROM THE AUDIENCE

13. ADJOURNMENT



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: Deb Powers, Urban Forester
Jeremy McMahan, Planning and Building Deputy Director
Adam Weinstein, Planning and Building Director

Date: October 1, 2019

Subject: Draft Code Amendments, Kirkland Zoning Code Chapter 95
Tree Management and Required Landscaping, File Number CAM18-00408

Staff Recommendation

City Council should receive a briefing on Kirkland Zoning Code Chapter 95 (KZC 95) draft code amendments for review of substantive issues prior to the Planning Commission/Houghton Community Council joint public hearing in November.

Background

Since June 2018, the Planning Commission (PC) has been diligently working on revisions to the tree code, a project initially identified in the 2018 Planning Work Program that was carried over onto the 2019 Work Program. The PC, Houghton Community Council (HCC) and City Council have held several study sessions and briefings to provide staff with direction on changes to the tree code. The PC has met many times over the course of 15 months to prepare a draft revised code for community input and consideration at the public hearing. Attachment 1 contains the draft revised code.

KZC 95 addresses tree management in three basic categories:

- Tree removal where no development is involved
- Tree retention associated with development activity
- Landscaping/buffer requirements related to commercial and multifamily development.

Attachment 2 summarizes the most basic requirements of KZC 95. Understanding how the code is currently applied and the challenges of its application from the public, developer and staff point of view provided the PC and HCC with insight into what changes should be made. These are described in the June 28, 2018 PC meeting [memo](#) on pages 4-10 and 10-11, respectively.

By the [September 13, 2018](#) PC meeting, the PC had considered the most straightforward potential code amendments with no-to-low policy impacts and had begun to study the issues around codes with the greatest policy impacts. This involved the PC's review of: data from the canopy cover assessment, results from a field study on the efficacy of KZC 95, and other comparable municipalities' tree ordinances.

At the [September 27, 2018](#) and [November 8, 2018](#) PC meetings and at a joint meeting with the HCC on [November 26, 2018](#), the PC addressed the more complex and controversial amendments to KZC 95 related to the Trees and Development section. The PC, HCC and City Council directed staff to get input from a then newly-formed stakeholder group, intending to get feedback that would provide a greater level of clarity and predictability to the code. This particular stakeholder group consists of members from the Master Builders Association of King/Snohomish Counties (MBAKS), the Finn Hill Neighborhood Alliance (FHNA), and Houghton residents.

On January 15, 2018, the stakeholders presented a proposed regulatory approach to trees and development. In summary, the stakeholder approach proposed:

- Emphasizing “extraordinary” protection for Landmark trees (trees over 30” diameter at breast height (DBH))
- Replacing protection of groves with protection of tree groupings that have at least one large tree
- Establishing a maximum quota on retention of trees less than 30” DBH, with a developer right to remove trees exceeding that quota. The quota was based on minimum tree credits of 45-50 credits per acre.
- Planting new trees to a 30-credit-per-acre standard when no or few trees are retained

At the [February 14, 2019](#) PC meeting, the PC directed staff to continue working with the stakeholder group on three remaining code issues:

- Numerical thresholds such as tree credit requirements and tree size
- Definitions and applicable development standards to retain high quality trees
- Plan review/tree removal with short plat and subdivision developments (IDP, or Integrated Development Plan)

Through June 2019, staff continued to meet with the stakeholder group on a tiered concept for tree retention that would translate to requirements relating to the remaining code issues. Staff and the stakeholders have now met over 12 times to discuss regulation of trees and development.

Following the PC’s review of staff and stakeholder group discussion, the PC directed staff to develop draft code that:

- Emphasizes landmark tree protection
- Protects groves defined by at least one large tree
- Retains high quality trees located in setbacks (as with the current code), with higher standards for the health and condition of those trees that must be retained
- Does not use the stakeholder’s tree quota approach

In tabletop exercises with the stakeholder group, it was acknowledged that protection of very large trees (i.e., trees approaching 30” DBH) on typical Kirkland lot sizes will continue to be a challenge, even with additional requirements and code flexibility. Staff’s conclusion is that the approach may yield minimal rather than dramatic results in preservation of these large trees. The PC decision to continue to regulate trees in setbacks rather than the stakeholder’s tree quota approach was based partially on a staff analysis showing severe loss of significant trees

on development sites (comparing the results of recent development applications using the current code vs. the quota approach), and the logic that emphasizing protection of trees in setbacks because that is the only portion of a property where structures are not allowed.

Having received considerable stakeholder feedback on potential code revisions in addition to topics outside of the PC-directed code issues, the PC has now directed staff to refocus outreach efforts for broader community feedback and allow the opportunity for draft code review through the public hearing process.

Draft Code Amendments

The primary purpose of the tree code amendments is to:

- Support Comprehensive Plan and [Urban Forestry Strategic Management Plan](#) goals and objectives
- Address issues and challenges that have arisen since the last code update in 2010
- Revise the code so that it is effective and practical for developers, homeowners and City staff to use

Throughout the tree code amendment process, the PC has carefully weighed how to balance the desire for greater code predictability and property rights with the City's policies towards a healthy, sustainable urban forest. The PC did not support prescriptive code changes that would overly complicate or significantly lengthen the code, such as mandating replacement trees by their mature size or species.

Attachment 1 is the resulting draft code, reflecting the PC's direction towards a balanced, predictable and streamlined code. Due to the extent of the edits, only new text is indicated as tracked changes; reorganized sections are noted as *(moved)*, *(deleted)* or *(consolidated)*. A clean copy of the draft code is provided in Attachment 3. Code changes with moderate/major policy impacts are outlined below. Minor changes to the code that were more recently directed by the PC (such as revising the section on IDP for clarity) have not yet been incorporated.

Significant Code Changes

Below are major code changes that, when compared to the current code, introduce substantive new requirements, substantially increase or decrease requirements, result in potential additional cost to permit applicants, or change the intent of the code. Code amendments meant to clarify or further define something already in the code, address redundancies and typos, or involve reformatting or removal of outdated references are not listed below.

The list of changes below is organized by section corresponding to the draft code in Attachment 1. In some cases, addressing one code issue may involve multiple sections of the code. An asterisk* denotes a code change initiated by the stakeholder group.

I. DEFINITIONS

New - landmark tree definition*

Code section: KZC 95.10

Issue: Field study showed only 10% of all trees retained on development sites are large trees (over 22" trunk diameter), reducing urban forest health and resiliency.

PC Direction: Identify high priority trees for retention by size and condition. Consider lowering the 30" DBH (trunk diameter) threshold based on public feedback prior to and at the public hearing.

New - grove definition*

Code section: KZC 95.10

Issue: Some permit applicants feel they're required to retain groves with trees of lesser quality. Some developers object to the legal mechanism currently in place (Grove Protection Easement).

PC Direction: Define groves so that trees must be in excellent to good condition. The stakeholder group's proposed number of trees in a grove (3 with at least one 30" tree, 5 with at least one 22" tree) is appropriate but the tree sizes may need to be adjusted to reflect any changes to landmark provisions and public feedback. Develop a Tree Grove Covenant template rather than Easement (administrative action).

New - Tier 1/Tier 2 tree definitions *

Code section: KZC 95.10

Issue: The current retention value definitions are perceived as too subjective.

PC Direction: Delete high/moderate/low retention value definitions. Define Tier 1 trees as landmark and grove trees in excellent-to-good condition, located anywhere on a development site. Define Tier 2 trees as excellent-to-good condition, minimum 6" DBH, located in setbacks.

II. TREE REMOVAL PERMIT EXEMPTIONS

III. PUBLIC TREE REMOVAL AND PRUNING

No major code changes

IV. PRIVATE PROPERTY TREE PRUNING/REMOVAL (NO DEVELOPMENT)

New - prohibit landmark tree removal

Code section: 95.23

Issues: Helps to prevent the likely practice of preemptively removing landmark trees on potential development sites.

PC Direction: Consider ways to make prohibited Landmark tree removal language more prominent in the code and implement a robust public information campaign so homeowners are aware of the change; otherwise, there may not be widespread compliance.

Increase the number of allowed tree removals based on property size

Code section: 95.23.2

Issue: Some owners of larger properties feel the current tree removal allowance is not equitable.

PC Direction: Allow increased tree removals for varying ranges of property sizes. Don't allow "banking" of tree removals for future years (i.e. – 6 trees in year one instead of 2 trees per year for three years) due to complexity of tracking and potential accelerated canopy loss.

New - prohibit tree removal prior to development permit submittal and prohibit tree girdling as a substitute for actual removal

Code section: 95.23.3, 95.23.7c, 95.10.19

Issue: Preemptive removal of high quality trees to intentionally avoid compliance with development requirements occurs frequently. Girdling of trees has been used as a low-cost

alternative to removal. Girdling can result in tree failure, which may pose a hazard to adjacent high-occupancy targets.

PC Direction: Prohibit tree removal, including tree girdling, in advance of development and require 12-month period between tree removal and development permit submittal.

New – grant City authority to order removal of severely diseased trees

Code section: 95.23.9

Issue: This new authority would be used extremely sparingly but could be highly beneficial in preventing the spread of a disease/pest that would cause catastrophic tree decline resulting in failure of public trees.

PC Direction: Authorize the City to order diseased trees removed from private property as hazard or nuisance trees.

V. TREE RETENTION ASSOCIATED WITH DEVELOPMENT ACTIVITY

New - tree condition ratings*

Code section: 95.30.3c

Issue: Some permit applicants feel they're required to retain trees of lesser quality. Developers want to gauge which trees must be retained during brief feasibility study periods.

PC Direction: The new tree condition ratings are clear and streamlined.

New - Tier 1 tree retention standards*

Code section: 95.30.4a

Issue: Current code reads "retain trees to the maximum extent possible" and that the applicant "shall pursue [tree retention] where feasible," which is too subjective.

PC Direction: Clearly identify the guaranteed development rights, regulatory expectations of the developer and code flexibility requirements for retaining Tier 1 trees.

New - building envelope dimensions for Tier 1/Tier 2 tree retention *

Code sections: 95.30.4a(1) and 95.30.4b(1)

Issue: Developers desire more certainty/predictability when planning the location of structures in relation to retained trees on a development site.

PC Direction: Incorporate stakeholder group's provisions for guaranteed development rights using a building envelope approach: specify dimensions of a building footprint that may shift/move within the boundaries of the property and applicable setbacks.

Specify site plan alterations required to retain Tier 1/Tier 2 trees*

Code sections: 95.30.4a(2) and 95.30.4b(2)

Issue: Developers desire more certainty/predictability when initially designing structural features and configurations in relation to retained trees on a development site.

PC Direction: Establish expectations on how and to what extent proposed improvements will be designed or modified to protect high-priority trees.

Specify tree protection practices/methods/materials required to retain Tier 1/Tier 2 trees *

Code sections: 95.30.4a(3) and 95.30.4b(3)

Issue: Developers desire more certainty/predictability on the specific tree protection measures that will be required for retained trees to sustain the impacts of construction.

PC Direction: Codify specific protection measures appropriate for Tier 1/Tier 2 tree retention.

Allow specific variations to development standards to retain Tier 1/Tier 2 trees *

Code sections: 95.30.4a(4), 95.30.4b(4) and 95.30.7b

Issue: Some developers believe that tree retention requirements lead to overly burdensome site constraints. Greater tree retention can occur with variations to development standards such as setback requirements and shortplat/subdivision lot clustering and lot size reductions.

PC Direction: Allow greater flexibility with certain zoning/development standards to retain high-priority trees in single family and short plat/subdivision developments.

Expanded development standards to retain trees on multifamily, commercial & mixed use developments

Code section: 95.30.5

Issue: Expand provisions for site plan alterations consistent with single family development

PC Direction: This is an acceptable code change

New - Tier 1/Tier 2 tree retention/removal order of priorities *

Code section: 95.30.6

Issue: Establish tree retention priorities, particularly with allowing removal of Tier 2 trees if they conflict with retention of Tier 1 trees.

PC Direction: This is an acceptable code change

Eliminate option for phased tree retention with short plat/subdivision developments (IDP)

Code section: 95.30.7a

Issues: Tree retention/removal decisions made early in the design process are more effective towards preserving groves and high-priority trees. Developers desire more certainty with the permit process. Phased development results in the public perception that all trees fenced with initial site grading will be retained when the homes are built.

PC Direction: Eliminate option for phased short plat/subdivision development. Clarify and streamline modifications provisions for approved short plats/subdivisions. Note that this is a key area where the stakeholder group has not reached full agreement.

VI. TREE PLANTING REQUIREMENTS ASSOCIATED WITH DEVELOPMENT ACTIVITY

Eliminate counting arborvitae and other slow-growing conifers for tree credits

Code section: 95.32.4

Issue: Field study findings revealed an excessive use of arborvitae to meet tree density credits. Slow-growing, columnar tree species with high mortality rates do not meet the intent of the code for tree replacement.

PC Direction: Consider arborvitae ineligible for tree density credits on development sites

Consider higher protection for trees planted offsite to satisfy credit requirements

Code section: 95.32.5b

Issue: Trees planted on alternative locations to fulfill credits requirements may be erroneously removed.

PC Direction: This method to fulfill tree density credits has been rarely used, so codify that tree protection in perpetuity *may* be required with this scenario.

Codify monetary value of in-lieu-of trees for payment into City Forestry Account

Code section: 95:32.6

Issue: Consistent and fair application of the code, transparency in fee structure.

PC Direction: Use industry standards for assessing monetary value of replacement trees.

New - require irrigation for supplemental trees planted in the summer

Code section: 95.50.2

Issue: Increase the likelihood of tree establishment.

PC Direction: This is an acceptable draft code change.

VII. INSTALLATION STANDARDS FOR REQUIRED PLANTINGS

New – appropriate plant location specifications

Code section: 95.50.5x

Issue: Field study findings indicate improperly-located supplemental trees, likely resulting in a nuisance tree.

PC Direction: This is an acceptable draft code change

Codify final inspection procedure

Code section: 95.50.5x

Issue: Codify the consequences of ignoring tree retention/replacement requirements before final inspection/permit sign-off.

PC Direction: This is an acceptable draft code change

Related Policy Issues

With the level of complexity and the broad range of considerations associated with regulating trees, several related policy issues emerged repeatedly during the code amendment process. The HCC's and PC's main concerns on these policy issues are described below. The PC indicated that no additional study sessions are needed to further explore these issues prior to the public hearing because they have been discussed extensively as part of the public process to-date.

Tree canopy cover versus tree credit requirements

At one time, the Finn Hill Neighborhood Alliance (FHNA) strongly advocated for using canopy cover as a regulatory metric, with the assumption that requiring a certain percentage canopy cover on a lot-by-lot basis would ensure meeting the City's 40 percent canopy cover goal. To understand the correlation between canopy cover and tree credits, staff estimated how tree credits generally equate to canopy cover and conducted a GIS study of canopy cover in the Holmes Point Overlay (HPO). The PC also examined other jurisdictions' issues with using canopy cover as a requirement metric.

The conclusion was that requiring verification of tree canopy cover on a lot-by-lot basis presents significant challenges in terms of administration, cost to applicants, enforcement and other issues. Determining the thresholds for canopy cover requirements on a lot-by-lot basis raises equity issues and its application by other jurisdictions indicate questionable effectiveness. To assess progress towards canopy cover goals, the City will continue to conduct canopy cover analyses on 7 to 8-year cycles, adjusting the code and City forestry programs to reflect changes in canopy cover, development trends and other data. The FHNA no longer advocates for canopy cover-based requirements.

Tree retention and affordable housing

Code provisions for diverse housing types such as cottage, clustering, multifamily, duplex/triplex, and accessory dwelling units (ADUs) are contained within KZC 95. The PC is currently studying “missing middle” and ADU code provisions. As with single family housing, each type has guaranteed setback/required yard, FAR (Floor Area Ratio) and lot coverage allowances that allow both development potential and tree retention appropriate for the size and zoning of the site. In some respects, small footprint developments that are clustered like cottages can result in better preservation of trees when compared to large footprint single family homes. Most ADU permits do not trigger a Tree Plan review. Unless zoning standards change substantially, the tree code complements rather than presents a barrier to affordable and diverse housing stock in Kirkland.

Solar arrays and other property uses

According to two local solar energy system installers, it's common for customers to find that installing an array doesn't make economic sense if larger structures, geography (ravines) or trees shade their roof. Some customers are willing to remove or trim their trees to improve their energy offsets, which typically vary from 50% to 100%. Others accept that the shade from a few trees just means a smaller or less productive system. The draft tree code has a new provision that allows greater tree removal on larger properties, or at the least, allows two trees to be removed every twelve months.

Within a development scenario, a clarified code provision in KZC 95.30.6b allows greater tree removal for the installation of solar panels if the applicant can show the proposal results in a site condition that is “equal or superior to the intent of KZC 95.” While this extremely flexible code provision may not be prescriptive enough for some, relatively few single-family parcels in Kirkland (1%) have installed solar panels to warrant further code changes.

Private views

Private views are not regulated by the City, as stated in Kirkland Comprehensive Plan policies. Property owners can explore guaranteed view corridors by working with adjacent property owners in developing a view covenant.

Appropriate landmark tree size (trunk diameter), species or preference for conifers

The 2018 [field study](#) showed that under the current code, a very low percentage of trees exceeding 22-inch trunk diameters (DBH) were retained with development, indicating tree age/size diversity was not resulting from the tree codes applied to development sites. The draft code proposes a landmark tree provision that prohibits the removal of landmark trees over 30 inches in trunk diameter and requires their retention on development sites. The PC expects that public feedback may aid in determining an appropriate size threshold. The PC acknowledges that species diversity is an important performance measure for healthy, sustainable urban forests, too. However, the PC has determined that regulating for species diversity on private property presents too many challenges such as effective code enforcement and does not contribute to a more streamlined code. The PC concurs with staff that greater success could be achieved through managing public trees for species diversity. The draft code preserves the current tree credit multiplier to provide a modest incentive for native conifers.

PC Summary

At the July 11, 2019 PC meeting, the PC agreed that the new code definitions are an improvement, addressing one of the main issues of the tree code being too subjective or not providing enough certainty and consistency with the development permitting process. The PC considers the draft code to be understandable and highly readable and believes that the proposed tree condition criteria establish clear standards for homeowners, arborists and developers.

The Planning Commission has made a concerted effort over many months of study to draft a code that strikes an appropriate balance between establishing clear and predictable regulations while meeting the City's environmental and tree canopy goals. The draft code will inevitably result in some tradeoffs. For example, while the draft code affords additional protection to "iconic" landmark trees, the new allowances for tree removals on larger properties, protection of fewer tree groves, and elimination of protections for "moderate retention value" trees could result in additional tree removal with development. The PC is now ready to discuss this complex balance with the community by distributing the draft code so that the community can provide public testimony on potential code changes.

HCC Comments

On November 26, 2018, the HCC developed guiding principles for their analysis of any proposed code changes. Although not formally adopted, the principles (below) could be used by the HCC to ascertain code amendment priorities that would:

- Strive to achieve a healthy, resilient urban forest with a 40% tree canopy cover.
- Strive for an objective process with predictable outcomes.
- Consider homeowner preferences for sunlight to generate solar energy and/or photosynthesis, as well as views.
- Allow modifications to proposed building plans to retain trees that would not result in unreasonably negative consequences to property owners.
- Promote simplicity and make code easier to implement.

At the July 22, 2019 HCC meeting, the HCC expressed serious concern that the Planning Commission's draft code did not follow the HCC's guiding principles (the related [memo](#) includes an *Application of HCC's Guiding Principles* section for each proposed code/issue). The HCC indicated that the draft code does not adequately address the following issues:

- There should be provisions for tree removal to accommodate property owner preferences for solar energy systems and private view corridors (see Related Policy Issues in this memo).
- Tree credit quotas as proposed by the stakeholders should be required (note: this is not an area of agreement between the stakeholders), with a greater allowance to remove existing trees and replant.
- Landmark tree removal when no development is involved should not be prohibited.
- The code language regarding tree removal permit requirements (no development) should be clarified.

The latter code clarification regarding tree removal permits (no development) will be incorporated into the draft code, while the HCC's remaining concerns with the draft code will be discussed with the PC at the joint public hearing. Ultimately, the City Council will review the draft code and associated recommendations from both groups.

Public Outreach

Early in the project scoping (July 2018), the PC directed staff to implement a “robust and inclusive public outreach plan.” Through last summer, momentum gathered with public interest in the tree code updates at pop-up stands at the 2018 Juanita Farmers Market and the Crossing Kirkland city-wide block party events. Handouts provided at these events informed citizens of the code updates and how to get involved. Staff gave presentations at the 2018 City Hall for All event and several Kirkland Alliance of Neighborhoods (KAN) meetings.

In October 2018, prior to their forming a partnership, staff facilitated separate special interest group meetings with the MBAKS and the FHNA. Since then, MBAKS and FHNA members have generously devoted their time and energy in providing a consensus opinion on what the code should say and what mechanisms can be used or required to protect trees. Having focused on the stakeholder’s contributions for a six-month period without broader public involvement, the PC wishes to obtain feedback on whether further changes are warranted from a broader audience, directing staff to extend outreach efforts at the May 23, 2019 PC meeting; the HCC provided the same direction at the May 30, 2019 HCC meeting.

Staff met with the City’s Communications Manager to develop a strategy on how to re-engage the public following a hiatus spent working with the stakeholder group, the PC and HCC. Several articles have been published in the online This Week in Kirkland bulletins and the first in a series of videos discussing the issues and complexities of the tree code updates has been released.

Currently there are over 900 webpage listserv subscribers signed up to receive project updates, which is an unusually large number. FAQs on the tree codes and amendment process will be added to the project webpage. At this summer’s Sustainability Forum event, an overwhelming number of attendees focused on trees and urban forestry issues, which prompted subsequent special interest meetings.

Once a public hearing date is confirmed, staff will issue a standard notice of hearing in addition to this broader public outreach effort.

Next Steps

Staff will continue to pursue broader community feedback on the proposed updates in preparation for a joint PC and HCC public hearing in November 2019. The Planning Commission anticipates public input through letters, emails and public testimony at the hearing that may generate further changes to draft code. The PC has allowed the stakeholder group time for a 10-minute presentation at the public hearing.

If the City Council believes there are substantive changes to the draft code necessary before taking it to public hearing, the Planning Commission will conduct another study session to address those issues and postpone the joint public hearing. Based on the results of the public hearing and follow-up deliberations, staff anticipates bringing the code to Council for consideration in December or January.

Along with the draft amendments to KZC 95, staff will also bring the draft changes to Kirkland Municipal Code 1.12.100, tree code enforcement, to the City Council for simultaneous adoption.

Attachments

1. Draft Kirkland Zoning Code Chapter 95
2. Tree Code Basic Requirement Chart
3. Draft Kirkland Zoning Code Chapter 95 – Clean Copy

cc: File Number CAM18-00408

Chapter 95 – TREE MANAGEMENT AND REQUIRED LANDSCAPING

95.05 Purpose and Intent

1. Trees and other vegetation are important elements of the physical environment. They are integral to Kirkland's community character and protect public health, safety and general welfare. Protecting, enhancing, and maintaining healthy trees and vegetation are key community values. Comprehensive Plan Policy NE-3.1 describes working towards achieving a healthy, resilient urban forest with a City-wide tree canopy coverage of 40 percent. The many benefits of healthy trees and vegetation contribute to Kirkland's quality of life by:

- a. Minimizing the adverse impacts of land disturbing activities and impervious surfaces such as runoff, soil erosion, land instability, sedimentation and pollution of waterways, thus reducing the public and private costs for storm water control/treatment and utility maintenance;
- b. Improving the air quality by absorbing air pollutants, mitigating the urban heat island effect, assimilating carbon dioxide and generating oxygen, and decreasing the impacts of climate change;
- c. Reducing the effects of excessive noise pollution;
- d. Providing cost-effective protection from severe weather conditions with cooling effects in the summer months and insulating effects in winter;
- e. Providing visual relief and screening buffers;
- f. Providing recreational benefits;
- g. Providing habitat, cover, food supply and corridors for a diversity of fish and wildlife; and
- h. Providing economic benefit by enhancing local property values and contributing to the region's natural beauty, aesthetic character, and livability of the community.

2. Tree and vegetation removal in urban areas has resulted in the loss to the public of these beneficial functions. The purpose of this chapter is to establish a process and standards to provide for the protection, preservation, replacement, proper maintenance, and use of significant trees, associated vegetation, and woodlands located in the City of Kirkland.

The intent of this chapter is to:

- a. Maintain and enhance canopy coverage provided by trees for their functions as identified in KZC 95.05(1);
- b. Preserve and enhance the City of Kirkland's environmental, economic, and community character with mature landscapes;
- c. Promote site planning, building, and development practices that work to avoid removal or destruction of trees and vegetation, that avoid unnecessary disturbance to the City's natural vegetation, and that provide landscaping to buffer the effects of built and paved areas;
- d. Mitigate the consequences of required tree removal in land development through on- and off-site tree replacement with the goals of halting net loss and enhancing Kirkland's tree canopy to achieve an overall healthy tree canopy cover of 40 percent City-wide over time;
- e. Encourage tree retention efforts by providing flexibility with respect to certain other development requirements;
- f. Implement the goals and objectives of the City's Comprehensive Plan;
- g. Implement the goals and objectives of the State Environmental Policy Act (SEPA); and
- h. Manage trees and other vegetation in a manner consistent with the City's Urban Forest Strategic Natural Resource Management Plan, industry standards and best management practices established by the International Society of Arboriculture (ISA) and the American National Standards Institute (ANSI) for Management of Trees During Site Planning, Development and Construction, Pruning, and Tree Risk Assessment.
- i. Preserve and protect street trees, trees in public parks and trees on other City property.

95.10 Definitions

The following definitions shall apply throughout this chapter unless the context clearly indicates otherwise. Definitions that apply throughout this code are also located in Chapter 5 KZC.

1. Caliper – The ~~industry~~American Association of Nurserymen standard for trunk measurement of nursery stock, applicable to supplemental required trees. Caliper ~~of the trunk~~ shall be ~~the trunk diameter~~ measured six (6) inches above the ground for up to and including 4-inch caliper trunk sizes ~~and 12 inches above the ground for larger sizes~~.

2. Critical Root Zone (CRZ) —The area encircling the trunk of surrounding a tree at a distance from the trunk, which is equal to one (1) foot radius for every inch of trunk diameter (DBH) used to establish the Tree Protection Zone (TPZ). trunk diameter measured at 4.5 feet from grade or otherwise determined by a qualified professional. (example: one (1) foot radius per one (1) inch DBH). Example: a 24-inch DBH tree has a 24-foot radius Critical Root Zone measured from the face of the trunk.
 3. Crown – The area of a tree containing leaf- or needle-bearing branches.
 4. Diameter at Breast Height (DBH) – The diameter or thickness of a tree trunk measured at 4.5 feet above average grade from the ground. For trees with multiple leaders at 4.5 feet height, the DBH shall be the combined cumulative total of branches greater than six (6) inches diameter at 4.5 feet above average grade. If a tree has been removed and only the stump remains that is below 4.5 feet tall, the size of the tree shall be the diameter of the top of the stump. DBH is also known as Diameter at Standard Height (DSH).
 5. Dripline – The distance from the tree trunk, that is equal to the furthest extent of the tree's crown.
 6. ~~Grove — A group of three (3) or more significant trees with overlapping or touching crowns (moved below).~~
 7. ~~Hazard Tree — A tree that meets all the following criteria: (moved below)~~
 - a. ~~A tree with a combination of structural defects and/or disease which makes it subject to a high probability of failure;~~
 - b. ~~Is in proximity to moderate to high frequency targets (persons or property that can be damaged by tree failure); and~~
 - c. ~~The hazard condition of the tree cannot be lessened with reasonable and proper arboricultural practices nor can the target be removed.~~
 - x. Inner Critical Root Zone – an area half the distance of the Critical Root Zone that when impacted, may compromise the structural integrity of a tree. Example: a 24-inch DBH tree has a 12-foot radius Inner Critical Root Zone measured from the face of the trunk.
 - x. ISA – International Society of Arboriculture
 8. Impact – A condition or activity that affects a part of a tree including the trunk, branches, and Critical Root Zone.
 9. ~~Limit of Disturbance — the boundary between the protected area around a tree and the allowable site disturbance as determined by a qualified professional measured in feet from the trunk.~~
 10. ~~Nuisance Tree — A tree that meets either of the following criteria: (moved below)~~
 - a. ~~Is causing obvious physical damage to private or public structures, including but not limited to: sidewalk, curb, road, driveway, parking lot, building foundation, or roof; or~~
 - b. ~~Has sustained damage from past maintenance practices.~~

~~The problems associated with the tree must be such that they cannot be corrected by reasonable practices including but not limited to: pruning of the crown or roots of the tree, bracing, and/or cabling to reconstruct a healthy crown.~~
 11. ~~Public Works Official — Designee of the Public Works Director.~~
 12. Qualified Professional – An individual with relevant education and training in arboriculture or urban forestry, having two (2) or more of the following credentials:
 - International Society of Arboriculture (ISA) Certified Arborist;
 - Tree Risk Assessor Qualification Certification (TRAQCE) as established by the Pacific Northwest Chapter of ISA (or equivalent);
 - American Society of Consulting Arborists (ASCA) registered Consulting Arborist;
 - Society of American Foresters (SAF) Certified Forester for Forest Management Plans;
 - Board Certified Master Arborist as established by the ISA.
- For tree retention associated with a development permit, a qualified professional must have, in addition to the above credentials, a minimum of three (3) years' experience working directly with the protection of trees during construction and have experience with the likelihood of tree survival after construction. A qualified professional must also be able to prescribe appropriate measures for the preservation of trees during land development.
13. ~~Retention Values (deleted – replaced by tree condition in KZC 95.32.2)~~

~~14. Significant Tree – A tree that is at least six (6) inches in diameter at breast height (DBH) as measured at 4.5 feet from the ground. (moved/changed)~~

15. Significantly Wooded Site – A subject property that has ~~a number of significant~~ trees with crowns that cover at least 40 percent of the property. _____

16. Site Disturbance – Any development, construction, or related operation that could alter the subject property, including, but not limited to, soil compaction, tree or tree stump removal, road, driveway or building construction, installation of utilities, or grading.

~~17. Specimen Tree – A viable tree that is considered in very good to excellent health and free of major defects, as determined by the City's Urban Forester. (deleted – replaced by tree condition in KZC 95.32.2)~~

~~18. Street Tree – A tree located within the public right-of-way; provided, that if the trunk of the tree straddles the boundary line of the public right-of-way and the abutting property, it shall be considered to be on the abutting property and subject to the provisions of this chapter. (moved)~~

xx. Topping – The reduction of a tree's size using heading cuts that shorten limbs or branches back to a predetermined crown limit. Topping is not an acceptable pruning practice and is not appropriate on established trees. Topping or pruning that results in the removal of more than 25 percent of the live crown will be considered tree removal and subject to the provisions in KMC 1.12.100, Special Provisions Related to Enforcement of Tree Regulations.

xx. Tree Plan – add definitions per recent court case

xx. Tree Retention Plan - add definitions per recent court case

xx. Tree Protection Zone (TPZ) – The outer boundary of a tree's protected area, as determined by a qualified professional, intended to protect individual trees, groups of trees, vegetation, roots and soil from construction-related impacts. TPZ is measured in feet from the face of the trunk and may be determined using Critical Root Zone, dripline, or root plate diameter methodologies or exploratory root excavations. TPZ denotes the location of tree protection fencing.

19. Tree Removal – The removal of a tree, through either direct or indirect actions, including but not limited to: (1) clearing, damaging or poisoning resulting in an unhealthy or dead tree; (2) removal of at least half of the live crown; or (3) damage to roots or trunk that is likely to destroy the tree's structural integrity. Trees that have been recently girdled at development permit submittal will be treated as unauthorized tree removal subject to code enforcement.

~~20. Viable Tree – A significant tree that a qualified professional has determined to be in good health, with a low risk of failure due to structural defects, is windfirm if isolated or remains as part of a grove and is a species that is suitable for its location. (deleted)~~

xx. Trees

- a. Grove – A group of three (3) or more regulated significant trees with overlapping or touching crowns, one of which is a minimum (((30?)))-inch DBH, or a group of five (5) or more regulated trees, one of which is a minimum (((24?)))-inch DBH. Clarify hedge from grove?
- b. Hazard Trees – A tree assessed by a qualified arborist as having an Imminent or High risk rating using the ISA Tree Risk Assessment Qualification (TRAQ) method in its most current form, as applied in KZC 95.xx, Tree Removals.
- c. Landmark Tree – a regulated tree with a minimum (((30?)))-inch DBH in excellent-good condition per KZC.95.30.3c.
- e. Nuisance Tree – A tree that meets either of the following criteria:
 - 1) Is causing obvious physical damage to private or public structures, including but not limited to: sidewalk, curb, road, driveway, parking lot, building foundation, or roof; or
 - 2) Has sustained damage from past maintenance practices.

The problems associated with the tree must be such that they cannot be corrected by reasonable practices including but not limited to: pruning of the crown or roots of the tree, bracing, and/or cabling to reconstruct a healthy crown.

f. Public Tree – a tree located in parks, along public rights-of-way, on City facility property or other property owned by the City.

g. SignificantRegulated Tree – A tree that is at least six (6) inches DBH that is not listed on the Prohibited Plant List in diameter at breast height (DBH) as measured at 4.5 feet from the ground.

h. Street Tree – A tree located within the public right-of-way; provided, that if the trunk of the tree straddles the boundary line of the public right-of-way and the abutting property, it shall be considered to be on the abutting property and subject to the provisions of this chapter

i. Tier 1 Tree(s) – Landmark Trees and Groves.

j. Tier 2 Tree – A regulated tree with any portion of the trunk located in a required yard or a required landscaping area in excellent-good condition per **KZC 95.30.3c**.

21. Wildlife Snag – The remaining trunk of a tree that is intentionally reduced in height and usually stripped of its live branches.

22. Windfirm – A condition of a tree in which it withstands average peak local wind speeds and gusts.

95.20 Tree Removal Permit Exemptions

The following activities are exempt from the provisions of this chapter:

1. Emergency Tree Removal. Any tree that poses an imminent threat to life or property may be removed. The City must be notified within seven (7) days of the emergency tree removal with evidence of the threat for removing the tree to be considered exempt from this chapter. If the Planning Official determines that the emergency tree removal was not warranted or if the removed tree was required by a development permit, the Planning Official may require that the party obtain a permit and/or require that replacement trees and vegetation be replanted as mitigation.
2. Utility Maintenance. Trees may be removed by the City or utility provider in situations involving interruption of services provided by a utility only if pruning cannot solve utility service problems. Utility maintenance shall conform to a City-approved Utility Vegetation Management Plan.
3. Commercial Nurseries or Tree Farms. A nursery or tree farm owner may remove trees that are being grown to be sold as Christmas or landscape trees.

95.21 Public Tree Removal and Pruning

1. ~~Public Tree Removal~~Pruning of Street Trees. Other than City crews, no person, directly or indirectly, shall remove any ~~significant~~ tree on any City property ~~within the City~~, or any tree in the public right-of-way, without first obtaining a tree removal permit as provided in this chapter, unless the activity is exempted in **KZC 95.20, Tree Removal Exemptions** or subsection (x) of this section. Public trees may only be removed if determined to be a hazard or nuisance. If the removal request is for public trees, including trees in rights of way, parks and other City facilities, the appropriate Department Official may consider whether the tree(s) are now, or may be in the future, part of the City's plans for the right-of-way or other capital projects. (consolidated/moved)

2. Public Tree Pruning. Any ~~Public tree~~ pruning shall conform to the most recent version of the American National Standards Institute (ANSI) A300 - Part 1 ~~2004~~ pruning standards or as outlined in an approved Utility Vegetation Management Plan.

a. Parks, Unmaintained City Right of Way, Stormwater and Other City Facilities. Other than City crews, no person, directly or indirectly, shall ~~It is unlawful for any person (other than City crews) to remove, prune, trim, modify, alter or damage any tree in a public park or on any other City property without first obtaining a **Public Tree Pruning tree removal** permit as provided in this chapter, unless the activity is exempted in KZC 95.20.~~

b. Street Trees. It is the responsibility of the ~~adjacent~~abutting property owner to maintain street trees abutting their property, which may include minor pruning of up to one-inch diameter branches for sidewalk clearance, watering, and mulching. ~~In order A Public Tree Pruning permit is required to substantially prune, or trim, modify, or alter a street tree the abutting property owner shall apply for a permit by filing a written application with the City.~~ The City reserves the right to have City or utility crews perform routine pruning and maintenance of street trees.

~~2. Tree Pruning on Private Property. A permit is not required to prune trees on private property. Pruning which results in the removal of at least 25% half of the live crown will be considered tree removal and subject to the provisions in KZC 95.23. Tree topping is not allowed. If a tree required by this chapter is smaller than six (6) inches in diameter and is topped, it must be replaced pursuant to the standards in Chapter 1.12 KMC. If a tree six (6) inches or larger in diameter is topped, the owner must have a qualified professional develop and implement a 5-year restoration pruning program. (moved below)~~

95.23 Tree Pruning and Removal on Private Property with No Development Activity

~~1. Introduction~~ Tree and vegetation removal in urban areas has resulted in the loss of beneficial functions provided by trees to the public. The majority of tree canopy within the City of Kirkland is on private property. The purpose of this section is to establish a process and standards to slow the loss of tree canopy on private property resulting from tree removal, contributing towards the City's canopy goals and a more sustainable urban forest.

~~2. Permit Required for Removal of Trees on Private Property or City Right-of-Way~~ (this section split into public/private property sections above and below)

~~1. Tree Pruning on Private Property~~. Tree topping is not allowed. Any private property owner may prune trees on their property without a permit with the exception of the following:--Pruning which results in the removal of more than half of the live crown will be considered tree removal and subject to the provisions in KZC 95.--(moved)

a. Trees located in critical areas wetlands, streams or their buffers, in landslide geologically hazardous areas, or on properties in the Holmes Point Overlay; (consolidated)

b. Landmark trees or dedicated grove trees.

~~If a tree required by this chapter is smaller than six (6) inches in diameter and is topped, it must be replaced pursuant to the standards in Chapter 1.12 KMC. If a tree six (6) inches or larger in diameter is topped, the owner must have a qualified professional develop and implement a 5-year restoration pruning program. (move to KMC 1.12.100, Tree Code Enforcement)~~

~~2. Tree Removal Allowances~~. ~~a. Except in the Holmes Point Overlay zone~~, Any private property owner of developed property may remove up to two (2) significant a specified number of regulated trees based on the table below within a 12-month period without having to apply for a tree removal permit; provided, that:

a. The trees are not located in critical areas wetlands, streams or their buffers, in geologically landslide hazardous areas, or on properties in the Holmes Point Overlay area (consolidated);

b. The trees are not Landmark trees or dedicated grove trees

c. There is no active application for development activity for the site;

d. The trees were not required to be retained or planted as a condition of previous development activity;

e. The trees are not protected under a Voluntary Tree Conservation Easement;

f. The trees are not located on properties within the City's shoreline jurisdiction. Trees within shoreline jurisdiction are subject to additional tree removal and replacement standards if the tree(s) to be removed are located within the required shoreline setback. See Chapter 83 KZC for additional standards; and

g. All ~~of~~ the additional standards for tree removal and tree removal permits as described in subsections (4) of this section are met.

Table x

<u>Lot Size</u>	<u>Maximum number of regulated trees allowed to be removed every 12 months with notification</u>
<u>Lots up to 10,000 sq. ft.</u>	<u>2</u>
<u>Lots 10,000 to 20,000 sq. ft.</u>	<u>4</u>
<u>Lots 20,000 sq. ft. or greater</u>	<u>6</u>
<u>Lots over 35,000 square feet with a Forest Management Plan</u>	<u>>6</u>
<u>Landmark trees and protected groves shall not be removed without permit approval</u>	

3. Tree Removal Prior to Development Permit. The City will not accept any application for a short plat or subdivision for a property with a pending tree removal permit or tree removal notification. Further, the City will not accept any application for a short plat or subdivision for properties where regulated trees have been removed (including girdling) for a period of 12 months following the tree removal. The City will make an exception for approved removals of hazard or nuisance trees or in instances where the tree removal.

4. Tree Removal Notification Form. The Planning and Building Department shall ~~provide establish and maintain~~ a tree removal ~~request notification~~ form. The form may be used by property owners to request Department review of tree removal for compliance with applicable City regulations.

5. Tree Removal on Private Property. It is unlawful for any person to remove a tree on private property without first obtaining a tree removal permit as provided in this chapter, unless the activity is exempted in KZC 95.20 or allowed in subsection (2) of this section, Tree Removal Allowances (moved or new?)

6. Tree Removal Permit Application Form. The ~~applicable City Planning and Building Department and Public Works Department~~ shall ~~provide establish and maintain~~ a tree removal permit application form. Property owners requesting to remove trees shall submit a completed permit application for City review for compliance with applicable City regulations. (consolidated, moved from below) The tree removal permit application form shall include at a minimum the following:

- a. A site plan showing the approximate location of ~~regulated~~significant trees, their size (DBH) and their species, along with the location of structures, driveways, access ways and easements.
- b. For required replacement trees, a planting plan showing location, size and species of the new trees in accordance to standards set forth in KZC 95.33(3).

7. Tree Removal Permit Decision and Appeals.

a. The City shall review the application within 21 calendar days and either approve, approve with conditions or modifications, deny the application or request additional information. Any decision to deny the application shall be in writing along with the reasons for the denial and the appeal process.

b. The decision of the Planning Official is appealable using the applicable appeal provisions of Chapter 145 KZC.

c. Time Limit. Tree removal by felling shall be completed within one (1) year from the date of permit approval.

8. Tree ~~Retention and~~ Replacement Requirements.

~~—Tree Retention. For single-family homes, cottages, carriage units, two/three-unit homes, two (2) trees shall be required to remain on the subject property.~~

- a. Tree Replacement. For every ~~regulated~~significant tree that is removed ~~and is not required to remain based on subsection (x)(x) of this section,~~ the City encourages the planting of a tree that is appropriate to the site.
- b. Public Trees – the City shall require a one-for-one replacement in a suitable location. (moved)
- c. The removal of any tree in the Holmes Point Overlay Zone requires the planting of a native tree of a minimum of six (6) feet in height in close proximity to where the removed tree was located. Selection of native species and timing of installation shall be approved by the Planning Official. (moved)
- d. For the approved removal of overgrown hedges comprised of regulated trees, replacements shall be in kind with a more suitable species in the same location.

e. If a tree removal request is for one (1) or both of the last 2 regulated trees on single-family home, cottage, carriage unit, or two/three-unit home sites, ~~required to remain~~, a tree removal permit and one-for-one replacement is required. The replacement tree shall be six (6) feet tall for a conifer and 2-inch caliper for deciduous or broad-leaf evergreen tree.

f. For all other land uses not listed in ~~subsection (5)(b)(1) of this section,~~ a tree removal permit is required and the required tree replacement will be based on the required landscaping standards in KZC 95.40 through 95.45.

9. Removal of Hazard or Nuisance Trees. Any private property owner seeking to remove any number of ~~significant regulated~~ trees from developed or undeveloped property or the public right-of-way which are a hazard or nuisance shall first obtain approval of a tree removal permit and meet the requirements of this subsection. The City may order diseased trees removed from private property as hazard trees to prevent the spread of a disease/pest that would cause catastrophic decline in tree health and failure.

a. Tree Risk Assessment. If the nuisance or hazard condition is not ~~evident based on a photograph~~obvious, a tree risk assessment prepared by a qualified professional explaining how the tree(s) meet the definition of a nuisance or hazard tree is required. Removal of nuisance or hazard trees does not count toward the tree removal limit if the nuisance or hazard is supported by a report prepared by a qualified professional and approved by the City. Hazard tree risk assessment shall follow the steps in the ISA TRAQ method for developing a tree risk rating as follows:

1) Identify possible targets and estimate occupancy rate;

2) Inspect tree and identify tree parts that could fail and strike targets (referred to as failure mode);

3) For each significant failure mode identified:

i. The likelihood of failure is assessed;

ii. The likelihood of a tree part impacting a target is assessed;

iii. The likelihood of a tree failure impacting a target is assessed;

iv. Consequences of failure are estimated;

v. The risk is designated pursuant to the matrix in Table xx;

vi. Possible mitigation treatments to reduce the risk are identified;

vii. The risk is again designated pursuant to the matrix in Table xx after mitigation treatment is completed.

b. When assessing the risk of a tree, the Planning Official shall evaluate the tree based on existing conditions and shall exclude possible impacts caused by new development, any land alteration activity, or other similar such activities that might otherwise unnaturally cause the risk rating to increase.

c. The following table is from the ISA TRAQ method and denotes the risk rating matrix used to assess levels of tree risk as a combination of likelihood of a tree failing and impacting a specified target, and the severity of the associated consequences should the tree or any part of the tree fail:

Table xx Tree Risk Rating Matrix

<u>Likelihood of Failure and Impact</u>	<u>Consequences</u>			
	<u>Negligible</u>	<u>Minor</u>	<u>Significant</u>	<u>Severe</u>
<u>Very likely</u>	<u>Low risk</u>	<u>Moderate risk</u>	<u>High Risk</u>	<u>Extreme Risk</u>
<u>Likely</u>	<u>Low risk</u>	<u>Moderate risk</u>	<u>High risk</u>	<u>High risk</u>
<u>Somewhat Likely</u>	<u>Low risk</u>	<u>Low risk</u>	<u>Moderate risk</u>	<u>Moderate risk</u>
<u>Unlikely</u>	<u>Low risk</u>	<u>Low risk</u>	<u>Low risk</u>	<u>Low risk</u>

d. The consequences listed in Table xx have meanings as follows:

i. Extreme Risk. This category applies to trees in which failure is “imminent” and there is a high likelihood of impacting a target, and the consequences of the failure are “severe.”

ii. High Risk. This category applies to situations in which consequences are significant and likelihood is “very likely” or “likely,” or when consequences are “severe” and likelihood is “likely.”

iii. Moderate Risk. This category applies to trees in which consequences are “minor” and likelihood is “very likely” or “likely” or when likelihood is “somewhat likely” and the consequences are “significant” or “severe.”

iv. Low Risk. This category applies to trees in which consequences are “negligible” and likelihood is “unlikely”; or when consequences are “minor” and likelihood is “somewhat likely.”

v. Potential targets are permanent structures or an area of moderate to high use. Where a target does not exist, applicants should consider routine pruning and maintenance to mitigate hazards.

vi. Where a tree is found to have a high or extreme risk, the Planning Official may authorize hazard pruning to mitigate the risk rather than removing the entire tree.

vii. If the Planning Official assesses a tree to have a high or extreme risk and mitigation of the risk through pruning or moving of potential targets is not feasible, the Planning Official shall designate the tree a hazard tree.

10. Trees in Critical Areas or Critical Areas Buffers. See Chapters s 85 and 90 KZC (*Moved from KZC 90.135, consolidated into KZC 95.23.d*).

a. No trees shall be removed from a ~~critical area wetland, stream or their buffers, critical area buffer or geologic hazard areas~~ unless determined to be nuisance or hazardous trees. No trees shall be removed from landslide hazard areas unless the City determines, based on review of requirements of Chapter 85, that the removal will not impact slope stability. Any tree removal shall be authorized in advance through a tree removal permit unless emergency tree removal is warranted per **KZC 95.20.1**;

b. Hazard or nuisance trees in ~~critical areas wetlands, streams~~ and their buffers shall be removed in a manner that creates a wildlife snag;

c. If creation of a snag is not feasible, then the felled tree shall be left in place unless the Planning Official approves tree removal in writing; and

d. The removal of any tree in a ~~critical area wetland, stream, and their buffers~~ shall be replaced with one (1) to three (3) native trees ~~species~~ at a minimum height of six (6) feet depending on the size, quality and species of removed tree. The Planning Official shall determine the location and required number of replacement trees.

~~Street Trees. Street trees may only be removed if determined to be a hazard or nuisance. If the removal request is for street trees, the Public Works Official may consider whether the tree(s) are now, or may be in the future, part of the City's plans for the right-of-way. The City shall require a one-for-one tree replacement in a suitable location. (moved)~~

11. Forest Management Plan.

a. A Forest Management Plan ~~may~~**must** be submitted for developed, significantly wooded sites (~~over 40 percent canopy coverage~~) of at least 35,000 square feet in size in which removal of more than ~~two (2) any~~ **number of trees in excess of the allowable tree removal per KZC 95.23** is requested and is not exempt under KZC 95.20, Tree Removal Exemptions. A Forest Management Plan must be developed by a qualified professional and shall include the following:

1) A site plan depicting the location of all ~~regulated significant trees~~ (a survey identifying tree locations is not required) with a numbering system of the trees (with corresponding tags on trees in the field). The site plan shall include size (DBH), species, and condition of each tree;

2) Identification of trees to be removed, including reasons for their removal and a description of low impact removal techniques pursuant to subsection **(5)(e)(2)** of this section;

3) A reforestation plan that includes location, size, species, and timing of installation;

b. The following Forest Management Plan standards shall apply:

1) Trees to remain should be dominant or co-dominant in the stand, healthy and windfirm.

2) No removal of trees from critical areas and their buffers, unless otherwise permitted by this chapter.

3) No removal of Landmark trees or dedicated grove specimen ~~specimen~~ trees, unless otherwise permitted by this chapter.

4) No removal of **healthy** trees that would cause trees on adjacent properties to become hazardous.

5) The reforestation plan ensures perpetuity of the wooded areas. The size of planted trees for reforestation shall be a minimum of three (3) feet tall.

6) Logging operations shall be conducted so as to expose the smallest practical area of soil to erosion for the least possible time. To control erosion, native shrubs, ground cover and stumps shall be retained where feasible. Where not feasible, appropriate erosion control measures to be approved by the City shall be implemented.

7) Removal of tree debris shall be done pursuant to Kirkland Fire Department standards.

8) Recommended maintenance prescription for retained trees with a specific timeline ~~for such management~~.

~~95.25 Sustainable Site Development~~ *(consolidated/moved into KZC 95.30.5)*

~~All activities regulated by this chapter shall be performed in compliance with the applicable standards contained in this chapter, unless the applicant demonstrates that alternate measures or procedures will be equal or superior to the provisions of this chapter in accomplishing the purpose and intent of this chapter as described in KZC 95.05.~~

~~Applicants requesting alternative compliance shall submit a site assessment report prepared by a qualified professional detailing how the proposed alternative measures will be equal or superior to the benefits provided by the established trees to be removed. Qualifying projects shall implement sustainable site development strategies throughout the construction process as well as contain measurable performance standards for the techniques used. Examples of sustainable site development include building placement with minimal site impact, habitat protection, water conservation, heat island reduction, storm water flow runoff control and water quality, and utilization of the site's natural services such as solar and wind. Requests to use alternative measures and procedures shall be reviewed by the Planning Official, who may approve, approve with conditions, or deny the request.~~

95.30 Tree Retention Associated with Development Activity

~~The City's objective is to mitigate the impacts of incremental canopy loss due to development by establishing clear standards for the retention of existing trees and standards for planting and maintenance of new trees retain as many viable trees as possible on a developing site while still allowing the development proposal to move forward in a timely manner. To that end, the City requires approval of a tree retention plan in conjunction with all development permits resulting in site disturbance and for any tree removal on developed sites not exempted by KZC 95.20. *(moved to 95.30.2)* This section includes provisions that allow development standards to be modified in order to retain viable significant trees.~~

~~In order to make better decisions about tree retention, particularly during all stages of development, tree retention plans will require specific information about the existing trees before removal is allowed. Specific tree retention plan review standards provided in this section establish tree retention priorities, incentives, and variations to development standards in order to facilitate preservation of viable trees.~~

~~A minimum tree density approach is being used to retain as many viable trees as possible with new development activity. The requirement to meet a minimum tree density applies to new single-family homes, cottages, carriage units, two/three-unit homes, and new residential subdivisions and short subdivisions. If such a site falls below the minimum density with existing trees, supplemental planting is required. A tree density for existing trees to be retained is calculated to see if new trees are required in order to meet the minimum density for the entire site. Supplemental tree location priority is set as well as minimum size of supplemental trees to meet the required tree density.~~

~~The importance of effective protection of retained trees during construction is emphasized with specific protection standards in the last part of this section. These standards must be adhered to and included on demolition, grading and building permit plans as necessary. *(moved to 95.30.3b)* Applicants for development are encouraged to confer with City staff as early in the design process as possible so that the applicable tree planting and retention concepts can be incorporated into the design of the subject property. The Planning Official and the applicant shall work in good faith to find reasonable solutions. *(moved)*~~

~~Properties within jurisdiction of the Shoreline Management Act are subject to additional tree retention and protection regulations as set forth in Chapter 83-KZC.~~

~~Properties within the Holmes Point Overlay zone are subject to additional tree retention and protection regulations as set forth in Chapter 70-KZC *(moved)*~~

1. Tree Retention Plan General Requirements. An applicant for a development permit must submit a Tree Retention Plan that complies with this section. A qualified professional may be required to prepare certain submittal elements components of a tree retention plan at the applicant's expense. If proposed development activities call for more than one (1) Tree Retention Plan element component, the more stringent tree retention plan component shall apply; provided, that the Planning Official may require the more stringent of, or a combination of tree plan element components based on the nature of the proposed development activities. If the proposed activity is not clearly identified in this chapter, the Planning Official shall determine the appropriate Tree Retention Plan requirements.

~~The chart in subsection (5) of this section sets forth the tree retention plan requirements for development activities and associated tree removal. *(Note: the chart has been deleted altogether)*. Applicants for development are encouraged to confer with City staff as early in the design process as possible so that the applicable tree planting and retention concepts~~

~~can be incorporated into the design of the subject property. The Planning Official may waive a component of the tree retention plan if the Planning Official determines that the information is not necessary. (moved)~~

2. Tree Retention Plan Review Applicability. ~~Unless otherwise exempt pursuant to KZC 95.20,~~ any proposed development of the subject property requiring approval through a building permit, land surface modification permit, and/or demolition permit, or Design Review, Process I, IIA or IIB, described in Chapters 142, 145, 150 and 152 KZC respectively, shall include a Tree Retention Plan to be considered as part of that process.

~~Based on the tree retention plan information submitted by the applicant and the Planning Official's evaluation of the trees relative to the proposed development on the subject property, the Planning Official shall designate each tree as having a high, moderate, or low retention value as defined in KZC 95.10, Definitions, for application towards the regulations in this chapter.~~

a. The City requires approval of a Tree Retention Plan in conjunction with all development permits resulting in site disturbance and for any tree removal on developed sites except for additions and remodels in which the total square footage of the proposed improvements is less than 50 percent of the total square footage of the existing improvements on the subject property and no development activity is proposed within the CRZ of Tier 1 or Tier 2 trees.

b. Additional tree retention and protection regulations apply to: (moved).

1) Properties within jurisdiction of the Shoreline Management Act as set forth in Chapter 83 KZC;

2) Properties with Critical Areas or related buffers as set forth in Chapters 85 and 90 KZC; and

3) Properties within the Holmes Point Overlay zone as set forth in Chapter 70 KZC.

~~The Planning Official may waive a component of the tree retention plan if the Planning Official determines that the information is not necessary. (moved)~~

3. Tree Retention Plan Submittal Requirements Components. ~~The Tree Retention Plans~~ shall contain the following information ~~as specified in the chart in subsection (5) of this section (chart deleted)~~ unless waived by the Planning Official:

a. A tree inventory. ~~The inventory may be noted on the site plan or in the arborist report, listing containing~~ the following:

1) A numbering system of a ~~All existing regulated significant trees on the subject property identified by a consistent the same numbering system in the arborist report, site plan and onsite tree tags or flagging. (with corresponding tags on trees)~~ The inventory must also include regulated significant trees that are on adjacent properties that appear to have Critical Root Zones (CRZ) -with driplines extending onto ~~over~~ the subject property line;

2) The Critical Root Zone (CRZ) and the proposed Tree Protection Zone (TPZ) distances Limits of Disturbance (LOD ~~of all existing regulated significant trees specified in feet from the face of the tree trunk. The inventory must also include the approximate CRZ and proposed TPZ LOD of regulated significant trees that appear to have Critical Root Zones (CRZ) extending onto the subject property);~~

3) Size (DBH);

4) Proposed tree status ~~(trees to be removed or retained);~~

5) Brief general health or Condition rating of regulated these trees (i.e.: poor, fair, good, excellent, etc.) per KZC 95.32.3(c);

6) Tree type or species and/or common name.

7) Identification or trees that meet the definition of Tier 1 trees.

8) -The inventory may be noted on the site plan or in the arborist report.

b. Site plan. ~~The site plan must be drawn to scale showing depicting~~ the following:

1) Location of all proposed improvements, including building footprint, access, utilities, applicable setbacks, buffers, and required landscaped areas clearly identified. If a short plat or subdivision is being proposed and the location of all proposed improvements cannot be established, a phased tree retention plan review is required as described in subsection (6)(a) of this section;

- 2) Accurate location of ~~regulated significant~~ trees on the subject property (surveyed locations may be required). The site plan must also ~~show~~include the approximate trunk location ~~and critical root zone~~ of ~~potentially impacted regulated significant~~ trees that are on adjacent properties ~~easy with driplines extending over the subject property line~~;
- 3) Trees labeled corresponding to the tree inventory numbering system;
- 4) ~~Location of tree protection measures~~;
- 5) ~~Indicate the limits of disturbance~~ Critical Root Zones drawn to scale around all trees potentially impacted by site disturbances resulting from grading, demolition, or construction activities (including approximate ~~LOD-CRZs~~ of all potentially impacted trees that are on adjacent properties ~~off-site trees with overhanging driplines~~);
- 6) Location of tree protection fence at the proposed Tree Protection Zone, with distances from trunk to fence noted on the site plan. Specific tree protection standards during construction are described in 95.34 KZC. These standards must be adhered to and included on demolition, grading and building permit plans (edited, moved from 95.31.1);
- 7) ~~Proposed tree status~~ (~~Trees proposed to be removed, or retained~~) noted by an 'X' or by ghosting out;
- 8) Proposed locations of any supplemental trees ~~and any~~ required ~~trees in order~~ to meet tree density credits or the minimum number of trees as outlined in KZC 95.32.

c. ~~An Arborist report~~ with~~containing~~ the following:

- 1) ~~A complete description of each tree's health, condition, and viability~~; The condition rating for each regulated tree's suitability for retention based on its health and structure, including regulated trees that appear to have Critical Root Zones (CRZ) extending onto the subject property. Suitability for retention shall be assessed using the following criteria:

<u>Condition Rating</u>	<u>Tree Structure</u> <i>Root flare, trunk condition, branch assembly</i>	<u>Tree Health</u> <i>Twig and leaf density, size and growth, pest/pathogen issues</i>
<u>Excellent</u>	<u>Trunk and root flare are sound and solid, no visible defects or cavities. Generally symmetric crown. Branch spacing, structure and attachments are normal for species and free of defects.</u>	<u>High vigor with little to no twig dieback, discoloration or defoliation. No apparent pest problems. New growth has normal to exceeding shoot length. Leaf size and color normal. Exceptional life expectancy for the species.</u>
<u>Good</u>	<u>Well-developed structure. Defects are minor and can be corrected. Codominant stem formation may be present. Trees that are part of a designated grove may have major asymmetries/deviations form an open-grown form of the same species.</u>	<u>Vigor is normal for species. No significant damage due to diseases or pests. Any twig dieback, defoliation or discoloration is minor (less than 25% of the crown). Typical life expectancy for the species. Trees that are part of a designated grove may have reduced vigor compared to an open-grown form of the same species.</u>
<u>Fair</u>	<u>A single defect of a significant nature such as a trunk cavity or multiple moderate defects such as large girdling roots, trunk damage, evidence of decay that are not practical to correct or would require multiple treatments over several years.</u>	<u>New growth is stunted or absent. Twig dieback, defoliation, discoloration, and/or dead branches may compromise from 25-50% of the crown. Damage due to insects or diseases may be significant and associated with defoliation but is not likely to be fatal. Below average life expectancy.</u>
<u>Poor</u>	<u>High to imminent risk trees (hazard). Structural problems cannot be corrected. Failure may occur at any time.</u>	<u>Poor vigor, unhealthy and declining. Low foliage density with extensive (more than 50%) twig and/or branch dieback. Smaller-than-normal leaf size and little evidence of new growth. Potentially fatal pest infestation.</u>

- 2) For trees not suitable viable for retention, a description of the reason(s) for removal must be given based on poor health, high risk of failure due to structure, defects, unavoidable isolation (windfirmness), or unsuitability of species, etc., and for which no reasonable alternative action is possible must be given (pruning, cabling, etc.); (section reordered)

- 3) A description of the method(s) used to determine the Tree Protection Zone ~~limits of disturbance~~ (i.e., Critical Root Zone formula, root plate diameter, exploratory root excavations or a case-by-case basis description for individual trees);
- 4) Any special instructions specifically outlining any work proposed within the Critical Root Zone of retained trees ~~limits of the disturbance protection area~~ (i.e., additional protection from soil compaction, hand-digging, tunneling or boring, root pruning, mitigating any grade changes, clearing, monitoring during development activity, and aftercare), including potentially impacted trees on adjacent properties;
- 5) A discussion of timing and installation of tree protection measures that must include fencing ~~and be~~ in accordance with the tree protection standards ~~as outlined in~~ KZC 95.34, including any anticipated changes to tree protection fence location or other activity within the Critical Root Zone of retained trees during project construction (i.e. material delivery, equipment access, landscaping, etc.);
- 6) Describe the impact of necessary tree removal to the remaining trees, including those in a grove or on adjacent properties;
- 7) The suggested location and species of supplemental trees to be used when required. The report shall include planting and maintenance specifications pursuant to KZC 95.50 and 95.51.

4. Tree Retention Plan Review Standards for Development of Single Family Dwellings, Short Plats, Subdivisions, and Two/Three Unit Homes. (Note: Tree Retention Plan chart deleted)

~~The applicant shall submit a Tree Retention Plan that includes the components identified in the following chart based on the proposed development activity. In order to retain regulated trees, the applicant should shall pursue provisions in Kirkland's codes that allow development standards to be modified. The authority to make decisions under this Chapter resides with the Planning Official for building permits, land surface modification permits, and/or demolition permits or with the applicable decision authority for Design Review, Process I, IIA or IIB permit Chapters 142, 145, 150 and 152 KZC, respectively. (consolidated/moved)~~

The City does not require tree retention efforts that would reduce maximum allowed density or number of lots, maximum allowed Floor Area Ratio (FAR) or Lot Coverage, or that preclude required access and utility connections.

Tree Retention Plan review and approval shall be based on compliance to the following provisions for specific trees:

a. Tier 1 Trees located anywhere on the subject property shall be retained using the following standards:

1) The applicant is entitled to a maximum building footprint, where consistent with applicable dimensional standards, is a configuration of 40-foot wide by 40-foot deep building footprint, in combination with a contiguous 20-foot wide by 20-foot deep building footprint that may shift location around Tier 1 Trees.

2) In order to retain Tier 1 trees, the applicant shall pursue and the Planning Official is authorized to require site plan alterations such as minor adjustments to the location of building footprints, adjustments to the location of driveways and access ways, or adjustment to the location of walkways, easements or utilities, including the following: (moved from KZC 95.32)

- a) Shift or flip (mirror) the location of building footprints and driveways
- b) Selection of front yard on corner lots in the RSA and RSX zones and selection of the side yard to meet the 15-foot total in the RS zone
- c) Adjust deck, patio and path designs
- d) Relocate utilities when gravity and location of existing mains permit
- e) Avoid rockery/retaining walls located within CRZs
- f) Shore basements and other extensive excavations in order to avoid impact within CRZs
- g) Cantilever structures over CRZs adjustments to the location of driveways and access ways
- h) With short plats and subdivisions, clustering per Section 95.30.7.b, rearrange property lines, relocate access roads and relocate utilities

3) In order to retain Tier 1 trees, the applicant shall employ arboricultural methods such as air excavations, boring under roots instead of trenching and using additional CRZ protection per KZC 95.34.

4) In order to retain Tier 1 trees, the applicant shall pursue and the Planning Official (or Public Works Official where applicable) is authorized to allow these variations to development standards:

- a) 10-foot front and 5-foot rear required yards
- b) Garage requirements of KZC 115.43
- c) Maximum lot coverage by not more than 10 percent where necessary to extend access due to building footprint location
- c) Allow 18-foot by 18-foot parking pads
- d) Modify right of way frontage improvement requirements such as waive landscape strip, etc.
- e) Allow up to a five foot increase in building height where the additional height is clearly related to tree retention (i.e. locating mechanical equipment in the attic, avoiding excavation or fill, etc.)
- f) With short plats and subdivisions, allow 3-foot side required yards with internal lots.

b. Tier 2 trees shall be retained using the following standards:

1) The applicant is entitled to a maximum building footprint of the following configuration, where consistent with applicable dimensional standards:

- a) 50-foot wide by 50-foot deep building footprint, or
- b) For front building facades wider than 50 feet, the maximum building footprint shall be less 10 percent of the distance between side required yards. For example: a 70-foot wide lot with a 60-foot wide front building façade and two 5-foot side required yards results in a 10 percent, or 6-foot reduction to the building pad, which totals a 54' maximum building envelope.

2) The applicant shall pursue and the Planning Official is authorized to require site plan alterations, including:

- a) Shift or flip (mirror) the location of building footprints and driveways
- b) Select the required front yard on corner lots in the RSA and RSX zones and selection of the required side yard to meet the 15-foot total in the RS zone
- c) Reduce required front yard by five-feet and reduce rear yards that are not directly adjacent to another parcel's rear yard but that are adjacent to an access easement or tract may be reduced by five-feet;
- d) Shift the building footprint on the lot to take advantage of the setback modifications/reductions allowed
- e) Redesign deck, patio, path
- f) Avoid retaining wall/rockeries within the CRZ where possible

3) Bore under roots within TPZ for utilities less than 2 inches diameter

4) The Planning Official (or Public Works Official where applicable) is authorized to allow these variations to development standards:

- a) 10-foot front and 5-foot rear required yards
- b) Garage requirements of KZC 115.43
- c) Maximum lot coverage by not more than 10 percent where necessary to extend access due to building footprint location
- d) Modify right of way frontage improvement requirements (no landscape strip, etc.)
- e) Clustering with short plats and subdivisions subject to Section 95.30.7.b.

5. Tree Retention Plan Review Standards for Development of Multifamily, Commercial, Mixed Use, and Cottage/Carriage Development. Other Incentives and Variations to Development Plans (moved to Tier 1 requirements/consolidated from KZC 95.25 and KZC 95.32). In addition to the variations described above, the Planning Official is authorized to allow:

~~Requirements of the Kirkland Zoning Code may be modified by the Planning Official as outlined below when such modifications would further the purpose and intent of this chapter as set forth in KZC 95.05 and would involve trees with a high or moderate retention value.~~

To retain regulated trees in required yards and/or required landscape areas, the applicant shall pursue provisions in Kirkland's codes that allow development standards to be modified. The authority to make decisions under this Chapter resides with the Planning Official for building permits, land surface modification permits, and/or demolition permits or with the applicable decision authority for Design Review, Process I, IIA or IIB permit Chapters 142, 145, 150 and 152 KZC, respectively. (consolidated/moved)

The City does not require tree retention efforts that would reduce maximum allowed density or lot coverage or that preclude required access and utility connections.

Tree Retention Plan review and approval shall be based on compliance with the following provisions for regulated trees located in required yards and/or required landscape areas. Regulated trees in these areas shall be retained to the maximum extent possible using the following standards:

- a. Adjust deck, patio and path designs
- b. Relocate utilities when gravity and location of existing mains permit
- c. Avoid rockery/retaining walls located within CRZs
- d. Shore basements and other extensive excavations in order to avoid impact within CRZs
- e. Cantilever structures over CRZs
- f. Employ arboricultural methods such as air excavations, boring under roots instead of trenching and using additional CRZ protection per KZC 95.34.
- g. Modify right of way frontage improvement requirements such as waiving landscape strip, etc.
- h. ~~Reductions or Variations to~~ Common Recreational Open Space area, width, or composition of required common recreational open space ~~may be granted~~.
- i.
- ~~b.~~ ~~Variations in~~ parking lot design and/or access driveway requirements ~~may be granted~~ when the Public Works and Planning Officials both determine the variations to be consistent with the intent of City policies and codes.
- j.
- ~~c.~~ ~~Storm Water. R~~ ~~Variations to the r~~ requirements pertaining to stormwater if approved by the Public Works Official under KMC 15.52.060.

~~3. Required Yards. Initially, the applicant shall pursue options for placement of required yards as permitted by other sections of this code, such as selecting one (1) front required yard in the RSX zone and adjusting side yards in any zone to meet the 15-foot total as needed for each structure on the site. The Planning Official may also reduce the front, side or rear required yards; provided, that:~~

- ~~a. No required side yard shall be less than five (5) feet; and~~
- ~~b. The required front yard shall not be reduced by more than five (5) feet in residential zones. There shall not be an additional five (5) feet of reduction beyond the allowance provided for covered entry porches;~~
- ~~c. Rear yards that are not directly adjacent to another parcel's rear yard but that are adjacent to an access easement or tract may be reduced by five (5) feet;~~
- ~~d. No required yard shall be reduced by more than five (5) feet in residential zones.~~

~~Additional Variations. In addition to the variations described above, the Planning Official is authorized to require site plan alterations to trees with a high retention value. Such alterations include minor adjustments to the location of building footprints, adjustments to the location of driveways and access ways, or adjustment to the location of walkways, easements or utilities. The Planning Official and the applicant shall work in good faith to find reasonable solutions. (moved)~~

6. The Planning Official may authorize the removal of Tier 1 and Tier 2 trees required for retention if:

a. After utilizing the required site plan alterations and allowed variations to development standards listed in KZC 95.30.4 and 95.30.5, encroachment into the CRZ would result in either of the following cases:

- 1) Tree(s) that are unsuitable for retention per the condition ratings in KZC 95.30.3c
- 2) The retention of a Tier 2 tree compromises a Tier 1 tree's suitability for retention.

b. Proposed alternative measures using sustainable site development strategies and qualifying sustainability certifications result in development sites that are equal or superior to the intent of this Chapter *(moved/consolidated)* such as:

- 1) Low Impact Development (LID) standards within the Public Works Pre-Approved Plans and Policies and King County Stormwater Manual
- 2) International Living Futures Institute (ILFI) Living Building Challenge
- 3) Leadership in Energy and Environmental Design (LEED)
- 4) Built Green Net Zero
- 5) Salmon Safe, ILFI Net Zero or Passive House programs that will be equal or superior to the provisions of KZC 95.
- 6) The installation of renewable energy system hardware such as solar panels or wind turbines

Requests to use alternative measures and procedures shall be reviewed by the Planning Official, who may approve, approve with conditions, or deny the request. The Planning Official and the applicant shall work in good faith to find reasonable solutions.*(moved)*

7. Additional Tree Retention Plan Standards for Short Plats and Subdivisions

a. ~~Phased Review.~~

~~1) If during the short plat or subdivision review process the location of all proposed improvements, including the building footprint, utilities, and access, was not able to be established, the applicant may submit a Tree Retention Plan that addresses trees only affected by the known improvements at the time of application. Tree removal shall be limited to those affected areas.~~

~~2) A new Tree Retention Plan shall be required at each subsequent phase of the project as more information about the location of the proposed improvements is known subject to all of the requirements in this section.~~

~~3) Phased review of Tree Retention Plans is not permitted in the Holmes Point Overlay zone. In the HPO zone, subdivision or short plat applications shall provide a comprehensive review of Tree Retention Plans as outlined in subsections (2) through (5) of this section.~~

~~b. Modifications to Tree Retention Plan for Short Plats and Subdivisions. A Tree Retention Plan modification request shall contain information as determined by the Planning Official based on the requirements in subsection (5) of this section, Tree Retention Plan. The fee for processing a modification request shall be established by City ordinance.~~

~~a. Modifications. For Tree Retention Plans approved during the short plat or subdivision review process that established the location of all proposed improvements, including the building footprint, utilities, and access, a~~ Modifications ~~to the Tree Retention Plan may be approved as follows pursuant to the standards of KMC 22.20.025 and the following criteria:~~

~~1) Modification — General. The Planning Official may approve minor modifications to the approved Tree Retention Plan in which the minimum tree density credits associated with trees identified for retention are not decreased.~~

~~1) Modification Prior to Tree Removal. The Planning Official Planning Director may approve a modification request to remove Tier 2 trees ~~decrease the minimum number of tree density credits associated with trees~~ previously identified for retention if:~~

- a) Regulated trees inventoried in the original Tree Retention Plan have not yet been removed;

and

b) ~~The Planning Official shall not approve or deny a modification pursuant to this section without first providing~~ Notice of the modification request is provided consistent with the noticing requirements for the short plat.

2) Modification after Tree Removal. A modification request is required to remove trees decrease the minimum number of tree density credits associated with trees previously identified for retention after which trees inventoried in the original Tree Retention Plan have already been removed. Such a request may be approved by the ~~Hearing Examiner~~ Planning Director only if the following are met:

- a) The need for the modification was not known and could not reasonably have been known before the tree retention plan was approved;
- b) The modification is necessary because of special circumstances which are not the result of actions by the applicant regarding the size, shape, topography, or other physical limitations of the subject property relative to the location of proposed and/or existing improvements on or adjacent to the subject property;
- c) There is no practicable or feasible alternative development proposal that results in fewer additional tree removals;
- d) The ~~Hearing Examiner~~ Planning Director shall not approve or deny a modification pursuant to this section without ~~the Planning Official~~ first providing notice of the modification request consistent with the noticing requirements for the short plat and providing opportunity for comments for consideration by the ~~Hearing Examiner~~ Planning Director; and
- e) Said comment period shall not be less than 14 calendar days.
- f) The fee for processing a modification request shall be established by City ordinance.

b. Clustering of lots associated with short plats and subdivisions. The Planning Director may approve variations to minimum Lot Size, maximum Floor Area Ratio and Lot Coverage requirements in order to facilitate retention of Tier 1 and Tier 2 trees where necessitated by retention of trees in protective tracts or where lot sizes are averaged in order to retain trees. The following standards shall apply:

1) Lot sizes may be averaged with no minimum lot size specified, provided there is no increase the allowed density or number of lots otherwise allowed for the subject property;

2) The maximum Floor Area Ratio and/or Lot Coverage requirements may be adjusted proportionate to the Lot Size reduction(s), provided there is no net increase in the aggregate Floor Area ratio and/or aggregate Lot Coverage otherwise allowed for the subject property. The variations and resultant restrictions shall be included in a recorded agreement and binding on future owners of the lots.

NEW 95.32 Tree Planting Requirements Associated with Development Activity

(moved from 95.30.1) When the incentives, site plan alterations and variations to development standards listed in this Chapter have been pursued and the Planning Official determines that there are no existing Landmark trees, Groves and Tier 2 trees located in required yards in excellent to good condition to retain on a development site, supplemental trees shall be planted to achieve a required tree density per acre on a development site.

1. Supplemental Tree Requirement. The required ~~minimum~~ tree density for replanting is 30 tree credits per acre for single-family homes, cottages, carriage units, two/three-unit homes, short plats, and/or subdivisions and associated demolition and land surface modification *(moved)*. Applicants may exceed tree density credits requirements. The tree density may consist of existing trees pursuant to the tree's retention value, supplemental trees or a combination of existing and supplemental trees pursuant to subsection (2) of this section.

~~Tree Density Calculation. In calculating tree density credits, tree credits may be rounded up to the next whole number from a 0.5 or greater value. For the purpose of calculating required minimum tree density, public right of way, areas to be dedicated as public right of way, and vehicular access easements not included as lot area with the approved short plat shall be excluded from the area used for calculation of tree density.~~ *(moved)*

~~Tree density calculation for existing individual trees:~~

- ~~a.—Diameter breast height (DBH) of the tree shall be measured in inches.~~

~~b. The tree credit value that corresponds with DBH shall be found in Table 95.33.1. Existing native conifers (or other conifer species as approved by the Urban Forester) shall count 1.5 times credits for retention.~~

2. Applicability of Tree Credits. For individual lots in a short subdivision or subdivision with an approved Tree Retention Plan, the required tree density applies to each lot within the short plat or subdivision. *(moved)* Trees planted in the following locations shall not count towards tree density credit requirements:

a. In the public right of way, areas to be dedicated as public right of way, and vehicular access easements not included as lot area with the approved short plat *(moved)*.

b. Existing trees transplanted to an area on the same site unless approved by the Planning Official based on transplant specifications provided by a qualified professional that will ensure a good probability for survival *(moved)*.

~~e. The total resulting tree density credits on a lot shall result from retained existing trees, supplemental trees, or a combination of the two.~~

(Reinsert Table 95 here)

~~—Supplemental Trees Planted to Meet Minimum Density Requirement. For sites and activities requiring a minimum tree density and where the existing trees to be retained do not meet the minimum tree density requirement, supplemental trees shall be planted to achieve the required minimum tree density.~~

3. Tree Density Credit Calculation. To calculate required tree density credits, divide the square foot area of the subject lot by 43,560 (the square foot equivalent to one acre). The resulting number is then multiplied by 30, the minimum tree density credit requirement for one acre. In calculating required tree density credits, any fraction of credits shall be rounded up to the next whole number from a 0.5 or greater value *(moved)*.

Example: an 8,500-square-foot lot would need eight (8) tree credits $(8,500/43,560 = 0.195 \times 40 = 7.8, \text{ or eight (8) credits})$.

4. Minimum Size and Tree Density Value for Supplemental Trees. The required minimum size of the supplemental tree worth one (1) tree credit shall be ~~six (6) feet tall for Thuja/Arborvitae or~~ four (4) feet tall for native or other conifers and 2-inch caliper for deciduous or broad-leaf evergreen trees. Additional credits may be awarded for larger supplemental trees. Supplemental Thuja/Arborvitae or other slow-growing conifers such as Hinoki cypress planted on development sites shall not count towards tree density credits on a lot. The installation and maintenance shall be pursuant to KZC 95.50 and 95.51 respectively.

5. Supplemental Tree Locations. In designing a development and in meeting the required ~~minimum~~ tree density, the supplemental trees shall be planted pursuant to KZC 95.50 in the following order of priority:

a. On-Site. The preferred locations for new trees are: *(reprioritized)*

- 1) On individual residential building lots
- 2) In preserved groves, critical areas or their buffers.
- 3) Adjacent to storm water facilities as approved by Public Works under KMC 15.52.060.
- 4) Site perimeter – The area of the subject property that is within 10 feet from the property line.
- 5) Entrance landscaping, traffic islands and other common areas with the development of ~~in~~ residential subdivisions.

b. Off-Site. When room is unavailable for planting the required trees on site, then they may be planted at another approved location in the City. Trees that are planted offsite from the subject property may be required to be preserved in perpetuity.

6. Payment in Lieu of Planting City Forestry Account. When the Planning Official determines on-site and off-site locations are unavailable, then the applicant shall pay an amount of money in lieu of planting, utilizing the most recent version of the Pacific Northwest International Society of Arboriculture (PNW ISA) "Species Ratings for Landscape Tree Appraisal" unit cost of \$480 per conifer or \$390 per deciduous tree, multiplied by the number of required tree credits ~~approximating the current market value of the supplemental trees~~ into the City Forestry Account pursuant to KZC 95.57.

95.40 Required Landscaping based on Zoning District

1. User Guide. Chapters 15 through 56 KZC containing the use zone or development standards tables assign a landscaping category to each use in each zone. This category is either "A," "B," "C," "D," or "E." If you do not know which

landscaping category applies to the subject property, you should consult the appropriate use zone or development standards tables.

Requirements pertaining to each landscaping category are located throughout this chapter, except that Landscaping Category E is not subject to this section.

Landscape Categories A, B, C, D, and E may be subject to additional related requirements in the following other chapters:

- a. Various use zone charts or development standards tables, in Chapters 15 through 56 KZC, establish additional or special buffering requirements for some uses in some zones.
 - ~~b. Chapter 85 KZC, Geologically Hazardous Areas, addresses the retention of vegetation on steep slopes.~~
 - ~~c. Chapter 90 KZC, Critical Areas, addresses vegetation within critical areas and critical area buffers.~~
 - d. Chapter 110 KZC and Chapter 19.36 KMC address vegetation within rights-of-way, except for the I-405 and SR-520 rights-of-way, and the Cross Kirkland Corridor railbanked rail corridor or the Eastside Rail Corridor.
 - e. KZC 115.135, Sight Distance at Intersections, which may limit the placement of landscaping in some areas.
 - f. Chapter 22 KMC addresses trees in subdivisions.
2. Use of Significant Existing Vegetation.
 - a. General. The applicant shall apply subsection **KZC 95.30(3)**, Tree Retention Plan Procedure, and **KZC 95.32**, Incentives and Variations to Development Standards, to retain existing native trees, vegetation and soil in areas subject to the landscaping standards of this section. The Planning Official shall give substantial weight to the retained native trees and vegetation when determining the applicant's compliance with this section.
 - b. Supplement. The City may require the applicant to plant trees, shrubs, and groundcover according to the requirements of this section to supplement the existing vegetation in order to provide a buffer at least as effective as the required buffer.
 - c. Protection Techniques. The applicant shall use the protection techniques described in **KZC 95.34** to ensure the protection of significant existing vegetation and soil.
 3. Landscape Plan Required. In addition to the Tree Retention Plan required pursuant to **KZC 95.30**, application materials shall clearly depict the quantity, location, species, and size of plant materials proposed to comply with the requirements of this section and shall address the plant installation and maintenance requirements set forth in **KZC 95.50 and 95.51**. Plant materials shall be identified with both their scientific and common names. Any required irrigation system must also be shown.

95.41 Supplemental Plantings

1. General. The applicant shall provide the supplemental landscaping specified in **subsection (2)** of this section in any area of the subject property that:
 - a. Is not covered with a building, vehicle circulation area or other improvement; and
 - ~~b. Is not a critical area critical area buffer or~~
 - b. Is not in an area to be planted with required landscaping; and
 - c. Is not committed to and being used for some specific purpose.
2. Standards. The applicant shall provide the following at a minimum:
 - a. Living plant material which will cover 80 percent of the area to be landscaped within two (2) years. If the material to be used does not spread over time, the applicant shall re-plant the entire area involved immediately. Any area that will not be covered with living plant material must be covered with nonliving groundcover, i.e.: mulch. Preference is given to using native plant species. See Kirkland Native Tree/Plant Lists.
 - b. One (1) tree for each 1,000 square feet of area to be landscaped. At the time of planting, deciduous trees must be at least two (2) inches in caliper and coniferous trees must be at least five (5) feet in height.
 - c. If a development requires approval through Process I, IIA or IIB as described in Chapters 145, 150 and 152 KZC, respectively, the City may require additional vegetation to be planted along a building facade if:
 - 1) The building facade is more than 25 feet high or more than 50 feet long; or

2) Additional landscaping is necessary to provide a visual break in the facade.

d. In RHBD varieties of rose shrubs or ground cover along with other plant materials shall be included in the on-site landscaping.

e. If development is subject to Design Review as described in **Chapter 142 KZC**, the City will review plant choice and specific plant location as part of the Design Review approval. The City may also require or permit modification to the required plant size as part of Design Review approval.

95.42 Minimum Land Use Buffer Requirements

The applicant shall comply with the provisions specified in the following chart and with all other applicable provisions of this chapter. Land use buffer requirements may apply to the subject property, depending on what permitted use exists on the adjoining property or, if no permitted use exists, depending on the zone that the adjoining property is in.

LANDSCAPING CATEGORY	ADJOINING PROPERTY	*Public park or low density residential use or if no permitted use exists on the adjoining property then a low density zone.	Medium or high density residential use or if no permitted use exists on the adjoining property then a medium density or high density zone.	Institutional or office use or if no permitted use exists on the adjoining property then an institutional or office zone.	A commercial use or an industrial use or if no permitted use exists on the adjoining property then a commercial or industrial zone.
A		Must comply with subsection (1) (Buffering Standard 1)	Must comply with subsection (1) (Buffering Standard 1)	Must comply with subsection (2) (Buffering Standard 2)	
B		Must comply with subsection (1) (Buffering Standard 1)	Must comply with subsection (1) (Buffering Standard 1)		
C		Must comply with subsection (1) (Buffering Standard 1)	Must comply with subsection (2) (Buffering Standard 2)		
D		Must comply with subsection (2) (Buffering Standard 2)			
E					
Footnotes:		*If the adjoining property is zoned Central Business District, Juanita Business District, North Rose Hill Business District, Rose Hill Business District, Finn Hill Neighborhood Center, Houghton/Everest Neighborhood Center, Business District Core or is located in TL 5, this section KZC 95.42 does not apply.			

This chart establishes which buffering standard applies in a particular case. The following subsections establish the specific requirement for each standard:

1. For standard 1, the applicant shall provide a 15-foot-wide landscaped strip with a 6-foot-high solid screening fence or wall. Except for public utilities, the fence or wall must be placed on the outside edge of the land use buffer or on the property line when adjacent to private property. For public utilities, the fence or wall may be placed either on the outside or inside edge of the landscaping strip. A fence or wall is not required when the land use buffer is adjacent and parallel to a public right-of-way that is improved for vehicular use. See KZC 115.40 for additional fence standards. The land use buffer must be planted as follows:

a. Trees planted at the rate of one (1) tree per 20 linear feet of land use buffer, with deciduous trees of two and one-half (2-1/2) inch caliper, minimum, and/or coniferous trees eight (8) feet in height, minimum. At least 70 percent of trees shall be evergreen. The trees shall be distributed evenly throughout the buffer, spaced no more than 20 feet apart on center.

b. Large shrubs or a mix of shrubs planted to attain coverage of at least 60 percent of the land use buffer area within two (2) years, planted at the following sizes and spacing, depending on type:

- 1) Low shrub – (mature size under three (3) feet tall), 1- or 2-gallon pot or balled and burlapped equivalent;
 - 2) Medium shrub – (mature size from three (3) to six (6) feet tall), 2- or 3-gallon pot or balled and burlapped equivalent;
 - 3) Large shrub – (mature size over six (6) feet tall), 5-gallon pot or balled and burlapped equivalent.
- c. Living ground covers planted from either 4-inch pot with 12-inch spacing or 1-gallon pot with 18-inch spacing to cover within two (2) years 60 percent of the land use buffer not needed for viability of the shrubs or trees.
2. For standard 2, the applicant shall provide a 5-foot-wide landscaped strip with a 6-foot-high solid screening fence or wall. Except for public utilities, the fence or wall must be placed on the outside edge of the land use buffer or on the property line when adjacent to private property. For public utilities, the fence or wall may be placed either on the outside or inside edge of the landscaping strip. A fence or wall is not required when the land use buffer is adjacent and parallel to a public right-of-way that is improved for vehicular use. See **KZC 115.40** for additional fence standards. The landscaped strip must be planted as follows:
- a. One (1) row of trees planted no more than 10 feet apart on center along the entire length of the buffer, with deciduous trees of 2-inch caliper, minimum, and/or coniferous trees at least six (6) feet in height, minimum. The spacing may be increased to 15 feet to accommodate larger species and avoid long-term crowding. At least 50 percent of the required trees shall be evergreen.
 - b. Living ground covers planted from either 4-inch pot with 12-inch spacing or 1-gallon pot with 18-inch spacing to cover within two (2) years 60 percent of the land use buffer not needed for viability of the trees.
3. Plant Standards. All plant materials used shall meet the most recent American Association of Nurserymen Standards for nursery stock: ANSI Z60.1.
4. Location of the Land Use Buffer. The applicant shall provide the required buffer along the entire common border between the subject property and the adjoining property.
5. Multiple Buffering Requirement. If the subject property borders more than one (1) adjoining property along the same property line, the applicant shall provide a gradual transition between different land use buffers. This transition must occur totally within the area which has the less stringent buffering requirement. The specific design of the transition must be approved by the City.
6. Adjoining Property Containing Several Uses. If the adjoining property contains several permitted uses, the applicant may provide the least stringent land use buffer required for any of these uses.
7. Subject Property Containing Several Uses. If the subject property contains more than one (1) use, the applicant shall comply with the land use buffering requirement that pertains to the use within the most stringent landscaping category that abuts the property to be buffered.
8. Subject Property Containing School. If the subject property is occupied by a school, land use buffers are not required along property lines adjacent to a street.
9. Encroachment into Land Use Buffer. Typical incidental extensions of structures such as chimneys, bay windows, greenhouse windows, cornices, eaves, awnings, and canopies may be permitted in land use buffers as set forth in **KZC 115.115(3)(d)**; provided, that:
- a. Buffer planting standards are met; and
 - b. Required plantings will be able to attain full size and form typical to their species.

95.43 Outdoor Use, Activity, and Storage

Outdoor use, activity, and storage (**KZC 115.105(2)**) must comply with required land use buffers for the primary use, except that the following outdoor uses and activities, when located in commercial or industrial zones, are exempt from **KZC 115.105(2)(c)(1) and (2)(c)(2)** as stated below:

1. That portion of an outdoor use, activity, or storage area which abuts another outdoor use, activity, or storage area which is located on property zoned for commercial or industrial use.
2. Outdoor use, activity, and storage areas which are located adjacent to a fence or structure which is a minimum of six (6) feet above finished grade, and do not extend outward from the fence or structure more than five (5) feet; provided, that the total horizontal dimensions of these areas shall not exceed 50 percent of the length of the facade or fence (see Plate 11).

3. If there is an improved path or sidewalk in front of the outdoor storage area, the outdoor use, activity or storage area may extend beyond five (5) feet if a clearly defined walking path at least three (3) feet in width is maintained and there is adequate pedestrian access to and from the primary use. The total horizontal dimension of these areas shall not exceed 50 percent of the length of the facade of the structure or fence (see Plate 11).
4. Outdoor dining areas.
5. That portion of an outdoor display of vehicles for sale or lease which is adjacent to a public right-of-way that is improved for vehicular use; provided, that it meets the buffering standards for driving and parking areas in **KZC 95.45(1)**; and provided further, that the exemptions of **KZC 95.45(2)** do not apply unless it is fully enclosed within or under a building, or is on top of a building and is at least one (1) story above finished grade.
6. Outdoor Christmas tree lots and fireworks stands if these uses will not exceed 30 days, and outdoor amusement rides, carnivals and circuses, and parking lot sales which are ancillary to the indoor sale of the same goods and services, if these uses will not exceed seven (7) days.

95.44 Internal Parking Lot Landscaping Requirements

The following internal parking lot landscape standards apply to each parking lot or portion thereof containing more than eight (8) parking stalls.

1. The parking lot must contain 25 square feet of landscaped area per parking stall planted as follows:
 - a. The applicant shall arrange the required landscaping throughout the parking lot to provide landscape islands or peninsulas to separate groups of parking spaces (generally every eight (8) stalls) from one another and each row of spaces from any adjacent driveway that runs perpendicular to the row. This island or peninsula must be surrounded by a 6-inch-high vertical curb and be of similar dimensions as the adjacent parking stalls. Gaps in curbs are allowed for stormwater runoff to enter landscape island.
 - b. Landscaping shall be installed pursuant to the following standards:
 - 1) At least one (1) deciduous tree, two (2) inches in caliper, or a coniferous tree five (5) feet in height.
 - 2) Groundcover shall be selected and planted to achieve 60 percent coverage within two (2) years.
 - 3) Natural drainage landscapes (such as rain gardens, bio-infiltration swales and bioretention planters) are allowed when designed in compliance with the stormwater design manual adopted in **KMC 15.52.060**. Internal parking lot landscaping requirements for trees still apply. Refer to Public Works Pre-Approved Plans.
 - c. Exception. The requirements of this subsection do not apply to any area that is fully enclosed within or under a building.
2. Rooftop Parking Landscaping. For a driving or parking area on the top level of a structure that is not within the CBD zone or within any zone that requires design regulation compliance, one (1) planter that is 30 inches deep and five (5) feet square must be provided for every eight (8) stalls on the top level of the structure. Each planter must contain a small tree or large shrub suited to the size of the container and the specific site conditions, including desiccating winds, and is clustered with other planters near driving ramps or stairways to maximize visual effect.
3. If development is subject to Design Review as described in **Chapter 142 KZC**, the City will review the parking area design, plant choice and specific plant location as part of the Design Review approval. The City may also require or permit modification to the required landscaping and design of the parking area as part of Design Review approval.

95.45 Perimeter Landscape Buffering for Driving and Parking Areas

1. Perimeter Buffering – General. Except as specified in subsection (2) of this section, the applicant shall buffer all parking areas and driveways from abutting rights-of-way and from adjacent property with a 5-foot-wide strip along the perimeter of the parking areas and driveways planted as follows (see **Figure 95.45.A**):
 - a. One (1) row of trees, two (2) inches in caliper and planted 30 feet on center along the entire length of the strip.
 - b. Living groundcover planted to attain coverage of at least 60 percent of the strip area within two (2) years.
 - c. Natural drainage landscapes (such as rain gardens, bio-infiltration swales and bioretention planters) are allowed when designed in compliance with the stormwater design manual adopted in **KMC 15.52.060**. Perimeter landscape buffering requirements for trees in driving and parking areas still apply. Refer to Public Works Pre-Approved Plans.

2. Exception. The requirements of this section do not apply to any parking area that:
 - a. Is fully enclosed within or under a building; or
 - b. Is on top of a building and is at least one (1) story above finished grade; or
 - c. Serves detached dwelling units exclusively; or
 - d. Is within any zone that requires design regulation compliance. See below for Design District requirements.
3. Design Districts. If subject to Design Review, each side of a parking lot that abuts a street, through-block pathway or public park must be screened from that street, through-block pathway or public park by using one (1) or a combination of the following methods (see **Figures 95.45.A, B, and C**):
 - a. By providing a landscape strip at least five (5) feet wide planted consistent with subsection (1) of this section, or in combination with the following. In the RHBD Regional Center (see **KZC Figure 92.05.A**) a 10-foot perimeter landscape strip along NE 85th Street is required planted consistent with subsection (1) of this section.
 - b. The hedge or wall must extend at least two (2) feet, six (6) inches, and not more than three (3) feet above the ground directly below it.
 - c. The wall may be constructed of masonry or concrete, if consistent with the provisions of **KZC 92.35(1)(g)**, in building material, color and detail, or of wood if the design and materials match the building on the subject property.
 - d. In JBD zones:
 - 1) If the street is a pedestrian-oriented street, the wall may also include a continuous trellis or grillwork, at least five (5) feet in height above the ground, placed on top of or in front of the wall and planted with climbing vines. The trellis or grillwork may be constructed of masonry, steel, cast iron and/or wood.
 - 2) If the wall abuts a pedestrian-oriented street, the requirements of this subsection may be fulfilled by providing pedestrian weather protection along at least 80 percent of the frontage of the subject property.
 - e. If development is subject to Design Review as described in Chapter **142 KZC**, the City will review plant choice and specific plant location as part of the Design Review approval. The City may also require or permit modification to the required plant size as part of Design Review approval.
4. Overlapping Requirements. If buffering is required in **KZC 95.42**, Land Use Buffering Standards, and by this subsection, the applicant shall utilize the more stringent buffering requirement.

Perimeter Parking Lot Landscaping

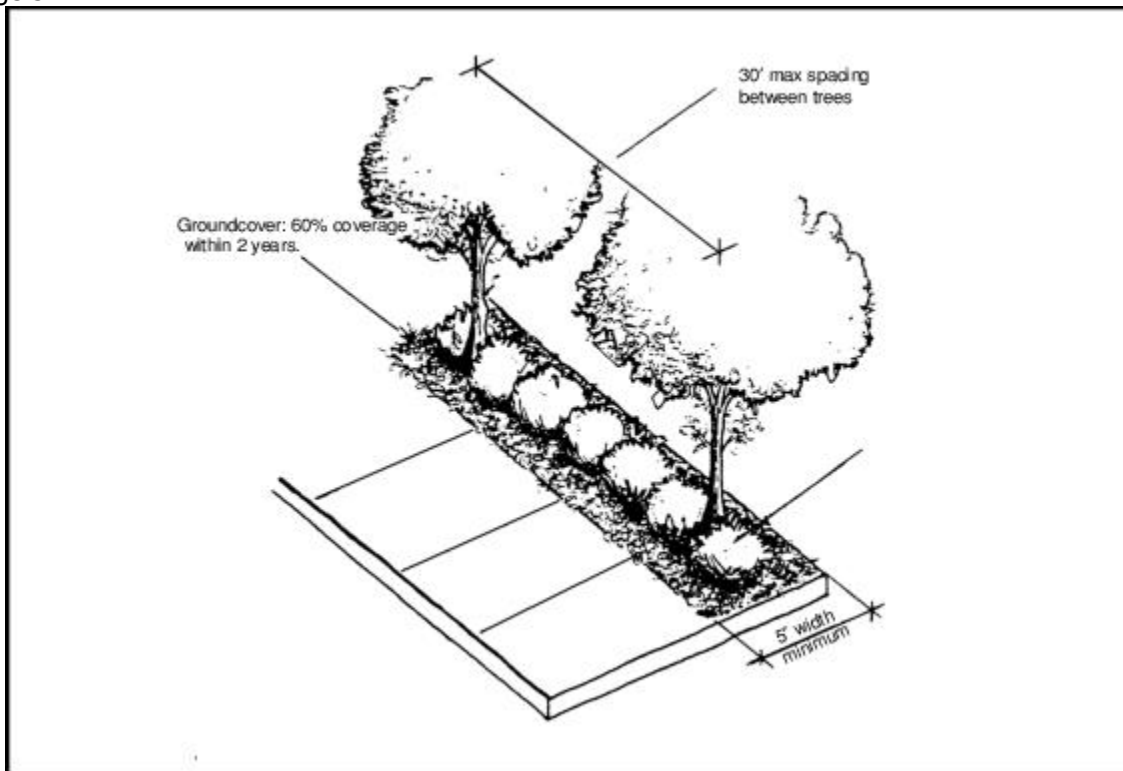


FIGURE 95.45.A

Perimeter Parking – Examples of Various Screen Wall Designs

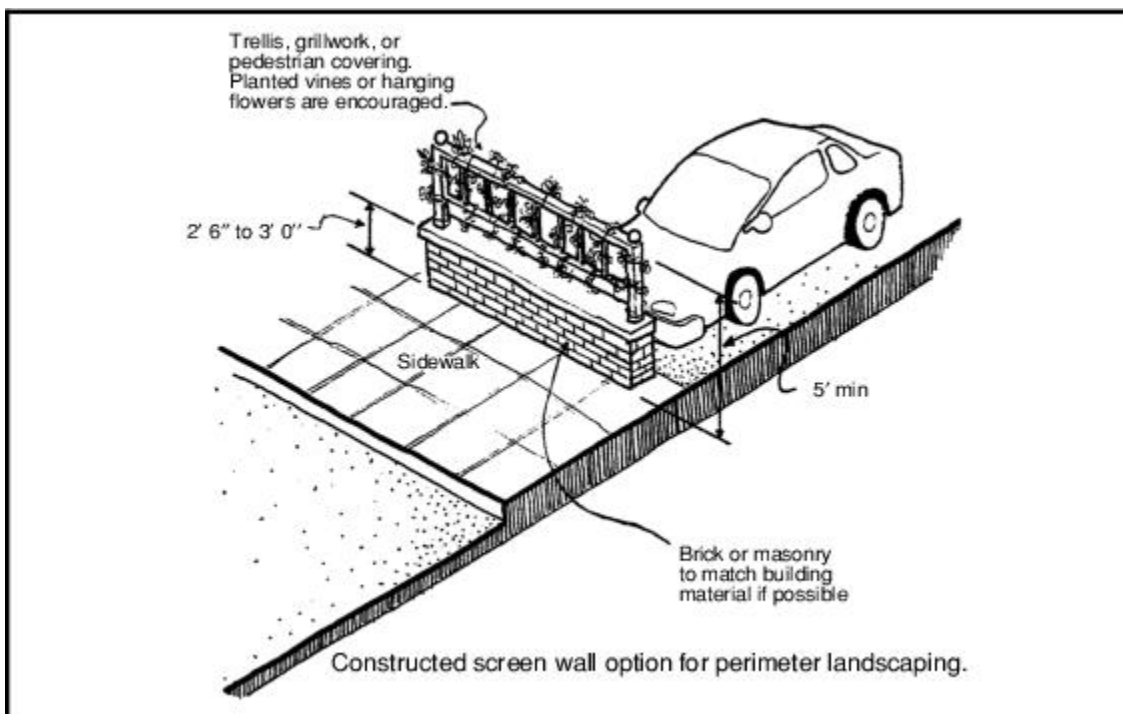


FIGURE 95.45.B

Perimeter Parking – Examples of Various Screen Wall Designs

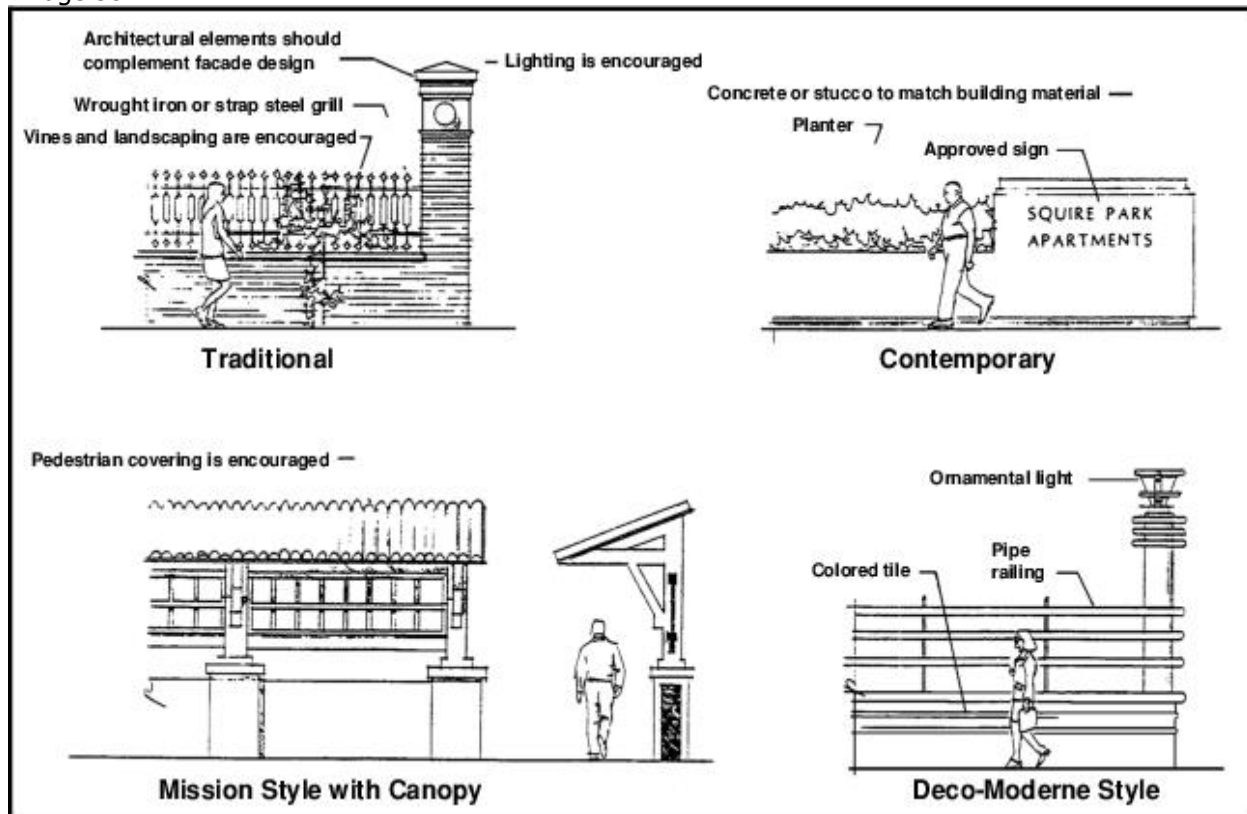


FIGURE 95.45.C

95.46 Modifications to Landscaping Standards

1. **Modification to Land Use Buffer Requirements.** The applicant may request a modification of the requirements of the buffering standards in **KZC 95.42**. The Planning Official may approve a modification if:
 - a. The owner of the adjoining property agrees to this in writing; and
 - b. The existing topography or other characteristics of the subject property or the adjoining property, or the distance of development from the neighboring property decreases or eliminates the need for buffering; or
 - c. The modification will be more beneficial to the adjoining property than the required buffer by causing less impairment of view or sunlight; or
 - d. The Planning Official determines that it is reasonable to anticipate that the adjoining property will be redeveloped in the foreseeable future to a use that would require no, or a less intensive, buffer; or
 - e. The location of pre-existing improvements on the adjoining site eliminates the need or benefit of the required landscape buffer.
2. **Modifications to General Landscaping Requirements.**
 - a. **Authority to Grant and Duration.** If the proposed development of the subject property requires approval through Design Review or Process I, IIA, or IIB, described in **Chapters 142, 145, 150, and 152 KZC**, respectively, a request for a modification will be considered as part of that process under the provisions of this section. The City must find that the applicant meets the applicable criteria listed in **subsections (2)(b) and (2)(c) of this section**. If granted under Design Review or Process I, IIA, or IIB, the modification is binding on the City for all development permits issued for that development under the building code within five (5) years of the granting of the modification.

If the above does not apply, the Planning Official may grant a modification in writing under the provisions of this section.
 - b. **Internal Parking Lot Landscaping Modifications.** For a modification to the internal parking lot landscaping requirements in KZC 95.44, the landscape requirements may be modified if:

- 1) The modification will produce a landscaping design in the parking area comparable or superior to that which would result from adherence to the adopted standard; or
 - 2) The modification will result in increased retention of significant existing vegetation; or
 - 3) The purpose of the modification is to accommodate low impact development techniques as approved by the Planning Official.
- c. Perimeter parking lot and driveway landscaping. For a modification to the perimeter landscaping for parking lots and driveways, the buffering requirements for parking areas and driveways may be modified if:
- 1) The existing topography of or adjacent to the subject property decreases or eliminates the need for visual screening; or
 - 2) The modification will be of more benefit to the adjoining property by causing less impairment of view or sunlight; or
 - 3) The modification will provide a visual screen that is comparable or superior to the buffer required by **KZC 95.45**; or
 - 4) The modification eliminates the portion of the buffer that would divide a shared parking area serving two (2) or more adjacent uses, but provides the buffer around the perimeter of the shared parking area.

95.47 Nonconforming Landscaping and Buffers

1. The landscaping requirements of **KZC 95.41**, Supplemental Plantings, **KZC 95.43** Outdoor Use, Activity and Storage, **KZC 95.44**, Internal Parking Lot Landscaping, and **KZC 95.45**, Perimeter Landscape Buffering for Driving and Parking Areas, must be brought into conformance as much as is feasible, based on available land area, in either of the following situations:
 - a. An increase of at least 10 percent in gross floor area of any structure; or
 - b. An alteration to any structure, the cost of which exceeds 50 percent of the replacement cost of the structure.
2. Land use buffers must be brought into conformance with **KZC 95.42** in either of the following situations:
 - a. An increase in gross floor area of any structure (the requirement to provide conforming buffers applies only where new gross floor area impacts adjoining property); or
 - b. A change in use on the subject property and the new use requires larger buffers than the former use.

95.50 Installation Standards for Required Plantings

All required trees, landscaping and soil shall be installed according to sound horticultural practices in a manner designed to encourage quick establishment and healthy plant growth. All required landscaping shall be installed in the ground and not in above-ground containers, except for landscaping required on the top floor of a structure.

When an applicant proposes to locate a subterranean structure under required landscaping that appears to be at grade, the applicant will: (1) provide site-specific documentation prepared by a qualified expert to establish that the design will adequately support the ~~mature size of specified trees and other vegetation species long-term viability of the required landscaping~~; and (2) enter into an agreement with the City, in a form acceptable to the City Attorney, indemnifying the City from any damage resulting from development activity on the subject property which is related to the physical condition of the property. The applicant shall record this agreement with the King County Recorder's Office.

1. Compliance. It is the applicant's responsibility to show that the proposed landscaping complies with the regulations of this chapter.
2. Timing. All landscaping shall be installed prior to the issuance of a certificate of occupancy, except that the installation of any required tree or landscaping may be deferred during the summer months to the next planting season, but never for more than six (6) months. Trees should be planted in the fall, winter or early spring, between October and April, or must be irrigated.

Deferred installation shall be secured with a performance bond pursuant to **Chapter 175 KZC** prior to the issuance of a certificate of occupancy.

3. Grading. Berms shall not exceed a slope of two (2) horizontal feet to one (1) vertical foot (2:1).

4. Soil Specifications. Soils in planting areas shall have soil quality equivalent to Washington State Department of Ecology BMP T5.13. The soil quality in any landscape area shall comply with the soil quality requirements of the Public Works Pre-Approved Plans. See subsection (9) of this section for mulch requirements.

5. Plant Selection.

a. Plant selection shall be consistent with the appropriate Kirkland Plant Lists, which are shown on the Planning Department webpage~~is produced by the City's Natural Resource Management Team~~ and available in the Planning and Building Department. Species diversity is encouraged by planting species other than those listed, with Planning Official approval.

b. Plants shall be selected and sited to produce a hardy and drought-resistant landscape area. Selection shall consider soil type and depth, the amount of maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, and compatibility with existing native vegetation preserved on the site. Preservation of existing vegetation is strongly encouraged.

c. ~~Prohibited Materials.~~ Plants listed ~~as prohibited~~ in the Kirkland Prohibited Plant List ~~shall not be planted~~ are prohibited in any required landscape areas. Additionally, there are other plants that may not be used if identified in the Kirkland Plant List as potentially damaging to sidewalks, roads, underground utilities, drainage improvements, foundations, or when not provided with enough growing space.

d. All plants shall conform to American Association of Nurserymen (AAN) grades and standards as published in the "American Standard for Nursery Stock" manual.

e. Plants shall meet the minimum size standards established in other sections of the KZC.

f. Multiple-stemmed trees may be permitted as an option to single-stemmed trees for required landscaping provided that such multiple-stemmed trees are at least 10 feet in height and that they are approved by the Planning Official prior to installation.

x. Trees planted to form a clipped or sheared hedge or living wall will not be counted toward tree density credits.

x. Plant Location. Newly-planted supplemental trees must be planted at least 3 feet away from property lines. Planting large trees under/within proximity to overhead utilities shall be avoided. Newly-planted supplemental trees may be checked for the approved locations as a final inspection procedure on development sites. Supplemental trees must be planted in a manner that allows the tree species to mature to its full height and width. Trees shall be located with the appropriate spacing from buildings and other trees, soil volume should not be restricted for the mature size of the tree and soil should be amended in accordance with the storm water code. Trees shall be installed so that the root flare is at or slightly above the finished ground elevation in order to promote a healthy root structure and identify any girdling roots at the time of planting.

6. Fertilization. All fertilizer applications to turf or trees and shrubs shall follow Washington State University, National Arborist Association or other accepted agronomic or horticultural standards. Fertilizer may include soil drenches to increase fungal biota and chemical root growth stimulators.

7. Irrigation. The intent of this standard is to ensure that plants will survive the critical establishment period when they are most vulnerable due to lack of watering. All required plantings must provide an irrigation system, using either Option 1, 2, or 3 or a combination of those options. Selected irrigation option shall be specified on the Landscape or Tree Plan. For each option irrigation shall be designed to conserve water by using the best practical management techniques available. These techniques may include, but not be limited to: drip irrigation to minimize evaporation loss, moisture sensors to prevent irrigation during rainy periods, automatic controllers to ensure proper duration of watering, sprinkler head selection and spacing designed to minimize overspray, and separate zones for turf and shrubs and for full sun exposure and shady areas to meet watering needs of different sections of the landscape.

Exceptions, as approved by the Planning Official, to the irrigation requirement may be approved xeriscape (i.e., low water usage plantings), plantings approved for low impact development techniques, established indigenous plant material, or landscapes where natural appearance is acceptable or desirable to the City. However, those exceptions will require temporary irrigation (Option 2 and/or 3) until established.

a. Option 1. A permanent built-in irrigation system with an automatic controller designed and certified by a licensed landscape architect as part of the landscape plan.

b. Option 2. An irrigation system designed and certified by a licensed landscape architect as part of the landscape plan, which provides sufficient water to ensure that the plants will become established. The system does not have to be permanent if the plants chosen can survive adequately on their own, once established.

- c. Option 3. Irrigation by hand, which includes the use of water bags. If the applicant chooses this option, an inspection will be required one (1) year after final inspection to ensure that the landscaping has become established.
8. Drainage. All landscapes shall have adequate drainage, either through natural percolation or through an installed drainage system. A percolation rate of one-half (1/2) inch of water per hour is acceptable.
9. Mulch.
 - a. Required plantings, except turf or areas of established ground cover, shall be covered with two (2) inches or more of organic mulch to minimize evaporation and runoff. Mulch shall consist of materials such as yard waste, sawdust, and/or manure that are fully composted.
 - b. All mulches used in planter beds shall be kept at least six (6) inches away from the trunks of shrubs and trees.
10. Protection. All required landscaped areas, particularly trees and shrubs, must be protected from potential damage by adjacent uses and development, including parking and storage areas. Protective devices such as bollards, wheel stops, trunk guards, root guards, etc., may be required in some situations.

x. Final Inspection. During final inspection, if these requirements are not met, the project will not be signed off.

95.51 Tree and Landscape Maintenance Requirements

The following maintenance requirements apply to all trees, including street trees, and other vegetation required to be planted or preserved by the City:

1. Responsibility for Regular Maintenance. Required trees and vegetation, fences, walls, and other landscape elements shall be considered as elements of the project in the same manner as parking, building materials, and other site details. The applicant, landowner, or successors in interest shall be responsible for the regular maintenance of required landscaping elements. ~~Plants that die must be replaced in kind~~. It is also the responsibility of the property owner to maintain street trees abutting their property pursuant to **KZC 95.21**.
2. Maintenance Duration. Maintenance shall be ensured in the following manner except as set forth in subsections (3), (4) and (5) of this section:
 - a. Commercial, Industrial and Multifamily Development. All required landscaping shall be maintained throughout the life of the development. ~~Plants that die must be replaced in kind~~. Prior to final inspection/issuance of a certificate of occupancy, the proponent shall provide a final as-built landscape plan and an agreement to maintain and replace all landscaping that is required by the City.
 - b. Single Family Residential Development. Any existing tree or other existing vegetation designated for preservation in a tree retention plan shall be maintained for a period of five (5) years following issuance of the certificate of occupancy for the individual lot or development. After five (5) years, all trees on the property are subject to **KZC 95.23** unless:
 - 1) The tree and associated vegetation are in a grove that is protected pursuant to subsection (3) of this section; or
 - 2) The tree or vegetation is considered to be a public benefit related to approval of a ~~p~~Planned ~~u~~Unit ~~d~~Development; or
 - 3) The tree or vegetation was retained to partially or fully meet requirements of **KZC 95.40 through 95.45**, ~~R~~Required ~~I~~Landscaping and Zoning.
3. Maintenance of Preserved Grove. Any applicant who has a grove of trees identified for preservation on an approved Tree Retention Plan pursuant to KZC 95.30(2) shall provide prior to occupancy the legal instrument acceptable to the City to ensure preservation of the grove and associated vegetation in perpetuity, except that the agreement may be extinguished if the Planning Official determines that preservation is no longer appropriate.
4. Maintenance in Holmes Point Overlay Zone. Vegetation in designated Protected Natural Areas in the Holmes Point Overlay Zone is to be protected in perpetuity pursuant to KZC 70.15(8)(a). Significant trees in the remainder of the lot shall be protected in perpetuity pursuant to **KZC 70.15(8)(b)**.
5. Nonnative Invasive and Noxious Plants. It is the responsibility of the property owner to remove nonnative invasive plants and noxious plants per the City's Prohibited Plant List, King County and Washington Weed Agencies from the vicinity of any tree or other vegetation that the City has required to be planted or protected. Removal must be performed in

a manner that ~~is not injurious to~~ ~~will not harm the tree or other vegetation that the City~~ ~~required trees and vegetation.~~ ~~has required to be planted or protected.~~

6. Landscape Plans and Utility Plans. Landscape plans and utility plans shall be coordinated. In general, the placement of trees and large shrubs should adjust to the location of required utility routes both above and below ground. Location of plants shall be based on the plant's mature size both above and below ground. See the Kirkland Plant List for additional standards.

95.52 Prohibited Vegetation

Plants listed ~~as prohibited~~ in the Kirkland Prohibited Plant List shall not be planted in the City or required to be retained.

For landscaping not required under this chapter, this prohibition shall become effective on February 14, 2008. The City may require removal of prohibited vegetation if installed after this date. Residents and property owners are encouraged to remove pre-existing prohibited vegetation whenever practicable.

95.55 Enforcement and Penalties

Upon determination that there has been a violation of any provision of this chapter, the City may pursue code enforcement and penalties in accordance with the provisions of Chapter 1.12.100 KMC, Special Provisions Relating to Enforcement of Tree regulations in Chapter 95 KZC Code Enforcement. ~~Tree topping shall result in the following penalties:~~

1. Topped trees less than six (6) inches DBH that were required to be planted or retained by this chapter must be replaced pursuant to the standards in Chapter 1.12 KMC.

2. Property owners must have a qualified professional develop and implement a restoration pruning plan for topped trees greater than six (6) inches DBH. (moved from 95.23, Tree Pruning and Removal on Private Property)

95.57 City Forestry Account

1. Funding Sources. All civil penalties received under this chapter and all money received pursuant to KZC 95.33(3)(c) shall be used for the purposes set forth in this section. In addition, the following sources may be used for the purposes set forth in this section:

a. Agreed upon restoration payments imposed under KZC 95.55 or settlements in lieu of penalties;

~~x. Agreed upon payment in lieu of planting required trees under KZC 95.33.3c;~~

b. Sale of trees or wood from City property where the proceeds from such sale have not been dedicated to another purpose;

c. Donations and grants for tree purposes;

d. Sale of seedlings by the City; and

e. Other monies allocated by the City Council.

2. Funding Purposes. The City shall use money received pursuant to this section for the following purposes:

a. Acquiring, maintaining, and preserving wooded areas within the City;

b. Planting and maintaining trees within the City;

c. Establishment of a holding public tree nursery;

d. Urban forestry education;

e. Implementation of a tree canopy monitoring program; or

f. Other purposes relating to trees as determined by the City Council.

TREE REMOVAL- CURRENT CODE SUMMARY

	REMOVAL SCENARIO	REVIEW OR PERMIT REQUIRED?	MISC.
PRIVATE PROPERTY	Remove 2 trees (regardless of condition)	No review, no permit Tree removal request recommended	Notification appreciated to avoid unnecessary Code Enforcement response
	Remove 3+ trees Considered hazard or nuisance	No review, no permit if...	Hazard or nuisance is obvious in a photo or other documentation
	Remove hazard or nuisance trees in critical areas	Yes, review and permit required	Arborist report, replacements may be required
	Emergency/urgent tree removal	No review, no permit	Contact Planning Dept.
	Prune or trim trees	No review, no permit	-Property owners are responsible for tree care -No topping allowed (>50% live crown removal is same as tree removal)
	Tree removal with development	Yes, included with land use or development permit	-Arborist report required for trees potentially impacted by development -Protection measures required on site
PUBLIC PROPERTY	ROW median, CKC, CBD trees maintained by the City. ROW trees maintained by adjacent property owner unless hazard conditions exist.	Yes, review and permit required	-Public Works staff may prune street trees by property owner request -Public Works staff may remove street trees at their discretion
	Prune or remove park trees	No permit required; review/service performed by request	-Staff may prune park trees by property owner request -Most hazard tree removal is contracted out

DRAFT Chapter 95 – TREE MANAGEMENT AND REQUIRED LANDSCAPING (CLEAN COPY)**95.05 Purpose and Intent**

1. Trees and other vegetation are important elements of the physical environment. They are integral to Kirkland's community character and protect public health, safety and general welfare. Protecting, enhancing, and maintaining healthy trees and vegetation are key community values. Comprehensive Plan Policy NE-3.1 describes working towards achieving a healthy, resilient urban forest with a City-wide tree canopy coverage of 40 percent. The many benefits of healthy trees and vegetation contribute to Kirkland's quality of life by:

- a. Minimizing the adverse impacts of land disturbing activities and impervious surfaces such as runoff, soil erosion, land instability, sedimentation and pollution of waterways, thus reducing the public and private costs for storm water control/treatment and utility maintenance;
- b. Improving the air quality by absorbing air pollutants, mitigating the urban heat island effect, assimilating carbon dioxide and generating oxygen, and decreasing the impacts of climate change;
- c. Reducing the effects of excessive noise pollution;
- d. Providing cost-effective protection from severe weather conditions with cooling effects in the summer months and insulating effects in winter;
- e. Providing visual relief and screening buffers;
- f. Providing recreational benefits;
- g. Providing habitat, cover, food supply and corridors for a diversity of fish and wildlife; and
- h. Providing economic benefit by enhancing local property values and contributing to the region's natural beauty, aesthetic character, and livability of the community.

2. Tree and vegetation removal in urban areas has resulted in the loss to the public of these beneficial functions. The purpose of this chapter is to establish a process and standards to provide for the protection, preservation, replacement, proper maintenance, and use of significant trees, associated vegetation, and woodlands located in the City of Kirkland.

The intent of this chapter is to:

- a. Maintain and enhance canopy coverage provided by trees for their functions as identified in KZC 95.05(1);
- b. Preserve and enhance the City of Kirkland's environmental, economic, and community character with mature landscapes;
- c. Promote site planning, building, and development practices that work to avoid removal or destruction of trees and vegetation, that avoid unnecessary disturbance to the City's natural vegetation, and that provide landscaping to buffer the effects of built and paved areas;
- d. Mitigate the consequences of required tree removal in land development through on- and off-site tree replacement with the goals of halting net loss and enhancing Kirkland's tree canopy to achieve an overall healthy tree canopy cover of 40 percent City-wide over time;
- e. Encourage tree retention efforts by providing flexibility with respect to certain other development requirements;
- f. Implement the goals and objectives of the City's Comprehensive Plan;
- g. Implement the goals and objectives of the State Environmental Policy Act (SEPA); and
- h. Manage trees and other vegetation in a manner consistent with the City's Urban Forest Strategic Management Plan, industry standards and best management practices established by the International Society of Arboriculture (ISA) and the American National Standards Institute (ANSI) for Management of Trees During Site Planning, Development and Construction, Pruning, and Tree Risk Assessment.
- i. Preserve and protect street trees, trees in public parks and trees on other City property.

95.10 Definitions

The following definitions shall apply throughout this chapter unless the context clearly indicates otherwise. Definitions that apply throughout this code are also located in Chapter 5 KZC.

- 1. Caliper – The industry standard for trunk measurement of nursery stock, applicable to supplemental required trees. Caliper shall be measured six (6) inches above the ground for up to and including 4-inch caliper trunk sizes.

2. Critical Root Zone (CRZ) – The area encircling the trunk of a tree equal to one (1) foot radius for every inch of trunk diameter (DBH) used to establish the Tree Protection Zone (TPZ). Example: a 24-inch DBH tree has a 24-foot radius Critical Root Zone measured from the face of the trunk.
3. Crown – The area of a tree containing leaf- or needle-bearing branches.
4. Diameter at Breast Height (DBH) – The diameter or thickness of a tree trunk measured at 4.5 feet above average grade. For trees with multiple leaders at 4.5 feet height, the DBH shall be the combined cumulative total of branches greater than six (6) inches diameter at 4.5 feet above average grade. If a tree has been removed and only the stump remains that is below 4.5 feet tall, the size of the tree shall be the diameter of the top of the stump.
5. Dripline – The distance from the tree trunk, that is equal to the furthest extent of the tree's crown.
 - x. Inner Critical Root Zone – an area half the distance of the Critical Root Zone that when impacted, may compromise the structural integrity of a tree. Example: a 24-inch DBH tree has a 12-foot radius Inner Critical Root Zone measured from the face of the trunk.
 - x. ISA – International Society of Arboriculture
8. Impact – A condition or activity that affects a part of a tree including the trunk, branches, and Critical Root Zone.
12. Qualified Professional – An individual with relevant education and training in arboriculture or urban forestry, having two (2) or more of the following credentials:
 - International Society of Arboriculture (ISA) Certified Arborist;
 - Tree Risk Assessor Qualification (TRAQ) as established by the ISA (or equivalent);
 - American Society of Consulting Arborists (ASCA) registered Consulting Arborist;
 - Society of American Foresters (SAF) Certified Forester for Forest Management Plans;
 - Board Certified Master Arborist as established by the ISA.

For tree retention associated with a development permit, a qualified professional must have, in addition to the above credentials, a minimum of three (3) years' experience working directly with the protection of trees during construction and have experience with the likelihood of tree survival after construction. A qualified professional must also be able to prescribe appropriate measures for the preservation of trees during land development.
15. Significantly Wooded Site – A subject property that has trees with crowns that cover at least 40 percent of the property.
16. Site Disturbance – Any development, construction, or related operation that could alter the subject property, including, but not limited to, soil compaction, tree or tree stump removal, road, driveway or building construction, installation of utilities, or grading.
 - xx. Topping – The reduction of a tree's size using heading cuts that shorten limbs or branches back to a predetermined crown limit. Topping is not an acceptable pruning practice and is not appropriate on established trees. Topping or pruning that results in the removal of more than 25 percent of the live crown will be considered tree removal and subject to the provisions in KMC 1.12.100, Special Provisions Related to Enforcement of Tree Regulations.

[xx. Tree Plan – add definitions per recent court case](#)

[xx. Tree Retention Plan - add definitions per recent court case](#)

- xx. Tree Protection Zone (TPZ) – The outer boundary of a tree's protected area, as determined by a qualified professional, intended to protect individual trees, groups of trees, vegetation, roots and soil from construction-related impacts. TPZ is measured in feet from the face of the trunk and may be determined using Critical Root Zone, dripline, or root plate diameter methodologies or exploratory root excavations. TPZ denotes the location of tree protection fencing.
19. Tree Removal – The removal of a tree, through either direct or indirect actions, including but not limited to: (1) clearing, damaging or poisoning resulting in an unhealthy or dead tree; (2) removal of at least half of the live crown; or (3) damage to roots or trunk that is likely to destroy the tree's structural integrity. Trees that have been recently girdled at development permit submittal will be treated as unauthorized tree removal subject to code enforcement.
- xx. Trees

- a. Grove – A group of three (3) or more regulated trees with overlapping or touching crowns, one of which is a minimum (((30?)))-inch DBH, or a group of five (5) or more regulated trees, one of which is a minimum (((24?)))-inch DBH.
- b. Hazard Trees –A tree assessed by a qualified arborist as having an Imminent or High risk rating using the ISA Tree Risk Assessment Qualification (TRAQ) method in its most current form, as applied in KZC 95.xx, Tree Removals.
- c. Landmark Tree – a regulated tree with a minimum (((30?)))-inch DBH in excellent-good condition per KZC.95.30.3c.
- e. Nuisance Tree – A tree that meets either of the following criteria:
 - 1) Is causing obvious physical damage to private or public structures, including but not limited to: sidewalk, curb, road, driveway, parking lot, building foundation, or roof; or
 - 2) Has sustained damage from past maintenance practices.

The problems associated with the tree must be such that they cannot be corrected by reasonable practices including but not limited to: pruning of the crown or roots of the tree, bracing, and/or cabling to reconstruct a healthy crown.

- f. Public Tree – a tree located in parks, along public rights-of-way, on City facility property or other property owned by the City.
- g. Regulated Tree – A tree that is at least six (6) inches DBH that is not listed on the Prohibited Plant List.
- h. Street Tree – A tree located within the public right-of-way; provided, that if the trunk of the tree straddles the boundary line of the public right-of-way and the abutting property, it shall be considered to be on the abutting property and subject to the provisions of this chapter
- i. Tier 1 Tree(s) – Landmark Trees and Groves.
- j. Tier 2 Tree – A regulated tree with any portion of the trunk located in a required yard or a required landscaping area in excellent-good condition per KZC 95.30.3c.

21. Wildlife Snag – The remaining trunk of a tree that is intentionally reduced in height and usually stripped of its live branches.

22. Windfirm – A condition of a tree in which it withstands average peak local wind speeds and gusts.

95.20 Tree Removal Permit Exemptions

The following activities are exempt from the provisions of this chapter:

- 1. Emergency Tree Removal. Any tree that poses an imminent threat to life or property may be removed. The City must be notified within seven (7) days of the emergency tree removal with evidence of the threat for removing the tree to be considered exempt from this chapter. If the Planning Official determines that the emergency tree removal was not warranted or if the removed tree was required by a development permit, the Planning Official may require that the party obtain a permit and/or require that replacement trees and vegetation be replanted as mitigation.
- 2. Utility Maintenance. Trees may be removed by the City or utility provider in situations involving interruption of services provided by a utility only if pruning cannot solve utility service problems. Utility maintenance shall conform to a City-approved Utility Vegetation Management Plan.
- 3. Commercial Nurseries or Tree Farms. A nursery or tree farm owner may remove trees that are being grown to be sold as Christmas or landscape trees.

95.21 Public Tree Removal and Pruning

- 1. Public Tree Removal. Other than City crews, no person, directly or indirectly, shall remove any tree on any City property, or any tree in the public right-of-way, without first obtaining a tree removal permit as provided in this chapter, unless the activity is exempted in KZC 95.20, Tree Removal Exemptions or subsection (x) of this section. Public trees may only be removed if determined to be a hazard or nuisance. If the removal request is for public trees, including trees in rights of way, parks and other City facilities, the appropriate Department Official may consider whether the tree(s) are now, or may be in the future, part of the City's plans for the right-of-way or other capital projects.

2. Public Tree Pruning. Any public tree pruning shall conform to the most recent version of the American National Standards Institute (ANSI) A300 - Part 1 Pruning Standards or as outlined in an approved Utility Vegetation Management Plan.

- a. Parks, Unmaintained City Right of Way, Stormwater and Other City Facilities. Other than City crews, no person, directly or indirectly, shall prune, trim, modify, alter or damage any tree in a public park or on any other City property without first obtaining a Public Tree Pruning permit as provided in this chapter.
- b. Street Trees. It is the responsibility of the adjacent property owner to maintain street trees abutting their property, which may include minor pruning of up to one-inch diameter branches for sidewalk clearance, watering, and mulching. A Public Tree Pruning permit is required to substantially prune, trim, modify or alter a street tree. The City reserves the right to have City or utility crews perform routine pruning and maintenance of street trees.

95.23 Tree Pruning and Removal on Private Property with No Development

Tree and vegetation removal in urban areas has resulted in the loss of beneficial functions provided by trees to the public. The majority of tree canopy within the City of Kirkland is on private property. The purpose of this section is to establish a process and standards to slow the loss of tree canopy on private property resulting from tree removal, contributing towards the City's canopy goals and a more sustainable urban forest.

1. Tree Pruning on Private Property. Tree topping is not allowed. Any private property owner may prune trees on their property without a permit, **except for:**
 - a. Trees located in wetlands, streams or their buffers, in landslide hazard areas, or on properties in the Holmes Point Overlay;
 - b. Landmark trees or dedicated grove trees.
2. Tree Removal Allowances. Any private property owner of developed property may remove a specified number of regulated trees based on the table below within a 12-month period without having to apply for a tree removal permit; provided, that:
 - a. The trees are not located in wetlands, streams or their buffers, in landslide hazard areas, or on properties in the Holmes Point Overlay area (*consolidated*);
 - b. The trees are not Landmark trees or dedicated grove trees
 - c. There is no active application for development activity for the site;
 - d. The trees were not required to be retained or planted as a condition of previous development activity;
 - e. The trees are not protected under a Voluntary Tree Conservation Easement;
 - f. The trees are not located on properties within the City's shoreline jurisdiction. Trees within shoreline jurisdiction are subject to additional tree removal and replacement standards if the tree(s) to be removed are located within the required shoreline setback. See Chapter 83 KZC for additional standards; and
 - g. All the additional standards for tree removal and tree removal permits as described in subsection (4) of this section are met.

Table x

Lot Size	Maximum number of regulated trees allowed to be removed every 12 months with notification
Lots up to 10,000 sq. ft.	2
Lots 10,000 to 20,000 sq. ft.	4
Lots 20,000 sq. ft. or greater	6
Lots over 35,000 square feet with a Forest Management Plan	>6
Landmark trees and protected groves shall not be removed without permit approval	

3. Tree Removal Prior to Development Permit. The City will not accept any application for a short plat or subdivision for a property with a pending tree removal permit or tree removal notification. Further, the City will not accept any application for a short plat or subdivision for properties where regulated trees have been removed (including girdling) for a period of 12 months following the tree removal. The City will make an exception for approved removals of hazard or nuisance trees or in instances where the tree removal.

4. Tree Removal Notification Form. The Planning and Building Department shall provide a tree removal notification form. The form may be used by property owners to request Department review of tree removal for compliance with applicable City regulations.

5. Tree Removal on Private Property. It is unlawful for any person to remove a tree on private property without first obtaining a tree removal permit as provided in this chapter, unless the activity is exempted in KZC 95.20 or allowed in subsection (2) of this section, Tree Removal Allowances.

6. Tree Removal Permit Application Form. The applicable City's department shall provide a tree removal permit application form. Property owners requesting to remove trees shall submit a completed permit application for City review for compliance with applicable City regulations. The tree removal permit application form shall include at a minimum the following:

- a. A site plan showing the approximate location of regulated trees, their size (DBH) and their species, along with the location of structures, driveways, access ways and easements.
- b. For required replacement trees, a planting plan showing location, size and species of the new trees in accordance to standards set forth in KZC 95.33(3).

7. Tree Removal Permit Decision and Appeals.

- a. The City shall review the application within 21 calendar days and either approve, approve with conditions or modifications, deny the application or request additional information. Any decision to deny the application shall be in writing along with the reasons for the denial and the appeal process.
- b. The decision of the Planning Official is appealable using the applicable appeal provisions of Chapter 145 KZC.
- c. Time Limit. Tree removal by felling shall be completed within one (1) year from the date of permit approval.

8. Tree Replacement Requirements.

- a. Tree Replacement. For every regulated tree that is removed the City encourages the planting of a tree that is appropriate to the site.
- b. Public Trees – the City shall require a one-for-one replacement in a suitable location.
- c. The removal of any tree in the Holmes Point Overlay Zone requires the planting of a native tree of a minimum of six (6) feet in height in close proximity to where the removed tree was located. Selection of native species and timing of installation shall be approved by the Planning Official.
- d. For the approved removal of overgrown hedges comprised of regulated trees, replacements shall be in kind with a more suitable species in the same location.
- e. If a tree removal request is for one (1) or both of the last 2 regulated trees on single-family home, cottage, carriage unit, or two/three-unit home sites, a tree removal permit and one-for-one replacement is required. The replacement tree shall be six (6) feet tall for a conifer and 2-inch caliper for deciduous or broad-leaf evergreen tree.
- f. For all other land uses not listed in this section, a tree removal permit is required and the required tree replacement will be based on the required landscaping standards in KZC 95.40 through 95.45.

9. Removal of Hazard or Nuisance Trees. Any private property owner seeking to remove any number of regulated trees from developed or undeveloped property or the public right-of-way which are a hazard or nuisance shall first obtain

approval of a tree removal permit and meet the requirements of this subsection. The City may order diseased trees removed from private property as hazard trees to prevent the spread of a disease/pest that would cause catastrophic decline in tree health and failure.

a. Tree Risk Assessment. If the nuisance or hazard condition is not evident based on a photograph, a tree risk assessment prepared by a qualified professional explaining how the tree(s) meet the definition of a nuisance or hazard tree is required. Removal of nuisance or hazard trees does not count toward the tree removal limit if the nuisance or hazard is supported by a report prepared by a qualified professional and approved by the City. Hazard tree risk assessment shall follow the steps in the ISA TRAQ method for developing a tree risk rating as follows:

- 1) Identify possible targets and estimate occupancy rate;
- 2) Inspect tree and identify tree parts that could fail and strike targets (referred to as failure mode);
- 3) For each significant failure mode identified:
 - i. The likelihood of failure is assessed;
 - ii. The likelihood of a tree part impacting a target is assessed;
 - iii. The likelihood of a tree failure impacting a target is assessed;
 - iv. Consequences of failure are estimated;
 - v. The risk is designated pursuant to the matrix in Table xx;
 - vi. Possible mitigation treatments to reduce the risk are identified;
 - vii. The risk is again designated pursuant to the matrix in Table xx after mitigation treatment is completed.

b. When assessing the risk of a tree, the Planning Official shall evaluate the tree based on existing conditions and shall exclude possible impacts caused by new development, any land alteration activity, or other similar such activities that might otherwise unnaturally cause the risk rating to increase.

c. The following table is from the ISA TRAQ method and denotes the risk rating matrix used to assess levels of tree risk as a combination of likelihood of a tree failing and impacting a specified target, and the severity of the associated consequences should the tree or any part of the tree fail:

Table xx Tree Risk Rating Matrix

Likelihood of Failure and Impact	Consequences			
	Negligible	Minor	Significant	Severe
Very likely	Low risk	Moderate risk	High Risk	Extreme Risk
Likely	Low risk	Moderate risk	High risk	High risk
Somewhat Likely	Low risk	Low risk	Moderate risk	Moderate risk
Unlikely	Low risk	Low risk	Low risk	Low risk

d. The consequences listed in Table xx have meanings as follows:

- i. Extreme Risk. This category applies to trees in which failure is “imminent” and there is a high likelihood of impacting a target, and the consequences of the failure are “severe.”
- ii. High Risk. This category applies to situations in which consequences are significant and likelihood is “very likely” or “likely,” or when consequences are “severe” and likelihood is “likely.”
- iii. Moderate Risk. This category applies to trees in which consequences are “minor” and likelihood is “very likely” or “likely” or when likelihood is “somewhat likely” and the consequences are “significant” or “severe.”
- iv. Low Risk. This category applies to trees in which consequences are “negligible” and likelihood is “unlikely”; or when consequences are “minor” and likelihood is “somewhat likely.”

- v. Potential targets are permanent structures or an area of moderate to high use. Where a target does not exist, applicants should consider routine pruning and maintenance to mitigate hazards.
- vi. Where a tree is found to have a high or extreme risk, the Planning Official may authorize hazard pruning to mitigate the risk rather than removing the entire tree.
- vii. If the Planning Official assesses a tree to have a high or extreme risk and mitigation of the risk through pruning or moving of potential targets is not feasible, the Planning Official shall designate the tree a hazard tree.

10. Trees in Critical Areas or Critical Areas Buffers. See Chapters 85 and 90 KZC

- a. No trees shall be removed from a wetland, stream or their buffers, unless determined to be nuisance or hazardous trees. No trees shall be removed from landslide hazard areas unless the City determines, based on review of requirements of Chapter 85, that the removal will not impact slope stability. Any tree removal shall be authorized in advance through a tree removal permit unless emergency tree removal is warranted per **KZC 95.20.1**;
- b. Hazard or nuisance trees in wetlands, streams and their buffers shall be removed in a manner that creates a wildlife snag;
- c. If creation of a snag is not feasible, then the felled tree shall be left in place unless the Planning Official approves tree removal in writing; and
- d. The removal of any tree in a wetland, stream, and their buffers shall be replaced with one (1) to three (3) native tree species at a minimum height of six (6) feet depending on the size, quality and species of removed tree. The Planning Official shall determine the location and required number of replacement trees.

11. Forest Management Plan.

- a. A Forest Management Plan may be submitted for developed, significantly wooded sites of at least 35,000 square feet in size in which removal of more than any number of trees in excess of the allowable tree removal per **KZC 95.23** is requested and is not exempt under KZC 95.20, Tree Removal Exemptions. A Forest Management Plan must be developed by a qualified professional and shall include the following:
 - 1) A site plan depicting the location of all regulated (a survey identifying tree locations is not required) with a numbering system of the trees (with corresponding tags on trees in the field). The site plan shall include size (DBH), species, and condition of each tree;
 - 2) Identification of trees to be removed, including reasons for their removal and a description of low impact removal techniques pursuant to subsection **(5)(e)(2)** of this section;
 - 3) A reforestation plan that includes location, size, species, and timing of installation;
- b. The following Forest Management Plan standards shall apply:
 - 1) Trees to remain should be dominant or co-dominant in the stand, healthy and windfirm.
 - 2) No removal of trees from critical areas and their buffers, unless otherwise permitted by this chapter.
 - 3) No removal of Landmark trees or dedicated grove trees, unless otherwise permitted by this chapter.
 - 4) No removal of trees that would cause trees on adjacent properties to become hazardous.
 - 5) The reforestation plan ensures perpetuity of the wooded areas. The size of planted trees for reforestation shall be a minimum of three (3) feet tall.
 - 6) Logging operations shall be conducted so as to expose the smallest practical area of soil to erosion for the least possible time. To control erosion, native shrubs, ground cover and stumps shall be retained where feasible. Where not feasible, appropriate erosion control measures to be approved by the City shall be implemented.
 - 7) Removal of tree debris shall be done pursuant to Kirkland Fire Department standards.
 - 8) Recommended maintenance prescription for retained trees with a specific timeline.

95.30 Tree Retention Associated with Development Activity

The City's objective is to mitigate the impacts of incremental canopy loss due to development by establishing clear standards for the retention of existing trees and standards for planting and maintenance of new trees.

Applicants for development are encouraged to confer with City staff as early in the design process as possible so that the applicable tree planting and retention concepts can be incorporated into the design of the subject property. The Planning Official and the applicant shall work in good faith to find reasonable solutions.

1. **Tree Retention Plan General Requirements.** An applicant for a development permit must submit a Tree Retention Plan that complies with this section. A qualified professional may be required to prepare certain submittal elements at the applicant's expense. If proposed development activities call for more than one Tree Retention Plan element, the Planning Official may require the more stringent of, or a combination of elements based on the nature of the proposed development activities. If the proposed activity is not clearly identified in this chapter, the Planning Official shall determine the appropriate Tree Retention Plan requirements.

2. **Tree Retention Plan Applicability.** Unless otherwise exempt pursuant to KZC 95.20, any proposed development of the subject property requiring approval through a building permit, land surface modification permit, and/or demolition permit, or Design Review, Process I, IIA or IIB, described in Chapters 142, 145, 150 and 152 KZC respectively, shall include a Tree Retention Plan to be considered as part of that process.

a. The City requires approval of a Tree Retention Plan in conjunction with all development permits resulting in site disturbance and for any tree removal on developed sites except for additions and remodels in which the total square footage of the proposed improvements is less than 50 percent of the total square footage of the existing improvements on the subject property and no development activity is proposed within the CRZ of Tier 1 or Tier 2 trees.

b. Additional tree retention and protection regulations apply to:

- 1) Properties within jurisdiction of the Shoreline Management Act as set forth in Chapter 83 KZC;
- 2) Properties with Critical Areas or related buffers as set forth in Chapters 85 and 90 KZC; and
- 3) Properties within the Holmes Point Overlay zone as set forth in Chapter 70 KZC.

3. **Tree Retention Plan Submittal Requirements.** Tree Retention Plans shall contain the following information unless waived by the Planning Official:

a. **Inventory.** The inventory may be noted on the site plan or in the arborist report, listing the following:

- 1) All existing regulated trees on the subject property identified by a consistent numbering system in the arborist report, site plan and on-site tree tags or flagging. The inventory must also include regulated trees that are on adjacent properties that appear to have Critical Root Zones (CRZ) extending onto the subject property;
- 2) The Critical Root Zone (CRZ) and the proposed Tree Protection Zone (TPZ) distances of all existing regulated trees specified in feet from the face of the tree trunk. The inventory must also include the approximate CRZ and proposed TPZ of regulated trees that appear to have Critical Root Zones (CRZ) extending onto the subject property);
- 3) Size (DBH);
- 4) Proposed tree removals;
- 5) Condition rating of regulated trees (i.e.: poor, fair, good, excellent, etc.) per KZC 95.32.3(c);
- 6) Tree species and/or common name.
- 7) Identification of trees that meet the definition of Tier 1 trees.
- 8) The inventory may be noted on the site plan or in the arborist report.

b. **Site plan.** The site plan must be drawn to scale showing the following:

- 1) Location of all proposed improvements, including building footprint, access, utilities, applicable setbacks, buffers, and required landscaped areas clearly identified.
- 2) Accurate location of regulated trees on the subject property (surveyed locations may be required). The site plan must also show the approximate trunk location of potentially impacted regulated trees that are on adjacent properties;
- 3) Trees labeled corresponding to the tree inventory numbering system;
- 5) Critical Root Zones drawn to scale around all trees potentially impacted by site disturbances resulting from grading, demolition, or construction activities (including approximate CRZs of all potentially impacted trees that are on adjacent properties);
- 6) Location of tree protection fence at the proposed Tree Protection Zone, with distances from trunk to fence noted on the site plan. Specific tree protection standards during construction are described in **95.34 KZC**. These standards must be adhered to and included on demolition, grading and building permit plans;
- 7) Trees proposed to be removed, noted by an 'X' or by ghosting out;
- 8) Proposed locations of any supplemental trees required to meet tree density credits or the minimum number of trees as outlined in **KZC 95.32**.

c. Arborist report with the following:

- 1) The condition rating for each regulated tree's suitability for retention based on its health and structure, including regulated trees that appear to have Critical Root Zones (CRZ) extending onto the subject property. Suitability for retention shall be assessed using the following criteria:

Condition Rating	Tree Structure <i>Root flare, trunk condition, branch assembly</i>	Tree Health <i>Twig and leaf density, size and growth, pest/pathogen issues</i>
Excellent	Trunk and root flare are sound and solid, no visible defects or cavities. Generally symmetric crown. Branch spacing, structure and attachments are normal for species and free of defects.	High vigor with little to no twig dieback, discoloration or defoliation. No apparent pest problems. New growth has normal to exceeding shoot length. Leaf size and color normal. Exceptional life expectancy for the species.
Good	Well-developed structure. Defects are minor and can be corrected. Codominant stem formation may be present. Trees that are part of a designated grove may have major asymmetries/deviations form an open-grown form of the same species.	Vigor is normal for species. No significant damage due to diseases or pests. Any twig dieback, defoliation or discoloration is minor (less than 25% of the crown). Typical life expectancy for the species. Trees that are part of a designated grove may have reduced vigor compared to an open-grown form of the same species.
Fair	A single defect of a significant nature such as a trunk cavity or multiple moderate defects such as large girdling roots, trunk damage, evidence of decay that are not practical to correct or would require multiple treatments over several years.	New growth is stunted or absent. Twig dieback, defoliation, discoloration, and/or dead branches may compromise from 25-50% of the crown. Damage due to insects or diseases may be significant and associated with defoliation but is not likely to be fatal. Below average life expectancy.
Poor	High to imminent risk trees (hazard). Structural problems cannot be corrected. Failure may occur at any time.	Poor vigor, unhealthy and declining. Low foliage density with extensive (more than 50%) twig and/or branch dieback. Smaller-than-normal leaf size and little evidence of new growth. Potentially fatal pest infestation.

- 2) For trees not suitable for retention, a description of the reason(s) for removal must be given based on poor health, high risk of failure due to structure, defects, unavoidable isolation (windfirmness), or unsuitability of species, etc., and for which no reasonable alternative action is possible must be given (pruning, cabling, etc.);
- 3) A description of the method(s) used to determine the Tree Protection Zone (i.e., Critical Root Zone formula, root plate diameter, exploratory root excavations or a case-by-case basis description for individual trees);

- 4) Any special instructions specifically outlining any work proposed within the Critical Root Zone of retained trees (i.e., additional protection from soil compaction, hand-digging, tunneling or boring, root pruning, mitigating any grade changes, monitoring during development activity, and aftercare), including potentially impacted trees on adjacent properties;
- 5) A discussion of timing and installation of tree protection measures that must include fencing in accordance with the tree protection standards in **KZC 95.34**, including any anticipated changes to tree protection fence location or other activity within the Critical Root Zone of retained trees during project construction (i.e. material delivery, equipment access, landscaping, etc.);
- 6) Describe the impact of necessary tree removal to the remaining trees, including those in a grove or on adjacent properties;
- 7) The suggested location and species of supplemental trees to be used when required. The report shall include planting and maintenance specifications pursuant to **KZC 95.50 and 95.51**.

4. Tree Retention Plan Review Standards for Development of Single Family Dwellings, Short Plats, Subdivisions, and Two/Three Unit Homes.

To retain regulated trees, the applicant shall pursue provisions in Kirkland's codes that allow development standards to be modified. The authority to make decisions under this Chapter resides with the Planning Official for building permits, land surface modification permits, and/or demolition permits or with the applicable decision authority for Design Review, Process I, IIA or IIB permit Chapters 142, 145, 150 and 152 KZC, respectively.

The City does not require tree retention efforts that would reduce maximum allowed density or number of lots, maximum allowed Floor Area Ratio (FAR) or Lot Coverage, or that preclude required access and utility connections.

Tree Retention Plan review and approval shall be based on compliance to the following provisions for specific trees:

a. Tier 1 Trees located anywhere on the subject property shall be retained using the following standards:

- 1) The applicant is entitled to a maximum building footprint, where consistent with applicable dimensional standards, is a configuration of 40-foot wide by 40-foot deep building footprint, in combination with a contiguous 20-foot wide by 20-foot deep building footprint that may shift location around Tier 1 Trees.
- 2) In order to retain Tier 1 trees, the applicant shall pursue and the Planning Official is authorized to require site plan alterations such as adjustments to the location of building footprints, adjustments to the location of driveways and access ways, or adjustment to the location of walkways, easements or utilities, including the following:
 - a) Shift or flip (mirror) the location of building footprints and driveways
 - b) Selection of front yard on corner lots in the RSA and RSX zones and selection of the side yard to meet the 15-foot total in the RS zone
 - c) Adjust deck, patio and path designs
 - d) Relocate utilities when gravity and location of existing mains permit
 - e) Avoid rockery/retaining walls located within CRZs
 - f) Shore basements and other extensive excavations in order to avoid impact within CRZs
 - g) Cantilever structures over CRZs
 - h) With short plats and subdivisions, clustering per Section 95.30.7.b, rearrange property lines, relocate access roads and relocate utilities
- 3) In order to retain Tier 1 trees, the applicant shall employ arboricultural methods such as air excavations, boring under roots instead of trenching and using additional CRZ protection per KZC 95.34.
- 4) In order to retain Tier 1 trees, the applicant shall pursue and the Planning Official (or Public Works Official where applicable) is authorized to allow these variations to development standards:
 - a) 10-foot front and 5-foot rear required yards
 - b) Garage requirements of KZC 115.43

- c) Maximum lot coverage by not more than 10 percent where necessary to extend access due to building footprint location
- c) Allow 18-foot by 18-foot parking pads
- d) Modify right of way frontage improvement requirements such as waive landscape strip, etc.
- e) Allow up to a five foot increase in building height where the additional height is clearly related to tree retention (i.e. locating mechanical equipment in the attic, avoiding excavation or fill, etc.)
- f) With short plats and subdivisions, allow 3-foot side required yards with internal lots.

b. Tier 2 trees shall be retained using the following standards:

- 1) The applicant is entitled to a maximum building footprint of the following configuration, where consistent with applicable dimensional standards:
 - a) 50-foot wide by 50-foot deep building footprint, or
 - b) For front building facades wider than 50 feet, the maximum building footprint shall be less 10 percent of the distance between side required yards. For example: a 70-foot wide lot with a 60-foot wide front building façade and two 5-foot side required yards results in a 10 percent, or 6-foot reduction to the building pad, which totals a 54' maximum building envelope.
- 2) The applicant shall pursue and the Planning Official is authorized to require site plan alterations, including:
 - a) Shift or flip (mirror) the location of building footprints and driveways
 - b) Select the required front yard on corner lots in the RSA and RSX zones and selection of the required side yard to meet the 15-foot total in the RS zone
 - c) Reduce required front yard by five-feet and reduce rear yards that are not directly adjacent to another parcel's rear yard but that are adjacent to an access [easement](#) or tract may be reduced by five-feet;
 - d) Shift the building footprint on the lot to take advantage of the setback modifications/reductions allowed
 - e) Redesign deck, patio, path
 - f) Avoid retaining wall/rockeries within the CRZ where possible
- 3) Bore under roots within TPZ for utilities less than 2 inches diameter
- 4) The Planning Official (or Public Works Official where applicable) is authorized to allow these variations to development standards:
 - a) 10-foot front and 5-foot rear required yards
 - b) Garage requirements of KZC 115.43
 - c) Maximum lot coverage by not more than 10 percent where necessary to extend access due to building footprint location
 - d) Modify right of way frontage improvement requirements (no landscape strip, etc.)
 - e) Clustering with short plats and subdivisions subject to Section 95.30.7.b.

5. Tree Retention Plan Review Standards for Development of Multifamily, Commercial, Mixed Use, and Cottage/Carriage Development.

To retain regulated trees in required yards and/or required landscape areas, the applicant shall pursue provisions in Kirkland's codes that allow development standards to be modified. The authority to make decisions under this Chapter resides with the Planning Official for building permits, land surface modification permits, and/or demolition permits or with the applicable decision authority for Design Review, Process I, IIA or IIB permit Chapters 142, 145, 150 and 152 KZC, respectively.

The City does not require tree retention efforts that would reduce maximum allowed density or lot coverage or that preclude required access and utility connections.

Tree Retention Plan review and approval shall be based on compliance with the following provisions for regulated trees located in required yards and/or required landscape areas. Regulated trees in these areas shall be retained to the maximum extent possible using the following standards:

- a. Adjust deck, patio and path designs
- b. Relocate utilities when gravity and location of existing mains permit
- c. Avoid rockery/retaining walls located within CRZs
- d. Shore basements and other extensive excavations in order to avoid impact within CRZs
- e. Cantilever structures over CRZs
- f. Employ arboricultural methods such as air excavations, boring under roots instead of trenching and using additional CRZ protection per KZC 95.34.
- g. Modify right of way frontage improvement requirements such as waiving landscape strip, etc.
- h. Reduce or Vary Common Recreational Open Space area, width, or composition of required common recreational open space .
- i. Vary parking lot design and/or access driveway requirements when the Public Works and Planning Officials both determine the variations to be consistent with the intent of City policies and codes.
- j. Vary requirements pertaining to stormwater if approved by the Public Works Official under KMC 15.52.060.

6. The Planning Official may authorize the removal of Tier 1 and Tier 2 trees required for retention if:

a. After utilizing the required site plan alterations and allowed variations to development standards listed in **KZC 95.30.4 and 95.30.5**, encroachment into the CRZ would result in either of the following cases:

- 1) Tree(s) that are unsuitable for retention per the condition ratings in KZC **95.30.3c**
- 2) The retention of a Tier 2 tree compromises a Tier 1 tree's suitability for retention.

b. Proposed alternative measures using sustainable site development strategies and qualifying sustainability certifications result in development sites that are equal or superior to the intent of this Chapter *(moved/consolidated)* such as:

- 1) Low Impact Development (LID) standards within the Public Works Pre-Approved Plans and Policies and King County Stormwater Manual
- 2) International Living Futures Institute (ILFI) Living Building Challenge
- 3) Leadership in Energy and Environmental Design (LEED)
- 4) Built Green Net Zero
- 5) Salmon Safe, ILFI Net Zero or Passive House programs that will be equal or superior to the provisions of KZC 95.
- 6) The installation of renewable energy system hardware such as solar panels or wind turbines

Requests to use alternative measures and procedures shall be reviewed by the Planning Official, who may approve, approve with conditions, or deny the request. The Planning Official and the applicant shall work in good faith to find reasonable solutions.

7. Additional Tree Retention Plan Standards for Short Plats and Subdivisions

a. Modifications to the Tree Retention Plan may be approved pursuant to the standards of KMC 22.20.025 and the following criteria:

- 1) Modification Prior to Tree Removal. The Planning Director may approve a modification request to remove Tier 2 trees previously identified for retention if:

- a) Regulated trees inventoried in the original Tree Retention Plan have not yet been removed; and
 - b) Notice of the modification request is provided consistent with the noticing requirements for the short plat.
- 2) Modification after Tree Removal. A modification request is required to remove trees previously identified for retention after which trees inventoried in the original Tree Retention Plan have already been removed. Such a request may be approved by the Planning Director only if the following are met:
- a) The need for the modification was not known and could not reasonably have been known before the tree retention plan was approved;
 - b) The modification is necessary because of special circumstances which are not the result of actions by the applicant regarding the size, shape, topography, or other physical limitations of the subject property relative to the location of proposed and/or existing improvements on or adjacent to the subject property;
 - c) There is no practicable or feasible alternative development proposal that results in fewer additional tree removals;
 - d) The Planning Director shall not approve or deny a modification pursuant to this section without first providing notice of the modification request consistent with the noticing requirements for the short plat and providing opportunity for comments for consideration by the Planning Director; and
 - e) Said comment period shall not be less than 14 calendar days.
 - f) The fee for processing a modification request shall be established by City ordinance.
- b. Clustering of lots associated with short plats and subdivisions. The Planning Director may approve variations to minimum Lot Size, maximum Floor Area Ratio and Lot Coverage requirements in order to facilitate retention of Tier 1 and Tier 2 trees where necessitated by retention of trees in protective tracts or where lot sizes are averaged in order to retain trees. The following standards shall apply:
- 1) Lot sizes may be averaged with no minimum lot size specified, provided there is no increase the allowed density or number of lots otherwise allowed for the subject property;
 - 2) The maximum Floor Area Ratio and/or Lot Coverage requirements may be adjusted proportionate to the Lot Size reduction(s), provided there is no net increase in the aggregate Floor Area ratio and/or aggregate Lot Coverage otherwise allowed for the subject property. The variations and resultant restrictions shall be included in a recorded agreement and binding on future owners of the lots.

NEW 95.32 Tree Planting Requirements Associated with Development Activity

When the incentives, site plan alterations and variations to development standards listed in this Chapter have been pursued and the Planning Official determines that there are no existing Landmark trees, Groves and regulated trees located in required yards in excellent to good condition to retain on a development site, supplemental trees shall be planted to achieve a required tree density per acre on a development site.

- 1. Supplemental Tree Requirement. The required tree density for replanting is 30 tree credits per acre for single-family homes, cottages, carriage units, two/three-unit homes, short plats, and/or subdivisions and associated demolition and land surface modification Applicants may exceed tree density credits requirements.
- 2. Applicability of Tree Credits. For individual lots in a short subdivision or subdivision with an approved Tree Retention Plan, the required tree density applies to each lot within the short plat or subdivision.) Trees planted in the following locations shall not count towards tree density credit requirements:
 - a. In the public right of way, areas to be dedicated as public right of way, and vehicular access easements not included as lot area with the approved short plat
 - b. Existing trees transplanted to an area on the same site unless approved by the Planning Official based on transplant specifications provided by a qualified professional that will ensure a good probability for survival.

3. **Tree Density Credit Calculation.** To calculate required tree density credits, divide the square foot area of the subject lot by 43,560 (the square foot equivalent to one acre). The resulting number is then multiplied by 30, the minimum tree density credit requirement for one acre. In calculating required tree density credits, any fraction of credits shall be rounded up to the next whole number from a 0.5 or greater value

Example: an 8,500-square-foot lot would need eight (8) tree credits ($8,500/43,560 = 0.195 \times 40 = 7.8$, or eight (8) credits).

4. **Minimum Size for Supplemental Trees.** The required minimum size of the supplemental tree worth one (1) tree credit shall be four (4) feet tall for native or other conifers and 2-inch caliper for deciduous or broad-leaf evergreen trees. Additional credits may be awarded for larger supplemental trees. Supplemental Thuja/Arborvitae or other slow-growing conifers such as Hinoki cypress planted on development sites shall not count towards tree density credits on a lot. The installation and maintenance shall be pursuant to KZC 95.50 and 95.51 respectively.

5. **Supplemental Tree Locations.** In designing a development and in meeting the required tree density, the supplemental trees shall be planted pursuant to KZC 95.50 in the following order of priority:

a. **On-Site.** The preferred locations for new trees are:

- 1) On individual residential building lots
- 2) In preserved groves, critical areas or their buffers.
- 3) Adjacent to storm water facilities as approved by Public Works under KMC 15.52.060.
- 4) Site perimeter – The area of the subject property that is within 10 feet from the property line.
- 5) Entrance landscaping, traffic islands and other common areas with the development of residential subdivisions.

b. **Off-Site.** When room is unavailable for planting the required trees on site, then they may be planted at another approved location in the City. Trees that are planted offsite from the subject property may be required to be preserved in perpetuity.

6. **Payment in Lieu of Planting.** When the Planning Official determines on-site and off-site locations are unavailable, then the applicant shall pay an amount of money in lieu of planting, utilizing the most recent version of the Pacific Northwest International Society of Arboriculture (PNW ISA) "Species Ratings for Landscape Tree Appraisal" unit cost of \$480 per conifer or \$390 per deciduous tree, multiplied by the number of required tree credits into the City Forestry Account pursuant to KZC 95.57.

95.40 Required Landscaping based on Zoning District

1. **User Guide.** Chapters 15 through 56 KZC containing the use zone or development standards tables assign a landscaping category to each use in each zone. This category is either "A," "B," "C," "D," or "E." If you do not know which landscaping category applies to the subject property, you should consult the appropriate use zone or development standards tables.

Requirements pertaining to each landscaping category are located throughout this chapter, except that Landscaping Category E is not subject to this section.

Landscape Categories A, B, C, D, and E may be subject to additional related requirements in the following other chapters:

- a. Various use zone charts or development standards tables, in Chapters 15 through 56 KZC, establish additional or special buffering requirements for some uses in some zones.
- d. Chapter 110 KZC and Chapter 19.36 KMC address vegetation within rights-of-way, except for the I-405 and SR-520 rights-of-way, and the Cross Kirkland Corridor railbanked rail corridor or the Eastside Rail Corridor.
- e. KZC 115.135, Sight Distance at Intersections, which may limit the placement of landscaping in some areas.
- f. Chapter 22 KMC addresses trees in subdivisions.

2. **Use of Significant Existing Vegetation.**

a. **General.** The applicant shall apply subsection KZC 95.30(3), Tree Retention Plan Procedure, and KZC 95.32, Incentives and Variations to Development Standards, to retain existing native trees, vegetation and soil in areas subject to the landscaping standards of this section. The Planning Official shall give substantial weight to the retained native trees and vegetation when determining the applicant's compliance with this section.

- b. Supplement. The City may require the applicant to plant trees, shrubs, and groundcover according to the requirements of this section to supplement the existing vegetation in order to provide a buffer at least as effective as the required buffer.
- c. Protection Techniques. The applicant shall use the protection techniques described in **KZC 95.34** to ensure the protection of significant existing vegetation and soil.
3. Landscape Plan Required. In addition to the Tree Retention Plan required pursuant to **KZC 95.30**, application materials shall clearly depict the quantity, location, species, and size of plant materials proposed to comply with the requirements of this section and shall address the plant installation and maintenance requirements set forth in **KZC 95.50 and 95.51**. Plant materials shall be identified with both their scientific and common names. Any required irrigation system must also be shown.

95.41 Supplemental Plantings

1. General. The applicant shall provide the supplemental landscaping specified in **subsection (2)** of this section in any area of the subject property that:
- Is not covered with a building, vehicle circulation area or other improvement; and
 - Is not in an area to be planted with required landscaping; and
 - Is not committed to and being used for some specific purpose.
2. Standards. The applicant shall provide the following at a minimum:
- Living plant material which will cover 80 percent of the area to be landscaped within two (2) years. If the material to be used does not spread over time, the applicant shall re-plant the entire area involved immediately. Any area that will not be covered with living plant material must be covered with nonliving groundcover, i.e.: mulch. Preference is given to using native plant species. See Kirkland Native Tree/Plant Lists.
 - One (1) tree for each 1,000 square feet of area to be landscaped. At the time of planting, deciduous trees must be at least two (2) inches in caliper and coniferous trees must be at least five (5) feet in height.
 - If a development requires approval through Process I, IIA or IIB as described in Chapters 145, 150 and 152 KZC, respectively, the City may require additional vegetation to be planted along a building facade if:
 - The building facade is more than 25 feet high or more than 50 feet long; or
 - Additional landscaping is necessary to provide a visual break in the facade.
 - In RHBD varieties of rose shrubs or ground cover along with other plant materials shall be included in the on-site landscaping.
 - If development is subject to Design Review as described in **Chapter 142 KZC**, the City will review plant choice and specific plant location as part of the Design Review approval. The City may also require or permit modification to the required plant size as part of Design Review approval.

95.42 Land Use Buffer Requirements

The applicant shall comply with the provisions specified in the following chart and with all other applicable provisions of this chapter. Land use buffer requirements may apply to the subject property, depending on what permitted use exists on the adjoining property or, if no permitted use exists, depending on the zone that the adjoining property is in.

LANDSCAPING CATEGORY	ADJOINING PROPERTY	*Public park or low density residential use or if no permitted use exists on the adjoining property then a low density zone.	Medium or high density residential use or if no permitted use exists on the adjoining property then a medium density or high density zone.	Institutional or office use or if no permitted use exists on the adjoining property then an institutional or office zone.	A commercial use or an industrial use or if no permitted use exists on the adjoining property then a commercial or industrial zone.
A		Must comply with subsection (1) (Buffering Standard 1)	Must comply with subsection (1) (Buffering Standard 1)	Must comply with subsection (2) (Buffering Standard 2)	

LANDSCAPING CATEGORY	ADJOINING PROPERTY	*Public park or low density residential use or if no permitted use exists on the adjoining property then a low density zone.	Medium or high density residential use or if no permitted use exists on the adjoining property then a medium density or high density zone.	Institutional or office use or if no permitted use exists on the adjoining property then an institutional or office zone.	A commercial use or an industrial use or if no permitted use exists on the adjoining property then a commercial or industrial zone.
B		Must comply with subsection (1) (Buffering Standard 1)	Must comply with subsection (1) (Buffering Standard 1)		
C		Must comply with subsection (1) (Buffering Standard 1)	Must comply with subsection (2) (Buffering Standard 2)		
D		Must comply with subsection (2) (Buffering Standard 2)			
E					
Footnotes:		*If the adjoining property is zoned Central Business District, Juanita Business District, North Rose Hill Business District, Rose Hill Business District, Finn Hill Neighborhood Center, Houghton/Everest Neighborhood Center, Business District Core or is located in TL 5, this section KZC 95.42 does not apply.			

This chart establishes which buffering standard applies in a particular case. The following subsections establish the specific requirement for each standard:

1. For standard 1, the applicant shall provide a 15-foot-wide landscaped strip with a 6-foot-high solid screening fence or wall. Except for public utilities, the fence or wall must be placed on the outside edge of the land use buffer or on the property line when adjacent to private property. For public utilities, the fence or wall may be placed either on the outside or inside edge of the landscaping strip. A fence or wall is not required when the land use buffer is adjacent and parallel to a public right-of-way that is improved for vehicular use. See KZC 115.40 for additional fence standards. The land use buffer must be planted as follows:

- a. Trees planted at the rate of one (1) tree per 20 linear feet of land use buffer, with deciduous trees of two and one-half (2-1/2) inch caliper, minimum, and/or coniferous trees eight (8) feet in height, minimum. At least 70 percent of trees shall be evergreen. The trees shall be distributed evenly throughout the buffer, spaced no more than 20 feet apart on center.
- b. Large shrubs or a mix of shrubs planted to attain coverage of at least 60 percent of the land use buffer area within two (2) years, planted at the following sizes and spacing, depending on type:
 - 1) Low shrub – (mature size under three (3) feet tall), 1- or 2-gallon pot or balled and burlapped equivalent;
 - 2) Medium shrub – (mature size from three (3) to six (6) feet tall), 2- or 3-gallon pot or balled and burlapped equivalent;
 - 3) Large shrub – (mature size over six (6) feet tall), 5-gallon pot or balled and burlapped equivalent.
- c. Living ground covers planted from either 4-inch pot with 12-inch spacing or 1-gallon pot with 18-inch spacing to cover within two (2) years 60 percent of the land use buffer not needed for viability of the shrubs or trees.

2. For standard 2, the applicant shall provide a 5-foot-wide landscaped strip with a 6-foot-high solid screening fence or wall. Except for public utilities, the fence or wall must be placed on the outside edge of the land use buffer or on the property line when adjacent to private property. For public utilities, the fence or wall may be placed either on the outside or inside edge of the landscaping strip. A fence or wall is not required when the land use buffer is adjacent and parallel to a public right-of-way that is improved for vehicular use. See **KZC 115.40** for additional fence standards. The landscaped strip must be planted as follows:

- a. One (1) row of trees planted no more than 10 feet apart on center along the entire length of the buffer, with deciduous trees of 2-inch caliper, minimum, and/or coniferous trees at least six (6) feet in height, minimum. The

spacing may be increased to 15 feet to accommodate larger species and avoid long-term crowding. At least 50 percent of the required trees shall be evergreen.

- b. Living ground covers planted from either 4-inch pot with 12-inch spacing or 1-gallon pot with 18-inch spacing to cover within two (2) years 60 percent of the land use buffer not needed for viability of the trees.
3. Plant Standards. All plant materials used shall meet the most recent American Association of Nurserymen Standards for nursery stock: ANSI Z60.1.
4. Location of the Land Use Buffer. The applicant shall provide the required buffer along the entire common border between the subject property and the adjoining property.
5. Multiple Buffering Requirement. If the subject property borders more than one (1) adjoining property along the same property line, the applicant shall provide a gradual transition between different land use buffers. This transition must occur totally within the area which has the less stringent buffering requirement. The specific design of the transition must be approved by the City.
6. Adjoining Property Containing Several Uses. If the adjoining property contains several permitted uses, the applicant may provide the least stringent land use buffer required for any of these uses.
7. Subject Property Containing Several Uses. If the subject property contains more than one (1) use, the applicant shall comply with the land use buffering requirement that pertains to the use within the most stringent landscaping category that abuts the property to be buffered.
8. Subject Property Containing School. If the subject property is occupied by a school, land use buffers are not required along property lines adjacent to a street.
9. Encroachment into Land Use Buffer. Typical incidental extensions of structures such as chimneys, bay windows, greenhouse windows, cornices, eaves, awnings, and canopies may be permitted in land use buffers as set forth in **KZC 115.115(3)(d)**; provided, that:
 - a. Buffer planting standards are met; and
 - b. Required plantings will be able to attain full size and form typical to their species.

95.43 Outdoor Use, Activity, and Storage

Outdoor use, activity, and storage (**KZC 115.105(2)**) must comply with required land use buffers for the primary use, except that the following outdoor uses and activities, when located in commercial or industrial zones, are exempt from **KZC 115.105(2)(c)(1) and (2)(c)(2)** as stated below:

1. That portion of an outdoor use, activity, or storage area which abuts another outdoor use, activity, or storage area which is located on property zoned for commercial or industrial use.
2. Outdoor use, activity, and storage areas which are located adjacent to a fence or structure which is a minimum of six (6) feet above finished grade, and do not extend outward from the fence or structure more than five (5) feet; provided, that the total horizontal dimensions of these areas shall not exceed 50 percent of the length of the facade or fence (see Plate 11).
3. If there is an improved path or sidewalk in front of the outdoor storage area, the outdoor use, activity or storage area may extend beyond five (5) feet if a clearly defined walking path at least three (3) feet in width is maintained and there is adequate pedestrian access to and from the primary use. The total horizontal dimension of these areas shall not exceed 50 percent of the length of the facade of the structure or fence (see Plate 11).
4. Outdoor dining areas.
5. That portion of an outdoor display of vehicles for sale or lease which is adjacent to a public right-of-way that is improved for vehicular use; provided, that it meets the buffering standards for driving and parking areas in **KZC 95.45(1)**; and provided further, that the exemptions of **KZC 95.45(2)** do not apply unless it is fully enclosed within or under a building, or is on top of a building and is at least one (1) story above finished grade.
6. Outdoor Christmas tree lots and fireworks stands if these uses will not exceed 30 days, and outdoor amusement rides, carnivals and circuses, and parking lot sales which are ancillary to the indoor sale of the same goods and services, if these uses will not exceed seven (7) days.

95.44 Internal Parking Lot Landscaping Requirements

The following internal parking lot landscape standards apply to each parking lot or portion thereof containing more than eight (8) parking stalls.

1. The parking lot must contain 25 square feet of landscaped area per parking stall planted as follows:
 - a. The applicant shall arrange the required landscaping throughout the parking lot to provide landscape islands or peninsulas to separate groups of parking spaces (generally every eight (8) stalls) from one another and each row of spaces from any adjacent driveway that runs perpendicular to the row. This island or peninsula must be surrounded by a 6-inch-high vertical curb and be of similar dimensions as the adjacent parking stalls. Gaps in curbs are allowed for stormwater runoff to enter landscape island.
 - b. Landscaping shall be installed pursuant to the following standards:
 - 1) At least one (1) deciduous tree, two (2) inches in caliper, or a coniferous tree five (5) feet in height.
 - 2) Groundcover shall be selected and planted to achieve 60 percent coverage within two (2) years.
 - 3) Natural drainage landscapes (such as rain gardens, bio-infiltration swales and bioretention planters) are allowed when designed in compliance with the stormwater design manual adopted in **KMC 15.52.060**. Internal parking lot landscaping requirements for trees still apply. Refer to Public Works Pre-Approved Plans.
 - c. Exception. The requirements of this subsection do not apply to any area that is fully enclosed within or under a building.
2. Rooftop Parking Landscaping. For a driving or parking area on the top level of a structure that is not within the CBD zone or within any zone that requires design regulation compliance, one (1) planter that is 30 inches deep and five (5) feet square must be provided for every eight (8) stalls on the top level of the structure. Each planter must contain a small tree or large shrub suited to the size of the container and the specific site conditions, including desiccating winds, and is clustered with other planters near driving ramps or stairways to maximize visual effect.
3. If development is subject to Design Review as described in **Chapter 142 KZC**, the City will review the parking area design, plant choice and specific plant location as part of the Design Review approval. The City may also require or permit modification to the required landscaping and design of the parking area as part of Design Review approval.

95.45 Perimeter Landscape Buffering for Driving and Parking Areas

1. Perimeter Buffering – General. Except as specified in subsection (2) of this section, the applicant shall buffer all parking areas and driveways from abutting rights-of-way and from adjacent property with a 5-foot-wide strip along the perimeter of the parking areas and driveways planted as follows (see **Figure 95.45.A**):
 - a. One (1) row of trees, two (2) inches in caliper and planted 30 feet on center along the entire length of the strip.
 - b. Living groundcover planted to attain coverage of at least 60 percent of the strip area within two (2) years.
 - c. Natural drainage landscapes (such as rain gardens, bio-infiltration swales and bioretention planters) are allowed when designed in compliance with the stormwater design manual adopted in **KMC 15.52.060**. Perimeter landscape buffering requirements for trees in driving and parking areas still apply. Refer to Public Works Pre-Approved Plans.
2. Exception. The requirements of this section do not apply to any parking area that:
 - a. Is fully enclosed within or under a building; or
 - b. Is on top of a building and is at least one (1) story above finished grade; or
 - c. Serves detached dwelling units exclusively; or
 - d. Is within any zone that requires design regulation compliance. See below for Design District requirements.
3. Design Districts. If subject to Design Review, each side of a parking lot that abuts a street, through-block pathway or public park must be screened from that street, through-block pathway or public park by using one (1) or a combination of the following methods (see **Figures 95.45.A, B, and C**):
 - a. By providing a landscape strip at least five (5) feet wide planted consistent with subsection (1) of this section, or in combination with the following. In the RHBD Regional Center (see **KZC Figure 92.05.A**) a 10-foot perimeter landscape strip along NE 85th Street is required planted consistent with subsection (1) of this section.

- b. The hedge or wall must extend at least two (2) feet, six (6) inches, and not more than three (3) feet above the ground directly below it.
 - c. The wall may be constructed of masonry or concrete, if consistent with the provisions of **KZC 92.35(1)(g)**, in building material, color and detail, or of wood if the design and materials match the building on the subject property.
 - d. In JBD zones:
 - 1) If the street is a pedestrian-oriented street, the wall may also include a continuous trellis or grillwork, at least five (5) feet in height above the ground, placed on top of or in front of the wall and planted with climbing vines. The trellis or grillwork may be constructed of masonry, steel, cast iron and/or wood.
 - 2) If the wall abuts a pedestrian-oriented street, the requirements of this subsection may be fulfilled by providing pedestrian weather protection along at least 80 percent of the frontage of the subject property.
 - e. If development is subject to Design Review as described in Chapter **142 KZC**, the City will review plant choice and specific plant location as part of the Design Review approval. The City may also require or permit modification to the required plant size as part of Design Review approval.
4. Overlapping Requirements. If buffering is required in **KZC 95.42**, Land Use Buffering Standards, and by this subsection, the applicant shall utilize the more stringent buffering requirement.

Perimeter Parking Lot Landscaping

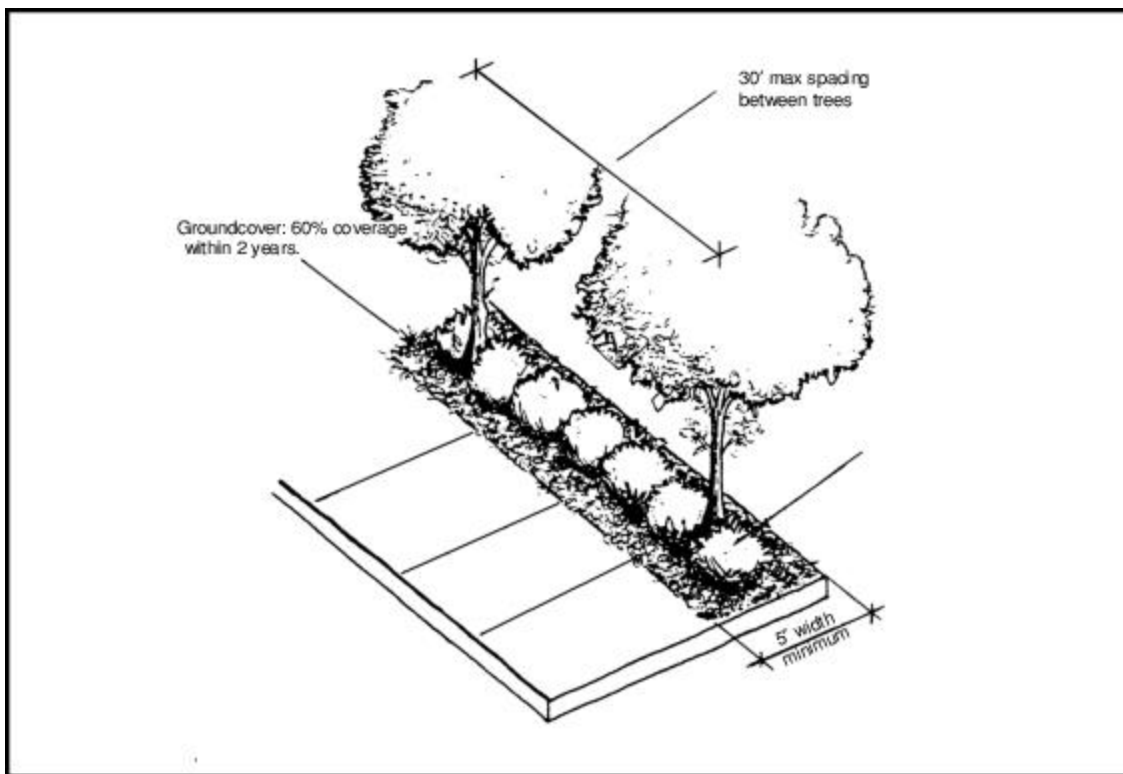


FIGURE 95.45.A

Perimeter Parking – Examples of Various Screen Wall Designs

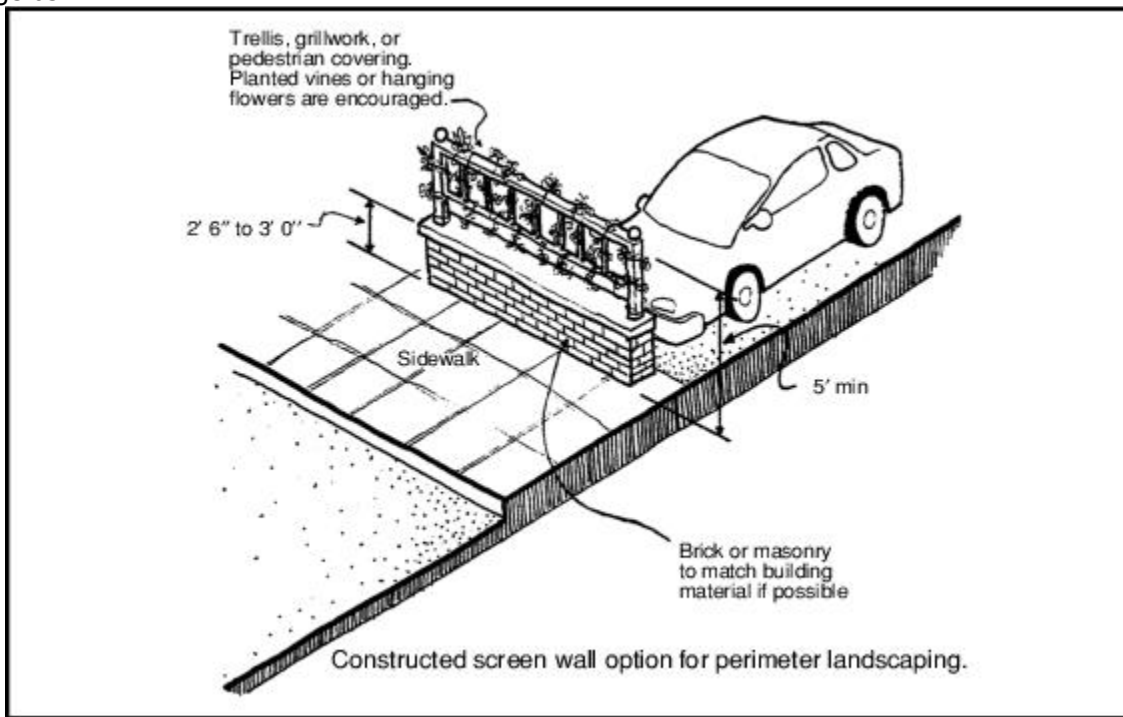


FIGURE 95.45.B

Perimeter Parking – Examples of Various Screen Wall Designs

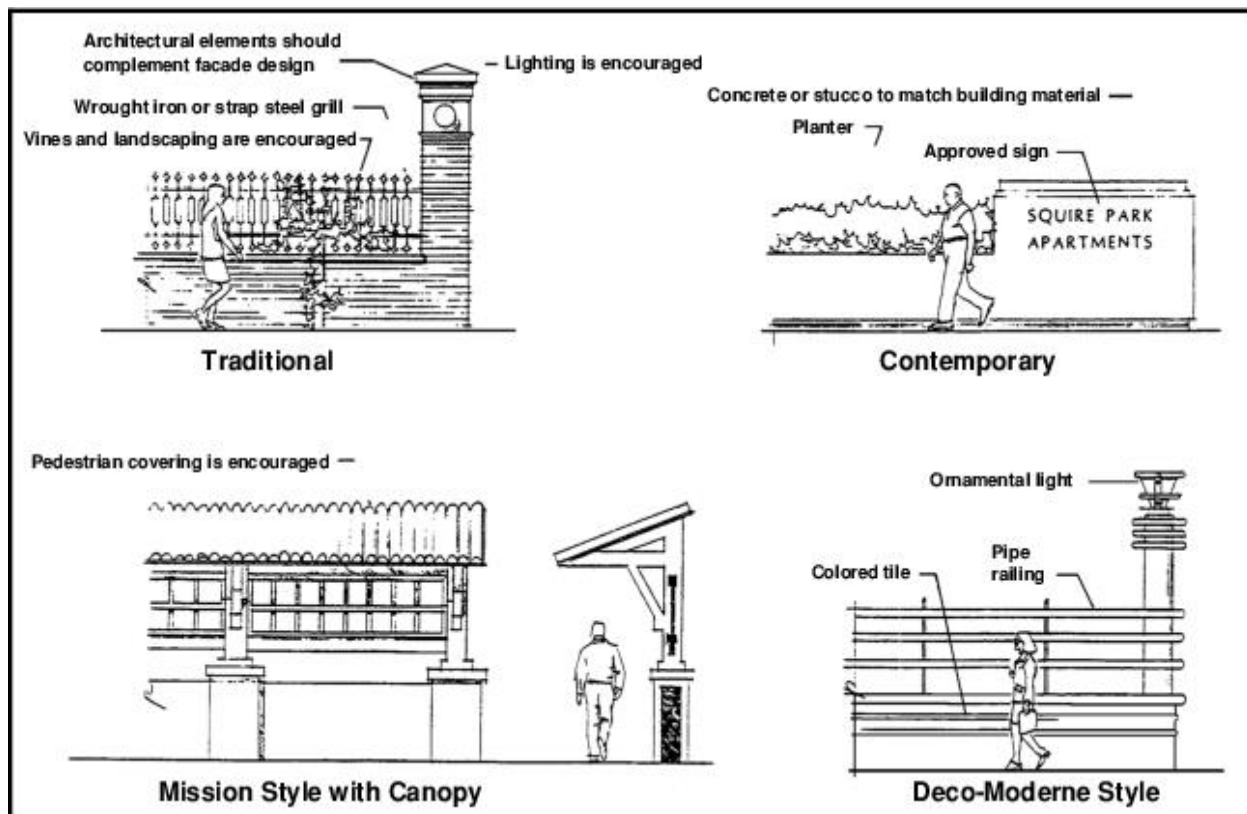


FIGURE 95.45.C

95.46 Modifications to Landscaping Standards

1. Modification to Land Use Buffer Requirements. The applicant may request a modification of the requirements of the buffering standards in **KZC 95.42**. The Planning Official may approve a modification if:
 - a. The owner of the adjoining property agrees to this in writing; and
 - b. The existing topography or other characteristics of the subject property or the adjoining property, or the distance of development from the neighboring property decreases or eliminates the need for buffering; or
 - c. The modification will be more beneficial to the adjoining property than the required buffer by causing less impairment of view or sunlight; or
 - d. The Planning Official determines that it is reasonable to anticipate that the adjoining property will be redeveloped in the foreseeable future to a use that would require no, or a less intensive, buffer; or
 - e. The location of pre-existing improvements on the adjoining site eliminates the need or benefit of the required landscape buffer.
2. Modifications to General Landscaping Requirements.
 - a. Authority to Grant and Duration. If the proposed development of the subject property requires approval through Design Review or Process I, IIA, or IIB, described in **Chapters 142, 145, 150, and 152 KZC**, respectively, a request for a modification will be considered as part of that process under the provisions of this section. The City must find that the applicant meets the applicable criteria listed in **subsections (2)(b) and (2)(c) of this section**. If granted under Design Review or Process I, IIA, or IIB, the modification is binding on the City for all development permits issued for that development under the building code within five (5) years of the granting of the modification.

If the above does not apply, the Planning Official may grant a modification in writing under the provisions of this section.
 - b. Internal Parking Lot Landscaping Modifications. For a modification to the internal parking lot landscaping requirements in **KZC 95.44**, the landscape requirements may be modified if:
 - 1) The modification will produce a landscaping design in the parking area comparable or superior to that which would result from adherence to the adopted standard; or
 - 2) The modification will result in increased retention of significant existing vegetation; or
 - 3) The purpose of the modification is to accommodate low impact development techniques as approved by the Planning Official.
 - c. Perimeter parking lot and driveway landscaping. For a modification to the perimeter landscaping for parking lots and driveways, the buffering requirements for parking areas and driveways may be modified if:
 - 1) The existing topography of or adjacent to the subject property decreases or eliminates the need for visual screening; or
 - 2) The modification will be of more benefit to the adjoining property by causing less impairment of view or sunlight; or
 - 3) The modification will provide a visual screen that is comparable or superior to the buffer required by **KZC 95.45**; or
 - 4) The modification eliminates the portion of the buffer that would divide a shared parking area serving two (2) or more adjacent uses but provides the buffer around the perimeter of the shared parking area.

95.47 Nonconforming Landscaping and Buffers

1. The landscaping requirements of **KZC 95.41**, Supplemental Plantings, **KZC 95.43** Outdoor Use, Activity and Storage, **KZC 95.44**, Internal Parking Lot Landscaping, and **KZC 95.45**, Perimeter Landscape Buffering for Driving and Parking Areas, must be brought into conformance as much as is feasible, based on available land area, in either of the following situations:
 - a. An increase of at least 10 percent in gross floor area of any structure; or
 - b. An alteration to any structure, the cost of which exceeds 50 percent of the replacement cost of the structure.

2. Land use buffers must be brought into conformance with **KZC 95.42** in either of the following situations:
 - a. An increase in gross floor area of any structure (the requirement to provide conforming buffers applies only where new gross floor area impacts adjoining property); or
 - b. A change in use on the subject property and the new use requires larger buffers than the former use.

95.50 Installation Standards for Required Plantings

All required trees, landscaping and soil shall be installed according to sound horticultural practices in a manner designed to encourage quick establishment and healthy plant growth. All required landscaping shall be installed in the ground and not in above-ground containers, except for landscaping required on the top floor of a structure.

When an applicant proposes to locate a subterranean structure under required landscaping that appears to be at grade, the applicant will: (1) provide site-specific documentation prepared by a qualified expert to establish that the design will adequately support the mature size of specified trees and other vegetation species; and (2) enter into an agreement with the City, in a form acceptable to the City Attorney, indemnifying the City from any damage resulting from development activity on the subject property which is related to the physical condition of the property. The applicant shall record this agreement with the King County Recorder's Office.

1. Compliance. It is the applicant's responsibility to show that the proposed landscaping complies with the regulations of this chapter.
2. Timing. All landscaping shall be installed prior to the issuance of a certificate of occupancy, except that the installation of any required tree or landscaping may be deferred during the summer months to the next planting season, but never for more than six (6) months. Trees should be planted in the fall, winter or early spring, between October and April, or must be irrigated.

Deferred installation shall be secured with a performance bond pursuant to **Chapter 175 KZC** prior to the issuance of a certificate of occupancy.

3. Grading. Berms shall not exceed a slope of two (2) horizontal feet to one (1) vertical foot (2:1).
4. Soil Specifications. Soils in planting areas shall have soil quality equivalent to Washington State Department of Ecology BMP T5.13. The soil quality in any landscape area shall comply with the soil quality requirements of the Public Works Pre-Approved Plans. See subsection (9) of this section for mulch requirements.
5. Plant Selection.
 - a. Plant selection shall be consistent with the appropriate Kirkland Plant Lists, which are shown on the Planning Department webpage and available in the Planning and Building Department. Species diversity is encouraged by planting species other than those listed, with Planning Official approval.
 - b. Plants shall be selected and sited to produce a hardy and drought-resistant landscape area. Selection shall consider soil type and depth, the amount of maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, and compatibility with existing native vegetation preserved on the site. Preservation of existing vegetation is strongly encouraged.
 - c. Plants listed in the Kirkland Prohibited Plant List shall not be planted in any required landscape areas. Additionally, there are other plants that may not be used if identified in the Kirkland Plant List as potentially damaging to sidewalks, roads, underground utilities, drainage improvements, foundations, or when not provided with enough growing space.
 - d. All plants shall conform to American Association of Nurserymen (AAN) grades and standards as published in the "American Standard for Nursery Stock" manual.
 - e. Plants shall meet the minimum size standards established in other sections of the KZC.
 - f. Multiple-stemmed trees may be permitted as an option to single-stemmed trees for required landscaping provided that such multiple-stemmed trees are at least 10 feet in height and that they are approved by the Planning Official prior to installation.
- x. Trees planted to form a clipped or sheared hedge or living wall will not be counted toward tree density credits.

- x. Plant Location. Newly-planted supplemental trees must be planted at least 3 feet away from property lines. Planting large trees under/within proximity to overhead utilities shall be avoided. Newly-planted supplemental trees may be checked for the approved locations as a final inspection procedure on development sites. Supplemental trees must be

planted in a manner that allows the tree species to mature to its full height and width. Trees shall be located with the appropriate spacing from buildings and other trees, soil volume should not be restricted for the mature size of the tree and soil should be amended in accordance with the storm water code. Trees shall be installed so that the root flare is at or slightly above the finished ground elevation in order to promote a healthy root structure and identify any girdling roots at the time of planting.

6. Fertilization. All fertilizer applications to turf or trees and shrubs shall follow Washington State University, National Arborist Association or other accepted agronomic or horticultural standards. Fertilizer may include soil drenches to increase fungal biota and chemical root growth stimulators.

7. Irrigation. The intent of this standard is to ensure that plants will survive the critical establishment period when they are most vulnerable due to lack of watering. All required plantings must provide an irrigation system, using either Option 1, 2, or 3 or a combination of those options. Selected irrigation option shall be specified on the Landscape or Tree Plan. For each option irrigation shall be designed to conserve water by using the best practical management techniques available. These techniques may include, but not be limited to: drip irrigation to minimize evaporation loss, moisture sensors to prevent irrigation during rainy periods, automatic controllers to ensure proper duration of watering, sprinkler head selection and spacing designed to minimize overspray, and separate zones for turf and shrubs and for full sun exposure and shady areas to meet watering needs of different sections of the landscape.

Exceptions, as approved by the Planning Official, to the irrigation requirement may be approved xeriscape (i.e., low water usage plantings), plantings approved for low impact development techniques, established indigenous plant material, or landscapes where natural appearance is acceptable or desirable to the City. However, those exceptions will require temporary irrigation (Option 2 and/or 3) until established.

a. Option 1. A permanent built-in irrigation system with an automatic controller designed and certified by a licensed landscape architect as part of the landscape plan.

b. Option 2. An irrigation system designed and certified by a licensed landscape architect as part of the landscape plan, which provides sufficient water to ensure that the plants will become established. The system does not have to be permanent if the plants chosen can survive adequately on their own, once established.

c. Option 3. Irrigation by hand, which includes the use of water bags. If the applicant chooses this option, an inspection will be required one (1) year after final inspection to ensure that the landscaping has become established.

8. Drainage. All landscapes shall have adequate drainage, either through natural percolation or through an installed drainage system. A percolation rate of one-half (1/2) inch of water per hour is acceptable.

9. Mulch.

a. Required plantings, except turf or areas of established ground cover, shall be covered with two (2) inches or more of organic mulch to minimize evaporation and runoff. Mulch shall consist of materials such as yard waste, sawdust, and/or manure that are fully composted.

b. All mulches used in planter beds shall be kept at least six (6) inches away from the trunks of shrubs and trees.

10. Protection. All required landscaped areas, particularly trees and shrubs, must be protected from potential damage by adjacent uses and development, including parking and storage areas. Protective devices such as bollards, wheel stops, trunk guards, root guards, etc., may be required in some situations.

x. Final Inspection. During final inspection, if these requirements are not met, the project will not be signed off.

95.51 Tree and Landscape Maintenance Requirements

The following maintenance requirements apply to all trees, including street trees, and other vegetation required to be planted or preserved by the City:

1. Responsibility for Regular Maintenance. Required trees and vegetation, fences, walls, and other landscape elements shall be considered as elements of the project in the same manner as parking, building materials, and other site details. The applicant, landowner, or successors in interest shall be responsible for the regular maintenance of required landscaping elements. It is also the responsibility of the property owner to maintain street trees abutting their property pursuant to **KZC 95.21**.

2. Maintenance Duration. Maintenance shall be ensured in the following manner except as set forth in subsections (3), (4) and (5) of this section:

a. Commercial, Industrial and Multifamily Development. All required landscaping shall be maintained throughout the life of the development. Plants that die must be replaced in kind. Prior to final inspection/issuance of a certificate of occupancy, the proponent shall provide a final as-built landscape plan and an agreement to maintain and replace all landscaping that is required by the City.

b. Single Family Residential Development. Any existing tree or other existing vegetation designated for preservation in a tree retention plan shall be maintained for a period of five (5) years following issuance of the certificate of occupancy for the individual lot or development. After five (5) years, all trees on the property are subject to KZC 95.23 unless:

- 1) The tree and associated vegetation are in a grove that is protected pursuant to subsection (3) of this section; or
- 2) The tree or vegetation is considered to be a public benefit related to approval of a Planned Unit Development; or
- 3) The tree or vegetation was retained to partially or fully meet requirements of KZC 95.40 through 95.45, Required Landscaping and Zoning.

3. Maintenance of Preserved Grove. Any applicant who has a grove of trees identified for preservation on an approved Tree Retention Plan pursuant to KZC 95.30(2) shall provide prior to occupancy the legal instrument acceptable to the City to ensure preservation of the grove and associated vegetation in perpetuity, except that the agreement may be extinguished if the Planning Official determines that preservation is no longer appropriate.

4. Maintenance in Holmes Point Overlay Zone. Vegetation in designated Protected Natural Areas in the Holmes Point Overlay Zone is to be protected in perpetuity pursuant to KZC 70.15(8)(a). Significant trees in the remainder of the lot shall be protected in perpetuity pursuant to KZC 70.15(8)(b).

5. Nonnative Invasive and Noxious Plants. It is the responsibility of the property owner to remove nonnative invasive plants and noxious plants per the City's Prohibited Plant List, King County and Washington Weed Agencies from the vicinity of any tree or other vegetation that the City has required to be planted or protected. Removal must be performed in a manner that is not injurious to required trees and vegetation.

6. Landscape Plans and Utility Plans. Landscape plans and utility plans shall be coordinated. In general, the placement of trees and large shrubs should adjust to the location of required utility routes both above and below ground. Location of plants shall be based on the plant's mature size both above and below ground. See the Kirkland Plant List for additional standards.

95.52 Prohibited Vegetation

Plants listed in the Kirkland Prohibited Plant List shall not be planted in the City or required to be retained.

For landscaping not required under this chapter, this prohibition shall become effective on February 14, 2008. The City may require removal of prohibited vegetation if installed after this date. Residents and property owners are encouraged to remove pre-existing prohibited vegetation whenever practicable.

95.55 Enforcement and Penalties

Upon determination that there has been a violation of any provision of this chapter, the City may pursue code enforcement and penalties in accordance with the provisions of Chapter 1.12.100 KMC, Special Provisions Relating to Enforcement of Tree regulations in Chapter 95 KZC. Tree topping shall result in the following penalties:

1. Topped trees less than six (6) inches DBH that were required to be planted or retained by this chapter must be replaced pursuant to the standards in Chapter 1.12 KMC.
2. Property owners must have a qualified professional develop and implement a restoration pruning plan for topped trees greater than six (6) inches DBH.

95.57 City Forestry Account

1. Funding Sources. All civil penalties received under this chapter and all money received pursuant to KZC 95.33(3)(c) shall be used for the purposes set forth in this section. In addition, the following sources may be used for the purposes set forth in this section:

- a. Agreed upon restoration payments imposed under KZC 95.55 or settlements in lieu of penalties;
- x. Agreed upon payment in lieu of planting required trees under KZC 95.33.3c;
- b. Sale of trees or wood from City property where the proceeds from such sale have not been dedicated to another purpose;
- c. Donations and grants for tree purposes;
- d. Sale of seedlings by the City; and
- e. Other monies allocated by the City Council.

2. Funding Purposes. The City shall use money received pursuant to this section for the following purposes:

- a. Acquiring, maintaining, and preserving wooded areas within the City;
- b. Planting and maintaining trees within the City;
- c. Establishment of a holding public tree nursery;
- d. Urban forestry education;
- e. Implementation of a tree canopy monitoring program; or
- f. Other purposes relating to trees as determined by the City Council.



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 19, 2019

Subject: DOMESTIC VIOLENCE AWARENESS MONTH PROCLAMATION

RECOMMENDATION:

That the Mayor proclaim October 2019 as Domestic Violence Awareness Month in Kirkland, Washington.

BACKGROUND DISCUSSION:

The purpose of National Domestic Violence Awareness Month is to promote an active community response against the scourge of domestic violence. Individuals may make a pledge of personal action utilizing the pledge form shared at the end of this memo.

LifeWire, the leading domestic violence agency in Washington State, encourages survivors, their loved ones, and concerned residents to learn more by calling the LifeWire Helpline at 425-746-1940. Resources regarding Domestic Violence are available as well at the following websites:

LifeWire, www.lifewire.org

Washington State Coalition Against Domestic Violence, <https://wscadv.org>

National Coalition Against Domestic Violence, <https://ncadv.org>.

In 2018 LifeWire accomplished the following:

- 4,252 survivors of domestic violence connected with LifeWire's services to reach greater safety, freedom, and healing.
- 1,094 survivors worked one-on-one with a LifeWire advocate to heal from physical, financial, emotional, and other forms of abuse.
- 274 survivors and their 472 children found safer homes through LifeWire's homelessness and housing stabilization services.
- 161 survivors received DV-informed Mental Health Therapy to heal from their experiences.
- 260 survivors received support for domestic violence-related legal issues, including filing Protection Orders and custody challenges, from LifeWire's Legal Advocacy services.
- 2,539 high school and college students learned about dating violence and healthy relationships.

Staff will post the proclamation online and provide additional resource links through the City of Kirkland website.

In addition to LifeWire, the Christian Coalition for Safe Families is appreciative of the Mayor's attention to National Domestic Violence Awareness Month.

Rachel Krinsky, the Executive Director of LifeWire, will be present to accept the Proclamation.



A PROCLAMATION OF THE CITY OF KIRKLAND

Designating October 2019 as "Domestic Violence Awareness Month" in Kirkland, Washington

WHEREAS, in just one day, across the United States and its territories, nearly 75,000 victims of domestic violence sought services from domestic violence programs and shelters. That same day, more than 9,000 requests for services, including emergency shelter, housing, transportation, childcare and legal representation, could not be provided because programs lacked the resources to meet victims' needs;

WHEREAS, impact of domestic violence is wide ranging, directly affecting individuals and society, here in this community, throughout the United States and the world, and

WHEREAS, racism, homophobia, transphobia, ageism and discrimination based on physical ability, nationality or other factors help to perpetuate domestic violence and make finding safety even more difficult for some victims;

WHEREAS, the need for safe housing continues to be rated as survivors' most urgent need;

WHEREAS, in 2018 the Kirkland Police Department responded to approximately 1,449 domestic related incidents, and added 209 new misdemeanor cases of domestic violence;

WHEREAS, Kirkland joins with others across Washington and the nation in supporting victims of domestic violence, as well as local programs, state coalitions, national organizations, and other agencies nationwide who are committed to increasing public awareness of domestic violence and sending a clear message to abusers that domestic violence is not tolerated in Kirkland; and

WHEREAS, domestic violence impacts millions of people each year, but it can be prevented. Preventing domestic violence requires the collective voice and power of individuals, families, institutions, and systems to transform our communities.

NOW, THEREFORE, I, Penny Sweet, do hereby proclaim October 2019, as *Domestic Violence Awareness Month* in the City of Kirkland. Let us honor survivors by promoting peace in our own families, homes, and communities. Let us renew our commitment to end domestic violence and its brutal and destructive effects so that domestic violence has no future in Kirkland or beyond.

Signed this 1st day of October, 2019

Penny Sweet, Mayor



CITY OF KIRKLAND

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

To: Kurt Triplett, City Manager

From:

Kathy Brown, Public Works Director
Joel Pfundt, Transportation Manager
Armaghan Baghoori, Transportation Program Coordinator
Kari Page, Senior Neighborhood Outreach Coordinator

Date: September 19, 2019

Subject: WALK AND BIKE TO SCHOOL MONTH PROCLAMATION

RECOMMENDATION:

It is recommended that the Mayor proclaim October 2019, as "Walk and Bike to School Month" in Kirkland.

BACKGROUND DISCUSSION:

The City continues to be active in partnering with the Lake Washington School District (LWSD) to develop safer routes to school. A portion of the Streets Levy funding is dedicated to pedestrian safety, benefitting students walking or biking to school. Since 2013, forty-seven Rapid Flashing Beacons (RFB's) have been installed in the City, including street junctions along the Cross Kirkland Corridor (CKC) interim trail. Portions of the CKC have been designated by LWSD as Safer Routes to School. Twenty-five of the RFBs were installed on designated Elementary School Walk Routes. These crossings will benefit students walking or biking to schools and also will increase overall pedestrian safety in Kirkland. In addition, a Safe Routes to School map was adopted by the City Council in early 2014.

This year, the City is wrapping up completion of a set of capital improvement projects that was identified in 2002 by the community stakeholders, LWSD, and staff as priority improvements along school walk routes. Also this year, the City launched a new Safer Routes to School effort that will create Action Plans for all elementary, middle, and high schools. Each Action Plan will identify and prioritize physical improvements for walking and biking to the bus and school, determine ways to improve circulation in and around schools, recommend effective techniques to encourage more children to walk, bike and bus to school, and layout obtainable goals and performance measures moving forward.

October 2nd is International Walk to School Day in 2019. The City Council supports school safety and healthy, active lifestyles and therefore it is appropriate to proclaim October "Walk and Bike to School Month" in Kirkland.



School events are planned and carried out primarily by Parent, Teacher, Student Association (PTSA) volunteers at each school. City staff assists by coordinating Fire and Police appearances, and the use of the Ped Bee costumes at each participating school. Councilmembers are invited to participate by visiting any of the schools' events, held in the morning at the beginning of the school day. City staff is working closely with PTSA to confirm the event dates at each school. The final schedule will be shared with the Council upon completion. This year, the City has expanded the Walk and Bike to School efforts and invited all Kirkland schools including elementary, middle, and high schools to participate in October.

So far, the following dates have been scheduled for Walk and Bike to School Month:

Thoreau: Week of September 30 (9:20 a.m. start)
Mark Twain: Wednesday, October 2 (8:50 a.m. start)
Peter Kirk: Wednesday, October 2 (9:00 a.m. start)
Sandburg/Discovery: Wednesday, October 2 (9:20 a.m. start)
Rose Hill: Friday, October 4 (8:50 a.m. start)
AG Bell: Week of October 7 (9:20 a.m. start)
Juanita: Week of October 7 (9:20 a.m. start)
Franklin: Wednesday, October 9 (9:20 a.m. start)
Lakeview: Friday, October 11 (9:20 a.m. start)

Students and parents will be invited to the October 1st City Council meeting to receive the Proclamation from the Mayor. The school coordinators will be encouraging students and parents to support this important month to emphasize the priorities of safety for walking and biking to school and healthy kids in Kirkland.

Attachment A: Proclamation



A PROCLAMATION OF THE CITY OF KIRKLAND

Proclaiming October 2019 as "Walk and Bike to School Month" in Kirkland, Washington

WHEREAS, the National Center for Safe Routes to School, a group working to improve safety and walking and biking conditions for children, encourages local communities to support International Walk to School Day and similar activities; and

WHEREAS, walking or biking to school supports an active, healthy lifestyle through a common and enjoyable form of exercise and teaches children the skills to walk and bicycle safely and to identify safer routes to school including portions of the Cross Kirkland Corridor as designated by the Lake Washington School District; and

WHEREAS, the City Council adopted the development of a "Safer Routes to School Action Plan" for each public elementary, middle, and high school in Kirkland as a part of the City's 2019-2020 Work Program; and

WHEREAS, the City of Kirkland recognizes the importance of pedestrian and bicyclists safety and has constructed multiple improvements to school walk routes across the City, including Rapid Flashing Beacons and two school zone photo enforcement cameras at strategic school and other crosswalk sites since 2013; and

WHEREAS, the City Council adopted a Safe Routes to School map in March of 2014; and

WHEREAS, children and parents in Kirkland are encouraged to walk, bike, or ride the bus to school every day, but particularly during the month of October 2019;

NOW, THEREFORE, I, Penny Sweet, Mayor of Kirkland, do hereby proclaim the month of October as "Walk and Bike to School Month" in the City of Kirkland, Washington and encourage Kirkland residents to participate in this annual event and to always consider the safety of pedestrians and bicyclists.

Signed this 1st day of October, 2019

Penny Sweet, Mayor



CITY OF KIRKLAND
Planning & Building Department
123 Fifth Avenue, Kirkland, WA 98033
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Christian Geitz, Planning Supervisor
Adam Weinstein, Planning and Building Director

Date: October 1, 2019

Subject: Designating October 2019 as "National Code Compliance Month" in Kirkland

RECOMMENDATION:

That the Mayor proclaim October 2019 as National Code Compliance Month in Kirkland.

BACKGROUND DISCUSSION:

The American Association of Code Enforcement and Washington Association of Code Enforcement recommends that October be designated as National Code Compliance Month to honor and recognize the City's efforts in Code Enforcement and the associated multi-disciplinary staff team comprising members from almost every department in City Hall. This is an opportunity to highlight the important function of Code Enforcement in the City and the contributions that Code Enforcement staff members have made to the quality of our community. The purpose of the proclamation is to advance public and professional interest in Code Enforcement. Code Compliance Officers primarily resolve code violations through a variety of means, including education, negotiation, voluntary correction, and mediation. Their work encompasses everything from investigating sources of water pollution, to property cleanup, to tree removal.

Within the Planning and Building Department, Cindy Kersey and Shannon Sedlacek fill the two Code Compliance Officer positions and respond to several hundred cases each year, investigating each and making determinations for corrective action. Over the last decade, the Code Compliance Officers have processed more than 5,000 cases related to zoning and building code complaints. In addition to the Code Compliance Officers, many other City employees contribute to the code compliance efforts of the City. The following employees are on the Code Enforcement Service Team and show that the work of code enforcement involves a wide group of experts and resources from all City Departments:

Clell Mason (Planning & Building/Inspection); Kurt Aldworth (Planning & Building); Stephanie Croll (City Attorney's Office); Kathi Anderson (Finance & Administration); Gillian Hayes (Finance & Administration/Licensing); Mark Jung (Fire); Ryan Fowler (Parks & Community Services); Jerry Merkel (Public Works Maintenance); Ryeann-Marie Tuomisto (Public Works/Surface Water); DJ Bernard (Public Works/Surface Water); Ryan Paulsen (Public Works/Surface Water); Kelli Jones (Public Works/Surface Water); Kathy Robertson (Public Works/Transportation); Ron Carpenter (Public Works/Inspection); Tuan Phan (Public Works/Engineering); Shailene Dahl (Planning & Building/Administration); John MacGillivray (Public Works/Solid Waste); Deana Lansing (Police); and Jennifer Matison (Police/Animal Control).

Shannon Sedlacek and Cindy Keirseay will represent the City of Kirkland Code Enforcement Team at the October 1 Council meeting to receive the proclamation.



A PROCLAMATION OF THE CITY OF KIRKLAND

Designating October 2019 as "National Code Compliance Month" in Kirkland, Washington

WHEREAS, Code Enforcement Program and Code Compliance Officers provide for the safety, health and welfare of community members and guests of the City of Kirkland through the enforcement of building, zoning, housing, animal control, fire safety, environmental, and other codes and ordinances; and

WHEREAS, Code Compliance Officers work collaboratively with volunteer groups and community resource organizations who share the goals of preventing neighborhood deterioration, enhancing communities, ensuring safety, and preserving the character of Kirkland through educating the community of City Codes and policies; and

WHEREAS, the Code Compliance Program works closely with all City departments to protect the health, safety, environment, and infrastructure of the City and its residents and visitors by achieving compliance with codes and policies through education and outreach; and

WHEREAS, the collaborative approach across multiple City departments has led to greater coordination and the development of reasonable, efficient, and effective solutions that help individuals and the community reach positive compliance outcomes; and

WHEREAS, the American Association of Code Enforcement and Washington Association of Code Enforcement, on behalf of its members, requests that October be set aside to honor and recognize our Code Compliance Officers as an opportunity to highlight the contributions these individuals have made to the quality of our communities, to celebrate accomplishments in making collective decisions concerning our City that bring quality and meaning to our lives, and to recognize the participation and dedication of Code Compliance Officers who have contributed their time and expertise to the improvement of communities throughout Washington State and the United States;

NOW, THEREFORE, I, Penny Sweet, Mayor of Kirkland, do hereby proclaim October as "National Code Compliance Month" in Kirkland and recognize the many valuable contributions and continued commitment to public service made by the Code Compliance Officers throughout the City of Kirkland.

Signed this 1st day of October, 2019

Penny Sweet, Mayor

**CITY OF KIRKLAND**

City Manager's Office

123 Fifth Avenue, Kirkland, WA 98033 425.587.3001

www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Lorrie McKay, Intergovernmental Relations & Economic Development Manager

Date: September 20, 2019

Subject: RESOLUTION OPPOSING INITIATIVE MEASURE NO. 976, CONCERNING MOTOR VEHICLE TAXES AND FEES ON THE NOVEMBER 2019 GENERAL ELECTION BALLOT

RECOMMENDATION:

That the City Council holds a public hearing and considers the attached Resolution expressing opposition to Initiative Measure No. 976, concerning motor vehicle taxes and fees, which will be on the general election ballot in November 2019.

BACKGROUND:

Initiative 976 is an initiative advanced by Tim Eyman to cut car-tab costs across Washington state (Attachment A). The initiative was an initiative to the Legislature that was filed for consideration during the 2019 legislative session. The Legislature took no action on the initiative, so it will be presented to voters during the general election in November 2019. If passed, the new law cannot be amended for two years, except with a 2/3rd supermajority vote by the state legislature.

According to the State Office of Financial Management, Initiative 976 proposes to change vehicle taxes and fees by lowering motor vehicle and light duty truck weight fees to \$30; eliminating the 0.3 percent sales tax on vehicle purchases; lowering electric vehicle and snowmobile fees; modifying and reducing Sound Transit motor vehicle excise tax provisions; and removing authority for transportation benefit districts to impose a vehicle fee. Total revenue loss to the state in the next six years is \$1,921,901,238. Total revenue loss to local governments in the next 6 years is \$2,317,121,034. The departments of Licensing and Revenue have estimated implementation costs of \$2,846,800 in the 2019—21 biennium. (Attachment B)

The Association of Washington Cities (AWC) has commented that these actions would reduce direct revenue to cities through TBDs, reduce revenue to Sound Transit, and reduce revenue to numerous state transportation accounts (Attachment C). AWC notes that these state accounts provide funding for the Washington State Department of Transportation and provide significant investment in transportation projects across the state. These projects include but aren't limited to the following: state and local highway construction, maintenance, ferries and support services; multimodal projects like public transportation, rail and bicycle/pedestrian projects; activities of the Washington State Patrol; and more. Additionally, the Sound Cities Association's Caucus of the Regional Transit Committee provided members with King County Metro's analysis of I-976 (Attachment D), and the AWC provided additional analysis of I-976 to the caucus (Attachment E).

In examining potential impacts to the City of Kirkland, while the City does not have a Transportation Benefit District (TBD), staff have identified a number of regional and local programs and projects that are at risk of losing significant funding directly or indirectly if I-976 is approved.

For example, the City has previously secured state funding for the following projects which could be at risk:

- Regional Mobility Grant Program
 - 116th Ave NE/NE 124th St Right Turn lane (in front of old ARCO in Totem Lake)
- Transportation Improvement Board
 - 124th Ave NE/NE 116th St Intersection improvements
 - 124th Ave NE Sidewalk Improvements
 - Totem Lake Gateway Improvements
 - NE 112th St Sidewalk
 - 6th St/Kirkland Ave Sidewalk Gaps
- Bicycle/Pedestrian Program
 - Rose Hill Greenway
 - Lakefront Pedestrian and Bicycle Improvements
 - Juanita Drive Quick Wins
 - Central Way Pedestrian Enhancements
- Safe Routes To School
 - Lakeview Elementary
 - Peter Kirk Elementary
 - "Making the Connection" suite of projects
- Direct Allocations
 - Willows Road Connector
 - Juanita Drive Intersection Improvements
 - Key Kirkland Sidewalk Repairs
 - Lake St & Kirkland Ave Intersection Improvements
 - NE 132nd St Sidewalk Improvements

Further, regional program and project investments by King County Metro and Sound Transit in Kirkland such as the following are also at risk.

- The I-405 Bus Rapid Transit system that would provide express service between Lynnwood, Bellevue, and Burien
- Construction of the I-405/NE 85th Street Interchange & Inline BRT Station
- Expansion of Kingsgate Park and Ride by 400 stalls with construction of a parking garage
- RapidRide expansion, transit integration, transportation demand management, and speed and reliability projects
- Development and implementation of a transit-oriented development at the Kirkland Kingsgate Park and Ride.
- Construction of light rail connecting to South Kirkland Park and Ride
- Access Paratransit program service for people with impaired mobility
- ORCA summer program for income-qualified students in Lake Washington School District and incentives to small businesses

The certified ballot title for Initiative Measure No. 976 reads as follows:

Initiative Measure No. 967 concerns motor vehicle taxes and fees.

This measure would repeal or remove authority to impose certain vehicle taxes and fees, including charges funding mass-transit or regional transportation; change vehicle valuation laws; and limit motor-vehicle-license fees to \$30, except voter-approved charges.

Should this measure be enacted into law?

☐ Yes

☐ No

BALLOT MEASURE SUMMARY

This measure would limit annual license fees to \$30 for motor vehicles weighing 10,000 pounds or less, except voter-approved charges; repeal or remove authority to impose certain taxes and charges, including additional vehicle excise taxes funding regional transportation; calculate vehicle taxes based on Kelley Blue Book values; require regional transit authorities to retire bonds early where allowed; and repeal motor vehicle excise taxes pledged to regional transit authority bonds once they are retired.

Explanatory Statement on the Secretary of State's Elections Division web site

Written by the Office of the Attorney General

The Law as It Presently Exists

A. Motor Vehicle Registration and License Fees

Owners of motor vehicles pay state and local license fees and excise taxes when they register vehicles and obtain license tabs each year. The total, combined amount depends on the type and weight of the vehicle, as well as where the vehicle is registered.

The base annual license fee ranges from \$30 to \$93 for most passenger vehicles, such as cars, motorcycles, and light-duty trucks. An additional fee is then added depending on the vehicle's weight. The vehicle weight fee can range from \$25 to \$65 for most passenger vehicles. Funds from the license and vehicle weight fee are used to pay for a variety of state transportation purposes, including road and highway repairs.

Owners of snowmobiles pay an annual license fee of \$50. The snowmobile license fee helps pay for snowmobile facilities and snowmobile safety, enforcement, and education programs throughout the state. Owners of commercial trailers pay \$34 for initial registration and \$30 for each annual renewal. These license fees also pay for state transportation purposes.

Additional taxes and fees may be added depending on the city and county where the vehicle is registered. These taxes and fees help pay for local transportation improvement projects, passenger-only ferries, and other transportation purposes. Some residents of King, Pierce, and Snohomish County also pay voter-approved, annual motor vehicle excise taxes (MVET) that help pay for mass transit projects run by Sound Transit. The MVET is calculated based on a vehicle valuation and depreciation schedule that is set in state law. The total rate of the current MVET is one and one tenths percent (1.1%) of the value of the vehicle as determined by the statutory formula. Future approved MVET's cannot exceed eight-tenths of one percent (0.8%) of the value of the vehicle.

Finally, other fees may be included in the total amount, such as for county filing and service fees, fees for special license plates, or fees for certain types of vehicles. For example, owners of electric vehicles currently pay a \$150 fee that goes toward paying for transportation feasibility studies and other transportation purposes. An additional \$75 transportation electrification fee will go into effect for electric vehicles on August 1, 2019. This fee will be used to support green transportation projects.

B. Taxes on Selling, Leasing, or Renting a Motor Vehicle

Each retail sale or lease of a motor vehicle is subject to an additional state excise tax known as the "motor vehicle sales/lease tax." This tax, which is in addition to general sales and use taxes, is set at three-tenths of one percent (0.3%) of the selling price of every motor vehicle in the state. Off-road vehicles, snowmobiles, and other non-highway vehicles are not subject to the tax. Farm tractors and vehicles are also not subject to the tax so long as the vehicles are not used for marijuana production. Funds from the motor vehicle sales/lease tax pay for transportation services in the state.

Regional transit authorities in King, Pierce, and Snohomish counties may also impose additional sales and use tax on car rentals. The rate of the tax may not exceed 2.172 percent (2.172%) of the selling price of the rental. Funds from this tax are used to provide mass transit services run by Sound Transit.

C. Sound Transit Funding

State law authorizes Sound Transit to collect multiple types of taxes from some King, Pierce, and Snohomish County residents to help pay for mass transportation projects. These taxes include the MVET and the additional sales and use tax on rental cars previously described, as well as a local property tax and a local sales and use tax on purchases made within the district. Sound Transit also uses federal grants, transit fares, interest earnings, and other revenue to pay for its transportation projects.

Since 1999, Sound Transit has issued and sold public bonds to finance its transportation projects. Sound Transit uses the revenue from the MVET and other taxes to pay the principal and interest on the bonds. It promised its bondholders that it would continue to collect the taxes until the bonds are retired. In 2006, the Washington Supreme Court held that state law could not change the terms of any existing Sound Transit bond contracts while the bonds are still outstanding. This means that Sound Transit must continue to use the tax rate and valuation formula that were in effect at the time the bond was issued, even if state law later changes the rate or formula, until the bonds are retired, defeased, or refinanced under different contract terms.

The Effect of the Proposed Measure if Approved

This measure would reduce funding for state and local transportation projects by repealing, reducing, or removing state and local authority to impose certain vehicle taxes and fees. The measure would limit annual state and local license fees for motor vehicles weighing 10,000 pounds or less to \$30, unless the fee is approved by voters. License fees, such as the motor vehicle weight fee and transportation benefit district fees, would be eliminated. The electric vehicle license fee would be lowered to \$30. The transportation electrification fee would remain the same. The license fee for snowmobiles and commercial trailers would be lowered to \$30. Other fees, such as service and filing fees, would remain the same. The measure would also eliminate the state motor vehicle sales/lease tax and eliminate authority to impose a local motor vehicle excise tax that supports passenger-only ferries.

Any regional transit authority, such as Sound Transit, that has issued bonds financed by a motor vehicle excise tax would be required to defease, refinance, or retire the bonds early, if the bond contracts allow such action. Once the bonds have been defeased, refinanced, or retired, the authority to impose the MVET and the additional sales and use tax on rental cars would be repealed automatically. If the regional transit authority is not able to completely defease, refinance, or retire the bonds by March 31, 2020, any existing voter-approved MVETs would remain unchanged, and the maximum rate of future voter-approved MVETs would be reduced from 0.8% to 0.2%.

The measure would also require that any future vehicle taxes, including voter-approved MVETs, be determined by using a vehicle's base model Kelley Blue Book value. The base value would not include any applicable federal excise taxes, state and local sales and use taxes, transportation or shipping costs, and preparatory and delivery costs. The measure would require the Department of Licensing to use a vehicle's base model Kelley Blue Book value for any appeal of the valuation of the vehicle.

Fiscal Impact Statement for Initiative 976

In addition to the Fiscal Impact Statement prepared by the State Office of Financial Management referenced above, a multi-agency Fiscal Note was prepared for consideration by the legislature during session. (Attachment E)

ARGUMENTS "FOR" AND "AGAINST":

The Secretary of State's general election voters' guide includes arguments "For" and "Against" Initiative Measure No. 976. (Attachment F)

COUNCIL ACTION:

Under RCW 42.17A.555, the Council may vote on a resolution to support or oppose a ballot proposition "so long as

- (a) any required notice of the meeting includes the title and number of the ballot proposition, and
- (b) members of the legislative body or members of the public are afforded an approximately equal opportunity for the expression of any opposing view;..."

Following the public hearing, Council may: approve or reject the proposed resolution; modify the resolution; ask staff to provide additional information for action at a later date; or take no action on the resolution.

OUTREACH TO CAMPAIGNS "FOR" AND "AGAINST":

Staff reached out to representatives of the Yes 976 Campaign (supporting I-976) and to representatives of the No on 976 Campaign (opposing I-976), to both gather information from both perspectives, and to invite representatives to the October 1 public hearing.

www.permanentoffense.com/initiative-976 is the web site for Yes 976. This web site provides information about the initiative (Attachment G).

www.no976.org is the web site for the Keep Washington Rolling campaign, or No on I-976. This web site provides information about the initiative (Attachment H).

Finally, last week, after reviewing arguments from both campaigns, the Bellevue Downtown Association (BDA) Board of Directors voted to oppose I-976, citing its devastating threat to state and regional transportation revenue (Attachment I).

- Attachments:
- A. Full text of Initiative Measure No. 976.
 - B. OMB Fiscal Impact Statement for I-976
 - C. AWC Information on I-976
 - D. King County Metro Analysis
 - E. AWC presentation on I-976
 - F. General Election Voters' Pamphlet Arguments "For" and "Against"
 - G. Yes on 976 information (Campaign Information)
 - H. No on 976 Information (Campaign Information)
 - I. Bellevue Downtown Association's Official Notification of Opposition

Resolution expressing opposition to Initiative 976

Initiative Measure No. 976, filed March 19, 2018

BRING BACK OUR \$30 CAR TABS

AN ACT Relating to limiting state and local taxes, fees, and other charges relating to vehicles; amending RCW 46.17.350, 46.17.355, 46.17.323, 82.08.020, 82.44.065, 81.104.140, and 81.104.160; adding a new section to chapter 46.17 RCW; adding a new section to chapter 82.44 RCW; adding a new section to chapter 81.112 RCW; creating new sections; repealing RCW 46.17.365, 46.68.415, 82.80.130, 82.80.140, 82.44.035, and 81.104.160; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

POLICIES AND PURPOSES

NEW SECTION. **Sec. 1.** Voters have repeatedly approved initiatives limiting vehicle costs, yet politicians keep ignoring the voters' repeated, unambiguous mandate by imposing higher and

higher vehicle taxes and fees. It's not fair and it must stop. Without this follow-up ballot measure, vehicle costs will continue to skyrocket until vehicle charges are obscenely expensive, as they were prior to Initiative 695. This measure and each of its provisions limit state and local taxes, fees, and other charges relating to motor vehicles. This measure would limit annual motor vehicle license fees to \$30, except voter-approved charges, repeal and remove authority to impose certain vehicle taxes and charges; and base vehicle taxes on Kelley Blue Book rather than the dishonest, inaccurate, and artificially inflated manufacturer's suggested retail price (MRSP). Voters have repeatedly approved initiatives limiting vehicle costs. Politicians must learn to listen to the people.

**LIMITING ANNUAL MOTOR-VEHICLE-LICENSE FEES TO \$30,
EXCEPT VOTER-APPROVED CHARGES**

NEW SECTION. **Sec. 2.** A new section is added to chapter 46.17 RCW to read as follows:

(1) State and local motor vehicle license fees may not exceed \$30 per year for motor vehicles, regardless of year, value, make, or model.

(2) For the purposes of this section, "state and local motor vehicle license fees" means the general license tab fees paid annually for licensing motor vehicles, including but not limited to cars, sport utility vehicles, light trucks under RCW 46.17.355, motorcycles, and motor homes, and do not include charges approved by voters after the effective date of this section. This annual fee must be paid and collected annually and is due at the time of initial and renewal vehicle registration.

Sec. 3. RCW 46.17.350 and 2014 c 30 s 2 are each amended to read as follows:

(1) Before accepting an application for a vehicle registration, the department, county auditor or other agent, or subagent appointed

by the director shall require the applicant, unless specifically exempt, to pay the following vehicle license fee by vehicle type:

VEHICLE TYPE	INITIAL FEE	RENEWAL FEE	DISTRIBUTED UNDER
(a) Auto stage, six seats or less	\$ 30.00	\$ 30.00	RCW 46.68.030
(b) Camper	\$ 4.90	\$ 3.50	RCW 46.68.030
(c) Commercial trailer	\$	\$ 30.00	RCW 46.68.035
	((34.00))		
	<u>30.00</u>		
(d) For hire vehicle, six seats or less	\$ 30.00	\$ 30.00	RCW 46.68.030
(e) Mobile home (if registered)	\$ 30.00	\$ 30.00	RCW 46.68.030
(f) Moped	\$ 30.00	\$ 30.00	RCW 46.68.030
(g) Motor home	\$ 30.00	\$ 30.00	RCW 46.68.030
(h) Motorcycle	\$ 30.00	\$ 30.00	RCW 46.68.030
(i) Off-road vehicle	\$ 18.00	\$ 18.00	RCW 46.68.045
(j) Passenger car	\$ 30.00	\$ 30.00	RCW 46.68.030
(k) Private use single-axle trailer	\$ 15.00	\$ 15.00	RCW 46.68.035
(l) Snowmobile	\$	\$	RCW 46.68.350
	((50.00))	((50.00))	
	<u>30.00</u>	<u>30.00</u>	
(m) Snowmobile, vintage	\$ 12.00	\$ 12.00	RCW 46.68.350
(n) Sport utility vehicle	\$ 30.00	\$ 30.00	RCW 46.68.030
(o) Tow truck	\$ 30.00	\$ 30.00	RCW 46.68.030
(p) Trailer, over 2000 pounds	\$ 30.00	\$ 30.00	RCW 46.68.030
(q) Travel trailer	\$ 30.00	\$ 30.00	RCW 46.68.030
(r) Wheeled all-terrain vehicle, on-road use	\$ 12.00	\$ 12.00	RCW 46.09.540

(s) Wheeled all-terrain \$ 18.00 \$ 18.00 RCW 46.09.510

vehicle, off-road

use

(2) The vehicle license fee required in subsection (1) of this section is in addition to the filing fee required under RCW 46.17.005, and any other fee or tax required by law.

Sec. 4. RCW 46.17.355 and 2015 3rd sp.s. c 44 s 201 are each amended to read as follows:

(1)(a) For vehicle registrations that are due or become due before July 1, 2016, in lieu of the vehicle license fee required under RCW 46.17.350 and before accepting an application for a vehicle registration for motor vehicles described in RCW 46.16A.455, the department, county auditor or other agent, or subagent appointed by the director shall require the applicant, unless specifically exempt, to pay the following license fee by weight:

WEIGHT	SCHEDULE A	SCHEDULE B
4,000 pounds	\$ 38.00	\$ 38.00
6,000 pounds	\$ 48.00	\$ 48.00
8,000 pounds	\$ 58.00	\$ 58.00
10,000 pounds	\$ 60.00	\$ 60.00
12,000 pounds	\$ 77.00	\$ 77.00
14,000 pounds	\$ 88.00	\$ 88.00
16,000 pounds	\$ 100.00	\$ 100.00
18,000 pounds	\$ 152.00	\$ 152.00
20,000 pounds	\$ 169.00	\$ 169.00
22,000 pounds	\$ 183.00	\$ 183.00
24,000 pounds	\$ 198.00	\$ 198.00
26,000 pounds	\$ 209.00	\$ 209.00
28,000 pounds	\$ 247.00	\$ 247.00
30,000 pounds	\$ 285.00	\$ 285.00
32,000 pounds	\$ 344.00	\$ 344.00
34,000 pounds	\$ 366.00	\$ 366.00
36,000 pounds	\$ 397.00	\$ 397.00
38,000 pounds	\$ 436.00	\$ 436.00

40,000 pounds	\$ 499.00	\$ 499.00
42,000 pounds	\$ 519.00	\$ 609.00
44,000 pounds	\$ 530.00	\$ 620.00
46,000 pounds	\$ 570.00	\$ 660.00
48,000 pounds	\$ 594.00	\$ 684.00
50,000 pounds	\$ 645.00	\$ 735.00
52,000 pounds	\$ 678.00	\$ 768.00
54,000 pounds	\$ 732.00	\$ 822.00
56,000 pounds	\$ 773.00	\$ 863.00
58,000 pounds	\$ 804.00	\$ 894.00
60,000 pounds	\$ 857.00	\$ 947.00
62,000 pounds	\$ 919.00	\$ 1,009.00
64,000 pounds	\$ 939.00	\$ 1,029.00
66,000 pounds	\$ 1,046.00	\$ 1,136.00
68,000 pounds	\$ 1,091.00	\$ 1,181.00
70,000 pounds	\$ 1,175.00	\$ 1,265.00
72,000 pounds	\$ 1,257.00	\$ 1,347.00
74,000 pounds	\$ 1,366.00	\$ 1,456.00
76,000 pounds	\$ 1,476.00	\$ 1,566.00
78,000 pounds	\$ 1,612.00	\$ 1,702.00
80,000 pounds	\$ 1,740.00	\$ 1,830.00
82,000 pounds	\$ 1,861.00	\$ 1,951.00
84,000 pounds	\$ 1,981.00	\$ 2,071.00
86,000 pounds	\$ 2,102.00	\$ 2,192.00
88,000 pounds	\$ 2,223.00	\$ 2,313.00
90,000 pounds	\$ 2,344.00	\$ 2,434.00
92,000 pounds	\$ 2,464.00	\$ 2,554.00
94,000 pounds	\$ 2,585.00	\$ 2,675.00
96,000 pounds	\$ 2,706.00	\$ 2,796.00
98,000 pounds	\$ 2,827.00	\$ 2,917.00
100,000 pounds	\$ 2,947.00	\$ 3,037.00
102,000 pounds	\$ 3,068.00	\$ 3,158.00
104,000 pounds	\$ 3,189.00	\$ 3,279.00
105,500 pounds	\$ 3,310.00	\$ 3,400.00

(b) For vehicle registrations that are due or become due on or after July 1, 2016, in lieu of the vehicle license fee required under RCW 46.17.350 and before accepting an application for a vehicle registration for motor vehicles described in RCW 46.16A.455, the department, county auditor or other agent, or subagent appointed by the director shall require the applicant, unless specifically exempt, to pay the following license fee by gross weight:

WEIGHT	SCHEDULE A	SCHEDULE B
4,000 pounds	\$ ((53.00)) <u>30.00</u>	\$ ((53.00)) <u>30.00</u>
6,000 pounds	\$ ((73.00)) <u>30.00</u>	\$ ((73.00)) <u>30.00</u>
8,000 pounds	\$ ((93.00)) <u>30.00</u>	\$ ((93.00)) <u>30.00</u>
10,000 pounds	\$ ((93.00)) <u>30.00</u>	\$ ((93.00)) <u>30.00</u>
12,000 pounds	\$ 81.00	\$ 81.00
14,000 pounds	\$ 88.00	\$ 88.00
16,000 pounds	\$ 100.00	\$ 100.00
18,000 pounds	\$ 152.00	\$ 152.00
20,000 pounds	\$ 169.00	\$ 169.00
22,000 pounds	\$ 183.00	\$ 183.00
24,000 pounds	\$ 198.00	\$ 198.00
26,000 pounds	\$ 209.00	\$ 209.00
28,000 pounds	\$ 247.00	\$ 247.00
30,000 pounds	\$ 285.00	\$ 285.00
32,000 pounds	\$ 344.00	\$ 344.00
34,000 pounds	\$ 366.00	\$ 366.00
36,000 pounds	\$ 397.00	\$ 397.00
38,000 pounds	\$ 436.00	\$ 436.00
40,000 pounds	\$ 499.00	\$ 499.00
42,000 pounds	\$ 519.00	\$ 609.00
44,000 pounds	\$ 530.00	\$ 620.00
46,000 pounds	\$ 570.00	\$ 660.00
48,000 pounds	\$ 594.00	\$ 684.00
50,000 pounds	\$ 645.00	\$ 735.00
52,000 pounds	\$ 678.00	\$ 768.00
54,000 pounds	\$ 732.00	\$ 822.00
56,000 pounds	\$ 773.00	\$ 863.00

58,000 pounds	\$ 804.00	\$ 894.00
60,000 pounds	\$ 857.00	\$ 947.00
62,000 pounds	\$ 919.00	\$ 1,009.00
64,000 pounds	\$ 939.00	\$ 1,029.00
66,000 pounds	\$ 1,046.00	\$ 1,136.00
68,000 pounds	\$ 1,091.00	\$ 1,181.00
70,000 pounds	\$ 1,175.00	\$ 1,265.00
72,000 pounds	\$ 1,257.00	\$ 1,347.00
74,000 pounds	\$ 1,366.00	\$ 1,456.00
76,000 pounds	\$ 1,476.00	\$ 1,566.00
78,000 pounds	\$ 1,612.00	\$ 1,702.00
80,000 pounds	\$ 1,740.00	\$ 1,830.00
82,000 pounds	\$ 1,861.00	\$ 1,951.00
84,000 pounds	\$ 1,981.00	\$ 2,071.00
86,000 pounds	\$ 2,102.00	\$ 2,192.00
88,000 pounds	\$ 2,223.00	\$ 2,313.00
90,000 pounds	\$ 2,344.00	\$ 2,434.00
92,000 pounds	\$ 2,464.00	\$ 2,554.00
94,000 pounds	\$ 2,585.00	\$ 2,675.00
96,000 pounds	\$ 2,706.00	\$ 2,796.00
98,000 pounds	\$ 2,827.00	\$ 2,917.00
100,000 pounds	\$ 2,947.00	\$ 3,037.00
102,000 pounds	\$ 3,068.00	\$ 3,158.00
104,000 pounds	\$ 3,189.00	\$ 3,279.00
105,500 pounds	\$ 3,310.00	\$ 3,400.00

(2) Schedule A applies to vehicles either used exclusively for hauling logs or that do not tow trailers. Schedule B applies to vehicles that tow trailers and are not covered under Schedule A.

(3) If the resultant gross weight is not listed in the table provided in subsection (1) of this section, it must be increased to the next higher weight.

(4) The license fees provided in subsection (1) of this section and the freight project fee provided in subsection (~~((6+))~~) (7) of this section are in addition to the filing fee required under RCW 46.17.005 and any other fee or tax required by law.

(5) The license fees provided in subsection (1) of this section for light trucks weighing 10,000 pounds or less are limited to \$30.

(6) The license fee based on declared gross weight as provided in subsection (1) of this section must be distributed under RCW 46.68.035.

~~((6))~~ (7) For vehicle registrations that are due or become due on or after July 1, 2016, in addition to the license fee based on declared gross weight as provided in subsection (1) of this section, the department, county auditor or other agent, or subagent appointed by the director must require an applicant with a vehicle with a declared gross weight of more than 10,000 pounds, unless specifically exempt, to pay a freight project fee equal to fifteen percent of the license fee provided in subsection (1) of this section, rounded to the nearest whole dollar, which must be distributed under RCW 46.68.035.

~~((7))~~ (8) For vehicle registrations that are due or become due on or after July 1, 2022, in addition to the license fee based on declared gross weight as provided in subsection (1) of this section, the department, county auditor or other agent, or subagent appointed by the director must require an applicant with a vehicle with a declared gross weight of less than or equal to 12,000 pounds, unless specifically exempt, to pay an additional weight fee of ten dollars, which must be distributed under RCW 46.68.035.

Sec. 5. RCW 46.17.323 and 2015 3rd sp.s. c 44 s 203 are each amended to read as follows:

(1) Before accepting an application for an annual vehicle registration renewal for a vehicle that both (a) uses at least one method of propulsion that is capable of being reenergized by an external source of electricity and (b) is capable of traveling at least thirty miles using only battery power, the department, county auditor or other agent, or subagent appointed by the director must require the applicant to pay a ~~((one hundred dollar fee in addition to any other fees and taxes required by law))~~ \$30 fee. The ~~((one~~

~~hundred thirty dollar~~)) \$30 fee is due only at the time of annual registration renewal.

(2) This section only applies to a vehicle that is designed to have the capability to drive at a speed of more than thirty-five miles per hour.

~~(3)((a) The fee under this section is imposed to provide funds to mitigate the impact of vehicles on state roads and highways and for the purpose of evaluating the feasibility of transitioning from a revenue collection system based on fuel taxes to a road user assessment system, and is separate and distinct from other vehicle license fees. Proceeds from the fee must be used for highway purposes, and must be deposited in the motor vehicle fund created in RCW 46.68.070, subject to (b) of this subsection.~~

~~(b))~~ If in any year the amount of proceeds from the fee collected under this section exceeds one million dollars, the excess amount over one million dollars must be deposited as follows:

~~((i))~~ (a) Seventy percent to the motor vehicle fund created in RCW 46.68.070;

~~((ii))~~ (b) Fifteen percent to the transportation improvement account created in RCW 47.26.084; and

~~((iii))~~ (c) Fifteen percent to the rural arterial trust account created in RCW 36.79.020.

~~((4)(a) In addition to the fee established in subsection (1) of this section, before accepting an application for an annual vehicle registration renewal for a vehicle that both (i) uses at least one method of propulsion that is capable of being reenergized by an external source of electricity and (ii) is capable of traveling at least thirty miles using only battery power, the department, county auditor or other agent, or subagent appointed by the director must require the applicant to pay a fifty dollar fee.~~

~~(b) The fee required under (a) of this subsection must be distributed as follows:~~

~~(i) The first one million dollars raised by the fee must be deposited into the multimodal transportation account created in RCW 47.66.070; and~~

~~(ii) Any remaining amounts must be deposited into the motor vehicle fund created in RCW 46.68.070.~~

~~(5) This section applies to annual vehicle registration renewals until the effective date of enacted legislation that imposes a vehicle miles traveled fee or tax.))~~

**REPEAL AND REMOVE AUTHORITY TO IMPOSE
CERTAIN VEHICLE TAXES AND CHARGES**

Sec. 6. The following acts or parts of acts are each repealed:

(1) RCW 46.17.365 (Motor vehicle weight fee—Motor home vehicle weight fee) and 2015 3rd sp.s. c 44 s 202 & 2010 c 161 s 533;

(2) RCW 46.68.415 (Motor vehicle weight fee, motor home vehicle weight fee—Disposition) and 2010 c 161 s 813;

(3) RCW 82.80.130 (Passenger-only ferry service—Local option motor vehicle excise tax authorized) and 2010 c 161 s 916, 2006 c 318 s 4, & 2003 c 83 s 206; and

(4) RCW 82.80.140 (Vehicle fee—Transportation benefit district—Exemptions) and 2015 3rd sp.s. c 44 s 310, 2010 c 161 s 917, 2007 c 329 s 2, & 2005 c 336 s 16.

Sec. 7. RCW 82.08.020 and 2014 c 140 s 12 are each amended to read as follows:

(1) There is levied and collected a tax equal to six and five-tenths percent of the selling price on each retail sale in this state of:

(a) Tangible personal property, unless the sale is specifically excluded from the RCW 82.04.050 definition of retail sale;

(b) Digital goods, digital codes, and digital automated services, if the sale is included within the RCW 82.04.050 definition of retail sale;

(c) Services, other than digital automated services, included within the RCW 82.04.050 definition of retail sale;

(d) Extended warranties to consumers; and

(e) Anything else, the sale of which is included within the RCW 82.04.050 definition of retail sale.

(2) There is levied and collected an additional tax on each retail car rental, regardless of whether the vehicle is licensed in this state, equal to five and nine-tenths percent of the selling price. The revenue collected under this subsection must be deposited in the multimodal transportation account created in RCW 47.66.070.

~~(3) ((Beginning July 1, 2003, there is levied and collected an additional tax of three-tenths of one percent of the selling price on each retail sale of a motor vehicle in this state, other than retail car rentals taxed under subsection (2) of this section. The revenue collected under this subsection must be deposited in the multimodal transportation account created in RCW 47.66.070.~~

~~(4) For purposes of subsection (3) of this section, "motor vehicle" has the meaning provided in RCW 46.04.320, but does not include:~~

~~(a) Farm tractors or farm vehicles as defined in RCW 46.04.180 and 46.04.181, unless the farm tractor or farm vehicle is for use in the production of marijuana;~~

~~(b) Off road vehicles as defined in RCW 46.04.365;~~

~~(c) Nonhighway vehicles as defined in RCW 46.09.310; and~~

~~(d) Snowmobiles as defined in RCW 46.04.546.~~

~~(5))~~ Beginning on December 8, 2005, 0.16 percent of the taxes collected under subsection (1) of this section must be dedicated to funding comprehensive performance audits required under RCW 43.09.470. The revenue identified in this subsection must be deposited in the performance audits of government account created in RCW 43.09.475.

~~((6))~~ (4) The taxes imposed under this chapter apply to successive retail sales of the same property.

~~((7))~~ (5) The rates provided in this section apply to taxes imposed under chapter 82.12 RCW as provided in RCW 82.12.020.

BASE VEHICLE TAXES USING KELLEY BLUE BOOK VALUE

NEW SECTION. **Sec. 8.** A new section is added to chapter 82.44 RCW to read as follows:

(1) BASE VEHICLE TAXES USING KELLEY BLUE BOOK VALUE. Any motor vehicle excise tax must be calculated in an honest and accurate way so the burden on vehicle owners is not artificially inflated. For the purpose of determining a vehicle tax, a taxing district imposing a vehicle tax must set a vehicle's taxable value at the vehicle's base model Kelley Blue book value. This ensures an honest and accurate calculation of the tax and, combined with the appeal process in RCW 82.44.065, ensures that vehicle owners are taxed on their vehicle's market value.

(2) For the purpose of determining a tax under this chapter, the value of a truck-type power or trailing unit, or motor vehicle, including a passenger vehicle, motorcycle, motor home, sport utility vehicle, or light duty truck is the base model Kelley Blue book value of the vehicle, excluding applicable federal excise taxes, state and local sales or use taxes, transportation or shipping costs, or preparatory or delivery costs.

Sec. 9. RCW 82.44.065 and 2010 c 161 s 912 each amended to read as follows:

If the department determines a value for a vehicle (~~((equivalent to a manufacturer's base suggested retail price or the value of a truck or trailer under RCW 82.44.035))~~) under section 8 of this act, any person who pays a state or locally imposed tax for that vehicle may appeal the valuation to the department under chapter 34.05 RCW. If the taxpayer is successful on appeal, the department shall refund the excess tax in the manner provided in RCW 82.44.120. Using Kelley Blue Book value ensures an honest and accurate calculation.

NEW SECTION. **Sec. 10.** RCW 81.104.140 and 2015 3rd sp.s. c 44 s 318 are each amended to read as follows:

(1) Agencies authorized to provide high capacity transportation service, including transit agencies and regional transit authorities, and regional transportation investment districts acting

with the agreement of an agency, are hereby granted dedicated funding sources for such systems. These dedicated funding sources, as set forth in RCW 81.104.150, 81.104.160, 81.104.170, and 81.104.175, are authorized only for agencies located in (a) each county with a population of two hundred ten thousand or more and (b) each county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand except for those counties that do not border a county with a population as described under (a) of this subsection. In any county with a population of one million or more or in any county having a population of four hundred thousand or more bordering a county with a population of one million or more, these funding sources may be imposed only by a regional transit authority or a regional transportation investment district. Regional transportation investment districts may, with the approval of the regional transit authority within its boundaries, impose the taxes authorized under this chapter, but only upon approval of the voters and to the extent that the maximum amount of taxes authorized under this chapter have not been imposed.

(2) Agencies planning to construct and operate a high capacity transportation system should also seek other funds, including federal, state, local, and private sector assistance.

(3) Funding sources should satisfy each of the following criteria to the greatest extent possible:

- (a) Acceptability;
- (b) Ease of administration;
- (c) Equity;
- (d) Implementation feasibility;
- (e) Revenue reliability; and
- (f) Revenue yield.

(4)(a) Agencies participating in regional high capacity transportation system development are authorized to levy and collect the following voter-approved local option funding sources:

(i) Employer tax as provided in RCW 81.104.150, other than by regional transportation investment districts;

(ii) ~~((Special motor vehicle excise tax as provided in RCW~~

~~81.104.160:~~

~~((iii))~~) Regular property tax as provided in 81.104.175; and

~~((iv))~~) (iii) Sales and use tax as provided in RCW 81.104.170.

(b) Revenues from these taxes may be used only to support those purposes prescribed in subsection (10) of this section. Before the date of an election authorizing an agency to impose any of the taxes enumerated in this section and authorized in RCW 81.104.150, 81.104.160, 81.104.170, and 81.104.175, the agency must comply with the process prescribed in RCW 81.104.100 (1) and (2) and 81.104.110. No construction on exclusive right-of-way may occur before the requirements of RCW 81.104.100(3) are met.

(5) Except for the regular property tax authorized in 81.104.175, the authorization in subsection (4) of this section may not adversely affect the funding authority of transit agencies not provided for in this chapter. Local option funds may be used to support implementation of interlocal agreements with respect to the establishment of regional high capacity transportation service. Except when a regional transit authority exists, local jurisdictions must retain control over moneys generated within their boundaries, although funds may be commingled with those generated in other areas for planning, construction, and operation of high capacity transportation systems as set forth in the agreements.

(6) Except for the regular property tax authorized in 81.104.175, agencies planning to construct and operate high capacity transportation systems may contract with the state for collection and transference of voter-approved local option revenue.

(7) Dedicated high capacity transportation funding sources authorized in RCW 81.104.150, 81.104.160, 81.104.170, and 81.104.175 are subject to voter approval by a simple majority. A single ballot proposition may seek approval for one or more of the authorized taxing sources. The ballot title must reference the document identified in subsection (8) of this section.

(8) Agencies must provide to the registered voters in the area a document describing the systems plan and the financing plan set forth in RCW 81.104.100. It must also describe the relationship of

the system to regional issues such as development density at station locations and activity centers, and the interrelationship of the system to adopted land use and transportation demand management goals within the region. This document must be provided to the voters at least twenty days prior to the date of the election.

(9) For any election in which voter approval is sought for a high capacity transportation system plan and financing plan pursuant to RCW 81.104.040, a local voter's pamphlet must be produced as provided in chapter 29A.32 RCW.

(10)(a) Agencies providing high capacity transportation service must retain responsibility for revenue encumbrance, disbursement, and bonding. Funds may be used for any purpose relating to planning, construction, and operation of high capacity transportation systems and commuter rail systems, personal rapid transit, busways, bus sets, and entrained and linked buses.

(b) A regional transit authority that (~~((imposes a motor vehicle excise tax after the effective date of this section,))~~) imposes a property tax(~~((7))~~) or increases a sales and use tax to more than nine-tenths of one percent must undertake a process in which the authority's board formally considers inclusion of the name, Scott White, in the naming convention associated with either the University of Washington or Roosevelt stations.

NEW SECTION. Sec. 11. The following acts or parts of acts are each repealed:

(1) RCW 82.44.035 (Valuation of vehicles) and 2010 c 161 s 910 & 2006 c 318 s 1; and

(2) RCW 81.104.160 (Motor vehicle excise tax for regional transit authorities---Sales and use tax on car rentals---Former motor vehicle excise tax repealed) and 2015 3rd sp.s. c 44 s 319, 2010 c 161 s 903, 2009 c 280 s 4, 2003 c 1 s 6 (Initiative Measure No. 776, approved November 5, 2002), & 1998 c 321 s 35 (Referendum Bill No. 49, approved November 3, 1998).

NEW SECTION. **Sec. 12.** A new section is added to chapter 81.112 RCW to read as follows:

In order to effectuate the policies, purposes, and intent of this act and to ensure that the motor vehicle excise taxes repealed by this act are no longer imposed or collected, an authority that imposes a motor vehicle excise tax under RCW 81.104.160 must fully retire, defease, or refinance any outstanding bonds issued under this chapter if:

(1) Any revenue collected prior to the effective date of this section from the motor vehicle excise tax imposed under RCW 81.104.160 has been pledged to such bonds; and

(2) The bonds, by virtue of the terms of the bond contract, covenants, or similar terms, may be retired or defeased early or refinanced.

Sec. 13. RCW 81.104.160 and 2015 3rd sp.s. c 44 s 319 are each amended to read as follows:

(1) Regional transit authorities that include a county with a population of more than one million five hundred thousand may submit an authorizing proposition to the voters, and if approved, may levy and collect an excise tax, at a rate approved by the voters, but not exceeding (~~(eight-tenths)~~) two-tenths of one percent on the value, under chapter 82.44 RCW, of every motor vehicle owned by a resident of the taxing district, solely for the purpose of providing high capacity transportation service. The maximum tax rate under this subsection does not include a motor vehicle excise tax approved before the effective date of this section if the tax will terminate on the date bond debt to which the tax is pledged is repaid. This tax does not apply to vehicles licensed under RCW 46.16A.455 except vehicles with an unladen weight of six thousand pounds or less, RCW 46.16A.425 or 46.17.335(2). Notwithstanding any other provision of this subsection or chapter 82.44 RCW, a motor vehicle excise tax imposed by a regional transit authority before or after the effective date of this section must comply with chapter 82.44 RCW as it existed on January 1, 1996, until December 31st of the year in

which the regional transit authority repays bond debt to which a motor vehicle excise tax was pledged before the effective date of this section. Motor vehicle taxes collected by regional transit authorities after December 31st of the year in which a regional transit authority repays bond debt to which a motor vehicle excise tax was pledged before the effective date of this section must comply with chapter 82.44 RCW as it existed on the date the tax was approved by voters.

(2) An agency and high capacity transportation corridor area may impose a sales and use tax solely for the purpose of providing high capacity transportation service, in addition to the tax authorized by RCW 82.14.030, upon retail car rentals within the applicable jurisdiction that are taxable by the state under chapters 82.08 and 82.12 RCW. The rate of tax may not exceed 2.172 percent. The rate of tax imposed under this subsection must bear the same ratio of the 2.172 percent authorized that the rate imposed under subsection (1) of this section bears to the rate authorized under subsection (1) of this section. The base of the tax is the selling price in the case of a sales tax or the rental value of the vehicle used in the case of a use tax.

(3) Any motor vehicle excise tax previously imposed under the provisions of RCW 81.104.160(1) shall be repealed, terminated, and expire on December 5, 2002, except for a motor vehicle excise tax for which revenues have been contractually pledged to repay a bonded debt issued before December 5, 2002, as determined by *Pierce County et al. v. State*, 159 Wn.2d 16, 148 P.3d 1002 (2006). In the case of bonds that were previously issued, the motor vehicle excise tax must comply with chapter 82.44 RCW as it existed on January 1, 1996.

(4) If a regional transit authority imposes the tax authorized under subsection (1) of this section, the authority may not receive any state grant funds provided in an omnibus transportation appropriations act except transit coordination grants created in chapter 11, Laws of 2015 3rd sp. sess.

NEW SECTION. **Sec. 14.** CONSTRUCTION CLAUSE. The provisions of this act are to be liberally construed to effectuate the intent, policies, and purposes of this act.

NEW SECTION. **Sec. 15.** SEVERABILITY CLAUSE. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 16.** EFFECTIVE DATE. (1) Sections 10 and 11 of this act take effect on the date that the regional transit authority complies with section 12 of this act and retires, defeases, or refinances its outstanding bonds.

(2) Section 13 takes effect April 1, 2020, if sections 10 and 11 of this act have not taken effect by March 31, 2020.

(3) The regional transit authority must provide written notice of the effective dates of sections 10, 11, and 13 of this act to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the regional transit authority.

NEW SECTION. **Sec. 17.** TITLE. This act is known and may be cited as "Bring Back Our \$30 Car Tabs."

--- END ---

Fiscal Impact Statement for Initiative 976

FISCAL IMPACT SUMMARY

Initiative 976 changes vehicle taxes and fees by lowering motor vehicle and light duty truck weight fees to \$30; eliminating the 0.3 percent sales tax on vehicle purchases; lowering electric vehicle and snowmobile fees; modifying and reducing Sound Transit motor vehicle excise tax provisions; and removing authority for transportation benefit districts to impose a vehicle fee. Total revenue loss to the state in the next six years is \$1,921,901,238. Total revenue loss to local governments in the next 6 years is \$2,317,121,034. The departments of Licensing and Revenue have estimated implementation costs of \$2,846,800 in the 2019—21 biennium.

General Assumptions

- Except as otherwise provided, the effective date of the initiative, if approved by voters, is December 5, 2019. Section 10 and 11 take effect on the date that the regional transit authority complies with section 12 of this act. Section 13 takes effect on April 1, 2020, if sections 10 and 11 have not taken effect by March 31, 2020.
- The provisions of the initiative apply prospectively, not retroactively.
- Fiscal estimates use the state's fiscal year of July 1 through June 30. Fiscal year 2020 is July 1, 2019, to June 30, 2020.
- State revenues are based on the June 2019 transportation revenue forecast.
- Local revenues are based on the most recent actual figures and are not forecasted.
- Transportation benefit districts (TBDs) have the authority to collect vehicle fees, and sales and use tax. This initiative repeals only the authority to collect vehicle fees, so TBDs could continue to collect sales and use tax.
- Section 5(1) erroneously states that the electric vehicle fee is \$130 total. RCW 46.17.323 includes two fees. \$100 in section (1) and \$50 in section (4)(a). The current electric vehicle fee is \$150 total. Calculations for the impact of the fee reduction are based on the correct fee. Chapter 287, Laws 2019 establishes the transportation electrification fee of \$75. I-976 would lower the \$100 in section (1) to \$30 and eliminate the \$50 in section (4)(a). It does not affect the new \$75 fee.

REVENUE

State Revenue

The initiative reduces license fees for vehicles under 10,000 lbs. to \$30. The additional 0.3 percent sales and use tax on motor vehicle sales is eliminated. The snowmobile license fee is reduced from \$50 to \$30. Commercial trailer fees are reduced from \$34 to \$30. The electric vehicle fee in Section 5(1) is reduced from \$100 to \$30. An additional electric vehicle fee in Section 5(4)(a) of \$50 is eliminated.

Potential Revenue Impact by Fund Distribution	<i>Beginning Dec. 5, 2019</i>						
	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	Total
Registration Fees:							
Snowmobile Account (01M)	(\$240,300)	(\$447,200)	(\$448,500)	(\$449,900)	(\$451,200)	(\$453,000)	(\$2,490,100)
WSP Highway Account (081)	(\$9,916,900)	(\$15,661,000)	(\$15,692,400)	(\$15,723,900)	(\$15,755,400)	(\$15,823,800)	(\$88,573,400)
Transportation Partnership Account (09H)	(\$5,115,000)	(\$8,077,700)	(\$8,094,000)	(\$8,110,100)	(\$8,126,400)	(\$8,161,700)	(\$45,684,900)
Rural Arterial Trust Account (102)	(\$202,163)	(\$539,700)	(\$714,975)	(\$928,725)	(\$1,176,675)	(\$1,451,700)	(\$5,013,938)
Motor Vehicle Account (108)	(\$28,223,075)	(\$45,210,500)	(\$46,151,950)	(\$47,278,650)	(\$48,576,750)	(\$50,112,500)	(\$265,553,425)
Puget Sound Ferry Operations (109)	(\$609,800)	(\$963,000)	(\$965,000)	(\$966,900)	(\$968,900)	(\$973,100)	(\$5,446,700)
Transportation Improvement Account (144)	(\$202,163)	(\$539,700)	(\$714,975)	(\$928,725)	(\$1,176,675)	(\$1,451,700)	(\$4,272,075)
Multimodal Account (218)	(\$128,650,600)	(\$227,504,000)	(\$231,592,800)	(\$294,399,500)	(\$298,790,300)	(\$303,184,500)	(\$1,484,121,700)
Nickel Account (550)	(\$2,322,700)	(\$3,668,000)	(\$3,675,400)	(\$3,682,700)	(\$3,690,100)	(\$3,706,100)	(\$20,745,000)
Total	(\$175,280,538)	(\$302,071,100)	(\$308,050,000)	(\$372,469,100)	(\$378,712,400)	(\$385,318,100)	(\$1,921,901,238)

Description of affected accounts

The Snowmobile Account funds administration, acquisition, development, operation and maintenance of snowmobile facilities and the implementation of snowmobile safety, enforcement and education programs.

The State Patrol Highway Account funds activities of the Washington State Patrol, including traffic enforcement (and associated criminal investigations), commercial vehicle enforcement and ferry vessel and terminal security.

The Transportation Partnership Account funds projects and improvements from the 2005 Transportation Partnership Omnibus Transportation Appropriations Act.

The Rural Arterial Trust Account funds construction and improvement of county roads and bridges.

The Motor Vehicle Account is the main source of funds for highway construction, maintenance, ferries and support services. A portion of motor fuel tax revenues is distributed to cities and counties for road programs.

The Puget Sound Ferry Operations Account funds ferry operations and maintenance.

The Transportation Improvement Account funds administration of the Transportation Improvement Board and grants for local government transportation projects that address congestion.

The Multimodal Transportation Account funds all modes of transportation projects, including public transportation, rail and bicycle/pedestrian projects.

The Transportation 2003 Account funds debt service on bonds and Washington State Department of Transportation operating and capital highway programs.

Local Revenue

This initiative repeals local authority to impose a TBD vehicle fee. TBD vehicle fees are used by 62 municipalities across the state to fund local improvements such as road repair and maintenance, transit systems and sidewalks. In fiscal year 2018, TBDs using a vehicle fee across the state collected \$58,186,839. This revenue would be eliminated beginning on the effective date of this initiative.

Sections 10 and 11 would reduce the motor vehicle excise tax (MVET) that funds the Central Puget Sound Regional Transit Authority (RTA) commonly known as Sound Transit. MVET rates are reduced from .8% to .2% and will be calculated based on Kelley Blue Book vehicle value instead of the manufacturer's suggested retail price.

This tax rate would be repealed when the RTA is able to refund, refinance or defease, or terminate, outstanding bonds that have been issued against this tax. It is unknown if this is possible. If the bonds are not able to be defeased, the MVET will remain unchanged to pay off the bonds previously issued that are pledged to the revenue source. If the bonds are able to be defeased, Sound Transit's revenue would be reduced by \$328,000,000 per fiscal year based on 2018 revenue. For new bonds issued, the MVET will decrease from .8% to .2%.

This initiative repeals local authority to impose a passenger-only ferry tax. Currently there are no passenger-only ferry districts using the MVET authority to fund their ferries, although they would no longer have the option.

Tax/Fee	Fiscal year 2018 revenue impact
TBD Fee	(\$58,186,839)
RTA MVET	(\$328,000,000)
Passenger-only ferry MVET	0

EXPENDITURES

State Government Expenditures

Temporary higher administrative costs at Department of Licensing and Department of Revenue

The Department of Licensing (DOL) would have temporary, higher administrative and computer costs to implement this initiative. If Sound Transit is able to defease or refinance its bonds and the MVET is reduced, DOL will issue refunds to customers who register their vehicles prior to their annual vehicle registration date. The DOL will also have costs for computer updates, temporary staffing costs for additional calls to their call center, and accounting services to issue refunds. Biennial administrative costs for the agency are \$2,740,900 in the 2019–21 biennium.

The Department of Revenue (DOR) will experience temporary, higher administrative costs to implement this initiative. The DOR will have costs for computer updates and administrative costs for rule making, accounting services to issue refunds and developing new forms. Biennial costs for the agency are \$105,900 for computer updates and administrative items in the 2019–21 biennium.

Local Government Expenditures

N/A

Advocacy

Published on Aug 19, 2019

Initiative 976 headed to voters with potential impacts to state and local transportation funding

Contact: [Logan Bahr](#), [Shannon McClelland](#)

What is [Initiative 976](#) and how would it impact local and state transportation systems?

[I-976](#) is an Initiative to the Legislature that was filed for consideration in the 2019 legislative session. The Legislature took no action on the initiative so it will be presented to voters during the next general election in November 2019.

If passed, the immediate impact to cities would be a repeal of the authority for city transportation benefit districts (TBDs) to impose a car tab fee. Under current law, cities have the authority to establish TBDs for the purposes of acquiring, constructing, providing, and funding transportation improvements. To date, over 100 cities have formed TBDs to fund local transportation projects, with 62 TBDs receiving revenue from vehicle license fees. Fifty-five of the 62 TBDs use vehicle license fees as their sole funding source. In fiscal year 2018, vehicle license fees raised \$58.2 million in revenue to fund local projects.

In addition to repealing city TBD fees, I-976 would do the following:

- Lower motor vehicle and light duty truck weight fees (car tab fees) to \$30;
- Eliminate the 0.3 percent sales tax on vehicle purchases;
- Lower the electric vehicle, snowmobile, and commercial trailer fees; and,
- Modify and reduce Sound Transit motor vehicle excise tax provisions.

These actions would reduce direct revenue to cities through TBDs, reduce revenue to Sound Transit, and reduce revenue to numerous state transportation accounts. These state accounts provide funding for the Washington State Department of Transportation and provide significant investment in transportation projects across the state. These projects include, but aren't limited to the following: state and local highway construction, maintenance, ferries and support services; multimodal projects like public transportation, rail and bicycle/pedestrian projects; activities of the Washington State Patrol; and more. Below is a chart showing the potential fiscal impacts of the initiative over a six-year period.

State accounts	Six-year revenue loss (2020-25)
Multimodal account	\$ 1,484,122,000
Motor vehicle account	\$ 265,553,000
WA State patrol highway account	\$ 88,573,000
Transportation partnership account	\$ 45,685,000
Other accounts	\$ 37,968,000
Subtotal	\$ 1,921,901,000
Local governments	
Sound Transit	\$ 1,968,000,000
City TBDs	\$ 349,121,000
Subtotal	\$ 2,317,121,000
Total	\$4,239,022,000
Source: OFM Fiscal Impact Statement for Initiative 976	

What can I do as an elected official to respond to I-976?

Elected officials and cities have a few options for officially engaging with an initiative. Some cities have already taken action; click here to see the [City of Burien's Agenda Bill](#) and the [City of Shoreline's Council Agenda Item](#). To learn more, please review AWC's [extensive list of allowed and prohibited actions](#) and, for further reference, please see the [PDC Guidelines for Local Government Agencies in Election Campaigns](#).

Explore city TBDs across the state

To understand how **I-976** would impact your city and others across the state, check out the AWC data tool below to discover TBDs in your area and their revenue sources.

Over 100 cities have formed transportation benefit districts (TBDs) to help meet the transportation needs of their community. This dashboard shows where TBDs have formed, how they are funded and how much revenue they generate.

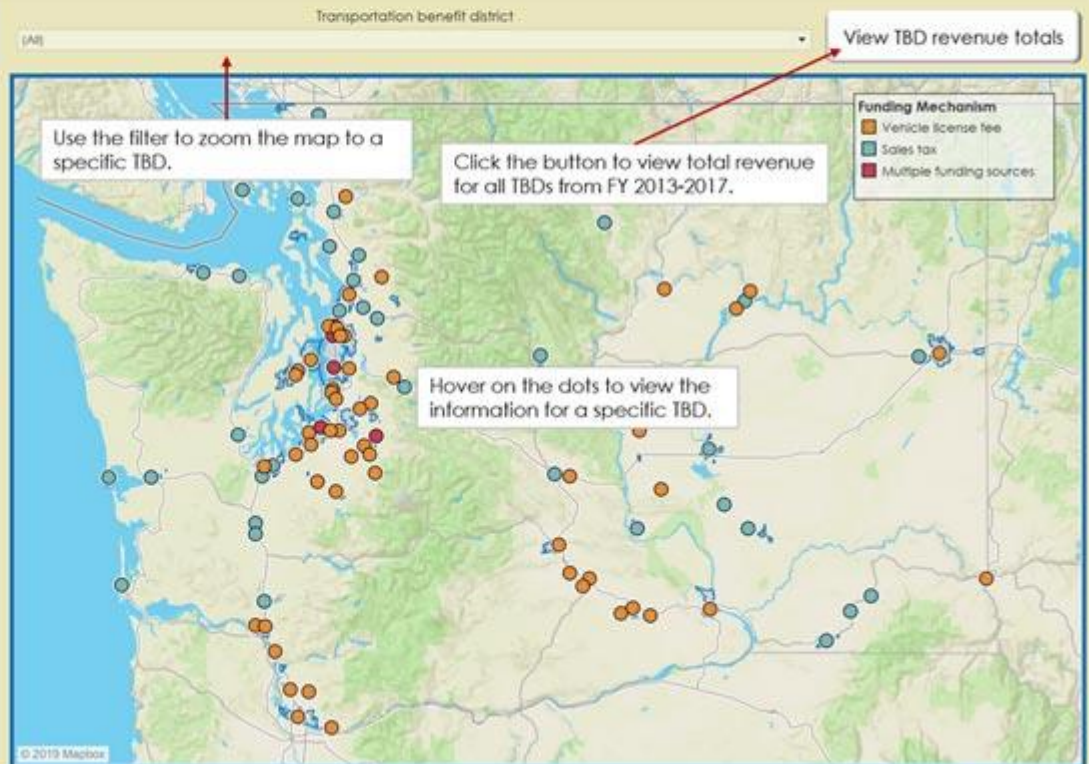
Data sources

MRSC List of Transportation Benefit Districts (<http://mrsc.org/Home/Explore-Topics/Governance/Forms-of-Government-and-Organization/Special-Purpose-Districts-in-Washington/T&D-List-Map.aspx>)

WA Department of Revenue Local Tax Distribution Query (<https://secure.dor.wa.gov/qteunauth/> /)

WA Department of Licensing Transportation Benefit District Monthly Disbursements from January 2008 to Present

Go to dashboard



What is AWC's role on initiatives during election season?

AWC cannot take positions for or against ballot initiatives during election season but can provide educational materials that can be shared with elected officials, staff, and communities.



MEMORANDUM

To: Executive Dow Constantine
From: Rob Gannon, King County Metro
John Taylor, Department of Local Services
Date: August 23, 2019
Subject: Analysis of Initiative 976 impacts in King County

Introduction. Initiative 976, “Bring back our \$30 car tab fees,” would repeal or remove authority to impose certain vehicle taxes and fees; limit state and local license fees to \$30 for motor vehicles weighing 10,000 pounds or less, except charges approved by voters after the measure's effective date; base vehicle taxes on Kelley Blue Book value; require regional transit authorities to retire bonds early where allowed; and either reduce or repeal taxes pledged to bonds depending on whether bonds are retired by 2020. I-976 will be on the November 2019 ballot statewide.

This memo provides a summary of the potential impacts of I-976 to King County Metro, the Roads Services Division, and the regional transportation system. It is based on analysis performed by the Washington State Office of Financial Management (OFM), King County, and local jurisdictions. More information on this analysis can be found in the **Technical Appendix** that begins on page 4.

Impacts on King County and local communities. King County does not currently collect a vehicle license fee (VLF) or motor vehicle excise tax (MVET), the taxing sources that would be repealed by Initiative 976. However, the State of Washington, Sound Transit, and 13 King County cities use these tax sources to fund mobility projects in King County, including many operated by Metro or Roads Services.

It is difficult to definitively determine the effects of the initiative because its implementation will rely on future decisions of the Legislature, city councils, and Sound Transit Board, and resolution of any potential legal challenges. That being said, absent replacement funds, the passage of I-976 could potentially result in significant cuts to King County and local jurisdictions, including:

- **Approximately \$134 million in cuts to Metro services between 2020 and 2025 due to reductions in the State’s Multimodal Account.** These estimates are based on analysis by the Washington State OFM, which estimates a \$1.5 billion cut to the Multimodal Account over the next six years. Reductions to programs funded by this account would be determined by the Legislature, but if the Legislature were to make an across-the-board reduction, the cuts could include:
 - \$22.8 million in cuts to Regional Mobility Grant Program awards for nine Metro projects, including RapidRide expansion, bus layover facilities, access to transit,

- transit integration, transportation demand management, speed and reliability projects, and 10,000 annual service hours on the Route 101 in Renton;
 - \$29.2 million in cuts to grants awarded to the cities of Burien, Kent, Tukwila, and Seattle for RapidRide investments, access to transit, and speed and reliability improvements;
 - \$12.2 million in cuts to the Access paratransit program;
 - \$30 million in cuts to replace Metro vanpool vans;
 - \$2 million in cuts to Metro/Sound Transit coordination programs, including one for affordability and accessibility improvements for low-income passengers;
 - \$485,000 in cuts to the ORCA Summer Program, which provides bus passes to income-qualified high school students in Lake Washington and Highline districts;
 - \$1 million in cuts to a program to provide incentives to non-profits and small businesses in King, Pierce, and Snohomish Counties to provide ORCA passes to their employees;
 - \$350,000 for the transit-oriented development pilot project at the Kirkland Kingsgate Park and Ride; and
 - \$36 million to support electrification of the bus fleet.
- **\$4 million in cuts to Roads Services between 2020 and 2025 due to the potential reduction in the State's Multimodal Account and County Road Arterial Board.**
 - **Loss of the VLF as a revenue source for the existing King County Transportation Benefit District (TBD) or a potential, new unincorporated King County TBD.**
 - **Loss of 175,000 Metro bus service hours on 74 routes in Seattle, Burien, Shoreline, Skyway, Tukwila, and White Center during 2020, as a result of the cuts to the Seattle TBD funding.** The Seattle TBD is expected to lose \$36 million a year if I-976 passes.
 - **\$30.4 million in cuts to 12 suburban cities between 2020 and 2025 due to loss of the VLF as a funding source for their local TBDs.** Cities use these TBD funds for a variety of transportation-related purposes, including improvements to the right-of-way that enhance speed and reliability for transit or increase access to transit. These cuts are estimated at:
 - Snoqualmie: \$200,000 loss per year
 - Kenmore: \$350,000 loss per year
 - Mercer Island: \$376,000 loss per year
 - Lake Forest Park: \$430,000 loss per year
 - Shoreline: \$834,000 loss per year
 - Des Moines: \$919,000 loss per year
 - Burien: \$767,000 loss per year
 - Maple Valley: \$396,000 loss per year
 - Enumclaw: \$245,000 loss per year
 - Normandy Park: \$116,000 loss per year
 - Black Diamond: \$105,000 loss per year
 - Covington: \$334,000 loss per year

- **\$1-\$10 million per year in cuts to Metro services due to cuts in formula grant funding provided by the Federal Transit Administration** due to reductions in the services Metro provides as a result of I-976-related cuts.
- **Cuts of \$328 million per year to Sound Transit, based on OFM analysis.** Reporting in the *Seattle Times* indicates that Sound Transit estimates that it could face a \$20 billion impact through 2041, from the combination of collecting \$6.95 billion less in car tab revenues, as well as the cost of \$13 billion more in higher interest costs in the future.

Questions about these potential impacts can be directed to [Peter Heffernan](#) (Metro Transit) or [Bill Greene](#) (Department of Local Services). More detailed information can be found in the Technical Appendix on the following pages.



Technical Appendix

Initiative 976 Summary

Initiative 976, “Bring back our \$30 car tab fees,” would repeal or remove authority to impose certain vehicle taxes and fees; limit state and local license fees to \$30 for motor vehicles weighing 10,000 pounds or less, except charges approved by voters after the measure's effective date; base vehicle taxes on Kelley Blue Book value; require regional transit authorities to retire bonds early where allowed; and either reduce or repeal taxes pledged to bonds depending on whether bonds are retired by 2020.

This measure will be on the November 2019 ballot statewide.

Potential Impacts to State Funding in King County

If I-976 is approved by voters, the Washington Office of Financial Management (OFM) estimates that the State would realize a loss of approximately \$1.9 billion in revenues over the next six years (2020-2025). Funding reductions would continue indefinitely, but OFM has only projected the impacts through 2025.

Primary Reductions to State Revenue (2020-2025):

- Multimodal Account - \$1.5 billion
- Motor Vehicle Account - \$265 million
- Washington State Patrol Account - \$89 million
- Transportation Partnership Account - \$45 million
- Nickel Account - \$20 million

The State Legislature will need to determine which programs and projects to fund with the remaining revenue sources. Thus, it is impossible at this time to determine the specific state-funded projects or programs that would be cut as a result of I-976.

Based on the Legislature’s decisions there could be a loss of funding from the programs listed below. Unless otherwise identified, amounts are six-year projections based on the adopted 2019-2021 Transportation budget and supporting six-year project lists.

Multimodal Account. I-976 will reduce the revenue deposited in the State’s Multimodal Account by 68%, representing approximately \$1.5 billion cut over the next six years. The Multimodal Account currently funds multiple State programs, grant programs and local agency projects, including the Regional Mobility Grant Program, Rural Mobility Grant Program, Highway Safety, Puget Sound Ferry Operating and Capital programs, Washington State Patrol,

Rail Capital and Operating, Transportation Improvement Board, Bicycle/Pedestrian, Safe Routes to School, and direct allocations to cities and counties. The Multimodal Account funds many transportation investments and programs and is not restricted by the 18th Amendment. It is the largest source of State funding for public transportation. As a result, it is likely that public transit would be significantly affected, given the magnitude of reductions in this account.

Metro receives funding for capital projects from multiple grant programs that are funded from the State's Multimodal Account, including the Regional Mobility, Special Needs, Transit Coordination, and Vanpool programs. In addition, Metro has multiple projects funded directly from the Multimodal Account in the state transportation budget. Metro funded projects that could be at risk due to their reliance on Multimodal funds are listed below.

1. Regional Mobility Grant Program – \$52 million

- Metro currently has nine projects awarded totaling \$22.8 million. Cities in King County have five projects that benefit Metro that have been given an additional \$29.2 million. These funds are awarded to projects that support the RapidRide expansion program, service, bus layover facilities, access to transit, transit integration, transportation demand management and speed and reliability projects.
- Metro and partner cities throughout King County have been planning to seek funding from the Regional Mobility grant program to help implement METRO CONNECTS elements such as RapidRide expansion, base expansion, and other capital improvements.
- Most of the Regional Mobility Grant programs are for capital improvements, except in Renton where nearly 10,000 hours of service on the Route 101 could be affected if these grants are reduced.
- Metro or its city partners would likely qualify for additional grant funding in 2023-2025, but these funds have not yet been allocated and so cannot be tallied here.

Regional Mobility Grant Program	2019-21	2021-23	2023-25	Total
Metro Lead Projects	\$19,917	\$2,889	\$0	\$22,806
King County Metro Northgate Transit Center TOD - Access and Facility Imp - 20170003	4,512	0	0	4,512
King County Metro Route 101 Service Increase: Renton to/from Seattle - 20170004	1,460	0	0	1,460
King County Metro Eastlake Off-Street Layover Facility - 20170005	6,337	0	0	6,337
King County Metro Renton to Auburn Transit Speed, Reliability & Service - 20170008	3,496	1,269	0	4,765
King County Metro/Sound Transit Link Station Integration - 20170013	1,456	0	0	1,456

Regional Mobility Grant Program	2019-21	2021-23	2023-25	Total
King County Metro Totem Lake/Kirkland to Bellevue/Eastgate Transit Imp - 20170020	500	1,620	0	2,120
King County Metro Transit Speed & Reliability Hot Spot Imp Program - 20170024	1,400	0	0	1,400
King County Metro - Park and Ride Efficiency and Access Project - 20150009	100	0	0	100
King County Metro - Route 245 Corridor Speed and Reliability Improvement - 20150008	656	0	0	656

Dollar amounts shown in thousands

Regional Mobility Grant Program	2019-21	2021-23	2023-25	Total
City Lead Projects	\$20,396	\$8,764	\$0	\$29,160
City of Kent: Rapid Ride Facility Passenger Amenities & Access Improv. - 20190004	1,236	6,764	0	8,000
City of Tukwila: South King County Regional TDM for Centers & Corridors - 20190005	160	0	0	160
Seattle DOT: Market/45th RapidRide - 20190009	4,000	2,000	0	6,000
City of Burien: Ambaum Blvd and H Line Transit Pathway Improvements - 20190011	10,000	0	0	10,000
Seattle, City of - Delridge to Burien RapidRide Line - 20170025	5,000	0	0	5,000

*Dollar amounts shown in thousands***2. Special Needs Transportation Funding - \$14.5 million (2019-2021)**

- Metro receives funding from the State to help cover the cost of providing transportation for customers with special needs. This helps to fund our Access paratransit program.
- Absent additional revenue, loss of this funding would affect Metro's ability to maintain or improve the quality of this service.
- In addition, multiple non-profit providers of transportation for special needs customers could be affected by reductions to this program.

3. Vanpool Program - \$15 million

- Metro receives funding to help to replace vans that have reached the end of their useful life.
- With the largest vanpool program in the state, Metro typically receives \$5 million per biennium.

4. Central Puget Sound Transit Coordination Grant Program - \$2 million (2019-2021)

- Metro partners with Sound Transit, Community Transit, Pierce Transit and Everett Transit to receive funding to help integrate planning, transportation demand management programs, and ORCA fare payment programs in King, Pierce, and Snohomish counties.

Transit Coordination Grant Program	2019-21	2021-23	2023-25	Total
Projects	\$2,000	\$0	\$0	\$2,000
Sound Transit - Affordability and Accessibility Improvements for Low Income Riders	1,000	0	0	1,000
Sound Transit - Regional Transit Marketing Program	1,000	0	0	1,000

Dollar amounts shown in thousands

5. Specific Appropriations included in State Transportation Budget – \$1.8 million

- ORCA Student Summer Program - \$485,000
- Incentives to nonprofits and small businesses in King, Pierce, and Snohomish Counties to provide ORCA passes to their employees - \$1 million
- Transit-Oriented Development pilot project at the Kirkland Kingsgate Park and Ride - \$350,000

6. State Green Transportation Program – \$36 million

- This new grant program, which was authorized in the 2019 State Legislative session, supports public transportation's investments in cost-effective electrification projects.

State Roads Grant Funding & Capital Project Impacts. King County's Department of Local Services (DLS) receives funding for capital projects from multiple grant programs that are funded from the Multimodal Account and Rural Arterial Trust. Both accounts will be reduced if I-976 passes. In addition, DLS is eligible to receive (though has not routinely received) state funds from other accounts that will be affected by I-976, such as the Transportation Improvement Board.

1. Direct distribution – \$3 million (six year total)

- Roads receives about \$500,000 per year in direct distributions from the Multimodal Account, as part of the Connecting Washington tax package.

2. County Road Arterial Board (CRAB) – Likely less than \$1 million impact over six years

- The Rural Arterial Trust Account would be reduced by approximately \$5 million from a total of \$166 million¹. DLS has received less than \$10 million over the last six years from this program, primarily for road overlay projects.

3. Transportation Improvement Board (TIB) – Likely no impact

- Over the six-year period the Transportation Improvement Account would be reduced by approximately \$2.5 million from a total of approximately \$726 million. Roads has not received any grant funds from this account since 2014.

Potential Impacts to Federal Funding in King County

Metro receives approximately \$80 million each year in formula grant funding from the Federal Transit Administration that is based partially on service that Metro provides. The full financial federal impact is unknown until specific information is known on any resulting bus service reduction. The impact likely would be between \$1-\$10 million per year.

Impacts to King County Revenue Authority

Passage of I-976 would eliminate the VLF revenue option for Transportation Benefit Districts (TBD) in the future, including the existing King County TBD (Ordinance 17746) and a potential future unincorporated King County TBD. The existing County TBD or a potential, new unincorporated TBD would still have the ability to levy other taxes allowed to TBDs under State law, including sales tax, gas tax, and tolling.

Impacts to Cities in King County

King County's cities will experience a number of impacts if I-976 passes, including the loss of the ability to use VLF as a revenue tool as part of a local TBD, as well as potential redirection of limited state funds by the Legislature.

Loss of VLF revenue to cities that use it as part of a TBD would be an immediate revenue impact to King County's cities. That is because, while possible state-funded program cuts would be made at the discretion of the legislature, city-funded investments through local TBDs are presumed to be eliminated due to I-976's repeal of the funding source.

¹ Current total program size is based on Governor's proposed 2019-21 budget

Seventeen cities in King County have formed TBDs, with 13 using VLF as a source of revenue, for a potential revenue loss of approximately \$240 million over the next six years.² The City of Seattle alone is projecting an annual loss of \$36 million (\$216 million over six years) that will potentially require cuts to 175,000 bus service hours on 74 routes purchased from Metro through the Seattle TBD. More information about these TBDs is listed below.

East King County. Three cities in east King County have enacted TBDs, which collected \$928,147 in 2018. Revenue loss to those cities is projected at approximately \$4.6 million by 2025.

East King County Area TBD's (using VLF)	Estimated Revenue Collected in 2018
Snoqualmie	\$196,317
Kenmore	\$355,950
Mercer Island	\$375,880
Total	\$928,147

Northwest King County (Shoreline and Lake Forest Park). Two cities in the northwest portion of the King County have enacted TBDs, which collected \$1,263,029 in 2018. Revenue loss to those cities is projected at approximately \$4.6 million by 2025.

King County Area TBD (using VLF)	Estimated Revenue Collected in 2018
Lake Forest Park	\$429,261
Shoreline	\$833,768
Total	\$1,263,029

² Based on the Office of Financial Management's fiscal impact statement, and assuming that, without I-976, the Seattle TBD would be renewed at the same level in 2020.

South King County. Seven cities in South King County have enacted TBDs, which collected \$2,882,230 in 2018. Revenue loss to those cities is projected at approximately \$14.4 million by 2025.

King County Area TBD (using VLF)	Estimated Revenue Collected in 2018
Des Moines	\$918,908
Burien	\$767,493
Maple Valley	\$396,348
Enumclaw	\$245,421
Normandy Park	\$115,620
City of Black Diamond	\$104,663
Covington	\$333,777
Total	\$2,882,230

City of Seattle. The Seattle TBD currently imposes an \$80 vehicle license fee (VLF) and 0.1% sales tax, which together generate approximately \$62 million annually. The total estimated revenue impact of I-976 is a loss of \$36 million per year.

This revenue loss from the Seattle TBD would have significant service, customer, and staffing impacts for Metro:

- Seattle TBD currently funds approximately 350,000 annual service hours, which Seattle purchases from Metro. Passage of I-976 would require the reduction of approximately 50% of those hours, or approximately 175,000 annual hours, absent additional revenue (even assuming that the Seattle TBD uses its \$20 million reserve fund to help cover service during 2020).
- Metro and the Seattle Department of Transportation (SDOT) are working together to develop service reduction scenarios to better understand the composition of the 175,000 annual service hour reduction that would be required. This level of cuts could be made using Metro's administrative authority, which allows cuts of up to 25% of service hours in a route within a single service change without seeking King County Council approval. However, given the magnitude of the cumulative impact, Metro would plan to engage with King County Councilmembers to provide information on the cuts and their impacts ahead of any planned service changes if I-976 is enacted.
- Based on analysis to date, and absent additional revenue, the necessary service reductions would likely occur in stages during the two service changes in 2020. In March 2020, a reduction of approximately 115,000 hours would be necessary, with 20,000 of those

hours for peak period service. In September 2020, the remaining approximately 60,000 hours would be cut.

- While cuts would predominantly affect Seattle, cuts would also be felt directly in Burien, Shoreline, Skyway, Tukwila, and White Center, because Seattle is funding numerous routes that cross city boundaries. In addition, the impact of the cuts would be experienced throughout the region, due to the fact that Metro provides many first/last mile trips within downtown Seattle as part of the regional transit network.
- Cuts would be expected to affect some trips on all or nearly all the 74 routes receiving some funding from the Seattle TBD, which includes the C, D, and E RapidRide lines, in addition to many of Metro's other highest-ridership routes.
 - The impacts of this reduction are likely to include increases in customer pass-ups and crowding, as well as reduced frequencies and service span.
 - Other services that would be jeopardized include Trailhead Direct and Night Owl, both of which have been funded in partnership with SDOT.
- Cuts of 175,000 annual services hours roughly translates to reductions in operations staffing of: 78 operator FTEs (if layoffs occur, part-time operators would be laid off first so actual number of affected employees could be higher); 3 first-line supervisors; and 1 chief.

Washington State Office of Financial Management Analysis of I-976

I-976 changes vehicle taxes and fees by lowering motor vehicle and light duty truck weight fees to \$30; eliminating the 0.3 percent sales tax on vehicle purchases; lowering electric vehicle and snowmobile fees; modifying and reducing Sound Transit motor vehicle excise tax provisions; and removing authority for transportation benefit districts to impose a vehicle fee. Total revenue loss to the state in the next six years is \$1,921,901,238. Total revenue loss to local governments in the next 6 years is \$2,317,121,034. The departments of Licensing and Revenue have estimated implementation costs of \$2,846,800 in the 2019-2021 biennium.

General Assumptions

- Except as otherwise provided, the effective date of the initiative, if approved by voters, is December 5, 2019. Section 10 and 11 take effect on the date that the regional transit authority complies with Section 12 of this act. Section 13 takes effect on April 1, 2020, if Sections 10 and 11 have not taken effect by March 31, 2020.
- The provisions of the initiative apply prospectively, not retroactively.
- Fiscal estimates use the state's fiscal year of July 1 through June 30. Fiscal year 2020 is July 1, 2019, to June 30, 2020.
- State revenues are based on the June 2019 transportation revenue forecast.
- Local revenues are based on the most recent actual figures and are not forecasted.
- Transportation benefit districts (TBDs) have the authority to collect vehicle fees, and sales and use tax. This initiative repeals only the authority to collect vehicle fees, so TBDs could continue to collect sales and use tax.
- Section 5(1) erroneously states that the electric vehicle fee is \$130 total. RCW 46.17.323 includes two fees. \$100 in section (1) and \$50 in section (4)(a). The current electric vehicle fee is \$150 total. Calculations for the impact of the fee reduction are based on the

correct fee. Chapter 287, Laws 2019 establishes the transportation electrification fee of \$75. I-976 would lower the \$100 in section (1) to \$30 and eliminate the \$50 in section (4)(a). It does not affect the new \$75 fee.

State Revenue

The initiative reduces license fees for vehicles under 10,000 pounds to \$30. The additional 0.3 percent sales and use tax on motor vehicle sales is eliminated. The snowmobile license fee is reduced from \$50 to \$30. Commercial trailer fees are reduced from \$34 to \$30. The electric vehicle fee in Section 5(1) is reduced from \$100 to \$30. An additional electric vehicle fee in Section 5(4)(a) of \$50 is eliminated.

Potential Revenue Impact by Fund Distribution	Beginning Dec. 5, 2019						
	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	Total
Registration Fees:							
Snowmobile Account (01M)	(\$240,300)	(\$447,200)	(\$448,500)	(\$449,900)	(\$451,200)	(\$453,000)	(\$2,490,100)
WSP Highway Account (081)	(\$9,916,900)	(\$15,661,000)	(\$15,692,400)	(\$15,723,900)	(\$15,755,400)	(\$15,823,800)	(\$88,573,400)
Transportation Partnership Account (09H)	(\$5,115,000)	(\$8,077,700)	(\$8,094,000)	(\$8,110,100)	(\$8,126,400)	(\$8,161,700)	(\$45,684,900)
Rural Arterial Trust Account (102)	(\$202,163)	(\$539,700)	(\$714,975)	(\$928,725)	(\$1,176,675)	(\$1,451,700)	(\$5,013,938)
Motor Vehicle Account (108)	(\$28,223,075)	(\$45,210,500)	(\$46,151,950)	(\$47,278,650)	(\$48,576,750)	(\$50,112,500)	(\$265,553,425)
Puget Sound Ferry Operations (109)	(\$609,800)	(\$963,000)	(\$965,000)	(\$966,900)	(\$968,900)	(\$973,100)	(\$5,446,700)
Transportation Improvement Account (144)	(\$202,163)	(\$539,700)	(\$714,975)	(\$928,725)	(\$1,176,675)	(\$1,451,700)	(\$4,272,075)
Multimodal Account (218)	(\$128,650,600)	(\$227,504,000)	(\$231,592,800)	(\$294,399,500)	(\$298,790,300)	(\$303,184,500)	(\$1,484,121,700)
Nickel Account (550)	(\$2,322,700)	(\$3,668,000)	(\$3,675,400)	(\$3,682,700)	(\$3,690,100)	(\$3,706,100)	(\$20,745,000)
Total	(\$175,280,538)	(\$302,071,100)	(\$308,050,000)	(\$372,469,100)	(\$378,712,400)	(\$385,318,100)	(\$1,921,901,238)

Description of affected accounts

- The Snowmobile Account funds administration, acquisition, development, operation and maintenance of snowmobile facilities and the implementation of snowmobile safety, enforcement and education programs.
- The State Patrol Highway Account funds activities of the Washington State Patrol, including traffic enforcement (and associated criminal investigations), commercial vehicle enforcement and ferry vessel and terminal security.

- The Transportation Partnership Account funds projects and improvements from the 2005 Transportation Partnership Omnibus Transportation Appropriations Act.
- The Rural Arterial Trust Account funds construction and improvement of county roads and bridges.
- The Motor Vehicle Account is the main source of funds for highway construction, maintenance, ferries and support services. A portion of motor fuel tax revenues is distributed to cities and counties for road programs.
- The Puget Sound Ferry Operations Account funds ferry operations and maintenance.
- The Transportation Improvement Account funds administration of the Transportation Improvement Board and grants for local government transportation projects that address congestion.
- The Multimodal Transportation Account funds all modes of transportation projects, including public transportation, rail and bicycle/pedestrian projects.
- The Transportation 2003 Account funds debt service on bonds and Washington State Department of Transportation operating and capital highway programs.

Local Revenue

This initiative repeals local authority to impose a TBD vehicle fee. TBD vehicle fees are used by 62 municipalities across the state to fund local improvements such as road repair and maintenance, transit systems, and sidewalks. In fiscal year 2018, TBDs using a vehicle fee across the state collected \$58,186,839. This revenue would be eliminated beginning on the effective date of this initiative.

Sections 10 and 11 would reduce the motor vehicle excise tax (MVET) that funds the Central Puget Sound Regional Transit Authority (RTA) commonly known as Sound Transit. MVET rates are reduced from 0.8% to 0.2% and will be calculated based on Kelley Blue Book vehicle value instead of the manufacturer's suggested retail price.

This tax rate would be repealed when the RTA is able to refund, refinance or defease, or terminate, outstanding bonds that have been issued against this tax. It is unknown if this is possible. If the bonds are not able to be defeased, the MVET will remain unchanged to pay off the bonds previously issued that are pledged to the revenue source. If the bonds are able to be defeased, Sound Transit's revenue would be reduced by \$328,000,000 per fiscal year based on 2018 revenue. For new bonds issued, the MVET will decrease from 0.8% to 0.2%.

The initiative also repeals local authority to impose a passenger-only ferry tax. Currently there are no passenger-only ferry districts using the MVET authority to fund their ferries.

Tax/Fee	Fiscal year 2018 revenue impact
TBD Fee	(\$58,186,839)
RTA MVET	(\$328,000,000)
Passenger-only ferry MVET	0

State Government Anticipated Expenditures

The Department of Licensing (DOL) would have temporary, higher administrative and computer costs to implement this initiative. If Sound Transit is able to defease or refinance its bonds and the MVET is reduced, DOL would issue refunds to customers who register their vehicles prior to their annual vehicle registration date. The DOL would also have costs for computer updates, temporary staffing costs for additional calls to their call center, and accounting services to issue refunds. Biennial administrative costs for the agency are \$2,740,900 in the 2019-2021 biennium.

The Department of Revenue (DOR) would experience temporary, higher administrative costs to implement this initiative, including costs for computer updates and administrative costs for rule making, accounting services to issue refunds and develop new forms. Biennial costs for the agency are estimated at \$105,900 for computer updates and administrative items in the 2019-2021 biennium.

Initiative 976 Impacts

Logan Bahr, Government Relations Advocate



1



Initiatives in the State of Washington

- Two types of initiatives in Washington
 - To the People
 - To the Legislature
- Initiative to the Legislature
 - Legislators have 3 options
 - Enact - Becomes law like a normally enacted bill
 - Do Nothing - Goes to ballot
 - Propose Alternative - Both original and alternative go to ballot
- If passed, new law can't be amended for 2-year, except with a 2/3rd supermajority vote.

2

What would I-976 do, if passed?

- Repeal or remove authority to impose certain vehicle taxes and fees (including authority for cities/counties Transportation Benefit District license fees);
- Limit state and local license fees to \$30 for motor vehicles weighing 10,000 pounds or less, except charges approved by voters after the measure's effective date;
- Base vehicle taxes on Kelley Blue Book value;
- Require regional transit authorities (Sound Transit) to retire bonds early where allowed; and,
- Either reduce or repeal taxes pledged depending the status of related bonds.

3

Fiscal Impacts of I-976: State Impacts

State accounts	Six-year revenue loss (2020-25)
Multimodal account	\$ 1,484,122,000
Motor vehicle account	\$ 265,553,000
WA State patrol highway account	\$ 88,573,000
Transportation partnership account	\$ 45,685,000
Other accounts	\$ 37,968,000
Subtotal	\$ 1,921,901,000

4

What do these state accounts pay for?

- Multimodal account - \$1.5 billion
 - WSDOT Public Transportation program
 - Regional Mobility Grant Program
 - Rural Mobility Grant Program
 - Ferry operating and capital programs
 - Rail Improvements
 - Bicycle/pedestrian safety programs
 - Safe Routes to School
 - Direct distributions to cities/counties
- Motor vehicle account - \$265 million
 - Department of Licensing
 - WSDOT highway construction and maintenance
 - Direct distributions to cities/counties
- WA State Patrol highway account - \$88.6 million
- Other accounts - \$38 million

5

Fiscal Impacts of I-976: Local Impacts

Local governments	Six-year revenue loss (2020-25)
Sound Transit	\$ 1,968,000,000
Transportation Benefit Districts	\$ 349,121,000
Subtotal	\$ 2,317,121,000
State + Local Total	\$4,239,022,000

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How would local governments be impacted?

Sound Transit

- Reduce the Motor Vehicle Excise Tax rates from .8% to .2% with the rate to be calculated based on Kelley Blue Book vehicle value.
- This tax rate would be repealed when the related outstanding bonds are refunded, refinanced or defeased, or terminated.
- If this is not possible, the MVET would remain at .2% to pay off the bonds.

City Transportation Benefit Districts (TBDs)

- TBDs would lose all vehicle license fee revenues, 60 cities would lose an estimated at \$60 million per year.
- Repeal of fee authority would become effective 30 days after passage, Dec. 5th.
- TBDs are used to provide basic transportation services, many cities use them for maintenance and preservation.
- Voter-approved TBD sales tax is not affected and would continue to be collected.

7



How can cities engage with the initiative?

Cities can:

- At an open public meeting, city councils can express a collective decision or vote upon a motion, resolution, or measure to support or oppose a ballot proposition so long as:
 - (a) any required notice of the meeting includes the title and number of the ballot proposition, and
 - (b) members of the legislative body or members of the public are afforded an approximately equal opportunity to express of an opposing view.
- Elected officials may make statements supporting or opposing an initiative or referendum in response to a specific media inquiry. Elected officials can support/oppose issues and engage in other political activities as long as such activities do not make use of government facilities, time, or resources.
- All elected officials and staff may respond to requests for factual information as part of their normal job duty.

Cities can't:

- Elected officials or city staff may not use public facilities, supplies or equipment, for any campaign purpose.
- City officials may not promote or oppose a candidate or ballot measure during work hours. This does not include elected official statements on ballot measures in response to a specific media inquiry or in response to a factual inquiry.

8



Resources

I-976 Text: https://www.sos.wa.gov/_assets/elections/initiatives/finaltext_1519.pdf

OFM Fiscal Impact Statement: <https://wacities.org/docs/default-source/Legislative/i976fiscalimpactstatement.pdf?sfvrsn=0>

AWC's I-976 webpage: <https://wacities.org/advocacy/news/advocacy-news/2019/08/19/initiative-976-headed-to-voters-with-potential-impacts-to-state-and-local-transportation-funding>

AWC's TBD GIS Map: <http://datadatadata-awcnet.opendata.arcgis.com/pages/tbds>

Non-partisan staff fiscal note:

<https://fortress.wa.gov/FNSPublicSearch/GetPDF?packageID=56612>

PDC Guidelines for Local Governments: <https://www.pdc.wa.gov/learn/guidelines-local-government>

9



Questions?

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10

ARGUMENTS “FOR” AND “AGAINST”:

The Secretary of State’s general election voters’ guide includes arguments “For” and “Against” Initiative Measure No. 976.

“For” Initiative Measure No. 976	“Against” Initiative Measure No. 976
<p><u>Argument For</u> \$30 tabs now!</p> <p>Taxpayers are getting ripped off, politicians know it, refuse to fix it</p> <p>Taxing a \$10,000 vehicle like it’s \$25,000 is fraud. I-976 repeals the dishonest valuation schedule politicians are currently using to artificially inflate your taxes. No more price gouging!</p> <p>I-976 limits license tabs to a flat, fair, and reasonable \$30 per year for your car, truck, motorcycle, motorhome, and other vehicles. We’re paying sales taxes when we buy, gas taxes when we use, we shouldn’t have to pay dishonest triple taxes just to own it. Working class folks, not just rich people, should be able to afford a newer vehicle.</p> <p>If politicians had any compassion for the average taxpayer, I-976 wouldn’t be necessary</p> <p>Washington is one of the highest taxed states in the nation. Dishonest vehicle taxes, skyrocketing property taxes, crushing sales taxes, massive gas taxes, obnoxious tolls, and costly fees on everything. Despite record revenues and \$3.5 billion tax surplus, Olympia imposed 11 new taxes costing \$27 billion. It’s insane. Now they’re demanding income taxes, carbon taxes, pay-per-mile taxes. Enough!</p> <p>If we can’t get tax relief when there’s a huge \$3.5 billion tax surplus...</p> <p>...when can we? Besides, all the money taxpayers save will get pumped right back into our state’s economy. Opponents’ threats, lies, and scare tactics are absurd – I-976 only affects a tiny fraction of government spending.</p> <p>Stop getting ripped off – your vote for I-976 tells politicians you’re taxed out</p> <p>Politicians will never limit taxes – here’s our only chance. Vote “Yes.”</p>	<p><u>Argument Against</u></p> <p>Tim Eyman’s latest misguided, deceptive initiative would irresponsibly slash state and local transportation funding by more than \$4.2 billion over the next six years, undermining our ability to address critical safety and traffic problems. Vote NO on 976!</p> <p>976 Threatens Transportation Safety</p> <p>Washington has over 160 bridges and overpasses in “poor” condition. 976 jeopardizes public safety, delaying projects to fix dilapidated bridges, overpasses, and tunnels that do not meet earthquake safety standards. The Washington State Troopers Association says, “We oppose this dangerous measure because it would stop thousands of needed road safety repair projects across the state, putting driver and pedestrian safety at greater risk.”</p> <p>976 Will Harm Your Local Community</p> <p>This measure eliminates important local transportation funding in 62 cities throughout Washington. As a result, cities from Seattle to Spokane, from Anacortes to Zillah, would lose nearly \$60 million a year in funding needed for bus service, to repair potholes, upgrade safety, provide transit to seniors and people with disabilities, and reduce congestion.</p> <p>976 Will Devastate Public Transit</p> <p>Public transit connects people to jobs, education, health care, and each other. Many in our communities rely on public transportation as their primary way to get around. This measure would gut voter-approved light rail expansion and eliminate hundreds of thousands of bus trips each year for commuters, people with disabilities, teenage and elderly riders.</p> <p>Public safety and transportation experts, business, labor and environmental groups all oppose Eyman’s latest flawed and deceptive money-making scheme. Vote NO on 976!</p>

Rebuttal of Argument Against

Triple taxing vehicles is indefensible. Taxing a \$10,000 vehicle like it's \$25,000 is fraud. Taxpayers are getting ripped off – that's the issue. Personally attacking Tim Eyman? Distraction. (the truth: "Eyman risks \$500K of his own money to fund car tab initiative"). The threats, lies, and scare tactics about I-976 are silly: massive \$3.5 billion tax surplus and record revenues can easily backfill affected programs. I-976 forces politicians to reexamine, prioritize. Reject dishonest taxes. Vote "Yes."

Argument Prepared By

Written by:

Bob Henkel, collected 8103 signatures from Pierce County voters, Puyallup

Suzie Burke, collected 2440 signatures from King County voters, Seattle

Sid Maietto, 4929 signatures from Snohomish County/North King voters

Connie Christiansen, 1588 signatures from Pierce County/South King voters

Erma Turner, 1014 signatures collected from voters

Tim Eyman, collected 8910 signatures from voters across the state.

Contact: (425) 590-

9363; 30tabs@gmail.com; www.30tabs.com

Rebuttal of Argument For

Eyman's 976 might sound good, but in reality *it slashes transit and transportation funding by billions*, harming our ability to maintain and improve our roads, bridges, ferries, buses and light rail. And 976 isn't fair. It will give huge tax breaks to owners of brand-new luxury cars, and almost nothing to someone who drives a 10-year-old Corolla – while leaving all of us stuck in traffic. Vote NO on 976!

Argument Prepared By

Written by:

Steve Mullin, President, Washington Roundtable
Larry Brown, President, Washington State Labor Council, AFL-CIO

Alex Hudson, Executive Director, Transportation Choices Coalition

Jeff Merrill, President, Washington State Patrol Troopers Association

Paula J. Hammond, P.E., Former State Transportation Secretary

Tim Archer, President, Spokane Firefighters Local 29

Contact : 206-249 9717;

contact@no976.org; www.no976.org

ALL WASHINGTON VOTERS: VOTE YES ON I-976 IN NOVEMBER (I-976 – A STATEWIDE INITIATIVE WHICH BRINGS BACK \$30 CAR TABS)

For 20 years, taxpayers have fought for and passed this protection

ROUND 1 – In 1999, voters passed I-695's \$30 cap on vehicle license tabs. Court vetoed it but the 2000 Legislature immediately adopted it. Democrat Governor Gary Locke said: "*We will not return to the days of high license fees – \$30 license tabs are here to stay.*"

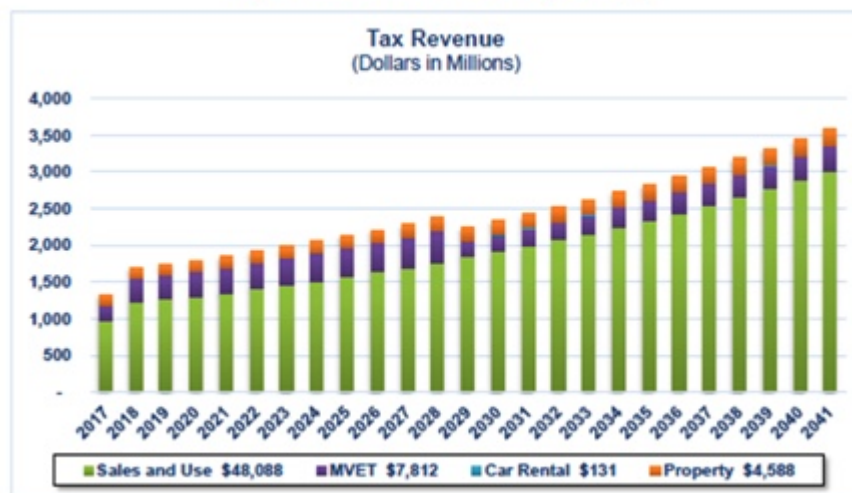
ROUND 2 – In 2002, voters passed I-776's \$30 cap. Court upheld it on single subject rule and other issues. Court came back later and said I-776 did repeal Sound Transit's vehicle tax but since I-776 didn't mandate bond retirement (I-976 does require it), the tax remains.

Thanks to ROUNDS 1 & 2, vehicle tab costs stayed low for almost 14 years. But vehicle owners are getting hit with massive sticker shock by skyrocketing vehicle costs. Despite hearing from outraged constituents for 2 years, politicians have done nothing.

THAT'S WHY ROUND 3 IS NEEDED – 352,000 people got I-976 on the ballot. So now the voters have a rare chance to protect themselves from skyrocketing taxes. Highlights:

- I-976 caps vehicle registration costs at \$30 per year for everyone in the state (cars, light trucks, SUVs, & other vehicles) and gets rid of state and local taxes and fees on vehicles.
- I-976 repeals the dishonest, inaccurate vehicle valuation schedule that's got everyone so upset. I-976 prevents state and local governments from artificially inflating the value of your vehicle(s) to bring in more taxes than they should. No more price gouging.
- I-976 prohibits state and local govts from imposing dishonest vehicle taxes. Sound Transit lied to voters about the costs. I-976 is a do-over for voters now that we know the truth. Getting rid of their dishonest vehicle tax gives back \$7 billion to taxpayers. ST's own report shows that I-976 only affects a small portion (13%) of ST3's \$54 billion:

Figure 3: Sound Transit Tax Revenue (2017-2041)



Politicians will NEVER limit taxes. Vote YES on I-976 and bring back our \$30 tabs.

PERMANENT OFFENSE - \$30 TABS INITIATIVE – TERM LIMITS – GIVE THEM NOTHING

PO BOX 6151, OLYMPIA, WA, 98503 www.30tabs.com, 30tabs@gmail.com, 425-590-9363, Top 5

contributors: Suzanne Burke, Puget Sound Chapter NECA PAC, Andy Skotdal, Tim Eyman, Tom O'Brien



Tim Eyman's Initiative 976 Comes at a High Cost

All parts of our state are growing, and some of our worst growing pains are around commutes and transportation. Our roads and highways are some of the most congested in the nation – people spend hundreds of hours and thousands of dollars stuck in traffic each year. We also have bridges, tunnels and overpasses that are overdue for retrofitting and repair. I-976 would devastate our already strained transportation system, making commutes and travel worse and more dangerous across Washington.

MORE CONGESTION

I-976 repeals critical transportation funding, essentially eliminating our ability to fix dangerous highways, retrofit bridges and overpasses, fund transit, expand light rail, maintain ferries, build voter-approved projects, improve freight corridors, and invest in the Washington State Patrol. It hurts projects from Spokane to Seattle, Bellingham to Vancouver and all points in between. At risk are:

- State funding for critical transportation projects like I-405, SR 520, North/South freeway in Spokane, SR 167/509 completion and I-90/Snoqualmie Pass
- Voter-approved local transit and light rail expansion
- Highway safety projects including retrofitting bridges and overpasses and funding for the State Patrol
- Ferry improvements
- Improved Amtrak service, from Canada to Oregon
- Freight mobility projects that make it easier for our exports and imports to get to port
- \$60 million in funding every year is at risk to pay for road construction, maintenance and local transit service in 62 cities. These cities are as diverse as Zillah, Wenatchee, Mercer Island, Everett, Buckley and Mabton, and are all solving local problems with local funds.

NOT FAIR

Vulnerable neighbors are impacted most by I-976. Not only does I-976 threaten funds to build and maintain roads and transit options that people depend on to get to work and school, but it specifically targets funds that pay for special services for senior citizens, veterans, children and people with disabilities.

By repealing critical transportation funding, I-976 puts major transportation projects across the state at risk and makes it harder for local communities to solve their own transportation problems.

TOO COSTLY

I-976 threatens more than \$25 billion in road, rail and public transportation investments that connect millions of people to jobs, education, health care, and each other every year. Say NO to Initiative 976.

Expanded Detail About the Transportation Projects at Risk

“Connecting Washington”

The Legislature developed and passed Connecting Washington in 2015 with bipartisan support. The package makes critical investments in our transportation system, and funds large projects across the state. I-976 puts critical projects in danger of never being completed. It also weakens our whole economy by keeping us from moving people and goods efficiently around the state. Projects in the Connecting Washington package that have not started construction or still have significant construction work remaining include:

- Completion of widening over I-90/Snoqualmie Pass
- North/South freeway/US 395 project in Spokane
- SR 520 West End
- I-405 widening
- SR 167/SR 509 Puget Sound Gateway

Ferries, Rail & Freight Mobility

Roads are not the only projects in danger: Our farmers and manufacturers depend on good rail and freight mobility, and commuters, residents and visitors all depend on a safe and robust ferry system.

- \$1.3 billion in ferry vessel improvements between now and 2031
- Amtrak service connecting Western Washington with British Columbia and Oregon
- Freight mobility projects like new bridges, railroad sidings, better port roads, and heavy rail corridor improvements support agriculture and manufacturing

Safety

- Washington State Patrol (\$15 million a year at risk)
- Highway safety projects including retrofitting bridges and overpasses

Transportation Options

The public increasingly wants robust transportation options, which is why multimodal transit is important.

- Vanpools
- Special needs transit (seniors, veterans, disabled)
- Regional Mobility Grants (about \$100 million every two years)
- Expansion of transit and bus centers, such as Rapid Ride Lines, Bus Rapid Transit, expansion of park and ride facilities, safe routes to schools, pedestrian safety, bike infrastructure

Local Transportation Benefit Districts (TBD): \$60 million in funding every year is at risk to pay for road construction, maintenance and local transit service in 62 cities. Cities who currently use the TBD authority for car tabs: Anacortes, Bainbridge Island, Battle Ground, Black Diamond, Bremerton, Bridgeport, Buckley, Burien, Carbonado, Covington, Des Moines, DuPont, East Wenatchee, Eatonville, Edgewood, Edmonds, Electric City, Elmer City, Enumclaw, Everett, Fife, George, Grandview, Granite Falls, Kalama, Kelso, Kenmore, Kittitas, Lake Forest Park, Lakewood, Longview, Lynnwood, Mabton, Maple Valley, Mercer Island, Moses Lake, Mountlake Terrace, Normandy Park, Olympia, Orting, Port Orchard, Prosser, Richland, Ridgefield, Roy, Royal City, Seattle, Sedro-Woolley, Shoreline, Snoqualmie, Soap Lake, Spokane, Tacoma, Toppenish, University Place, Vancouver, Wapato, Washougal, Wenatchee, Wilkeson, Yakima, Zillah.

Sound Transit: \$20 billion in funding is at risk for multi-county light rail expansion, bus rapid transit and commuter rail that will create new connections in King, Pierce and Snohomish counties. Voters approved the third Sound Transit package in 2016.



I-976: Frequently Asked Questions

I-976, sponsored by Tim Eyman, is broadly written to dramatically cut our state and local transportation funds. This initiative majorly threatens road infrastructure and transit service from Spokane to Seattle, Bellingham to Vancouver and all points in between.

By repealing critical transportation funding, I-976 cripples our ability to fix dangerous highways, retrofit bridges and overpasses, fund transit, expand light rail, maintain ferries, build voter-approved projects, improve freight corridors, and invest in the Washington State Patrol.

Over \$12 billion worth of projects all over the state would be at risk if I-976 passes.

MORE CONGESTION

Will this impact transportation in all areas of the state?

Yes. Road, rail and transit projects in every county in Washington are at risk. All areas of our state depend on transportation infrastructure, from the farmers who move fresh food to buyers around the world, to every store in the entire state.

I-976 would put a \$4 billion hole in the State's transportation budget, including projects with safety components, such as bridge repair.

I-976 also blocks funding for Transportation Benefit Districts (TBD). TBDs are used to pay for local road construction, maintenance and local transit service. Right now, 62 cities as diverse as Zillah, Wapato, Bremerton, Spokane, Seattle and Orting all use TBDs to raise local funds to solve local problems. If I-976 passes, those projects and services would be stopped, and local jurisdictions would lose the ability to raise funds in this way.

Is it road projects or transit projects at risk?

Both! I-976 is so broadly written that it will impact transit service, major road projects, road maintenance, bridge repair, ferry service and freight mobility in communities large and small.

NOT FAIR

Who does I-976 impact most?

I-976 hurts vulnerable populations across the state by cutting transit support and cutting transportation options for low income-workers.

- Threatens cuts to programs that directly support the transportation needs of veterans, children, senior citizens and people with disabilities;

- Makes big cuts in safe and reliable public transportation, which is essential for low-income workers and families who can't take on the cost of car ownership, gas, repair, and parking and who may need to travel far to work;
- Defunds dozens of road-repair projects across the state, leading to poorly maintained roads, more car damage and more car repairs—all of which definitely hurts low-income residents.

What about projects that voters have already approved?

Transportation funding that has been voter approved is at risk. I-976 repeals the taxing authority given to local cities so voter approved measures will be stopped. This includes projects that are mid-way through construction—as the revenue disappears, construction becomes impossible and projects are left unfinished.

Will I-976 impact road safety projects?

Yes! I-976 impacts critical funding for road safety projects across the state. According to infrastructure experts, Washington has more than 160 bridges and overpasses that are in poor condition. I-976 jeopardizes public safety by eliminating funding for projects to fix bridges, overpasses and tunnels that do not meet earthquake safety standards.

Haven't we already voted on this?

Yes. Many years ago, voters passed a measure supporting \$30 car tabs by the state and the Legislature took action. In fact, today car tabs are still \$30 at the state level. In some areas, car tabs are higher to support voter-approved projects, such as transit expansion or major repairs.

I-976 takes away voters' ability to support local transportation projects, repeals funding for projects and services already underway, and rescinds targeted transportation fees (snowmobile fees, weight fees, electric vehicle fees) that provide critical financing for infrastructure projects.

Isn't this just about Sound Transit?

No. I-976 strips away more than \$25 billion in funding for transportation at the state, local and regional level, including more than \$20 billion at risk for voter-approved Sound Transit projects and services. I-976 repeals a variety of state fees as well as local Transportation Benefit District authority impacting road and transit projects across the State.

TOO COSTLY

All areas of our state depend on transportation infrastructure, from the farmers who move fresh food to buyers around the world, to every store in the entire state.

By effectively de-funding transportation funding for roads, rail and transit projects, I-976 virtually guarantees we'll all spend more time commuting and more money fixing broken cars, while also watching our economy weaken.



I-976 Funding Impacts: East King County

Initiative 976 repeals critical transportation funding, eliminating our ability to fix dangerous highways, retrofit bridges and overpasses, fund transit, build voter-approved projects, improve freight corridors, and invest in the Washington State Patrol.

Washington State Funding at Risk -\$4 Billion



Highway Safety
Improvements



Washington State
Patrol



Ferry
Improvements



Freight Mobility
Projects



Amtrak Cascades
Service

Regional Projects at Risk

I-976 would cut **\$20 billion** of voter-approved funding for Sound Transit, delaying Eastside light rail and bus rapid transit expansion. I-976 would cut **\$134 million** of King County Metro services (2020-2025) and **\$30 million** of vanpool improvements.



Sound Transit
Eastside Light Rail
and Bus Expansions



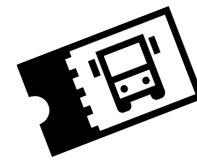
Vanpool
Improvements



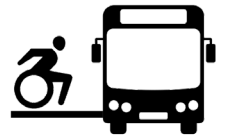
I-405
Highway
Widening



State Route 520
West End Project



14,000 Bus Passes for
Low Income Families



Transit for
People with
Disabilities and
Senior Citizens

Local Funding at Risk

62 cities would **lose \$60 million per year** for local transportation projects over the next 10 years.

-\$376,000/Year
Mercer Island
Transportation
Benefit District

-\$350,000/Year
Kenmore
Transportation
Benefit District

-\$200,000/Year
Snoqualmie
Transportation
Benefit District

Local funding for street and traffic maintenance such as pavement repairs, crack sealing, lane striping, street lighting, signals, and pedestrian improvements such as crosswalks, ADA ramp work, and sidewalk repairs.



I-976 Funding Impacts: King County

Initiative 976 repeals critical transportation funding, eliminating our ability to fix dangerous highways, retrofit bridges and overpasses, fund transit, build voter-approved projects, improve freight corridors, and invest in the Washington State Patrol.

Washington State Funding at Risk -\$4 Billion



Highway Safety
Improvements



Washington State
Patrol



Ferry
Improvements



Freight Mobility
Projects



Amtrak Cascades
Service

Regional Projects at Risk

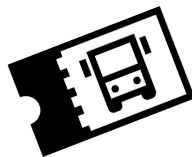
I-976 would cut **\$20 billion** of voter-approved funding for Sound Transit, delaying light rail and bus rapid transit expansion. I-976 would cut **\$134 million** of King County Metro services (2020-2025) and **\$30 million** of vanpool improvements.



Sound Transit
Link Light Rail,
Bus, and Sounder
Expansions



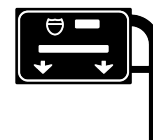
300,000 Hours
of Bus Service



14,000 Bus Passes for
Low Income Families



I-405
Highway
Widening



SR 167/SR 509
Highway
Expansion



State Route 520
West End Project

Local Funding at Risk

62 cities would lose an average of **\$60 million per year** for local transportation projects over the next 10 years.

-\$36 Million/Year
Seattle
Transportation
Benefit District

-\$919,000/Year
Des Moines
Transportation
Benefit District

-\$834,000/Year
Shoreline
Transportation
Benefit District

-\$767,000/Year
Burien
Transportation
Benefit District

-\$376,000/Year
Mercer Island
Transportation
Benefit District

Local funding for street and traffic maintenance such as pavement repairs, crack sealing, lane striping, street lighting, signals, and pedestrian improvements such as crosswalks, ADA ramp work, and sidewalk repairs.

BDA OPPOSES I-976, CITING THREAT TO STATE AND REGIONAL TRANSPORTATION REVENUE

September 19, 2019 - by Matt Jack, BDA Policy Manager

Category: [WHAT'S HAPPENING \(/NEWS/WHATS-HAPPENING\)](#)

BDA Opposes I-976, Citing Threat to State and Regional Transportation Revenue

The Bellevue Downtown Association (BDA) officially opposes the Washington Initiative 976 ballot measure ([https://ballotpedia.org/Washington_Initiative_976,_Limits_on_Motor_Vehicle_Taxes_and_Fees_Measure_\(2019\)\)](https://ballotpedia.org/Washington_Initiative_976,_Limits_on_Motor_Vehicle_Taxes_and_Fees_Measure_(2019))). After reviewing arguments from both campaigns, the BDA Board of Directors (<https://www.bellevuedowntown.com/membership/board-of-directors>) voted to oppose the initiative citing its devastating threat to state and regional transportation revenue.

If the initiative passes, the Washington State Office of Financial Management projects billions in funding would be eliminated from transportation projects and programs critical to supporting Bellevue's growth. Projects that would be impacted include light rail expansion, I-405 widening, I-405 bus rapid transit, transportation demand management programs, and transit services.

The BDA joins a growing coalition of employers, business and trade organizations opposing the initiative, noting transportation projects are badly needed to relieve congestion, improve transit reliability, and support access for Bellevue employees, residents and visitors.

Improving mobility is a key initiative for the association. The BDA's Downtown Access Strategy (<https://www.bellevuedowntown.com/membership/das>) lists the following mobility goals for Downtown Bellevue.

1. Improve travel experience to, from and within the Downtown area, with an emphasis on time savings, safety, and environmental stewardship.
2. Advance major highway projects that maximize efficiency to and from Bellevue, and advance local projects that maximize throughput for Downtown Bellevue.
3. Serve land use patterns and build the infrastructure to accommodate planned growth.
4. Reduce drive-alone commute mode share in peak periods.
5. Reduce collisions and prevent transportation-related injuries across all modes.
6. Accommodate emerging technologies and market disrupters within the built environment.
7. Strengthen Downtown's growing, diverse economy.

The BDA strongly encourages a no vote on I-976. Visit the campaign website: No on Tim Eyman's I-976 (<https://www.no976.org/>).

RESOLUTION R-5389

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND
OPPOSING INITIATIVE MEASURE NO. 976, CONCERNING MOTOR
VEHICLE TAXES AND FEES.

1 WHEREAS, Initiative Measure No. 976 (I-976) will be presented
2 to the voters of the state of Washington at the general election on
3 November 5, 2019; and

4
5 WHEREAS, this statewide measure proposes to change vehicle
6 taxes and fees by lowering motor vehicle and light duty truck weight
7 fees to \$30; and

8
9 WHEREAS, this measure proposes to eliminate the 0.3 percent
10 sales tax on vehicle purchases; and

11
12 WHEREAS, this measure proposes to lower electric vehicle and
13 snowmobile fees; and

14
15 WHEREAS, this measure proposes to modify and reduce Sound
16 Transit motor vehicle excise tax provisions; and

17
18 WHEREAS, this measure proposes to remove authority for
19 transportation benefit districts to impose a vehicle fee; and

20
21 WHEREAS, the Washington State Office of Financial
22 Management (OFM) estimates that the total revenue losses to local
23 governments in the next six years alone would be \$2,317,121,034; and

24
25 WHEREAS, the Washington State Departments of Licensing and
26 Revenue have estimated implementation costs of \$2,846,800 in the
27 2019-21 biennium; and

28
29 WHEREAS, based on OFM analysis, Sound Transit would
30 experience budget cutbacks of \$328 million per year, with an overall
31 estimated impact of \$20 billion through 2041; and

32
33 WHEREAS, the regional program and project investments of King
34 County Metro and Sound Transit in Kirkland therefore are at risk of
35 losing significant funding including but not necessarily limited to the
36 Access Paratransit program services for people with impaired mobility;
37 ORCA summer program for income-qualified students in Lake
38 Washington School District and incentives to small businesses; I-405
39 Bus Rapid Transit system that would provide express service through
40 Kirkland and between Lynnwood, Bellevue, and Burien; and

41 construction of the I-405/NE 85th Street interchange & inline Bus Rapid
42 Transit station; and
43

44 WHEREAS, local programs and projects for which the City of
45 Kirkland (City) has previously secured state funding could also be at risk,
46 including but not necessarily limited to the 116th Ave NE/NE 124th
47 Street Right Turn Lane; 124th Ave NE Sidewalk Improvements; 6th
48 Street/Kirkland Ave Sidewalk Gaps; Totem Lake Gateway
49 Improvements; Rose Hill Greenway project; Lakefront Pedestrian and
50 Bicycle Improvements; Lakeview and Peter Kirk Elementary Safe Routes
51 to School; Juanita Drive Intersection Improvements; Lake Street &
52 Kirkland Ave Intersection Improvements; and NE 132nd Street Sidewalk
53 Improvements; and
54

55 WHEREAS, pursuant to State law, RCW 42.17.130, the City
56 Council desires to show its opposition to I-976.
57

58 NOW, THEREFORE, be it resolved by the City Council of the City
59 of Kirkland as follows:
60

61 Section 1. The City Council opposes Initiative No. 976,
62 concerning motor vehicle taxes and fees.
63

64 Section 2. The City Council urges Kirkland voters to vote no on
65 Initiative No. 976.
66

67 Passed by majority vote of the Kirkland City Council in open
68 meeting this ____ day of _____, 2019.
69

70 Signed in authentication thereof this ____ day of _____,
71 2019.

Penny Sweet, Mayor

Attest:

Kathi Anderson, City Clerk



KIRKLAND CITY COUNCIL MEETING MINUTES September 17, 2019

1. CALL TO ORDER

Mayor Sweet called the study session to order at 6 p.m. and called 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 Kelli Curtis, Councilmember Tom Neir, Councilmember Toby Nixon, Councilmember Jon Pascal, and Mayor Penny Sweet.

Members Absent: None.

3. STUDY SESSION

a. 2019-2024 Capital Improvements Program Update

Joining Council at the table for the presentation by Financial Planning Supervisor Kyle Butler were City Manager Kurt Triplett, Director of Finance and Administration Michael Olson, Public Works Director Kathy Brown, and Deputy Director for Finance and Budget Sandi Hines. Also responding to Council questions were Parks and Community Services Director Lynn Zwaagstra, Financial Planning Supervisor Kyle Butler, and Information Technology Network and Operations Division Manager Donna Gaw.

4. EXECUTIVE SESSION

None.

5. HONORS AND PROCLAMATIONS

a. National Pollution Prevention Week

Public Works Director Kathy Brown, Water Quality Program Coordinator Ryeann-Marie Tuomisto, Storm Water Division Lead Lee Winston and Surface Water Utility Engineer Jordan Segal accepted the proclamation from Mayor Sweet and Councilmember Neir.

6. COMMUNICATIONS

a. Announcements

b. Items from the Audience

Kari Marino

a. Petitions

7. PUBLIC HEARINGS

a. Orcas Moon Cottages Appeal

City Attorney Kevin Raymond described the parameters of the closed record public hearing and offered Councilmembers an opportunity to disclose any ex parte communications. Councilmember Curtis noted contact with Appellant Ryan Baker and Councilmember Nixon noted that he had not read any of the three emails the full Council had received from parties who were not part of the hearing record. Both affirmed that their judgment in the matter would remain impartial. Mayor Sweet then opened the hearing and Associate Planner Susan Lauinger provided the City's presentation of the findings of fact, conclusions and decision. Appellant Ryan Baker then addressed the Council and responded to questions, followed by Garth Schlemlein, legal counsel representing Applicant the Blueline Group on behalf of Orcas Moon, LLC. No further testimony was presented and the Mayor closed the hearing.

Motion to Suspend the Council rule 3.22 so that the Council may vote tonight on the Process IIA application.

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

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

- (1) Resolution R-5388, Affirming the Hearing Examiner Decision Approving the Orcas Moon Preliminary Plat, Buffer Modification, and Cottage Development in the Planning and Building Department File No. SUB16-02267 And SAR16-01983

Motion to Approve Resolution R-5388, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AFFIRMING THE HEARING EXAMINER DECISION APPROVING THE ORCAS MOON PRELIMINARY PLAT, BUFFER MODIFICATION, AND COTTAGE DEVELOPMENT IN THE PLANNING AND BUILDING DEPARTMENT FILE NO. SUB16-02267 AND SAR16-01983."

Moved by Councilmember Tom Neir, seconded by Deputy Mayor Jay Arnold

Vote: Motion carried 6-1

Yes: Deputy Mayor Jay Arnold, Councilmember Kelli Curtis, Councilmember Tom Neir, Councilmember Toby Nixon, Councilmember Jon Pascal, and Mayor Penny Sweet.

No: Councilmember Dave Asher.

8. SPECIAL PRESENTATIONS

None.

9. CONSENT CALENDAR

a. Approval of Minutes

(1) September 3, 2019

(2) September 6, 2019

b. Audit of Accounts and Payment of Bills and Payroll

Payroll: \$3,196,070.20

Bills: \$3,811,828.24

CA 190905 checks #707946 - 708031

CA190911 checks #708032 - 708111

LB 906A wires #110,111

LB 912B wire #112

c. General Correspondence

d. Claims

(1) Claims for Damages

Claims received from Eskandar Mohazzabfar/Al-Asr, LLC, Cal McAusland, Torsten & Stefanie Seehaus, and Michael Torres were acknowledged via approval of the consent calendar.

e. Award of Bids

f. Acceptance of Public Improvements and Establishing Lien Period

g. Approval of Agreements

h. Other Items of Business

(1) 2018 Annual Transportation and Park Impact Fees Report

Council acknowledged receipt of the report via approval of the consent calendar.

(2) Procurement Report

Council acknowledged receipt of the report via approval of the consent calendar.

Motion to Approve the consent calendar.

Moved by Councilmember Kelli Curtis, seconded by Councilmember Tom Neir

Vote: Motion carried 7-0

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

10. BUSINESS

- a. Ordinance O-4698 and its Summary, Amending the Biennial Budget for 2019-2020

Financial Planning Supervisor Kyle Butler provided a brief re-cap of the year-end 2018 financial results and the proposed ordinance amending the 2019-2020 budget appropriations for selected capital funds.

Motion to Approve Ordinance O-4698 and its Summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING THE BIENNIAL BUDGET FOR 2019-2020."

Moved by Councilmember Jon Pascal, seconded by Councilmember Toby Nixon

Vote: Motion carried 7-0

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

- b. Ordinance O-4699 and its Summary, Amending Ordinance O-4633 Granting Seattle SMSA Limited Partnership D/B/A Verizon Wireless ("Grantee") A Non-Exclusive Communications Master Use Permit for Small Cell Wireless Communications Facilities, and Replacing Exhibit A of O-4633 to Expand Grantee's Permit to Encompass all Rights-Of-Way within the City Limits of Kirkland

Motion to Approve Ordinance O-4699 and its Summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING ORDINANCE O-4633 GRANTING SEATTLE SMSA LIMITED PARTNERSHIP D/B/A VERIZON WIRELESS ("GRANTEE") A NON-EXCLUSIVE COMMUNICATIONS MASTER USE PERMIT FOR SMALL CELL WIRELESS COMMUNICATIONS FACILITIES, AND REPLACING EXHIBIT A OF O-4633 TO EXPAND GRANTEE'S PERMIT TO ENCOMPASS ALL RIGHTS-OF-WAY WITHIN THE CITY LIMITS OF KIRKLAND."

Moved by Councilmember Jon Pascal, seconded by Councilmember Kelli Curtis

Vote: Motion carried 7-0

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

- c. Resolution R-5386, Establishing a Community Safety Advisory Group to Recommend to the City Council the Capital and Operating Elements and Funding Structures Included in the Enhanced Community Safety Fire/Emergency Medical Services Measure to be Placed on the November 2020 Ballot

Fire Chief Joe Sanford reviewed elements of the proposed resolution establishing a Community Safety Advisory Group to review and recommend capital and operating elements and funding mechanisms for the Council for a November 2020 ballot measure for Fire and Emergency Medical Services and responded to Council questions and comment.

Motion to Approve Resolution R-5386, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND ESTABLISHING A COMMUNITY SAFETY ADVISORY GROUP TO RECOMMEND TO THE CITY COUNCIL THE CAPITAL AND OPERATING ELEMENTS AND FUNDING STRUCTURES INCLUDED IN THE ENHANCED COMMUNITY SAFETY FIRE/EMERGENCY MEDICAL SERVICES MEASURE TO BE PLACED ON THE NOVEMBER 2020 BALLOT."

Moved by Councilmember Kelli Curtis, seconded by Councilmember Tom Neir
Vote: Motion carried 7-0

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

- d. Resolution R-5387, Authorizing the City Manager to Execute a Partnering Agreement with Sound Transit for the Delivery of Improvements within the City of Kirkland Associated with Sound Transit's I-405 Bus Rapid Transit Project

Transportation Strategic Advisor June Carlson provided a presentation on the proposed resolution authorizing the City Manager to enter into an agreement provided certain conditions are met.

Motion to Approve Resolution R-5387, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING THE CITY MANAGER TO EXECUTE A PARTNERSHIP AGREEMENT WITH SOUND TRANSIT FOR THE DELIVERY OF IMPROVEMENTS WITHIN THE CITY OF KIRKLAND ASSOCIATED WITH SOUND TRANSIT'S I-405 BUS RAPID TRANSIT PROJECT, as amended."

Moved by Councilmember Kelli Curtis, seconded by Councilmember Toby Nixon
Vote: Motion carried 7-0

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

Motion to Amend Resolution R-5387, by inserting, at line 83, "6. Sound Transit's support of the City's efforts to partner with WSDOT to surplus available state land freed up once the BRT station is complete, to be used for mixed-use, transit-oriented developments which will be identified in the City's BRT Station Area Plan."

Moved by Councilmember Dave Asher, seconded by Councilmember Toby Nixon
Vote: Motion carried 7-0

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

11. REPORTS

a. City Council Regional and Committee Reports

Councilmembers shared information regarding the Finn Hill Neighborhood Alliance and Juanita Neighborhood Association picnics; the Suburban Cities Association Public Issues Committee Meeting; the upcoming Police Department Promotions and Swearing-In Event; an Implicit Bias training; the Office of Emergency Management Crisis Communications training; the opening of the Shake Shack at Kirkland Urban; a Sustainability event; the Crossing Kirkland neighborhood block party; several different neighborhood association meetings; the Kirkland Police Explorers Benefit Car Show; the upcoming Oktoberfest event; the upcoming opening of the new Peter Kirk Elementary School; the Leadership Eastside Academy Kickoff; an upcoming meeting of the King County Growth Management Planning Council; the City of Kirkland Employee Appreciation Barbeque; a North End Mayors' meeting; and a Lake Washington School District Mayors' Meeting.

b. City Manager Reports

City Manager Kurt Triplett reported on Judge Lambo's upcoming retirement and the municipal court judge appointment process; upcoming implicit bias training for the City's contracted prosecutors; an upcoming analysis on prosecutorial discretion from the City Attorney; a two-week extension of the warning period for the School Safety Cameras; and an update on the School Resource Officer process.

(1) Calendar Update

None.

12. ITEMS FROM THE AUDIENCE

None.

13. ADJOURNMENT

The Kirkland City Council regular meeting of June 18, 2019 was adjourned at 9:29 p.m.

Kathi Anderson, City Clerk

Penny Sweet, 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: October 1, 2019

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) Margaret L. Moulden
1909 NE 130th Pl
Seattle, WA 98125

Amount: \$2,001.34

Nature of Claim: Claimant states damage occurred to her parked vehicle when struck by a City street sweeper.

- (2) David Warnick
11915 NE 67th Pl
Kirkland, WA 98033

Amount: \$660.60

Nature of Claim: Claimant states damage to residential fence occurred resulting from a fallen City tree.

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



CITY OF KIRKLAND
Department of Parks & Community Services
123 5th Ave., 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 25, 2019

Subject: RESOLUTION AUTHORIZING DISTRIBUTION OF COMMUNITY DEVELOPMENT
BLOCK GRANT FUNDS FOR 2020

RECOMMENDATION:

The Kirkland Human Services Commission recommends that the City Council approve the attached resolution distributing Kirkland's CDBG funds for 2020. By taking action on the consent agenda, this resolution and funding distribution will be approved.

BACKGROUND DISCUSSION:

The primary objective of the federal Community Development Block Grant program is to support the development of viable urban communities by providing decent housing, a suitable living environment via community facilities and public infrastructure, and expanded economic opportunities, principally for persons of low and moderate income. Funds are distributed to communities nationwide on a formula basis. The three areas where CDBG funds can be used are:

- **Capital projects** serving low- and moderate-income residents;
- **Public service programs** serving low- and moderate-income residents; and
- **Planning and administration** in support of these activities.

The City currently receives its CDBG funds through an agreement with King County as part of a CDBG Consortium of 34 cities and towns. A Joint Recommendations Committee (JRC), comprised of officials representing the participating cities, the Sound Cities Association, and King County, advises the County on CDBG funding and program decisions.

Since 2015 the City of Kirkland has chosen the option of participating within the King County Consortium as a Joint Agreement City. With this option the King County Consortium "passes through" a portion of the CDBG funds to larger member cities known as Joint Agreement cities. These cities allocate their portion of the funds to meet locally identified needs through their own allocation process. Efforts are made by the Consortium to coordinate multi-jurisdictional projects with the Joint Agreement cities. In addition to Kirkland, the cities of Burien, Redmond, Renton, and Shoreline are currently Joint Agreement cities within the County Consortium.

As a participating Joint Agreement City Kirkland and King County each receive some of the CDBG funds attributable to the City, with each having different responsibilities for program

administration. The County retains half of available planning/administration funds to provide contract oversight and satisfy Federal administrative requirements. The City retains the other half of the planning and administration allocation, which helps to pay for City staff to provide the necessary program support. The City also receives public service dollars to grant and allocates capital funds towards eligible projects that are selected by the City.

As part of the interlocal agreement with King County, Kirkland must develop a plan for allocating our portion of CDBG funds every year. Funds for public services and capital projects must be utilized to benefit those with low to moderate income and be consistent with the King County Consortium Consolidated Housing and Community Development Plan.

At the City of Kirkland, the recipient of the public services dollars is determined within the biannual human services grant process. For that reason, if the service provider is in good standing, the Commission recommends a continued commitment to the same programs in the second year of the biannual budget. To ensure the activities of the provider chosen qualify under federal guidelines, a provider of services to those experiencing homelessness has always been the recipient. The recommended recipient is not favored over other providers. The Human Services Commission determines the total amount of investment in programs to people experiencing homelessness it will recommend to City Council and then decides which providers it will recommend receive city general funds and which one receive CDBG dollars.

Distribution of Kirkland's portion of CDBG funds is determined by the City Council through a Council resolution.

Based on estimates provided by the United States Department of Housing and Urban Development (HUD), the City may allocate 2020 funds as follows:

\$139,322	Capital Projects
\$36,664	Public (Human) Services
\$36,664	Planning and Administration

This estimate reflects the amount of funds granted to the City in 2019.

FUNDING DISTRIBUTION RECOMMENDATION:

The Human Services Commission held a public hearing to receive comment about these recommendations on August 27, 2019. In addition, written feedback was welcomed. No public comments were received. The Commission makes the following recommendation:

Capital Funding Recommendation: Allocate the available funding (\$139,322 estimate) to A Regional Coalition for Housing (ARCH) for affordable housing projects. The recommendations on specific project(s) to be funded will be provided by ARCH and acted on by the Kirkland City Council in the first quarter of 2020.

Public (Human) Services Funding Recommendation: Allocate the available funding (\$36,664 estimate) for human services to Congregations for the Homeless to support their work with those experiencing homelessness through a day center and emergency shelter for men.

Planning and Administration Funding Recommendation: Allocate the available funding (\$36,664 estimate) to the Parks and Community Services Department to administer the City of Kirkland's CDBG program activities.

Contingency Plan: The funding level listed above is an estimate provided by HUD. The final amount for distribution will not be known until part way through 2020. The above projects will receive proportionate increases or decreases based upon the final distribution total.

Attachment A - CDBG Allocation Resolution

RESOLUTION R-5390

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND
ALLOCATING THE CITY'S PORTION OF COMMUNITY DEVELOPMENT
BLOCK GRANT (CDBG) FUNDS FOR 2020.

1 WHEREAS, on May 20, 2014, the City Council authorized the City
2 of Kirkland's ("City") participation in the King County Community
3 Development Block Grant and HOME Investment Partnerships Program
4 (CDBG/HOME) Consortium as a Joint Agreement City and the City
5 entered into an Interlocal Agreement with King County for that purpose;
6 and
7

8 WHEREAS, on June 6, 2017, the City Council extended its
9 Interlocal Agreement with King County as a Joint Agreement City
10 through 2020; and
11

12 WHEREAS, as a Joint Agreement City, the City receives funds in
13 support of programs and projects that directly benefit our community,
14 including but not limited to home repair, affordable housing, community
15 facilities, public infrastructure, and human services; and
16

17 WHEREAS, as part of the Interlocal Agreement with King County,
18 the City must develop a plan for allocating its portion of the CDBG funds
19 each year; and
20

21 WHEREAS, toward developing such a plan, the City's Human
22 Services Commission held a public hearing on August 27, 2019, at which
23 time the Commission provided an opportunity for the public to comment
24 on recommendations for the plan, which recommendations are now
25 being forwarded to the Council.
26

27 NOW, THEREFORE, be it resolved by the City Council of the City
28 of Kirkland as follows:
29

30 Section 1. The recommendations of the Human Services
31 Commission are accepted and approved by the City Council.
32

33 Section 2. Based on estimates provided by the United States
34 Department of Housing and Urban Development (HUD), the City intends
35 to allocate 2020 funds as follows:
36

- 37 (a) \$139,3232 of Capital Projects funds to A Regional Coalition
38 for Housing Trust Fund for affordable housing projects;
39 (b) \$36,664 of Public Services funds to Congregations for the
40 Homeless to support an emergency shelter and day center for
41 individuals experiencing homelessness; and
42 (c) \$36,664 of Planning & Administration funds to support the
43 City's administration of the CDBG program.

44 Section 3. In the event the funding level actually provided by
45 HUD is more or less than estimated, the above projects, services and
46 administration should receive proportionate increases or decreases
47 based upon the final distribution amount.

48
49 Passed by majority vote of the Kirkland City Council in open
50 meeting this ____ day of _____, 2019.

51
52 Signed in authentication thereof this ____ day of _____,
53 2019.

Penny Sweet, 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: September 19, 2019

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 VAC19-00218 "BLAKE AND GILLISON"

RECOMMENDATION:

City Council adopts the attached Resolution recognizing the vacation of and relinquishing any and all interest, except for a utility easement, in the portion of unopened right-of-way abutting the parcel at 317-9th Ave. Specifically, the subject right-of-way is identified as the north 8 feet of the unopened alley abutting the south boundary of the following described property: Lots 10 and 11, Block 173, Town of Kirkland, as 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 317-9th Avenue (see Site Attachment A, Site and Vicinity Map) 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 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 a de facto right-of-way vacation 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.

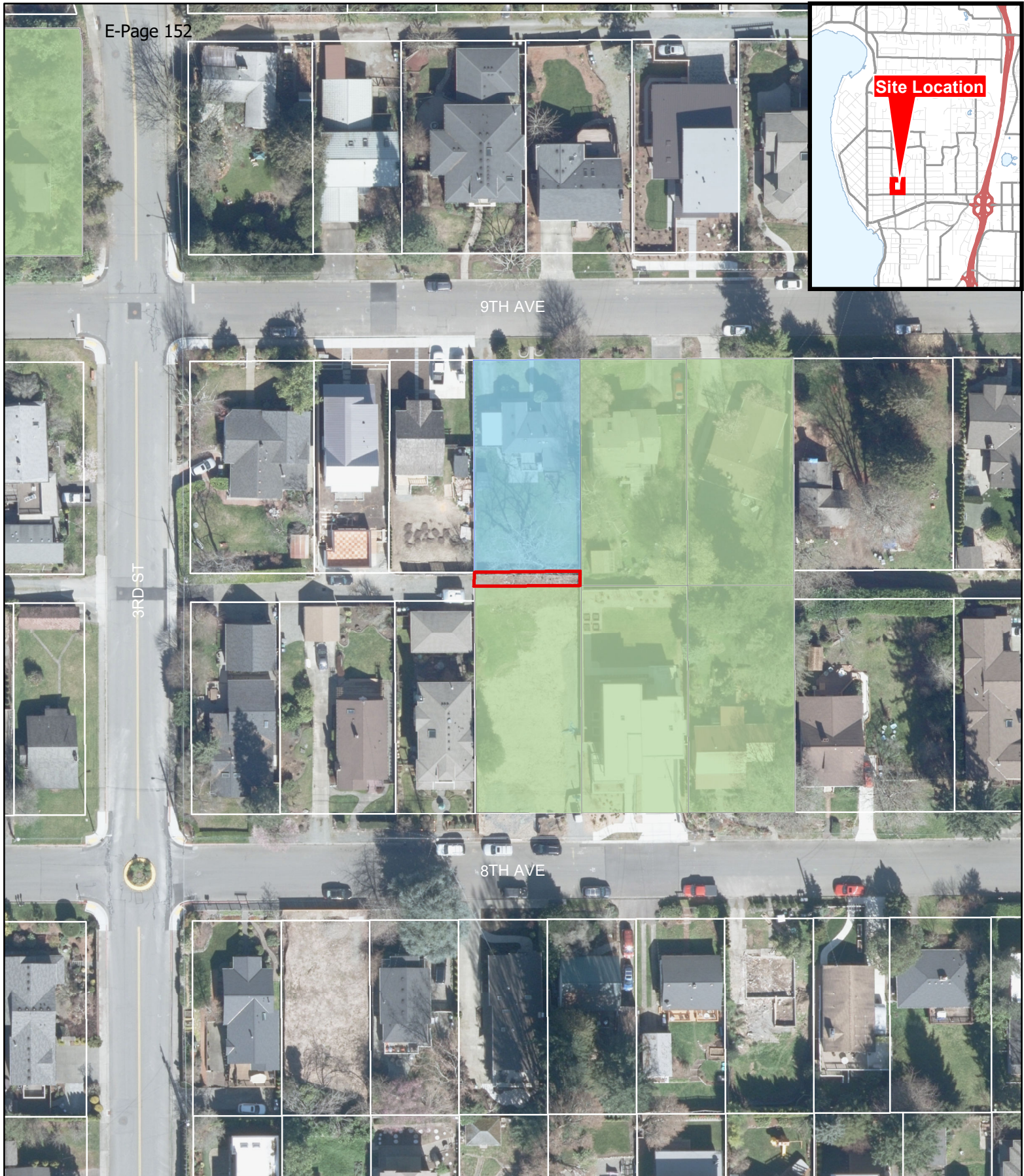
Evan Blake and Daniel Gillison, owners of the property abutting this unopened right-of-way, submitted information to the City documenting that the right-of-way is subject to the Five Year

Non-User Statute (Vacation by Operation of Law), Laws of 1889, Chapter 19, Section 32. In this case, the City has asked the owners, and the owners have agreed, 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.

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 A: Site and Vicinity Map
Attachment B: Proposed Resolution

E-Page 152



**Blake and Gillison Property
Non-User Vacation Exhibit
317 9th Avenue**



- Blake and Gillison Property
- Proposed Vacation Recognition
- Non-User Vacations Recognized

Produced by the City of Kirkland.

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Printed 2019 - Public Works

RESOLUTION R-5391

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND RELINQUISHING ANY INTEREST THE CITY MAY HAVE, EXCEPT FOR A UTILITY EASEMENT, IN UNOPENED RIGHT-OF-WAY AS DESCRIBED HEREIN AND REQUESTED BY PROPERTY OWNERS EVAN C. BLAKE AND DANIEL GILLISON.

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

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

14
15 WHEREAS, in consideration for reimbursing the administrative
16 costs for doing so and granting the City a utility easement in the vacated
17 area, the City is willing to recognize the vacation may have occurred.

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

21
22 Section 1. As requested by the property owners Evan Blake and
23 Daniel Gillison, the City Council of the City of Kirkland hereby recognizes
24 that the following described rights-of-way may have been vacated by
25 operation of law and relinquishes all interest it may have, except for a
26 utility easement, in that portions of right-of-way described as follows:

27
28 The north 8 feet of the unopened alley, or whatever portion remains for
29 recognition of possible vacation by this Resolution, abutting the south
30 boundary of the following described property: Lots 10 and 11, Block
31 173, Town of Kirkland, according to the plat thereof, recorded in Volume
32 6 of Plats, page 53, in King County, Washington.

33
34 Section 2. This resolution does not affect any third-party rights
35 in the property, if any.

36 Passed by majority vote of the Kirkland City Council in open
37 meeting this ____ day of _____, 2019.

38
39 Signed in authentication thereof this ____ day of
40 _____, 2019.

Penny Sweet, Mayor

Attest:

Kathi Anderson, City Clerk

**CITY OF KIRKLAND****Department of Parks and Community Services**

123 Fifth Avenue, Kirkland, WA 98033 425.587.3000

www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Lynn Zwaagstra, Director, Parks and Community Services

Date: October 1, 2019

Subject: Parks and Community Services Resource Allocation Model Adoption

RECOMMENDATION

That the City Council adopt the attached resolution and resource allocation model as an addendum to Fiscal Policy previously approved December 2018 through Resolution R-5347. By taking action on the consent agenda, this resolution will be approved.

BACKGROUND:

The City Council held a study session on August 7, 2019 to review and comment upon the attached resolution and resource allocation model. There was also considerable discussion about athletic field use fees and special event fees. Council comments on these fees are summarized at the end of the memo. Some of the background related to the resolution from the August 7 memo is repeated below to benefit members of the public who may not have reviewed the earlier memo.

In accordance with financial policy and previous practice, staff embarked upon the completion of a cost recovery study in February 2018. Parks and Community Services (PCS) previously carried out a financial analysis resulting in updated financial guidelines for the Department in 1999, 2002 and 2005.

Throughout 2018, staff presented various components of the cost recovery study. The goal of this project was to develop a cost recovery philosophy, model and policy that provides a framework for resource allocation, budgeting, pricing, and future planning. This interactive and holistic approach allows the department to be more strategic and make operating decisions based on an articulated rationale. Specifically, available public resources would be aligned with the greatest community benefit and programs and services with more individual benefit would be added as revenue generation allows.

In December 2018, City Council approved a fiscal policy, [Resolution R-5347](#). The fiscal policy is an overarching document with the stated goal "to help ensure a sustainable parks and recreation system into the future by responsibly using tax revenues as well as fees, charges and other identified sources (e.g. grants, donations and commercial sponsorships) in support of carrying out the Department's mission with the goal of meeting the community's health, wellness and recreation needs."

Another component of the cost recovery study included community engagement to complete a "community benefit" versus "individual benefit" assessment. This assessment is part of R-5347 which states in section iv:

"In establishing fees and charges, the Department will determine the direct and indirect costs of providing services and establish goals to recover those costs. The appropriate level of cost recovery will be based on an assessment of who is benefiting from the programs and services provided, along a spectrum ranging from "mostly community benefit" to "mostly individual benefit." Cost recovery ranges will be identified by "community" versus "individual" benefit tier levels guided by the Pyramid Model, which will be periodically adopted as a supplement to this fiscal policy."

This component was carried out by the parks and recreation consulting firm GreenPlay, LLC (GreenPlay). Their methodology is based in the [Pyramid Model](#), which allows for the sorting of each category of programs into the 5 tiers of a pyramid. The bottom of the pyramid is Tier 1, which is understood to have the most community benefit and expected to be supported through tax funding. The top of the pyramid is Tier 5, which is understood to have the most individual benefit and expected to receive the least tax dollar support. Tiers 2 through 4 have both community and individual benefits and would be supported by a mix of tax dollars, fees, and other alternative revenue sources. This model serves as the philosophical foundation of the resource allocation component. The resource allocation model with cost recovery targets is included as an attachment (**Addendum A**) to the resolution. The City Council supported the staff-recommended allocation model as presented at the August 7 study session.

Athletic Field Rentals and Special Events

At the study session, the Council also concurred with the staff recommendation not to include athletic field rentals and special events fees in the model at this time to allow further community engagement and policy discussion on these two topics. Section 1 of the resolution addresses this directly, stating:

"xi. The resource allocation model does not currently contain two programmatic categories: special events and athletic fields rentals."

A proposal to include these programs in appropriate tiers will come to future Council meetings after further policy and community discussion. The Council requested that future discussions include staff-recommended options for separating special events into tiers of public benefit and community benefit. The Council also requested that staff provide comparison data from surrounding cities on athletic field rental fees, athletic program financial information, and scholarship information if possible.

Resolution R-5392

Addendum A – Resource Allocation Model

RESOLUTION R-5392

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND ESTABLISHING A PARKS AND COMMUNITY SERVICES DEPARTMENT RESOURCE ALLOCATION MODEL AS AN ADDENDUM TO FISCAL POLICY ESTABLISHED THROUGH RESOLUTION R-5347.

1 WHEREAS, establishment of a fiscal policy for the City of Kirkland
2 ("City") is an extension of current City fiscal policies adopted with the
3 biennial budget and consistent with previous Department cost recovery
4 studies completed in 1999, 2002 and 2005; and

5
6 WHEREAS, the fiscal policy calls for use of a resource allocation
7 model with cost recovery targets in order to achieve the stated goal of
8 sustaining the City's parks and recreation system into the future by
9 responsibly using tax revenues as well as fees, charges and other
10 identified sources (e.g. grants, donations and commercial sponsorships)
11 in support of carrying out the Department's mission, with the goal of
12 meeting the community's health, wellness and recreation needs; and

13
14 WHEREAS, the use of fees, charges and other alternative
15 revenue sources will allow for provision of some services that might not
16 otherwise be possible based on tax revenues alone; and

17
18 WHEREAS, the use of fees, charges and other alternative
19 revenue sources provides financial resources to keep up with growing
20 costs and to help make possible the expansion of services to keep up
21 with growing demand; and

22
23 WHEREAS, the fiscal policy will help residents, businesses and
24 users of the parks and recreation system by providing a formal,
25 transparent, and equitable policy basis for the use of taxes, fees,
26 charges and alternative revenue sources to support parks and
27 recreations system assets, programs and services; and

28
29 WHEREAS, the fiscal policy will also help staff establish and
30 achieve financial targets that utilize efficiencies and cost saving
31 measures as well as revenue generation, thereby helping maximize tax
32 revenue support for those service areas identified by the City Council as
33 foundational to community needs and interests, in part by better
34 matching payments for services with the recipients of those services.

35
36 NOW, THEREFORE, be it resolved by the City Council of the City
37 of Kirkland as follows:

38 Section 1. The City Council supports and hereby adopts the
39 following resource allocation model for the Department of Parks and
40 Community Services:

- 41 i. This resource allocation model is established as an addendum to
42 fiscal policy established through Resolution R-5347.
- 43 ii. The fiscal policy established the Pyramid Model as the foundation
44 for the resource allocation model, which utilizes the underlying
45 principle that those who receive the benefit of a service, should
46 help pay for the service.
- 47 iii. The resource allocation model allows for the sorting of each
48 category of programs and services offered by Parks and
49 Community Services into the five tiers of a pyramid. The bottom
50 of the pyramid is Tier 1, which is understood to have the most
51 community benefit. The top of the pyramid is Tier 5, which is
52 understood to have the most individual benefit.
- 53 iv. If the benefit is to the community as a whole, it is appropriate
54 to use tax revenues to completely or primarily fund the services
55 where practicable. Examples of services that primarily benefit
56 the community as a whole are play areas, parks, trails and large
57 natural areas. The Department may also seek grants, donations
58 and commercial sponsorships for these community benefit
59 services as appropriate to help sustain these services.
- 60 v. As the benefit moves along the spectrum towards primarily
61 benefitting an individual or identified group of individuals rather
62 than just the community as a whole, it is appropriate to charge
63 fees for the service at an increasing rate of cost recovery.
64 Supervised or instructed programs, facilities that visitors can use
65 exclusively and products and services that may be purchased are
66 examples where user fees are appropriate.
- 67 vi. Cost recovery targets by tier in the pyramid model are set to
68 achieve a specified financial outcome, defined as sustaining the
69 parks and recreation system into the future by responsibly using
70 tax revenues as well as fees, charges and other identified
71 sources (e.g. grants, donations and commercial sponsorships) in
72 support of carrying out the Department's mission.
- 73 vii. Each programmatic category as a whole in the tier shall achieve
74 the set cost recovery target, although individual programs within
75 a category may recover more or less than the target.
- 76 viii. Each programmatic category as a whole in the tier shall achieve
77 the set cost recovery target, although individual programs within
78 a category may recover more or less than the target.
- 79 ix. Each programmatic category as a whole in the tier shall achieve
80 the set cost recovery target, although individual programs within
81 a category may recover more or less than the target.
- 82 x. Each programmatic category as a whole in the tier shall achieve
the set cost recovery target, although individual programs within
a category may recover more or less than the target.

- 83 viii. In establishing fees and charges, the Department will determine
84 the direct and indirect costs of providing services and establish
85 goals to recover those costs.
- 86
- 87 ix. The Department shall also consider available resources,
88 alternative service providers, public needs, the community
89 economic climate and market rate when establishing fees and
90 charges. Fees and charges may utilize a non-resident rate
91 differential in recognition of the taxpayer resources provided by
92 Kirkland residents. Other fee differentiations may be used where
93 appropriate, including, but not limited to, "youth", "adult",
94 "premium" and "non-profit" categories.
- 95
- 96 x. In recognition of available resources, public need, the
97 community economic climate and market rate, City Council, the
98 City Manager or the Department Director may approve lower
99 fees than those necessary to meet recovery cost targets upon
100 determination that the fee arrangement will primarily benefit the
101 public interest.
- 102
- 103 xi. The resource allocation model does not currently contain two
104 programmatic categories: special events and athletic field
105 rentals.

106

107 Section 2. This Parks and Community Services Department
108 resource allocation model shall hereafter be included in the City's fiscal
109 policy section of each City biennial budget.

110

111 Passed by majority vote of the Kirkland City Council in open
112 meeting this ____ day of _____, 2019.

113

114 Signed in authentication thereof this ____ day of _____,
115 2019.

Penny Sweet, Mayor

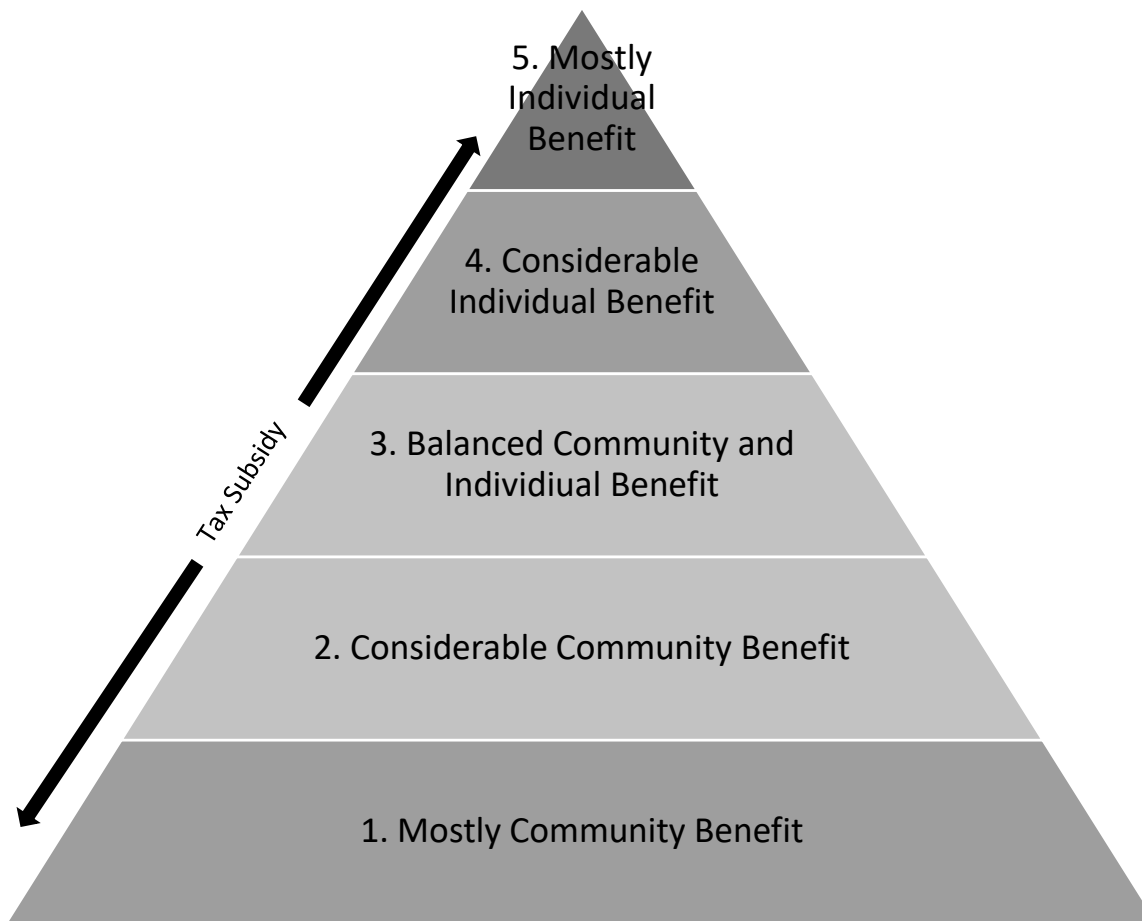
Attest:

Kathi Anderson, City Clerk



Parks and Community Services
Supplement to Fiscal Policy Adopted December 2018 via Resolution 5347
Resource Allocation Methodology and Cost Recovery Targets

The resource allocation methodology sorts categories of programs into 5 tiers of a pyramid. The bottom of the pyramid is Tier 1, which is understood to have the most community benefit and This methodology utilizes the underlying principle that those who receive the benefit of the service, pay for the service. expected to be supported through tax funding. The top of the pyramid is Tier 5, which is understood to have the most individual benefit and expected to receive the least tax dollar support. Tiers 2 through 4 have both community and individual benefits and would be supported by a mix of tax dollars, fees, and other alternative revenue sources. Each programmatic category in the tier shall achieve the set cost recovery target.



Tier 5: No Subsidy, $\geq 100\%$ Cost Recovery*

Vendors/Concessionaires	Private Lessons
Marina Piers and Boat Launch	Park Shelter Rentals
Cemetery Funeral Services	Facility Rentals

Tier 4: Partial Subsidy, $\geq 75\%$ Cost Recovery*

Adult General Classes and Sports	Senior Trips
50+ General Classes and Sports	
Recreational Special Events	

Tier 3: Partial Subsidy, $\geq 50\%$ Cost Recovery*

Youth Camps and After School
Youth General Classes and Sports
Preschool General Classes and Sports

Tier 2: Partial Subsidy, $\geq 25\%$ Cost Recovery*

Aquatics Public Swim at the Pool
50+ Services via Partnerships
Senior Transportation Program

Tier 1: Full Subsidy, $\geq 0\%$ Cost Recovery*

Park & Beach Use	Human Services
Green Kirkland Partnership	Youth Services
	Senior Services

*R-5347: City Council, City Manager or the Department Director may approve lower fees upon determination the fee arrangement will primarily benefit the public interest.



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 23, 2019

Subject: Resignation of Library Board Member

RECOMMENDATION:

That Council acknowledges receipt of Lorraine McReynold's resignation from the Kirkland Library Board and authorizes the attached draft response thanking her for her past years of service. By approving the consent calendar, the Council authorizes these actions.

BACKGROUND DISCUSSION:

Ms. McReynolds, who has served on the Library Board since March of 2016 (most recently as Chair), has resigned due to a recent move.

The City Clerk's office has begun a recruitment to fill this vacancy for the remainder of the unexpired term.

-----Original Message-----

From: Lorraine McReynolds

Sent: Wednesday, September 18, 2019 10:28 AM

To: City Council <citycouncil@kirklandwa.gov>

Cc: Kathi Anderson <KAnderson@kirklandwa.gov>; Deepa Narayanan <dnarayan@kirklandwa.gov>; Sandy Cummings <SCummings@kirklandwa.gov>; Dave Wagar <DWagar@kirklandwa.gov>; Tracey Tymczyszyn <TTymczyszyn@kirklandwa.gov.com>; Iris Dimpsey <idimpsey@kirklandwa.gov>

Subject: Library Board - Adult Member Resignation

Dear City Council Members,

I must resign my position and chairperson role on the Library Board because my husband and I have moved into temporary housing in Bellevue as we sell our Rose Hill home. I shared this information with the Library Board at our meeting on September 11th, and have wrapped up my final tasks.

Our primary motivation for moving out of Kirkland is to position our four year old son to begin kindergarten in the Bellevue School District in fall 2020. Additionally, our residence, located in a high traffic area directly off 124th Avenue near 85th Street, was burglarized during the day in April with none of our ~\$60,000 worth of stolen property recovered. Being a crime victim has been an eye-opening and discouraging experience. I hope that the new funding for community policing in Kirkland results in, among other improvements, more public acknowledgement of the epidemic of home break-ins on the Eastside.

Thank you for the opportunity to be a member of the Library Board. It has been an honor to serve in support of a community resource that is so heavily used by Kirkland residents.

Sincerely,

Lorraine McReynolds

DRAFT

October 1, 2019

Lorraine McReynolds
12330 NE 86th Way
Kirkland, Washington 98033

Dear Ms. McReynolds,

We have received your resignation from the Kirkland Library Board.

The City Council appreciates your contributions to the Board during your past 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 Penny Sweet,
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 20, 2019

Subject: Resignation of Tourism Development Committee Member

RECOMMENDATION:

That Council acknowledges receipt of Ardene Skraban's resignation from the Kirkland Tourism Development Committee and authorizes the attached draft response thanking her for her past years of service. By approving the consent calendar the Council authorizes these actions.

BACKGROUND DISCUSSION:

Ms. Skraban was first appointed in January 2016 and subsequently reappointed by the City Council during each annual membership review; she has recently left her position with the nominating business, Courtyard by Marriott hotel.

Tourism Development Committee members are nominated as representatives of businesses required to collect lodging tax or organizations who are involved in activities authorized to be funded by the lodging tax revenue.

The City Clerk's office has added a recruitment to fill this vacancy, in addition to another existing vacancy in the same category (collection), for the remainder of the unexpired term.

From: Ardene Skraban
Sent: Saturday, September 21, 2019 9:56 AM
To: City Council <citycouncil@kirklandwa.gov>
Cc: Kathi Anderson <KAnderson@kirklandwa.gov>
Subject: TDC

Good morning,

I wanted to let you know that I have resigned from the Courtyard by Marriott on September 3, 2019. With that being said, I will no longer be able to sit on the committee. Thank you for the opportunity over the past couple of years.

Ardene

DRAFT

October 1, 2019

Ardene Skraban
c/o email address

Dear Ms. Skraban,

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

The City Council appreciates your contributions to the Committee during your past 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 Penny Sweet,
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: Greg Piland, Financial Operations Manager

Date: September 19, 2019

Subject: REPORT ON PROCUREMENT ACTIVITIES FOR COUNCIL MEETING OF OCTOBER 1, 2019.

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 September 5, 2019 are as follows:

	Project/Purchase	Process	Estimate/Price	Status
1.	Bunker gear replacement for the Kirkland Fire Department	Invitation for Bids	\$232,803.81	Contract awarded to LN Curtis and Sons of Kent, WA.
2.	Armored car services	Cooperative Purchase	\$51,000.00	Contract awarded to Loomis of Seattle, WA.
3.	Kirkland Green Trip engagement support	Request for Proposals	\$65,000.00	Contract awarded to Cascadia Consulting Group Inc., of Seattle, WA.
4.	Juanita Bathhouse project design	Request for Qualifications	\$61,714.00	Amended contract awarded to Patano Studio Architecture LLC of Seattle, WA based on qualifications per RCW 39.80.

Please contact Greg Piland if you have any questions regarding this report.

**CITY OF KIRKLAND****City Manager's Office**123 Fifth Avenue, Kirkland, WA 98033 425.587.3001
www.kirklandwa.gov**MEMORANDUM**

To: Kurt Triplett, City Manager

From: Lorrie McKay, Intergovernmental Relations & Economic Development Manager

Date: September 20, 2019

Subject: PROPOSED DRAFT 2020 STATE LEGISLATIVE PRIORITIES

RECOMMENDATION:

It is recommended that the City Council reviews the Proposed Draft 2020 State Legislative Priorities (Attachment A) and provides comments to staff, so that a final priorities agenda may be adopted at one of Council's meetings in November.

There is no redline version of the City's 2019 adopted legislative priorities showing proposed changes for 2020 because all but one of the 2019 priorities were achieved.

BACKGROUND DISCUSSION:

The City Council's Legislative Workgroup, consisting of Mayor Sweet, Deputy Mayor Arnold and Councilmember Curtis, is staffed by the City Manager and the Intergovernmental Relations & Economic Development Manager, with participation from Waypoint Consulting Group, the City's contracted lobbyist. Deputy Mayor Arnold is the Chair the Legislative Workgroup, which guides the development of the City's legislative priorities and activities. During session, the Workgroup meets weekly to track the status of the City's priorities and it provides support and oversight of strategies for achieving the priorities.

The City's State Legislative Agenda consists of three segments: general principles; top legislative "priorities;" and selected issues/items championed by allies, which the City may "support" (i.e., these are not the top priority items). This memo only addresses the proposed top legislative priorities for 2020. The agenda's priority items represent the primary focus for Council's Legislative Workgroup, the Intergovernmental Relations & Economic Development Manager and the City's contract lobbyists during session. Staff will return to Council with a draft "support items" agenda for review and consideration at one of Council's regular meetings in January 2020.

In 2019, the City's priorities were generally reflected in six bullets, but as details were developed and refined, 14 distinct issues or budget requests were articulated in various aspects of proposed policy and budget related bills. At the conclusion of the 2019 legislative session on April 28, the City had achieved a 92% success rate on its legislative priorities. 13 of Kirkland's 14 priority issues were achieved, including significant transportation funding to ensure the completion of the express toll lanes on I-405 north of Kirkland, which will support Bus Rapid Transit service funded in Sound Transit 3.

The 2020 legislative session is the second year of the biennium and it is a short, 60-day session that will begin on Monday, January 13 and end Friday, March 18. Short sessions are typically

about monitoring and attempting to prevent bad things from happening. So, in the wake of the successes of 2019 and because 2020 is a short session, Council's Legislative Workgroup recommends keeping expectations low and pursuing a modest set of priorities.

It is in this context that Council's Legislative Workgroup recommends, and staff has drafted the following list of legislative priorities for 2020. These proposed legislative priorities are based on the City's Work Program, on Council level discussions at regular public meetings throughout the year, on ideas that offset the loss of the Annexation Sales Tax Credit, and on ideas for relatively small capital budget projects.

Development of the Proposed Draft 2020 Legislative Agenda

The process for developing the coming session's legislative agenda begins in the preceding year, with the Intergovernmental Relations and Economic Development Manager maintaining a running list of ideas as they come up (from councilmembers, legislators, directors, staff, etc.) following the conclusion of the last session. Additionally, staff proactively reach out to directors and managers of each City department for potential new issues or ideas in the spring. Also, the Association of Washington Cities' Legislative Committee meets, and in early September to identify statewide priorities (Attachment B).

In September, after reviewing issues and ideas that had been proposed for the upcoming 60-day short session, the City Manager developed a preliminary draft set of priorities for Council's Legislative Workgroup's consideration and feedback. Following the September 13th meeting of the Workgroup, staff incorporated the Legislative Workgroup's input to reflect its recommendation of the City's draft 2020 legislative priorities for Council's consideration.

General Principles

The Legislative Workgroup is not proposing any change to the General Principles section of the City's priorities.

Priorities

Proposed New Legislative Priority Items for consideration in 2020:

The Legislative Workgroup recommends including the following items on the City's list of legislative priorities for the 2020 session.

- Support new local funding and policy tools to address homelessness and create more affordable housing, such as:
 - Extending the date of a qualifying local tax for an affordable housing levy to November 30, 2021
This priority, proposed by Councilmember Asher, seeks to make a change new Section 1, (1) (e) and (i) Section 1, (2) (II) (B) of RCW 82.14, which was added by the legislature in 2019 via Substitute House Bill 1406. SHB 1406 was a 2019 priority for the City. (Attachment C)
 - Adding Accessory Dwelling Units as improvements to Single Family Dwellings that qualify for a three-year property tax exemption.
This priority was proposed by both Councilmembers Pascal and Nixon. The thinking here is that this would incentivize private residences to build more missing middle housing.

- Exempting homeless shelters from utility connection charges.
The idea behind this priority is simply to define homeless shelters as facilities that cannot be charged connection fees by any utility. In addition, staff are in conversation with Cascade Water Alliance staff regarding statutory changes that could clarify or affirm their ability to waive connection fee for homeless shelters.
- Support authorizing limited commission officers to review automated traffic safety camera citations
This priority was proposed by the Police Chief and City Manager and also recommended by Councilmember Pascal. The priority is to clarify RCW 46.63 to ensure limited commission officers may review automated traffic safety camera citations will keep more patrol officers on the streets where they are needed most. (Attachment D)
- Support exempting street maintenance from the Public Works threshold limitations
Currently, for work completed in-house, RCW 35.22.620 and RCW 35.23.352 apply. The thresholds are a little different in the two sections of code. Both of the identified thresholds were raised as of July 28, 2019. The current amount allowed by RCW 35.22.620 is \$75,500 if a single craft or trade is involved with the public works project, and \$150,000 for multi-trade. Kirkland is also limited to no more than 10 percent of the biennial budget amount for public works construction.
- Support capital budget funding for prioritized local infrastructure projects (Attachment E).
 - 90th Ave NE School Walk Improvements (1st LD)
 - Juanita Dr. – 79th Way NE to NE 120th St. (1st LD)
 - Lighting at 132nd Square Park (45th LD)
 - Lighting along CKC south of NE 124th St. and under I-405 (45th LD)
 - NE 104th St. Sidewalk project (48th LD)

Items recommended for the Support Items Agenda.

The Legislative Workgroup recommends moving the following two items from last session's priority agenda to the City's 2020 Support Items agenda, as they have other well-organized champions advocating for them:

- Support continued sustainable funding to maintain high-quality statewide training for law enforcement officers and corrections officers to ensure no waiting period to get law enforcement and corrections officers trained and in the field;
- Support gun safety measures that promote safe and responsible gun ownership and reduce gun violence, and that are consistent with the 2nd Amendment of the US Constitution and Article I Section 24 of the Washington State Constitution.

Items considered and recommended for future legislative sessions

Many of the issues and ideas that had been proposed for the upcoming session were determined to be better suited strategically for either a long session or another future session.

An idea offered by Councilmember Asher at the September 17 Council meeting is for the City to support for authorizing WSDOT to surplus its land around BRT stations for TOD. Because of the legislature's 2019 authorization of WSDOT's TOD Pilot Project at the Kingsgate Park and Ride, this idea is not included in this draft. This pilot project includes a report to the legislature that will identify barriers to similar projects in the future. The issues of redeveloping WSDOT property and surplussing property that is in WSDOT/FWHA right-of-way are two of the issues that staff believe will be highlighted in the pilot report. The pilot in the initial phases of implementation and its success (or lack of success) will help inform WSDOT and the legislature on determining how to open their surplus properties in the future for purposes of TOD.

The City Council's Legislative Workgroup

It is the goal of the Legislative Workgroup to have the City's 2020 legislative priorities adopted before it hosts its annual legislative coffees with the city's delegation, which will be scheduled in November and December.

The City's State Legislative Delegation

The City of Kirkland includes three legislative districts – 1st, 45th, and 48th.

Legislative District 1

The 1st Legislative District saw some changes over the summer. Guy Palumbo resigned from the Senate seat and Representative Derek Stanford was then appointed to the open Senate seat. Bothell City Councilmember Davina Duerr was appointed to the House seat, vacated by Derek Stanford. Representative Shelley Kloba holds the other House Seat in the 1st Legislative District.

Legislative District 45

The 45th Legislative District is represented by Senator Manka Dhingra. The House seats are currently held by Representative Larry Springer and Representative Roger Goodman.

Legislative District 48

The 48th Legislative is represented by Senator Patty Kuderer. The House seats are served by Representative Amy Walen and Representative Vandana Slatter.

State Lobbyists

Waypoint Consulting serves as Kirkland's State lobbyists. Waypoint partners Majken Ryherd and Teresita Torres will participate in the upcoming legislative coffees.

NEXT STEPS:

After receiving the City Council's feedback, final 2020 Legislative Priorities will be prepared for adoption at one of Council's regular meetings in November. Staff will also provide a draft Resolution adopting the priorities at that time. The Support Agenda will be prepared for Council's consideration in January 2020.

Attachments: A. Proposed Draft 2020 Legislative Priorities Agenda
B. AWC's Legislative Committee proposed (September) statewide priorities
C. Proposed change to RCW 82.14, re: Substitute House Bill 1406
D. Proposed clarification to RCW 46.63, re: Review of traffic safety cameras
E. Prioritized local infrastructure project potentials for state funding



CITY OF KIRKLAND 2020 LEGISLATIVE AGENDA

General Principles

Kirkland supports legislation to promote the City Council's goals and protect the City's ability to provide basic municipal services to its citizens.

- Protect shared state revenue sources available to the City, including the State Annexation Sales Tax Credit, and provide new revenue options and flexibility in the use of existing revenues.
- Support long-term sustainability efforts related to City financial, environmental and transportation goals.
- Support reestablishing the partnership between cities and the State to ensure that critical mandates are funded and vital services are provided to all of the residents of the state.

City of Kirkland 2020 Legislative Priorities

- Kirkland supports new local funding and policy tools to address homelessness and create more affordable housing, such as:
 - Exempting homeless shelters from utility connection charges
 - Extending the date of a qualifying local tax for to an affordable housing levy to November 30, 2021
 - Adding Accessory Dwelling Units as improvements to Single Family Dwellings that qualify for a three-year property tax exemption
- Kirkland supports authorizing limited commission officers to review automated traffic safety camera citations
- Kirkland supports exempting street maintenance from the Public Works threshold limitations
- Kirkland supports capital budget funding for prioritized local infrastructure projects.
 - 90th Ave NE school walk improvements (1st LD)
 - Juanita Dr. - 79th Way NE to NE 120th St. (1st LD)
 - Lighting at 132nd Square Park (45th LD)
 - Lighting along CKC south of NE 124th St. and under I-405 (45th LD)
 - NE 104th St. Sidewalk project (48th LD)

**To: AWC Large City Advisory Committee
AWC Small City Advisory Committee**

Attachment 4

From: Candice Bock, Government Relations Director

RE: Summary Legislative Priorities Committee 2020 Recommendations

The AWC Legislative Priorities Committee has been meeting over the summer and has developed recommendations for the AWC Board's consideration for our 2020 Legislative Priorities. We are sharing their recommendations with you prior to the Board meeting to see if you have any feedback that you would like to share with the Board as they consider the recommendations. If you have any questions about the recommendations or any feedback, please provide it to me by **September 19**.

The Legislative Priorities Committee met in June and then broke into subcommittees by topic areas to vet issue suggestions submitted to the Committee. The Committee held its final meeting on September 5 to consider the recommendations of the various subcommittees and make a recommendation to the AWC Board of Directors for AWC 2020 Legislative priorities.

The Committee reviewed the eight issues that came forward from the subcommittees. The full information packet submitted to the Committee is attached. After review and discussion of all of the issues, the Committee members present had the opportunity to vote on the issues that they wanted to see as priorities for 2020. Seven issues rose to the top through this process and the general consensus of the Committee was to submit those items to the Board for consideration as AWC's 2020 priorities.

Here are the seven issues recommended to the Board for the consideration at their September 27 meeting:

- ☐ **Pursue a comprehensive city transportation bill that provides new resources and options**
 - Maintain existing and create new transportation-specific revenue options for cities
 - Provide policy improvements to existing programs and resources
 - Engage in long-term efforts to enact a new transportation revenue package that increases resources for cities
- ☐ **Pursue full funding for the Public Works Trust Fund**
- ☐ **Pursue the creation of a tax increment financing option for cities**
 - This may include amending the state constitution to allow the option of a property tax based TIF
 - This could also include pursuing additional sales-tax based programs like Local Revitalization Funding (LRF)
- ☐ **Preserve city fiscal health with secure funding sources.**
 - Cities need sufficient revenue authority and flexibility to meet the growing and evolving needs of their communities. Cities need revenue options and authority that meet the needs of our residents and reflect both local and state-wide priorities.
 - Cities need consistent state investment in the form of shared revenues and other programs that support key programs and services.
 - Cities seek to restore and increase shared revenues between cities and the state.

- ☐ **Behavioral Health – Support statewide medication assisted treatment (MAT) services in city and regional jails if fully funded by the state and feasible in local jurisdictions**
 - Advocate for funding and resources (i.e. trained medical personnel) to provide our already overburdened jails with the full costs associated with additional staff, medications, transportation and contracting with medical providers to provide medication assisted treatment (MAT) in city and regional jails
 - Defend against mandates that do not provide full funding, necessary resources and flexibility for city jails
 - Educate legislators on the unique challenges faced by law enforcement due to the underfunded mental health and jail systems and lack of trained medical personnel in many part of the state (i.e. service deserts)
- ☐ **Continue to advance a watershed-based approach and strategic plan to address local fish-blocking culverts along with state culverts, and provide significant local funding**
- ☐ **Continue to pursue new resources and policies to increase affordable housing both at the state and local level. Examples include:**
 - Focus on ways to proactively support voluntary adoption of more effective ADU ordinances, such as through amendment to the incentive in **HB 1923** from 2019
 - Support changes to the multifamily tax exemption program to allow eligibility for smaller cities, to extend the tax exemption for continued affordability, and to expand the ability to preserve existing affordable housing
 - Join stakeholder efforts around a proposal to allow for councilmanic sales tax authority for housing (such as **HB 1590** from 2019) and add other potential local options, such as local REET for housing

Attachment: *Information packet from the Legislative Priorities Committee September 5 meeting*

Attachment C

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1406

Chapter 338, Laws of 2019

66th Legislature
2019 Regular Session

AFFORDABLE AND SUPPORTIVE HOUSING--LOCAL SALES AND USE TAX

EFFECTIVE DATE: July 28, 2019

Passed by the House April 28, 2019
Yeas 62 Nays 36

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 28, 2019
Yeas 33 Nays 15

CYRUS HABIB

President of the Senate

Approved May 9, 2019 2:51 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1406** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

May 13, 2019

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1406

AS AMENDED BY THE SENATE

Passed Legislature - 2019 Regular Session

State of Washington 66th Legislature 2019 Regular Session

By House Housing, Community Development & Veterans (originally sponsored by Representatives Robinson, Macri, Chapman, Valdez, Senn, Peterson, Kloba, Tharinger, Gregerson, Stanford, Walen, Doglio, Frame, Jenkins, Riccelli, Slatter, Ormsby, and Santos)

READ FIRST TIME 02/08/19.

1 AN ACT Relating to encouraging investments in affordable and
2 supportive housing; and adding a new section to chapter 82.14 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 82.14
5 RCW to read as follows:

6 (1) The definitions in this subsection apply throughout this
7 section unless the context clearly requires otherwise.

8 (a) "Nonparticipating city" is a city that does not impose a
9 sales and use tax in accordance with the terms of this section.

10 (b) "Nonparticipating county" is a county that does not impose a
11 sales and use tax in accordance with the terms of this section.

12 (c) "Participating city" is a city that imposes a sales and use
13 tax in accordance with the terms of this section.

14 (d) "Participating county" is a county that imposes a sales and
15 use tax in accordance with the terms of this section.

16 (e) "Qualifying local tax" means the following tax sources, if
17 the tax source is instated no later than ~~twelve months after the~~
18 ~~effective date of this section~~ **November 30, 2021**:

19 (i) The affordable housing levy authorized under RCW 84.52.105;

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Attachment C

1 (ii) The sales and use tax for housing and related services
2 authorized under RCW 82.14.530, provided the city has imposed the tax
3 at a minimum or at least half of the authorized rate;

4 (iii) The sales tax for chemical dependency and mental health
5 treatment services or therapeutic courts authorized under RCW
6 82.14.460 imposed by a city; and

7 (iv) The levy authorized under RCW 84.55.050, if used solely for
8 affordable housing.

9 (2)(a) A county or city legislative authority may authorize, fix,
10 and impose a sales and use tax in accordance with the terms of this
11 section.

12 (b) The tax under this section is assessed on the selling price
13 in the case of a sales tax, or value of the article used, in the case
14 of a use tax.

15 (c) The rate of the tax under this section for an individual
16 participating city and an individual participating county may not
17 exceed:

18 (i) Beginning on the effective date of this section until twelve
19 months after the effective date of this section:

20 (A) 0.0073 percent for a:

21 (I) Participating city, unless the participating city levies a
22 qualifying local tax; and

23 (II) Participating county, within the limits of nonparticipating
24 cities within the county and within participating cities that do not
25 currently levy a qualifying tax;

26 (B) 0.0146 percent for a:

27 (I) Participating city that currently levies a qualifying local
28 tax;

29 (II) Participating city if the county in which it is located
30 declares they will not levy the sales and use tax authorized under
31 this section or does not adopt a resolution in accordance with this
32 section; and

33 (III) Participating county within the unincorporated areas of the
34 county and any city that declares they will not levy the sales and
35 use tax authorized under this section or does not adopt a resolution
36 in accordance with this section;

37 (ii) Beginning twelve months after the effective date of this
38 section:

39 (A) 0.0073 percent for a:

Attachment C

1 (I) Participating city that is located within a participating
2 county if the participating city is not levying a qualifying local
3 tax; and

4 (II) Participating county, within the limits of a participating
5 city if the participating city is not levying a qualifying local tax;

6 (B) 0.0146 percent within the limits of a:

7 (I) Participating city that is levying a qualifying local tax;
8 and

9 (II) Participating county within the unincorporated area of the
10 county and within the limits of any nonparticipating city that is
11 located within the county.

12 (d) A county may not levy the tax authorized under this section
13 within the limits of a participating city that levies a qualifying
14 local tax.

15 (e)(i) In order for a county or city legislative authority to
16 impose the tax under this section, the authority must adopt:

17 (A) A resolution of intent to adopt legislation to authorize the
18 maximum capacity of the tax in this section within six months of the
19 date in which this section takes effect; and

20 (B) Legislation to authorize the maximum capacity of the tax in
21 this section within one year of the date on which this section takes

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22 effect or two years if the city adopts a resolution of intent to
implement a qualifying local tax no later than November 30, 2021.

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23 (ii) Adoption of the resolution of intent and legislation
24 requires simple majority approval of the enacting legislative
25 authority.

26 (iii) If a county or city has not adopted a resolution of intent
27 in accordance with the terms of this section, the county or city may
28 not authorize, fix, and impose the tax.

29 (3) The tax imposed under this section must be deducted from the
30 amount of tax otherwise required to be collected or paid to the
31 department of revenue under chapter 82.08 or 82.12 RCW. The
32 department must perform the collection of such taxes on behalf of the
33 county or city at no cost to the county or city.

34 (4) By December 31, 2019, or within thirty days of a county or
35 city authorizing the tax under this section, whichever is later, the
36 department must calculate the maximum amount of tax distributions for
37 each county and city authorizing the tax under this section as
38 follows:

39 (a) The maximum amount for a participating county equals the

Attachment C

40 taxable retail sales within the county in state fiscal year 2019

Attachment C

1 multiplied by the tax rate imposed under this section. If a county
2 imposes a tax authorized under this section after a city located in
3 that county has imposed the tax, the taxable retail sales within the
4 city in state fiscal year 2019 must be subtracted from the taxable
5 retail sales within the county for the calculation of the maximum
6 amount; and

7 (b) The maximum amount for a city equals the taxable retail sales
8 within the city in state fiscal year 2019 multiplied by the tax rate
9 imposed under subsection (1) of this section.

10 (5) The tax must cease to be distributed to a county or city for
11 the remainder of any fiscal year in which the amount of tax exceeds
12 the maximum amount in subsection (4) of this section. The department
13 must remit any annual tax revenues above the maximum to the state
14 treasurer for deposit in the general fund. Distributions to a county
15 or city meeting the maximum amount must resume at the beginning of
16 the next fiscal year.

17 (6)(a) If a county has a population greater than four hundred
18 thousand or a city has a population greater than one hundred
19 thousand, the moneys collected or bonds issued under this section may
20 only be used for the following purposes:

21 (i) Acquiring, rehabilitating, or constructing affordable
22 housing, which may include new units of affordable housing within an
23 existing structure or facilities providing supportive housing
24 services under RCW 71.24.385; or

25 (ii) Funding the operations and maintenance costs of new units of
26 affordable or supportive housing.

27 (b) If a county has a population of four hundred thousand or less
28 or a city has a population of one hundred thousand or less, the
29 moneys collected under this section may only be used for the purposes
30 provided in (a) of this subsection or for providing rental assistance
31 to tenants.

32 (7) The housing and services provided pursuant to subsection (6)
33 of this section may only be provided to persons whose income is at or
34 below sixty percent of the median income of the county or city
35 imposing the tax.

36 (8) In determining the use of funds under subsection (6) of this
37 section, a county or city must consider the income of the individuals
38 and families to be served, the leveraging of the resources made
39 available under this section, and the housing needs within the
40 jurisdiction of the taxing authority.

Attachment C

1 (9) To carry out the purposes of this section including, but not
2 limited to, financing loans or grants to nonprofit organizations or
3 public housing authorities, the legislative authority of the county
4 or city imposing the tax has the authority to issue general
5 obligation or revenue bonds within the limitations now or hereafter
6 prescribed by the laws of this state, and may use, and is authorized
7 to pledge, the moneys collected under this section for repayment of
8 such bonds.

9 (10) A county or city may enter into an interlocal agreement with
10 one or more counties, cities, or public housing authorities in
11 accordance with chapter 39.34 RCW. The agreement may include, but is
12 not limited to, pooling the tax receipts received under this section,
13 pledging those taxes to bonds issued by one or more parties to the
14 agreement, and allocating the proceeds of the taxes levied or the
15 bonds issued in accordance with such interlocal agreement and this
16 section.

17 (11) Counties and cities imposing the tax under this section must
18 report annually to the department of commerce on the collection and
19 use of the revenue. The department of commerce must adopt rules
20 prescribing content of such reports. By December 1, 2019, and
21 annually thereafter, and in compliance with RCW 43.01.036, the
22 department of commerce must submit a report annually to the
23 appropriate legislative committees with regard to such uses.

24 (12) The tax imposed by a county or city under this section
25 expires twenty years after the date on which the tax is first
26 imposed.

Passed by the House April 28, 2019.
Passed by the Senate April 28, 2019.
Approved by the Governor May 9, 2019.
Filed in Office of Secretary of State May 13, 2019.

--- END ---

RCW 46.63.170**Automated traffic safety cameras—Definition.**

(1) The use of automated traffic safety cameras for issuance of notices of infraction is subject to the following requirements:

(a) The appropriate local legislative authority must prepare an analysis of the locations within the jurisdiction where automated traffic safety cameras are proposed to be located: (i) Before enacting an ordinance allowing for the initial use of automated traffic safety cameras; and (ii) before adding additional cameras or relocating any existing camera to a new location within the jurisdiction. Automated traffic safety cameras may be used to detect one or more of the following: Stoplight, railroad crossing, or school speed zone violations; or speed violations subject to (c) of this subsection. At a minimum, the local ordinance must contain the restrictions described in this section and provisions for public notice and signage. Cities and counties using automated traffic safety cameras before July 24, 2005, are subject to the restrictions described in this section, but are not required to enact an authorizing ordinance. Beginning one year after June 7, 2012, cities and counties using automated traffic safety cameras must post an annual report of the number of traffic accidents that occurred at each location where an automated traffic safety camera is located as well as the number of notices of infraction issued for each camera and any other relevant information about the automated traffic safety cameras that the city or county deems appropriate on the city's or county's web site.

(b) Except as provided in (c) of this subsection, use of automated traffic safety cameras is restricted to the following locations only: (i) Intersections of two arterials with traffic control signals that have yellow change interval durations in accordance with RCW 47.36.022, which interval durations may not be reduced after placement of the camera; (ii) railroad crossings; and (iii) school speed zones.

(c) Any city west of the Cascade mountains with a population of more than one hundred ninety-five thousand located in a county with a population of fewer than one million five hundred thousand may operate an automated traffic safety camera to detect speed violations subject to the following limitations:

(i) A city may only operate one such automated traffic safety camera within its respective jurisdiction; and

(ii) The use and location of the automated traffic safety camera must have first been authorized by the Washington state legislature as a pilot project for at least one full year.

(d) Automated traffic safety cameras may only take pictures of the vehicle and vehicle license plate and only while an infraction is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle. The primary purpose of camera placement is to take pictures of the vehicle and vehicle license plate when an infraction is occurring. Cities and counties shall consider installing cameras in a manner that minimizes the impact of camera flash on drivers.

(e) A notice of infraction must be mailed to the registered owner of the vehicle within fourteen days of the violation, or to the renter of a vehicle within fourteen days of establishing the renter's name and address under subsection (3)(a) of this section. **The law enforcement officer or limited commission officer** issuing the notice of infraction shall include with it a certificate or facsimile thereof, based upon inspection of photographs, microphotographs, or electronic images produced by an automated traffic safety camera, stating the facts supporting the notice of infraction. This certificate or facsimile is prima facie evidence of the facts contained in it and is admissible in a proceeding charging a violation under this chapter. The photographs, microphotographs, or electronic images evidencing the violation must be available for inspection and admission into evidence in a proceeding to adjudicate the liability for the infraction. A person receiving a notice of infraction based on evidence detected by an automated traffic safety camera may respond to the notice by mail.

(f) The registered owner of a vehicle is responsible for an infraction under RCW 46.63.030(1)(d) unless the registered owner overcomes the presumption in RCW 46.63.075, or,

in the case of a rental car business, satisfies the conditions under subsection (3) of this section. If appropriate under the circumstances, a renter identified under subsection (3)(a) of this section is responsible for an infraction.

(g) Notwithstanding any other provision of law, all photographs, microphotographs, or electronic images prepared under this section are for the exclusive use of law enforcement in the discharge of duties under this section and are not open to the public and may not be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation under this section. No photograph, microphotograph, or electronic image may be used for any purpose other than enforcement of violations under this section nor retained longer than necessary to enforce this section.

(h) All locations where an automated traffic safety camera is used must be clearly marked at least thirty days prior to activation of the camera by placing signs in locations that clearly indicate to a driver that he or she is entering a zone where traffic laws are enforced by an automated traffic safety camera. Signs placed in automated traffic safety camera locations after June 7, 2012, must follow the specifications and guidelines under the manual of uniform traffic control devices for streets and highways as adopted by the department of transportation under chapter [47.36](#) RCW.

(i) If a county or city has established an authorized automated traffic safety camera program under this section, the compensation paid to the manufacturer or vendor of the equipment used must be based only upon the value of the equipment and services provided or rendered in support of the system, and may not be based upon a portion of the fine or civil penalty imposed or the revenue generated by the equipment.

(2) Infractions detected through the use of automated traffic safety cameras are not part of the registered owner's driving record under RCW [46.52.101](#) and [46.52.120](#). Additionally, infractions generated by the use of automated traffic safety cameras under this section shall be processed in the same manner as parking infractions, including for the purposes of RCW [3.50.100](#), [35.20.220](#), [46.16A.120](#), and [46.20.270](#)(2). The amount of the fine issued for an infraction generated through the use of an automated traffic safety camera shall not exceed the amount of a fine issued for other parking infractions within the jurisdiction. However, the amount of the fine issued for a traffic control signal violation detected through the use of an automated traffic safety camera shall not exceed the monetary penalty for a violation of RCW [46.61.050](#) as provided under RCW [46.63.110](#), including all applicable statutory assessments.

(3) If the registered owner of the vehicle is a rental car business, the law enforcement agency shall, before a notice of infraction being issued under this section, provide a written notice to the rental car business that a notice of infraction may be issued to the rental car business if the rental car business does not, within eighteen days of receiving the written notice, provide to the issuing agency by return mail:

(a) A statement under oath stating the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred; or

(b) A statement under oath that the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred because the vehicle was stolen at the time of the infraction. A statement provided under this subsection must be accompanied by a copy of a filed police report regarding the vehicle theft; or

(c) In lieu of identifying the vehicle operator, the rental car business may pay the applicable penalty.

Timely mailing of this statement to the issuing law enforcement agency relieves a rental car business of any liability under this chapter for the notice of infraction.

(4) Nothing in this section prohibits a law enforcement officer from issuing a notice of traffic infraction to a person in control of a vehicle at the time a violation occurs under RCW [46.63.030](#)(1) (a), (b), or (c).

(5) For the purposes of this section, "automated traffic safety camera" means a device that uses a vehicle sensor installed to work in conjunction with an intersection traffic control system, a railroad grade crossing control system, or a speed measuring device, and a camera synchronized to

automatically record one or more sequenced photographs, microphotographs, or electronic images of the rear of a motor vehicle at the time the vehicle fails to stop when facing a steady red traffic control signal or an activated railroad grade crossing control signal, or exceeds a speed limit as detected by a speed measuring device.

(6) During the 2011-2013 and 2013-2015 fiscal biennia, this section does not apply to automated traffic safety cameras for the purposes of section 216(5), chapter 367, Laws of 2011 and section 216(6), chapter 306, Laws of 2013.

[[2015 3rd sp.s. c 44 § 406](#); [2015 1st sp.s. c 10 § 702](#); [2013 c 306 § 711](#). Prior: [2012 c 85 § 3](#); [2012 c 83 § 7](#); [2011 c 367 § 704](#); [2010 c 161 § 1127](#); [2009 c 470 § 714](#); [2007 c 372 § 3](#); [2005 c 167 § 1](#).]

NOTES:

Effective date—2015 3rd sp.s. c 44: See note following RCW [46.68.395](#).

Effective date—2015 1st sp.s. c 10: See note following RCW [43.19.642](#).

Effective date—2013 c 306: See note following RCW [47.64.170](#).

Findings—Intent—2012 c 85: "The legislature finds that it is in the interests of the driving public to continue to provide for a uniform system of traffic control signals, including provisions relative to yellow light durations, fine amounts for certain traffic control signal violations, and signage and reporting requirements at certain traffic control signal locations. The legislature further finds that a uniform system of traffic control signals greatly enhances the public's confidence in a safe and equitable highway network. Therefore, it is the intent of the legislature to harmonize and make uniform certain legal provisions relating to traffic control signals." [[2012 c 85 § 1](#).]

Effective date—2011 c 367 §§ 703, 704, 716, and 719: See note following RCW [46.18.060](#).

Effective date—Intent—Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session—2010 c 161: See notes following RCW [46.04.013](#).

Effective date—2009 c 470: See note following RCW [46.68.170](#).

2018 Pedestrian and Bicycle and Safe Routes to School Application for Funding



**Washington State
Department of Transportation**

Part 1: General Information

Funding Program: Select one.

- ☐ Pedestrian & Bicycle Program – Infrastructure project (may include preliminary engineering)
- ☐ Pedestrian & Bicycle Program – Design-only project
- ☒ Safe Routes to School Program

Organization's name:

Contact info. for questions about the project(s) in this application

- Contact person: Kyle Butler
- Title: Sr. Operations & Finance Analyst
- Phone: 425-587-3806
- Email: kbutler@kirklandwa.gov

State Legislative District: 1

Part 2: Project Summary

Project Title:

90th Ave NE – Finn Hill Safe Route to School

Overall project limits: Beginning project limit: 90th Ave NE and NE 134th St Ending project limit: 90th Ave NE and NE 138th St

Is this project on a State Route? ☒ No ☐ Yes: Route # _____ Milepost(s) _____

Project Description: Provide a summary of the project in a manner that could appear in the Statewide Transportation Improvement Program (STIP) for the project. Do not include quantities. Example: Install raised crosswalks, speed feedback signs, school speed zone signs, and bicycle/pedestrian safety education.

Construct curb, gutter, ADA compliant curb ramps, and sidewalk with planter strip along the west side of 90th Ave NE between NE 134th St and NE 138th St. Construct curb, gutter, sidewalk, and ADA compliant curb ramp at the intersection of 87th Ave NE and NE 134th St.

Detailed Project Description: List the improvements/countermeasures/methods and location. Use the format below.

1. Improvement/Countermeasure 1 – Install approximately 1,000 linear feet of 5ft wide sidewalk, 4.5ft wide planter strip, curb and gutter, and storm system improvements.
 - 90th Ave NE between NE 134th St and NE 138th St
 - Corner of 87th Ave NE and NE 137th St
2. Improvement/Countermeasure 2 – Install 5 new ADA compliant curb ramps
 - 90th Ave NE and NE 134th St northwest corner
 - 90th Ave NE and NE 136th St southwest corner
 - 90th Ave NE and NE 137th St southwest corner
 - 90th Ave NE and NE 138th St southwest corner
 - 87th Ave NE and NE 134th St southwest corner

Project Schedule (Estimated milestones):

Project added to the Statewide Transportation Improvement Program (STIP)	03/2019
Project agreement signed	07/2019
Begin PE (PE phase authorized by funding agency)	07/2019
Community outreach/engagement	07/2019
Environmental documents approved	12/2019
Right-of-way completed (certification)	01/2020
Contract advertised	04/2020
Contract awarded	05/2020
Local transportation safety program (education/encouragement) begin (for Safe Routes to School Program projects only)	05/2020
Local transportation safety program (education/encouragement) complete (for Safe Routes to School Program projects only)	05/2020
Construction complete	09/2020

Project Cost and Funding Request:

Phase	Total cost	Match	Amount requested
Local transportation safety program - education/encouragement (SRTS projects only)	\$0	\$0	\$0
Preliminary Engineering (PE)	\$152,700	\$57,250	\$95,450
Right-of-Way (RW)	\$31,200	\$31,200	\$0
Construction (includes construction administration) (CN)	\$274,100	\$5,000	\$269,100
Total	\$458,000	\$93,450	\$364,550

Matching funds: Identify the specific source(s) of matching funds used for this project:

NM 0087 001 – North Kirkland/Juanita, Finn Hill, Kingsgate School Walk Route Enhancements (2017-2022 CIP), programmatic match funds are available for the request detailed above (\$93,450).

Part 3: Background**Project Focus: Check all that apply**

☒ Pedestrian mobility ☐ Bicyclist mobility ☒ Community health ☐ Economic development ☐ Safety at crash location
☒ Proactive/systematic safety – If this box is checked please indicate the process used to prioritize the proactive/systematic safety project (example – local roads safety planning process):

The City of Kirkland's North Kirkland/Juanita, Finn Hill, Kingsgate School Walk Route Enhancements Program is an multi-year \$1 million commitment in the CIP that has identified opportunities in the City's 2011 annexation areas to develop safe walking routes to schools where sidewalk deficiencies currently exist, creating more safe routes within the school walk route system. Additionally, the City of Kirkland's 2018 Local Road Safety Plan identified pedestrian safety improvements as the City's #1 safety improvement priority for the transportation system based on 2012-2016 accident data.

Need/purpose:

Summarize why this project is needed. This may include details about who it will serve, existing road conditions, origin/destination density at or near project location, factors indicating need for a systematic safety approach, potential to support economic development, wayfinding issues or other gaps in the system.

The City of Kirkland, elected officials, and community members have identified the sidewalk deficiencies along 90th Ave NE from NE 134th St to NE 138th St as a major need for the Finn Hill school walk route network and the current conditions amount to a significant safety concern for school-age pedestrians that use the corridor without sidewalks due to the lack of other viable walk routes in the vicinity. The sidewalk additions will serve elementary, middle, and high school students and benefit the general public as well.

The lack of sidewalks on 90th Ave NE means that the Lake Washington School District cannot designate this road as a Safe Walk Route to School, however, students still choose to walk along 90th Ave NE because there simply are no other options for walking through this part of Finn Hill. This sidewalk deficiency leaves significant area of Finn Hill without a Safe Walking Route to Thoreau Elementary and Finn Hill Middle Schools or to the bus stop for Juanita High School.

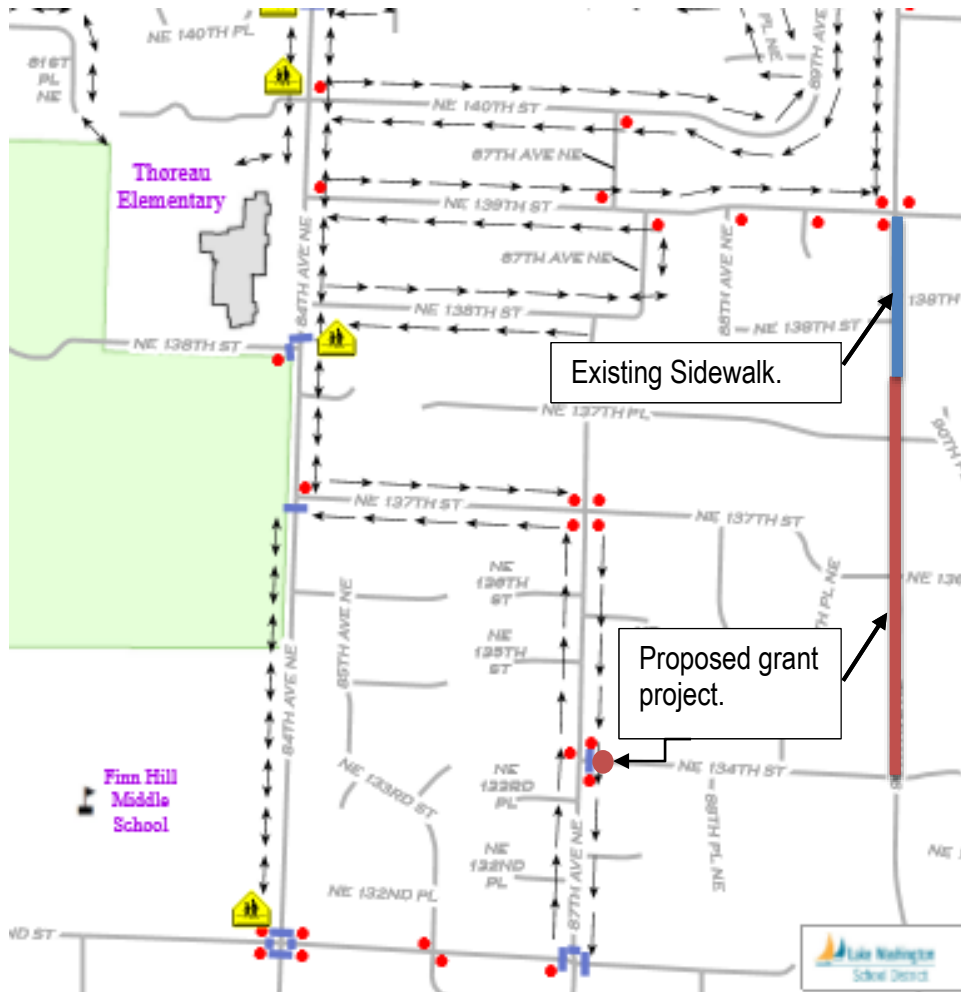
Additionally, the corner of 87th Ave NE and NE 134th St is another key location in the informal walking network used by students on Finn Hill. This corner has a wide walking shoulder that would be significantly safer with the addition of a raised concrete curb, sidewalk and an ADA ramp at this key turning location for arterial traffic, including busses and heavy trucks. A King County METRO Bus Stop is also at this location, so bus riders would also benefit from this safety improvement.



School-age pedestrians walking along the 90th Ave NE shoulder north of NE 136th St.



Pedestrians walking along the 90th Ave NE shoulder north of NE 136th St.



School Walk Route Map – Project will increase Safe Route to School walking options in the Finn Hill Neighborhood.

Community engagement: Describe the status/progress to date

90th Avenue NE sidewalk project came out of several community involvement processes:

- “Suggest A Project” interactive map where the public suggests projects on an online map
- Capital Improvement Program public outreach
- Capital Improvement Program City Council update process
- School Walk Route suggestions made by Finn Hill Neighborhood Alliance (annual call for project ideas)
- Neighborhood Safety Program project identification stage with the Finn Hill Neighborhood Alliance
- School PTSA input
- Neighborhood/PTSA and City officials meeting on site (in April 2018) and subsequent letters of support from the community

Adopted plan: If the project is in an adopted plan, list the plan name and date adopted

Yes, the project is adopted in the City of Kirkland 2017-22 Capital Improvement Plan, adopted December 2016 and updated in December 2017. This project is listed as an “unfunded” external funding candidate project, NM 0074. Match funds are available through the adopted, funded, NM 0087 001 project which focuses on North Kirkland/ Juanita, Kingsgate, Finn Hill School Walk Route Enhancements.

For fatal and/or serious injury bicyclist/pedestrian collisions from 2012-2016 at the project location(s) provide the:

Location	Crash report number	Contributing circumstances
1.		
2.		

Etc.

No fatal or serious injuries occurred at the project location between 2012 and 2016.

How many evident injury, possible injury, unknown injury or no injury crashes occurred between 2012-2016 at the project location(s)? Zero.

How many other bike/pedestrian collisions within 1 mile of the project may be addressed by the project? 14

Explain: The WSDOT 2012-2016 Pedestrian and Bicycle Crash Data for the City of Kirkland show 14 minor bike and pedestrian accidents within 1 mile of the project location. There were zero serious or fatal bicycle or pedestrian accidents within one mile of the project location.

Speeds: At the proposed project location(s) what is the:

Posted travel speed (mph): 25

Operating speed (85th percentile) (mph): 29.4

Desired speed (the target speed) (mph): 25

At the proposed project location(s) what is the vehicle volume (average daily traffic-ADT): 4,597

What are the crossing accommodations at the proposed project location(s) (indicate number and type)

None _____

Marked crosswalks 1

Marked crosswalk plus traffic calming 0

Crossing guard or student safety patrol 0

Stop sign, traffic signal, flashing beacons: Stop Signs – 3

ADA ramps: 5 (new)

Greenhouse gas emissions policy

Does the local jurisdiction have an adopted greenhouse gas emissions policy (see [RCW 70.235.070](#) for details about this consideration)?

Yes, the City of Kirkland has an adopted greenhouse gas emissions policy:

Climate Protection Website: http://www.kirklandwa.gov/Residents/Community/Kirkland_Green/climateprotection.htm

Action Plan: <http://www.kirklandwa.gov/Assets/Kirkland+Green/Kirkland+Green+PDFs/Climate+Protection+Action+Plan.pdf>

Americans with Disabilities Act (ADA): Note the local jurisdiction's progress toward meeting [ADA requirements](#) for public right of way:

City of Kirkland ADA program status highlights:

- ADA/Section 504 Coordinator: James Lopez
- Complaint/Grievance procedures: Complete-
<http://www.kirklandwa.gov/Assets/Global+PDFs/ADA+Grievance+Procedure.pdf>
- Notice of ADA provisions: Complete - <http://www.kirklandwa.gov/Help/KirklandADA.htm>
- Self-Evaluation: 90% Complete – draft document in the approval phase.
- Transition plan or program access plan: 90% Complete - draft document in the approval phase.
- Accessible pedestrian signal and pushbutton policy if a transition plan or program access plan has not been completed for the public right of way and the jurisdiction uses or gets requests for accessible pedestrian signals and pushbuttons:
<http://www.kirklandwa.gov/Assets/Public+Works/Public+Works+PDFs/Pre-Approved+Plans/Roadway/Accessible+Pedestrian+Signal+Policy.pdf>

Complete Streets Ordinance: Does the local jurisdiction have an adopted complete streets ordinance? Yes, the City of Kirkland does have an adopted complete streets ordinance, KMC 19.08.055 <http://www.codepublishing.com/WA/Kirkland/>

Bicycle Friendly Ranking: Does the local jurisdiction have a Bicycle Friendly Ranking? Yes – Bronze Award, Spring 2017.

Part 4: Additional Questions for Pedestrian and Bicycle Program Projects

N/A for Safe Routes to School Program

(Complete this section, only if applying for Pedestrian and Bicyclist Program funding.)

Numbers of bicyclists and pedestrians at project location:

Number of people biking _____ Number of people walking _____

Date and method of biking and walking data collection:

Equity information

What percent of the population in the project location census block group are (project location is on the border between two census blocks):

Living below the poverty line? - 7.10% & 2.87%

Racial/ethnic minorities - 23.43% & 24.85%

Above 65 years old – 17.51% & 20.59%

Have disabilities – 8.35% & 8.02%

See the [WSDOT Data Portal](#) for this information.

Part 5: Additional Questions for Safe Routes to School Program projects

(Complete this section, only if applying for Safe Routes to School Program funding.)

Children Served

School(s) Name:

Number of children that live within one mile of the school(s) that would be served by the project: Total: 1,718

- Henry David Thoreau Elementary: 778
- Finn Hill Middle School: 378
- Juanita High School: 562

Number of children that get to the **Elementary** school by: Walking: 111 Biking: 8 School Bus: 39 Family Vehicle: 197 Other: 1

Date and method of data collection:

4/25/2018 – Tally Sheets by Thoreau Elementary Teachers, some counts did not include detailed transportation mode data and were excluded in the data above. No data from Middle or High Schools available at the time of application.

Equity information

What percentage of children that attend the priority school(s) are:

Eligible to receive free and reduced-price meals:

- Henry David Thoreau Elementary School: 15.2 % or 64 kids in Thoreau
- Finn Hill Middle School: 18.8% or 116 kids in Finn Hill Middle School
- Juanita High School: 23.1% or 340 kids in Juanita High School

Racial/ethnic minorities:**Thoreau Elementary**

Hispanic / Latino of any race(s)	42	9.9%
American Indian / Alaskan Native	2	0.5%
Asian	64	15.1%
Black / African American	5	1.2%
White	265	62.4%
Two or More Races	47	11.1%

Finn Hill Middle School

Hispanic / Latino of any race(s)	79	12.6%
American Indian / Alaskan Native	3	0.5%
Asian	55	8.7%
Black / African American	16	2.5%
White	411	65.3%
Two or More Races	64	10.2%

Juanita High

Hispanic / Latino of any race(s)	234	15.6%
Asian	238	15.8%
Black / African American	45	3.0%
Native Hawaiian / Other Pacific Islander	6	0.4%
White	845	56.2%
Two or More Races	134	8.9%

See the [OSPI State Report Card](#) searchable website for this information.

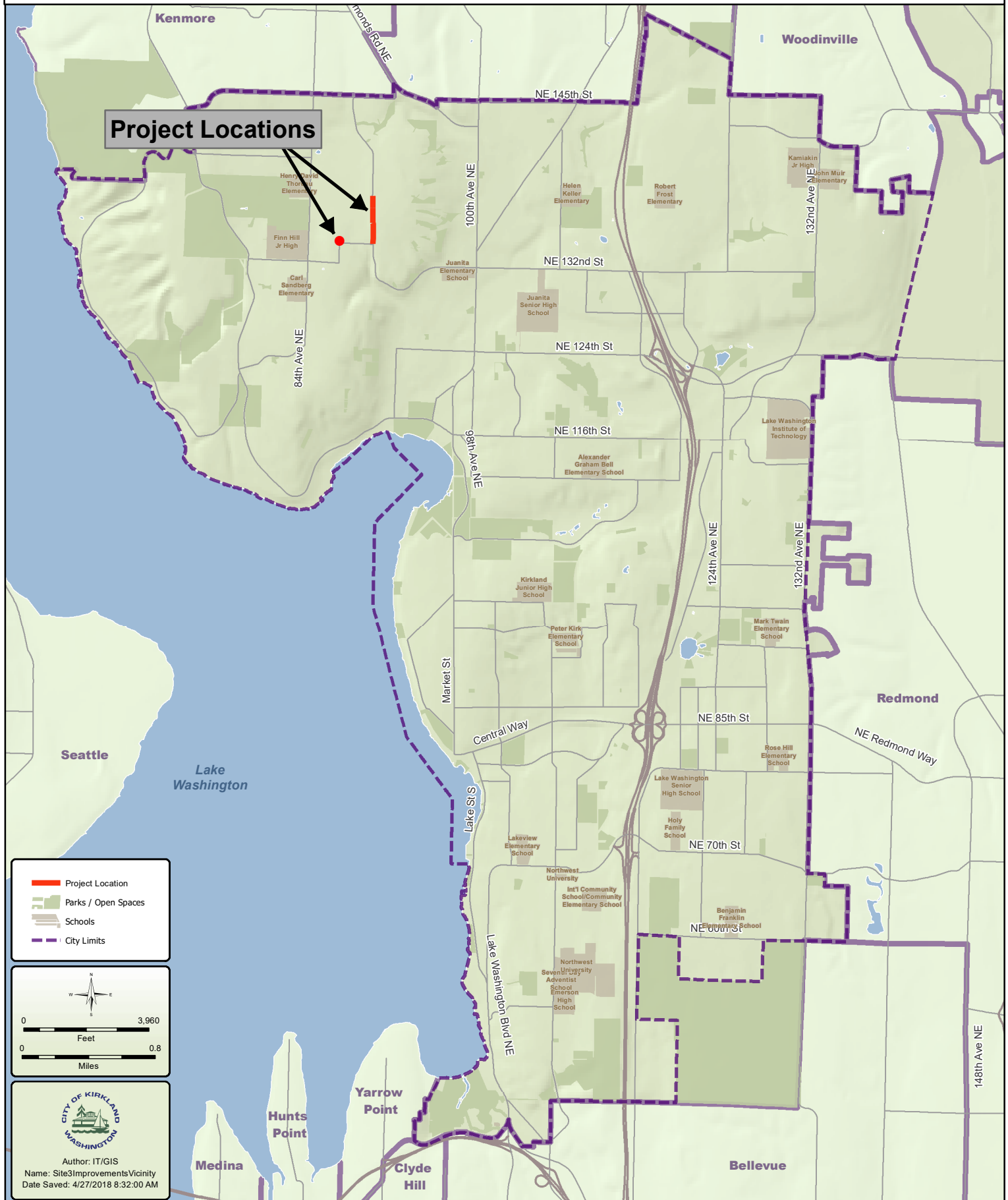
Part 6: Additional Question for Multi-jurisdictional projects

If the project involves roadways/lands owned or managed by multiple public agencies, please list additional jurisdictions below and provide supporting documentation demonstrating project concurrence. If the project is on a state route include WSDOT Region Administrator concurrence.

Concurrence for this project:

N/A - Project falls completely within the City of Kirkland's jurisdiction.

City of Kirkland Improvements (90th Ave NE and NE 134th St/87th Ave NE Intersection) Vicinity Map





District 45 Local Project - *Project can be scaled or phased as funding allows.*

1. Turf Field, lights, bleachers and fencing – 132nd Square Park

REQUEST: \$1M to construct a synthetic turf multipurpose athletic field including lights, bleachers and fencing. Project can be scaled to include any individual piece of the project: turf field (\$500k), lights (\$250k), bleachers and fencing (\$250k).

Project includes construction and project management for the turf field, lights, bleachers and fencing in 132nd Square Park (at 132nd Avenue NE and NE 132nd Street). The project is currently in the design phase.

The project takes advantage of a stormwater project funded by the Ecology Stormwater Financial Assistance Program and King County Flood District. This project will provide water quality treatment and flow control/infiltration for almost 50 acres of upstream area near 132nd Square Park. The stormwater project will require excavation beneath the fields at the Park. Therefore, the departments of Parks and Community Services and Public Works propose to combine the two projects. The playfield renovation would be constructed after the stormwater project has excavated the site and installed water quality and infiltration facilities, after which, new turf fields, lights, bleachers and fencing will be constructed on top of those facilities.

132nd Square Park is located close to two identified underserved neighborhoods: North Juanita and Kingsgate. These neighborhoods are listed as a high priority for park acquisition/improvements. While the playfield renovation would not add additional park space, the addition of regulation sized and enhanced multipurpose turf fields will increase the service level as it pertains to access to playfields. The substantial increase in the number of use hours for the community justifies the added investment.



Timeline: Construction of the turf multipurpose athletic field, lights, bleachers and fencing will be done simultaneously with the surfacewater project to gain efficiencies of scale. The total project is expected to be complete by fourth quarter of 2020.



District 45 Local Project - *Project can be scaled or phased as funding allows.*

1. Trail Lighting – Cross Kirkland Corridor (CKC) at I-405 underpass in Totem Lake

Request: \$650K to design and install lighting on the CKC next to the Totem Lake Connector Pedestrian and Bicycle Bridge.

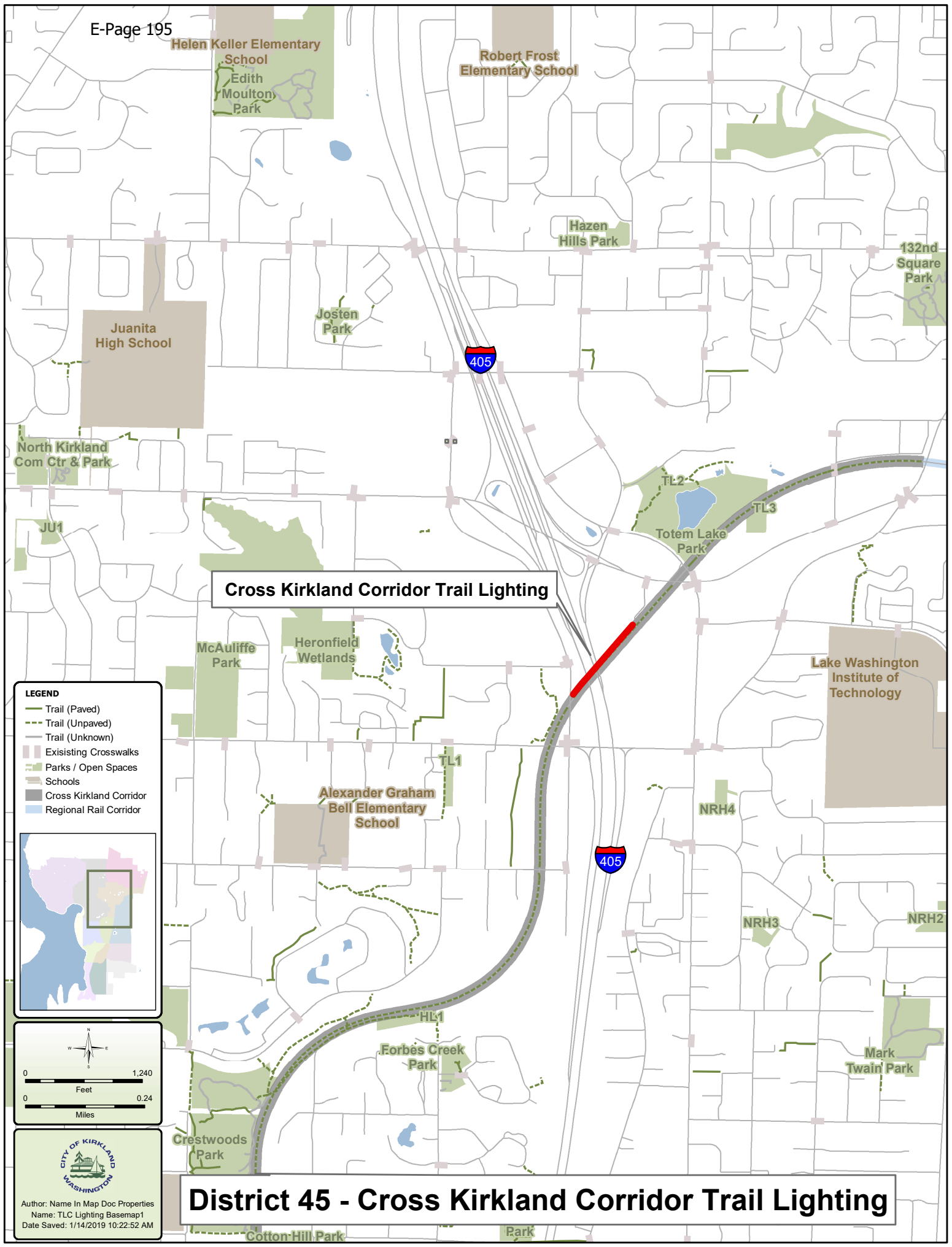
The project includes design, construction, and project management for safety lighting on the CKC from 120th Avenue NE, under the I-405 overpass, to the entrance of the Totem Lake Connector bridge.

The elevated freeway (I-405) over the CKC Trail segregates and isolates this section of the trail. The dark, unlit space through which the corridor passes is often used in ways that are illegal or undesirable, curtailing public use. The CKC Master Plan turns this space into a usable and safe neighborhood asset. The first step in creating a usable space is lighting. Adding lighting to this space under I-405 would link east and west Totem Lake, activate the existing dead space and deter undesirable activities. The proposal installs 12 pedestrian lights and 4 flood lights between 120th Avenue NE and the Totem Lake Connector. Together with the planned aesthetic lighting on the bridge, this section of the trail will provide an important gateway between the residential areas along the CKC to the south and the Totem Lake Urban Center to the north.

Kirkland's Totem Lake Urban Center is experiencing tremendous growth and re-development with more than one million square feet of commercial, office, and institutional space and 3,000 residential units currently in the permitting and/or construction stages. The lighting and bridge will be a catalyst to connect the quadrants of the Totem Lake Urban Center with alternative active transportation options.

As part of the new spine of the Eastside's emerging active transportation network, the Valley Segment of the ERC, and the Redmond Spur will link Kirkland's Totem Lake Urban Center to Woodinville and Redmond as well as complete a key link in the regional trail system connecting the Sammamish River Trail (11 miles), the Burke- Gilman Trail (20 miles), the Redmond Central Connector (2.3 miles), and the Tolt Pipeline Trail (14 miles) with other regional trails such as the ERC/CKC.

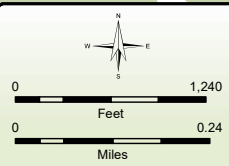
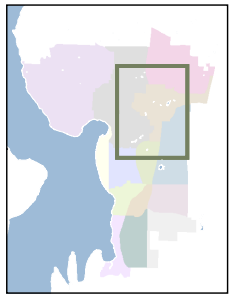
Timeline: Design and construction of the lighting is expected to be constructed in conjunction with the Totem Lake Connector bridge and is expected to be complete by the end of 2022.



Cross Kirkland Corridor Trail Lighting

LEGEND

- Trail (Paved)
- Trail (Unpaved)
- Trail (Unknown)
- Existing Crosswalks
- Parks / Open Spaces
- Schools
- Cross Kirkland Corridor
- Regional Rail Corridor



Author: Name In Map Doc Properties
 Name: TLC Lighting Basemap1
 Date Saved: 1/14/2019 10:22:52 AM

District 45 - Cross Kirkland Corridor Trail Lighting

Cross Kirkland Corridor (CKC) – Trail Lighting @ I-405 Underpass



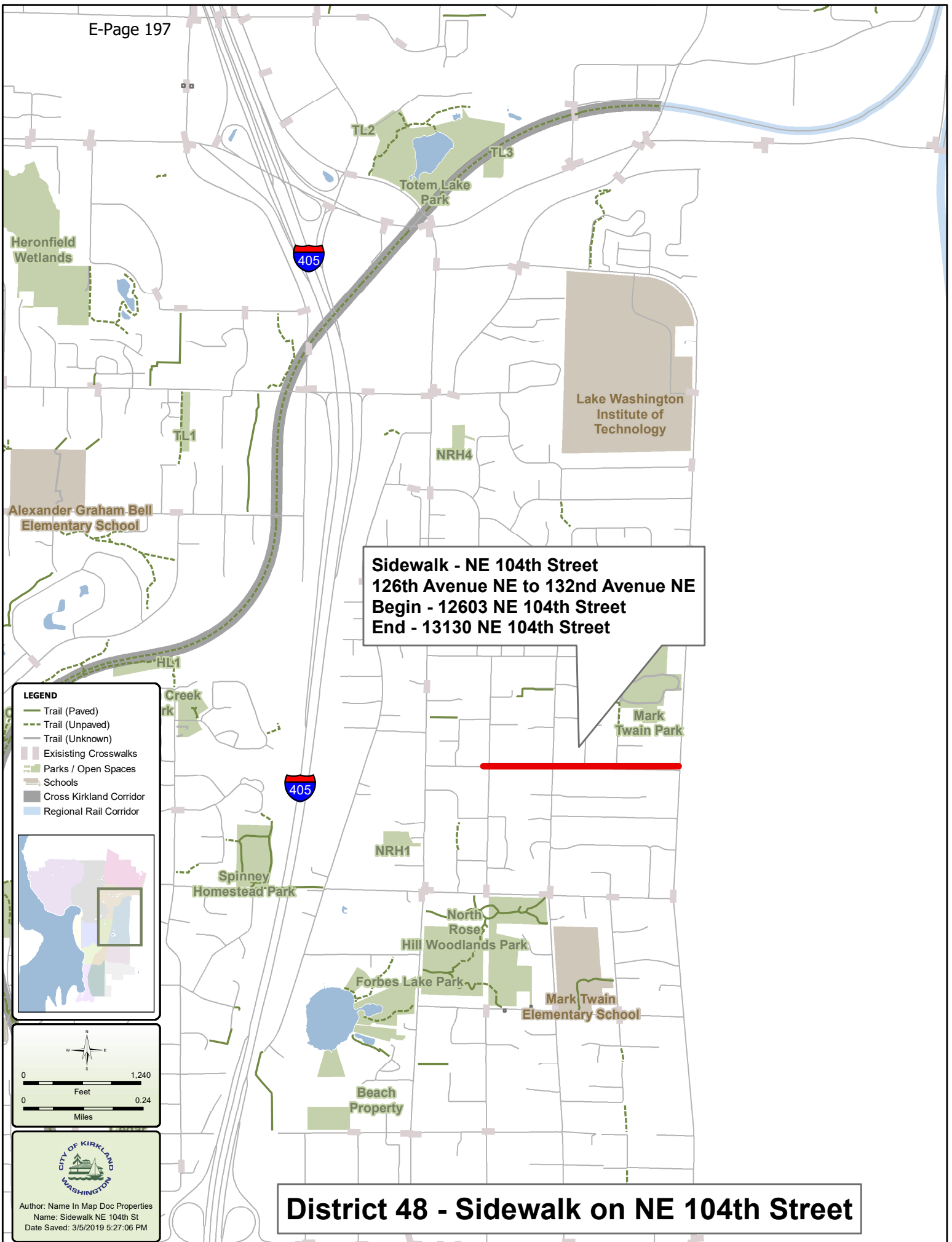
Top left – facing northeast toward I-405 underpass along CKC trail

Top right – facing northeast on CKC trail approximately midway through I-405 underpass

Bottom left – facing southwest toward I-405 underpass along CKC trail

Bottom right – facing southeast on CKC trail at mouth of I-405 underpass

Date: 1/14/2019



District 48 - Sidewalk on NE 104th Street



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 of Parks and Community Services
Mary Gardocki, Parks Planning and Development Manager

Date: October 1, 2019

Subject: Master Plan for 132nd Square Park Briefing

RECOMMENDATION:

That the City Council receive a briefing on the draft master plan for 132nd Square Park ([Attachment A](#)) and provide final suggestions or edits. If edits are not significant in nature, staff is proposing final adoption for the master plan at the Council meeting on October 15.

BACKGROUND DISCUSSION:

The 132nd Square Park is a 9.76-acre community park within the City of Kirkland that is used by neighbors, residents throughout the community, and organized athletic leagues. The park is used for passive recreation and picnics, as well as both programmed and pick-up athletics including little league baseball, pee wee and youth soccer, and fast pitch softball.

In early 2015 the Parks and Community Services Capital Improvement Program (CIP) identified this park for a playfield renovation project (PK-0134). This project was consistent with priorities in the 2015 Parks, Recreation and Open Space Plan ([PROS Plan](#)) and recommended by the Park Board. This project was listed in the CIP in response to community feedback to provide additional playfields, improve the conditions of the playfields and add multi-use fields.

At the November 15, 2015 Park Board meeting, the Board received a presentation ([Item 9a.](#)) on combining the 132nd Square Park playfield project with a major stormwater retrofit project to serve the Totem Lake basin. To meet the requirements of the 2012 Ecology Manual, Public Works planned to complete a stormwater project that would provide water quality treatment and flow control/infiltration for almost 50 acres of upstream area. Locations were analyzed and 132nd Square Park demonstrated to be an ideal location. The stormwater project would require excavating the fields at the Park. Therefore, the departments of Parks and Community Services and Public Works proposed to combine the two projects. As such, the playfield renovation would be best delayed until the stormwater project excavated the site and installed detention vaults and infiltration facilities. Once the storm water project work was complete, new fields would be reconstructed.

Public Works subsequently applied for a State Department of Ecology (DOE) grant and in 2016 was awarded a contingent grant award of \$2.5 million. Unfortunately, in 2017, due to a reduction in funds and a decline in State revenues, the Legislature was not able to fund Kirkland's project and the project was put on hold. In January 2018, the state's funding was restored, and the DOE stormwater grant was again viable. As such, this funding change allowed staff to revisit the 132nd Square playfield renovation project.

In 2017 and early 2018, Parks and Community Services (PCS) completed an evaluation of school sites for the expansion of the City/School Playfield Partnership, an approved CIP project. Throughout this park project, community feedback indicated a strong need for synthetic turf fields. Combined with the PROS Plan which identifies policies and priorities for playfields, synthetic turf fields and multi-use fields for a rapidly growing community (**Attachments B, C and D**), it was determined from the city/school playfield evaluation that the 132nd Square Park would be an opportune site for the City's first synthetic turf field. This would add capacity and increase the level of service for the community through additional programmable hours rather than through land acquisition and new park development.

At the April 20, 2018 Public Works, Parks, & Human Services Committee Meeting, the reinstated DOE grant for the stormwater/playfield renovation project was discussed. It was requested at that time that staff analyze the opportunity to include synthetic turf rather than natural grass and to provide a cost analysis of synthetic turf versus natural grass sports fields. Additionally, the committee requested a review of the benefits of combining the two projects. The primary benefit is the economies of scale and cost savings to mobilize the projects together. More precisely, because the stormwater's project scope would require extensive excavation and restoration of the entire field area, it seemed practical to leverage this opportunity to restore the field area with a synthetic turf field rather than natural grass. Because the stormwater project involves the installation of an underground vault, the impervious surface calculations and vault construction could also meet the stormwater requirements for the synthetic turf. Permitting, bidding, construction and administration could all be combined for a more efficient project while addressing multiple city infrastructure needs.

On June 19, 2018, the City Council was presented [this benefit information](#) which resulted in the direction to explore a proposal for artificial turf at 132nd Square Park as part of the 2019-2020 CIP program. From this direction, staff began the master plan process for the park as required by Kirkland Zoning Code 45.50 in coordination with the stormwater retrofit project. The Kirkland Zoning Code 45.50 requires that any park development that includes lights, buildings, modified athletic space, or the addition of parking must occur consistent with a Master Plan, including a community review process.

PROJECT SCOPE:

Both Public Works and the Parks and Community Services departments worked jointly to develop the scope for the RFP to select the consultant for the combined project. After completing the RFP process, staff determined that AHBL would be most qualified to complete the project's scope. AHBL is responsible for the design of the stormwater facility in the park to provide runoff treatment from approximately 48 acres of upstream developed area. The project will maximize treatment and reduce flows, while maintaining existing park uses. The project

also includes a master planning process and schematic design of park improvements including synthetic turf, lighting, and other supporting amenities for the park.

PUBLIC OUTREACH FOR MASTER PLAN:

In addition to a project website, four (4) community events were held for the park's master plan process.

March 20, 2019: Evergreen Neighborhood Association (approximately 30 attendees)

March 26, 2019: Community Open House (approximately 40 attendees)

May 12, 2019: Picnic in the Park (approximately 80 attendees)

June 20, 2019: Community Open House (approximately 55 attendees)

The goal for each event was to communicate to the public the city's plans for synthetic turf as well as gather input on requested modest park improvements or upgrades.

On July 10, 2019 the Park Board received a presentation on the three concepts and summary of the feedback that was received, which indicated a preference for Option 2. After which, the Park Board was given a tour of the park site. With feedback, the consultant then continued with the project scope and began developing the draft master plan for review at the September Park Board meeting.

On September 11, 2019 the Park Board received the draft master plan and conducted a public hearing for 132nd Square Park. As part of the public hearing, the Park Board received presentations from the staff and the consultant and received public comment. The purpose of this master plan is to describe planned future improvements to 132nd Square Park. The Master Plan includes a preferred overall park design, a description of the public engagement, alternative designs that were considered by the community, a description of users, site planning, and a cost estimate to implement the Master Plan. The master plan recommends the continued uses at the park including expanded walking trails, picnic shelters, play hill, unprogrammed open space, as well as both the programmed and unprogrammed athletic fields. Programming for the new synthetic turf field will align with its current uses and will continue to be managed in accordance with the [Athletic Field Sports Policy](#) – only its hours and season of use will be expanded to support the increased athletic needs of the community. Specific user groups will be consulted to further define their needs.

UNPROGRAMMED PLAY AND LOW-INCOME RESIDENT USE:

One concern raised during both the community engagement process and the Park Board public hearing was that the expanded use of the turf field may exclude the unprogrammed play that exists today. While the Master Plan is not an operational use plan, it is the intent of the Parks Department that the turf field (and the existing northern baseball field) will also remain available for unprogrammed play. As the Athletic Field Policy states in several places, City staff control use of facilities and reserve the right to limit the amount of play on a sport field during any given season. This means specific times can be set aside for unprogrammed use. If the Council wishes to include policy language in the Master Plan that clarifies the intent to always allow unprogrammed use, staff can draft options for such policy language for the Council prior to the final adoption of the Master Plan.

Another concern raised during public comments received was that expanded use of the turf field might impact the use of 132nd Square Park by lower-income families and youth, especially residents of the Kirkland Heights Apartments east of the park. The City Manager's Office and the Parks Department will be conducting specific outreach to the families at Kirkland Heights prior to Council meeting on October 15 to gather information on how they use the park and to ensure that the new park will remain available to serve their needs. Results of that outreach will be presented to the Council as soon as it is concluded.

Following the public hearing, the Park Board had a lengthy discussion and made a recommendation to City Council. The Park Board recommended approving the 132nd Square Park Master Plan with the following five (5) edits:

1. In Phase 1, add the creation of an informal sledding hill with grading that is comparable to the current sledding hill at the park
2. Include the Park Board in the program operation and design process
3. Require the annual review of subsequent phases and prioritize for completion
4. Create a Park Board subcommittee before construction phase
5. That City Council consider both synthetic turf and grass options for the playfield

PARK IMPACT FEES FOR PHASE 2

In response to public hearing comments and the Park Board discussion about funding some elements of Phase 2 sooner, the City Manager has reserved an additional one million dollars in Park Impact Fees to partially fund Phase 2 Master Plan elements. This new impact fee allocation was highlighted to the Council at the September 17 Council meeting when the 2019-2020 Capital Improvement Project (CIP) update was presented. Council concurred with reserving this additional money and will make a final decision as to how to allocate the funds when the CIP update is adopted in December of this year.

NEXT STEPS:

Staff is seeking adoption of the final Master Plan at the October 15 Council meeting. To guide the October 1 discussion, staff has provided the four (4) following options for your consideration:

- Approve the Master Plan with edits as recommended by Park Board
- Approve the Master Plan without edits as recommended by staff
- Approve the Master Plan with edits proposed by City Council
- Reject the Master Plan

Attachment A: Final Draft Master Plan – [Link to Website](#)

Attachment B: PROS Plan excerpt – Sport Chapter

Attachment C: PROS Plan excerpt – Athletic Field Policy

Attachment D: PROS Plan excerpt – Demographics



SPORT

Athletic Fields and Facilities for a Wide Variety of Sports

Kirkland's parks, pools and partner facilities provide a broad array of options for field sports, court sports, aquatics and other recreational activities. The City's coordination and partnership with the school district, local sport leagues and private entities will continue to be crucial for the provision of facilities and programming to meet the range of interests voiced by the community.

Current Trends & Perspectives

National and Regional Trends

The Outdoor Foundation's 2013 Participation Report tracks participation in activities by age and notes the following trends related to athletics.

- Participation in team sports, outdoor recreation and indoor fitness activities varies as individuals age and their lives are shaped by their environment and life experience. Gender also plays a role in determining behaviors and participation trends.
- Team sports are the second most popular activity during childhood for both men and women, but that popularity declines sharply during adolescence and continues to fall throughout the rest of life.

The report also noted that youth participation is recovering after a downward trend from 2006-2008; participation rates among children ages 6-12 and older youth ages 13-17 grew by one percent over the past year.

Across Washington, roughly 5-8% of people participate in team sports like football (5%), baseball (5%), soccer (7%) and softball (8%). Statewide, 17% of residents participate in basketball, while 10% participate in tennis and volleyball.

Local Feedback and Trends

Twenty-two percent of Kirkland households surveyed reported participating in tennis, the only court sport for which this information is available. Volleyball participation has increased in state surveys over the past decade, while participation in tennis and basketball has remained relatively flat.

In recent years, participation in baseball, football, and soccer have been flat to declining, while participation in lacrosse and softball has increased. One-third of Kirkland residents surveyed feel the City needs more sports fields, while 51% believe the City has the about right amount now. Nearly 7 in 10 residents rated the quality of the City's sports fields as an "A" or "B". In addition, 58% of residents rated providing youth sports programs as a high priority, while only 20% considered adult sports programs to be high priority.

Nearly half of Kirkland households surveyed included someone who swims regularly. Between 35 and 38% of state residents report participating in swimming in pools, natural waters or at the beach, making it a popular activity statewide. In addition, 57% of residents feel the city needs more public swimming pools, the highest reported need among all facilities included. This desire was further supported in public open house comments – the need for improved/aquatic facilities was one of the most frequent comments.

Field Sports

The City of Kirkland currently provides fields appropriate for a variety of sports, including 7 fields suitable for soccer, lacrosse or football and 22 baseball and softball fields. Additional fields are provided by the Lake Washington School District and King County. This Plan recommends service guidelines for sports fields as follows.

- Baseball Fields: 1 field/5,000 people
- Softball Fields: 1 field/10,000 people
- Soccer / Football: 1 field/7,500 people

Current Participation and Programs

Kirkland's Park and Recreation offers a variety of sport programs for youth including youth and peewee basketball (3rd-6th grade), peewee soccer and a variety of sport camps including tennis, fencing, lacrosse and track and field. The City has seen its youth soccer program grow from 80 participants to over 200 over the past three years. The City also runs recreational softball, dodge ball and volleyball leagues for adults.

Lake Washington School District offers a variety of interscholastic sports for middle school and high school students, including basketball, soccer, baseball, softball, football, tennis, cross-country, track & field, volleyball, golf, wrestling, gymnastics and swimming and diving.

In addition to City and School District athletic programs, a variety of sports organizations offer youth soccer, baseball/softball, football and lacrosse leagues, including:

- **Soccer:** Kirkland is served by the Lake Washington Youth Soccer Association, which runs recreational, select and premier soccer programs for youth up to 19 years old. Approximately 700 of the league's 7,000 players live in Kirkland, with even participation by boys and girls.
- **Baseball and Softball:** Kirkland National Little League (KNLL) and Kirkland American Little League (KALL) provide baseball and softball programs to over 1,150 youth players in north and south Kirkland, respectively. Approximately 80% of KNLL & KALL players (ages 4-12) play baseball, while the other 20% (ages 4-18) play softball. Both Leagues currently play at Kirkland Middle School or the Lee Johnson field, and both report an additional need for practice fields.

The Juanita Baseball Club offers a competitive baseball program for boys ages 8 to 18. The club has approximately 100 players who primarily live in north Kirkland. The club plays at Juanita High School during the summer and aims to develop players for Juanita High School. Kirkland Pony Baseball provides high-quality, competitive baseball at an affordable price to teens in Kirkland and surrounding Lake Washington School District communities.

- **Lacrosse:** 250 boys on 11 teams; the league has been running for only 3 years; the league built a field at Big Finn County park; there will likely be a split in the league coming in future into two groups of 175-300 players each. No girls are served yet in the league; if that league starts, it would have an additional 400 girls and would be significant new demand for field space.
- **Football:** Boys & Girls Club has a field on site; it has 200+ players in its Junior Football program (tackle); the Club uses school fields at Lake Washington High School and Juanita High School for games and use junior high school fields for practices.

The participation in cricket also has been increasing in recent years. The Northwest Cricket League has clubs that utilize fields in Bellevue, Redmond, Seattle and Shoreline, among others. Local cricket enthusiasts have approached the Kirkland Park Board inquiring about access to fields, and they noted plans to continue to grow the sport through the addition of youth programs. Given the growing interest in cricket in eastside communities, the City should consider the demand for cricket field space in future field planning and field allocations.

Improvements at Existing Fields

Some of Kirkland's sports fields could benefit from enhanced maintenance, investments and safety improvements. Improvements to turf, irrigation, lighting and spectator facilities could allow existing fields to better serve recreation users and extend playing seasons.

Resurfacing existing or constructing new fields with artificial turf will allow more intensive use of field space, extend field seasons and reduce play cancellations due

to rain and muddy conditions. When planning for turf surfacing, the City should consider partnerships with local user groups, evaluate opportunities to redesign fields for multi-sport use and assess the existing fee structures. Candidate turf conversion sites include Lee Johnson Park and fields at Juanita High School, in partnership with Lake Washington Schools.

Additional Field Capacity

Kirkland's existing and popular sport programs outstrip the capacity of current fields. With projected future population growth and growing participation in team sports, the City and local sports leagues will need to properly maintain existing field resources, use existing sites more efficiently and effectively and/or acquire and develop additional field space to meet demands. Such actions will depend on continued active partnerships between the City, School District, sports organizations and other recreation providers.

Stakeholders and sports leagues noted a need for field capacity to support expansion of lacrosse programs; additional practice fields for a variety of sports; and larger, higher-quality fields for older players. In addition, the City currently lacks a larger field complex or tournament site, which could increase field capacity and serve as a regional destination.

Partnerships

For many years, the Kirkland community has benefited from a cooperative relationship between the City and the Lake Washington School District (LWSD). Currently, the City and LWSD have partnerships for the operation of sports fields at Emerson High School, Kirkland Middle School, and Mark Twain, Juanita, Ben Franklin, Rose Hill, and Lakeview Elementary Schools. This partnership is a critical component of meeting field sport needs within the city. In the future, the City should continue to work closely with the School District to actively explore opportunities for greater joint use of facilities. Cooperative agreements between the agencies should identify opportunities and define responsibilities regarding field planning, acquisition, development, improvement, maintenance and operations; as well as clarify scheduling, decision-making and revenue sharing objectives and structures.

The City should continue to participate in annual meetings with the various leagues and field providers within Kirkland to assist in allocating field space across the leagues and address other issues related to inter-league coordination, field maintenance and protocols for addressing field issues. The City should also remain open to the changing needs and participation rates for youth sports and consider its role in and capacity to provide additional fields within the city to accommodate the growth of the current leagues or the addition of new programs, such as girls lacrosse. In order to meet the city's long-term field needs, the City should also explore partnership opportunities with other public and private agencies and organizations, including King County and Northwest University.

Policies and Management

Improved management systems and policies will improve the City's ability to maintain and improve sports fields, while balancing the needs of both sports organizations and the larger community. The City should continue to monitor the condition, investment needs and usage rates of various field facilities to best plan for long-term maintenance and capital needs. Field usage policies should be reassessed on a regular basis to ensure they continue to meet the needs of the City, user groups and neighbors. Field usage fees should also be updated periodically – and when significant field improvements are made - to address cost recovery and equity objectives. Such policies and fees should also address field scheduling for alternative uses, such as festivals, concerts and other community events.

Court Sports

Kirkland currently provides courts for tennis, basketball and volleyball. The City has 9 outdoor tennis courts located at Everest, Forbes Creek, Heritage, Juanita Beach, and Peter Kirk Parks. Public indoor tennis courts are not available at City facilities, but are provided by the Eastside Tennis Center and the Central Park Tennis Club. A total of 10 outdoor basketball courts (mostly half-courts) can be found at the North Kirkland Community Center and in Crestwoods, Everest, Forbes Creek, Highlands, Mark Twain, Peter Kirk, South Rose Hill, Terrace and Van Aalst Parks. Juanita Beach and Houghton Beach Parks provide outdoor beach volleyball courts.

The City also partners with the Lake Washington School District for use of their indoor facilities for a variety of organized recreation and sport activities. The use of School District facilities has enabled the City to provide a much higher level of service than would otherwise be possible.

The inclusion of basketball (full court), volleyball and/or tennis courts should be considered in the planning and development of future community parks or community centers. Half-court basketball courts may also be appropriate for neighborhood parks, particularly in underserved areas or where there is expressed neighborhood interest.

Alternative Sports

Providing facilities for alternative or emerging sports, such as skateboarding, BMX, mountain biking, ultimate frisbee, climbing and parkour, can offer residents a more diverse range of recreational experiences, while creating destinations that attract local and regional visitors. Kirkland currently has an outdoor, concrete skatepark located in Peter Kirk Park. Opportunities and facilities for other alternative sports are limited in the city.

While survey and recreational trend information is limited, a number of residents supported additional facilities for alternative sports during open house events. Opportunities exist to develop alternative sports facilities at existing parks and in the potential development of Taylor Fields Park.

Policy 5.6 - Specialized Recreational Facilities

Establish and operate specialized recreational facilities (e.g. action sports facilities, off leash areas, skateparks, community gardens) to respond to identified public needs, as appropriate.

Actions/Objectives

- Provide facilities for alternative or emerging sports, such as skateboarding, BMX, mountain biking, ultimate frisbee, disc golf, climbing and parkour, to offer residents a more diverse range of recreational experiences.
- Consider local needs, recreational trends, and availability of similar facilities within the City and region when planning for specialized recreational facilities.
- Provide additional large picnic shelters for events such as family gatherings, community events and other meetings.
- Encourage the development of specialized facilities that generate revenues to offset the cost of their operation and maintenance.
- Explore opportunities to partner with local organizations to develop and manage specialized facilities.
- Design and manage special facilities to accommodate compatible, multiple purposes and uses, when appropriate.
- Consider siting additional off leash areas in suitable parks, where off-leash use is safe and would have limited environmental impacts.
- Strengthen partnerships with KDOG to develop and manage addition off leash areas.
- Maintain and enhance signage and enforcement of leash laws in parks or natural areas where only on-leash activities are allowed.
- Provide community gardens at suitable sites to provide opportunities for gardening, healthy eating and social connections and to encourage productive landscapes.
- Consider developing and managing community and experiential gardens in partnership with community organizations or educational programs, such as the Environmental Horticulture program at Lake Washington Institute of Technology.

6. Athletics

Policy 6.1 - Field Sports

Provide a citywide system of sports fields and programs to serve field sport needs of the community, in partnership with the Lake Washington School District, local sports organizations, and other regional providers.

Actions/Objectives

- Provide sport fields to the service guidelines noted in Chapter 10.
- Enhance maintenance, investments and safety of sports fields to better serve recreation users and extend playing seasons.
- Assess overall sports fields needs on a regular basis, based on existing inventories and local participation trends.
- Explore options to use existing sites more efficiently and/or acquire additional field space to meet capacity needs.
- Evaluate opportunities to include sports fields in the development of new community parks.
- Consider resurfacing existing or new fields to artificial turf to allow more intensive use of field space, extend field seasons, and limit play cancellations due to rain and muddy conditions.
- Continue active partnerships with the Lake Washington School District and other recreation providers and actively explore opportunities for greater joint use of facilities.

- Cooperative agreements between the agencies should identify opportunities and define responsibilities regarding field planning, acquisition, development, improvement, maintenance and operations; as well as clarify scheduling, decision-making and revenue sharing objectives and structures.
- Explore partnership opportunities with other public and private agencies and organizations, including King County and Northwest University to meet long-term field needs.
- Continue and enhance partnerships with local sports organizations to provide sports programs for youth and adults.
- Consider development of a larger field complex or tournament site, to increase field capacity and serve as a regional destination.
- Monitor the condition, investment needs and usage rates of various field facilities to plan for long-term maintenance and capital needs.
- Assess field usage policies on a regular basis to ensure they continue to meet the needs of the City, user groups, and neighbors.
- Update field usage fees periodically and when significant field improvements are made to address cost recovery and equity objectives.

Policy 6.2 - Indoor & Outdoor Court Sports

Provide and enable access to a citywide system of indoor and outdoor sports courts, gymnasiums and programs for Kirkland residents.

Actions/Objectives

- Consider installing basketball, volleyball, and/or tennis courts in future community parks or community centers.
- Explore options to develop half-court basketball courts in neighborhood parks, as appropriate, particularly in underserved areas or where there is expressed neighborhood interest.
- Maintain and enhance the City's partnership with the Lake Washington School District for use of their gymnasiums and athletic fields for organized recreation and sports activities.
- Provide and enhance tennis, basketball and volleyball programs for youth and adults.





Lake Washington Ship Canal. The industry exploded further during World War II as defense contracts for warship construction poured into the area. In these four decades, employment at the Kirkland area shipyards grew from 30 people to over 8,000.

The construction of the Lacey V. Murrow floating bridge in 1940, the opening of the State Route 520 bridge across Lake Washington in 1963 and the construction of Interstate 405 in the 1960s greatly increased Kirkland's accessibility and attractiveness as a bedroom community for Seattle. Over the past forty years, Kirkland has built a thriving downtown and expanded employment and commercial centers. Kirkland, along with other eastside cities, has attracted many large employers and has become an employment destination in its own right. The city now boasts pleasant residential neighborhoods, a downtown civic and commercial hub, a diverse array of waterfront and inland parks, and numerous community and civic resources.

2011 Annexation

On June 1, 2011, the City of Kirkland annexed the Finn Hill, North Juanita and Kingsgate areas north of Kirkland into the City. These areas, which were formerly part of unincorporated King County, encompass approximately 7 square miles and include over 31,000 residents. This annexation made Kirkland the sixth largest city in King County and the 12th largest in the state. Along with new neighborhoods and residents, the City of Kirkland also gained a number of park sites through this annexation, including Edith Moulton and Kingsgate parks.

Demographics

Population

The City of Kirkland experienced significant growth in the past 40 years, with a 220% increase in population from 1970 to 2010 (see Table 1). According to the 2010 Census, the City of Kirkland grew by 8.4% between 2000 and 2010 to a population of 48,787. Kirkland is growing more slowly than King County as a whole, where the population increased by 11.2% between 2000 and 2010 to 1,931,249 people. The 2011 annexation added over 31,000 additional residents.

According to Kirkland's ongoing Comprehensive Plan Update, the City is expected to accommodate 8,570 new housing units between 2006 and 2031, or about 343 housing units per year. At the current median household size, this would result in approximately 15,490 new residents between 2010 and 2030, for a total population of 94,400 if applied to the 2011 boundaries. This rate of growth is approximately 37% higher than the actual growth seen from 2006 to 2011. In addition, the Lake Washington School District, which serves Kirkland and the nearby communities of Redmond, Sammamish and other areas, anticipates 17% growth in enrollment between 2012 and 2022. King County is expected to grow to 2,108,814 people by 2020 (a 9.2% increase) and to 2,418,850 people by 2040 (a 25% increase from 2010).

Figure 1. Population Change – Actual & Projected: 1970 - 2030

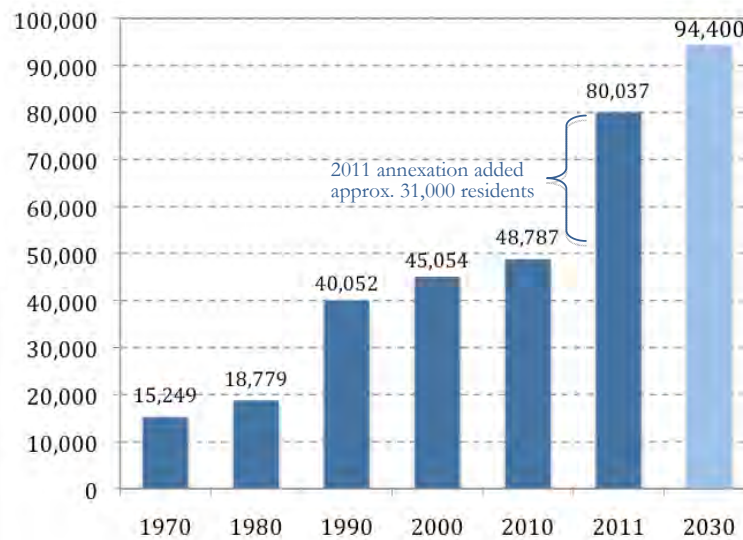


Figure 2. Population Characteristics: Kirkland, King County & Washington

Demographics	Kirkland	King County	Washington
Population Characteristics			
Population (2000)	44,986	1,737,034	5,894,121
Population (2010)	48,787	1,931,249	6,724,540
Population (2013 - OFM)	81,730	1,981,900	6,882,400
Percent Change (2000-13)	81.7%	14.1%	16.8%
Communities of Color	20.7%	31.3%	22.7%
Persons w/ Disabilities (2012)	5,479	259,843	981,007
Persons w/ Disabilities (%)	13.0%	16.1%	18.2%
Household Characteristics			
Households	22,445	789,232	2,620,076
Percent with children	24.6%	29.2%	19.6%
Median Income (2012)	\$88,756	\$70,567	\$58,890
Average Household Size	2.15	2.4	2.51
Average Family Size	2.83	3.05	3.06
Home Ownership Rate	57.1%	59.1%	64.0%
Age Groups			
Median Age	37.5	37.1	37.3
Population < 5 years of age	6.0%	6.2%	6.5%
Population < 18 years of age	17.8%	21.4%	23.5%
Population > 65 years of age	10.9%	10.9%	12.3%

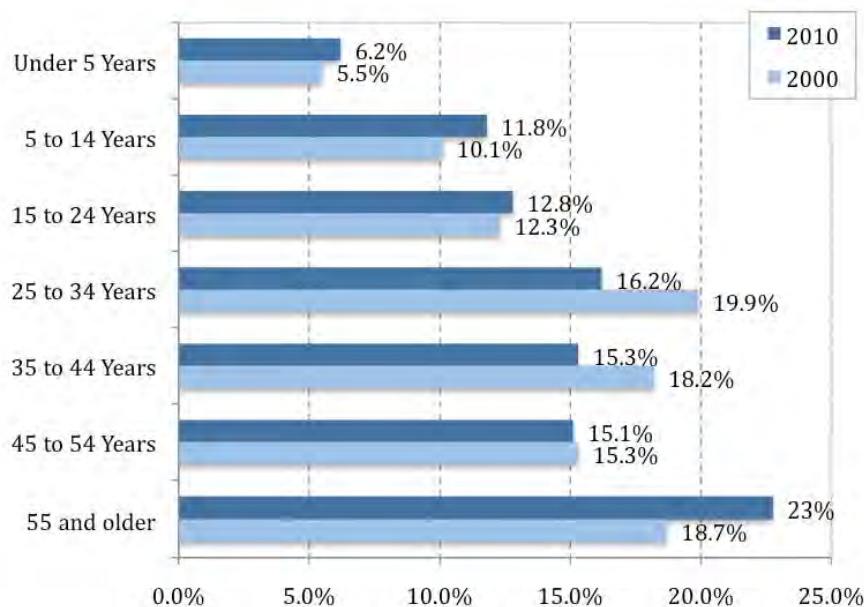
Compared with King County, the City of Kirkland has a comparably aged population. Approximately one-fifth (18%) of Kirkland residents are youth up to 19 years of age, 56.5% are 20 to 55 year olds, and 23% are 55 and older. The median age of City residents is 37.5 – slightly older than King County (37.1), the State of Washington (37.3) and the nation (37.2).

The City's largest "20-year" population group is comprised of 25- to 44-year-olds, representing 35.1% of the population in 2010. This is also the largest age group in King County. (Note: U.S. Census data does not yet account for the recent annexation, so these estimates are based on 2010 Census data.) The following breakdown is used to separate the population into age-sensitive, potential user groups.

- Under 5 years: This group represents users of preschool and tot programs and facilities, and as trails and open space users, are often in strollers. These individuals are the future participants in youth activities.
- 5 to 14 years: This group represents current youth program participants.
- 15 to 24 years: This group represents teen/young adult program participants moving out of the youth programs and into adult programs. Members of this age group are often seasonal employment seekers.
- 25 to 34 years: This group represents involvement in adult programming with characteristics of beginning long-term relationships and establishing families.
- 35 to 54 years: This group represents users of a wide range of adult programming and park facilities. Their characteristics extend from having children using preschool and youth programs to becoming empty nesters.
- 55 years plus: This group represents users of older adult programming exhibiting the characteristics of approaching retirement or already retired and typically enjoying grandchildren. This group generally also ranges from very healthy, active seniors to more physically inactive seniors.

Table 3 illustrates the age distribution characteristics of these cohorts and provides a comparison to 2000 Census data.

Figure 3. Age Group Distributions: 2000 & 2010





CITY OF KIRKLAND
Department of Parks & Community Services
123 Fifth Ave, Kirkland, WA 98033 · 425.587.3300
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager
From: Lynn Zwaagstra, Parks and Community Services Director
Date: September 17, 2019
Subject: Pesticide Reduction Strategies

RECOMMENDATION:

Kirkland's Parks Management division recommends Council receive information and an update from our May 21st Study session regarding our Integrated Pest Management Plan. With the help of one of the Innovation Interns authorized by Council in July, staff have been benchmarking what other municipalities are doing regionally to maintain their parks, open spaces, and playfields. Parks Management looks for guidance and recommendations from Council on where we should be on the continuum of synthetic pesticides vs. organic applications and manual removal methods. Several complex factors are part of the equation including public safety, State law, best management practices, public resources & stewardship of taxpayer dollars, environmental stewardship and maintenance of public lands, and staff health and safety.

BACKGROUND:

At the May 21, 2019 Study Session Council reviewed current City Integrated Pest Management (IPM) policies and practices for vegetation management in response of community concern regarding the use of registered pesticides in City parks and rights-of-way.

https://www.kirklandwa.gov/Assets/City+Council/Council+Packets/052119/3a_StudySession.pdf

At conclusion of the Study Session, Council directed staff to benchmark City practices with neighboring cities and return with additional alternatives to chemical treatment in City parks and costs associated with these alternatives. No specific direction was provided for Public Works, so they will continue their strategy to minimize use of pesticides along rights of ways (guardrails, medians, etc.) unless otherwise requested. This memo is intended to apply to parks properties.

DEFINITIONS:

Pesticide: Pesticide law defines a pesticide (with certain minor exceptions) as: any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest; any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant; and any nitrogen stabilizer (<https://www.epa.gov/minimum-risk-pesticides/what-pesticide> accessed 9.11.2019).

Herbicide: A substance that kills weeds or other plants that grow where they are not wanted (<https://www.epa.gov/ingredients-used-pesticide-products/types-pesticide-ingredients> accessed 9.11.2019).

Pesticide Free: A location that is managed without the use of synthetic pesticides unless an emergency response to a public safety hazard is required (ex: nesting hornets) or King County recommends, or requires, control of a listed noxious weed (ex: poison hemlock, knotweed, English holly) following Washington State Noxious Weed Control Board recommended practices such as stem injection for large, invasive trees (local definition specific to City of Kirkland and similar to other agencies and organizations).

High Hazard Pesticides: Pesticides that are acknowledged to present particularly high levels of acute or chronic hazards to health or environment according to internationally accepted classification systems such as World Health Organization or Globally Harmonized System of Classification and Labelling of Chemicals or their listing in relevant binding international agreements or conventions. In addition, pesticides that appear to cause severe or irreversible harm to health or the environment under conditions of use in a country may be considered to be and treated as highly hazardous (International Code of Conduct on Pesticide Management – Guidelines on Highly Hazardous Pesticides. World Health Organization. 2016).

Pesticides considered to be High Hazard Pesticides by regional municipalities include products assigned to Hazard Category 1 by the Environmental Protection agency; products containing dioxins; products with active ingredients on the state list of acutely dangerous wastes; products with known, likely, or probably carcinogens as identified by U.S. EPA, State of California, National Toxicology Program, or International Agency for Research on Cancer; products containing reproductive, nervous system, or developmental toxicants or endocrine/hormone disruptors; products labeled as toxic to mammals/birds/aquatic species/bees/etc. (including all neonicotinoids); products with active ingredients with soil half-lives greater than 100 days; and products that move readily in the environment and may impact ground or surface waters (see attachments 1 and 2 for details).

COMPARISONS AND BENCHMARKING:

Current practices in City of Kirkland parks

It is the City of Kirkland's policy to minimize the use and frequency of pesticide (including herbicide) application whenever possible on lands that the City owns or manages. However, for certain types of weed and site conditions, such as fence lines, sidewalks, and noxious weed control, chemical application is the most efficient and effective control option. In these cases, licensed City staff follow all laws and regulations as well as the City of Kirkland Pesticide Application Guidelines/Policy. Overall, Kirkland's Streets, Grounds, and Parks employees spend less than 1% of their time on herbicide application.

Due to time constraints, at the May study session, Council was not able to discuss the 2019 – 2020 budget funding to further reduce the use of synthetic pesticides in parks by installing concrete mow strips and mulch rings and field testing organic products. Between June and September only organic herbicides were used to control vegetation in Parks with the exception of public safety hazards (ex: nesting hornets) and listed noxious weeds following Washington

State Noxious Weed Control Board best management practices. Organic products were primarily applied to warning tracks on ballfields, fence lines and sidewalks. The organics were effective at controlling weeds at the surface but required multiple applications (to control regrowth) and were most effective when combined with manual removal and heavy mulch applications. In addition, the organic products are applied at significantly higher concentrations than synthetic alternatives and are approximately 4 – 10 times more expensive.

While all of Kirkland's parks are managed to minimize use of pesticide application, several specific parks and zones within parks are managed to be Pesticide Free.

Pesticide Free Parks (2018 and 2019 actuals (through August 2019) and going forward):

Parks without significant natural areas (unlikely to required chemical treatment of noxious weeds):

- 2nd Ave South Dock
- David E. Brink
- Forbes Creek
- Highlands
- Lake Avenue W Street End
- Ohde Avenue Pea Patch
- Phyllis A. Needy – Houghton Neighborhood
- Settler's Landing
- Spinney Homestead
- Street End
- Tot Lot

Parks with significant natural areas and open spaces undergoing restoration (may require chemical treatment of noxious weeds):

- Brookhaven
- Bud Homan
- Carillon Woods
- Cotton Hill
- Forbes Lake
- Hazen Hills
- Heronfield Wetlands
- Josten
- Juanita Bay
- Juanita Heights
- Juanita Open Space JU2
- Juanita Open Space JU4
- Kingsgate
- Kiwanis
- Mark Twain
- Neal-Landguth Wetland
- North Rose Hill Woodlands
- Snyder's Corner
- South Norway Hill
- South Rose Hill
- Totem Lake

- Watershed
- Windsor Vista
- Wiviott Property
- Yarrow Bay Wetlands

Pesticide Free Zones in all parks:

- Playground areas
- Fenced dog parks
- Community gardens/pea-patches
- Picnic areas/shelters
- Swimming pool
- Designated swimming beaches

A complete list of all herbicide applications in 2018 and 2019 (through August 2019) can be found in Attachment A: City of Kirkland Herbicide Applications in Parks.

Cities and agencies that have significantly reduced pesticide use

Like Kirkland, many cities and agencies are reducing the use of synthetic pesticides for pest management. Through our research, we have found some of the leading agencies in our area to be the Bothell Parks Department, Northshore School District, and the University of Washington Bothell Campus. These agencies have all eliminated the use of synthetic pesticides for pest management except in urgent public safety situations such as the presence of aggressive stinging insects in a high use area and the control of regulated noxious weeds following best management practices.

Attachment B: Comparison Spreadsheet 1 – Cities and Agencies with Significantly Reduced Pesticide Use

Surrounding cities

Neighboring cities such as Bellevue, Redmond, and Seattle have active IPM programs and generally seek to reduce the use of synthetic pesticides but still utilize these products to control herbaceous plants in many situations.

Attachment C: Comparison Spreadsheet 2 – Neighboring Cities' IPM Policies

Control Options

Kirkland's Parks Management division utilizes an array of pest control options and can consider additional tools we aren't currently using. All vegetation control tools and methods have pros, cons, and implications to service levels and staffing needs.

Attachment D: Comparison Spreadsheet 3 - Control Options.xlsx

Pesticide Reduction Strategy Options

Based on this information, Parks Management has developed a few options for consideration moving forward.

Option #1 – Maintain current Integrated Pest Management approach which employs a wide range of techniques including physical (hand-pulling), mechanical (mowing), biological (predators such as ladybugs), and chemical (synthetic and organic) strategies to manage vegetation while minimizing risks to people, non-target plants, animals, and the environment. This would have no impact on current service levels or standard practices.

Option #2 – Further reduce discretionary use of non-organic herbicides (primarily along fence lines, tree rings, sidewalks, and warning tracks) and eliminate the use of high hazard pesticides. This option will increase staff hours required to control weeds and will result in more natural looking parks (for example, more weeds in flower beds and along fence lines). **We estimate that using organic pesticides for discretionary (not required by King County Noxious Weed Control Board) vegetation control can be up to 825% more expensive than using synthetic alternatives.** For example, 2.5 gallons of Roundup Custom can be purchased for \$90 and mixed to create 120 gallons of product (\$0.75/gallon) requiring one application per season for good weed control; whereas Vinagreen can be purchased for \$258 for 55 gallons of product (\$4.69/gallon) and may require up to four applications for the same level of weed control during the same time period. This **increases materials costs by 525%** $((\$4.69 - \$0.75)/\$0.75 * 100)$ and **increases labor costs by 300%** $((4-1)/1 * 100)$. Annual cost estimates for implementing Option #2 will be provided at the Council meeting.

Option #3 – Eliminate the use of all synthetic pesticides except as needed to address King County listed noxious weeds and public health hazards such as aggressive, stinging insects. This option will increase staff hours required to control weeds and will result in more natural looking parks (for example, more weeds in flower beds and along fence lines). **In addition to increasing materials costs at the same level as Option #2, we estimate that an additional 3,500 – 3,800 labor hours will be required to eliminate synthetic herbicide use except for urgent public safety situations** such as the presence of aggressive stinging insects in a high use area and the control of regulated noxious weeds following King County Noxious Weed Control Board best management practices. Annual cost estimates for implementing Option #3 will be provided at the Council meeting.

NEXT STEPS:

Staff seek recommendation for which option, or combination of options, to pursue through the development of future service packages.

Attachments:

Attachment A: City of Kirkland Herbicide Applications in Parks

Attachment B: Comparison Spreadsheet 1 – Cities and Agencies with Significantly Reduced Pesticide Use

Attachment C: Comparison Spreadsheet 2 – Neighboring Cities' IPM Policies

Attachment D: Comparison Spreadsheet 3 – Control options

City of Kirkland Herbicide Applications in Parks - 2018 and 2019 (through August)

Location	Feature/Target	Chemical	Application Method
132 nd Square Park	Fence lines, landscape beds, tree rings, sidewalks, warning tracks	Round Up Custom, Round Up Quick Pro, Mirimichi Green Pro Weed	Spot spray individual weeds
Carillon Woods	Noxious weed – yellow archangel	Element3A, Round up Custom	Spot spray individual weeds
Cedar View Park	Mulched grounds	Round Up Custom	Spot spray individual weeds
Cemetery	Perimeter, sidewalk, tree rings, equipment yard, flower beds	Round Up Quick Pro	Spot spray individual weeds
Cotton Hill	Noxious weed – invasive trees, blackberry regrowth in debris piles	Imazapyr, glyphosate, Round Up Custom	EZ-Ject
Crestwoods	Blackberry regrowth in debris piles, noxious weed – knotweed, warning tracks, fence lines, perimeter, sidewalk, tree rings, flower beds, sports infield, blackberry regrowth on rip rap pile	Round Up Custom, Round Up Quick Pro	Spot spray individual weeds
Doris Cooper Houghton Beach	Turf (one-time renovation), flower beds, sidewalks	Candor, Round Up Custom	Spot spray individual weeds and sections
Edith Moulton	Pathways, flower beds, trails, curbs, noxious weeds - yellow archangel and invasive trees	Round Up Custom, Round Up Quick Pro, imazapyr, glyphosate	Spot spray individual weeds, EZ-Ject individual trees
Everest	Noxious weed – yellow archangel, blackberry patch, fence lines, parking lot, perimeter, warning tracks, sidewalk, tree rings, flower beds, noxious weed - morning glory	Element3A, Round Up Custom, Round Up Quick Pro, Mirimichi Green Pro Weed	Spot spray individual weeds
Heritage	Fence lines, sidewalks, flower beds, parking lot, curb, tree rings, pathways	Round Up Custom	Spot spray individual weeds
Josten	Noxious weed – yellow archangel, blackberry regrowth in debris piles	Round Up Custom Element 3A	Spot spray individual weeds

Juanita Bay	Blackberry regrowth in debris piles, noxious weed – knotweed, noxious weed - loosestrife	Round Up Custom, Garlon 3A	Spot spray individual weeds
Juanita Beach	Flower beds, tree rings, pathways, sports infield, fence lines, blackberry regrowth in debris piles	Round Up Custom, Round Up Quick Pro, Mirimichi Green Pro Weed	Spot spray individual weeds
Kiwanis	Noxious weeds – knotweed and bindweed, blackberries on steep slope	Element 3A, Round Up Custom	Spot spray individual weeds
Marina Park	Trees	Safer Garden Defense	Spray individual tree canopies
Marsh Park	Sidewalk cracks, gravel patch	Round Up Custom	Spot spray individual weeds
McAuliffe Park	Noxious weeds – yellow archangel and poison hemlock, pathways, flower beds, tree rings, grass, gravel parking lot	Element 3A, Round Up Custom, Safer Garden Defense, Final San	Spot spray individual weeds
North Kirkland Community Center	Weeds in sidewalk cracks, flower beds and gravel borders.	Final San	Spot spray individual weeds
North Rose Hill Woodlands	Noxious weeds – bindweed and knotweed, blackberry regrowth in debris piles	Element 3 A, Round Up Custom	Spot spray individual weeds
OO Denny	Tree rings, fence lines, shrub beds	Round Up Custom	Spot spray individual weeds
Peter Kirk (park and pool)	Warning tracks, fence lines, backstop, pool lawn turf (pre-season), bed/tree rings, sidewalks, tennis court perimeter, and pool perimeter landscape beds	Round Up Quick Pro, Round Up Custom, Candor	Spot spray individual weeds
Reservoir Park	Fence lines, sidewalk	Round Up Custom	Spot spray individual weeds
Rose Hill Meadows	Noxious weed – bindweed, fence lines, shrub beds, tree rings, blackberry regrowth in debris piles	Element3A, Round Up Custom	Spot spray individual weeds
South Rose Hill	Noxious weed – bindweed	Element3A	Spot spray individual weeds
Terrace	Tree rings, sidewalk	Round Up Custom	Spot spray individual weeds
Van Aalst	Tree rings	Round Up Custom	Spot spray individual weeds
Watershed	Noxious weed – yellow archangel, blackberry patch, blackberry regrowth in debris piles	Element3A, Round Up Custom	Spot spray individual weeds

Waverly Beach	Driveway hillside, parking lot, flower beds	Round Up Custom	Spot spray individual weeds
Woodinville Water Tower	sidewalk cracks, gravel patch, black berries	Final San	Spot spray individual weeds

Cities and Agencies with Significantly Reduced Pesticide Use

City/Agency	Documentation and Organizational Structure	Tolerance Level and Guiding Principles	Licensing and Training (staff and contractors)	Synthetic Pesticides Used/Not Used	BMPs and Alternatives Used	Synthetic-Pesticide-Free Locations
City of Bothell	2012 Integrated Pest Management Program. Currently updating their IPM program which will go to Council in October 2019. It is a 100% Pesticide Free Parks plan and will also be presented to WRPA in April 2020. Nothing is posted regarding pesticide use on the City webpage.	Eliminated the use of pesticides (including herbicides) except to address public safety hazards and control noxious weeds. Management has not received a single complaint since they implemented the strategy last year. Flower beds are now planted more fully or, in a couple of cases, converted to turf.	Division requires all staff responsible for the use, application, and storage of pesticides to have a current WA State Pesticide License.	Glyphosate products are used only to treat noxious weeds with control required by King County. In 2019, the only synthetic herbicide used was glyphosate, via injection, on knotweed. They will use insecticides to eradicate hornets/wasps in high traffic areas if needed.	Replace turf with full landscape beds, synthetic turf, and native grasses; Sheet mulch with cardboard; String trim fence lines; Install concrete mow strips; Employ temporary drip irrigation during plant establishment periods; Utilize 70-80% native plant material across all parks; Utilize organic, slow-release fertilizers; Manually remove weeds with hula hoe, crack hoe, and backpack torch tools; They have not used any organic herbicides. They don't have warning tracks that require weeding.	All parks are now functionally pesticide-free. They have started posting 'pesticide-free parks' signs in their parks. These will likely eventually be posted at all parks.
Northshore School District	2017 Integrated Pest Management Policy. The IPM policy is shared with vendors and contractors and included in Requests for Proposals. All NSD staff, vendors, and contractors must follow the IPM policy; Integrated Pest Management Coordinating Committee formed and includes the Director of Maintenance, Director of Grounds, a school nurse, and representatives from parent, teacher, student, and community groups. The IPM Committee acts in an advisory capacity, review the proposed use of least-toxic pesticides, and research/report pesticides suspected to be hazardous. Website includes notices of pesticide application, NSD annual reports, vendor annual reports, IPM Policy, IPM Procedure, IPM Committee, list of approved products, contact for more info.	Chemical controls are used only when needed, and using the least toxic product needed to control the pest. Preference given to measures least hazardous to human health, least disruptive of natural controls, least toxic to non-target organisms, and most likely to be long-lasting and prevent recurrence (cost effective and use spot treatments vs broadcast treatment). Areas have a more natural look, for example, put leaves at base of trees. The Northshore School District pest management program incorporates two levels of decision-making to control pest problems: Action level - the point at which action must be taken to prevent a vegetation or pest population at a specific site from reaching the threshold level; threshold level - the point at which the growth of a vegetation or pest population will cause an unacceptable impact on public safety, recreation, health, natural or managed ecosystems, aesthetic values, economic damage to disired plants, and the integrity, function or service life of facilities.	The district shall comply with all legal requirements regarding the application of pesticides to school grounds or school facilities. NSD staff and any hired vendors and contractors will be required to follow this policy.	Pesticides used must be pre-approved by the maintenance, repair and operations manager; Arilon is used for stinging insects and Advion Gel is used for ants. No "High Hazard Pesticides" are used – defined as acutely toxic to humans or animals; known, likely, probable, or possible carcinogen; a nervous system, reproductive, or developmental toxicant or hormone disruptor in humans; half life of 100 days or greater; or highly mobile (see complete list and reference sources on pages 2 and 3 of Procedure 9301P IPM 1.10.17). No pesticide will be used if the district does not have information on the pesticide's active ingredients. Privately acquired pest control products such as Raid are not permitted. Soil amendments and fertilizers used must be free of hazardous materials, herbicides, or moss killers and will have the N-P-K ratio recommended by Cooperative Extension for the PNW and be slow release nitrogen to minimize surface water contamination.	Terad 3 (rodents); Vinagreen (weeds); Cascade Green (weeds)	No "High Hazard Pesticides" are used at any location. Only organic products (Vinagreen and Cascade Green) are currently approved for vegetation control at any location.

Cities and Agencies with Significantly Reduced Pesticide Use

City/Agency	Documentation and Organizational Structure	Tolerance Level and Guiding Principles	Licensing and Training (staff and contractors)	Synthetic Pesticides Used/Not Used	BMPs and Alternatives Used	Synthetic-Pesticide-Free Locations
UW Bothell	Integrated Pest Management Policy - DRAFT - provided 7.15.19 (operationally have not used synthetic pesticides for 10 years). The Director of Facilities and Operations appoints an IPM Coordinator that: coordinates campus wide IPM activities; develops management plans for each pest and invasive species; create, review, and update an approved pesticide list for campus pest control contractor; create an annual IPM Report to present to IPM Advisory Committee; update IPM Procedures document; Provide oversight and guidance for staff and contractors engaged in pest management; assure proper pesticide application notifications, record keeping, and applicator certifications; coordinate IPM education, etc. Pesticides used must be pre-approved in writing by an appointed employee within the Facilities and Campus Operations Department. All exception requests to this policy shall be made in writing. The IPM Advisory Committee will review and make recommendations for each request prior to application of the exemption product where time permits.	IPM treatments are utilized when and where monitoring has indicated that the pest will cause unacceptable health, safety, or economic damage.	Grounds Supervisor (or their designee) must hold and maintain a valid Washington State Dept. of Agriculture Pesticide Applicators License with Aquatic Endorsement. Annual IPM trainings should be provided for all staff with direct pest or invasive species management responsibilities. The IPM Policy and Procedures documents will be shared with vendors and contractors and included in future Requests for Proposals. UW Bothell staff and any hired vendors will be required to follow this policy.	Insecticides (to treat public safety hazards like hornets) with longer residual effectiveness in difficult to treat situations only (such as the side of a building with a long entrance tunnel). These are rare instances. No 'high hazard pesticides' are used defined as: acutely toxic to humans or animals; a known, likely, probable, or possible carcinogen; a nervous system, reproductive, or developmental toxicant or hormone disrupter in humans; persistent in the environment (half-life of 100 days or greater); or has a high mobility in soils.	For hornet and wasp nests in high use areas they: clip the branch and drop nest into plastic bag for disposal; dig up ground nests and kill the queen; use natural products including diatomaceous earth, cedar oil, or Arilon pesticide. Other natural pesticides used include: borates, silicates, and diatomaceous earth; microbe-based pesticides; pesticides made with essential oils without toxic synergists; nonvolatile insect and rodent baits in tamper resistant containers or for crack and crevice treatment only; products consisting solely of active and inert ingredients on the Federal Insecticide, Fungicide and Rodenticide Act 25(b) list.	The entire campus (135 acres)
City of Eugene, OR	2018 Integrated Pest Management Plan.	Set specific action thresholds for different locations (ballfields vs natural areas); Set specific prevention, control, and evaluation methods for different locations; Regular monitoring (annual to weekly depending on site type); Use most effective and least toxic method available; Staff reserves the right to delay management actions for weeds that are above the action threshold due to resource constraints.	Contractors (ex: new park development) follow City policies/thresholds; Employees must review BMPs and get concurrence of lead worker before chemical application.	No neonicotinoids used anywhere. Approved products in riparian buffer zones (w/in 25ft of surface water) include: glyphosate products such as Aquastar and Rodeo; triclopyr amine products such as Garlon 3A and Vastlan; Aminopyralid products such as Milestone; Imazapyr and Imazamox products such as Habitat and Clearwater; and approved surfactants such as AgriDex. In non-riparian zones there is a long list of approved products (see plan appendices). A pesticide may only be approved for use when it has been reviewed by the Pesticide Product Review Team and it has been reviewed against the Salmon Safe High Hazard Pesticide list. In the native plant nursery, chemicals approved by the Organic Materials Review Institute will be used before more conventional chemicals are employed.	Mulch and plant blue fescue around tree wells; Manage weeds along fence lines, and around posts and fixtures, based on weed height; Mechanical prevention and control methods are prioritized such as string trimming, installing mow strips and low-growing ground covers, and flaming; Hard surfaces prioritize mechanical controls such as hand removal, flaming, crack cleaning, and crack sealing, to prevent/reduce herbicide runoff; Trails (pervious) also prioritize mechanical controls such as flaming and scarifying with a Roterra; Softball infields are mechanically harrowed as soon as possible in the spring to disrupt weeds and Poa annua is allowed to grow in the fall as a cover crop.	Pesticide-Free Parks identified – based on agreement with neighborhood association or community organization that agrees to monitor and control weeds; Designated "No Pesticide Zones" include high-use parkland areas: playgrounds, dog parks, picnic areas, community gardens, outdoor swimming pools/wading pools, and water spray features, and stormwater basins and inlets (plus 5 - 100 foot buffer around perimeter). Park supervisors may authorize the application of a pesticide in a No Pesticide Zone when there is a threat to public health or safety (ex: hornets, poison oak, etc.) or in cases where a pest poses a substantial risk to the function an asset, after reasonable non-pesticide approaches have been considered.

Cities and Agencies with Significantly Reduced Pesticide Use

City/Agency	Documentation and Organizational Structure	Tolerance Level and Guiding Principles	Licensing and Training (staff and contractors)	Synthetic Pesticides Used/Not Used	BMPs and Alternatives Used	Synthetic-Pesticide-Free Locations
King County	<p>King County Site Management Plan (2012) https://your.kingcounty.gov/dnrp/library/water-and-land/stormwater/kc-stormwater-site-mgt-plan.pdf</p> <p>King County Guidelines for Integrated Pest Management (Older draft of above 2012 document - Draft 9/2000) - https://hazwastehelp.org/ChemToxPesticides/documents/IPMKCGuidelines.pdf</p> <p>King County Noxious Weed Control Program - https://www.kingcounty.gov/services/environment/animals-and-plants/noxious-weeds/program-information.aspx</p> <p>IPM Executive Policy - https://www.kingcounty.gov/about/policies/executive/utilitiesaao/put817aao.aspx</p>	<p>Non-toxic products are preferred and products considered "highly toxic" ("Tier 1") are not allowed without a specific exemption (via a Tier 1 Product Exemption Request to the IPM program administrator). Landscape design should minimize pest problems. Attention should be paid to soil health as a preventative measure against pests.</p> <p>Landscapes should be maintained such that they are healthy and support natural predators for pests. Regular assessments should be conducted to identify and document potential and actual pests. Tolerance thresholds should be established based on pest, specific location, and/or land use type. Three threshold sublevels may be identified: injury threshold, action threshold, and damage threshold. When predetermined action thresholds are crossed, interventions are implemented to avoid reaching damage thresholds. Some thresholds may be set at or near zero.</p>	<p>All staff associated with areas where pest control may be necessary should be oriented on the IPM policy. Staff responsible for vegetation management should receive training on pest identification, threshold levels, monitoring techniques, noxious weeds, pesticide laws and safety, organic alternatives, and best practices. IPM training should be shared across King County agencies whenever possible. Noxious Weed Control Program staff are required to obtain a Washington State Pesticide consultant's license.</p>	<p>King County generally does not use pesticides classified as "Tier 1" by the EPA</p> <p>Chemical pesticides must be registered by the Washington State Department of Agriculture. Chemical pesticide use is especially regulated around aquatic and buffer zone areas.</p>	<p>King County has a list of BMPs to follow for specific pests. - https://www.kingcounty.gov/services/environment/animals-and-plants/noxious-weeds/weed-control-practices/bmp.aspx</p> <p>King County has used non-toxic alternatives listed at https://growsmartgrowsafe.org/ and lists natural yard care options at https://www.naturalyardcare.org/</p>	<p>Synthetic pesticides prohibited at Marymoor Park community garden.</p> <p>King County previously used a "Pesticide-Free Places" map, but this is currently out of commission. The County is currently discussing whether to bring this program back. In 2013, it listed ~850 sites that were totally or nearly pesticide-free - https://www.hazwastehelp.org/pfpar/index.aspx - Data from 2015 is located here - http://www5.kingcounty.gov/sdc/FGDCDocs/PESTICIDE_FREE_PUBLIC_SITES_faq.htm</p>

Neighboring Cities' IPM Policies

City	Documentation and Organizational Structure	Tolerance Level and Guiding Principles	Licensing and Training (staff and contractors)	Synthetic Pesticides Used/Not Used	BMPs and Alternatives Used	Synthetic-Pesticide-Free Locations
Bellevue	2016 Environmental Best Management Practices and Design Standards		Follow WA State Pesticide License regulations and implement a Hazards Communications Program so that all employees remain informed and receive proper training when dealing with hazardous chemicals.	Finale; Copperhead Ez-Ject pellets, Roundup Custom, Garlon 3A, Aquasweep, Imazamox, Renovate, Vastlan, Rainier EA.	Frequent mulch application is primary strategy for planting areas. Mechanical control (and herbicide Finale) used on warning tracks and hardscape weeds. Have tried organic products including Biosafe and Avenger without much success.	A handful of neighborhood parks are pesticide reduced but still allow treatment of wasps/hornets and noxious weeds per King County)
Redmond	2011 Integrated Pest Management Practices	Establish and maintain an acceptable level of pest populations based on the pest and the site. Use synthetic pesticides in limited situations when other methods of pest control are not effective or practical.	All staff members involved in pesticide application are licensed and certified by WA State Department of Agriculture.	BurnOut (successful using the strongest 1:2 mixture); Roundup; and any products recommended for use on noxious weeds by King County BMPs. Tried horticultural vinegar but not very successful.	Focus on staff training in IPM and preventative measures such as: building healthy soil; planting the right plant in the right place; selecting pest resistant plants; ensuring proper drainage and irrigation; using proper pruning techniques; overseeding, de-thatching, and aerating turf; maintaining warning tracks with a nail drag; manually weeding and mulching shrub beds and tree rings; flaming fence lines; hardened fence lines; trading out low-growing ground covers for larger plants that shade or hide weeds; and eliminating food and habitat for rodents. Tried the Foamstream Weeder - not sure if they'll get one but seems promising.	Turf and tot-lots are maintained pesticide free. Most locations are pesticide-reduced. They do use pesticides for hornets, wasps, etc. as needed for public safety.
Seattle	1999 Pesticide Use Reduction Strategy. An IPM Coordinator monitors overall programs, ensures regulatory requirements are met, tracks pesticide use; identifies new and alternative treatments; reviews exception requests; and participants in the City of Seattle's Interdepartmental IPM Committee that review programs annually and adjusts policies and procedures as needed. In 2015 Seattle became a "Bee City, U.S.A.".	Connects with the Land and Grounds Management Policy, Integrated Pest Management strategy that favors pest prevention and tolerance over control, and the Chemical Use Policy that prioritizes products for phase-out and replacement with less hazardous alternatives; Goal of phasing out the use of the most hazardous pesticides and reduce overall pesticide use; Consistent with the Tri-County (King, Pierce, and Snohomish) IPM Policy and Guidelines to reduce impacts of pesticides on threatened and endangered species.		Neonicotinoid pesticides banned on city property; Pesticide review criteria were developed to categorize products into three tiers. Products in Tier 1 (greatest potential hazard) include products assigned by the U.S. EPA to Hazard Category 1, restricted use pesticides (requires applicators' license), contain dioxins, include ingredients on the state list of acutely dangerous wastes, and products with known, likely, or probably carcinogens as identified by U.S. EPA, State of California, National Toxicology Program, or International Agency for Research on Cancer, products containing reproductive toxicants or endocrine disruptors, products labeled as toxic to birds/aquatic species/bees/etc., products with active ingredients with soil half-lives greater than 100 days, and products that move readily in the environment and may impact ground or surface waters. Tier 1 herbicides and insecticides are targeted as first priority for phase-out with possible exceptions for indoor use or as need to control stinging insects. Glyphosate and Surflan are now categorized as Tier 1 pesticide and aren't used without special exception approval granted which is rare. They do use Garlon, Triclopyr, and Imazapyr.	Increasing pest tolerance thresholds; using non chemical methods such as mulching, irrigating, fertilizing, using pest-resistant species, flame weeding, hand pulling, string trimming, hot water weeding; direct applications such as cut and paint, using alternative chemical products such as neem oil products, active bacillus products, and potassium bicarbonate products, and changing the overall landscaping given maintenance considerations.	22 parks (50 acres) maintained without the use of pesticides and 250 areas (playgrounds, picnic shelters, community gardens, and turf fields) maintained without pesticides. There is a 25' buffer around pesticide free parks and areas. Very strict compliance - must be completely pesticide free except for using insecticides to treat hornets or pesticides to treat regulated noxious weeds. When they do have treatments in pesticide free parks there is a process for signage and notification (notification waived for emergencies such as hornets).
Issaquah	Issaquah Municipal Code - https://www.codepublishing.com/WA/Issaquah/?Issaquah18/Issaquah1812.html	Excessive pesticide use is not permitted. Pesticide applications, when necessary, must be classified as safe for aquatic environments. Application near waterways, buffer zones, storm drains, and wetlands is regulated. Developments in CARA (Critical Aquifer Recharge Area) Class 1 and 2 areas with landscaped areas greater than 10,000 square feet must prepare an operations and maintenance manual for fertilizer and pesticide applications using BMPs and IPM.	(Just a note--Issaquah staff were invited to participate in a seemingly voluntary IPM workshop in 2015 - https://m.bpt.me/event/2451147)	Issaquah does not use pesticides that are not safe for aquatic environments.		The Issaquah Community Garden does not permit inorganic pesticide use.

Neighboring Cities' IPM Policies

City	Documentation and Organizational Structure	Tolerance Level and Guiding Principles	Licensing and Training (staff and contractors)	Synthetic Pesticides Used/Not Used	BMPs and Alternatives Used	Synthetic-Pesticide-Free Locations
Edmonds	Integrated Pest Management in Edmonds Parks - website - http://www.edmondswa.gov/parks-recreation-departments/parks-pest-management.html	<p>Park employees monitor pest conditions on a weekly maintenance schedule. Mechanical, cultural, and biological control methods are preferred, and synthetic pesticides are used as a last resort.</p> <p>Decisions are based on threshold and action levels. Threshold level is the point at which pests will cause unacceptable impact to public safety, ecosystems, or facilities. Action level is the point at which action must be taken to avoid reaching a threshold level.</p>	"Pesticides are applied by Park staff that have been trained, licensed, and certified through the Washington State Department of Agriculture (WSDA). Training includes requirements for safe practices, knowledge of and adherence to labeling instructions, compliance with state laws, and record keeping. Licenses are renewed annually with a total of 40 educational credits to be acquired within a five year period for recertification."	<p>"With a few exceptions, [the City of Edmonds Parks Department] currently [uses] only natural, organic pesticide products."</p> <p>Aggressive wasp nests and noxious weeds may be treated with pesticides when they pose public safety hazards or when doing so is required by law.</p> <p>Since 2008, the Parks department has reduced glyphosate (mainly Roundup) use by 60%, and has transitioned to using Avenger.</p>	<p>Mulching, using mulch from local trees cut during pruning processes, trees that have blown over during storms, and fallen leaves.</p> <p>Most common IPM practices are: intentional planting design; plant health maintenance; pruning; turf height maintenance; grass cycling (leaving clippings on turf to shade out weeds); mulching; and biological controls (e.g., ladybugs and praying mantis)</p>	General pesticide-free locations include: all natural and wild areas; buffer zones adjacent to any creek, wetland, shoreline, or riparian zone; rain gardens; woodland trails; downtown corner parks; off-leash dog areas; and turf (but weeds in baseball infields are spot-treated).

Weed Control Options

Control Type	Product	Mechanism		Effectiveness	Treatments Required (per season)	Labor Estimate	Square footage of treatment per hour	Toxicity/ Hazard		Pros	Cons	Cost	Notes
		Type	Effect					Human	Environmental				
Synthetic Pesticide	Roundup Custom	Spray	Whole plant deterioration	Good	One	Ave \$27/hr x 1 hour = \$27 + benefits	4000 square feet of spot treatment per hour	EPA "caution" CA 65 - Yes (cancer) IARC - Group 2A	May contaminate water, cause oxygen depletion in water, and/or suffocate fish	Efficient. Can be used around water. Kills a large variety of weed species. Can be used on Noxious weeds.	Negative public perception.	\$90- 2.5 gallons	Makes 120 gallons of product.
	Roundup QuikPro	Spray	Whole plant deterioration	Very good	One	Ave \$27/hr x 1 hour = \$27 + benefits	4000 square feet of spot treatment per hour	EPA "caution" CA 65 - Yes (cancer) IARC - Group 2A	Toxic to aquatic invertebrates; may contaminate water	Efficient. Can be used around water. Kills a large variety of weed species. Can be used on Noxious weeds.	Negative public perception.	\$80- 6.8 pounds	Makes 75 gallons of product.
	Candor	Spray	Whole plant deterioration	Very good	One	Ave \$27/hr x 1 hour = \$27 + benefits	4000 square feet of spot treatment per hour	EPA "caution" CA 65 - Yes (cancer) IARC - Group 2B	Toxic to fish and aquatic invertebrates; may contaminate water and/or groundwater	Kills select weeds without damaging grass.	Harder on the environment.	\$77 - 1 gallon	Rarely used in our parks
	Garlon 3A	Spray or injection	Whole plant deterioration	Very good	One	Ave \$27/hr x 1 hour = \$27 + benefits	4000 square feet of spot treatment per hour	EPA "danger" CA 65 - No IARC - Group 3	May contaminate water and/or groundwater; may cause oxygen depletion in water, and/or suffocate fish	Effective on Noxious weeds.	Danger Label.	\$150 - 2.5 gallons	Poison Hemlock, Knotweed, Giant Hogweed control
	EZ-Ject Copperhead	Injection	Whole plant deterioration	Good	One	Ave \$27/hr x 1 hour = \$27 + benefits	4000 square feet of spot treatment per hour	EPA "caution" CA 65 - Unlisted IARC - Unlisted	May contaminate water	Direct injection chemical. Minimal exposure to all.	Shells remain on site until target species is removed.	\$230 - 10 pounds	Invasive tree species
	EZ-Ject Diamondback	Injection	Whole plant deterioration	Good	One	Ave \$27/hr x 1 hour = \$27 + benefits	4000 square feet of spot treatment per hour	EPA "caution" CA 65 - Yes (cancer) IARC - Group 2A	May contaminate water	Direct injection chemical. Minimal exposure to all.	Shells remain on site until target species is removed.	\$230 - 10 pounds	Invasive tree species
	Habitat	Spray	Whole plant deterioration	Good	One	Ave \$27/hr x 1 hour = \$27 + benefits	4000 square feet of spot treatment per hour	EPA "caution" CA 65 - No IARC - Unlisted	Toxic to (weed-adjacent) plants; may cause oxygen depletion in water, and/or suffocate aquatic organisms; may contaminate water			\$300 - 2.5 gallons	Primary use is to control invasive aquatic plants
	Milestone	Spray	Whole plant deterioration	Good	One	Ave \$27/hr x 1 hour = \$27 + benefits	4000 square feet of spot treatment per hour	EPA "caution" CA 65 - No IARC - Unlisted	May contaminate water			\$95 - 1 quart	
	AgriDex	Spray (mix-in surfactant)	Improved pesticide application	Good	One	Ave \$27/hr x 1 hour = \$27 + benefits	4000 square feet of spot treatment per hour	EPA "warning" CA 65 - Yes (cancer) IARC - Group 1	Unreported			\$120 - 2.5 gallons	CA 65 and IARC classifications based on presence of mineral oil (paraffinic oil)
	Finale	Spray	Whole plant deterioration	Good	One	Ave \$27/hr x 1 hour = \$27 + benefits	4000 square feet of spot treatment per hour	EPA "warning" CA 65 - No IARC - Unlisted	May contaminate water and/or groundwater			\$175 - 2.5 gallons	

Weed Control Options

Control Type	Product	Mechanism		Effectiveness	Treatments Required (per	Labor Estimate	Square footage of	Toxicity/ Hazard		Pros	Cons	Cost	Notes
	AquaSweep	Spray	Whole plant deterioration	Good	One	Ave \$27/hr x 1 hour = \$27 + benefits	4000 square feet of spot treatment per hour	EPA "danger" CA 65 - No IARC - Group 2B	Toxic to fish and aquatic invertebrates; may cause oxygen depletion in water and/or suffocate aquatic organisms; may contaminate water and/or groundwater			\$150 - 2.5 gallons	
	Imazamox	Spray	Whole plant deterioration	Good	One	Ave \$27/hr x 1 hour = \$27 + benefits	4000 square feet of spot treatment per hour	EPA "caution" CA 65 - Unlisted IARC - Unlisted	May be hazardous to non-treated plants; may contaminate water			\$385 - 1 gallon	
	Vastlan	Spray	Whole plant deterioration	Good	One	Ave \$27/hr x 1 hour = \$27 + benefits	4000 square feet of spot treatment per hour	EPA "warning" CA 65 - No IARC - Unlisted	May contaminate water and/or groundwater; may cause oxygen depletion in water and/or suffocate fish			\$280 - 2.5 gallons	
	Arlon (insecticide - stinging insects)	Granule to spray	Insect death	Fair	One	Ave \$27/hr x 1 hour = \$27 + benefits	4000 square feet of spot treatment per hour	EPA "caution" CA 65 - Unlisted IARC - Unlisted	Toxic to fish and aquatic invertebrates; may contaminate water			\$77 - 8.25 ounces	Slow reaction. Doesn't provide instant knock down.
	Advion Gel (insecticide - ants)	Gel	Insect death			Ave \$27/hr x 1 hour = \$27 + benefits	4000 square feet of spot treatment per hour	EPA "caution" CA 65 - Unlisted IARC - Unlisted	May contaminate water			\$30 - 4.24 ounces	Rarely to never used.
	Raid Wasp & Hornet Killer 33 (insecticide)	Spray	Insect death	Very good	One	Ave \$27/hr x 1 hour = \$27 + benefits	4000 square feet of spot treatment per hour	EPA "caution" CA 65 - Unlisted IARC - Unlisted	Extremely toxic to fish and aquatic invertebrates, may contaminate water			\$6 - 14 ounces	Provides immediate knock down to pest. Prevents a slow reaction that could put staff or users in danger.
Organic Pesticide	Safer Garden Defense	Spray	Fungus and insect death	Good	Two	Ave \$27/hr x 1 hour = \$27 + benefits	4000 square feet of spot treatment per hour	EPA "caution" CA 65 - No IARC - Unlisted	May contaminate water; toxic to bees with direct treatment Classified as hazardous waste in California			\$66 - 1 gallon	Works well on large aphid population. Prevents aphids from defoliating trees which will cause stress to the tree. Consequently this stress overtime may cause premature death. Only used when a high infestation is observed.
	Terad3 (rodenticide)	Solid bait block or pellets	Rodent death	Good	One per rodent	Ave \$27/hr x 1 hour = \$27 + benefits	4000 square feet of spot treatment per hour	EPA "caution" CA 65 - Unlisted IARC - Unlisted	Toxic to fish, birds and other wildlife; may contaminate water			\$42 - 4 pounds	
	Vinagreen	Spray	Plant corrosion where sprayed (e.g., not root system)			Ave \$27/hr x 1 hour = \$27 + benefits	4000 square feet of spot treatment per hour	EPA "danger" CA 65 - Unlisted IARC - Unlisted	Toxic to birds, fish, and aquatic invertebrates; may contaminate water			\$258 - 55 gallons	
	Cascade Green (multiple products)					Ave \$27/hr x 1 hour = \$27 + benefits	4000 square feet of spot treatment per hour						

Weed Control Options

Control Type	Product	Mechanism		Effectiveness	Treatments Required (per	Labor Estimate	Square footage of	Toxicity/ Hazard		Pros	Cons	Cost	Notes
	BurnOut Weed & Grass Killer Concentrate	Spray	Above-ground deterioration (root systems remain)	Good	Three or four (surface kill only)	Ave \$27/hr x 1 hour = \$27 + benefits	4000 square feet of spot treatment per hour	EPA "danger" CA 65 - Unlisted IARC - Unlisted	May contaminate water			\$26 - 32 ounces	
	Borates (insecticide)	Powder, or powder to spray	Insect death					Acute toxicity - Unlisted CA 65 - Unlisted IARC - Unlisted	May contaminate water; toxic to plants			Varies, but one type costs \$11 - 12 ounces	
	Silicates (insecticide)	Powder, powder to spray, or gel	Insect death					EPA determined "not acutely toxic" CA 65 - Yes, when in crystalline form (cancer); Otherwise, no IARC - Group 1 when in crystalline form, Group 3 otherwise	Potentially hazardous to aquatic organisms (data inconclusive at this time)			Varies, but one type costs \$123 - 5 pounds	
	Diatomaceous earth (insecticide)	Powder	Insect death					Acute toxicity - Unlisted CA 65 - Unlisted IARC - Group 3 Potential for human hazard associated with use (respiratory injury if inhaled)	Unreported			Varies, but one type costs \$20 - 10 pounds	
	Microbe-based pesticides	Micro-level species (microorganism) introduction, generally via powder/ spray/ granule/ pellets	Plant/ fungi/ rodent/ insect death or reproductive inhibition					May pose toxicity risk to humans on acute level (data inconclusive/ unavailable at this time)	May pose toxicity risk to non-target species (data inconclusive/ unavailable at this time)			Varies, but one type costs \$100 - 1 pound	
	Essential oil based pesticides	Oil - spray, crystal, gel, pellet, or post	Insect/ fungi death					None	None			Varies, but one type costs \$13 - 16 ounces	
Physical/Cultural/Biological	Hand pulling	Manual tool	Entire plant removal (note: some root systems may remain)	Great	Ongoing	Ave \$16.50/hr x 4 hours = \$66 + benefits	1000 square feet per hour	No toxicity Potential human hazard associated with physical labor	None	Removes the root of the weed.	Time consuming. Labor intensive. Possibility of tearing plant out without root.	Labor cost only	
	Hula hoe	Manual tool	Entire plant removal (note: some root systems may remain)	Fair	Ongoing	Ave \$16.50/hr x 4 hours = \$66 + benefits	1000 square feet per hour	No toxicity Potential human hazard associated with physical labor	None	Quick.	Only removes surface foliage. Labor intensive.	Labor cost only - Likely to already own this tool, or \$18 - one tool	

Weed Control Options

Control Type	Product	Mechanism		Effectiveness	Treatments Required (per	Labor Estimate	Square footage of	Toxicity/ Hazard		Pros	Cons	Cost	Notes
	Crack hoe	Manual tool	Entire plant removal (note: some root systems may remain)	Fair	Ongoing	Ave \$16.50/hr x 4 hours = \$66 + benefits	1000 square feet per hour	No toxicity Potential human hazard associated with physical labor	None	Removes weeds from cracks that you can't pull.	Labor intensive. Creates mess on pathways. Doesn't remove roots.	Labor cost only - Likely to already own this tool, or \$30 - one tool	
	Crack sealing	Material input	Resource deprivation prevents plant growth	Good, where applicable	Ongoing	Ave \$16.50/hr x 4 hours = \$66 + benefits	1000 square feet per hour	Potential human hazard associated with installation physical labor and chemical exposure	Potential toxicity, dependent on sealant type and physical conditions	Seals cracks, preventing new weed growth.	Requires killing organics in cracks before application. Poor aesthetics value. Will need second application.	Varies, but one type costs \$11 - 1 quart	Toxicity/ hazard depends on materials used and environmental conditions
	Weed wrench	Manual tool	Entire plant removal (note: some root systems may remain)	Great	One	Ave \$16.50/hr x 4 hours = \$66 + benefits	1000 square feet per hour	No toxicity Potential human hazard associated with physical labor	None	Removes large woody weeds including roots	Only works on selective weeds. (Scotchbroom) Labor intensive/slow	Labor cost only - Likely to already own this tool, or Varies, but one type costs \$90 - 1 tool	
	Mulch and/or sheet mulch	Material input	Resource deprivation prevents plant growth	Good	One. Weeds will develop on top layer of mulch	Ave \$16.50/hr x 4 hours = \$66 + benefits	1000 square feet per hour	No toxicity Potential human hazard associated with installation physical labor	Potential for introduction of contaminants/ invasive species (unlikely)	Suppresses weeds for a period of time.	Sheet material is expensive. Site must be weeded before sheeting. Weeds will eventually grow on top.	Varies, but averages about \$2 to \$5 - 2 cubic feet	
	Synthetic turf	Material input	Resource deprivation prevents plant growth	Great	One	Ave \$16.50/hr x 4 hours = \$66 + benefits	1000 square feet per hour	Potential toxicity (data inconclusive at this time) Potential human hazard associated with installation physical labor	Potential toxicity (data inconclusive at this time)	Removes existing organics material.	Expensive. Will need replacement. Only applicable in certain areas. Weeds can still grow in synthetic material and are more challenging to remove.	Varies widely: \$1 to \$20 - 1 square foot	
	Fill beds with shrubs	Species introduction	Resource deprivation prevents plant growth	Good	Ongoing.	Ave \$16.50/hr x 4 hours = \$66 + benefits	1000 square feet per hour	No toxicity Potential human hazard associated with physical labor	Potential for introduction of contaminants/ invasive species (unlikely)	Hides weeds	Expensive. Weeds will still be present.	Varies widely: \$5 to \$50 - one plant	
	Lady bugs and beetles	Species introduction	Insect removal via consumption	Fair	Multiple. Dependant on pest outbreak as well as easy access for predatory bug to access pest.	NA	NA	None	Potential for introduction of parasites/ diseases (unlikely)	Low impact to plants and people.	Expensive. Hard to have consistency, since we have no control over the bugs.	\$20 - 1500 bugs	xxxx of ladybugs released for xxxx square feet of foliage
	Goats	Species introduction	Plant removal via consumption	Fair	Multiple.	NA - contracted	NA - contracted	None	Potential for introduction of parasites/ diseases (unlikely)	Fun for the community.	Only eat was is accessible. Goat storage. Fencing onsite of weed project. Lack of goat knowledge from staff.	Varies by contracted company: \$250 to \$700 - 1 day of goat rental	
	Install native bunch grasses	Species introduction	Resource deprivation prevents plant growth	Good	One. Weeds will grow in areas available. Less norticable.	NA - installation only	NA - installation only	None	Potential for introduction of contaminants/ invasive species (unlikely)			Varies widely (can be seed or mature plant)	

Weed Control Options

Control Type	Product	Mechanism		Effectiveness	Treatments Required (per	Labor Estimate	Square footage of	Toxicity/ Hazard		Pros	Cons	Cost	Notes
	Install concrete mow strips	Material input	Resource deprivation prevents plant growth	Great	One.	NA - installation only	NA - installation only	Potential human hazard associated with installation physical labor and chemical exposure	Potential toxicity, dependent on concrete type and physical conditions			Varies widely: \$2 to \$22 - 1 square foot	Toxicity/ hazard depends on materials used and environmental conditions
Mechanical	Mowing	Power tool - blade	Top of plant removal (root systems and/or stems remain)	Poor	Ongoing	Ave \$27/hr x 1 hour = \$27 + benefits	2-5 acres per hour - generally only used on lawn areas - not a primary weed control method	Potential human hazard associated with use (i.e., physical and/or respiratory injury) CA 65 - Yes (gasoline engine exhaust) IARC Group 2B (for gasoline engine exhaust)	Air pollution from motor use			Labor cost only - Likely to already own this tool, or Varies widely: \$200 to \$1600 - one tool	
	String-trimming	Power tool - string	Top of plant removal (root systems and/or stems remain)	Poor	Ongoing	Ave \$16.50/hr x 2 hours = \$33 + benefits	Ave of 2000 square feet per hour depending on landscape (fences, lawns, tree wells, flower beds all different)	Potential human hazard associated with use (i.e., physical and/or respiratory injury) CA 65 - Yes (gasoline engine exhaust) IARC Group 2B (for gasoline engine exhaust)	Air pollution from motor use Microplastic pollution via string deterioration			Labor cost only - Likely to already own this tool, or Varies widely: \$100 to \$350 - one tool	
	Backpack torch/flaming	Power tool - flame (heat)	Whole plant deterioration from heat damage (note: some plants' root systems may remain)	Roundup/GREAT	One-Two	Ave \$27/hr x 2 hours = \$54 + benefits	2000 square feet per hour of spot treatment	Potential human hazard associated with use (i.e., physical and/or respiratory injury; namely burns) Fire hazard CA 65 - Yes (gasoline engine exhaust) IARC Group 2B (for gasoline engine exhaust)	Air pollution from motor use Fire hazard			Labor cost only - Likely to already own this tool, or Varies, but one type costs \$285 - one tool	
	Scarifying with a Roterra (The Lely Roterra is a specific branded scarifying tool. Information in this row - except cost - applies to all scarifying tools)	Manual or power tool - blades	Lawn thatch (organic material, i.e., dead grass) removal encourages grass growth, which causes resource deprivation and prevents weed growth	Need more info	NA	Used for thatching not weed control	NA	Potential human hazard associated with use (i.e., physical and/or respiratory injury if power tool) If power tool - CA 65 - Yes (gasoline engine exhaust) If power tool - IARC Group 2B (for gasoline engine exhaust)	If power tool - air pollution from motor use			Varies, but average cost ranges from \$4,000 to \$6,000 - one tool	

Weed Control Options

Control Type	Product	Mechanism		Effectiveness	Treatments Required (per	Labor Estimate	Square footage of	Toxicity/ Hazard		Pros	Cons	Cost	Notes
	Harrowing	Manual or power tool - blades	Whole plant deterioration through slicing or root exposure (resource deprivation)	Need more info	NA - primarily used to remove weeds in large fields (like farming)	NA	NA	Potential human hazard associated with use (i.e., physical and/or respiratory injury if power tool) If power tool - CA 65 - Yes (gasoline engine exhaust) If power tool - IARC Group 2B (for gasoline engine exhaust)	If power tool - air pollution from motor use			Varies widely, but average cost ranges from \$200 to \$340 - one tool	
	Nail drag	Manual or power tool - nails	Whole plant deterioration through slicing or root exposure (resource deprivation)	Poor	Ongoing	NA - we don't use this - hasn't found it to be very effective	NA	Potential human hazard associated with use (i.e., physical and/or respiratory injury if power tool) If power tool - CA 65 - Yes (gasoline engine exhaust) If power tool - IARC Group 2B (for gasoline engine exhaust)	If power tool - air pollution from motor use			Labor cost only - Likely to already own this tool, or Varies widely, but average cost ranges from \$115 to \$500 - one tool	
	Hot water	Power tool - water (heat)	Whole plant deterioration from heat damage (note: some plants' root systems may remain)	Fair	Ongoing	NA - we haven't used this method - need a constant source of scalding hot water	NA	Potential human hazard associated with use (i.e., physical and/or respiratory injury; namely burns) CA 65 - Yes (gasoline engine exhaust) IARC Group 2B (for gasoline engine exhaust)	Air pollution from motor use			Varies, but average cost is around \$100 - one tool; Plus cost of water (varies)	
	Foamstream	Power tool - water and foam (heat)	Whole plant deterioration from heat damage (note: some plants' root systems may remain)	Good/from our understanding.	Unknown	NA - Bothell found it to be unreliable for weed control - good as a steam pressure washer	NA	Potential human hazard associated with use (i.e., physical and/or respiratory injury; namely burns) CA 65 - Yes (gasoline engine exhaust) IARC Group 2B (for gasoline engine exhaust)	Air pollution from motor use			Varies depending on model, but average cost \$46,000 - one tool unit	



CITY OF KIRKLAND

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MEMORANDUM

To: Kurt Triplett, City Manager

From: Rod Steitzer, P.E., Capital Projects Manager
Kathy Brown, Public Works Director

Date: September 19, 2019

Subject: GOAT HILL STORM DRAINAGE REPAIR—PROJECT UPDATE

RECOMMENDATION:

It is recommended that the City Council:

- Receive an update on the Goat Hill Storm Drainage Repair (SDC 0077) project; and
- Review options 1 (staff recommendation) and 2 below for completing the project.

If the Council concurs with option 1 recommended by staff, then an additional \$294,500 will be required for the project. A fiscal note for that amount is included for potential Council approval.

BACKGROUND DISCUSSION:

The Goat Hill Storm Drainage Repair (Project) provides surface water improvements on Goat Hill and in Juanita Drive to minimize flooding, minimize erosion, and provide additional surface water conveyance capacity for future development of the drainage basin. The new system conveys surface water flows from Goat Hill and Juanita Drive to an outfall near the Oxbow Marsh area of Juanita Creek, which provides critical habitat to aquatic life (see Attachment A, Project Map). Council awarded the Project construction contract on June 4, 2019 and work began on July 22, 2019. To date the outfall between Oxbow Marsh and Juanita Drive has been installed and the basin outfall system within NE 116th Place has been installed. As of this writing, installation of the storm pipe within Juanita Drive is underway.

Shortly after construction began, the contractor encountered unexpected subsurface conditions such as:

- Unmarked and mismarked non-City, third-party utilities,
- Unmarked concrete-encased utilities, and
- Unusually large concrete blocks used to stabilize pressurized utilities.

These utility issues and the subsurface conditions prevent the installation of the Juanita Drive storm pipe system as designed originally. Staff directed the contractor to perform additional subsurface exploration to better understand alternate alignment options to complete the necessary conveyance improvements. The exploration revealed that in addition to the previously discovered subsurface conditions, large-diameter logs were used to build the subgrade of the roadway in areas of poor soil conditions. Using the information gathered, the most feasible alignment with the least number of conflicts is along the center lane of Juanita Drive (see Attachment A, Project Map).

Additionally, recent heavy rain events have brought to the City's attention that during such an event the heavy flows from an existing 20" corrugated metal stormwater pipe overshoot a new catch basin and the stormwater flows east on the pavement of NE 116th Place. While a permanent solution to this problem is planned to be made in Phase II of this Project, a temporary fix should be made for the upcoming rainy season.

Funding, Options, and Anticipated Need

The approved funding for this Project is \$1,203,700. For the reasons identified above, the estimated total Project cost has increased and will exceed the currently approved funding.

Staff has identified two options for proceeding: 1) complete the Project using the revised alignment on Juanita Drive, provide a temporary fix to the stormwater overshoot problem, and increase the budget by \$294,500 to pay for this option; or 2) terminate the contract for convenience and complete a redesign and rebid the project. Option 2 cost is as-yet-undetermined but would likely be greater than \$295,000. Most of the cost in this option would not be incurred unless and until the City re-bid the project.

The table below shows the anticipated need for Option 1.

Table 1: Funding and Anticipated Need for Option 1

Funding	
Project soft costs at time of award ¹	\$592,405
Construction contract at time of award	\$567,363
Contingency	\$43,932
Total Approved Funding	\$1,203,700
Anticipated Need	
Utility conflict resolutions to date	\$63,000
Additional paving placed on NE 116 th Place	\$43,350
Additional site investigation	\$32,150
Additional cost to complete remaining storm system	\$78,000
Additional cost for additional asphalt restoration of Juanita Drive	\$23,000
Additional construction management and staff time	\$55,000
Total Anticipated Need	\$294,500

If Option 1 is selected, staff will work with the Project's design firm and third-party utility providers to recover the expenses of unmarked or mismarked utilities. Staff has contacted Puget Sound Energy (natural gas), and the Northshore Utility District as the owners of the utilities in conflict to begin the cost recovery.

¹ Includes \$228,804 for area study and preliminary design for Goat Hill surface water projects SDC 0077 (this Project) and SDC 0090.

Option 2 is an alternate path to complete the project. Under Option 2, the City would terminate the current contract for convenience. Termination for convenience is a negotiated settlement that includes a value for the contractor's loss of anticipated profit. This would provide time to evaluate further options, but the Project would remain unfinished. In the future, the City would need to redesign or repackage what remains to be done, rebid and pay for that work, and pay additional administration costs and any cost escalation, among other costs. The cost for this option has not been calculated but most certainly would be greater than \$294,500.

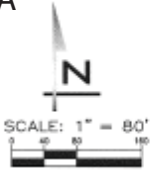
In evaluating the options, staff balanced cost, public and environmental safety, and time to complete the work. Staff recommends Option 1 and adding \$294,500 to the Project to complete the work under the current construction contract. If the Council concurs, it should approve the fiscal note by motion.

Staff has been monitoring the contractor's work and projected costs carefully to avoid exceeding the Project's budget authority prior to the Council's decision on this matter.



Schedule

If Option 1 is chosen, the Project is scheduled to be completed in late October, which includes three weeks to complete the work in Juanita Drive. Staff will keep the public informed through regularly-updated construction timelines and pertinent Project [information on the City's Public Works Projects web site](#).

Attachment A: Project Map
Attachment B: Fiscal Note



Legend [storm pipe]:

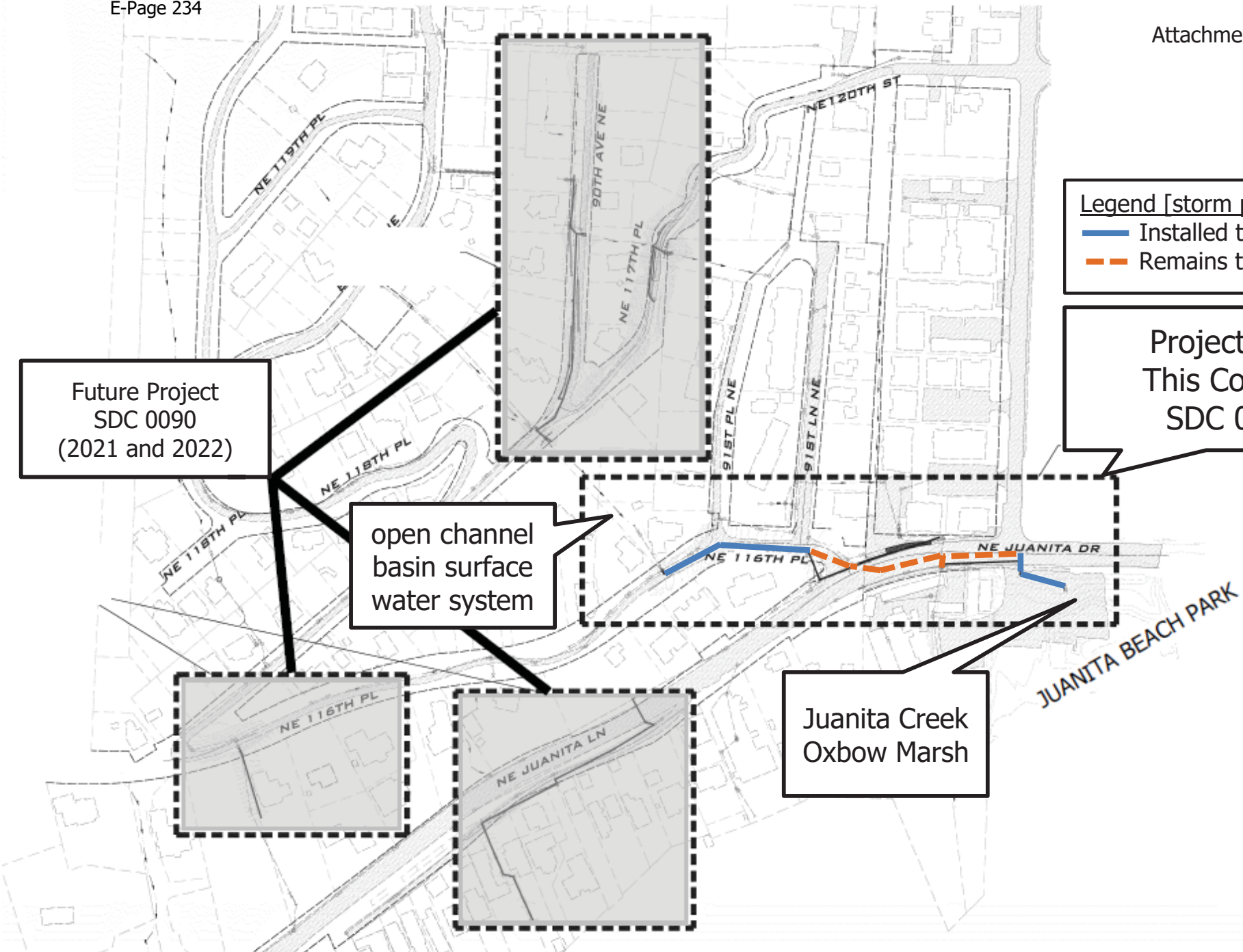
-  Installed to date
-  Remains to be installed

Project Area
This Contract
SDC 0077

Future Project
SDC 0090
(2021 and 2022)

open channel
basin surface
water system

Juanita Creek
Oxbow Marsh



FISCAL NOTE*CITY OF KIRKLAND*

Source of Request							
Kathy Brown, Director of Public Works							
Description of Request							
One-time request to transfer \$294,500 in Surface Water Capital Reserve funding for the Goat Hill Storm Drainage Repair project (SDC0077).							
Legality/City Policy Basis							
Fiscal Impact							
One-time transfer of \$294,500 from Surface Water Capital Reserves. This reserve can fully fund this request.							
Recommended Funding Source(s)							
	Description	2020 Est End Balance	Prior Auth. 2019-20 Uses	Prior Auth. 2019-20 Additions	Amount This Request	Revised 2020 End Balance	2020 Target
Reserve	Surface Water CN Reserve	2,307,965	(505,000)	473,820	(294,500)	1,982,285	N/A
Revenue/Exp Savings							
Other Source							
Other Information							
NOTE: The Council study session on 9/17/2019 covered a proposed CIP update that included \$1,455,300 in uses of the Surface Water Construction reserve, which did not include the Goat Hill request detailed here since it was future oriented and Goat Hill is a current project. If this fiscal note <i>and</i> the CIP Update is adopted as proposed, the Surface Water CN reserve will be reduced to \$526,985 .							
Prepared By	Kyle Butler, Financial Planning Supervisor				Date	September 20, 2019	