

City of Kenmore



City of Kenmore - 18120 68th Avenue NE Kenmore, WA 98028 Phone: 425-398-8900
Agendas also available at www.kenmorewa.gov E-mail: cityhall@kenmorewa.gov

City Council Special & Regular Meeting

February 14, 2022 - 6:30 p.m.

VIA ZOOM - LINK: <https://us02web.zoom.us/j/83952128990>

US: +12532158782,,83952128990# or +13462487799,,83952128990#

Or Telephone: Dial US: +1 253 215 8782

Webinar ID: 839 5212 8990

I. CALL SPECIAL MEETING TO ORDER - 6:30 PM

II. ROLL CALL

III. EXECUTIVE SESSION

- A. Pursuant to RCW 42.30.110(1)(i), The City Council will enter an executive session to discuss pending or potential litigation. The session is expected to last 30 minutes.

IV. POSSIBLE ACTION RELATING TO EXECUTIVE SESSION

V. ADJOURN SPECIAL MEETING

VI. CALL REGULAR MEETING TO ORDER - 7 PM

VII. FLAG SALUTE

VIII. AGENDA APPROVAL

IX. PUBLIC COMMENTS

- A. We welcome our community members to the Council's meeting. In this forum, the Council does not engage or dialogue with the public; the primary role of the Council is to listen. Please use the "raise hand" feature now if you wish to speak. Guest must address comments to the Mayor and City Council. The Clerk will acknowledge your request and call your name when it is your turn. Your time will start when we confirm that we can hear you. Please state your name and city of residence for the record and keep your comments to the allotted time. We will not split your time with others or reset your time except by express approval of the Presiding Officer. Screen-sharing is not allowed; you can submit materials to the Council or Clerk in advance. Please do not comment about pending development projects on which the Council will make

future decisions as those are quasi-judicial matters, and Councilmembers must limit their communications about such matters. This meeting is being recorded. Thank you for taking the time to express your comments.

X. CONSENT AGENDA

A. Approve Minutes:

[City Council January 10, 2022 Regular Meeting Minutes](#)

[City Council January 24, 2022 Special and Regular Meeting Minutes](#)

B. Approve Total Check #s 48843 through 48915 totaling \$1,228,925.79 and Total Payroll/Taxes/Flexible Spending/Retirement & Health Savings Account Electronic Deposits Dated 1/14/22 in the amount totaling \$191,735.55 and an ACH Payment to Thomco Construction in the amount of \$133,987.84

[Voucher Approval Report Dated 1/14/22](#)

C. Approve Total Check #s 48916 through 48937 totaling \$586,335.16.

[Voucher Approval Report Dated 1/22/22](#)

D. Approve Resolution No. 22-380, Designating Certain Expenditures for Reimbursement from Proceeds of Tax-Exempt Obligations Issued by the City or by the State under its local Program for Acquisition, Construction, Improvement, and Equipping of Property, the Maximum Principal Amount of Reimbursement Bonds set at \$2,900,000.

[Agenda Bill and Resolution No. 22-380 - Designating Expenditures for Reimbursement from Proceeds of Tax- Exempt Obligations](#)

E. Approve Resolution No. 22-376 Granting Final Plat Approval for Plat of Shannon Ridge

[Agenda Bill - Resolution No. 22-376](#)

[Exhibit 1 - Vicinity Map](#)

[Exhibit 2 - Shannon Ridge Hearing Examiner's Decision](#)

[Resolution 22-276 Shannon Ridge](#)

[Exhibit A - FLP Map](#)

F. Authorize the City Manager to execute agreement 22-C2779 in an amount not to exceed \$150,000 for stormwater system cleaning, vector services and pipe inspection

[Agenda Bill - Stormwater System Maintenance Vector Contract](#)

G. Receive and File November 2021 Financial Report

[November 2021 Financial Report](#)

H. Cancel the Tuesday, February 22, 2022, Regular Meeting

XI. PUBLIC HEARING

A. Public Hearing Regarding Ordinance 22-0543 Adopting Six-Month Interim Regulations for the Development within the Transit Oriented Development

(TOD) District Overlay, presented by Community Development Director Debbie Bent

[Agenda Bill - Ordinance No. 22-0543 Interim TOD Regulations](#)
[Ordinance No. 22-0543 - Interim TOD Regulations](#)
[TOD Interim Regulation](#)

XII. BUSINESS AGENDA

- A. Ordinance No. 22-0543 Repealing the Six-Month Moratorium and Establishing Interim Regulations for a six-month period for Development within the Transit Oriented Development (TOD) District Overlay Area, presented by Community Development Director Debbie Bent, *for Discussion and Adoption*

[Agenda Bill - Ordinance No. 22-0543 Interim TOD Regulations](#)
[Ordinance No. 22-0543 Interim TOD Regulations](#)
[TOD Interim Regulation](#)

- B. Residential Renter Protection Regulations, presented by Community Development Director Debbie Bent, *for Discussion and Direction*
Representatives of landlord and tenant groups have also been invited to be part of the discussion.

[Agenda Bill - Residential Renter Protections - Revised](#)
[Staff Memorandum - Renter Protection Memorandum - 2022 Council Retreat](#)
[Model Ordinance from the Transit Riders Union](#)
[King County Ordinance 19311](#)
[Seattle Ordinance 126451](#)
[Renter Protections Summary Table - Revised](#)
[Staff PowerPoint Presentation](#)

- C. Ordinance No. 22-0544, Providing Development Fee Discount Options for Lower-Income Homeowners, Amending Section 20.05.050 of the Kenmore Municipal Code, presented by Permit Coordinator Tela Gardner, and Development Services Director Bryan Hampson, *for Discussion and Adoption*

[Agenda Bill - Hardship Fee Discount](#)
[Attachment 1- Ordinance No. 22-0544](#)
[Attachment 2 - ARCH Income Limit Table \(2021\)](#)
[Attachment 3 - Jurisdiction Examples](#)

- D. Ordinance No. 22-0542, Adopting the Kenmore Automated Traffic Photo Enforcement Program (KAPE), presented by Traffic Engineer Tobin Bennet-Gold, *for Adoption*

[Agenda Bill - Automated Enforcement \(KAPE Program\)](#)
[Attachment A- Tech Memo - Photo Enforcement Changelog](#)
[Attachment B - Tech Memo - Photo Enforcement](#)
[Attachment C- 22-0542 Ordinance Automated Traffic Safety Cameras](#)
[Attachment D - KMC Automated Traffic Safety Cameras - Chap 10.45](#)
[Attachment E - Tech Memo - Photo Enforcement Crash Data](#)
[Attachment F - Tech Memo - Photo Enforcement Violation Data](#)
[Attachment G - Memo Regarding Photo Enforcement Court Data](#)

- E. ARPA Business Assistance Proposal for Urgent Needs, presented by Assistant City Manager Nancy Ousley, and Assistance City Manager/ARPA Administrator Stephanie Lucash, *for Discussion and Action*
[Agenda Bill - 14 Feb 2022 ARPA Urgent Business Assistance](#)
- F. Personnel Policy Amendments, presented by Human Resources Manager Leonora Palaña and Public Works Operations Manager Jennifer Gordon, *for Adoption*
[Agenda Bill - Resolution No. 22-377 Personnel Policy Amendments](#)
[Resolution No. 22-377 Adopting Changes to the Personnel Policy](#)

XIII. STAFF REPORT

XIV. COUNCILMEMBER REPORTS & COMMENTS

XV. EXECUTIVE SESSION

- A. Pursuant to RCW 42.30.110(1)(b), the City Council will enter an executive session to consider real estate acquisition. The session is expected to last approximately 20 minutes. Action may be taken in open session.

XVI. POSSIBLE ACTION RELATING TO EXECUTIVE SESSION

XVII. ADJOURNMENT

UPCOMING MEETINGS:

- A. February 28, 2022
March 14, 2022
March 21, 2022

**City of Kenmore
City Council Meeting
Regular Meeting Minutes
January 10, 2022**

These minutes are created to capture Council action. This is not a verbatim transcript. Meeting video and audio is available on the City YouTube channel.

CALL MEETING TO ORDER:

The virtual meeting was to order at 7 :00 p.m.

PRESENT:

Councilmembers: Councilmember David Baker
Councilmember Joe Marshall
Councilmember Debra Srebnik
Councilmember Corina Pfeil
Councilmember Angela Kugler
Councilmember Melanie O'Cain
Councilmember Nigel Herbig

Staff: City Manager Rob Karlinsey
Assistant City Manager Nancy Ousley
City Clerk Anastasiya Warhol
City Attorney Dawn Reitan
Community Development Director Debbie Bent
Assistant City Manager/ARPA Administrator Stephanie Lucash
Leonora Palaña, Human Resources Manager

Speaking Guests: Marshall Ferguson, King County Judge
Suzanne Greathouse, Outgoing Planning Commissioner
Mark Ohrenschall, Outgoing Planning Commissioner
Chanin Kelly-Rae – City DEI Consultant
Eric Adman, Northshore Fire Commission
Josh Pratt, Northshore Fire Commission
Stacey Valenzuela, Kenmore Resident
David Morton, Redmond Resident
Nancy @ Glenwood Gardens, Kenmore Resident
John Peeples, Kenmore Resident
Patrick O'Brien, Kenmore Resident
Elizabeth Mooney, Kenmore Resident
Carl Michelman, Kenmore Business Owner
Sally Caverzan, Kenmore Resident
Vicki Grayland, Kenmore Resident
David Morton, Redmond Resident

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The agenda was approved as presented.

ADMINISTRATION OF THE OATHS OF OFFICE

The Swearing-In Ceremony was conducted by the Honorable King County Superior Court Judge Marshall Ferguson. The following individuals were sworn in:

Joe Marshall - Council Position No. 2
Angela Kugler - Council Position No. 3
Nigel Herbig - Council Position No. 4
Debra Srebnik - Council Position No. 6

SELECTION OF MAYOR & DEPUTY MAYOR

David Baker opened nominations for the position of Mayor. David Baker nominated Nigel Herbig. There being no additional recommendations, the nominations were closed. Nigel Herbig was appointed as Mayor by unanimous consent of the Council. Nigel Herbig immediately assumed the role of the Mayor.

Mayor Herbig opened the nominations for the position of Deputy Mayor. Councilmember O’Cain and Councilmember Kugler were nominated. Councilmember O’Cain was selected for the position of Deputy Mayor by five votes (O’Cain, Herbig, Marshall, Srebnik, and Baker).

PRESENTATIONS

Mayor Herbig recognized the service of outgoing Planning Commissioners, Mark Ohrenschall (9 years), Suzanne Greathouse (3 years), Dennis Olson (6 years).

Eric Adman and Josh Pratt of the Northshore Fire Commission gave a brief update to the City Council. And noted that updated communications can be found online at www.northshorefire.com.

PUBLIC COMMENT

The Council took comments from the public from approximately 7:35 pm to 8:02 pm. Timestamped link included here: <https://youtu.be/Gbq8AuRADD8?t=2165>

CONSENT AGENDA

- A. Approve Minutes:
[City Council December 13, 2021, Special and Regular Meeting Minutes](#)
[City Council December 20, 2021, Meeting Minutes](#)
- B. Adopt 2022 Proclamations Calendar
[Agenda Bill - Proclamations Calendar 2022](#)
[Proclamations Calendar 2022](#)
- C. Approve Total Check #s 48695 through 48774 totaling \$1,881,347.20 and Total Payroll/Taxes/Flexible Spending/Retirement & Health Savings Account Electronic Deposits Dated 12/17/21 in the amount totaling \$177,435.27 and an ACH Payment to Thomco Construction in the amount of \$282,946.53, and Wire Transfer to Chicago Title dated 12/22/2021 in the amount of \$2,320,305.89.
[Voucher Approval Report Dated 12/23/21](#)

Consent Agenda was APPROVED by Unanimous Consent:
<https://youtu.be/Gbq8AuRADD8?t=3760>

BUSINESS AGENDA

- A. Select Diversity Equity Inclusion (DEI) Task Force Members, presented by Human Resources Manager Leonora Palaña and City Consultant Chanin Kelly-Rae, *for Action*
[Agenda Bill - DEI Task Force Selection Process](#)

Human Resources Manager Leonora Palaña explained that a rich candidate pool applied for the DEI Task Force. The Council scored the candidates while names were omitted from the scoring process. The following individuals have been selected to serve on the Inaugural DEI Task Force: Darleen Ademba, Juanita Aguilar, David Arthur, Marco Ballesteros, Ligia (Lilly) Bishop, William Castro, Peggy Evans, Jeanne Galloway, Carlos Gil, Aisha Jallow, Leslie McGuire, Juliana Pooley, Nancy Thai, Parker Travis.

MOTION: Councilmember Pfeil moved accept and confirm the appointments as to the DEI Task Force, as presented by Human Resources Manager Leonora Palaña. Councilmember Kugler seconded the motion.
VOTE: 6 For, 0 Against, 0 Abstain. MOTION CARRIED.

- B. **ARPA Business Recovery Results, presented by Assistant City Manager/ARPA Administrator Stephanie Lucash, *for Information and Discussion***
[Agenda Bill - Business Recovery Survey Results - January 2022](#)
[Kenmore City Council - Business Recovery Survey Presentation](#)
[Business Survey Questions Sept 2021](#)
[Business Survey Responses](#)

Assistant City Manager Nancy Ousley and Assistant City Manager/ ARPA Administrator Stephanie Lucash provided a brief update to the City Council. The City sent an ARPA business recovery survey to all 1,100 registered Kenmore businesses in September 2021. The top two requested items were business grants and funds for businesses who have had essential workers on the front lines throughout the pandemic. A total of 45 business owners participated in the survey. Survey information will help inform Councilmanic decisions relating to the spending of ARPA dollars.

- C. **Kenmore Cares Update, presented by Assistant City Manager/ARPA Administrator Stephanie Lucash and partner Northshore Schools Foundation, *for Information and Discussion***
[City Council Agenda Bill - Direct Cash Assistance Update - January 2022](#)

Assistant City Manager/ARPA Administrator Stephanie Lucash and Northshore Schools Foundation Program Coordinator Heather Erickson. To date, the program has services 177 households and 389 residents, distributing a total of \$407,000. Regarding the homelessness

population and outreach, the program is asking for an attestation in lieu of proof of residency. In addition, there is an attestation form provided for those who have no income.

D. Regional Committee Assignments, presented by City Manager Rob Karlinsey, *for Discussion*

City Manager Rob Karlinsey requested that the Council update the regional committee roster. The following changes were proposed:

1. SeaShore Transportation Forum – Councilmember Kugler will assume the role.
2. Northshore Park and Recreation Board – Councilmember Srebnik will assume the role.
3. Performing Arts Committee – Will be dissolving soon.

COUNCIL REPORTS

EXECUTIVE SESSION:

Pursuant to RCW 42.30.110(1)I The City entered an executive session to discuss pending or potential litigation. The session lasted 20 minutes. No Final Action was taken.

ADJOURNMENT

Mayor Herbig adjourned the meeting at 9:40 p.m.

Nigel Herbig, Mayor

ATTEST:

Anastasiya Warhol, City Clerk

**City of Kenmore
City Council Meeting
Special & Regular Meeting Minutes
January 24, 2022**

These minutes are created to capture Council action. This is not a verbatim transcript. Meeting video and audio is available on the City YouTube channel.

CALL SPECIAL MEETING TO ORDER:

Mayor Nigel Herbig called the virtual meeting to order at 6 :30 p.m.

PRESENT:

Councilmembers: Mayor Nigel Herbig
Councilmember David Baker
Councilmember Joe Marshall
Councilmember Debra Srebnik
Councilmember Corina Pfeil
Councilmember Angela Kugler
Deputy Mayor Melanie O'Cain

Staff: City Manager Rob Karlinsey
Assistant City Manager Nancy Ousley
Assistant City Manager/ARPA Administrator Stephanie Lucash
City Clerk Anastasiya Warhol
City Attorney Dawn Reitan
Community Development Director Debbie Bent
Development Services Director Bryan Hampson
Leonora Palaña, Human Resources Manager
Garrett Oppenheim – Policy Analyst

Speaking Guests: Luke Lamon – Sound Transit
Brian de Place – Sound Transit
Rick Capka – Sound Transit
Alexis Rinck – King County Homelessness Authority
Jon Culver, Kenmore Resident
Tracy Banaszynski, Kenmore Resident
David Dorian, Kenmore Resident
Anja Helmon, Pastor of Northlake Lutheran Church
Sarah Gustafson, Bothell Resident
Dakota Rash, Lake Forest Park Resident
Michael O'Leary, Kenmore Community Club
Robert Luke, Kenmore Resident
Janet Hays, Kenmore Resident
Carsten Thode, Local Resident
David Lowe, Kenmore Resident
Kris Neese, Local Resident

Celeste, Local Resident
Hillarie Windish, Local Resident
Stacey Valenzuela, Kenmore Resident
David Morton, Redmond Resident
Elizabeth Mooney, Kenmore Resident

CALL SPECIAL MEETING TO ORDER

Mayor Herbig called the Special Meeting to order at 6:30 pm.

EXECUTIVE SESSION

Pursuant to RCW 42.30.110(1)(b), the City Council will enter an executive session to consider real estate acquisition. The session lasted 30 minutes.

POSSIBLE ACTION RELATING TO EXECUTIVE SESSION

MOTION: Councilmember Kugler moved to approve the Letter of Intent dated January 18, 2022, for the purchase the property located at 6215 NE Bothell Way Kenmore, WA 98028 for the sum of \$650,000.00 including all buildings, fixtures, and improvements. Councilmember Srebnik seconded the motion.
VOTE: 6 For, 1 Against, 0 Abstain. MOTION CARRIED.

ADJORN SPECIAL MEETING

The Special Meeting was adjourned at 7 p.m.

CALL REGULAR MEETING TO ORDER – 7PM

FLAG SALUTE

The Mayor led the Council in the flag salute.

AGENDA APPROVAL

The agenda was approved as presented.

PROCLAMATION

Mayor Nigel Herbig Proclaimed February as Black History Month and read the commemorative proclamation.

[Proclamation - Black History Month February 2022](#)

PRESENTATIONS

Jennifer Gordon, Public Works Operations Manager offered an update on the City's December 2021 Snow Response.

Luke Lamon, Brian de Place, and Rick Capka of Sound Transit offered a Presentation and a Bus Service Update.

Mayor Herbig recused himself from the presentation by King County Homelessness Authority.

Alexis Rinck of the King County Homelessness Authority provided a Severe Weather Shelter summary.

PUBLIC COMMENT

The Council took comments from the public from approximately 8:04 pm to 8:50pm.

Timestamped link included here:
https://youtu.be/FxD8XwP_GWo?t=5640

CONSENT AGENDA

- A. Approve Minutes:
[City Council January 18, 2022 Special Meeting Minutes](#)
[City Council January 10, 2022 Special Meeting Minutes](#)
- B. Approve Total Check #s 48775 through 48842 totaling \$268,455.02 and Total Payroll/Taxes/Flexible Spending/Retirement & Health Savings Account Electronic Deposits Dated 12/31/21 in the amount totaling \$182,763.48 and an ACH Payment to KBA Inc. in the amount of \$80,187.43, and an ACH Payment to Road Construction NW, Inc. in the amount of \$569,220.64, and ACH Payment to US Bank Purchase Cards in the amount of \$7,003.88.
[Voucher Approval Report Dated 1/13/2022](#)
- C. Authorize the City Manager to execute Contract No. 20-C2229, Amendment No. 2 with Cascadia Law Group, PLLC to Provide Special Council on Heavy Manufacturing Business Activities
[Agenda Bill - Cascadia Law Group Amendment No. 2](#)
[Attachment 1- 20-C2229 Cascadia Law Group Contract](#)
[Attachment 2- Amendment No. 2 to Contract No. 20-C2229 - Cascadia Law Group](#)
- D. Authorize and Approve Revisions to the Diversity, Equity, and Inclusion (DEI) Community Advisory Task Force Recruitment Process and the DEI Community Advisory Task Force Charter for the development and implementation of a DEI Policy
[Agenda Bill - DEI Community Task Force Revised Charter for 2022](#)

[DEI Community Task Force Charter 2022](#)
[REVISED](#)

Councilmember Pfeil moved to approve the consent agenda including items A-D outlined above. Councilmember Kugler seconded the motion.

VOTE: Consent Agenda was approved by UNANIMOUS CONSENT.

PUBLIC HEARING

- A. Automated Traffic Photo Enforcement Safety Program, Ordinance 22-0542, presented by Tobin-Bennett Gold, Traffic Engineer, *for a Public Hearing*
[Agenda Bill - Traffic Photo Enforcement Program](#)
[Public Hearing](#)
[Tech Memo - Photo Enforcement Changelog](#)
[Tech Memo - Photo Enforcement](#)
[Ordinance 22-0542 Automated Traffic Safety](#)
[Cameras Draft](#)
[Attachment A - KMC Automated Traffic Safety](#)
[Cameras - Chap 10.45](#)

Traffic Engineer Tobin Bennett-Gold explained that goal today is to gather testimony relating to the Photo Enforcement Program. On February 14th, 2022, staff plans to present to council for approval the following:

- Automated photo enforcement be implemented for school zone speed violations on 73rd Ave NE in the Kenmore Elementary school zone
- Automated photo enforcement be implemented for school zone speed violations on Juanita Dr NE in the Arrowhead Elementary school zone
- Automated photo enforcement be implemented for eastbound-to-northbound left-turn red-light violations at the intersection of 61st Ave NE and NE Bothell Way (SR522)

Mayor Herbig opened the Public Hearing. Two persons gave testimony on the subject:
https://youtu.be/FxD8XwP_GWo?t=8663. Mayor Herbig closed the Public Hearing.

- A. Initiative and Referendum Powers, Resolution No. 22-375, presented by Policy Analyst Garrett Oppenheim, *for Discussion and/or Approval*

[Agenda Bill - Initiative and Referendum Resolution](#)
[Local Initiative and Referendum Powers Staff](#)
[Memorandum](#)
[Resolution 22-375 Initiative and Referendum](#)
[Council Resolution](#)

The Council expressed eagerness to support the residents in approving this resolution and encouraged all participants to exercise prudence and caution so that initiatives and referendums thoughtfully evaluated.

MOTION: Councilmember Pfeil moved to Approve Resolution 22-375, Declaring the City Council's Intent to Adopt for the City the Powers of Initiative and Referendum; Providing for Publication of This Resolution; Providing Notice That Upon the Expiration of the 90th Day from, but Excluding the Date of First Publication of the Resolution, If No Timely and Sufficient Referendum Petition Is Filed Pursuant to Law, the Intent Expressed in This Resolution Shall Be Effected by an Ordinance Adopting the Powers of Initiative and Referendum. Councilmember Srebnik seconded the motion.
VOTE: 7 For, 0 Against, 0 Abstain. MOTION CARRIED.

- B. Rhododendron Park Boathouse Fundraising Quarterly Update, presented by Rob Sayre-McCord, City Project Manager and Nell Aiello, Director of Communications of the George Pocock Rowing Foundation, *for Information*
[Agenda Bill- Rhododendron Boathouse](#)
[Fundraising Committee Update](#)

Community Development Director announced that both Nell Aiello and Padraic McGovern from the Pocock Foundation were present to give an update. The Foundation noted that they are still grappling with pandemic-related challenges but hope to resolve some key issues in the coming months. The Council encouraged the Pocock Foundation to make more progress in fundraising.

- C. 2022 Annual Docket for the Planning Commission, presented by Debbie Bent, Development Services Director and Lauri Anderson, Principal Planner, for Discussion and Approval
[Agenda Bill - Planning Commission Docket 2022](#)
[Attachment 1 - 2022 Docket Analysis](#)
[Attachment 2 - Preliminary 2022 Docket 12.28.21](#)

Development Services Director Debbie Bent presented the 2022 Planning Commission Docket. The main goal of the docket is to address the state-manded comprehensive plan update requirement (due 2024). The Planning Commission hopes to address the following elements in the first half of 2022: The Housing Element, Land-Use Element, implementing regulations for Missing Middle housing, regulations in the Transit Oriented District, and the Public Works Shop. For the second half of the year, the docket forecasts The Transportation element, the Public Services, Utilities, and Capital Facilities Element. In addition, the Climate Action Plan would need to be incorporated into the Comprehensive Plan.

MOTION: Councilmember Baker moved to approve the Planning Commission docket for 2022. Deputy Mayor O’Cain seconded the motion.

VOTE: 7 For, 0 Against, 0 Abstain. MOTION CARRIED.

STAFF REPORTS

Camp Unity - Development Services Director Bryan Hampson explained that the City did receive an application from a homeless encampment called “Camp Unity” to reside at the Church of the Redeemer. City Staff will evaluate the permit request by all appropriate measures. The City is gathering comments and testimony around the proposal and will take those under advisement prior to making a decision on the application.

ADJOURNMENT

Mayor Herbig adjourned the meeting at 10:04 p.m.

Nigel Herbig, Mayor

ATTEST:

Anastasiya Warhol, City Clerk



Voucher Certification and Approval

City of Kenmore

DATE RANGE:

12/31/2021 - 01/14/2022

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and the the claim is a just, due and unpaid obligation against the City of Kenmore and that I am authorized to authenticate and certify to said claim. The following checks and electronic payments are approved for payment:

Total Check #s 48843 through 48915: \$1,228,925.79

Total Payroll/Taxes/Flexible Spending/Retirement & Health Savings Acct Electronic Deposits Dated: 01/14/2022: \$191,736.55

ACH Payment to Thomco Construction: \$133,987.84

Rob Karlinsky
Rob Karlinsky (Jan 21, 2022 15:16 PST)

Jan 21, 2022

City Manager / Date

Brian Randall
BRIAN RANDALL (Jan 21, 2022 14:19 PST)

Jan 21, 2022

Finance Director / Date

Vendor Name	Check #	Date	Description	Amount
THOMCO CONSTRUCTION, INC.	1070	12/31/2021	20-C2144 Dec. Juanita Ped/Bike Project	133,987.84
AMERICAN GENERAL LIFE GPO/4005	48843	01/14/2022	Life Insurance	279.92
HRA VEBA TRUST	48844	01/14/2022	HRA VEBA - Employer	20,203.44
ICMA RETIREMENT C/O ALLFIRST BANK/109964	48845	01/14/2022	City of Kenmore 401a	21,214.49
ICMA RETIREMENT TRUST 457/304745	48846	01/14/2022	ICMA 457 Deferred Comp	8,396.28
STATE OF FLORIDA DISBURSEMENT UNIT	48847	01/14/2022	Employee Deduction	275.00
ACTION SERVICES CORPORATION	48848	12/31/2021	7/25 Drainage Maint. Svcs - Catch Basin Cleaning	2,001.00
ACTION SERVICES CORPORATION	48849	12/31/2021	8/10 Drainage Maint. Svcs - Catch Basin Cleaning	1,689.00
ACTION SERVICES CORPORATION	48850	12/31/2021	04/26 Drainage Maint. Svcs - Catch Basin Cleaning	372.00
ACTION SERVICES CORPORATION	48851	12/31/2021	07/07 Drainage Maint. Svcs - Catch Basin Cleaning	990.00
ACTION SERVICES CORPORATION	48852	12/31/2021	7/19 Drainage Maint. Svcs - Catch Basin Cleaning	1,014.00
ACTION SERVICES CORPORATION	48853	12/31/2021	8/02 Drainage Maint. Svcs - Catch Basin Cleaning	630.00
ACTION SERVICES CORPORATION	48854	12/31/2021	7/28 Drainage Maint. Svcs - Catch Basin Cleaning	450.00
ACTION SERVICES CORPORATION	48855	12/31/2021	07/06 Drainage Maint. Svcs - Catch Basin Cleaning	1,035.00
ACTION SERVICES CORPORATION	48856	12/31/2021	5/11 Drainage Maint. - Catch Basin Cleaning	1,072.50
ACTION SERVICES CORPORATION	48857	12/31/2021	8/09 Drainage Maint. Svcs - Catch Basin Cleaning	1,440.00
ACTION SERVICES CORPORATION	48858	12/31/2021	06/21 Drainage Maint. Svcs - Catch Basin Cleaning	4,240.00
ACTION SERVICES CORPORATION	48859	12/31/2021	8/16-9/16 Drainage Maint. Catch Basin Cleaning	17,268.00
ACTION SERVICES CORPORATION	48860	12/31/2021	7/27 Drainage Maint. Svcs - Catch Basin Cleaning	765.00
ACTION SERVICES CORPORATION	48861	12/31/2021	7/26 Drainage Maint. Svcs - Catch Basin Cleaning	630.00

X. B. Approve Total Check #s 48843 through 48915 totaling \$1,228,925.79 ...

ACTION SERVICES CORPORATION	48862	12/31/2021	08/03 Drainage Maint. - Catch Basin Cleaning	1,080.00
AM TEST, INC	48863	12/31/2021	Oct. Swamp Creek Water Sample Testing	200.00
AM TEST, INC	48864	12/31/2021	Dec. Swamp Creek Water Sample Testing	300.00
AMERICALL	48865	12/31/2021	Dec. 2021 After Hours Call Out Svcs	144.16
APPLEONE EMPLOYMENT SERVICES	48866	12/31/2021	Temporary Receptionist 10/22/21	228.06
CECCANTI, INC.	48867	12/31/2021	19-C1977 Dec. W. Sammamish Bridge Construction	303,357.18
CENTER FOR HUMAN SERVICES	48868	12/31/2021	4th Qtr 2021 Family Support Human Svcs Funding	3,750.00
CENTER FOR HUMAN SERVICES	48869	12/31/2021	4th Qtr Behavior Health Human Svcs Funding	1,800.00
DEPARTMENT OF LABOR AND INDUSTRIES	48870	12/31/2021	Volunteers & Adj. to Qtr 4	39.42
GOOD TO GO	48871	12/31/2021	Toll Charge 12/11 for Fleet Vehicle #305	5.40
HDR ENGINEERING, INC	48872	12/31/2021	16-C1625 11/21-12/31/21 Juanita Dr. Ped/Bike Svcs	158,094.67
HOME DEPOT CREDIT SERVICES	48873	12/31/2021	Public Works Supplies & Materials	1,355.13
HONEY BUCKET	48874	12/31/2021	Rental for Volunteer Event - Jack Crawford Day	336.50
JACOBS ENGINEERING GROUP	48875	12/31/2021	Oct. - Dec. 2021	16,321.51
KENMORE ELEMENTARY	48876	12/31/2021	4th Qtr 2021 Human Svcs Funding	1,250.00
KING COUNTY BAR ASSOCIATION	48877	12/31/2021	4th Qtr Human Svcs Funding	250.00
KING COUNTY FINANCE	48878	12/31/2021	Dec. Road Svcs - Signs/Signal Maint.	3,680.19
KING COUNTY FINANCE	48879	12/31/2021	Dec. Road Svcs - Signs/Overlay	728.97
KLB CONSTRUCTION, INC.	48880	12/31/2021	20-C2143 Dec. 68th Ave Ped/Bike Project	349,233.38
KPFF CONSULTING ENGINEERS	48881	12/31/2021	19-C2098 10/30-11/26 Engineering Consulting Svcs	119,270.62
KPFF CONSULTING ENGINEERS	48882	12/31/2021	19-C2098 Dec. Engineering Consulting Svcs	27,412.19
LANGUAGE LINE SERVICES, INC.	48883	12/31/2021	Dec. Phone Interpreter Svcs	5.98
MINUTEMAN PRESS	48884	12/31/2021	155 ARPA Survey Postcards	236.60
MINUTEMAN PRESS	48885	12/31/2021	ARPA Postcard Mailers/Postage	3,983.11
MOTT MACDONALD GROUP, INC.	48886	12/31/2021	17-C1656 Sept. Log Boom Park Proj.	8,961.02
MOTT MACDONALD GROUP, INC.	48887	12/31/2021	17-C1657 Dec. Squire's Landing Design/Permitting	15,536.13
MSR KENMORE CREEK HOMES	48888	12/31/2021	Refund Overpayment CMB21-0613	146.36
NORTHSHORE NEWS	48889	12/31/2021	12/3/21 Advertising	945.00
NORTHSHORE SENIOR CENTER	48890	12/31/2021	4th Qtr Senior Center Human Svcs Funding	6,250.00
NORTHSHORE SENIOR CENTER	48891	12/31/2021	4th Qtr Adult Day Health Human Svcs Funding	1,250.00
NORTHSHORE SENIOR CENTER	48892	12/31/2021	4th Qtr Transportation Program Human Svcs Funding	2,000.00
NORTHSHORE UTILITY DIST	48893	12/31/2021	Dec. Fleet Maintenance & Fuel	7,086.81
OFFICE DEPOT	48894	12/31/2021	Misc. Office Supplies	51.07
OFFICE DEPOT	48895	12/31/2021	Misc. Office Supplies	44.03
OSBORN CONSULTING INC.	48896	12/31/2021	19-C2012 Dec. Maint. Facility Prop. Reconnaissance	9,271.27

X. B. Approve Total Check #s 48843 through 48915 totaling \$1,228,925.79 ...

OSBORN CONSULTING INC.	48897	12/31/2021	19-C2012 Nov. Log Boom Park On-Call Svcs	65,299.89
PACIFIC TOPSOILS	48898	12/31/2021	11/29-12/14 SWM/Parks/Streets Dump Fees	586.23
PRR, INC	48899	12/31/2021	21-C2678 Dec Public Participation/Community Survey	2,778.93
PUGET SOUND ENERGY	48900	12/31/2021	Dec. City Hall Electricity	2,883.35
QUALITY BUSINESS SYSTEMS INC.	48901	12/31/2021	10/1-12/31 1st Floor Copier B/W & Color Chgs	494.65
RED BARN ENGINEERING, INC.	48902	12/31/2021	21-C2666 8/30-9/27 Engineering On-Call Svcs	225.00
REPUBLIC SERVICES	48903	12/31/2021	Dec. Rhododendron Park Solid Waste	397.61
REPUBLIC SERVICES	48904	12/31/2021	Dec. City Hall Solid Waste	555.78
SCORE	48905	12/31/2021	Dec. Inmate Housing/Mental Health/Medical	23,143.00
SEATTLE TIMES	48906	12/31/2021	12/9 Legal Notice/Ord. 21-0541	33.45
STAPLES ADVANTAGE	48907	12/31/2021	City Hall Maintenance Supplies	17.55
STAPLES ADVANTAGE	48908	12/31/2021	Soap for City Hall & Hangar Bldg.	204.26
STAPLES ADVANTAGE	48909	12/31/2021	City Hall & Hangar Maintenance Supplies	203.06
STATE OF WA DEPT. OF LICENSING	48910	12/31/2021	2021 License Plate Search Fees	1.52
STEPHANIE LUCASH	48911	12/31/2021	Portland ICMA Conference Expenses	673.34
TOTAL LANDSCAPE CORP	48912	12/31/2021	Northshore Summit/Squire's/Moorlands Landscaping	2,257.05
UPS STORE KENMORE	48913	12/31/2021	Squire's Landing Construction Signs/Laminating	76.80
UTILITIES UNDERGROUND LOCATION CTR	48914	12/31/2021	Dec. Utility Locate Services	232.20
WASHINGTON STATE DEPT OF REVENUE	48915	12/31/2021	Sales Tax Due from 2021 Untaxed Goods Purchased	291.73
DRS 457	DFT0001191-1192	01/14/2022	DRS 457 Deferred Comp	1,175.79
AVIDIA HEALTH	DFT0001193	01/14/2022	Employee Health Savings Contribution	100.00
NAVIA	DFT0001194	01/14/2022	HSA - Employer	6,500.00
DEPARTMENT OF RETIREMENT SYSTEMS	DFT0001195-1200	01/14/2022	Public Employees Retirement	30,914.79
NAVIA	DFT0001201	01/14/2022	Employee Flexible Spending Account	602.65
BANK OF AMERICA 941	DFT0001202	01/14/2022	Federal Taxes	22,963.68
PAYROLL	Electronic Dep.	01/14/2022	Direct Deposit	129,479.64
TOTAL				<u>1,554,650.18</u>

X. B. Approve Total Check #s 48843 through 48915 totaling \$1,228,925.79 ...



City of Kenmore

Vendor Purchasing Report

For Date Range 01/01/2021 - 12/31/2021

Vendor Set: Vendor Set 01

Vendor	Name	Volume
0014	AMERICAN PLANNING ASSOCIATION	1,468.00
0022	ASSOCIATION OF WA CITIES	33,582.47
0024	BAKER, DAVID	745.00
0037	BASTYR UNIVERSITY	100,000.00
0054	BULGER SAFE & LOCK, INC.	164.63
0064	CASCADE PEST CONTROL	1,786.00
0067	CENTER FOR HUMAN SERVICES	25,650.00
0076	CITY OF BELLEVUE	169,276.68
0081	CITY OF KENMORE	827.21
0083	CITY OF LAKE FOREST PARK	49,950.00
0092	CODE PUBLISHING COMPANY	5,032.71
0099	CONSOLIDATED PRESS	18,185.64
0106	CROWN PRODUCTS LLC	514.20
0109	DAILY JOURNAL OF COMMERCE	3,367.05
0111	DEPARTMENT OF ECOLOGY	29,650.42
0121	REPUBLIC SERVICES	12,565.14
0130	EMPLOYMENT SECURITY DEPARTMENT	17,511.89
0134	EVERGREEN PRINT SOLUTIONS	335.37
0137	FERGUSON ENTERPRISES INC #3011	2,878.85
0145	FRUHLING SAND & TOPSOIL	1,785.48
0151	CALPORTLAND COMPANY	4,901.57
0169	HERRERA ENVIRONMENTAL CONSULTANTS	16,957.30
0173	HOME DEPOT CREDIT SERVICES	5,575.48
0184	INSLEE, BEST, DOEZIE & RYDER, P.S.	262,146.00
0189	INTERNATIONAL CITY/CNTY MGMT ASSOC	4,144.62
0191	INTERNATIONAL INST OF MUNI CLERKS	210.00
0197	JET CITY PRINTING	1,192.04
0205	KENMORE HERITAGE SOCIETY	100.00
0206	KENMORE MIDDLE SCHOOL	10,700.00
0212	KING COUNTY FINANCE W.L.R.D.	3,765.86
0213	KING COUNTY ANIMAL SVCS	680.00
0217	KING COUNTY DISTRICT COURT	32,134.00
0218	KING COUNTY FINANCE	5,069.98
0219	KING COUNTY FINANCE	148,761.72
0230	KING COUNTY RADIO COMM SERVICES	1,202.28
0233	KING COUNTY SHERIFF	3,300,873.89
0235	KING COUNTY TREASURY	41,217.28
0251	LIGHTHOUSE CONSULTING INC	143,881.67
0260	MEEHAN, NANCY	104.75
0261	PENDLETON CONSULTING LLC	4,087.50
0267	MR. T'S TROPHIES & AWARDS LLC	381.31
0285	NORTHSHORE FIRE DEPT	2,160.00
0286	NORTHSHORE SCHOOL DISTRICT	460,333.00
0287	NORTHSHORE SENIOR CENTER	36,900.00
0288	NORTHSHORE UTILITY DIST	173,668.83
0292	HONEY BUCKET	14,841.91
0299	EBIX, INC.	118.38
0300	OFFICE DEPOT	4,103.05
0304	OLYMPIC ENVIRONMENTAL RESOURCES INC	36,105.14
0310	PACIFIC TOPSOILS	10,820.01
0327	PUGET SOUND CLEAN AIR AGENCY	19,396.00
0328	PUGET SOUND ENERGY	334,600.82

Vendor Purchasing Report

For Date Range 01/01/2021 - 12/31/2021

Vendor Set: Vendor Set 01

Vendor	Name	Volume
0331	PUGET SOUND REGIONAL COUNCIL	9,018.00
0345	SEATTLE TIMES	7,286.50
0346	SECRETARY OF STATE	20.00
0355	STAPLES ADVANTAGE	12,458.14
0356	STATE AUDITOR'S OFFICE	49,026.41
0357	STEWART MACNICHOLS HARMELL, INC.	60,000.00
0359	SOUND CITIES ASSOC	15,539.29
0365	TOTAL LANDSCAPE CORP	107,758.31
0371	UNITED STATES POSTMASTER	7,413.81
0375	US POSTAL SERVICE (HASLER)	3,688.02
0385	WA ASSOC OF BUILDING OFFICIALS	2,095.00
0386	WA ASSOC OF CODE ENFORCEMENT	20.00
0387	WA CITIES INSURANCE AUTHORITY	382,482.00
0389	WASHINGTON CITY/COUNTY MGMT ASSOC	325.00
0390	WA FINANCE OFFICERS ASSOCIATION	75.00
0400	WASHINGTON STATE DEPT OF REVENUE	1,093.52
0401	WA STATE DEPT OF TRANSPORTATION	25,192.67
0405	WASHINGTON STATE OFFICE CASH MGMT	1,748.00
0412	WM CORPORATE SVCS - COLUMBIA RIDGE LANDFILL	41,579.28
0424	ICMA RETIREMENT TRUST 457 / 304745	207,678.02
0425	DRS 457	28,574.50
0426	AFLAC	2,594.28
0428	BANK OF AMERICA 941	549,528.73
0429	AWC EMPLOYEE BENEFIT TRUST	861,027.84
0431	DEPARTMENT OF RETIREMENT SYSTEMS	813,761.23
0432	DEPARTMENT OF LABOR AND INDUSTRIES	48,465.74
0434	UNITED WAY OF KING COUNTY	1,429.98
0436	NATIONAL LIFE OF VERMONT	1,478.04
0441	DANSOUND INC	1,761.60
0448	UPS STORE KENMORE	1,296.78
0450	AURORA RENTS	16,979.32
0484	CITY WIDE FENCE COMPANY, INC	825.75
0497	DAY WIRELESS SYSTEMS	680.76
0515	NATIONAL LEAGUE OF CITIES	1,604.00
0542	AMERICAN SOCIETY OF COMPOSERS	367.00
0558	SNOHOMISH COUNTY	8,453.00
0564	AMERICAN PUBLIC WORKS ASSOCIATION	1,680.00
0586	QUADIENT LEASING USA, INC.	2,840.56
0588	ENVIRONMENTAL SYSTEMS RESEARCH INST	15,517.22
0610	WA STATE DEPT OF TRANSPORTATION	35,625.74
0617	KING COUNTY FINANCE	131,213.63
0641	TELESYSTEMS WEST	415.85
0685	PACE ENGINEERS, INC.	12,582.00
0689	DIGITAL REPROGRAPHICS SERVICES INC.	984.50
0690	BUILDERS EXCHANGE OF WASHINGTON INC	609.85
0692	HDR ENGINEERING, INC	741,221.96
0696	AMERICAN GENERAL LIFE GPO/400S	3,359.04
0743	BANNER BANK NO	1,962.60
0781	QUALITY BUSINESS SYSTEMS INC.	2,973.81
0791	NORTHSHORE ROTARY CLUB	480.00
0817	GRAINGER	2,162.38
0831	NORTHSHORE PARK & REC SERVICE AREA	2,720.00
0851	EVERMARK, LLC	817.41
0892	JACOBS ENGINEERING GROUP	132,042.04
0898	ZONAR SYSTEMS	528.21
0899	SHRED IT, C/O STERICYCLE, INC	1,407.28
0913	KENMORE ELEMENTARY	5,000.00
0981	COMCAST BUSINESS	2,740.86

Vendor Purchasing Report

For Date Range 01/01/2021 - 12/31/2021

Vendor Set: Vendor Set 01

Vendor	Name	Volume
0994	GORDON THOMAS HONEYWELL	46,808.80
1003	IWORQ SYSTEMS	2,800.00
1010	WESTLAKE HARDWARE WA-153	2,332.13
1034	EMERALD FIRE LLC	3,363.92
1045	HORIZON DISTRIBUTORS INC	3,504.55
1047	SARAH ROBERTS	129,354.94
1052	FIRE PROTECTION, INC	17,685.87
1068	WA STATE DEPT OF LABOR & INDUSTRIES	147.20
1123	AM TEST, INC	3,050.00
1140	PAWS	1,200.00
1148	AGORA REFRESHMENTS	478.32
1152	WASHINGTON ENERGY SERVICES CO. LLC	268.80
1168	SCHINDLER ELEVATOR CORPORATION	11,468.23
1197	MILLER STEPHENS, MARY	15,000.00
1215	STATE OF FLORIDA DISBURSEMENT UNIT	7,150.00
1216	ADVANCE TESTING & SERVICE INC	1,626.00
1222	OLSON BROTHERS PRO VAC	26,247.17
1226	CONTECH ENGINEERED SOLUTIONS, INC.	9,270.43
1248	KENMORE AIR	10,258.75
1257	BROADCAST MUSIC, INC.	368.00
1267	AUTOMATED CONTROLS/ALBIREO ENERGY	7,048.60
1297	GOVERNMENT FINANCE RESEARCH GROUP	1,995.00
1299	VERIZON WIRELESS	2,868.33
1309	BANNER BANK BAKER	7,203.88
1311	WASHINGTON STATE PATROL	2,385.92
1313	BOTHELL KENMORE CHAMBER OF COMMERCE	5,700.00
1326	JOYCE ZIKER PARKINSON	2,550.00
1331	KBA INC.	1,022,123.25
1337	STATE OF WA DEPT. OF LICENSING	0.40
1339	STATE OF WA DEPARTMENT OF LICENSING	20.00
1342	PETERSON, JANET	700.00
1345	SHERWIN WILLIAMS CO. #8099	830.76
1356	KARLINSEY, ROB	124.00
1358	ALPHAGRAPHS	1,440.00
1359	EVERGREEN FIRE AND SAFETY, INC.	466.95
1372	AAA PRINTING	412.87
1383	CHICAGO TITLE	250,038.60
1385	CITYWORKS/ AZTECA SYSTEMS INC.	33,030.00
1387	ST OF WA DEPT OF FISH & WILDLIFE	40.00
1390	UTILITIES UNDERGROUND LOCATION CTR	2,910.24
1403	OSBORN CONSULTING INC.	469,790.04
1431	BRIEN, GAYLYNN	600.00
1452	CITY OF KENT	500.00
1456	HESTON VISUAL ARTS	358.15
1457	LANGUAGE LINE SERVICES, INC.	42.47
1459	FLEMINGS HOLIDAY LIGHTING LLC	7,023.70
1464	ROAD CONSTRUCTION NW, INC.	1,412,111.15
1482	HIGHWIRE	543.12
1492	MACDONALD MILLER FACILITY SOLUTIONS	14,493.68
1500	MARINE FLOATS CORPORATION	6,795.23
1504	SCORE	111,463.57
1524	GRANICUS LLC	20,140.46
1525	PACIFICA LAW GROUP LLP	41,000.00
1544	METROPOLITAN TRANS. COMMISSION	1,500.00
1550	THE EVP GROUP	17,125.89
1555	LINCOLN NATIONAL LIFE INSURANCE	17,977.36
1580	NORTHWEST TROPHY	165.00
1591	ULINE	594.34

Vendor Purchasing Report

For Date Range 01/01/2021 - 12/31/2021

Vendor Set: Vendor Set 01

Vendor	Name	Volume
1644	PASIFIKA ARTIST NETWORK LLC	1,000.00
1661	GARDNER, TELA	579.18
1673	KPFF CONSULTING ENGINEERS	747,290.90
1689	MOTT MACDONALD GROUP, INC.	317,493.47
1701	THE SEATTLE TIMES NIE	256.45
1704	BANNER BANK RK	489.46
1708	APPLIED CONCEPTS, INC.	3,512.19
1711	SOFTWAREONE, INC.	13,029.19
1712	SITEIMPROVE, INC.	3,356.95
1721	GOOD TO GO	14.85
1731	NORTHWEST ARBORICULTURE LLC	2,008.55
1739	FIX AUTO	1,259.22
1754	RFI ENTERPRISES INC.	12,849.64
1762	BAKER, BRIDGIT	333.77
1763	REID, JAMES FALCONER	6,772.50
1782	SWANK MOTION PICTURES, INC.	435.00
1786	TYLER TECHNOLOGIES, INC.	19,697.87
1789	BLUEBEAM, INC.	1,240.00
1791	PROFFITT, QUINN	220.10
1800	NORTHWEST PRECISION BUILDERS	60,004.22
1813	STANDARD & POORS FINANCIAL SERVICES	16,750.00
1814	YSI INCORPORATED, A XYLEM BRAND	3,060.22
1816	NAVIA	26,430.04
1828	QUALITY BUSINESS SYSTEMS / WELLS FARGO	8,256.88
1829	SHI INTERNATIONAL CORP.	5,972.55
1838	AVIDIA HEALTH	2,600.00
1863	HAULAWAY STORAGE CONTAINERS, INC.	642.05
1874	LEGER, DEVON	25.00
1879	HOLMBERG COMPANY	3,495.68
1884	CADMAN MATERIALS, INC.	1,952.68
1885	NATIONAL BARRICADE CO., LLC	5,522.32
1889	WILLIAMS, KASTNER & GIBBS PLLC	46,799.40
1900	ASPECT CONSULTING LLC	4,486.50
1913	GRAND EVENT RENTALS	2,687.75
1914	MCNAMARA SIGNS	5,876.33
1927	GAMETIME	2,614.88
1930	T MOBILE USA, INC.	11,706.10
1932	U.S. BANK N.A. / CUSTODY	332.00
1936	SUPERIOR, LLC	21,875.33
1939	ARCHIVESOCIAL, INC.	2,689.20
1948	MULTICARE CENTERS OF OCCUPATIONAL MEDICINE	220.00
1950	BERRY SIGN SYSTEMS	481.95
1961	WESTERN ENTRANCE TECHNOLOGY, LLC.	655.10
1964	EARTHWORKS	13,360.72
1970	CROSSROAD SIGN	2,538.91
1979	MSPT XXII, LLC C/O FLYWAY RETAIL + LIVING	6,000.00
1980	HRA VEBA TRUST	39,157.26
1991	WASHINGTON STATE TREASURER	2,718.38
1993	HYAS GROUP, LLC	7,500.00
1994	LAKE CITY PARTNERS ENDING HOMELESSNESS	2,250.00
1999	KING COUNTY POLICE CHIEFS ASSOCIATION	50.00
2001	PETERSEN BROTHERS, INC.	8,300.78
2004	RED BARN ENGINEERING, INC.	123,913.49
2007	HYDROPOINT DATA SYSTEMS, INC.	2,072.00
2010	JUDHA OF LION LANDSCAPING AND SERVICES LLC	4,734.30
2024	DFR LAW GROUP, LLC	1,800.00
2035	JURASSIC PARLIAMENT	1,600.00
2047	PUGET SOUND PLANTS	2,382.38

Vendor Purchasing Report

For Date Range 01/01/2021 - 12/31/2021

Vendor Set: Vendor Set 01

Vendor	Name	Volume
2048	SMS CLEANING, INC.	77,940.00
2079	ZESBAUGH, INC.	638.58
2081	SHANNON & WILSON, INC.	8,300.50
2095	TRANSCO GROUP USA INC.	13,992.00
2096	TUPLING, SANDRA	146.50
2097	ROBINSON AND NOBLE, INC.	2,850.00
2109	SEATOWN DEVELOPMENT GROUP	7,500.00
2110	WILLIAM GARZA CREATIVE	165.15
2113	WA ASSOC. OF SHERIFFS & POLICE CHIEFS	180.00
2142	ICMA RETIREMENT C/O ALLFIRST BANK / 109964	488,976.39
2145	NORTHWEST ELECTRIC AND SOLAR	536.74
2149	CLIFTON, CURTIS	102.00
2157	SOUND SAFETY PRODUCTS CO.	1,060.70
2159	TRAILER BOSS	9,032.10
2175	ELECTRONIC BUSINESS MACHINES	2,213.55
2176	CANON FINANCIAL SERVICES, INC.	2,926.88
2183	SISKUN POWER EQUIPMENT	5,984.14
2184	DIVERSIFICATION INC.	2,855.55
2187	CORAL SALES CO.	8,040.00
2209	MORUP SIGNS, INC.	5,273.80
2211	PRECISION FUEL SOLUTIONS	1,684.53
2215	INTERSECTION MEDIA, LLC	979.15
2221	O'REILLY/FIRST CALL	261.60
2224	BROWN, STEPHANIE	128.15
2226	QUANTUM HOMES	7,500.00
2227	EARTHCORPS	4,461.80
2236	COMCAST	26,716.28
2242	MARY'S PLACE	29,750.00
2249	KING COUNTY BAR ASSOCIATION	750.00
2250	NAMI EASTSIDE	2,250.00
2252	TRUGREEN	3,473.40
2254	U.S. BANK PURCHASE CARDS	143,050.03
2256	FLYNN BEC LP	3,479.16
2259	MINUTEMAN PRESS	24,877.06
2262	DILIGENT CORPORATION	17,220.25
2270	LAKESIDE INDUSTRIES	2,255.44
2282	STEVE BURNSTEAD CONSTRUCTION, LLC	308.89
2285	QUALITY WATER FINANCIAL	1,993.08
2288	NORTHWEST PAVEMENT MANAGEMENT ASSOCIATION	150.00
2298	WAPRO	145.00
2299	OFFICE OF MINORITY & WOMEN'S BUSINESS ENTERPR	150.00
2308	OSTROMS	39.00
2312	GOOD, MICHAEL J.	250.00
2315	NATIONAL RECREATION & PARK ASSOC.	175.00
2318	PIXELEYES GRAPHICS & DESIGN	780.00
2327	PACIFIC AIR CONTROL, INC.	20,837.83
2340	MOJO STRATEGIES	1,562.50
2353	NORTHSHORE SCHOOLS FOUNDATION	683,338.00
2362	CHASEWEST VENTURES, INC.	2,175.00
2379	JENNIFER DIXON	43,363.15
2381	NORTHLAKE LITTLE LEAGUE	110.00
2382	FOCUS TOOLS & ENGINEERING, INC.	11,723.40
2385	TACOMA SCREW PRODUCTS, INC.	47.75
2386	CECCANTI, INC.	15,270,394.04
2392	DEPARTMENT OF COMMERCE	21,885.05
2393	SEATTLE PUMP & EQUIPMENT CO./JETTERS NORTHWE	1,304.69
2396	ZIPLY FIBER	10,054.49
2402	PACIFIC OFFICE AUTOMATION	1,054.32

Vendor Purchasing Report

For Date Range 01/01/2021 - 12/31/2021

Vendor Set: Vendor Set 01

Vendor	Name	Volume
2403	AMERICALL	1,737.09
2411	STELL ENVIRONMENTAL ENTERPRISES, INC	6,824.10
2413	ICLEI	1,200.00
2414	GENCAP CONSTRUCTION CORP	51,672.44
2416	KIERA CONDON	1,600.00
2419	MIKE FOLDEN PRODUCTIONS	8,000.00
2421	SIGNARAMA	418.45
2425	THOMCO CONSTRUCTION, INC.	5,514,006.56
2431	ALPINE PRODUCTS INC.	688.15
2432	RICH MARKETING LLC	500.00
2434	PSR MECHANICAL	40,598.08
2437	LOUDEDGE, INC.	7,972.50
2459	NELSON ELECTRIC, INC.	19,333.23
2464	D.P. NICOLI, INC.	3,817.04
2468	DAVIDSON MACRI SWEEPING, INC.	39,093.76
2473	THE ROOT OF US LLC	2,000.00
2480	CRELATE, INC.	4,609.89
2482	KIMLEY HORN AND ASSOCIATES, INC.	22,410.00
2486	CASCADIA LAW GROUP	57,084.75
2489	THE ORIGINAL POOP BAGS	2,223.79
2503	NORTH AMERICAN SAFETY, INC.	1,796.20
2508	SERENITY DILLAWAY	100.00
2511	SALCIDO, LETICIA	1,016.68
2512	CARAHSOFT TECHNOLOGY CORPORATION	3,630.00
2513	DGR DEVELOPMENT, INC.	7,500.00
2514	STAN YAO	7,804.00
2517	CLEARVIEW NURSERY, INC.	392.12
2518	CYSTIC FIBROSIS FOUNDATION	100.00
2519	HAMBELL	375.00
2520	KING COUNTY FINANCE	15.00
2521	UNITED PRINT SIGNS GRAPHICS	385.35
2522	TRC ENVIRONMENTAL CORPORATION	19,179.43
2523	ALL AROUND FENCE COMPANY	990.90
2524	VARITECH INDUSTRIES INC.	3,855.02
2525	SERVICE ELECTRIC CO. INC.	743.18
2526	CONVERGINT TECHNOLOGIES	5,969.76
2527	SHOC NETWORKS	8,222.78
2528	HIATT PARK LLC	16,306.20
2529	FORCE AMERICA DISTRIBUTING LLC	440.40
2530	CASCADIA CONSULTING GROUP, INC.	81,945.01
2531	BCN TELECOM, INC.	4,158.71
2532	BIO CLEAN, INC.	1,596.45
2533	JAMES R. WAGNER JR.	500.00
2535	BRASS MONKEY INVESTMENTS LLC	54.90
2536	JOHNSON ELECTRIC, INC.	7,727.92
2537	HUNTINGTON TECHNOLOGY FINANCE	47,388.75
2538	SHAWN PECKHAM	50.90
2539	C + C INC.	1,000.00
2540	CHILD CARE RESOURCES	1,125.00
2541	TOWN CENTER HARDWARE	115.26
2542	DEERE & COMPANY	9,074.74
2543	FOSTER GARVEY PC	54,079.50
2544	ACTION SERVICES CORPORATION	36,390.50
2545	KLB CONSTRUCTION, INC.	5,822,255.36
2546	1901 WLD KENMORE 68TH LLC	39.49
2547	OSW EQUIPMENT & REPAIR, LLC	4,980.85
2548	CAMP UNITY EASTSIDE	6,400.00
2549	DAVID EVANS	192.33

Vendor Purchasing Report

For Date Range 01/01/2021 - 12/31/2021

Vendor Set: Vendor Set 01

Vendor	Name	Volume
2550	THOMAS & MARIANNE IVEY	7,500.00
2551	MICHAEL O'LEARY	171.68
2552	WEINSTEIN AU LLC	10,943.55
2553	TICOR TITLE	250,000.00
2554	ECONOMY FENCE CENTER	9,459.11
2555	VTO SCULPTURE	37,551.50
2557	NOVA BUILD INC	7,500.00
2558	FOREMOST PROMOTIONS	1,171.90
2559	KING COUNTY DEPT OF ADULT & JUVENILE DETENTION	736.53
2561	PRR, INC	112,273.00
2562	ABS VALUATION	11,000.00
2563	BELMONT HOMES	7,500.00
2564	DAVID CHAMBLISS	496.65
2565	KNOCKOUT PLUMBING & MECHANICAL LLC	235.20
2566	AMERICAN CITY BUSINESS JOURNALS, INC.	135.00
2569	FUN TIMES ICE CREAM	300.00
2570	H.D. FOWLER COMPANY	3,144.54
2571	AJ LEE & BLUE SUMMIT	1,000.00
2572	TIMBERLAND CONSTRUCTION	421.40
2573	WHISTLE WORKWEAR	610.47
2574	WANKER PRODUCTIONS	2,500.00
2575	EPIC EVENTS AND PROMOTION, INC.	3,192.90
2576	TRADE ROOT MUSIC GROUP LLC	2,200.00
2577	APPLEONE EMPLOYMENT SERVICES	6,684.89
2578	CENTRICITY GIS, LLC	1,500.00
2579	CHANIN KELLY-RAE CONSULTING LLC	55,525.00
2580	FURNITURE PROS	1,596.46
2581	83RD KENMORE LLC	7,500.00
2584	AQUALIS	35,582.30
2585	CONFIDENTIAL DATA DISPOSAL	450.00
2586	C-N-I LOCATES LTD.	405.00
2587	EMILY BENNETT	12,500.00
2589	ABRACADABRA PRINTING	830.18
2590	OAPA	150.00
2591	JASA PROPERTIES LLC	8,200.00
2592	GWYNN RUCKER	1,287.00
2593	JAFCO COMPANY LLC	194.25
2594	KANNAN PARAMESWARAN	131.25
2595	LACINDA GIBBS	298.20
2596	L W PRODUCTS CO.	8,334.57
2597	THE UW IDL	100.00
2598	WAGNER ARCHITECTS	39,525.00
2599	CEDAR GROVE COMPOSTING, INC.	71.56
2600	DONE RIGHT PLUMBING & SEWER REPAIR LLC	268.80
2601	MESSERAT WOLDE TATO	63,308.00
2604	ISMAEL CIBRIAN	177.45
2605	GRASS MASTER	715.65
2606	TOLL BROS. INC.	7,500.00
2607	THE DOWNTOWN MOUNTAIN BOYS	1,000.00
2608	A PERFECT SHINE	3,859.45
2609	DTG RECYCLE	138.88
2610	SPECIALTY DOOR SERVICE, INC.	199.28
2611	NOVELTY HILL DEVELOPMENT LLC	7,500.00
2612	KENMORE WATERFRONT ACTIVITIES CENTER	6,944.50
2613	DEBBIE LAM I.C.	1,648.06
2614	SEATOWN ELECTRIC, PLUMBING, HEATING & AIR	343.35
2615	TRIBAL LINES	35,932.17
2616	PRIME ELECTRIC LLC	2,033.55

Vendor Purchasing Report

For Date Range 01/01/2021 - 12/31/2021

Vendor Set: Vendor Set 01

Vendor	Name	Volume
2618	STÉPHANIE LUCASH	126.56
2619	MSR KENMORE CREEK HOMES	146.36
2620	NORTHSHORE NEWS	945.00
Vendor Set Vendor Set 01 Total:		44,977,247.64



Voucher Certification and Approval

City of Kenmore

DATE RANGE:

01/15/2022 - 01/21/2022

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and the the claim is a just, due and unpaid obligation against the City of Kenmore and that I am authorized to authenticate and certify to said claim. The following checks and electronic payments are approved for payment:

Total Check #s 48916 through 48937: \$586,335.16

Rob Karlinsey
Rob Karlinsey (Jan 21, 2022 15:16 PST)

Jan 21, 2022

City Manager / Date

Brian Randall
BRIAN RANDALL (Jan 21, 2022 14:19 PST)

Jan 21, 2022

Finance Director / Date

Vendor Name	Check #	Date	Description	Amount
ASSOCIATION OF WA CITIES	48916	01/21/2022	2022 AWC Drug & Alcohol Consortium Membership	530.00
ASSOCIATION OF WA CITIES	48917	01/21/2022	2022 Retro Safety Alliance Membership	1,574.47
ASSOCIATION OF WA CITIES	48918	01/21/2022	2022 AWC City Membership	18,078.00
AURORA RENTS	48919	01/21/2022	Chipper Rental @ Rhododendron Park	260.19
COMCAST	48920	01/21/2022	Jan. City Hall & Hangar Internet	2,090.10
GRAINGER	48921	01/21/2022	Parts for Boathouse Restrooms	74.62
INTERNATIONAL CODE COUNCIL, INC	48922	01/21/2022	Code Compliance Training Classes	600.00
iWORQ SYSTEMS	48923	01/21/2022	2022 iWorq Software Support	2,800.00
KING COUNTY POLICE CHIEFS ASSOCIATION	48924	01/21/2022	2022 Annual Dues	50.00
MORUP SIGNS, INC.	48925	01/21/2022	Sign for 61st Embankment Repair	522.98
MSPT XXII, LLC C/O FLYWAY RETAIL + LIVING	48926	01/21/2022	January - March Town Square/Hangar Trash Svcs	1,500.00
NATIONAL LEAGUE OF CITIES	48927	01/21/2022	2022 Membership Dues	1,604.00
O'REILLY/FIRST CALL	48928	01/21/2022	Fleet Maintenance Supplies	15.39
QUADIENT LEASING USA, INC.	48929	01/21/2022	1/27-4/26/22 Postage Machine Lease	710.14
QUALITY WATER FINANCIAL	48930	01/21/2022	2nd Floor City Hall Filtered Water System	50.59
QUALITY WATER FINANCIAL	48931	01/21/2022	Public Works Office Filtered Water System	66.00
QUALITY WATER FINANCIAL	48932	01/21/2022	1st Floor City Hall Filtered Water System	66.00
SOUND CITIES ASSOC	48933	01/21/2022	2022 Membership Dues	16,314.32
WA CITIES INSURANCE AUTHORITY	48934	01/21/2022	2022 Liability/Property/Auto Insurance	486,509.00
WASHINGTON CITY/COUNTY MGMT ASSOC	48935	01/21/2022	2022 City Manager Dues	315.00
ZIPLY FIBER	48936	01/21/2022	12/28/21-1/27/22 City Hall Phones	656.36
CITY OF LAKE FOREST PARK	48937	01/21/2022	2022 NEMCO Dues	51,948.00
TOTAL				<u>\$ 586,335.16</u>

X. C. Approve Total Check #s 48916 through 48937 totaling \$586,335.16.



City of Kenmore

Vendor Purchasing Report

For Date Range 01/01/2022 - 12/31/2022

Vendor Set: Vendor Set 01

Vendor	Name	Volume
0067	CENTER FOR HUMAN SERVICES	5,550.00
0083	CITY OF LAKE FOREST PARK	51,948.00
0121	REPUBLIC SERVICES	555.78
0205	KENMORE HERITAGE SOCIETY	25.00
0206	KENMORE MIDDLE SCHOOL	2,650.00
0213	KING COUNTY ANIMAL SVCS	135.00
0251	LIGHTHOUSE CONSULTING INC	10,539.15
0286	NORTHSHORE SCHOOL DISTRICT	35,128.00
0287	NORTHSHORE SENIOR CENTER	9,500.00
0328	PUGET SOUND ENERGY	2,883.35
0359	SOUND CITIES ASSOC	16,314.32
0387	WA CITIES INSURANCE AUTHORITY	486,509.00
0389	WASHINGTON CITY/COUNTY MGMT ASSOC	315.00
0405	WASHINGTON STATE OFFICE CASH MGMT	610.50
0424	ICMA RETIREMENT TRUST 457 / 304745	8,396.28
0425	DRS 457	1,175.79
0428	BANK OF AMERICA 941	22,963.68
0431	DEPARTMENT OF RETIREMENT SYSTEMS	30,914.79
0448	UPS STORE KENMORE	76.80
0450	AURORA RENTS	260.19
0692	HDR ENGINEERING, INC	158,094.67
0696	AMERICAN GENERAL LIFE GPO/4005	279.92
0817	GRAINGER	74.62
0892	JACOBS ENGINEERING GROUP	16,321.51
0913	KENMORE ELEMENTARY	1,250.00
1003	IWORQ SYSTEMS	2,800.00
1053	INTERNATIONAL CODE COUNCIL, INC	600.00
1215	STATE OF FLORIDA DISBURSEMENT UNIT	275.00
1313	BOTHELL KENMORE CHAMBER OF COMMERCE	300.00
1337	STATE OF WA DEPT. OF LICENSING	1.52
1356	KARLINSEY, ROB	1,145.00
1504	SCORE	39,833.00
1673	KPFF CONSULTING ENGINEERS	27,412.19
1689	MOTT MACDONALD GROUP, INC.	15,536.13
1816	NAVIA	7,102.65
1820	PIPER SANDLER	23,920.00
1838	AVIDIA HEALTH	100.00
1979	MSPT XXII, LLC C/O FLYWAY RETAIL + LIVING	1,500.00
1980	HRA VEGA TRUST	20,203.44
1999	KING COUNTY POLICE CHIEFS ASSOCIATION	50.00
2004	RED BARN ENGINEERING, INC.	225.00
2142	ICMA RETIREMENT C/O ALLFIRST BANK / 109964	21,214.49
2209	MORUP SIGNS, INC.	522.98
2221	O'REILLY/FIRST CALL	15.39
2236	COMCAST	2,090.10
2249	KING COUNTY BAR ASSOCIATION	250.00
2254	U.S. BANK PURCHASE CARDS	187.18
2285	QUALITY WATER FINANCIAL	182.59
2386	CECCANTI, INC.	303,357.18
2403	AMERICALL	144.16
2486	CASCADIA LAW GROUP	4,077.00
2544	ACTION SERVICES CORPORATION	1,512.00

X. C. Approve Total Check #s 48916 through 48937 totaling \$586,335.16.

Vendor Purchasing Report

For Date Range 01/01/2022 - 12/31/2022

Vendor Set: Vendor Set 01

Vendor	Name	Volume
2618	STEPHANIE LUCASH	673.34
Vendor Set Vendor Set 01 Total:		1,337,701.69

X. C. Approve Total Check #s 48916 through 48937 totaling \$586,335.16.



City Council Business Agenda Item
City of Kenmore, WA

<p>Subject/Topic: Designating certain expenditures for reimbursement from proceeds of tax-exempt obligations issued by the city or by the State of Washington.</p> <p>Proposed Council Action/Motion: Approve Resolution No. 22-380 of the City of Kenmore, Washington, designating certain expenditures for reimbursement from proceeds of tax-exempt obligations issued by the city or by the State of Washington pursuant to its local program for the acquisition, construction, improvement and equipping of property.</p>	<p>For Council Meeting Agenda of: February 14, 2022</p> <p>Department: Finance/Administration</p> <p>Prepared by: Leticia Salcido, Director Finance/Administration</p> <p>Initial & Date</p> <p>Approved by Department Head: <u>[Signature]</u></p> <p>Approved by City Attorney: <u>[Signature]</u></p> <p>Approved by Finance Director: <u>[Signature]</u></p> <p>Approved by City Manager: <u>RGK</u> RGK</p> <p>Exhibits/Attachments: Exhibit A: Resolution No. 22-380</p>
<p><u>INFORMATION/BACKGROUND:</u> At the end of 2018, the long-standing contract for public works maintenance provided by the City of Lake Forest Park ended. Kenmore created a new in-house public works maintenance operation starting in January 2019. Public works has been operating without a designated property for their shop and operation. The City's Capital Program for 2021-2026 identified and includes a capital project for the public works shop land acquisition and development.</p>	

In 2021, after an extensive search and review process, the City identified three contiguous properties that met the requirements for the public works shop location. The City of Kenmore entered into two separate purchase agreements at a total cost of \$5,850,000 (including closing costs).

The Local Program Real Estate Financing for local governments offered by the Office of the State Treasurer (OST) was used to finance the first property in the amount of \$3.3 million. The real estate transaction for the second and third properties (\$2.6 million) was not included in this financing as the real estate transaction closing was after the timeline delineated by OST. The city is currently researching permanent financing for the second and third properties to reimburse the City for the payment made on that purchase.

There are various financing possibilities being explored and one of the options available to the city is the possible issuance of tax-exempt bonds. A decision has not been made with regards to the specific financing. However, the tax-exempt financing requires that a reimbursement resolution be approved by Council within sixty days from incurring the expenditures (12/22/21). To keep options open and available we are presenting for Council's review and consideration this reimbursement resolution.

- 1) Reimbursement resolution – required as the City plans to seek reimbursement of early expenditures. The City's expense/disbursement for purchase of property was on December 22, 2021, and additional expenditures related to construction may be incurred prior to closing on permanent financing.

FISCAL CONSIDERATION:

The resolution designates \$2.9 million for reimbursement from proceeds.

COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:

CITY OF KENMORE, WASHINGTON

RESOLUTION NO. 22-380

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON, DESIGNATING CERTAIN EXPENDITURES FOR REIMBURSEMENT FROM PROCEEDS OF TAX-EXEMPT OBLIGATIONS ISSUED BY THE CITY OR BY THE STATE OF WASHINGTON PURSUANT TO ITS LOCAL PROGRAM FOR THE ACQUISITION, CONSTRUCTION, IMPROVEMENT AND EQUIPPING OF PROPERTY.

WHEREAS the City of Kenmore, Washington (the "City") issues or may be the beneficiary of tax-exempt obligations, including bonds, notes, certificates of participation, and leases from time to time for the purpose of financing its governmental activities; and

WHEREAS the United States Department of the Treasury has promulgated Regulations limiting the ability of the City to use the proceeds of tax-exempt obligations for reimbursement of prior expenditures; and

WHEREAS any such declaration of official intent to reimburse must not be made as a matter of course or in an amount substantially in excess of the amount expected to be necessary for the proposed project; and

WHEREAS the City expects to finance the project described herein from proceeds of tax-exempt obligations issued by the City or by the State of Washington through its LOCAL Program; Now, Therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF KENMORE:

Section 1. The City reasonably expects to reimburse the expenditures described herein with the proceeds of tax-exempt obligations issued by the City or by the State of Washington through its LOCAL Program (the "Reimbursement Bonds").

Section 2. The maximum principal amount of Reimbursement Bonds expected to be issued is \$2,900,000.

Section 3. The expenditures with respect to which the City reasonably expects to be reimbursed from the proceeds of Reimbursement Bonds will be made from the City's General Fund, Surface Water Management Fund and Strategic Opportunities fund for project costs related to acquiring, constructing, improving, equipping, and maintaining City public works and shop facilities, including acquiring real property.

Section 4. This resolution will take effect from and after its adoption as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON
AT A REGULAR MEETING ON THIS DAY OF FEBRUARY 14, 2022.

CITY OF KENMORE, WASHINGTON

Nigel Herbig, Mayor

ATTEST/AUTHENTICATED:

Anastasiya Warhol, City Clerk

Approved as to form:

Pacifica Law Group LLP

Date of Publication: _____

Effective Date: _____

Signature: Rob Karlinsey
Rob Karlinsey (Feb 10, 2022 17:20 PST)

Email: rkarlinsey@kenmorewa.gov

AB-Reimb Reso early exp.

Final Audit Report

2022-02-11

Created:	2022-02-11
By:	Leticia Salcido (lsalcido@kenmorewa.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAicfloLgM-yvuEM_GM5ayWNsLWllesl6X

"AB-Reimb Reso early exp." History



Document created by Leticia Salcido (lsalcido@kenmorewa.gov)

2022-02-11 - 1:07:41 AM GMT- IP address: 50.235.209.34



Document emailed to Rob Karlinsey (rkarlinsey@kenmorewa.gov) for signature

2022-02-11 - 1:08:08 AM GMT



Email viewed by Rob Karlinsey (rkarlinsey@kenmorewa.gov)

2022-02-11 - 1:18:28 AM GMT- IP address: 24.22.167.111



Document e-signed by Rob Karlinsey (rkarlinsey@kenmorewa.gov)

Signature Date: 2022-02-11 - 1:20:26 AM GMT - Time Source: server- IP address: 24.22.167.111



Agreement completed.

2022-02-11 - 1:20:26 AM GMT



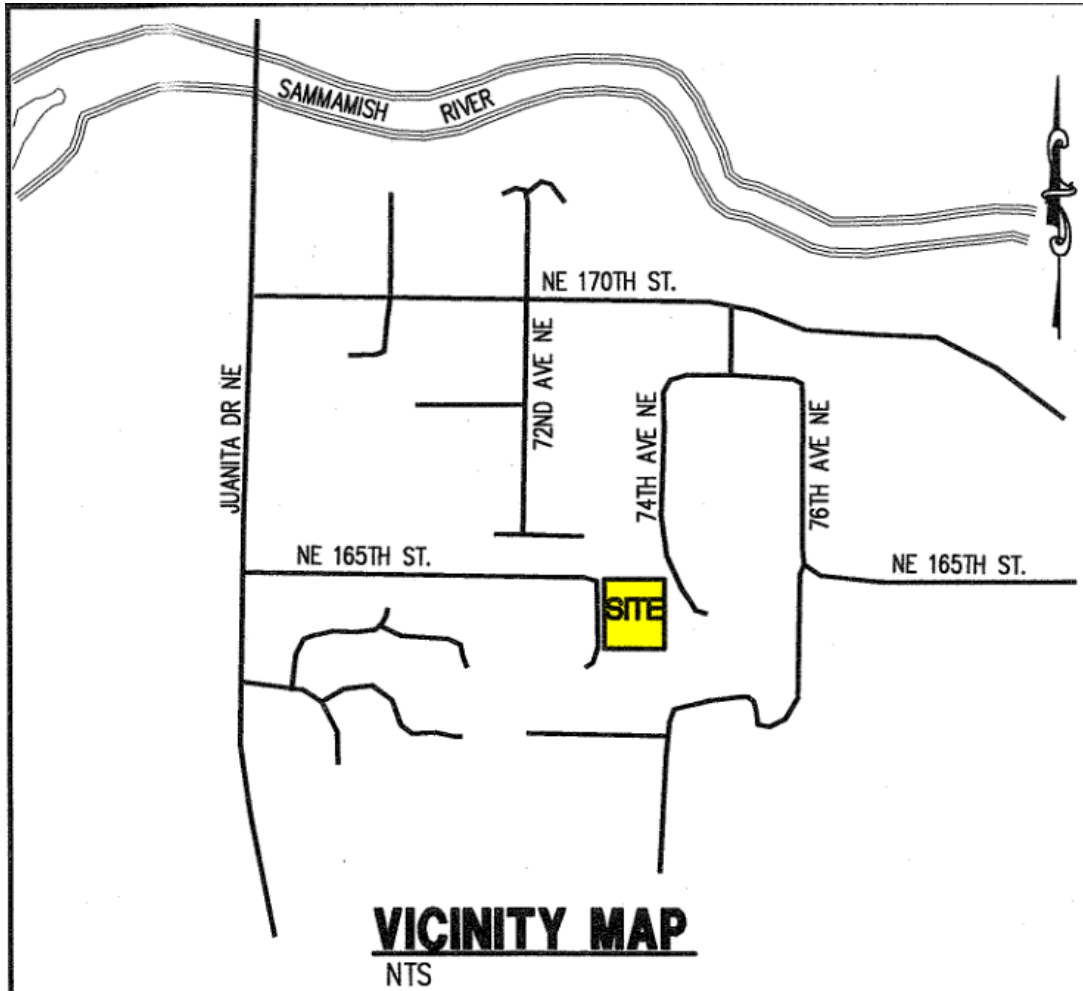
POWERED BY
Adobe Sign



**City Council Business Agenda Item
City of Kenmore, WA**

<p>Subject/Topic: Shannon Ridge Final Plat – Resolution No. 22-376</p> <p>Proposed Council Action/Motion: Adopt Resolution No. 22-376 Granting Final Plat Approval for Plat of Shannon Ridge</p>	<p>For Council Meeting Agenda of: <u>February 14, 2022</u></p> <p>Department: <u>Development Services</u></p> <p>Prepared by: <u>Samantha Loyuk, Senior Planner</u></p> <table border="0" style="width: 100%;"> <tr> <td></td><td style="text-align: right;"><u>Initial & Date</u></td></tr> <tr> <td>Approved by Department Head:</td><td style="text-align: right;"><u>BH- 1/25/22</u></td></tr> <tr> <td>Approved by City Attorney:</td><td style="text-align: right;"><u>DR – 1/21/22</u></td></tr> <tr> <td>Approved by Finance Director:</td><td></td></tr> <tr> <td>Approved by City Manager:</td><td style="text-align: right;"><u>RK – 1/25/22</u></td></tr> </table> <p>Exhibits/Attachments:</p> <ol style="list-style-type: none"> 1. Vicinity Map 2. Hearing Examiner's decision 3. Resolution 22-376 and Exhibit A 		<u>Initial & Date</u>	Approved by Department Head:	<u>BH- 1/25/22</u>	Approved by City Attorney:	<u>DR – 1/21/22</u>	Approved by Finance Director:		Approved by City Manager:	<u>RK – 1/25/22</u>
	<u>Initial & Date</u>										
Approved by Department Head:	<u>BH- 1/25/22</u>										
Approved by City Attorney:	<u>DR – 1/21/22</u>										
Approved by Finance Director:											
Approved by City Manager:	<u>RK – 1/25/22</u>										
<p><u>INFORMATION/BACKGROUND:</u> The Shannon Ridge final plat is ready to record. The City issued a SEPA Determination of Nonsignificance (DNS) on March 13, 2007, and an open record hearing was held on April 12, 2007. On April 24, 2007, the Shannon Ridge Preliminary Long Plat was granted conditional approval by the City's Hearing Examiner, Theodore Paul Hunter. Conditions of preliminary plat approval have been satisfied and the required financial guarantees have been submitted. Traffic, parks, and school impact fees will be assessed at the time of building permit for each individual lot. Shannon Ridge is a 10-lot single-family subdivision of a 2.45-acre lot located on the south side of NE 165th Street, between 72nd Avenue NE and 74th Avenue NE. The project includes a new public road and cul-de-sac (Road A), and private tracts for critical area protection, recreation/open space, and stormwater management/drainage (Tracts 997, 998, and 999).</p> <p>To obtain final plat approval the Council needs to pass a resolution approving the final plat. The final plat then needs to be signed by the City Manager, Development Services Director, and City Clerk prior to being recorded with King County. The Northshore Utility District (NUD) Board of Commissioners approved the project and accepted the water and sewer system improvements on 9/20/2021; reference NUD resolution no. 2021-09-01. The engineering permit for site development work received substantial inspection approval on 1/18/2022 (work on site is substantially complete and has been accepted by the city); reference permit no. ENG16-0130.</p> <p><u>FISCAL CONSIDERATION:</u> Permit fees will be collected following upon issuance of building permits. Subsequent expansion of single-family property tax base.</p> <p><u>COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:</u> Engage and educate the community on growth and development in Kenmore.</p>											

Exhibit 1: Vicinity Map



**BEFORE THE HEARING EXAMINER
FOR THE CITY OF KENMORE**

RECEIVED
APR 24 2007

CITY OF KENMORE

In the Matter of the Application of)	NO. PLP2005-145
)	
Michael Siegwarth)	Shannon Ridge
)	Preliminary Long Plat
)	
)	FINDINGS, CONCLUSIONS,
<u>For Approval of a Preliminary Long Plat</u>)	AND DECISION

SUMMARY OF DECISION

The request for a preliminary plat to subdivide 2.45 acres into ten single family residential lots is **GRANTED**, with conditions.

SUMMARY OF RECORD

Request

Michael Siegwarth requests approval of a preliminary plat to subdivide 2.45 acres into ten single family residential lots. The property is located on the south side of NE 165th Street, between 72nd Avenue NE and 74th Avenue NE, in Kenmore, Washington.

Hearing Date

The Hearing Examiner held an open record hearing on the request on April 12, 2007.¹

Testimony

The following individuals presented testimony under oath at the open record hearing:

Debbie Bent, Department of Community Development, City of Kenmore
 Carl Johnson, PE, Engineering Consultant for the City of Kenmore
 Laura Grignon, PE, Surface Water Consultant for the City of Kenmore
 Michael Siegwarth, Applicant
 Robert Nehring, Sound Design Engineering
 John Olsen
 Gerald Maki
 Erika Ridout

¹ Before starting the preliminary plat application hearing, Robert Nehring presented a motion to delay the hearing pending settlement of a payment dispute between himself and the Applicant, Michael Siegwarth. Mr. Nehring had worked as the engineer on behalf of the Applicant and authored many of the documents entered as exhibits. In response to an inquiry by the Hearing Examiner, Mr. Nehring stated that the information based on his work is reliable and that there is no evidence that the documents have been altered. The Hearing Examiner determined that the application should be heard at the scheduled time and denied the motion. Mr. Siegwarth emphasized that Mr. Nehring was no longer authorized to speak as the Applicant's representative.

Findings, Conclusions, and Decision

City of Kenmore Hearing Examiner

Shannon Ridge Preliminary Long Plat, No. PLP2005-145

Sandra Smith
Roger Knight

Exhibits

The following exhibits were admitted into the record:

Application and Processing

1. Staff Report, issued March 29, 2007
2. Shannon Ridge preliminary plat plan, prepared by Mead Gilman Associates, dated March 2006; preliminary drainage, utility, grading, profiles and existing feature plans, prepared by Sound Design Engineering, dated July 2006
3. Shannon Ridge reduced preliminary plat plan, prepared by Mead Gilman Associates, dated March 2006; reduced preliminary drainage, utility, grading, profiles and existing feature plans, prepared by Sound Design Engineering, dated February 2006
4. Shannon Ridge reduced preliminary plat plan, prepared by Mead Gilman Associates, dated December 2005
5. Permit application, including ownership documentation and title report, received December 15, 2005
6. Notice of Complete application and first review comments letter, dated January 12, 2006
7. Second review comments letter from the City to Bob Nehring, dated May 12, 2006
8. Third review comments letter from the City to Mike Siegwarth, dated September 8, 2006
9. Fourth review comments letter from the City to Mike Siegwarth, dated January 12, 2007
10. Letter from SDE (Applicant's engineer) to the City, dated July 19, 2006
11. Letter from Peak Development to City, dated December 12, 2006
12. Notice of Application, issued January 24, 2006; mailing list of properties within 500 feet of the development.; Affidavit of posting Notice of Application, dated February 2, 2006; Affidavit of publication of Notice of Application in the *King County Journal*, dated January 26, 2006
13. SEPA Checklist, revised, dated July 18, 2006; SEPA Determination of Nonsignificance (DNS) issued March 13, 2007
14. Notice of SEPA Determination and Public Hearing, issued March 12, 2007; Affidavit of mailing, dated March 12, 2007; Affidavit of posting, dated March 13, 2007; and Affidavit of publication in the *Seattle Times*, dated March 13, 2007
15. SEPA agency comments, summarized by the City, undated
- 15b. Email correspondence including WDFW comments on DNS, dated April 2, 2007; Applicant response to WDFW, with ROW/drainage ditch proposal, dated April 5, 2007; and City's response, dated April 10, 2007.

Public Comments

16. Letter from the City to Bob Nehring, dated March 2, 2006
- 16b. E-mail from Brent and Elfi Zier to the City, dated May 23, 2006
17. Letter from Rob Rishmawy to the City, dated March 14, 2006
18. Letter from Roger Knight to the City, dated March 1, 2006
19. E-mail from Alayna Hagen to the City, dated February 28, 2006
20. E-mail from Roger Knight to the City, dated February 28, 2006
21. Letter from Edward Anderson to the City, dated February 10, 2006
22. Letter from Kathy Anderson to the City, dated February 10, 2006
23. E-mail from Roger Knight to the City, dated February 21, 2006

Findings, Conclusions, and Decision

City of Kenmore Hearing Examiner

Shannon Ridge Preliminary Long Plat, No. PLP2005-145

Page 2 of 27

24. Letter from NE 165th Street Residents and Concerned Neighbors of NE 165th Street, dated February 15, 2006
25. E-mails from Chiwei Chang to the City, dated February 7, 13, and 16, 2006; and City responses, dated February 9, 14, and 16, 2006
26. Letter from John and Erika Olsen to the City, dated February 13, 2006
27. Letter from Gerald Maki to the City, dated February 9, 2006
- 27b. Letter from Roger Knight to the City, dated April 4, 2007

Natural Environment – Hydrologic Review

28. Sensitive Areas affidavit, dated November 22, 2005
29. Sensitive Area Study and Wetland Mitigation Plan, prepared by Wetland Resources, Revisions #3, dated November 7, 2006
30. Sensitive Area Bond Quantity Worksheet, dated November 7, 2006
31. Sensitive Area Study, prepared by Wetland Resources, Revision #2, dated July 18, 2006
32. Sensitive Area Study, prepared by Wetland Resources, Revision #1, dated March 7, 2006
33. Sensitive Area Study, prepared by Wetland Resources, dated December 14, 2005
34. Letter from Adolfson Associates (City's environmental consultant) to the City, dated January 9, 2006
35. Letter from Adolfson Associates to the City, dated April 20, 2006
36. Letter from Adolfson Associates to the City, dated August 9, 2006
37. Letter from Adolfson Associates to the City, dated January 5, 2007

Natural Environment – Geologic Review

38. Letter from Zipper Zeman Associates, Inc. (Applicant's geotechnical consultant) to Robert Nehring, dated December 16, 2005
39. Memo from GeoEngineers (City's geotechnical consultant) to the City, dated January 6, 2006
40. E-mail from GeoEngineers to the City, dated April 6, 2006
41. E-mail from GeoEngineers to the City, dated August 15, 2006

Surface Water

42. Level One Analysis prepared by SDE (Applicant's engineer), dated December 15, 2005
43. Preliminary Vault Sizing Calculations, prepared by SDE, dated December 15, 2005
44. Memo from AHBL (City's surface water consultant), to the City, dated January 4, 2006
45. Field Report from AHBL, dated March 29, 2006
46. Memo from AHBL to the City, dated May 2, 2006
47. Memo from AHBL to the City, dated September 5, 2006

Road Standards

48. Traffic Impact Analysis, prepared by Gibson Traffic Consultant (Applicant's traffic consultant), dated December 10, 2005
49. Updated Traffic Impact Analysis, prepared by Gibson Traffic Consultants, dated February 28, 2006
50. Gibson Traffic Consultants' response to comments, dated June 6, 2006
51. Road Standards Variance Applications, received July 24, 2006, approved August 15, 2006
52. Letter from Bucher, Willis & Ratliff (City's engineering consultant) to City, dated January 5, 2006
53. Letter from Bucher, Willis & Ratliff to City, dated April 7, 2006
- 53b. Letter from Bucher, Willis & Ratliff to City, dated August 15, 2006

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54. E-mail from Bucher, Willis & Ratliff to Bob Nehring, dated September 25, 2006, and e-mail from Roger Knight, dated September 9, 2006

School and Utility Information

55. School information report, undated
56. Certificate of Water Availability, dated September 7, 2005
57. Certificate of Sewer Availability, dated September 7, 2005
58. Fire District Receipt, dated December 12, 2005
59. Fire Marshall Report, dated January 10, 2006
60. City response to SEPA comments, dated April 11, 2007
61. Colored vicinity map depicting existing and proposed street improvements
62. Comments from NE 165th Street Neighbors, dated April 12, 2007

The Hearing Examiner enters the following Findings and Conclusions based upon the testimony and exhibits admitted at the open record hearing:

FINDINGS

1. Michael Siegwarth (Applicant) requested approval of a preliminary plat to subdivide 2.45 acres into ten single family residential lots, with a recreation tract, stormwater detention tract, sensitive areas tract, and a new internal road. The property is located on the south side of NE 165th Street, between 72nd Avenue NE and 74th Avenue NE, in Kenmore, Washington.² *Exhibit 1, Staff Report, page 1; Exhibit 2; Exhibit 5.*
2. The Applicant submitted the preliminary plat application on December 15, 2005. On January 12, 2006, the City of Kenmore (City) determined the application to be complete in accordance with the Kenmore Municipal Code (KMC) 19.25.040. *Exhibit 1, Staff Report, page 2; Exhibit 5; Exhibit 6.* The City provided notice of the application by mailing notice to all property owners within 500 feet of the project on January 24, 2006; posting notice on-site on February 2, 2006; and publishing notice in the *King County Journal* on January 26, 2006. *Exhibit 12.* In accordance with City ordinances, notice of the preliminary plat open record hearing and SEPA threshold determination was mailed to property owners within 500 feet of the project, all SEPA agencies, and all parties of interest on March 12, 2007; posted on-site on March 13, 2007; and published in the *Seattle Times* on March 13, 2007. *Exhibit 14.*
3. The City acted as lead agency and analyzed the environmental impacts of the proposed subdivision, as required by the State Environmental Policy Act (SEPA). The City determined that through compliance with adopted City codes and regulations,³ the proposal would not have a probable significant adverse impact on the environment, and issued a Determination of Non-significance (DNS) on March 13, 2007. The City

² The property is identified as tax parcel 132604-9052. A legal description can be found on the preliminary plat map. *Exhibit 1, Staff Report, page 1; Exhibit 2; Exhibit 3; Exhibit 5.*

³ The City analyzed the proposal based on codes and regulations in place at the time the application was deemed complete. The City's Critical Areas Ordinance was updated in April 2006, Ordinance 06-0244. This decision references the previous version of the Critical Areas Ordinance.

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received one comment regarding the DNS from the Washington State Department of Fish and Wildlife (WDFW) regarding proposed impacts on drainage ditches identified as streams by WDFW, dated April 2, 2007. The Applicant's environmental consultant responded to the DNS comment, meeting with Ginger Holser of WDFW to discuss plans for the drainage ditches. The City responded by proposing a preliminary plat condition of approval requiring the Applicant to obtain WDFW approval of drainage ditch engineering plans prior to the City's approval of engineering plans or site disturbance. The DNS was not appealed prior to the termination of the appeal period on April 3, 2007. *Exhibit 1, Staff Report, page 3; Exhibit 13, DNS; Exhibit 15(b); Exhibit 60.*

4. The neighborhood in which the proposed subdivision is located is developed with single-family residential dwellings. The property is zoned R-4, allowing development of up to four dwelling units per acre.⁴ The minimum lot size for lots located within the R-4 zoning district is 4,500 square feet, with a minimum lot width of 30 feet. The proposed lots would comply with the minimum lot size and width. Compliance with remaining minimum dimension standards, including setbacks, impervious surface coverage, and building heights, would be determined at the engineering review stage. The property could be developed with up to 10 dwelling units under the R-4 zone.⁵ *KMC 18.25.030, 18.30.030; Exhibit 1, Staff Report, pages 1, 2, 12; Exhibit 2.*
5. The City zoning code was enacted for the purpose of implementing the City's Comprehensive Plan policies and objectives through land use regulations. *KMC 18.05.010; 18.10.030.* According to Comprehensive Plan Policy LU-2.1.2(b), the purposes of the Residential Districts are "to implement Comprehensive Plan policies for housing quality, diversity, and affordability, and to efficiently use land, public services, and energy." The Comprehensive Plan policies include wetland protection; varying housing types and lot configurations to meet the City's housing targets; and encouraging private reinvestment in transportation, surface water and parks within residential neighborhoods. *Comprehensive Plan, Land Use Element, Policy LU-2.1.2(b), Objective 15.1, pages 4A-16, 4A-6, and 4D-21 – 4D-23 (last revised December 2006); Comprehensive Plan Housing Element, Policy H-26.1.1, Policy H-26.1.2, Policy H-26.3.2, Policy H-28.2.1, pages 5-15, 5-16, and 5-19 (last revised December 2006); Exhibit 1, Staff Report, page 7*
6. The sole access to the proposed subdivision is from NE 165th Street. The Applicant would construct a new cul-de-sac, to be named 73rd Place NE, to connect the proposed

⁴ The R-4 zone allows a maximum density of six dwelling units per acre. This maximum density may be achieved only through the application of residential density incentives pursuant to Chapter 18.80 KMC or transfers of density credits, or any combination of density incentive or density transfer. *KMC 18.30.030(B)(1).*

⁵ 2.45 acres multiplied by 4 dwelling units per acre = 9.8 dwelling units allowed on the property. When calculations result in a fraction, the fraction shall be rounded up to the nearest whole number when the fraction is 0.50 or above. Thus, development of up to 10 lots would be allowed on the subject property within the R-4 zone. *KMC 18.30.060(D)(1). Exhibit 1, Staff Report, page 12.*

subdivision with NE 165th Street. The Applicant would construct off-site improvements to NE 165th Street, which would terminate just east of the proposed cul-de-sac intersection. The City determined that access to the site from 74th Avenue NE to the east of the property would not be feasible due to steep slopes in the right-of-way and the location of existing residences on 74th Avenue NE and 76th Avenue NE. Debbie Bent, Department of Community Development, testified that no connectivity between NE 165th Street and other streets is currently proposed. Carl Johnson, PE, testified on behalf of the City that connectivity does not appear to be feasible at this time. *Exhibit 1, Staff Report, pages 4, 5, 16 – 19; Exhibit 2; Exhibit 15; Testimony of Ms. Bent; Testimony of Mr. Johnson.*

7. The proposed cul-de-sac is classified by King County Road Standards (KCRS) as a minor access street, requiring a 22-foot wide roadway, curb, gutter, drainage, and a 5-foot wide sidewalk on one side of the street, within a 40-foot right of way. Cul-de-sacs more than 150 feet long, serving more than nine lots, require a permanent bulb. According to the KCRS, permanent cul-de-sac bulbs shall have 80 feet of pavement width and 100 feet of right-of-way across the bulb. As depicted in the preliminary plat map, and determined by the City, the proposed cul-de-sac bulb would be at least 80 feet-wide. Compliance with KCRS minor access street standards would be determined by the City during engineering plan review. *Exhibit 1, Staff Report, page 19; Exhibit 2; Exhibit 52.*
8. The proposed cul-de-sac would have a cross-slope across the bulb of 10%. The Applicant applied for a variance from the 6% maximum cul-de-sac bulb cross-slope allowed by KCRS 2.08E. The City granted a Road Standard Variance in order to improve lot access. In a memo, the City's engineer, Mr. Johnson, noted that an increase in cross-slope has been allowed in other projects without incident. *Exhibit 1, Staff Report, page 19; Exhibit 51; Exhibit 53(b).*
9. The proposed intersection landing would have a rise of 1.8 feet in 30 feet. The Applicant applied for a variance from KCRS 2.10.C, requiring intersection landing rise of 1 foot in 20 feet. Mr. Johnson stated in a memo that the change in grade would be negligible, and the City granted a Road Standard Variance. *Exhibit 1, Staff Report, page 19; Exhibit 51; Exhibit 53(b).*
10. NE 165th Street runs east-west, and currently dead ends approximately 360 feet west of the property. The Applicant would extend NE 165th Street to the proposed cul-de-sac accessing the property, constructing both street frontage and off-site improvements. The City's traffic consultant initially classified the portion of NE 165th Street in the project vicinity as a sub-collector street, requiring a 28-foot wide roadway within a 48 foot-wide right of way. After review, the City's traffic consultant determined that NE 165th Street could be classified as a sub-access street, as it is unlikely that NE 165th Street would be extended to the east. The Applicant would construct a 24-foot wide roadway, as required for sub-access streets, and would install curbs, gutters, drainage, and a five-foot wide sidewalk, from the current termination of NE 165th Street to the eastern edge of the proposed cul-de-sac. Street trees and street lighting are not required for sub-access

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streets. Ms. Bent testified that the City is requiring the Applicant to construct 360 feet of off-site improvements to NE 165th Street to ensure the public benefit of the proposed plat. Mr. Johnson testified that The City Staff Report states that preliminary frontage improvements depicted on the preliminary plat maps meet the required standards. The City would determine compliance with KCRS street frontage requirements at the time of engineering plan review. *Exhibit 1, Staff Report, pages 12, 18, 20 – 21; Exhibit 2; Exhibit 53(b); Exhibit 61; Testimony of Ms. Brent; Testimony of Mr. Johnson.*

11. The Applicant proposed constructing a rockery along the south side of the NE 165th Street extension, along the street frontage of the Benson property to the west. The City received comments from Roger Knight, an engineer retained by the Bensons, expressing concern that the proposed rockery would provide insufficient protection from landslides. Mr. Knight suggested constructing a retaining wall or re-grading of the Bensons property instead. The City determined that if the Benson property owners grant an easement to allow for re-grading of the property, a rockery would not be necessary. If a grading easement is not granted, any rockery or retaining wall over four feet high would require approval prior to engineering plan approval. The City's geotechnical engineer would approve recommendations regarding earthwork in the sloped areas prior to engineering plan approval. Mr. Knight testified on behalf of the Benson property owners that they would be amenable to meeting with the Applicant to negotiate a grading easement.⁶ The Applicant testified that he would be willing to meet with Mr. Knight. *Exhibit 1, Staff Report, page 18; Exhibit 2; Exhibit 18; Exhibit 20; Exhibit 23; Exhibit 27(b); Exhibit 60; Testimony of Mr. Knight; Testimony of Mr. Siegwarth.*
12. The Applicant would construct five-foot wide sidewalks along the north side of the NE 165th Street extension. The City received comments expressing concern about a lack of continuous sidewalks along NE 165th Street west of the proposed street improvements. A letter from NE 165th Street Residents and Concerned Neighbors of NE 165th Street, dated February 15, 2006, described a 300 plus foot long stretch of roadway without sidewalks. The NE 165th Street Residents requested that the proposed sidewalk be extended west to connect with existing sidewalks. Erica Ridout, a resident of NE 165th Street, testified that students residing along NE 165th Street walk to a school bus stop located at the intersection of NE 165th Street and Juanita Drive. Both Ms. Ridout and the February 15 letter stated that poor visibility and the lack of sidewalks present a hazard to children walking to the school bus stop. Ms. Ridout also requested that a marked crosswalk be installed where the sidewalk on the north side of the street ends and the sidewalk on the south side of the street begins, at the intersection of NE 165th Street and 69th Place NE. *Exhibit 1, Staff Report, pages 4 and 18; Exhibit 2; Exhibit 24; Exhibit 55; Exhibit 61; Exhibit 62; Testimony of Ms. Ridout.*

⁶ The Hearing Examiner stated that any agreement between Mr. Knight and the Applicant would be a private agreement, outside of the jurisdiction of the Hearing Examiner.

13. Robert Nehring, formerly the Applicant's engineer,⁷ testified that it would be difficult to extend sidewalks past the proposed NE 165th Street improvements, due to a steep drop-off on the north side of the street and steep banks on the south side. He further testified that pedestrian safety and visibility would be improved by prohibiting parking on the street. Ms. Ridout responded that the steep drop-offs only extended for approximately 100 feet of the 300-foot long section that lacks sidewalks. Ms. Bent submitted a vicinity map colored to delineate the street sections with existing improvements, existing sidewalks, proposed improvements, and proposed sidewalks. Ms. Bent testified that the City believed that it would be excessive to require additional sidewalks beyond the 360 feet of off-site improvements already required of the Applicant, and that the City is not recommending additional sidewalk construction. Ms. Bent confirmed that students walk along NE 165th Street to access the school bus stop at the intersection of NE 165th Street and Juanita Drive. She noted that the Northshore School District had the opportunity to comment on the proposed subdivision, including any need for safe school walkways, but did not provide any additional comments or conditions. Mr. Johnson testified that the 360 feet of off-site improvements requested of the Applicant reflected what the City considered to be a fair balance between private responsibility and public benefit. He agreed that the construction of sidewalks is generally encouraged to promote safety. In response to a suggested alternative to sidewalks, Mr. Johnson stated that requiring substandard walkways may introduce new safety concerns. Mr. Johnson testified that the City did not consider the specific cost of constructing an additional 300 feet of sidewalk. *Exhibit 1, Staff Report, pages 4 and 18; Exhibit 24; Exhibit 55; Exhibit 61; Exhibit 62; Testimony of Mr. Nehring; Testimony of Ms. Ridout; Testimony of Ms. Bent; Testimony of Mr. Johnson.*
14. Gibson Traffic Consultants (GTC), traffic consultant for the Applicant, prepared a traffic impact analysis (TIA), dated December 10, 2005, with comment resolutions dated February 28, 2006, and June 6, 2006. Pursuant to the traffic impact analysis, GTC determined that the proposed ten single family residential lots would generate 95.7 additional total trips, with 10.10 new PM peak hour trips. GTC found the expected impact of the proposed development to be insufficient to require a left-hand turn lane off of Juanita Drive. GTC used data collected from a study of the NE 165th Street/Juanita Drive intersection on December 6, 2005, between 4:00 and 6:00 PM. Due to the lack of connectivity, all existing and proposed traffic in the neighborhood would pass through the NE 165th Street/Juanita Drive intersection. GTC determined that the intersection currently has a level of service (LOS) C, with 19.5 seconds of delay during the PM peak-hour.⁸ GTC determined that with the proposed development, the intersection would

⁷ The Applicant stated at the start of the hearing that Mr. Nehring is no longer employed by the Applicant, and does not speak on his behalf. Mr. Nehring did not testify on behalf of the Applicant, but based his testimony of the work that he performed for the Applicant. *Testimony of Mr. Siegwirth; Testimony of Mr. Nehring.*

⁸ Intersection LOS is usually calculated using the P.M. peak hour traffic volumes. Overall traffic volumes are expected to be the greatest between the hours of 4:00 PM to 7:00 PM, and, therefore, the PM peak hour is considered the worst case scenario for the day. LOS is determined by the calculated average delay per vehicle. Intersection delay includes initial deceleration delay, move up time, stopped delay, and finally acceleration delay.

continue to operate at LOS C, above the threshold of LOS D for Juanita Drive. The Applicant would pay traffic impact fees prior to building permit approval, pursuant to the terms of the impact fee ordinance in effect at the time of building permit application. The impact fee requirement would be noted on the final plat map. *Exhibit 1, Staff Report, pages 3 – 4, 16 – 18, 20; Exhibit 48; Exhibit 49; Exhibit 50.*

15. The City received comments from NE 165th Street residents and neighbors, expressing concern with the TIA and questioning whether the study accurately represented their experience of traffic in the area. In a letter dated February 15, 2006, several neighbors stated that the initial TIA failed to include traffic impacts from Arrowhead Inglemoor Preschool at Epiphany Lutheran Church, at the corner of NE 165th Street and Juanita Drive. In testimony, Ms. Ridout noted that the preschool closes at 3:00 PM every day, and thus the preschool traffic would not be included in a traffic count during the PM peak hours. Ms. Ridout estimated that the preschool generates an additional 150 to 200 daily trips, and requested that a TIA be conducted which would include the preschool traffic. Ms. Ridout reiterated her request for a left turn lane from Juanita Drive onto NE 165th Street. Mr. Johnson responded for the City that it is unlikely that the daycare would change the analysis, but stated that it would not be difficult to conduct a new TIA. Ms. Ridout also requested that the TIA consider future development of the Benson property to the west of the proposed Shannon Ridge development. Ms. Bent responded that the Benson property is not formally in the development process, and thus the TIA did not include potential impacts from future development. Mr. Nehring testified that development of the Benson property would be limited by the presence of critical areas, including wetlands and steep slopes. *Exhibit 1, Staff Report, pages 3 – 4; Exhibit 24; Exhibit 62; Testimony of Ms. Ridout; Testimony of Mr. Johnson; Testimony of Ms. Bent; Testimony of Mr. Nehring.*
16. Ms. Ridout testified that many of the NE 165th Street residents purchased property along the street because it appeared to be a dead-end. She stated that the residents had previously petitioned King County to close off the intersection with 72nd Avenue NE to prevent cut-through traffic. She requested that NE 165th Street be permanently declared a dead-end. Ms. Bent and Mr. Johnson both testified on behalf of the City that further extension of NE 165th Street is not feasible at this time; however they both noted that the NE 165th Street right-of-way continues east of the current termination point. It was suggested that residents petition the City Council to obtain a vacation of the right of way or an ordinance preventing future connectivity. Ms. Bent noted that City planners are guided by the City Council's policies regarding development. *Testimony of Ms. Ridout; Testimony of Ms. Bent; Testimony of Mr. Johnson.*

Intersection delays are a measure of drivers' discomfort, frustration, fuel consumption, and lost time. LOS "A" and "B" represent the best traffic operation, with free flow and intersection delays of zero to fifteen seconds. LOS "C" and "D" represent intermediate operation, stable flow, speeds closely controlled due to higher volumes, and delays from 15 to 40 seconds. LOS "E" and "F" represent higher levels of congestion, with low speeds, traffic volume near or exceeding capacity, and intersection delays of more than 40 seconds. *Comprehensive Plan, Transportation Element (last amended April 2003), pages 6-6 and 6-8.*

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17. Sandra Smith, a NE 165th Street neighbor, testified regarding the current cul-de-sac termination point. She stated that the current street is not technically a cul-de-sac, but just has a small turn-around on the north side of the road. She testified that this space provides a hangout for loiterers in cars. She requested that the turnaround be removed as part of the extension of NE 165th Street. *Testimony of Ms. Smith.*
18. Wetland Resources, Inc., prepared a Sensitive Area Study and Wetland Mitigation Plan on behalf of the Applicant, originally dated December 14, 2005, with a third revision dated November 7, 2006. Wetland Resources identified one Class 2 wetland on-site, located in the eastern portion of the property. Class 2 wetlands typically require a 50-foot wide buffer. *KMC 18.55.320(A)(2); Exhibit 1, Staff Report, pages 1, 8 – 9; Exhibit 2; Exhibit 29; Exhibit 31; Exhibit 32; Exhibit 33.*
19. Wetland Resources also identified two ditches, along the western property line and the south side of the currently unimproved NE 165th Street extension. The City received a comment form Ginger Holser of the WDFW, noting that although the two ditches do not meet the City's definition for streams, they would be classified as streams by the WDFW. Ms. Holser stated that a Hydraulic Project Approval (HPA) would be required for construction involving the ditches. The Applicant's environmental consultant met with Ms. Holser to determine the best way to develop NE 165th Street in compliance with WDFW stream requirements. At the hearing, Ms. Bent presented a proposed condition of plat approval requiring the Applicant to obtain WDFW approval before the City would approve engineering plans. Mr. Johnson testified that it is unlikely that the WDFW conditions would impact the proposed extension of NE 165th Street. However, he suggested a condition of approval requiring the preliminary plat be re-reviewed if HPA conditions result in a major modification of the proposed project. *Exhibit 1, Staff Report, pages 8 – 9; Exhibit 2; Exhibit 29; Exhibit 15(b); Exhibit 60; Testimony of Ms. Bent; Testimony of Mr. Johnson.*
20. The proposed development would result in impacts on the wetland buffers. The Applicant proposes buffer averaging, reducing buffer width along the eastern edge of Lots 2 and 3 and recreation Tract 998, resulting in permanent buffer impacts to a total 5,454 square feet of wetland buffer. The Applicant would add 5,543 square feet of buffer at the northern and southern ends of the wetland, and enhance the buffer by removing invasive species and planting native species. City code provides for buffer averaging if it will provide additional protection to wetlands or enhance their functions, as long as the total area contained in the buffer on the development proposal site does not decrease. *KMC 18.55.320.B.* The Applicant would set aside the wetland and its buffers in a sensitive areas tract and would monitor the buffer plantings for five years. The City's environmental consultant reviewed the Applicant's mitigation proposal and determined that it generally complies with City code. John Olsen, neighbor to the east of the proposed development, testified at the hearing, requesting more information regarding the wetland buffer replanting proposal. Ms. Bent responded that total wetland buffer area would not be reduced, and that the Applicant would also plant native species within the

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buffer. She suggested that Mr. Olsen contact Adolfson Associates for specific information on the replanting proposal. The final mitigation plan would be reviewed prior to engineering plan approval. *Exhibit 1, Staff Report, pages 8 – 10; Exhibit 29, pages 1, 6 – 10; Exhibit 37; Testimony of Mr. Olsen; Testimony of Ms. Bent.*

21. Zipper Zeman Associates, Inc., the Applicant's geotechnical engineer, surveyed the slope conditions on the property. The property slopes down to the north, with slopes in the southern portion averaging 30 percent to 35 percent inclination, and slopes in the northern portion averaging 20 percent to 25 percent inclination. The entire property is designated as an erosion hazard area.⁹ A landslide hazard area extends along the entire southern portion of the property, impacting proposed Lots 3 through 7.¹⁰ In addition, there is a steep slope hazard area in the southeastern portion of the property, east of proposed Lot 3, which features slopes greater than 40 percent inclination.¹¹ Steep slope hazard areas generally require a 50-foot wide buffer. However, the buffer may be reduced to 25-foot wide if the City determines that the reduction adequately protects the sensitive area and proposed development. *KMC 18.55.310.A; Exhibit 1, Staff Report, pages 10 and 11; Exhibit 2; Exhibit 38; Exhibit 39; Exhibit 40; Exhibit 41.*
22. The Applicant proposes reducing the steep slope buffer to 25 feet in width, and regarding the slope to eliminate the steep slope hazard. Steep slope regarding is allowed pursuant to KMC 18.55.310.G; however, if the finished grades will be 40% or greater and will be 10 feet or greater in height following site development, then the regarded slope will still be subject to all steep slope hazard requirements. *KMC 18.55.310.G.2.* The regarded slope would still be considered an erosion hazard area. The Applicant proposes developing the landslide hazard area in the southern portion of the property. KMC 18.55.290 allows development of landslide hazard areas as long as the development would not decrease slope stability, and the risk of damage is eliminate or minimized with

⁹ Erosion hazard areas include those areas in the city of Kenmore underlain by soils which are subject to severe erosion when disturbed. Such soils include, but are not limited to, those classified as having a severe to very severe erosion hazard according to the USDA Soil Conservation Service, the 1990 Snoqualmie Pass Area Soil Survey, the 1973 King County Soils Survey or any subsequent revisions or addition by or to these sources. KMC Section 18.55.220 provides development standards and permitted alterations for erosion hazard areas. *KMC 18.20.940; KMC 18.55.220.*

¹⁰ Landslide hazard areas include those areas in the city of Kenmore subject to severe risks of landslides, including the following: A. Any area with a combination of 1) slopes steeper than 15 percent, 2) impermeable soils, such as silt and clay, frequently embedded with granular soils, such as sand and gravel, and 3) springs or underwater seepage; B. Any area which has shown movement during the Holocene epoch, from 10,000 years ago to the present, or which is underlain by mass wastage debris from that epoch; C. Any area potentially unstable as a result of rapid stream incision, stream bank erosion or undercutting by wave action; D. Any area which shows evidence of or is at risk from snow avalanches; or E. Any area located on an alluvial fan, presently subject to or potentially subject to inundation by debris flows or deposition of stream-transported sediments. *KMC 18.20.1570.*

¹¹ Steep slope hazard areas include those areas in the city of Kenmore on slopes 40 percent or steeper within a vertical elevation change of at least 10 feet. A slope is delineated by establishing its toe and top and is measured by averaging the inclination over at least 10 feet of vertical relief. *KMC 18.20.2880.*

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- the use of base engineering practices. Prior to engineering plan approval, the Applicant would submit engineering plans including erosion and sedimentation control measures and recommendations regarding slope buffers and retentions structures for review and approval by the City's geotechnical engineer. *Exhibit 1, Staff Report, pages 10 and 11; Exhibit 2; Exhibit 38; Exhibit 39; Exhibit 40; Exhibit 41.*
23. Sound Design Engineering (SDE), prepared a Level 1 Downstream Analysis on behalf of the Applicant, dated December 15, 2005. SDE determined that the proposed development includes two different drainage paths. The property itself drains to the north eventually discharging to the Sammamish River, while the proposed NE 165th Street extension drains to the northwest, towards 72nd Avenue NE and eventually discharging into a wetland west of NE 167th Street. The downstream analysis did not find substantial problems with either flowpaths, although it did point out areas in need of maintenance. *Exhibit 1, Staff Report, page 14; Exhibit 42; Exhibit 44; Exhibit 45; Exhibit 46; Exhibit 47; Testimony of Ms. Grignon.*
 24. The Applicant would construct two separate detention vaults to capture run-off in the two downstream flowpaths. One vault would be located within Tract 999 in the proposed subdivision, on the northern property line just east of the proposed internal cul-de-sac. The other detention vault would be located within the right-of-way of NE 165th Street, east of 72nd Avenue NE. The Staff Report states that the NE 165th Street detention vault appears to be undersized, and should be enlarged prior to engineering plan review. Flow control facilities would be designed to comply with King County Surface Water Design Manual (KCSWDM) standard Level 2. The proposed subdivision would result in more than 5,000 square feet of new impervious surface area, requiring Full Drainage Review after preliminary plat approval. The City generally requires roof downspout controls on all subdivisions; however, due to the steep slopes and erosion hazard areas on-site, tightlines may present the best solution. Compliance with City and KCSWDM standards would be determined during engineering plan review. Laura Grignon, Surface Water Consultant for the City, testified that the preliminary calculations indicate that there is sufficient area set aside for drainage facilities, and that the proposed development would not be an aggregation or new cause of downstream problems. *Exhibit 1, Staff Report, pages 14 – 16; Exhibit 2; Exhibit 42; Exhibit 44; Exhibit 45; Exhibit 46; Exhibit 47; Testimony of Ms. Grignon.*
 25. The City received public comments expressing concern regarding surface water run-off. Rob Rishmawy of 7221 NE 165th Court, sent a letter to the City dated March 14, 2006, describing great amounts of water coming from the Shannon Ridge property into his backyard, and including photos of pipes that he installed in his yard to capture and channel the runoff. The City's surface water consultant visited his property in response to his comments. Chiwei and Gina Chang sent a series of emails to the City regarding a drainage ditch along the west side of their property, which would receive surface water from the proposed NE 165th Street extension. John and Erika Olsen, neighbors to the east of the proposed development, sent a letter dated February 13, 2006, expressing concern

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regarding potential erosion and increased runoff onto their property. In response to surface water concerns, the City determined that the proposed development should help prevent subsurface flows and ditch overflows by capturing and detaining runoff, to be released in a location with low gradient to reduce velocity. Ms. Grignon testified that the proposed development would not negatively affect downstream flow. She noted, however, that the subject property is only a small part of a very large basin, and that even if all surface water were eliminated from the subject property, downstream properties would still have surface water issues. *Exhibit 1, Staff Report, pages 6, 7, 14; Exhibit 17; Exhibit 25; Exhibit 26; Testimony of Ms. Grignon.*

26. Gerald Maki, neighbor to the south of the proposed development, testified that the previous owner of the Shannon Ridge property may have constructed a storm drainfield and drainage pipe extending onto the subject property, in the location of proposed Lots 6 to 10. Mr. Nehring responded that the proposed stormwater drainage system would hook up to any drainage pipes found on the property during construction. *Exhibit 27; Testimony of Mr. Maki; Testimony of Mr. Nehring.*
27. City code requires a minimum tree density of 20 tree units per acre of net buildable area, to include existing or replacement trees.¹² *KMC 18.42.060.A.* The Applicant would submit a tree protection plan that complies with KMC Chapter 18.42 prior to engineering plan approval. If the City determines that an insufficient number of trees would be retained, the Applicant would plant additional trees to comply with City requirements. The Applicant would submit a tree replacement plan prior to engineering plan approval. Lot owners would be responsible for trees located on their individual lots. Because NE 165th Street is classified as a sub-collector street, the Applicant would not be required to plant street trees. *KMC 18.42.050; KMC 18.42.060.A; Exhibit 1, Staff Report, pages 11 – 12.*
28. City code requires subdivisions of more than four units to provide play areas of at least 45 square feet per dwelling unit. *KMC 18.35.180.* The Applicant proposes construction of a 1,136 square foot recreation tract, Tract 998, in compliance with the 450 square foot minimum required for the proposed development of 10 lots. The recreation tract would be located on the east side of the proposed internal cul-de-sac, between proposed Lots 2 and 3. The recreation tract would be owned and maintained by the proposed development's property owners or Homeowners Association. In addition, the Applicant would pay park impact fees prior to issuance of building permits. *KMC 18.35.180; KMC 18.35.190.B; Exhibit 1, Staff Report, pages 13 – 14; Exhibit 2.*
29. The proposed development would be served by Arrowhead Elementary School, Kenmore Junior High School, and Inglemoor High School, within the Northshore School District.

¹² "Net buildable area" is defined as the site area less areas within the project site required to be dedicated as public rights-of-way, sensitive areas and buffers required to remain undeveloped, areas required for stormwater control facilities other than completely underground facilities, areas dedicated or reserved as on-site recreation areas, regional utility corridors or other areas excluding setbacks required to remain undeveloped. *KMC 18.42.020.13.*

All students would be bused to school from a bus stop at the intersection of NE 165th Street and Juanita Drive. The Applicant would construct sidewalks along the proposed NE 165th Street extension, and along the proposed internal cul-de-sac. The Northshore School District did not request additional safe walking conditions. The Applicant would pay school impact fees as required by KMC Chapter 18.65, prior to final plat approval. *Exhibit 1, Staff Report, page 21; Exhibit 55; Testimony of Ms. Bent.*

30. The proposed development would be served by the Northshore Utility District public sewer system and water supply system. However, the certificates of sewer and water availability issued by the Northshore Utility District expired on September 7, 2006. The Applicant would obtain valid sewer and water availability certificates prior to engineering plan approval. Sewer and water improvement projects would be required to serve the proposed development. The Fire Marshal's Office reviewed the proposed development and determined that with fire hydrant upgrades and the proposed conditions of approval, the development would be consistent with the Fire Code. The Fire Marshal may require sprinkler systems be installed in all homes to be developed on the property. *Exhibit 1, Staff Report, pages 21 – 23; Exhibit 13, SEPA Checklist; Exhibit 56; Exhibit 57; Exhibit 58; Exhibit 59.*
31. Mr. Siegwarth testified that he accepts all proposed conditions of plat approval, and recognizes the Hearing Examiner's authority to amend or add conditions as necessary. *Testimony of Mr. Siegwarth.*

CONCLUSIONS

Jurisdiction

The Hearing Examiner of the City of Kenmore has jurisdiction to hold a hearing on the preliminary plat application and, based on the evidence in the record, may grant, grant with conditions, or deny the preliminary plat application. *Kenmore Municipal Code (KMC) 19.30.050.*

Criteria for Review

To approve a preliminary plat application, the Hearing Examiner must make the following findings:

KMC 19.30.210

When the examiner renders a decision or recommendation, he or she shall make and enter findings of fact and conclusions from the record which support the decision, and the findings and conclusions shall set forth and demonstrate the manner in which the decision or recommendation is consistent with, carries out and helps implement applicable state laws and regulations and the regulations, policies, objectives and goals of the comprehensive plan, subarea or community plans, the zoning code, the land segregation code and other official laws, policies and objectives of the city of Kenmore, and that the recommendation or decision will not be unreasonably incompatible with or detrimental to affected properties and the general public.

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KMC 19.30.230

When the examiner makes a decision regarding an application for a proposed preliminary plat, the decision shall include additional findings as to whether:

- A. Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and
- B. The public use and interest will be served by the platting of such subdivision and dedication.

The criteria set forth in the Kenmore Municipal Code are essentially identical to those in the Revised Code of Washington (RCW). To be approved, the application must also meet the subdivision criteria described in the RCW:

Appropriate provisions must be made for the public health, safety and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and the public interest must be served by the subdivision.

RCW 58.17.110.

Conclusions Based on Findings

1. **With conditions, the proposed preliminary plat would be consistent with identified state laws, zoning regulations, and community plan policies.** The proposed lots would comply with the R-4 zone minimum lot size, lot width, and density standards. As conditioned, the Applicant would demonstrate compliance with other dimensional standards of the zoning district, including street and interior setbacks, building height, and impervious surface coverage, prior to issuance of building permits. The City reviewed the proposal for compliance with the State Environmental Policy Act and issued a Determination of Nonsignificance. The Applicant would improve NE 165th Street from its current termination at 72nd Avenue NE to just east of the proposed internal cul-de-sac. NE 165th Street improvements would include a 24-foot wide roadway, curb, gutter, drainage, and a five-foot wide sidewalk. Conditions of approval would ensure that the NE 165th Street extension and proposed internal cul-de-sac would be designed and built in compliance with the KCRS. The City granted a variance from strict compliance with cul-de-sac bulb cross-slope and intersection landing requirements. As conditioned, the Applicant would construct a pedestrian walkway to connect the proposed NE 165th Street extension with existing sidewalks on the north side of NE 165th Street, to ensure safe walking conditions for students

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using school bus stops on Juanita Drive. Extension of NE 165th Street east of the proposed development and further connection to 72nd Avenue NE and 74th Avenue NE is not feasible at this time. It was suggested that neighbors opposing further connectivity petition the City Council for a vacation of right-of-way or an ordinance regarding connectivity. The Applicant would construct a rockery along the south side of the NE 165th Street extension. If the Applicant obtains a grading easement from the adjoining property owner (represented by Mr. Knight) the rockery may not be necessary and the plans would be revised prior to engineering plan review. A grading easement would be a private agreement between the Applicant and the neighboring property owners, outside the jurisdiction of this decision.

As conditioned, the project complies with applicable tree protection standards. Through buffer averaging, the Applicant would add wetland buffers at the north and south ends of the existing buffer and reduce the western edge of the buffer along proposed Lots 2 and 3 and recreation Tract 998. The total buffer area would be increased by 89 square feet. The Applicant would set aside the on-site wetland and wetland buffers in a sensitive areas tract and enhance impacted wetland buffers through the removal of invasive species and the planting of native species. There are two drainage ditches in the project area, which may be regulated as streams by Washington Department of Fish and Wildlife (WDFW). The Applicant would obtain an HPA permit for construction around the drainage ditches prior to site disturbance. Conditions of approval would ensure that the Applicant provide the City with written confirmation from WDFW that the engineering drawings satisfy WDFW requirements prior to engineering plan approval. The entire property is designated as an erosion hazard area, with a landslide hazard area in the southern portion of the property and a steep slope hazard area in the southeast. The Applicant would reduce the steep slope buffer to 25-feet wide and regrade the steep slope, pursuant to KMC 18.55.310.G. Conditions of approval would ensure that the Applicant's plans for erosion and sedimentation control are approved by the City prior to engineering plan approval. Compliance with City code allowing development in landslide hazard areas would be determined prior to engineering plan approval, provided the development would not decrease slope stability and the risk of damage is eliminated or minimized with the use of base engineering practices.

The Applicant would construct two detention vaults: one in Tract 999 within the proposed subdivision to capture surface water from the proposed development, and the other to be located in the right-of-way of NE 165th Street near 72nd Avenue NE to capture surface water runoff from the proposed NE 165th Street extension. Conditions of approval would ensure that the capacity, velocity, discharge location, and energy dissipation of the proposed drainage system complies with Level 2 water quality/flow control standards and the 1998 King County Surface Water Design Manual (KCSWDM). Adequate recreational area would be provided on-site, within Tract 998. Conditions of approval would ensure that a note is included on the final plat map regarding ownership and maintenance of the recreation area. The Applicant would pay park, school, and traffic mitigation fees within the time periods specified in the conditions of approval. *Findings 1, 3 – 13, 16 – 24, 27 – 28.*

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- 2. With conditions, approval of the subdivision would not be incompatible with or detrimental to affected properties and the general public, and appropriate provisions would be made for the public health, safety, and general welfare.** The proposed ten single-family residential lots would be consistent with use and density standards for the R-4 zone. Conditions of approval are necessary to ensure that the Applicant would retain or replace trees in accordance with the City's tree protection ordinance. Conditions of approval would ensure that the Applicant set aside the on-site wetland and buffers and enhance wetland and buffer functioning as mitigation for the proposed buffer averaging. As conditioned, the Applicant would ensure safe walking conditions for students accessing school bus stops by installing sidewalks along the proposed NE 165th Street extension, and constructing a pedestrian walkway to connect the proposed NE 165th Street extension with existing sidewalks. To prevent loitering, the Hearing Examiner recommends that the City remove the existing turn-around on NE 165th Street, or incorporate it into the required pedestrian walkway. Conditions of approval are necessary to ensure that traffic impacts are accurately analyzed by considering the impacts from Arrowhead Inglemoor Preschool at Epiphany Lutheran Church. Downstream properties would be protected from additional runoff through the construction of a Level 2 drainage system that complies with the KCSWDM. There may be a drainfield and drainage pipe extending onto the property from the south. Any drainage pipes discovered during construction would be connected to the proposed drainage system. Utility projects would be designed in accordance with the requirements of the Northshore Utility District to provide potable water and sanitary sewer service to the proposed development. As conditioned, the subdivision would comply with fire code requirements. *Finding 4, 5, 10, 12 – 15, 17 – 18, 20, 23 – 27, 29 – 30.*
- 3. The public use and interest would be served by the platting of the proposed subdivision.** The proposed subdivision would result in new single-family residential housing for City residents. The public interest would benefit from additional housing within the City, consistent with the City zoning code and Comprehensive Plan. Residents of the proposed development would be served by public utilities, public schools, a stormwater drainage system, and sidewalks. The City gave adequate notice of the preliminary plat application, and provided opportunity to comment on the application. The City determined that the proposed subdivision would not have a probable significant adverse environmental impact. The Applicant accepted all proposed conditions of approval. *Findings 1 – 30.*
- 4. Based on the above conclusions, the requirements of RCW 58.17.110 have been satisfied.**

DECISION

Based upon the preceding Findings and Conclusions, the request for a preliminary plat to subdivide 2.45 acres into ten single-family residential lots on the south side of NE 165th Street between 72nd Avenue NE and 74th Avenue NE in Kenmore is **GRANTED**, subject to the following conditions:¹³

¹³ This decision includes conditions required to reduce specific project impacts as well as conditions required to meet City Code standards.

1. Subdivision Conditions (KMC Title 17)

- a. Preliminary subdivision approval shall be effective for a period of sixty months (KMC 17.30.020.A).
- b. The application shall comply with all platting provisions of KMC Title 17.
- c. Applications to revise subdivisions that have received preliminary approval shall comply with KMC 17.20.030.

Prior to engineering plan approval:

- d. Prior to engineering plan approval, engineering plan contents, preparation and submittal shall comply with KMC Title 17.

Prior to final plat approval:

- e. Prior to final plat approval, the contents, preparation and review of a final plat map shall comply with KMC Title 17, including but not limited to KMC Sections 17.15.050, 17.25.030, 17.25.050 and 17.25.060.
- f. Prior to final recording of a plat, minimum improvements (per KMC 17.15.160) shall be constructed consistent with the approved plans, except the director may allow posting of a financial guarantee in the event that expiration of the plat is imminent or other extraordinary circumstances prevent the construction of such improvements.
- g. The Applicant shall pay all applicable fees and post required financial guarantees at the time of engineering and final plat approval consistent with the provisions of KMC Title 20

2. Hydrologic and Geologic Sensitive Areas (Chapter 18.55 KMC)

- a. Wetland Classification, Buffer Requirements, Impacts and Mitigation. The Class 2 wetland identified on the site requires a minimum 50 foot wide buffer per KMC 18.55.320.A.2 and 15 foot wide building setback per KMC 18.55.210.

As mitigation for the proposed reduction in wetland buffer, the Applicant shall provide additional buffer adjacent to the north and south wetland boundaries. Per KMC 18.55.320.B, buffer width averaging may be allowed if it will provide additional protection to wetlands or enhance their functions as long as the total area contained within the buffer on the development site does not decrease.

Prior to engineering plan approval:

- b. Steep Slope Hazards, Erosion Hazards, Landslide Hazards, Impacts and Mitigation:
An erosion and sedimentation control plan shall be submitted at the time of engineering plan review, and shall be approved by both the Applicant's and City's geotechnical engineers. The entire site meets the definition of an erosion hazard area. A note to this effect shall be on the face of the final plat map.

The Applicant proposes regrading the steep slope hazard so that following development it will no longer be considered a steep slope hazard area. Grading plans submitted at the time of engineering plan review shall be reviewed and approved by both the Applicant's and

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City's geotechnical engineers. If at the time of engineering plan review it is determined that the slope cannot be regraded and will meet the definition of a steep slope hazard area following site development, then appropriate buffers and setbacks shall be shown on the final plat map. Per KMC 18.55.310.A, a minimum buffer of 50 feet-wide is required along all sides of slopes 40% or steeper for steep slope hazard areas. The buffer may be reduced to 25 feet wide in the case of erosion hazard areas if the City determines that the reduction adequately protects the sensitive area and development. Per KMC 18.55.310.G.2 if slopes are regraded and the finished grades will be 40% or greater and will also be 10 feet or greater in height following site development, then such slopes will be subject to all steep slope hazard requirements including appropriate buffers and building setbacks. Per KMC 18.55.210 a 15 foot wide building setback is required from the edge of the sensitive area buffer.

The Applicant proposes grading within the landslide hazard area and a rockery is shown on preliminary grading plans close to the southern property boundary. Per KMC 18.55.290, landslide hazard areas flatter than 40% may be developed provided that the development proposal will not decrease slope stability and the risk of damage is either eliminated or minimized based on best available engineering practice.

At the time of engineering review, the Applicant's geotechnical engineer shall review the proposed plans and submit a report with recommendations regarding erosion control measures, earthwork, design and construction methods for required improvements such as retention structures, site drainage and utilities and recommendations for any required buffers and building setbacks from sloped areas and/or retention structures. This report shall be approved by the City's geotechnical engineer prior to engineering plan approval.

- c. Final Mitigation, Maintenance, Monitoring and Contingency
A final mitigation plan shall be approved prior to engineering plan review. The final mitigation plan shall include recommendations as outlined by Adolfson Associates letter to the City dated January 5, 2007. KMC 18.55.140 requires mitigation, maintenance, monitoring and contingency measures to be in place to protect sensitive areas and buffers from alterations on the development site. After installation of the mitigation plan, an as-built drawing shall be prepared and submitted to the City prior to completion of the required inspection to verify installation in accordance with the approved mitigation plan. The monitoring period shall not commence until the City the mitigation plan is inspected and an as-built drawing approved. It is the Applicant's responsibility to submit monitoring reports as required by the final mitigation plan.
- d. Sensitive Area Markers and Signs: Per KMC 18.55.170, permanent survey stakes delineating the boundary between adjoining property and sensitive area tracts shall be set using iron or concrete markers as established by current survey standards. The boundary of the sensitive area tract shall be identified with signs per KMC 18.55.170 and also delineated with a split rail wood fence. The signage and fencing shall be included in the final mitigation plan.
- e. Financial Guarantees: A completed Sensitive Area Bond Quantity Worksheet shall be provided at the time of engineering plan review to determine the amount of the required performance financial guarantee that shall be provided prior to engineering plan approval. A

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financial guarantee is required to ensure that the mitigation plan is installed per approved plans and maintained through the required five year monitoring period.

Prior to final plat approval:

- f. Sensitive Area Tracts: Per KMC 18.55.190.A, a sensitive area tract is required to delineate and protect sensitive areas including wetlands, streams and buffers. The sensitive area tracts shall be held in an undivided interest by each building lot within the development with this ownership interest passing with the ownership of the lot, or shall be held by an incorporated homeowners association or other legal entity, which assures the ownership, maintenance and protection of the tract. Notes regarding ownership, maintenance and protection of the tract shall be on the face of the final plat.
- g. Building Setbacks: Building setbacks are measured 15-feet wide from the edge of sensitive area buffers per KMC 18.55.210 unless otherwise provided. Building setbacks shall be identified on the face of the final plat map.
- h. Final Plat Map: The location of any areas on site that meet the definition of sensitive areas following plat development, along with approved buffers, shall be shown on the face of the final plat map.

Prior to construction:

- i. Wildlife: The Federal Migratory Bird Treaty Act protects any active bird nests. Any federal and state listed threatened or endangered species or habitat identified prior to or during construction shall be protected in accordance with federal and state management recommendations.

3. Tree Management and Protection (Chapter 18.42 KMC) and Landscaping Requirements (Chapter 18.40 KMC)

Prior to engineering plan approval:

- a. Tree Protection and Tree Replacement Plan: A tree protection and tree replacement plan shall be approved at the time of engineering plan review, prior to commencement of any site clearing or grading activities in accordance with KMC 18.42.080. Tree protection measures shall be implemented during construction in accordance with KMC 18.42.090.
- b. Financial Guarantees: A completed Landscape Bond Quantity Worksheet shall be submitted at the time of engineering plan review to determine the amount of the required performance and maintenance guarantees that shall be provided prior to engineering plan approval. A financial guarantee is required to ensure that the approved tree protection/replacement plan is implemented per approved plans and maintained through a two year maintenance period. The maintenance period shall not commence until the City has completed an inspection and determined that all trees have been planted and damaged trees have been replaced. The financial guarantee is not released until completion of the two year maintenance period.

Prior to final plat recording:

- c. Final Plat Map: A note shall be placed on the final plat map referencing the approved tree protection/management plan. The approved tree plan shall be recorded prior to or concurrently with the final plat map.

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4. Zoning Density and Dimension Standards (Chapter 18.30 KMC)

Prior to final plat approval:

All lots shall meet the minimum dimensional requirements of the R4 zone in accordance with Section 18.30. This requirement shall be noted on the final plat drawing. A note shall be placed on the plan stating that "Lots _____ shall meet the sensitive area building setback requirements per Section 18.55.210".

5. Zoning Design Requirements (Chapter 18.35 KMC)

Prior to engineering plan approval:

- a. On-site Recreation Play Areas: A minimum of 45 sq. ft. of recreation area must be provided per lot in accordance with KMC 18.35.180. Per KMC 18.35.180.E a recreation space plan showing compliance with Sections 18.35.170 and 18.35.180 shall be submitted for review and approval at the time of engineering plan review. The recreation space plan shall address all portions of the site that will be used to meet recreation space requirements including stormwater facilities. The plans shall show dimensions, finished grades, equipment, landscaping and improvements to demonstrate that the requirements of Section 18.35.170 and 180 have been met. If utilizing a combined stormwater and recreation tract, the tract shall meet the criteria specified in KMC 18.35.180.C.2.
- b. Financial Guarantees: A bond quantity worksheet based on the proposed improvements for the recreation area shall be approved prior to engineering plan approval. A performance financial guarantee related to the cost of installation of recreation improvements must be provided prior to final plat approval if improvements are not installed, which then provides for a two-year period for installation of required improvements. Following installation of improvements a two-year maintenance financial guarantee will be required.

Prior to final plat approval:

- c. On-Site Recreation Maintenance: KMC 18.35.190.B requires the maintenance of recreation space/open space to be retained in private ownership. Maintenance shall be the responsibility of the owner or other separate entity capable of long-term maintenance and operation. A note regarding ownership and maintenance shall be on the face of the final plat map.

Prior to building permit approval:

- d. Park Impact Fees: The Applicant shall be responsible for payment of park impact fees at the time of building permit application, pursuant to the terms of the impact fee ordinance in effect at the time of application.

6. Parking and Circulation (Chapter 18.45 KMC)

Prior to building permit approval:

Compliance with off-street parking requirements including KMC Sections 18.45.030.A, 18.45.110.F and 18.45.110.I shall be verified at the time of building permit approval for each single-family dwelling.

7. Surface Water (KMC Title 13)

- a. Flow Control/Water Quality: Flow control facilities shall be designed to Level 2 standards. Water quality facilities shall be chosen from the Basic Menu. As required by KCSWDM 1.2.3.2 roof downspout controls for the individual lots shall be evaluated and applied as appropriate for site conditions. Frontage improvements shall be included in the calculations

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for flow control and water quality facilities. If drainage problems are revealed by the downstream drainage analysis, a higher level of flow control may be required. The project shall provide basic water quality treatment.

- b. Roof Downspout Controls: Roof downspout controls are required on all subdivisions per the requirements of Chapters 1 and 5 of the KCSWDM. However, because of the sensitive nature of the soils and slopes on-site, tightlines to the plat conveyance system may be the best solution. The best solution and design of controls would be determined during engineering review.
- c. Infiltration: Infiltration of surface water runoff shall be used whenever feasible per Kenmore Ordinance 02-0132. A geotechnical engineer shall evaluate the feasibility of infiltration per the requirements of Section 5 of the KCSWDM.

Prior to engineering plan approval:

- d. Engineering Plans: Engineering plans for surface water drainage improvements shall be subject to Full Drainage Review in accordance with the 1998 King County Surface Water Design Manual Section 1.1.2.3 and Ordinance 02-0132. Storm drainage plans, erosion and sediment control plans and a Technical Information Report (TIR) prepared in accordance with the 1998 KCSWDM are required for drainage review. The TIR shall address all core and special requirements.
- e. Detention/Treatment Vault: The proposed detention/treatment vaults shall meet the requirements of Section 5.3.3 and Section 6.4.2 of the 1998 King County Surface Water Design Manual. Structural plans and calculations shall be submitted for review. Stormwater from the NE 165th St detention vault shall be conveyed via pipe down slope of 72nd Ave NE and discharged at a location of low gradient so as to reduce velocity and mitigate for erosion potential. The engineering plans and TIR shall address the proposed drainage system in NE 165th St and 72nd Ave NE including capacity, velocity discharge location and energy dissipation.
- f. Financial Guarantees: The Applicant shall submit a completed Site Improvement Bond Quantity Worksheet at the time of engineering plan review. All required performance guarantees shall be in place prior to commencing site construction. A two-year maintenance financial guarantee shall be required once drainage improvements have been constructed and approved.

Prior to final plat approval:

- g. Prior to final plat approval, the Applicant shall fully comply with drainage provisions and storm drainage requirements and guidelines contained in the 1998 King County Surface water Design Manual (KCSWDM) and Ordinance 02-0132. Compliance may result in a reduction in the number and/or location of lots shown on the preliminary plat map.
- h. Easements/Ownership: The location and purpose of all required drainage easements shall be shown on the face of the final plat map. The ownership and maintenance of the proposed facilities shall also be noted on the face of the final plat map.

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- i. Ownership and Maintenance: Detention and water quality facilities in single-family subdivisions are typically maintained by the City of Kenmore (KCSWDM 1.2.6) but only after improvements are installed and approved, as-built drawings approved and upon successful completion of a two year maintenance period. If the detention and water quality facilities are combined with recreation facilities in tracts then typically the homeowners association owns the tract and provides an easement to the City to access and maintain surface water facilities. A note regarding ownership and maintenance shall be on the face of the final plat map.

8. Road Standards (KMC Title 12)

- a. All required road improvements shall comply with the adopted 1993 King County Road Standards as amended by the City. Compliance with these standards may result in a reduction in the number and/or location of lots shown on the preliminary plat map.

Prior to engineering plan approval:

- b. Engineering Plans and Structural Plans: Engineering plans shall be submitted for all proposed road improvements including NE 165th St and the internal access road. Structural plans and calculations for soil retaining structures over 4 feet in height and for storm water detention vaults shall be approved prior to engineering plan approval.
- c. NE 165th St: NE 165th St west of 76th Ave NE is classified as a sub-access street. Sub-access streets require a 24 foot wide roadway. The preliminary plans show a 24 foot wide extension of NE 165th St including a 5 foot wide sidewalk on the north side from the point where NE 165th St terminates (approximately 360 feet west of the property) to the east side of the proposed internal access road which is close to the western property boundary. The roadway extension shall be signed and designated as “no-parking”. A proposed rockery is shown on the south side of the proposed road extension. The rockery may not be necessary if a grading easement can be obtained from the property owner west of the site. If the Applicant obtains a grading easement from the adjoining property owner prior to submittal of engineering plans then the plans can be revised accordingly.
- d. Sidewalks: The Applicant shall construct a sidewalk or suitable pedestrian walkway for the approximately 300 foot stretch along the north side of NE 165th Street that currently lacks sidewalks, west of the proposed NE 165th Street extension and connecting with existing sidewalks. The walkway may incorporate the existing turnaround at the current termination of NE 165th Street. The walkway shall be clearly marked for pedestrian use, and shall be designated as “no-parking”. The feasibility and desirability of a pedestrian crosswalk at the intersection of 69th Place NE and NE 165th Street shall be considered prior to engineering plan approval, and be included as a requirement if safety of pedestrians would thereby be enhanced.
- e. Internal Streets: The proposed internal cul-de-sac street classifies as a minor access street which requires a 22 foot wide roadway, vertical or rolled curb & gutter, drainage and 5 foot wide cement sidewalk on one side of the street within 40 feet of right-of-way (KCRS2.03). Right-of-way may be reduced to minimum roadway width plus sidewalk provided that all potential serving utilities and necessary drainage are otherwise accommodated on permanent easements within the development (KCRS 2.03 Note 12). The proposed cul-de-sac street as shown has a 22 foot wide paved surface within 32 feet of right-of-way corridor which meets

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the above standards. Ten foot wide utility easements are shown along the interior street and a five foot wide sidewalk is shown along one side of the street. Compliance with internal street standards shall be verified at engineering plan review stage. The Applicant shall submit engineering drawings for the proposed internal street improvements following preliminary plat approval for review and approval by the City's engineer.

- f. Cul-de-sac Requirements: Permanent cul-de-sac bulbs require 80 feet of pavement width and 100 feet of right-of-way across the bulb. Right-of-way may be reduced to minimum bulb width plus sidewalk provided that all potential serving utilities and necessary drainage are otherwise accommodated on permanent easements within the development. The proposed bulb meets these standards. The Applicant received a Road Standard Variance from maximum cul-de-sac bulb cross-slope requirements (KCRS 2.08E). The Applicant received a Road Standard Variance from maximum allowable grade for a minor access street (KCRS 2.03). Cul-de-sac design standards shall be verified at the engineering plan review stage.
- g. Financial Guarantees: A bond quantity worksheet for required road and access improvements shall be approved prior to engineering plan approval. All required performance financial guarantees shall be posted with the City of Kenmore prior to commencement of any site work. A two-year maintenance financial guarantee will be required once all required improvements have been constructed and approved.
- h. Mail Box Location: The Bothell Postmaster must approve the location or relocation of mailboxes prior to engineering plan approval.
- i. Street Lighting: The City recommends that the developer contact Puget Sound Energy (PSE) to discuss street light requirements and options. If street lights are proposed by the developer the light locations and plans approved by PSE should be included with engineering drawings to ensure consistency.

Prior to final plat approval:

- j. Traffic Impact Fees: The Applicant shall be responsible for payment of traffic impact fees at the time of building permit application pursuant to the terms of the impact fee ordinance in effect at the time of application. A note to this effect shall be on the face of the final plat map.
- k. Tracts and Easements: The location and purpose of all tracts and easements shall be shown on the face of the final plat map.

Prior to site grading:

- l. An addendum to the Traffic Impact Analysis is required to include traffic impacts of the Arrowhead Inglemoor Preschool at Epiphany Lutheran Church, on the corner of NE 165th Street and Juanita Drive. If the TIA finds significant impacts, the Applicant shall provide additional mitigation as required by the City to mitigate those impacts.

Prior to building permit approval:

- m. Driveway Access: Compliance with road standards for driveways to individual lots shall be reviewed at the time of building permit application. New residential driveways shall conform

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to the requirements of KCRS 3.01, KMC 12.50.080, KMC 18.30.030.B.8 and KMC 18.30.200

- New residential driveway widths may vary from 10 feet (minimum) to 20 feet (maximum).
- The minimum driveway setback from the adjacent property line shall be 5 feet.
- The minimum spacing between residential driveways of adjoining properties shall be 18 feet.
- New driveways must provide at least 20 linear feet between any garage, carport or other fenced parking area and the street property line.
- Sight triangles (15 feet x 15 feet) shall be provided at proposed driveway entrances.
- New concrete driveway approaches shall be constructed in accordance with WSDOT Standard Plan Sheet F-4.

Recommended City actions:

- n. It is recommended that the City remove the existing turnaround at the termination of NE 165th Street, or incorporate it into the required pedestrian walkway system.
- o. It is recommended that the entire length of NE 165th Street between Juanita Drive and 72nd Avenue NE be designated “no-parking”. The City should install no-parking signs along NE 165th Street if needed to enforce the no parking requirement.

9. Schools (Chapter 58.17 RCW, Chapter 18.65 KMC)

Prior to final plat approval:

As a condition of final approval, fifty percent (50%) of the impact fees due for the plat shall be assessed and collected by the Northshore School District immediately prior to plat recording, using the fee schedules in effect when the plat received final approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the plat and shall be collected by the school district prior to building permit issuance. A note to this effect shall be on the face of the final plat.

10. Fire Code (KMC Title 15)

Prior to engineering plan approval:

- a. **Code Requirements:** The Applicant shall obtain the approval and any required permits from the Fire Protection Engineer (in accordance with Title 15 Fire Code and Building and Construction Standards) for adequacy of the fire hydrant, fire flow, and fire access prior to engineering approval.
- b. **Addressing/Street Signage:** Addressing for plats shall be reviewed by the Fire Marshall’s office for consistency at the time of engineering plan review. Street signs shall be posted before building permits are issued for the plat. Addresses shall be placed at the drive connection point to a public street.
- c. **Sprinkler Systems:** All lots shall be reviewed at the time of engineering plan review to confirm sprinkler system requirements. A note to this effect shall be on the face of the final plat map.

Findings, Conclusions, and Decision

City of Kenmore Hearing Examiner

Shannon Ridge Preliminary Long Plat, No. PLP2005-145

- d. Fire Access and Hydrant Requirements: The Fire Marshall shall review engineering drawings to verify compliance with fire flow requirements, fire hydrant requirements and emergency vehicle access standards.

11. Sewage Disposal (KMC Title 13)

Prior to engineering plan approval:

- a. Engineering Plans: Engineering plans for required sewer system improvements shall be approved by the Northshore Utility District prior to engineering plan approval. The Applicant shall obtain a valid Certificate of Sewer Availability.

Prior to final plat approval:

- b. Sewer System Improvements: Prior to recording a final plat, the approved public sewer system improvements shall be installed and sewer service shall be available to serve each lot respectively.
- c. Easements: The Applicant shall obtain any required easements related to sewer system improvements and describe such easements on the final plat drawing.

12. Water Supply (KMC Title 13)

Prior to engineering plan approval:

- a. Engineering Plans: Engineering plans for the required water system improvements shall be approved by the Northshore Utility District prior to engineering plan approval. The Applicant shall obtain a valid Certificate of Water Availability.

Prior to final plat approval:

- b. Water System Improvements: Prior to recording a final plat, the approved public water system improvements shall be installed and water service shall be available to serve each lot respectively.
- c. Easements: The Applicant shall obtain any required easements related to sewer system improvements and describe such easements on the final plat drawing.

13. Other Considerations

- a. Current standard plan notes shall be shown on engineering and final plat drawings.
- b. Preliminary plat approval does not limit the Applicant's responsibility to obtain any required permit or license from the State or other regulatory body including but not limited to a Forest Practice Permit from the Washington State Department of Natural Resources, a National Pollutant Discharge Elimination System (NPDES) Permit from the State Department of Ecology.

Prior to site grading:

- c. If work is proposed in or over water features that the Washing State Department of Fish and Wildlife (WDFW) classifies as streams, but which do not meet the City's definition of stream, then the Applicant shall obtain a Hydraulic Project Approval (HPA) permit from WDFW prior to commencement of work affecting the WDFW classified stream. If an HPA permit is required, the Applicant shall work with WDFW prior to submittal of engineering plans to the City to ensure that engineering plans satisfy WDFW requirements as well as

Findings, Conclusions, and Decision


City of Kenmore Hearing Examiner

Shannon Ridge Preliminary Long Plat, No. PLP2005-145

Page 26 of 27

meeting City adopted standards, including but not limited to road standards and water standards. The Applicant shall provide written confirmation from WDFW that the engineering drawings satisfy WDFW requirements prior to engineering plan approval. The Applicant shall provide a copy of the WDFW HPA permit to the City prior to City approval of site grading. If HPA conditions of approval result in major modification to the proposal, the project shall be re-reviewed through the preliminary plat process.

Decided this 24th day of April 2007.


THEODORE PAUL HUNTER
Hearing Examiner

Findings, Conclusions, and Decision
City of Kenmore Hearing Examiner
Shannon Ridge Preliminary Long Plat, No. PLP2005-145

Page 27 of 27

X. E. Approve Resolution No. 22-376 Granting Final Plat Approval for Pla...

**CITY OF KENMORE
WASHINGTON
RESOLUTION NO. 21-376**

**A RESOLUTION OF THE CITY OF KENMORE,
WASHINGTON, GRANTING FINAL PLAT APPROVAL
FOR THE PLAT OF SHANNON RIDGE; FILE NO.
FLP16-0150/PRJ2005-145.**

WHEREAS, the City Council desires to grant final plat approval for the plat of Shannon Ridge;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. Plat Approval. Pursuant to RCW 58.17.170, the City Council of the City of Kenmore finds that all conditions of preliminary plat approval for the plat of Shannon Ridge have been satisfied, and hereby grants final plat approval. Pursuant to RCW 58.17.195, the City Council further finds that the plat of Shannon Ridge, as approved, conforms with all applicable City of Kenmore zoning and other land use regulations. See attached Exhibit A for plat layout.

Section 2. Authorization. The City Manager and/or his designee(s) are hereby authorized by the City Council to sign the face of the plat for the plat of Shannon Ridge and to cause the plat to be recorded with King County.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON, AT A REGULAR MEETING THEREOF THIS 14TH DAY OF FEBRUARY 2022.

CITY OF KENMORE

Nigel Herbig, Mayor

ATTEST/AUTHENTICATED:

Anastasiya Warhol, City Clerk

Approved as to form:

Dawn Reitan, City Attorney

A PORTION OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF
SECTION 13, TOWNSHIP 26 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN
CITY OF KENMORE, KING COUNTY, WASHINGTON

KNOW ALL PEOPLE BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNERS OF INTEREST IN THE LAND HEREBY SUBDIVIDED, HEREBY DECLARE THAT THIS PLAT TO BE THE GRAPHIC REPRESENTATION OF THE SUBDIVISION MADE HEREBY, AND DO HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS AND AVENUES NOT SHOWN AS PRIVATE HEREON AND DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL SLOPES FOR CUTS AND FILLS UPON THE LOTS SHOWN HEREON IN THE ORIGINAL REASONABLE GRADING OF SAID STREETS AND AVENUES, AND FURTHER DEDICATE TO THE USE OF THE PUBLIC ALL THE EASEMENTS AND TRACTS SHOWN ON THIS PLAT FOR ALL PUBLIC PURPOSES AS INDICATED THEREON, INCLUDING BUT NOT LIMITED TO PARKS, RECREATION, UTILITIES, AND HIGHWAYS, AND DO HEREBY CONVEY TO THE PUBLIC BY THIS PLAT ALL SUCH EASEMENTS AND TRACTS AS ARE BEING DEDICATED OR CONVEYED TO A PERSON OR ENTITY OTHER THAN THE PUBLIC, IN WHICH CASE WE DO HEREBY DEDICATE SUCH STREETS, EASEMENTS, OR TRACTS TO THE PERSON OR ENTITY IDENTIFIED AND FOR THE PURPOSE STATED.

FURTHER, THE UNDERSIGNED OWNERS OF THE LAND HEREBY SUBDIVIDED, AGREE FOR THEMSELVES, THEIR HEIRS AND ASSIGNS TO INDEMNIFY AND HOLD THE CITY OF KENMORE ITS SUCCESSORS AND ASSIGNS, HARMLESS FROM ANY DAMAGE, INCLUDING ANY COSTS OF DEFENSE, CLAIMED BY PERSONS WITHIN OR WITHOUT THIS SUBDIVISION TO HAVE BEEN CAUSED BY ALTERATIONS OF THE GROUND SURFACE, VEGETATION, DRAINAGE, OR SURFACE OR SUB-SURFACE WATER FLOWS WITHIN THIS SUBDIVISION OR BY ESTABLISHMENT, CONSTRUCTION OR MAINTENANCE OF THE ROADS WITHIN THIS SUBDIVISION. PROVIDED, THIS WAIVER AND INDEMNIFICATION SHALL NOT BE CONSTRUED AS RELEASING THE CITY OF KENMORE, ITS SUCCESSORS OR ASSIGNS, FROM LIABILITY FOR DAMAGES, INCLUDING THE COST OF DEFENSE, RESULTING IN WHOLE OR IN PART FROM THE NEGLIGENCE OF THE CITY OF KENMORE, ITS SUCCESSORS, OR ASSIGNS.

BY: _____
LEO SUVER, PRESIDENT
STEVE BURNSTEAD CONSTRUCTION, LLC

COUNTY OF KING

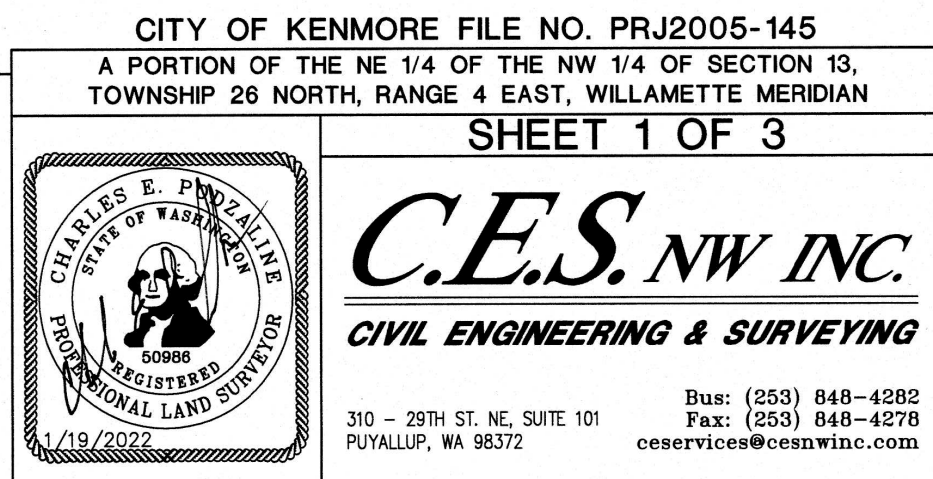
MY APPOINTMENT EXPIRES: _____

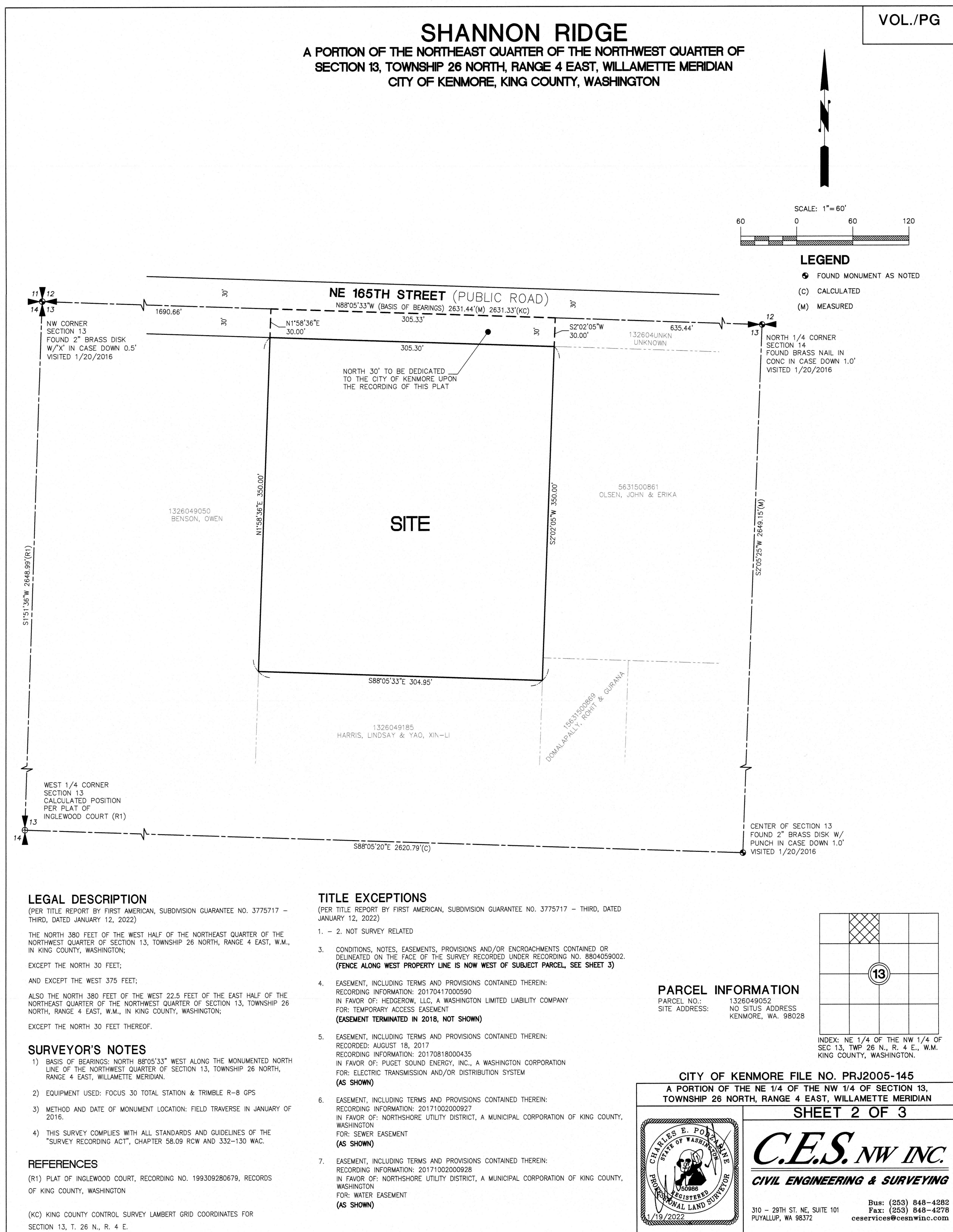
1. IN ACCORD WITH KENMORE MUNICIPAL CODE SECTION 18.30 ALL LOTS WITHIN THIS PLAT SHALL MEET THE MINIMUM DIMENSIONAL REQUIREMENTS OF THE R4 ZONE IN WHICH THE PLAT IS LOCATED. PROPERTY LINE SETBACKS, BUILDING HEIGHTS, OFF STREET PARKING PROVISIONS, AND MAXIMUM LOT IMPERVIOUS SURFACE LIMITS SHALL BE 55%. LOTS 1-3 SHALL MEET THE SENSITIVE AREA BUILDING SETBACK REQUIREMENT PER KMC 18.55.210.
2. TRAFFIC AND PARK IMPACT FEES SHALL BE ASSESSED BASED ON THE IMPACT FEE RATE IN EFFECT AT THE TIME OF BUILDING PERMIT APPLICATION AND SHALL BE PAID AT THE TIME OF BUILDING PERMIT ISSUANCE PURSUANT TO KMC 20.47.
3. THE LOTS WITHIN THIS PLAT ARE SUBJECT TO THE APPROVED TREE PROTECTION PLAN ON FILE WITH THE CITY OF KENMORE (REF. NO. ENGL16-0310). ANY DEVIATION FROM THIS PLAN SHALL BE APPROVED BY THE CITY OF KENMORE. LOT OWNERS SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF TREES LOCATED ON THEIR RESPECTIVE LOTS.
4. TWO OFF-STREET PARKING SPACES SHALL BE PROVIDED FOR EACH DWELLING, LOCATED WITHIN A GARAGE, CARPORT, OR APPROVED IMPERVIOUS SURFACE, IN ACCORDANCE WITH KMC 18.45. MINIMUM PARKING REQUIREMENTS WILL BE VERIFIED AT THE TIME OF BUILDING PERMIT APPLICATION.
5. THIS PLAT IS SUBJECT TO COVENANTS, CONDITIONS AND RESTRICTIONS (CC&R'S) PER RECORDING NUMBER _____.
6. THIS ARTICLES OF INCORPORATION FOR THE SHANNON RIDGE HOMEOWNER'S ASSOCIATION ARE ON FILE WITH THE STATE OF WASHINGTON IN OLYMPIA.
7. SHOULD THE HOMEOWNER'S ASSOCIATION CEASE TO EXIST FOR ANY REASON, ALL TRACTS AND RESPONSIBILITIES DEDICATED TO THE HOMEOWNER'S ASSOCIATION SHALL BE SHARED IN AN EQUAL AND UNDIVIDED INTEREST AMONGST ALL PROPERTY OWNERS WITHIN THE PLAT, UNLESS OTHERWISE LEGALLY RE-ASSIGNED BY DOCUMENTS RECORDED WITH THE KING COUNTY RECORDER'S OFFICE.
8. SCHOOL IMPACT FEES SHALL BE ASSESSED AND COLLECTED BY THE NORTHSORE SCHOOL DISTRICT BASED ON THE IMPACT FEE RATE IN EFFECT AT THE TIME OF BUILDING PERMIT APPLICATION.
9. THE NEW HOUSES CONSTRUCTED ON THE PROPOSED LOTS WILL BE REQUIRED TO BE EQUIPPED WITH APPROVED FIRE SPRINKLER SYSTEMS DESIGNED AND INSTALLED IN ACCORDANCE WITH NFPA 13D.
10. THE SITE IS LOCATED WITHIN AN EROSION HAZARD AREA AS MAPPED BY THE CITY OF KENMORE. ANY LAND SURFACE ALTERATIONS MUST NOT INCREASE SURFACE WATER DISCHARGE OR SEDIMENTATION TO ADJACENT PROPERTIES, DECREASE SLOPE STABILITY, OR CREATE ADVERSE IMPACTS. REMOVAL OF VEGETATION SHALL BE PROHIBITED, UNLESS OTHERWISE PROVIDED AS PART OF AN APPROVED ALTERATION. IN ADDITION, SURFACE WATER SHALL BE CONTROLLED AND CONVEYED IN A CONTINUOUS STORM PIPE TO AVOID POINT DISCHARGES.
11. ALL HOUSE ADDRESSES SHALL BE VISIBLE AND LEGIBLE FROM THE ROAD FRONTING THE PROPERTY. WHERE THE ADDRESS IS NOT VISIBLE, A PERMANENT ADDRESS SIGN SHALL BE INSTALLED AT THE CONNECTION OF THE HOUSE DRIVEWAY AND THE ROAD. THE ADDRESS NUMERALS SHALL BE A MINIMUM OF FOUR-INCHES HIGH AND SHOULD BE EITHER LIGHTED OR REFLECTIVE.

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT AT THE REQUEST OF CHARLES E. PODZALNE ON MAY 1, 2021. I HEREBY CERTIFY THAT THIS MAP FOR SHANNON RIDGE IS BASED UPON AN ACTUAL SURVEY OF THE PROPERTY HEREIN DESCRIBED; THAT THE BEARINGS AND DISTANCES ARE CORRECTLY SHOWN; THAT ALL INFORMATION REQUIRED BY THE WASHINGTON UNIFORM COMMON INTEREST OWNERSHIP ACT IS SUPPLIED HEREIN; AND THAT ALL HORIZONTAL AND VERTICAL BOUNDARIES OF THE UNITS, (1) TO THE EXTENT DETERMINED BY THE WALLS, FLOORS, OR CEILINGS THEREOF, OR OTHER PHYSICAL MONUMENTS, ARE SUBSTANTIALLY COMPLETED IN ACCORDANCE WITH SAID MAP, OR (2) TO THE EXTENT SUCH BOUNDARIES ARE NOT DEFINED BY PHYSICAL MONUMENTS, SUCH BOUNDARIES ARE SHOWN ON THE MAP.

SHEET 3 PLAT MAP

EASEMENTS ARE HEREBY GRANTED TO THE CITY OF KENMORE OVER AND UNDER ALL PRIVATE DRAINAGE EASEMENTS AS DELINEATED ON THE PLAT OF SHANNON RIDGE, LOTS 3 THROUGH 10, INCLUDING UNRESTRICTED ACCESS TO ANY AND ALL STORM-WATER SYSTEM FEATURES FOR THE PURPOSE OF ROUTINE INSPECTIONS. THE CITY OF KENMORE HAS THE RIGHT, BUT NOT NECESSARILY THE RESPONSIBILITY, TO INSPECT DRAINAGE FEATURES HEREIN. NO ENCROACHMENT WILL BE PLACED WITHIN THE EASEMENTS SHOWN ON THE PLAT WHICH MAY DAMAGE OR INTERFERE WITH THE INSPECTION OF UTILITIES. THIS EASEMENT ENTERED UPON FOR THESE PURPOSES SHALL BE RESTORED AS NEAR AS POSSIBLE TO THE ORIGINAL CONDITION BY THE CITY.







**City Council Consent Agenda Item
City of Kenmore, WA**

<p>Subject/Topic: Agreement 22-C2779 providing stormwater system cleaning, vector services and pipe inspection.</p> <p>Proposed Council Action/Motion: Authorize the City Manager to execute Agreement 22-C2779 in an amount not to exceed \$150,000 for stormwater system cleaning, vector services and pipe inspection.</p>	<p>For Council Meeting Agenda of: February 14, 2022</p> <p>Department: Public Works</p> <p>Prepared by: Richard Sawyer, Environmental Services Manager</p> <table border="0" style="width: 100%;"> <tr> <td></td><td style="text-align: right;"><u>Initial & Date</u></td></tr> <tr> <td>Approved by Department Head:</td><td style="text-align: right;">RS</td></tr> <tr> <td>Approved by City Attorney:</td><td style="text-align: right;">NA</td></tr> <tr> <td>Approved by Finance Director:</td><td style="text-align: right;">NA</td></tr> <tr> <td>Approved by City Manager:</td><td style="text-align: right;">RK</td></tr> </table> <p>Exhibits/Attachments: NA</p>		<u>Initial & Date</u>	Approved by Department Head:	RS	Approved by City Attorney:	NA	Approved by Finance Director:	NA	Approved by City Manager:	RK
	<u>Initial & Date</u>										
Approved by Department Head:	RS										
Approved by City Attorney:	NA										
Approved by Finance Director:	NA										
Approved by City Manager:	RK										
<p><u>INFORMATION/BACKGROUND:</u></p> <p>The City is responsible for inspection and maintenance of stormwater facilities, which include over 73 miles of stormwater pipe, 4,300 catch basins and numerous tanks, vaults, ponds and water quality structures. In order to maintain compliance with City maintenance standards, permit requirements, prevent flooding and protect water quality, the City must clean and inspect stormwater facilities regularly.</p> <p>The City has previously contracted with several vector companies, including most recently, Action Services Corporation, Olson Brothers Pro-Vac, Bravo Environmental, Inc., and Innovative Vacuum Services, Inc. for stormwater system cleaning, vector services and pipe inspection. The City advertises for an agreement every two to three years in order to provide competitive and fair opportunities to all contractors.</p>											
<p><u>FISCAL CONSIDERATION:</u></p> <p>The City's approved 2021-2022 biennium budget has \$616,000 allocated for stormwater facility maintenance, of which this agreement for an amount not to exceed \$150,000 is a component of.</p>											
<p><u>COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:</u></p> <p>Council's 2021-2022 Priority #2 "Develop a Kenmore Climate Plan and promote Environmental Stewardship, including water, air, forest, and habitat restoration."</p>											



**City Council Business Agenda Item
City of Kenmore, WA**

Subject/Topic:

November 2021 Financial Report

For Council Meeting Agenda of: January 24, 2022

Department: Finance & Administration**Prepared by:** Leticia Salcido, Director of Finance & Administration**Proposed Council Action/Motion:**

Receive & file:
November 2021 Financial Report
for the City of Kenmore Washington

Approved by Department Head: _____

Approved by City Attorney: _____

Approved by Finance Director: _____

Approved by City Manager: _____

Initial & Date

N/A

RGK

RGK

Exhibits/Attachments:

November 2021 Financial Report
for the City of Kenmore, Washington

INFORMATION/BACKGROUND:

The November 2022 monthly financial report is presented for Council review. This provides the opportunity for the City Council and the community to receive information on the City of Kenmore's biennium to date revenues and expenditures in comparison to the City's 2021-2022 adopted biennial budget. The budget was adopted on November 23, 2020.

FISCAL CONSIDERATION:

November is the 11th month of the 2021-2022, biennium budget period with 46% of the biennium elapsed.

General Fund:

The General Fund accounts for operational activities and includes all financial resources except those required or elected to be accounted for in another fund. Activities within the General Fund include Public Safety, Public Works Engineering, Community Development, Development Services, Parks, Facility Maintenance, and administrative services such as City Manager, Legal, Finance, City Clerk and City Council.

Revenues:

As of November 30, 2021, biennium to date, revenues exceeded expenditures by \$2,927,048. Revenues totaled \$13.0 million while expenditures total \$10.1 million. Revenues in the amount of \$13.0 million represent 48% of the budget revenues in the amount of \$27.1 million. Major revenue sources in the General Fund include property taxes, sales taxes, utility taxes, franchise fees, building related fees and other.

Property tax which is the major revenue source for the City generated \$5.3 million through November 30, 2021. This represents 49% of the biennium budget amount. The budget for the biennium for this revenue source is \$10.9 million.

Sales Tax revenue generated \$3.3 million through November 30, 2021. This represents 62.2% of the amount budgeted for the biennium in the amount of \$5.3 million. Sales Tax revenues for the first eleven months of 2021 are \$690,000 or 27% higher than the amount received in the eleven months of 2020. The major increase came from the industries in construction, retail, and services. The following is the increase from the eleven months of 2020 to the eleven months of 2021:

Industry	Amount	% increase
Construction	\$315,506	54%
Retail	\$156,635	16%
Services	\$154,764	23%

A review of the top 506 sales tax remitters accounting for 86% of total remittances in the month of November indicates that 21% of the total was generated from internet-based companies. In the retail category approximately 50% of the revenue was from internet sales.

Utility Taxes totaled \$919,87 or 38% of the amount budgeted of \$2.4 million.

Development fees & permits revenue was \$1.1 million or 63% of the amount budgeted for the biennium (\$1.7 million).

Expenditures:

Expenditures totaled \$10.1 million for the first eleven months of the biennium. This is 37% of the budgeted amount of \$27.1 million.

Fund Balance:

The ending fund balance for the General fund, as of December 31, 2020, was \$2.6 million. This reflects a loan to the Sammamish Bridge Fund in the amount to of \$2.3. The loan was paid back in 2021.

Street Fund:

As of November 30, 2021, the year-to-date revenues totaled \$556,354. Adding 46% of the budgeted transfers-in from the General Fund and REET (normally transferred at the end of the year) increases revenues to \$1.4 million. Expenditures for the first eleven months of the biennium totaled \$1.2 million. The ending cash balance in this fund as of November 30, 2021, was \$1 million.

Surface Water Management Fund:

As of November 30, 2021, biennium to date revenues totaled \$2.9 million or 57% of the budgeted amount (\$5.1 million). Expenditures during the same time-period, totaled \$1.2 million or 15% of the biennial budget amount of \$7.9 million. However, the expenditure total does not include budgeted transfers-out to Surface Water Management Capital Fund and General Fund (normally done at the end of the year). 46% of these transfers would increase the expenditure total to \$3 million or 38% of total budgeted expenditures.

COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:

Kenmore budget Policy 9a: A revenue/expenditure report will be produced monthly so that it can be directly compared to the actual results of the fiscal year to date.

Kenmore Budget Policy 9b: All budget amendments, both revenues and expenditures, will be noted in the monthly report.

Priority Based budgeting Result: Governance: Supports decision making with timely and accurate short-term and long-range analysis that enhances vision and planning.



18120 68TH AVE. NE
KENMORE, WASHINGTON 98028

MEMORANDUM

TO: Rob Karlinsey, City Manager
FROM: Leticia Salcido, Finance Director
DATE: January 6, 2022
RE: November 2021 Financial Reports for the City of Kenmore, Washington

November 2021 financial information is presented for your review and delivery to the City Council. Attached you will find the following reports:

- General Fund Summary
- General Fund Revenue Graphs
- General Fund Expenditure Graphs
- Street Fund Summary
- Cash and Investment Report
- Investment Schedule and Portfolio Analysis
- Sales Tax Receipts by Business Type
- Retail Sales and Use Tax Distribution

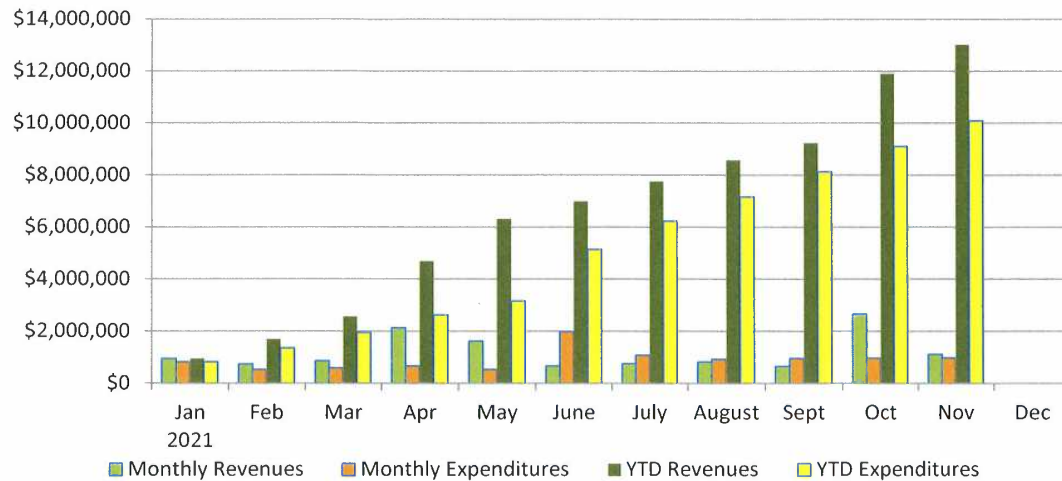
If you would like additional information or have any questions regarding the financial reports, please feel free to contact me.

GENERAL FUND

The first section of the monthly financial report is a review of the General Fund. This fund accounts for operational activities and includes all financial resources except those required or elected to be accounted for in another fund. Revenues include various taxes, per capita distributions from the State, fines and forfeitures, permits and licenses, and fees for service. In the context of the biennial budget, November is the eleventh month (46%) of the 2021-2022 biennial budget period. For the month of November, revenues exceeded expenditures in the General Fund by \$131,640. Biennium to date, revenues exceed expenditures by \$2,926,968.

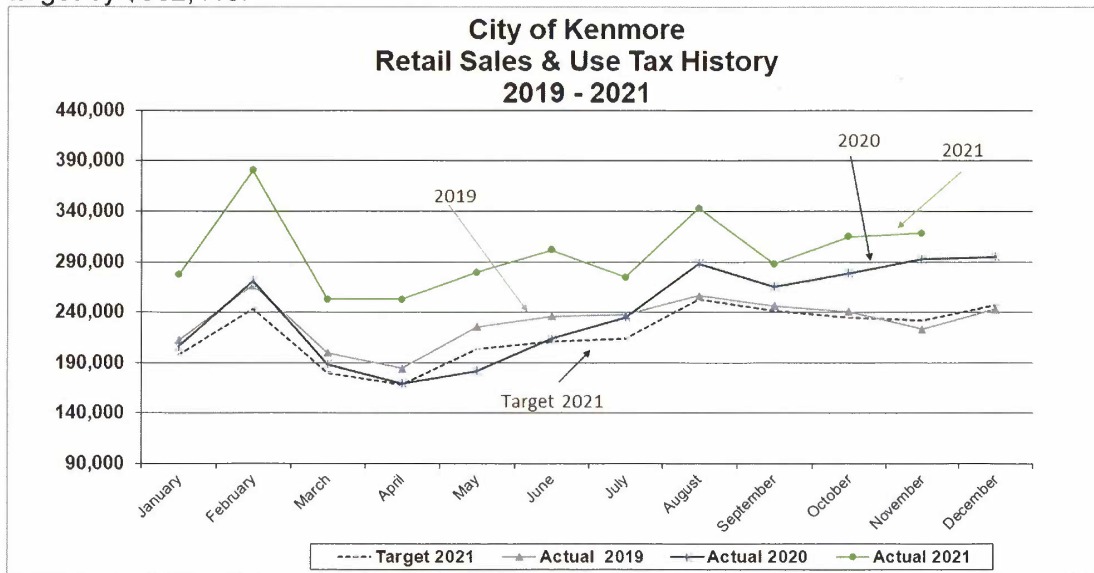
The following chart illustrates the monthly revenue and expenditure activity in the General Fund through November 2021.

City of Kenmore, Washington
Monthly Financial Report
November 2021



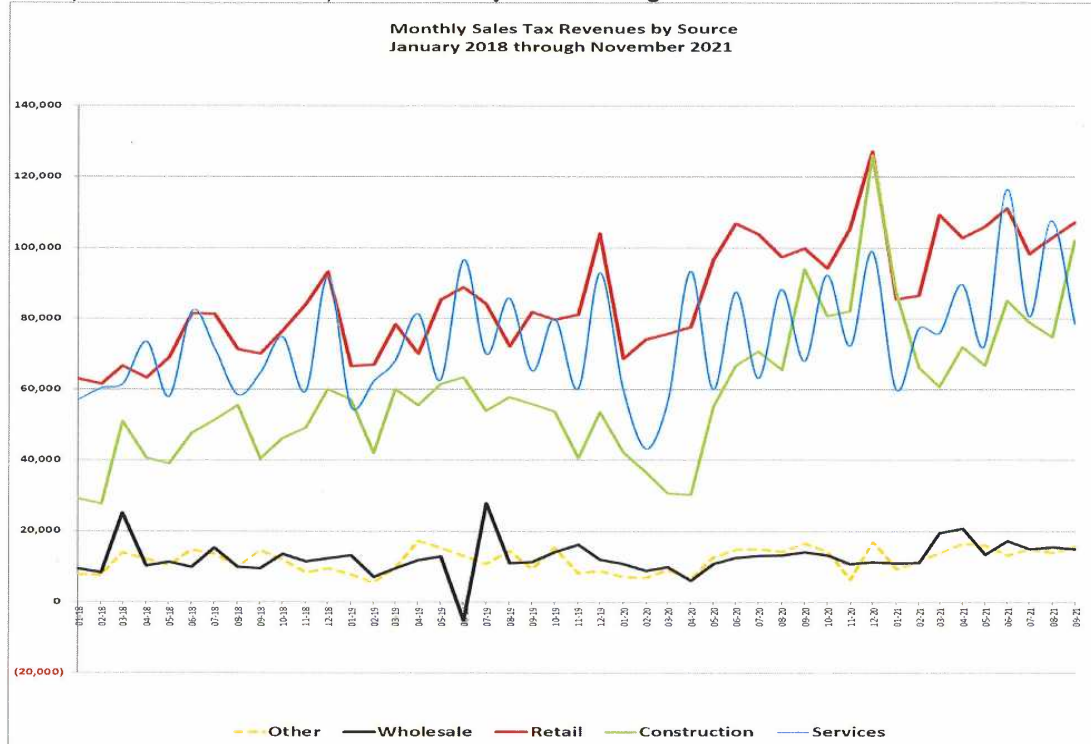
Total **revenues** for the month were **\$1,119,578**. Biennium to date revenues are \$13,021,550 which is 48% of the budgeted revenues of \$27,067,770. Primary sources of revenue for the month included property taxes in the amount of \$479,167, development fees & permits in the amount of \$115,479, retail sales and use taxes in the amount of \$318,463, intergovernment & grants in the amount of \$85,825, franchise fees in the amount of \$2,481, and utility taxes in the amount of \$69,763.

A summary of sales tax revenues received in **November** is attached. These receipts are based on **September** sales activity. The chart below gives a historical perspective of monthly sales tax receipts over the last several years. The black dotted Target 2021 line is a monthly average of actual receipts during 2018, 2019, and 2020. The green line represents 2021 actual receipts, which are \$690,506 above 2020 and ahead of the 2021 target by \$902,415.



City of Kenmore, Washington
Monthly Financial Report
November 2021

The following chart illustrates the historical trends of sales tax receipts from the major segments: construction, retail, wholesale, other (agriculture, services, manufacturing, transportation and utilities) from January 2018 through November 2021.



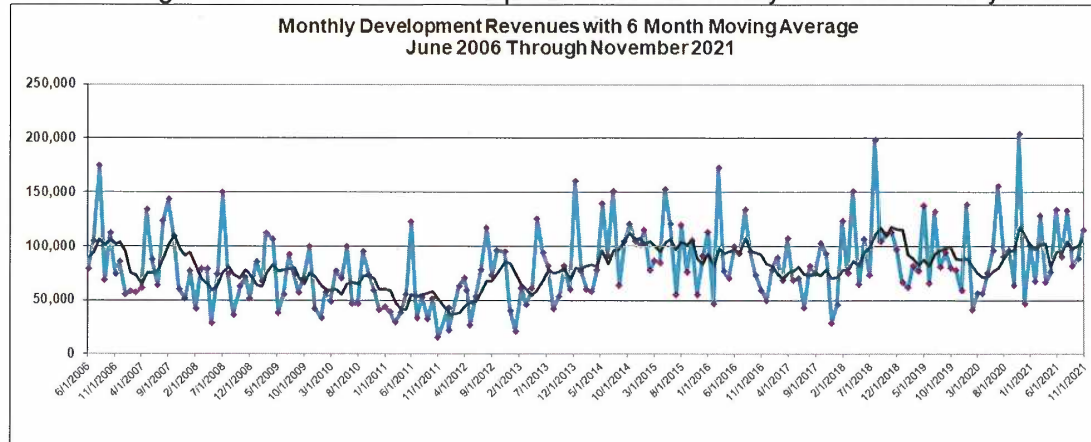
In November, the top 506 sales tax remitters, accounting for 86% or \$274,457 of total remittances, were reviewed for internet sales activity.

Of the \$274,457 of sales tax remitted by these companies in November, \$57,941 (21% of the total) was generated from internet-based companies. Below is a chart that illustrates the amount of internet based sales tax in the major segments that include it:

	Total Sales Tax Remitted in November	Internet Based Companies	% of Total Internet Sales Tax Collected
Retail Trade	\$80,070	\$40,131	50%
Information	8,114	2,641	33%
Services	58,337	13,187	23%
Wholesale	11,252	1,908	17%
Other	116,684	74	0%
	\$274,457	\$57,941	

City of Kenmore, Washington
 Monthly Financial Report
 November 2021

The following chart illustrates the development revenue activity over the last 15 years.



November 2021 expenditures were **\$987,937**. Biennium to date expenditures are \$10,094,582, which is 37% of the biennial budget expenditures of \$27,067,770.

Total City cash (\$31,471,609) and long-term investments (\$6,068,350), at the end of November, totaled \$37,539,959. Proposition 1 levy funds and ARPA Recovery Funds are included in this cash balance.

Total non-General Fund revenues were \$4,383,960 and total non-General Fund expenditures were \$2,340,592.

In the **Street Fund** revenue from gas tax distributions were \$37,429. \$56,229 was expended for maintenance and operations during the month.

In the **Transportation Capital Fund**, there were expenditures in the amount of \$874,456 on pedestrian safety projects & street maintenance.

The **Sammamish Bridge Replacement Fund** had \$929,356 in expenditures during the month. The fund received \$309,213 in bridge grant reimbursements during the month.

The **Park Impact Fee** fund received \$0 in revenues during the month.

There were \$0 in revenues for the **Transportation Impact Fee** fund during the month.

City of Kenmore, Washington
Monthly Financial Report
November 2021

The **Real Estate Excise Tax** Fund received \$224,497 of real estate excise taxes (REET) in November from sales activity that occurred in October. 44 transactions were reported during the month. The 2021 year to date revenue is higher than the 2020 revenue by \$1,208,340.

The **Park Capital** fund had \$138,541 in Park improvement expenditures during the month.

The **Walkways & Waterways Debt Service** Fund collected \$69,141 in property taxes related to the Prop 1 Bond for a biennium to date total revenue of \$770,464.

The **Transportation Benefit District** Fund received \$29,901 in vehicle license fees during the month.

SUMMARY

This concludes the financial report for the City of Kenmore as of **November 30, 2021**. I appreciate your feedback and encourage you to contact me if you have any questions prior to the City Council meeting.

City of Kenmore, Washington
General Fund Summary Report
November 30, 2021



	CURRENT PERIOD 2021-2022				PREVIOUS PERIOD 2019-2020			
	MONTH <u>November 2021</u>	BIENNIUM TO DATE <u>2021-2022</u>	% of <u>BUDGET</u>	BIENNIUM BUDGET <u>2021-2022</u>	MONTH <u>October 2019</u>	BIENNIUM TO DATE <u>2019-2020</u>	% of <u>BUDGET</u>	AMENDED BIENNIUM BUDGET <u>2019-2020</u>
REVENUES								
Beginning Fund Balance		2,748,005		2,748,005		4,934,368		4,934,368
Property Taxes	479,167	5,322,383	49.0%	10,865,654	1,845,105	4,622,308	45.2%	10,224,205
Sales and Use Taxes	318,463	3,283,425	62.2%	5,282,280	301,802	2,899,148	46.7%	6,212,000
Utility Taxes	69,763	919,887	38.3%	2,399,290	63,332	870,381	35.3%	2,466,355
Other Taxes	17,005	100,563	55.2%	182,200	17,176	112,649	61.9%	181,868
Development Fees & Permits	115,479	1,082,623	62.9%	1,720,003	79,595	878,293	47.4%	1,854,042
Franchise Fees	2,481	848,118	48.6%	1,746,569	199,577	870,413	47.5%	1,831,835
Intergovernmental and Grants	85,825	1,299,555	53.0%	2,452,594	128,250	532,170	24.8%	2,142,292
Investment Interest	869	82,790	125.4%	66,000	11,692	88,345	92.7%	95,300
Fines and Forfeitures	0	2,341	0.0%	0	0	0	0.0%	0
Transfers and Other Revenues	30,606	79,944	3.4%	2,353,180	6,535	223,903	10.4%	2,155,352
Total Revenues	1,119,658	13,021,630	48.1%	27,067,770	2,653,063	11,097,610	40.9%	27,163,249

City of Kenmore, Washington
General Fund Summary Report
November 30, 2021

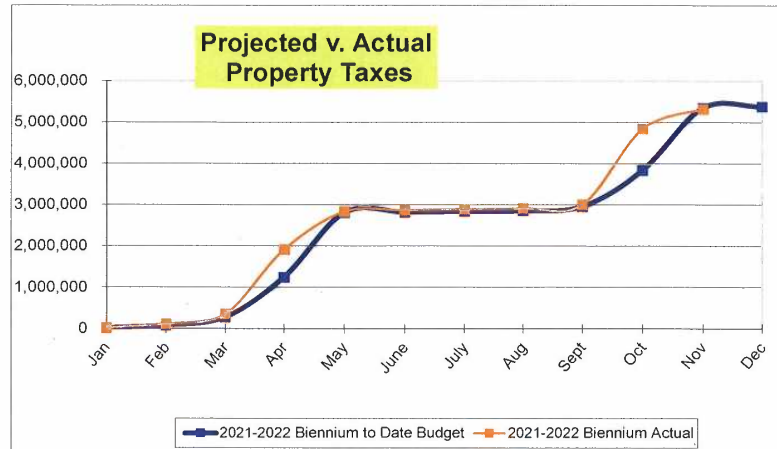


	CURRENT PERIOD 2021-2022				PREVIOUS PERIOD 2019-2020			
	MONTH	BIENNIUM TO DATE	% of	BIENNIUM BUDGET	MONTH	BIENNIUM TO DATE	% of	AMENDED BIENNIUM BUDGET
	<u>November 2021</u>	<u>2021-2022</u>	<u>BUDGET</u>	<u>2021-2022</u>	<u>October 2019</u>	<u>2019-2020</u>	<u>BUDGET</u>	<u>2019-2020</u>
EXPENDITURES								
Cost Center								
City Council	7,199	131,124	39.4%	332,711	8,167	143,718	42.7%	336,208
City Manager	104,479	1,242,591	39.8%	3,121,846	103,724	1,360,357	42.9%	3,170,520
City Clerk	95,961	416,341	44.4%	937,052	22,091	284,087	30.9%	919,466
Finance	48,154	929,196	37.3%	2,490,440	45,014	781,727	40.6%	1,925,756
Human Resources	19,351	103,979	0.0%	0		0	0.0%	0
Legal	41,479	379,316	67.1%	565,000	15,470	235,051	35.9%	654,782
Coronavirus Relief Fund Expenditures	0	0	0.0%	0		0	0.0%	1,084,615
Interfund Transfers	0	0	0.0%	1,560,617	0	0	0.0%	3,226,484
Public Safety	334,878	3,224,371	35.2%	9,152,371	124,098	2,935,392	32.7%	8,967,044
Engineering & Environmental Services	55,931	589,326	34.9%	1,689,574	39,017	583,557	37.5%	1,555,790
Community Development	71,006	770,214	45.4%	1,695,828	56,241	674,614	42.7%	1,580,826
Developmental Services	126,318	1,172,710	41.2%	2,845,428	138,694	963,797	51.4%	1,874,061
Parks & Facility Maintenance	83,182	1,135,415	42.4%	2,676,904	237,582	1,533,230	47.2%	3,247,606
Total Expenditures	987,937	10,094,582	37.3%	27,067,770	790,098	9,495,530	33.3%	28,543,158
Revenues over Expenditures	131,720	2,927,048		0	1,862,965	1,602,080		(1,379,909)
Ending Fund Balance		5,675,053		2,748,005	1,862,965	6,536,448	0	3,554,460

**City of Kenmore, Washington
General Fund Revenue Graphs
November 30, 2021**

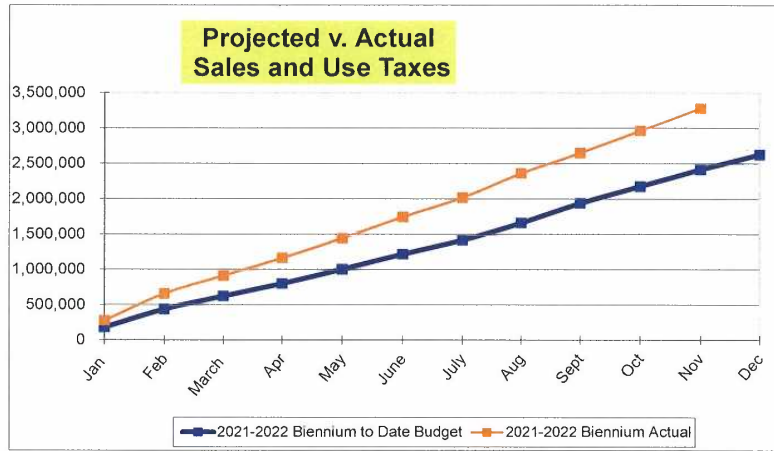
PROPERTY TAXES

	2021-2022 Biennium to Date Budget	2021-2022 Biennium Actual
Jan	17,296	20,302
Feb	83,909	114,444
Mar	281,719	358,120
Apr	1,246,162	1,917,848
May	2,809,153	2,834,464
June	2,824,201	2,870,166
July	2,839,121	2,894,543
Aug	2,854,978	2,915,372
Sept	2,963,277	3,008,022
Oct	3,837,148	4,843,216
Nov	5,352,815	5,322,383
Dec	5,383,410	
2021-22 Year To Date	10,865,654	
Actual v. Projected		99%



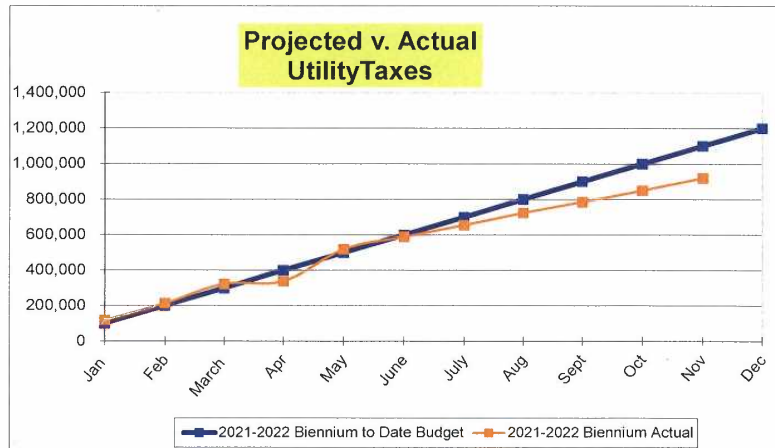
SALES & USE TAXES

	2021-2022 Biennium to Date Budget	2021-2022 Biennium Actual
Jan	179,696	276,941
Feb	438,515	657,631
March	622,724	910,595
Apr	800,553	1,163,287
May	1,005,035	1,442,784
June	1,218,052	1,744,526
July	1,416,425	2,019,083
Aug	1,662,043	2,362,264
Sept	1,939,335	2,650,110
Oct	2,175,980	2,964,962
Nov	2,415,377	3,283,425
Dec	2,628,000	
2021-22 Year To Date	5,282,280	
Actual v. Projected		136%



UTILITY TAXES

	2021-2022 Biennium to Date Budget	2021-2022 Biennium Actual
Jan	99,970	118,064
Feb	199,940	213,229
March	299,910	322,764
Apr	399,880	338,584
May	499,850	519,099
June	599,820	589,169
July	699,790	654,697
Aug	799,760	723,493
Sept	899,730	784,938
Oct	999,700	850,125
Nov	1,099,670	919,887
Dec	1,199,640	
2021-22 Year To Date	2,399,290	
Actual v. Projected		84%



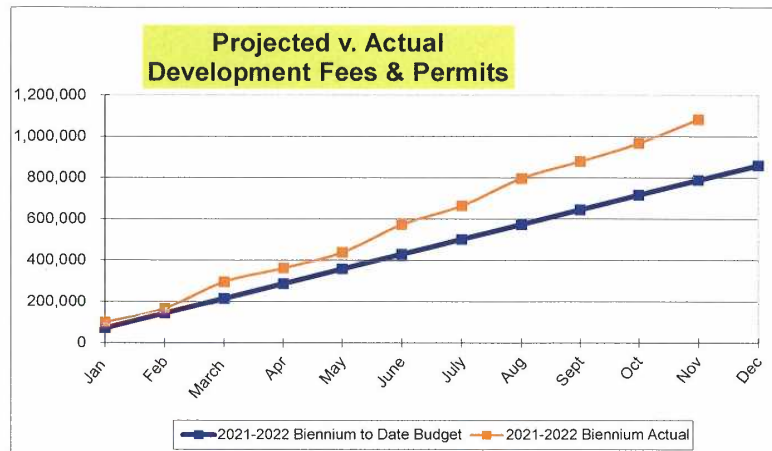
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**City of Kenmore, Washington
General Fund Revenue Graphs
November 30, 2021**

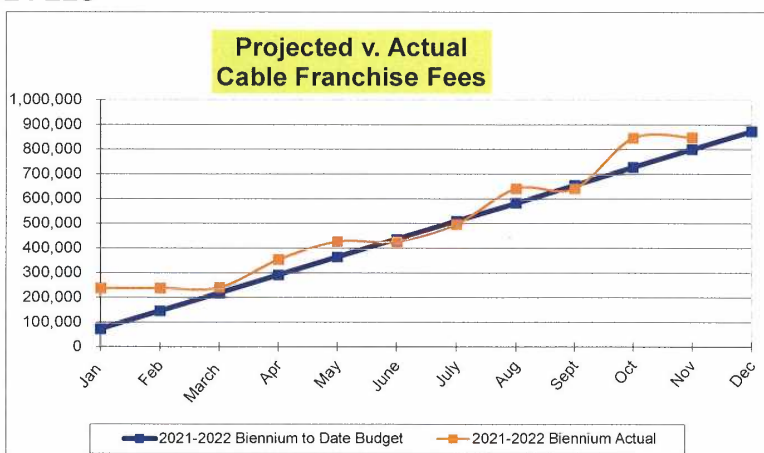
DEVELOPMENT FEES & PERMITS

	2021-2022 Biennium to Date Budget	2021-2022 Biennium Actual
Jan	71,667	100,365
Feb	143,334	167,642
March	215,001	296,069
Apr	286,668	362,649
May	358,335	438,650
June	430,002	572,687
July	501,669	663,511
Aug	573,336	796,747
Sept	645,003	878,665
Oct	716,670	967,145
Nov	788,337	1,082,623
Dec	860,004	
'2021-22	1,720,003	
Year To Date		
Actual v. Projected		137%



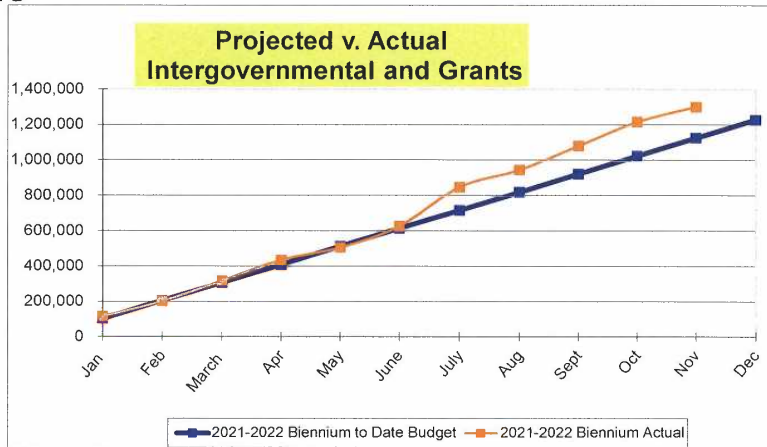
CABLE/WATER/SEWER FRANCHISE FEES

	2021-2022 Biennium to Date Budget	2021-2022 Biennium Actual
Jan	72,774	237,631
Feb	145,548	237,631
March	218,322	240,707
Apr	291,096	353,538
May	363,870	426,574
June	436,644	426,574
July	509,418	496,605
Aug	582,192	641,561
Sept	654,966	641,561
Oct	727,740	845,637
Nov	800,514	848,118
Dec	873,288	
'2021-22	1,746,569	
Year To Date		
Actual v. Projected		106%



INTERGOVERNMENTAL & GRANTS

	2021-2022 Biennium to Date Budget	2021-2022 Biennium Actual
Jan	102,191	115,861
Feb	204,382	200,346
March	306,573	318,216
Apr	408,764	434,090
May	510,955	504,436
June	613,146	625,114
July	715,337	846,350
Aug	817,528	943,219
Sept	919,719	1,078,467
Oct	1,021,910	1,213,730
Nov	1,124,101	1,299,555
Dec	1,226,292	
'2021-22	2,452,594	
Year To Date		
Actual v. Projected		116%

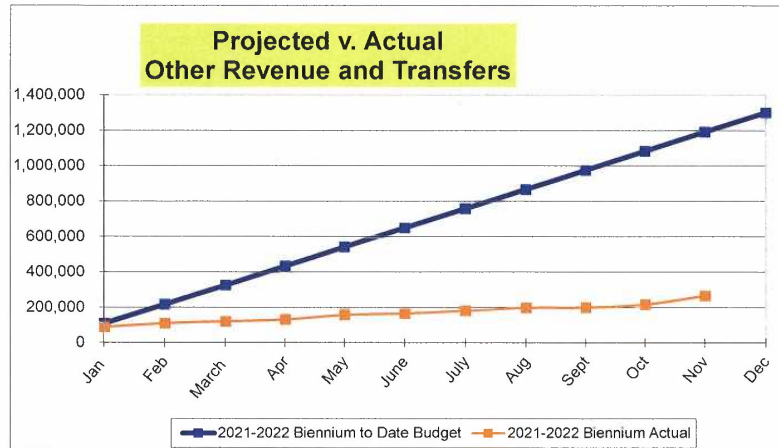


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**City of Kenmore, Washington
General Fund Revenue Graphs
November 30, 2021**

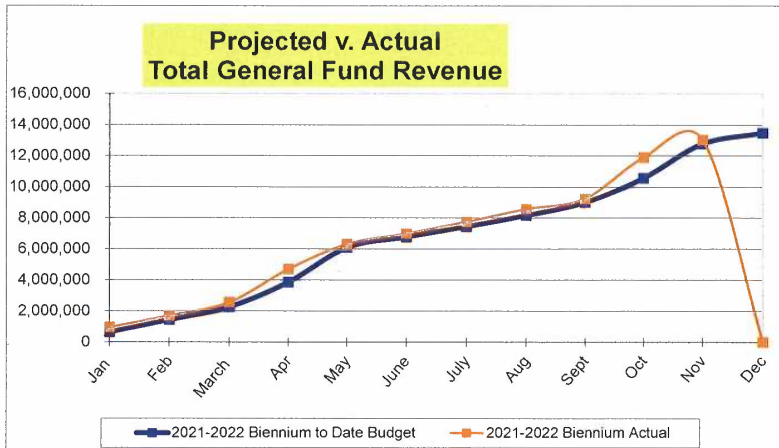
OTHER REVENUES AND TRANSFERS

	2021-2022 Biennium to Date Budget	2021-2022 Biennium Actual
Jan	108,391	88,547
Feb	216,782	109,548
March	325,173	120,893
Apr	433,564	131,319
May	541,955	157,500
June	650,346	166,014
July	758,737	180,512
Aug	867,128	198,243
Sept	975,519	199,776
Oct	1,083,910	217,158
Nov	1,192,301	265,638
Dec	1,300,692	
'2021-22	2,601,380	
Year To Date		
Actual v. Projected		22%



TOTAL GENERAL FUND REVENUE

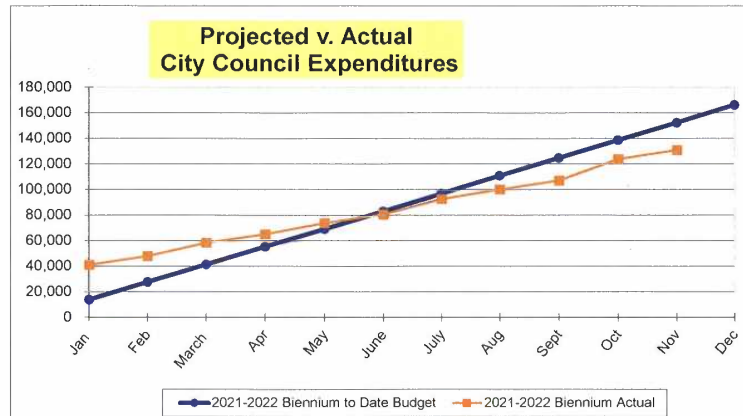
	2021-2022 Biennium to Date Budget	2021-2022 Biennium Actual
Jan	651,985	957,711
Feb	1,432,410	1,700,470
March	2,269,422	2,567,363
Apr	3,866,688	4,701,314
May	6,089,153	6,323,506
June	6,772,211	6,994,249
July	7,440,498	7,755,301
Aug	8,156,965	8,580,897
Sept	8,997,549	9,241,539
Oct	10,563,059	11,901,972
Nov	12,773,116	13,021,630
Dec	13,471,326	0
'2021-22	27,067,770	
Year To Date		
Actual v. Projected		102%



City of Kenmore, Washington
General Fund Expenditure Graphs*
November 30, 2021

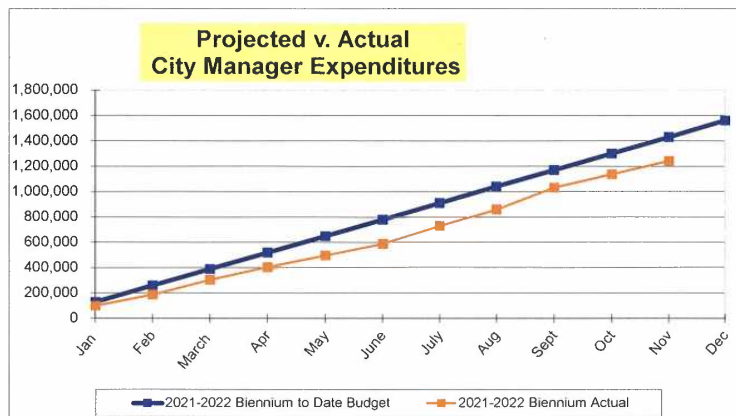
CITY COUNCIL

	2021-2022 Biennium to Date Budget	2021-2022 Biennium Actual
Jan	13,863	41,298
Feb	27,726	48,025
March	41,589	58,526
Apr	55,452	65,250
May	69,315	73,889
June	83,178	80,701
July	97,041	92,716
Aug	110,904	100,305
Sept	124,767	107,136
Oct	138,630	123,925
Nov	152,493	131,124
Dec	166,356	
2021-22 Year To Date	332,711	
Actual v. Projected		86%



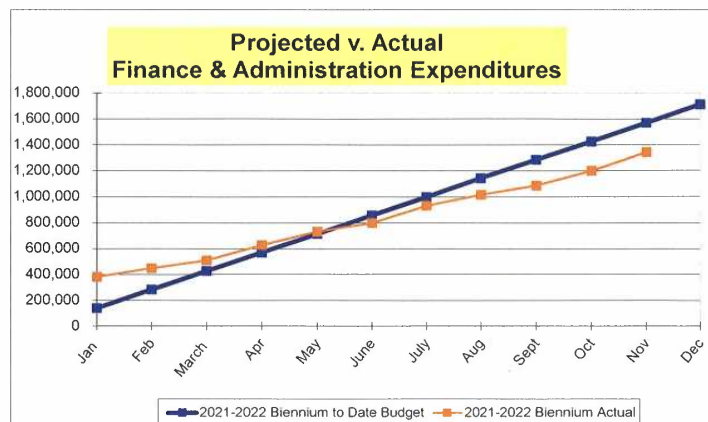
CITY MANAGER

	2021-2022 Biennium to Date Budget	2021-2022 Biennium Actual
Jan	130,077	100,082
Feb	260,154	189,398
March	390,231	305,038
Apr	520,308	404,553
May	650,385	497,277
June	780,462	587,726
July	910,539	727,494
Aug	1,040,616	858,815
Sept	1,170,693	1,032,310
Oct	1,300,770	1,138,112
Nov	1,430,847	1,242,591
Dec	1,560,924	
2021-22 Year To Date	3,121,846	
Actual v. Projected		87%



FINANCE & ADMINISTRATION

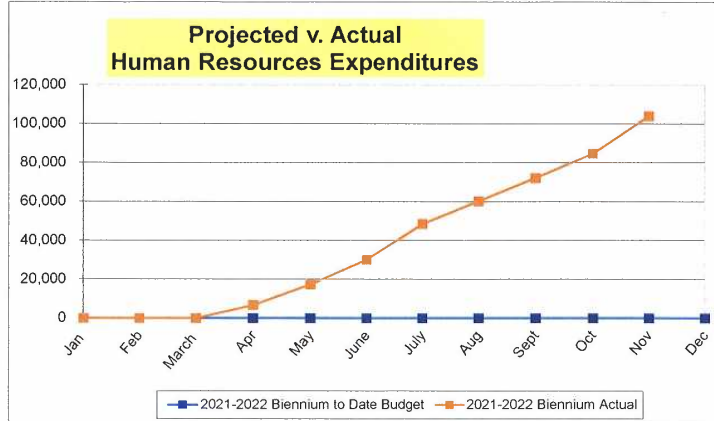
	2021-2022 Biennium to Date Budget	2021-2022 Biennium Actual
Jan	142,812	384,213
Feb	285,624	449,756
March	428,436	510,982
Apr	571,248	628,583
May	714,060	732,521
June	856,872	799,738
July	999,684	931,858
Aug	1,142,496	1,015,729
Sept	1,285,308	1,086,249
Oct	1,428,120	1,201,421
Nov	1,570,932	1,345,536
Dec	1,713,744	
2021-22 Year To Date	3,427,491	
Actual v. Projected		86%



City of Kenmore, Washington
General Fund Expenditure Graphs*
November 30, 2021

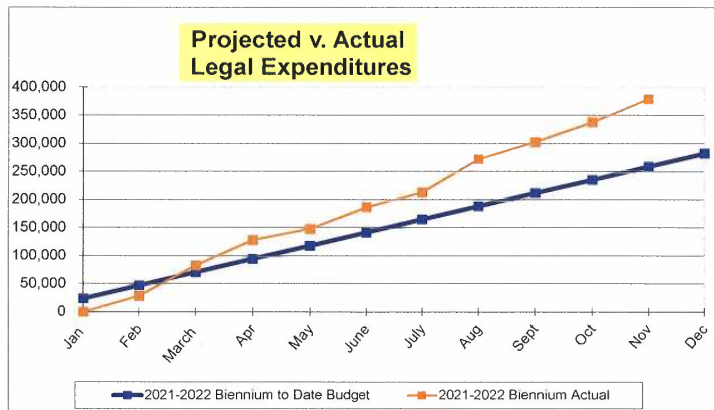
HUMAN RESOURCES

	2021-2022 Biennium to Date Budget	2021-2022 Biennium Actual
Jan	0	0
Feb	0	0
March	0	0
Apr	0	6,773
May	0	17,390
June	0	30,167
July	0	48,460
Aug	0	60,213
Sept	0	72,171
Oct	0	84,628
Nov	0	103,979
Dec	0	
2021-22 Year To Date	0	
Actual v. Projected		0%



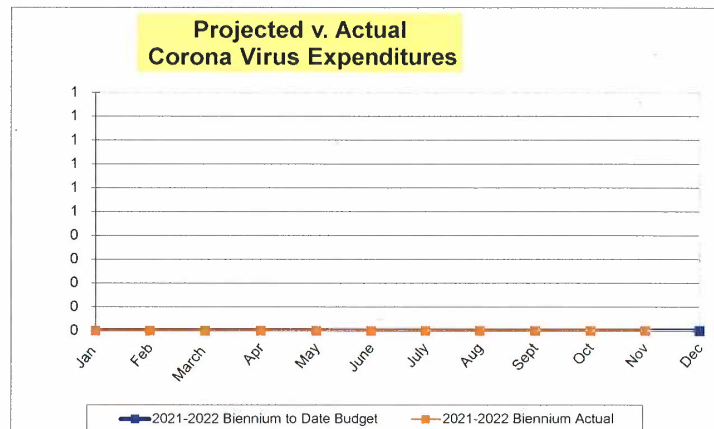
LEGAL

	2021-2022 Biennium to Date Budget	2021-2022 Biennium Actual
Jan	23,542	0
Feb	47,084	28,346
March	70,626	82,657
Apr	94,168	127,665
May	117,710	147,726
June	141,252	186,239
July	164,794	213,320
Aug	188,336	272,358
Sept	211,878	302,388
Oct	235,420	337,836
Nov	258,962	379,316
Dec	282,504	
2021-22 Year To Date	565,000	
Actual v. Projected		146%



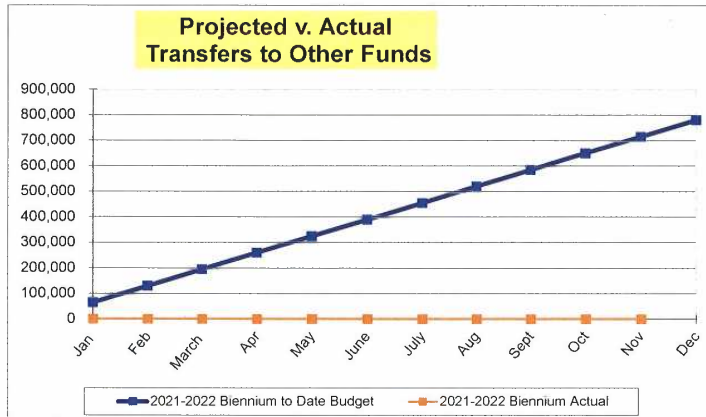
Coronavirus Relief

	2021-2022 Biennium to Date Budget	2021-2022 Biennium Actual
Jan	0	0
Feb	0	0
March	0	0
Apr	0	0
May	0	0
June	0	0
July	0	0
Aug	0	0
Sept	0	0
Oct	0	0
Nov	0	0
Dec	0	0
2021-22 Year To Date	0	
Actual v. Projected		0%



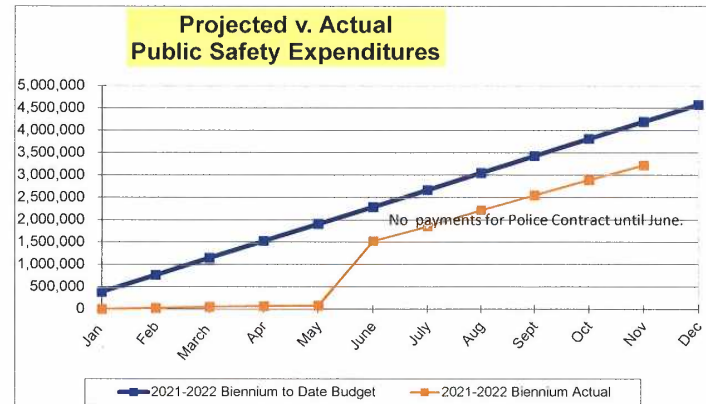
City of Kenmore, Washington
General Fund Expenditure Graphs*
November 30, 2021
TRANSFERS TO OTHER FUNDS

	2021-2022 Biennium to Date Budget	2021-2022 Biennium Actual
Jan	65,026	0
Feb	130,052	0
March	195,078	0
Apr	260,104	0
May	325,130	0
June	390,156	0
July	455,182	0
Aug	520,208	0
Sept	585,234	0
Oct	650,260	0
Nov	715,286	0
Dec	780,312	0
2021-22	1,560,617	0
Year To Date		
Actual v. Projected		0%



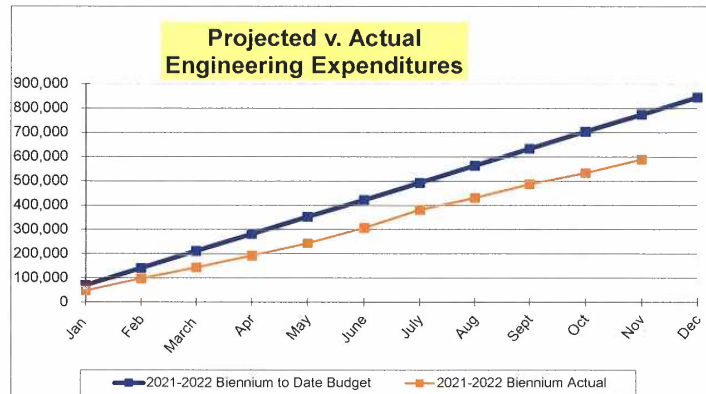
PUBLIC SAFETY

	2021-2022 Biennium to Date Budget	2021-2022 Biennium Actual
Jan	381,349	230
Feb	762,698	22,715
March	1,144,047	47,733
Apr	1,525,396	66,345
May	1,906,745	77,519
June	2,288,094	1,526,194
July	2,669,443	1,850,494
Aug	3,050,792	2,218,082
Sept	3,432,141	2,548,824
Oct	3,813,490	2,889,493
Nov	4,194,839	3,224,371
Dec	4,576,188	
2021-22	9,152,371	
Year To Date		
Actual v. Projected		77%



ENGINEERING

	2021-2022 Biennium to Date Budget	2021-2022 Biennium Actual
Jan	70,399	47,917
Feb	140,798	97,475
March	211,197	143,101
Apr	281,596	192,196
May	351,995	243,045
June	422,394	306,820
July	492,793	381,802
Aug	563,192	430,933
Sept	633,591	487,559
Oct	703,990	533,395
Nov	774,389	589,326
Dec	844,788	
2021-22	1,689,574	
Year To Date		
Actual v. Projected		76%

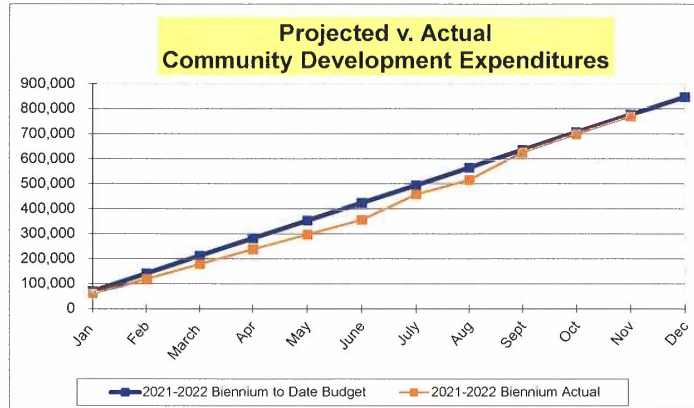


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City of Kenmore, Washington
General Fund Expenditure Graphs*
November 30, 2021

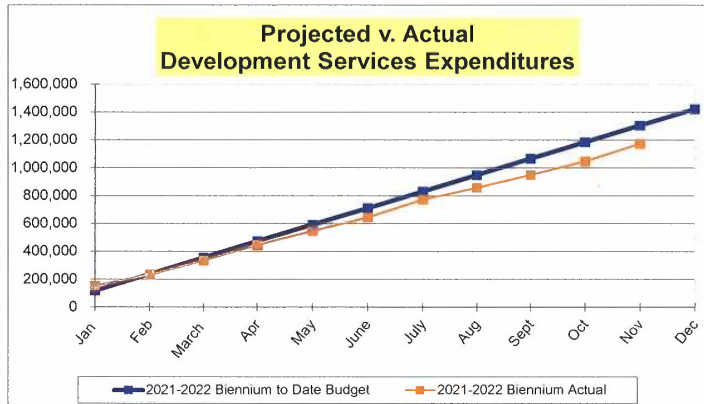
COMMUNITY DEVELOPMENT

	2021-2022 Biennium to Date Budget	2021-2022 Biennium Actual
Jan	70,659	60,865
Feb	141,318	119,485
March	211,977	178,637
Apr	282,636	238,199
May	353,295	298,056
June	423,954	356,556
July	494,613	458,501
Aug	565,272	515,689
Sept	635,931	626,116
Oct	706,590	699,208
Nov	777,249	770,214
Dec	847,908	
2021-22	1,695,828	
Year To Date		
Actual v. Projected		99%



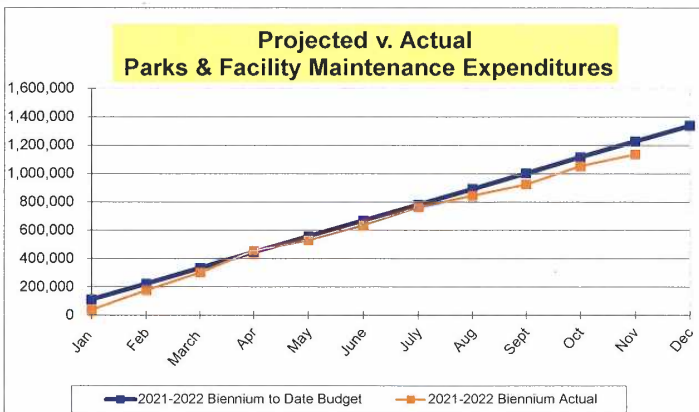
DEVELOPMENT SERVICES

	2021-2022 Biennium to Date Budget	2021-2022 Biennium Actual
Jan	118,559	153,789
Feb	237,118	233,352
March	355,677	333,970
Apr	474,236	446,157
May	592,795	546,960
June	711,354	644,804
July	829,913	771,326
Aug	948,472	858,281
Sept	1,067,031	949,839
Oct	1,185,590	1,046,392
Nov	1,304,149	1,172,710
Dec	1,422,708	
2021-22	2,845,428	
Year To Date		
Actual v. Projected		90%



PARKS & FACILITY MAINTENANCE

	2021-2022 Biennium to Date Budget	2021-2022 Biennium Actual
Jan	111,538	39,100
Feb	223,076	176,065
March	334,614	302,828
Apr	446,152	456,508
May	557,690	529,731
June	669,228	633,857
July	780,766	764,409
Aug	892,304	845,912
Sept	1,003,842	924,187
Oct	1,115,380	1,052,234
Nov	1,226,918	1,135,415
Dec	1,338,456	
2021-22	2,676,904	
Year To Date		
Actual v. Projected		93%

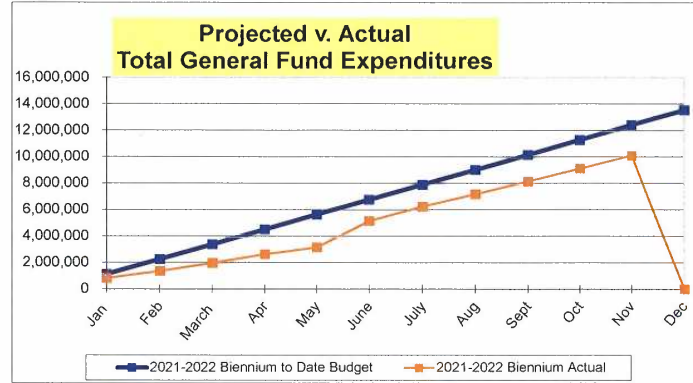


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**City of Kenmore, Washington
General Fund Expenditure Graphs*
November 30, 2021**

TOTAL GENERAL FUND EXPENDITURES

	2021-2022 Biennium to Date Budget	2021-2022 Biennium Actual
Jan	1,127,824	827,494
Feb	2,255,648	1,364,616
March	3,383,472	1,963,470
Apr	4,511,296	2,632,229
May	5,639,120	3,164,115
June	6,766,944	5,152,802
July	7,894,768	6,240,379
Aug	9,022,592	7,176,318
Sept	10,150,416	8,136,778
Oct	11,278,240	9,106,645
Nov	12,406,064	10,094,582
Dec	13,533,888	0
2021-22 Year To Date	27,067,770	
Actual v. Projected		81%



**City of Kenmore, Washington
Street Fund Summary Report
November 30, 2021**



2021 - 2022				
	<u>MONTH</u>	<u>BIENNIUM TO DATE</u>	<u>% of</u>	<u>BUDGET</u>
	<u>November 2021</u>	<u>2021-2022</u>	<u>BUDGET</u>	<u>2021-2022</u>
REVENUES				
Beginning Fund Balance		1,605,323		1,311,996
Fuel Tax	37,429	390,593	41.6%	938,058
Investment Interest	141	1,811	58.4%	3,100
Miscellaneous	270	8,397	117.7%	7,131
ROW Permit Fees/Inspections	0	118,182	40.3%	293,460
Multimodal Transportation	0	23,602	37.4%	63,160
MVA Transpo City	0	13,770	0.0%	0
Transfer from General Fund	0	0	0.0%	1,560,617
Transfer from REET	0	0	0.0%	200,000
Total Revenues	37,839	556,354	18.1%	3,065,526

2021 - 2022				
	<u>MONTH</u>	<u>BIENNIUM TO DATE</u>	<u>% of</u>	<u>BUDGET</u>
	<u>November 2021</u>	<u>2021-2022</u>	<u>BUDGET</u>	<u>2021-2022</u>
EXPENDITURES				
Salary and Benefits	51,250	577,817	42.6%	1,355,214
Maintenance & Operations	56,229	625,562	33.4%	1,872,953
Capital	0	23,307	23.3%	100,000
Total Expenditures	107,479	1,226,685	36.9%	3,328,167
Revenues over Expenditures	(69,640)	(670,332)		(262,641)
Ending Fund Balance		934,991		1,049,355

City of Kenmore, Washington
Cash and Investment Report
November 30, 2021



Fund	Beg. Cash & Inv. from Prev. Mo.	Monthly Revenues	Monthly Expenditures	End. Cash & Inv. Current Month
General	\$5,081,708	\$1,119,658	\$987,937	5,213,429
Street	1,006,106	37,839	107,479	936,466
Transportation Capital	-5,751,611		874,456	(6,626,068)
Public Art	154,254	23	0	154,277
Park Impact Fee	506,826	76	0	506,902
Transportation Impact Fee	3,043,934	457	0	3,044,391
Swamp Creek Basin	1,093,750	164	0	1,093,914
Transportation Benefit District	438,991	29,972	0	468,963
ARPA Fiscal Recovery Fund	2,879,438	0	50,698	2,828,740
Sammamish Bridge Replacement	1,825,604	309,213	929,356	1,205,461
Walkways & Waterways Debt Service	772,707	69,141	0	841,848
Real Estate Excise Tax	4,469,158	225,200	0	4,694,358
Park Capital	1,022,002	0	138,541	883,460
Walkways & Waterways Bond	12,972,435	881	0	12,973,316
Surface Water Management	3,848,273	384,905	126,660	4,106,518
Surface Water Capital	341,093	0	750	340,343
Public Works Shop Fund	-3,544,789	3,325,048	40,649	(260,390)
Strategic Reserve	1,347,229	202	0	1,347,431
Strategic Opportunities	2,493,775	370	30,343	2,463,802
Equipment Replacement	458,431	69	0	458,500
Trust & Agency	905,558	401	41,660	864,299
Totals	\$35,364,871	\$5,503,618	\$3,328,529	\$37,539,960

Fund	Cash, Savings, Local Govt Investment Pool	(> One Year) Fixed Investments	Total
General	\$4,280,078	\$933,350	5,213,429
Street	86,467	850,000	936,467
Transportation Capital	-6,626,068	0	(6,626,068)
Public Art	139,276	15,000	154,276
Park Impact Fee	-423,096	930,000	506,904
Transportation Impact Fee	3,014,394	30,000	3,044,394
Swamp Creek Basin	-306,085	1,400,000	1,093,915
Transportation Benefit District	468,963	0	468,963
ARPA Fiscal Recovery Fund	2,828,740	0	2,828,740
Sammamish Bridge Replacement	1,205,461	0	1,205,461
Walkways & Waterways Debt Service	841,848	0	841,848
Real Estate Excise Tax	4,694,356	0	4,694,356
Park Capital	883,460	0	883,460
Walkways & Waterways Bond	12,973,316	0	12,973,316
Surface Water Management	3,596,518	510,000	4,106,518
Surface Water Capital	340,342	0	340,342
Public Works Shop Fund	-260,390	0	(260,390)
Strategic Reserve	497,432	850,000	1,347,432
Strategic Opportunities	2,463,803	0	2,463,803
Equipment Replacement	8,500	450,000	458,500
Trust & Agency	764,295	100,000	864,295
Totals	\$31,471,609	\$6,068,350	\$37,539,959

note: negative balances are due to pending transfers from other funds, not yet recorded.

I:\DEPARTMENT_Admin & Finance\Monthly Reports\2021\November 2021CashInv

City of Kenmore, Washington
Investment Schedule
November 30, 2021



Average Yield to Maturity-Securities								Overall	0.23%
								Average Yield	0.10%
								Principal or	Yield
Investment #	Type	Purchase Date	Maturity Date	Rate	Yield			Balance	Equivalents
Time Value Investments									
3135G05G4	FNMA	11/9/2020	7/10/2023	0.20%	0.20%			1,501,588.50	3,003.18
3133EMHL9	FFCB	11/24/2020	11/30/2023	0.30%	0.30%			1,501,500.00	4,504.50
3133EMMN9	FFCB	1/25/2021	1/11/2024	0.19%	0.19%			1,000,000.00	1,900.00
9128286Z8	US TREAS	1/25/2021	6/30/2024	0.18%	0.18%			1,065,261.38	1,917.47
Total TVI Purchases								5,068,349.88	11,325.15
Pacific Premier CD's									
11495975	CD	8/10/2021	8/10/2022	0.25%	0.25%			1,000,000.00	2,500.00
Total Pacific Premier CD's								1,000,000.00	2,500.00
TOTAL ALL SECURITIES								\$ 6,068,349.88	\$ 13,825.15
Banner Checking and Savings								4,955,622.35	991.12
Pacific Premier Savings								3,156,844.77	2,774.87
LGIP - Primary Account								10,401,052.09	8,227.23
LGIP - Bond Proceeds Account								12,958,089.83	10,249.85
Total Accounts								\$ 37,539,958.92	36,068.22

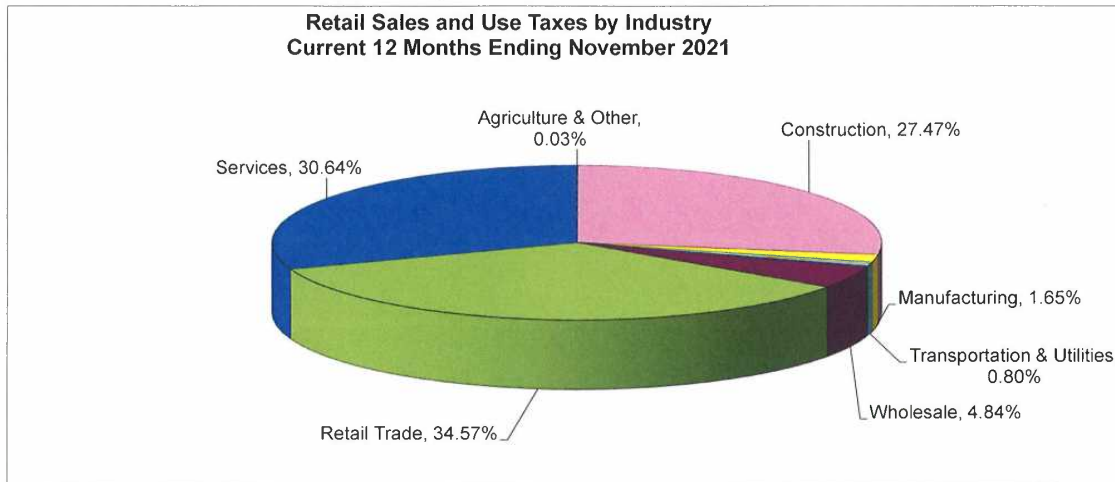
City of Kenmore, Washington
SALES TAX RECEIPTS BY BUSINESS TYPE
 November 2021

	SALES TAX	USE TAX	TOTAL	PERCENT
AGRICULTURE & OTHER	165.19	0.00	165.19	0.1%
CONSTRUCTION	95,974.18	6,186.91	102,161.09	32.1%
MANUFACTURING	5,528.08	6.18	5,534.26	1.7%
TRANSPORTATION & UTILITIES	1,368.63	762.03	2,130.65	0.7%
WHOLESALE	14,912.83	39.01	14,951.84	4.7%
RETAIL TRADE	107,117.46	127.88	107,245.34	33.7%
SERVICES	67,960.45	274.85	68,235.30	21.4%
INFORMATION	10,239.37	65.33	10,304.69	3.2%
PUBLIC SERVICES	9.96	7,724.81	7,734.77	2.4%
	<u>303,276.16</u>	<u>15,186.98</u>	<u>318,463.14</u>	<u>100.0%</u>

City of Kenmore, Washington
Retail Sales and Use Tax Distribution
November 30, 2021

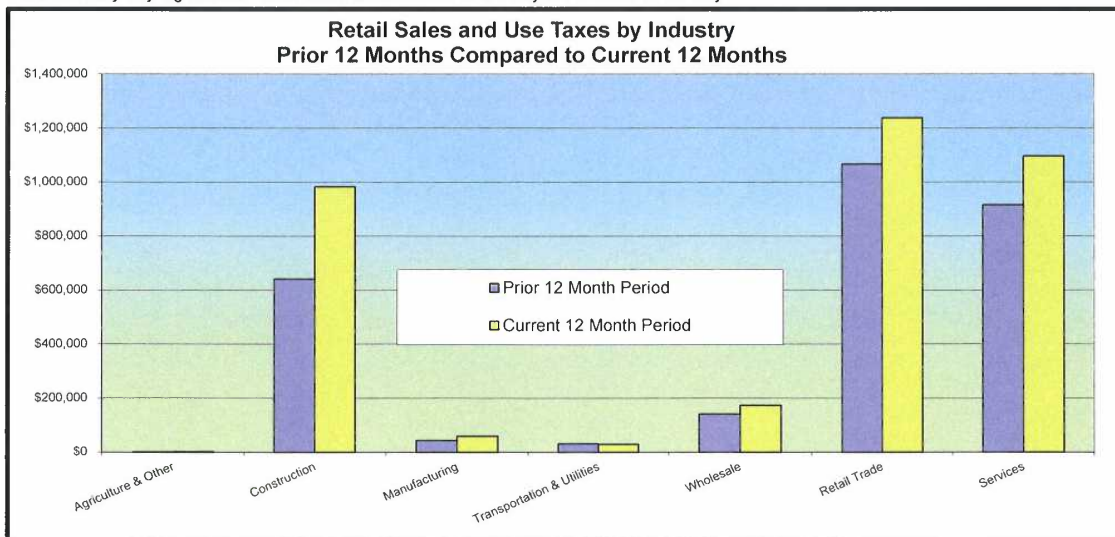


Industry	Prior 12 Months ending November 2020	Current 12 Months ending November 2021	% Increase/ (Decrease)	% of Total
Agriculture & Other (Landscaping, Animal Hospitals)	\$718	\$935	30.19%	0.03%
Construction	640,549	983,039	53.47%	27.47%
Manufacturing (Printing, Publishing, Other Manuf.)	42,838	58,912	37.52%	1.65%
Transp/Comm/Utilities (Telecomm., Air Transport.)	30,525	28,724	-5.90%	0.80%
Wholesale (Lumber, Other Wholesale)	140,962	173,151	22.84%	4.84%
Retail Trade (Eating, Merchandise, Food Stores)	1,065,828	1,237,033	16.06%	34.57%
Services (Auction, Recreation, Auto Repair, Financial)	914,577	1,096,466	19.89%	30.64%
Totals	\$2,835,996	\$3,578,261	26.17%	100%
Increase/(Decrease)		\$742,265	26.17%	



NOTE: Due to the City's Confidentiality Agreement with the Department of Revenue, specific business information cannot be disclosed.

There is a sixty-day lag between sales taxes collected and when they are remitted to the City



I:\DEPARTMENT_Admin & Finance\Monthly Reports\2021\November 2021SalesTaxDist

Signature: Rob Karlinsey
Rob Karlinsey (Feb 4, 2022 14:20 PST)

Email: rkarkinsey@kenmorewa.gov






Monthly fin Report 11-2021

Final Audit Report

2022-02-04

Created:	2022-02-04
By:	Leticia Salcido (lsalcido@kenmorewa.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAzB26-kdatzYZEUta7YmbOalruL9Mo6n_

"Monthly fin Report 11-2021" History

-  Document created by Leticia Salcido (lsalcido@kenmorewa.gov)
2022-02-04 - 5:53:35 PM GMT- IP address: 50.235.209.34
-  Document emailed to Rob Karlinsey (rkarlinsey@kenmorewa.gov) for signature
2022-02-04 - 5:53:55 PM GMT
-  Email viewed by Rob Karlinsey (rkarlinsey@kenmorewa.gov)
2022-02-04 - 5:59:17 PM GMT- IP address: 24.22.167.111
-  Document e-signed by Rob Karlinsey (rkarlinsey@kenmorewa.gov)
Signature Date: 2022-02-04 - 10:20:05 PM GMT - Time Source: server- IP address: 50.235.209.34
-  Agreement completed.
2022-02-04 - 10:20:05 PM GMT

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City Council Business Agenda Item
City of Kenmore, WA

<p>Subject/Topic: Public Hearing regarding Ordinance 22-0543 adopting six-month interim regulations for development within the Transit Oriented Development (TOD) District Overlay</p> <p>Proposed Council Action/Motion: Following conclusion of the Public Hearing and Council discussion. Motion to adopt Ordinance 22-0543 repealing the six-month moratorium (Ordinance 21-0533 add 21-0535) and establishing interim regulations for a six-month period for development within the Transit Oriented Development (TOD) District Overlay Area</p>	<p>For Council Meeting Agenda of: 2/14/22</p> <p>Department: Community Development</p> <p>Prepared by: Debbie Bent, Community Development Director</p> <p style="text-align: right;"><u>Initial & Date</u></p> <p>Approved by Department Head: <u>1/24/22</u></p> <p>Approved by City Attorney: <u>e-mail 1/18/22</u></p> <p>Approved by Finance Director: <u>N/A</u></p> <p>Approved by City Manager: <u>1/25/22</u></p> <p>Exhibits/Attachments:</p> <ol style="list-style-type: none"> 1) Ordinance 22-0543 2) Exhibit A to Ordinance 22-0543 (interim regulations)
<p><u>INFORMATION/BACKGROUND:</u> A Public Hearing is scheduled for 2/14/22 to receive public testimony justifying the imposition of interim regulations for the Transit Oriented Development (TOD) District and repeal of the six-month moratorium (due to expire 2/16/22) for development with the TOD District. Staff recommends that following conclusion of the hearing and council discussion, that Council adopts a motion repealing the moratorium and adopting interim regulations (Ordinance 22-0543, see Attachments #1 and #2) with immediate effect.</p> <p>The findings and justification for imposition of interim regulations include providing additional time for the Planning Commission to review the City's TOD district regulations as part of the State-mandated Comprehensive Plan update. The purpose of the TOD district Overlay is to reinforce the City's planned concentrations of pedestrian-oriented mixed-use development at intensities that support and are supported by multi-modal transportation options, including high-capacity transit. Adoption of interim regulations allows certain development applications at appropriate densities within the TOD District Overlay consistent with the City's long-range planning, prior to completion of the City's regulatory review process. The interim regulations prohibit townhome development, and for properties that do not choose to develop under the TOD provisions they must meet the base density of the underlying zone and include at least 10% of the total number of units as affordable units. The Planning Commission recommendations for the TOD District are anticipated to be provided to Council in June.</p> <p>Background on the Moratorium: The City became aware of the potential of lower density projects within the TOD District Overlay area, which would interfere with the City's intended planning for the TOD District Overlay area. Without a moratorium, the City could receive applications for permit approvals to develop in the</p>	

TOD District Overlay area prior to completion of the City's regulatory review process, and such an action would conflict with the City's long-range planning.

On 8/16/21 Council adopted public emergency Ordinance 21-0533 that established an immediate effective date for a six-month moratorium (to and through 2/16/22) on the application for intake of, review or issuance of any development or permit or approval for the establishment, location and/or construction of any development within the Transit Oriented Development (TOD) District Overlay Area (TOD Moratorium). Ordinance 21-0533 also established a public hearing date of 9/27/21 to take public testimony and consider adopting further findings justifying the imposition of the moratorium.

Following a public hearing 9/27/21 Council adopted Ordinance 21-0535 amending Section 2 of Ordinance 21-0533 adding an additional exemption to the moratorium for Building permit applications for or the construction of transitional housing or permanent supportive housing or building permit applications for or the construction of indoor emergency shelters and indoor emergency housing.

FISCAL CONSIDERATION: Staff time to work with the Planning Commission and Council on review of the City's TOD district regulations.

COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:

2021—2022 Council Priorities:

#11 Engage and educate the community on growth and development in Kenmore.

**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 22-0543**

**AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON,
ADOPTING SIX-MONTH INTERIM REGULATIONS WITHIN THE
TRANSIT OVERLAY DEVELOPMENT (TOD) DISTRICT; REPEALING
ORDINANCE NOS. 21-0533 AND 21-0535; DECLARING AN
EMERGENCY AND ESTABLISHING AN IMMEDIATE EFFECTIVE
DATE**

WHEREAS, the City Council adopted Ordinance 15-0406, which established the Transit Oriented Development (TOD) District Overlay, which is codified at Chapter 18.29 of the Kenmore Municipal Code (KMC); and

WHEREAS, the purpose of the TOD District Overlay is to reinforce the City's planned concentrations of pedestrian-oriented mixed-use development at intensities that support and are supported by multi-modal transportation options, including high-capacity transit; and

WHEREAS, the City has directed the Planning Commission to review the City's TOD District Overlay regulations as part of the State-mandated Comprehensive Plan update; and

WHEREAS, the City became aware of the potential of lower density projects within the TOD District Overlay area, which would interfere with the City's intended planning for the TOD District Overlay area; and

WHEREAS, on August 16, 2021 the City Council adopted public emergency Ordinance 21-0533 that established an effective date for a six-month moratorium to and through February 16, 2022 to give the Planning Commission sufficient time to hold a hearing, complete planning for the TOD District Overlay area, and provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay; and

WHEREAS, on September 27, 2021 following a public hearing held by the City Council on the six-month moratorium, the Council adopted Ordinance 21-0535 amending Section 2 of Ordinance 21-0533 to allow an additional exemption for building permit applications for or the construction of transitional housing or permanent supportive housing or building permit application for or the construction of indoor emergency housing; and

WHEREAS, additional time is necessary for the Planning Commission to hold a public hearing, complete planning for the TOD District Overlay area, provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay and for Council to consider the recommendation; and

WHEREAS, repeal of the moratorium (Ordinance 21-0533 and Ordinance 21-0535) and immediate adoption of interim regulations allows certain development applications at appropriate densities within the TOD District Overlay consistent with the City's long-range planning, prior to completion of the City's regulatory review process; and

WHEREAS, the City Council deems it to be in the best interest of the public, and necessary for the protection of the public health, safety, property, or peace, to establish immediate interim regulations on the acceptance, review, and approval of permits for the establishment, location, and/or construction of any development within the TOD District Overlay; and

WHEREAS, the regulation of zoning and land use are valid exercises of the City's police powers under Article XI, Section 11 of the Washington State Constitution, and such police powers grant the City Council authority to adopt a moratorium; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorize the City Council, as the governing body, to adopt interim regulations on development or land use for six-months; and

WHEREAS, as provided in RCW 35A.63.220 and RCW 36.70A.390, the City Council advertised and held a public hearing on February 14, 2022 to take public testimony and consider adopting further findings justifying the imposition of interim regulations; and

WHEREAS, RCW 35A.13.190 provides that an ordinance may be made effective upon adoption if passed by a majority plus one of the whole membership of the council, and if designated as a public emergency ordinance necessary for the protection of the public health, public safety, public property or public peace; and

WHEREAS, pursuant to RCW 35A.13.190, the City Council finds that this ordinance is a public emergency ordinance necessary for the protection of public health, public safety, public property, or public peace for the reasons set forth herein;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON ORDAINS AS FOLLOWS:

Section 1. Findings. The City Council adopts the recitals set forth above, which are incorporated by reference, as findings in support of the interim regulations and declaration of this ordinance as a public emergency ordinance.

Section 2. Repeal of the Moratorium. The City Council hereby repeals Ordinance Nos. 21-0533 and Ordinance 21-0535, which established and amended the six-month moratorium.

Section 3. Interim Regulations.

A. Adoption. Pursuant to the City's police powers under Article XI, Section 11 of the Washington State Constitution, RCW 35A.63.220, and RCW 36.70A.390, interim regulations are hereby adopted and imposed on the application for, intake of, review of, or issuance of any approval and/or development permit, including, but not limited to, building permits, site plan review, etc., for the establishment, location and/or construction of any development within the Transit Oriented Development (TOD) District Overlay area, as shown and depicted in KMC 18.29.020. The term "development" means the same as defined in KMC 18.20.715. The term "development permit" means the same as defined in KMC 18.20.735.

B. Exemptions. The interim regulations adopted by this Ordinance only apply to new development permit applications.

C. Adopted Interim Regulations: Interim regulations for the TOD District Overlay adopted and imposed pursuant to Section 3.A are set forth in Exhibit A, attached hereto and incorporated by reference.

Section 4. Duration. The interim regulations established in Section 3 above shall be in effect for a period of six (6) months from the effective date of this Ordinance (to and through September 14, 2022) and shall automatically expire at the end of that day unless repealed, modified, or extended (after subsequent public hearing if extended), and entry of appropriate findings of fact as provided in RCW 35A.63.220 and RCW 36.70A.390.

Section 5. Authorization of City Manager. The City Manager is hereby authorized and directed to move forward with the Planning Commission's review of appropriate development regulations relating to the TOD District Overlay area, and to bring its recommendation to the City Council for consideration and potential adoption.

Section 6. Transmittal of Ordinance. The City Manager is directed to transmit this ordinance to the Washington State Department of Commerce as required by law.

Section 7. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, the remainder of the ordinance, or the application of the provision to other persons or circumstances, is not affected.

Section 8. Designation of Emergency Ordinance; Immediate Effective Date. Pursuant to RCW 35A.13.190, the City Council declares and designates this ordinance as a public emergency ordinance necessary for the protection of the public health, public safety, public property, or the public peace. Upon adoption of this ordinance by a majority plus one of the whole membership of the council, this ordinance shall take effect and be in full force immediately upon its adoption. Pursuant to Matson v. Clark County Board of Commissioners, 79 Wn. App. 641, 904 P.2d 317 (1995), underlying facts necessary to support this emergency declaration are included in the recitals set forth above, which are adopted by reference.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 14th DAY OF FEBRUARY 2022.

CITY OF KENMORE

Mayor Nigel Herbig

ATTEST/AUTHENTICATED:

Anastasiya Warhol, City Clerk

Approved as to form:

Dawn Reitan, City Attorney

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
ORDINANCE NO.: 22-0543
DATE OF PUBLICATION:
EFFECTIVE DATE: 2/14/22

EXHIBIT A

Chapter 18.29

TRANSIT ORIENTED DEVELOPMENT (TOD) DISTRICT OVERLAY

Sections:

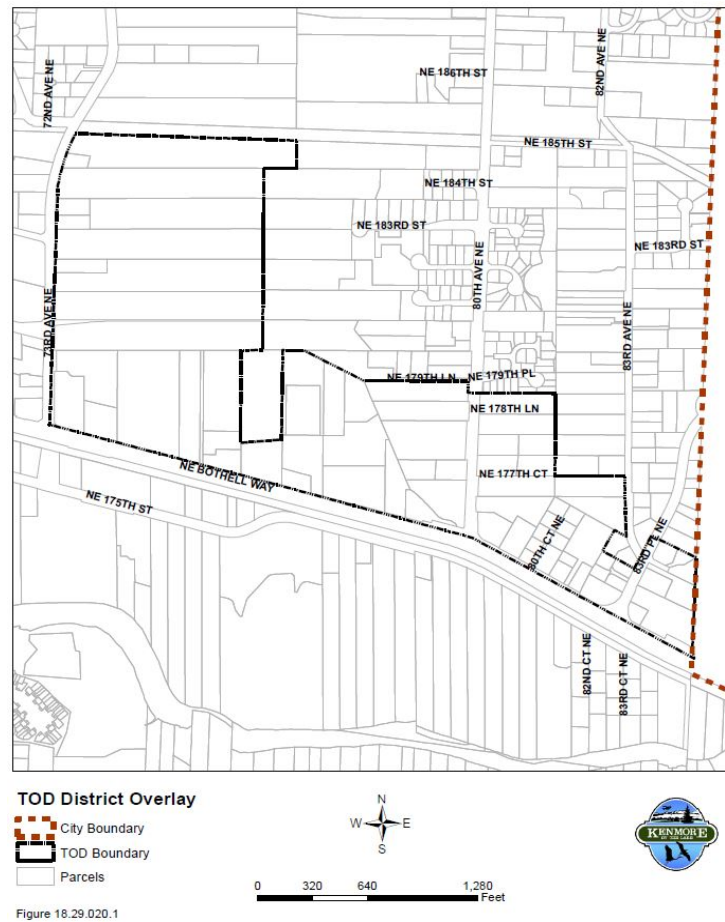
- [18.29.010 Intent.](#)
- [18.29.020 Area.](#)
- [18.29.030 Applicability.](#)
- [18.29.040 Use allowances.](#)
- [18.29.050 Zoning standards.](#)
- [18.29.055 Wireless communication facilities.](#)
- [18.29.060 Affordable housing requirements.](#)
- [18.29.070 Parking.](#)
- [18.29.080 Design requirements.](#)
- [18.29.090 Connectivity requirements.](#)
- [18.29.100 Significant tree grove retention.](#)

18.29.010 Intent.

The purpose of the transit oriented development (TOD) district overlay is to reinforce the City's planned concentration of pedestrian-oriented mixed use development at intensities that support and are supported by multi-modal transportation options, including high capacity transit. The TOD district overlay revitalizes the City's core by creating incentives and opportunities for a mix of jobs and residences, cultivates a respectful relationship among development within the district, the natural environment, and nearby traditional neighborhoods, and provides a framework for future infrastructure and service decisions. The TOD district overlay provides public benefits in the form of encouraging housing affordable to all economic groups, increased pedestrian connectivity, quality design, and incentive to preserve significant tree groves where they exist. [Ord. 15-0406 § 1 (Att. A).]

18.29.020 Area.

The area of the TOD district overlay is shown on Figure 18.29.020.1. In order to develop under the TOD district overlay, at least 50 percent of a parcel shown on Figure 18.29.020.1 shall be located within the TOD district overlay.



18.29.030 Applicability.

A. The TOD district overlay is an incentive-based zoning overlay. Applicants who elect to develop under the provisions of the TOD district overlay shall adhere to all development standards set forth in this chapter; except that development standards not addressed in this chapter shall be governed by provisions of the underlying zone.

B. In order to be eligible to develop under the TOD district overlay regulations, a development application shall meet the following criteria:

1. The property must be located within the TOD district overlay area as described in KMC [18.29.020](#);

EXHIBIT A

2. The proposed development must either:

- a. Be considered a mixed use development as defined in KMC [18.20.1740](#); or
- b. Be a residential-only development or mixed use development with commercial permitted only on the ground floor if located in the R-12, R-18, or R-24 underlying zones, which are areas designated as primarily residential.

C. Eligible properties within the TOD district overlay that do not choose to develop under the provisions of this chapter shall comply with the provisions of the underlying zone in their entirety with the following exceptions:-

1. In the R-12, R-18, R-24, UC East, and DC zones in the TOD district overlay area, the minimum density for residential development shall be no less than the base density for the underlying zone;

2. Except in the R-1 zone, townhouse development shall be prohibited.

3. At least ten percent of the total number of units in the development shall be *low- or very low-income affordable housing units* subject to the standards in KMC Chapter 18.77.

18.29.040 Use allowances.

The following uses listed in Table A are identified as *permitted*, conditionally permitted or *prohibited uses* for properties electing to develop under provisions of the TOD district overlay.

All uses not specifically listed in this section shall be prohibited.

**Table A – TOD District Overlay
Use Allowances**

Permitted	Conditionally Permitted	Prohibited
Arts, entertainment, indoor ^{1,3}	Ambulatory surgery center ²	Adult entertainment business
Business service, standard ^{1,3}	Animal kennel/shelter ^{2,5}	Air transportation service
Day care	College/university ²	Arts, entertainment, outdoor

EXHIBIT A

**Table A – TOD District Overlay
Use Allowances**

Permitted	Conditionally Permitted	Prohibited
Eating and drinking place ¹	Fire or police facility ²	Auction house
Educational service ¹	Laboratory ²	Automotive sales and service, marine
Health care and social assistance ^{1,3}	Park	Automotive sales and service, nonmarine
Manufacturing, light ^{1,3,5}	Regional land use	Business service, intensive
Mobile food service ⁴	Religious institution ²	Cemetery, columbarium or mausoleum
Multiple-family dwelling ⁵	Supportive living facility ²	Community residential facility
Office ¹		Construction and trade
Personal service ^{1,3}		Family child-care home
Recreational facility, indoor ^{1,3}		Funeral home/crematory
Retail sales ^{1,3,5}		Hospital
Temporary lodging ^{1,3}		Manufactured housing community
		Manufacturing, heavy
		Marijuana business
		Recreational facility, outdoor
		Resource land use

EXHIBIT A

**Table A – TOD District Overlay
Use Allowances**

Permitted	Conditionally Permitted	Prohibited
		Retail sales, bulk
		Secure facility
		Single detached dwelling unit
		Standalone parking
		Transportation
		Utility facility
		Vehicle or equipment rental
		Vehicle refueling station
		Warehousing
		Wholesale trade

- ¹ Commercial use limitations in residentially oriented underlying zones: If these uses are proposed for property with underlying zoning of R-12, R-18, or R-24, then each use is limited to maximum 5,000 square feet per use and 15,000 square feet total contiguous nonresidential area within the development.
- ² Conditional use permit required in underlying urban corridor, downtown commercial, and public/semi-public zones. Prohibited in all other underlying zones within the TOD district overlay area.
- ³ Conditional use permit required in underlying R-12, R-18, R-24 zones. Permitted in underlying urban corridor, downtown commercial, and public/semi-public zones within the TOD district overlay area.
- ⁴ *Mobile food service* is permitted subject to the following requirements:
 - a. For a stand, location shall be on a sidewalk or near a storefront consistent with barrier-free regulations;

EXHIBIT A

- b. For a stand, location on the sidewalk or near a storefront shall provide for at least four feet of unobstructed sidewalk between the stand and the sidewalk edge for pedestrian movement;
- c. No permanent fencing, walls, or other structures are installed which hinder removal of the structure from the site;
- d. No required parking stall shall be blocked or rendered unusable as a result of the mobile *food service*;
- e. Safe ingress and egress to the site shall be maintained. Visibility for transportation and pedestrian access shall be maintained;
- f. The limited duration of the *mobile food service* shall be established as a condition of approval of any applicable permits; if accessory to a use, such operation is removed daily at the time of or prior to the close of business hours;
- g. A sign permit is required for exterior signage in accordance with the sign code, Chapter [18.42](#) KMC.

⁵ No *outdoor storage* of materials shall be permitted.

⁶ Townhouse development shall be prohibited.

[Ord. 19-0481 § 2 (Exh. A); Ord. 17-0438 § 2 (Att. A); Ord. 16-0426 § 5 (Att. C); Ord. 15-0406 § 1 (Att. A).]

18.29.050 Zoning standards.

The following development standards in Table B apply to properties electing to develop under provisions of the TOD district overlay:

Table B – TOD Overlay District Development Standards

STANDARD	REQUIREMENT
Minimum Density: Dwelling Units/Gross Acre	60 ¹
Maximum Density: Dwelling Units/Gross Acre	150 ¹
Maximum Height	65' ²

¹ Portions of any property developing under the TOD district overlay regulations with an underlying zoning of R-1 shall cluster development away from critical areas or

EXHIBIT A

corridors such as urban separators or the wildlife habitat network to the extent possible and the open space shall be placed in a separate tract that includes at least 50 percent of the site. The open space tract shall be permanent and meet the provisions of KMC [17.20.130](#)(B).

- ² Portions of any property developing under the TOD district overlay regulations that are within 50 feet of a single-family zone (R-1, R-4, R-6) shall have a maximum height of 35 feet within that area to provide a transition in height to the lower intensity uses.

[Ord. 15-0406 § 1 (Att. A).]

18.29.055 Wireless communication facilities.

Use allowances and development regulations for *wireless communication facilities* in the TOD district overlay shall be as specified in Chapter [18.60](#) KMC for the underlying zoning district.

[Ord. 16-0426 § 6 (Att. D).]

18.29.060 Affordable housing requirements.

For properties choosing to develop under the TOD district overlay, *development* shall provide affordable housing as described in Chapter [18.77](#) KMC. *Development* choosing to develop under the TOD district overlay shall not utilize the provisions of residential density incentives found in Chapter [18.80](#) KMC to achieve maximum densities. [Ord. 19-0481 § 2 (Exh. A); Ord. 15-0406 § 1 (Att. A).]

18.29.070 Parking.

Parking in the TOD district overlay should be sufficient to support local businesses and residential development, while at the same time promoting transit ridership, walkable streets, and efficient use of land. Proposed development choosing to develop under the TOD district overlay shall provide parking as follows:

A. Minimum parking requirements for nonresidential uses may be reduced to 75 percent of the minimum requirement computed according to the provisions of KMC [18.40.030](#).

B. Minimum residential parking shall be supplied at the following ratios:

1. 1.0 parking spaces per market-rate dwelling unit, except as follows:

- a. Pioneer Project Incentive. For purposes of this section, a pioneer project consists of the first 100 bonus housing units provided in the city under the TOD district overlay regulations. The first 100 bonus housing units in a pioneer project(s) may elect to provide parking spaces for market rate bonus units at 0.6 parking spaces per dwelling unit.

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2. 1.0 additional parking space per every five market rate dwelling units shall be provided and designated as guest parking for use by all guests.

3. 0.6 parking spaces per dwelling unit for affordable or senior dwelling units.

4. Affordable housing shall be as defined under KMC [18.29.060](#). Senior housing shall be defined as housing restricted to those meeting the definition of "senior citizen" as found in KMC [18.20.2500](#).

C. The following factors shall count towards minimum parking standards for residential and nonresidential development:

1. On-street parking immediately adjoining a property proposed for development or provided as part of the proposed development may be counted toward the minimum parking requirement.

2. Minimum on-site parking may be reduced further by provisions of KMC [18.40.090](#)(B) for properties within the TOD district overlay that meet the requirements of KMC [18.40.090](#)(B) for accessibility to high frequency transit service.

3. Shared parking among uses is encouraged within the TOD district overlay. Developments that propose shared parking arrangements shall submit a parking management plan as defined in KMC [18.20.1995](#) that describes the terms and conditions of shared parking arrangements on site.

D. Parking Provided in Excess of Minimum. Provision of parking in excess of the minimum parking requirements outlined in subsections A and B of this section shall require the excess parking be included in a structured parking garage, or under building and screened from the street frontage, unless the additional parking is associated with a phased, mixed use development, is interim in nature, and is temporarily located on land reserved for future phases not yet built.

E. Maximum parking within the TOD district overlay shall not exceed the minimum requirement calculated under the provisions of KMC [18.40.030](#).

1. Applicants may be allowed to exceed the maximum parking if the applicant can produce a parking study that demonstrates probable on-site parking needs that are significantly higher than similar uses. This traffic study shall be subject to review by the city manager before approval for additional parking is granted. All parking granted in excess of the maximum shall be provided in a structured parking garage or under building and screened from the street frontage.

F. All other parking requirements shall be as provided in Chapter [18.40](#) KMC. [Ord. 16-0428 § 13 (Att. I); Ord. 15-0406 § 1 (Att. A).]

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18.29.080 Design requirements.

Development within the TOD district overlay shall comply with Standard 1 provisions of the downtown design standards, as set forth in Chapter [18.52](#) KMC.

In addition, the following design requirements shall apply:

A. Relational Setback Requirements. Any proposed development within the TOD district overlay adjacent to an existing single-family zone (R-1, R-4, or R-6) shall be required to provide an interior ground-level setback of 15 feet on the side of the property facing the single-family zone, unless a larger setback is required in the underlying zone. In that event, the larger of the two setback requirements shall govern. The setback required by this subsection shall be landscaped with Type II landscaping as defined in KMC [18.35.040](#)(B) to provide a visual buffer. [Ord. 15-0406 § 1 (Att. A).]

18.29.090 Connectivity requirements.

The TOD district overlay should remove impediments to pedestrian use of the district and the downtown area by fostering the creation of an extensive network of sidewalks and pedestrian walkways.

Development proposals within the boundaries of the TOD district overlay that elect to develop under the provisions of this chapter shall:

A. Provide any direct pedestrian connections between proposed development and transit facilities, or arterials providing transit access in order to minimize walking distances to transit.

B. Comply with the downtown design standards pertaining to pedestrian walkways, as set forth in KMC [18.52.100](#).

C. Properties abutting water bodies (i.e., wetlands, rivers, lakes, or streams) shall provide a public access trail paralleling the water body from one property line to the next with setbacks that are consistent with the requirements of KMC Title [16](#) and Chapter [18.55](#) KMC. The public access trail shall connect to a public right-of-way.

1. Where a development proposal abuts a property with a public access trail segment, the public access segment on the subject property shall connect to abutting property public access segment(s).

2. The public access easement for public access trails shall be documented on the face of the plat or plan and recorded with the King County Department of Records and Elections. Public access easements shall run with the land in perpetuity. [Ord. 15-0406 § 1 (Att. A).]

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18.29.100 Significant tree grove retention.**A. Definitions.**

1. Significant Tree Grove Definition. A “significant tree grove” shall consist of two or more trees with a minimum of five and one-half tree units total. A qualifying tree has two tree units minimum. The maximum distance measured in feet between qualifying trees shall be equal to two times the critical root zone in order to be defined as a significant tree grove. For example a 24-inch d.b.h. tree must be within 24 feet of another tree in the grove to be included in the significant tree grove. A tree of any size that is topped or considered a “hazard tree” as defined in KMC [18.20.3084](#) may not qualify as part of a significant tree grove as herein defined. For purposes of this chapter, a significant tree grove may not contain trees that are located within a critical area or critical area buffer protected under Chapter [18.55](#) KMC. A significant tree grove is not the same as a “grove,” as defined in KMC [18.20.1273](#).

2. Tree Units. See KMC [18.57.060](#)(A) for translation of diameter at breast height (d.b.h.) to tree units.

B. Applicability.

1. If the underlying zone within the TOD district overlay requires tree retention as provided in Chapter [18.57](#) KMC, then the provisions of Chapter [18.57](#) KMC shall be retained. If Chapter [18.57](#) KMC exempts a property from tree retention then it shall remain exempt.

2. Development proposals within the boundaries of the TOD district overlay that elect to develop under the provisions of this chapter shall be eligible to benefit from providing less parking or more dwelling units or any combination of the two if the development retains one or more significant tree grove(s) as defined in this section in perpetuity. A development may be able to benefit from both reduced parking and additional dwelling units by preserving a significant tree grove so long as the same tree credits are not counted towards both reductions in parking and additional bonus dwellings. Trees or groves retained through the provision of Chapter [18.57](#) KMC may count towards the significant tree grove retention if they meet the definitions found in subsection A of this section.

3. Tree on Property Line. In instances where one or more trees that would qualify as part of a significant tree grove is located on a property line such that the tree is on more than one property, and the properties are in separate ownerships, the tree shall qualify to be counted as part of a separate tree grove by each property owner.

C. Reduced Parking. In order to retain qualifying significant tree groves, required parking may be reduced at the maximum rate of one stall per each five and one-half tree units. Parking

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quantities may be reduced up to a maximum of 20 percent from the parking requirement after other reductions are applied, if any.

D. Residential Bonus Units. In order to retain qualifying significant tree groves, residential units are offered at the rate of one bonus unit per each 11 tree units preserved. Grove bonus units are not included in maximum unit density calculations. Grove bonus units are not subject to the affordability requirements of KMC [18.29.060](#).

E. Significant Tree Grove Preservation Requirements.

1. Tree Protection Plan Required. A tree protection plan as identified in KMC [18.57.050](#) shall be required for any development application proposing to protect one or more significant tree groves through this section.
2. Recorded on Title. The map of significant tree groves preserved through this section, along with a covenant preventing removal, shall be recorded and shown on the property title.
3. Subject to Tree Protection Measures of Chapter [18.57](#) KMC. Significant tree groves protected under this section shall be subject to the tree protection measures during construction found in KMC [18.57.090](#), the post-construction replacement, financial guarantee, and maintenance requirements of KMC [18.57.100](#), and the penalties and enforcement of KMC [18.57.110](#). [Ord. 15-0406 § 1 (Att. A).]



City Council Business Agenda Item
City of Kenmore, WA

<p>Subject/Topic: Public Hearing regarding Ordinance 22-0543 adopting six-month interim regulations for development within the Transit Oriented Development (TOD) District Overlay</p> <p>Proposed Council Action/Motion: Following conclusion of the Public Hearing and Council discussion. Motion to adopt Ordinance 22-0543 repealing the six-month moratorium (Ordinance 21-0533 add 21-0535) and establishing interim regulations for a six-month period for development within the Transit Oriented Development (TOD) District Overlay Area</p>	<p>For Council Meeting Agenda of: 2/14/22</p> <p>Department: Community Development</p> <p>Prepared by: Debbie Bent, Community Development Director</p> <p style="text-align: right;"><u>Initial & Date</u></p> <p>Approved by Department Head: <u>1/24/22</u></p> <p>Approved by City Attorney: <u>e-mail 1/18/22</u></p> <p>Approved by Finance Director: <u>N/A</u></p> <p>Approved by City Manager: <u>1/25/22</u></p> <p>Exhibits/Attachments:</p> <ol style="list-style-type: none"> 1) Ordinance 22-0543 2) Exhibit A to Ordinance 22-0543 (interim regulations)
<p><u>INFORMATION/BACKGROUND:</u> A Public Hearing is scheduled for 2/14/22 to receive public testimony justifying the imposition of interim regulations for the Transit Oriented Development (TOD) District and repeal of the six-month moratorium (due to expire 2/16/22) for development with the TOD District. Staff recommends that following conclusion of the hearing and council discussion, that Council adopts a motion repealing the moratorium and adopting interim regulations (Ordinance 22-0543, see Attachments #1 and #2) with immediate effect.</p> <p>The findings and justification for imposition of interim regulations include providing additional time for the Planning Commission to review the City's TOD district regulations as part of the State-mandated Comprehensive Plan update. The purpose of the TOD district Overlay is to reinforce the City's planned concentrations of pedestrian-oriented mixed-use development at intensities that support and are supported by multi-modal transportation options, including high-capacity transit. Adoption of interim regulations allows certain development applications at appropriate densities within the TOD District Overlay consistent with the City's long-range planning, prior to completion of the City's regulatory review process. The interim regulations prohibit townhome development, and for properties that do not choose to develop under the TOD provisions they must meet the base density of the underlying zone and include at least 10% of the total number of units as affordable units. The Planning Commission recommendations for the TOD District are anticipated to be provided to Council in June.</p> <p>Background on the Moratorium: The City became aware of the potential of lower density projects within the TOD District Overlay area, which would interfere with the City's intended planning for the TOD District Overlay area. Without a moratorium, the City could receive applications for permit approvals to develop in the</p>	

TOD District Overlay area prior to completion of the City's regulatory review process, and such an action would conflict with the City's long-range planning.

On 8/16/21 Council adopted public emergency Ordinance 21-0533 that established an immediate effective date for a six-month moratorium (to and through 2/16/22) on the application for intake of, review or issuance of any development or permit or approval for the establishment, location and/or construction of any development within the Transit Oriented Development (TOD) District Overlay Area (TOD Moratorium). Ordinance 21-0533 also established a public hearing date of 9/27/21 to take public testimony and consider adopting further findings justifying the imposition of the moratorium.

Following a public hearing 9/27/21 Council adopted Ordinance 21-0535 amending Section 2 of Ordinance 21-0533 adding an additional exemption to the moratorium for Building permit applications for or the construction of transitional housing or permanent supportive housing or building permit applications for or the construction of indoor emergency shelters and indoor emergency housing.

FISCAL CONSIDERATION: Staff time to work with the Planning Commission and Council on review of the City's TOD district regulations.

COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:

2021—2022 Council Priorities:

#11 Engage and educate the community on growth and development in Kenmore.

**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 22-0543**

**AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON,
ADOPTING SIX-MONTH INTERIM REGULATIONS WITHIN THE
TRANSIT OVERLAY DEVELOPMENT (TOD) DISTRICT; REPEALING
ORDINANCE NOS. 21-0533 AND 21-0535; DECLARING AN
EMERGENCY AND ESTABLISHING AN IMMEDIATE EFFECTIVE
DATE**

WHEREAS, the City Council adopted Ordinance 15-0406, which established the Transit Oriented Development (TOD) District Overlay, which is codified at Chapter 18.29 of the Kenmore Municipal Code (KMC); and

WHEREAS, the purpose of the TOD District Overlay is to reinforce the City's planned concentrations of pedestrian-oriented mixed-use development at intensities that support and are supported by multi-modal transportation options, including high-capacity transit; and

WHEREAS, the City has directed the Planning Commission to review the City's TOD District Overlay regulations as part of the State-mandated Comprehensive Plan update; and

WHEREAS, the City became aware of the potential of lower density projects within the TOD District Overlay area, which would interfere with the City's intended planning for the TOD District Overlay area; and

WHEREAS, on August 16, 2021 the City Council adopted public emergency Ordinance 21-0533 that established an effective date for a six-month moratorium to and through February 16, 2022 to give the Planning Commission sufficient time to hold a hearing, complete planning for the TOD District Overlay area, and provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay; and

WHEREAS, on September 27, 2021 following a public hearing held by the City Council on the six-month moratorium, the Council adopted Ordinance 21-0535 amending Section 2 of Ordinance 21-0533 to allow an additional exemption for building permit applications for or the construction of transitional housing or permanent supportive housing or building permit application for or the construction of indoor emergency housing; and

WHEREAS, additional time is necessary for the Planning Commission to hold a public hearing, complete planning for the TOD District Overlay area, provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay and for Council to consider the recommendation; and

WHEREAS, repeal of the moratorium (Ordinance 21-0533 and Ordinance 21-0535) and immediate adoption of interim regulations allows certain development applications at appropriate densities within the TOD District Overlay consistent with the City's long-range planning, prior to completion of the City's regulatory review process; and

WHEREAS, the City Council deems it to be in the best interest of the public, and necessary for the protection of the public health, safety, property, or peace, to establish immediate interim regulations on the acceptance, review, and approval of permits for the establishment, location, and/or construction of any development within the TOD District Overlay; and

WHEREAS, the regulation of zoning and land use are valid exercises of the City's police powers under Article XI, Section 11 of the Washington State Constitution, and such police powers grant the City Council authority to adopt a moratorium; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorize the City Council, as the governing body, to adopt interim regulations on development or land use for six-months; and

WHEREAS, as provided in RCW 35A.63.220 and RCW 36.70A.390, the City Council advertised and held a public hearing on February 14, 2022 to take public testimony and consider adopting further findings justifying the imposition of interim regulations; and

WHEREAS, RCW 35A.13.190 provides that an ordinance may be made effective upon adoption if passed by a majority plus one of the whole membership of the council, and if designated as a public emergency ordinance necessary for the protection of the public health, public safety, public property or public peace; and

WHEREAS, pursuant to RCW 35A.13.190, the City Council finds that this ordinance is a public emergency ordinance necessary for the protection of public health, public safety, public property, or public peace for the reasons set forth herein;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON ORDAINS AS FOLLOWS:

Section 1. Findings. The City Council adopts the recitals set forth above, which are incorporated by reference, as findings in support of the interim regulations and declaration of this ordinance as a public emergency ordinance.

Section 2. Repeal of the Moratorium. The City Council hereby repeals Ordinance Nos. 21-0533 and Ordinance 21-0535, which established and amended the six-month moratorium.

Section 3. Interim Regulations.

A. Adoption. Pursuant to the City's police powers under Article XI, Section 11 of the Washington State Constitution, RCW 35A.63.220, and RCW 36.70A.390, interim regulations are hereby adopted and imposed on the application for, intake of, review of, or issuance of any approval and/or development permit, including, but not limited to, building permits, site plan review, etc., for the establishment, location and/or construction of any development within the Transit Oriented Development (TOD) District Overlay area, as shown and depicted in KMC 18.29.020. The term "development" means the same as defined in KMC 18.20.715. The term "development permit" means the same as defined in KMC 18.20.735.

B. Exemptions. The interim regulations adopted by this Ordinance only apply to new development permit applications.

C. Adopted Interim Regulations: Interim regulations for the TOD District Overlay adopted and imposed pursuant to Section 3.A are set forth in Exhibit A, attached hereto and incorporated by reference.

Section 4. Duration. The interim regulations established in Section 3 above shall be in effect for a period of six (6) months from the effective date of this Ordinance (to and through September 14, 2022) and shall automatically expire at the end of that day unless repealed, modified, or extended (after subsequent public hearing if extended), and entry of appropriate findings of fact as provided in RCW 35A.63.220 and RCW 36.70A.390.

Section 5. Authorization of City Manager. The City Manager is hereby authorized and directed to move forward with the Planning Commission's review of appropriate development regulations relating to the TOD District Overlay area, and to bring its recommendation to the City Council for consideration and potential adoption.

Section 6. Transmittal of Ordinance. The City Manager is directed to transmit this ordinance to the Washington State Department of Commerce as required by law.

Section 7. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, the remainder of the ordinance, or the application of the provision to other persons or circumstances, is not affected.

Section 8. Designation of Emergency Ordinance; Immediate Effective Date. Pursuant to RCW 35A.13.190, the City Council declares and designates this ordinance as a public emergency ordinance necessary for the protection of the public health, public safety, public property, or the public peace. Upon adoption of this ordinance by a majority plus one of the whole membership of the council, this ordinance shall take effect and be in full force immediately upon its adoption. Pursuant to Matson v. Clark County Board of Commissioners, 79 Wn. App. 641, 904 P.2d 317 (1995), underlying facts necessary to support this emergency declaration are included in the recitals set forth above, which are adopted by reference.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 14th DAY OF FEBRUARY 2022.

CITY OF KENMORE

Mayor Nigel Herbig

ATTEST/AUTHENTICATED:

Anastasiya Warhol, City Clerk

Approved as to form:

Dawn Reitan, City Attorney

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
ORDINANCE NO.: 22-0543
DATE OF PUBLICATION:
EFFECTIVE DATE: 2/14/22

EXHIBIT A

Chapter 18.29

TRANSIT ORIENTED DEVELOPMENT (TOD) DISTRICT OVERLAY

Sections:

- [18.29.010 Intent.](#)
- [18.29.020 Area.](#)
- [18.29.030 Applicability.](#)
- [18.29.040 Use allowances.](#)
- [18.29.050 Zoning standards.](#)
- [18.29.055 Wireless communication facilities.](#)
- [18.29.060 Affordable housing requirements.](#)
- [18.29.070 Parking.](#)
- [18.29.080 Design requirements.](#)
- [18.29.090 Connectivity requirements.](#)
- [18.29.100 Significant tree grove retention.](#)

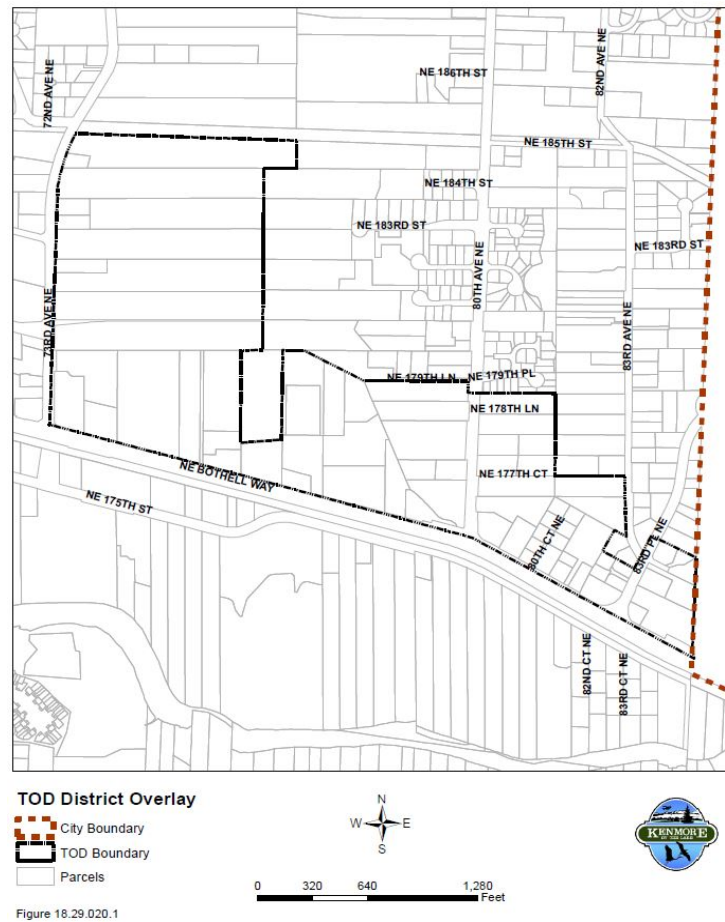
18.29.010 Intent.

The purpose of the transit oriented development (TOD) district overlay is to reinforce the City's planned concentration of pedestrian-oriented mixed use development at intensities that support and are supported by multi-modal transportation options, including high capacity transit. The TOD district overlay revitalizes the City's core by creating incentives and opportunities for a mix of jobs and residences, cultivates a respectful relationship among development within the district, the natural environment, and nearby traditional neighborhoods, and provides a framework for future infrastructure and service decisions. The TOD district overlay provides public benefits in the form of encouraging housing affordable to all economic groups, increased pedestrian connectivity, quality design, and incentive to preserve significant tree groves where they exist. [Ord. 15-0406 § 1 (Att. A).]

18.29.020 Area.

The area of the TOD district overlay is shown on Figure 18.29.020.1. In order to develop under the TOD district overlay, at least 50 percent of a parcel shown on Figure 18.29.020.1 shall be located within the TOD district overlay.

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[Ord. 19-0481 § 2 (Att. A); Ord. 15-0406 § 1 (Att. A).]

18.29.030 Applicability.

A. The TOD district overlay is an incentive-based zoning overlay. Applicants who elect to develop under the provisions of the TOD district overlay shall adhere to all development standards set forth in this chapter; except that development standards not addressed in this chapter shall be governed by provisions of the underlying zone.

B. In order to be eligible to develop under the TOD district overlay regulations, a development application shall meet the following criteria:

1. The property must be located within the TOD district overlay area as described in KMC [18.29.020](#);

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2. The proposed development must either:

- a. Be considered a mixed use development as defined in KMC [18.20.1740](#); or
- b. Be a residential-only development or mixed use development with commercial permitted only on the ground floor if located in the R-12, R-18, or R-24 underlying zones, which are areas designated as primarily residential.

C. Eligible properties within the TOD district overlay that do not choose to develop under the provisions of this chapter shall comply with the provisions of the underlying zone in their entirety with the following exceptions:-

1. In the R-12, R-18, R-24, UC East, and DC zones in the TOD district overlay area, the minimum density for residential development shall be no less than the base density for the underlying zone;

2. Except in the R-1 zone, townhouse development shall be prohibited.

3. At least ten percent of the total number of units in the development shall be *low- or very low-income affordable housing units* subject to the standards in KMC Chapter 18.77.

18.29.040 Use allowances.

The following uses listed in Table A are identified as *permitted*, conditionally permitted or *prohibited uses* for properties electing to develop under provisions of the TOD district overlay.

All uses not specifically listed in this section shall be prohibited.

**Table A – TOD District Overlay
Use Allowances**

Permitted	Conditionally Permitted	Prohibited
Arts, entertainment, indoor ^{1,3}	Ambulatory surgery center ²	Adult entertainment business
Business service, standard ^{1,3}	Animal kennel/ shelter ^{2,5}	Air transportation service
Day care	College/ university ²	Arts, entertainment, outdoor

EXHIBIT A

**Table A – TOD District Overlay
Use Allowances**

Permitted	Conditionally Permitted	Prohibited
Eating and drinking place ¹	Fire or police facility ²	Auction house
Educational service ¹	Laboratory ²	Automotive sales and service, marine
Health care and social assistance ^{1,3}	Park	Automotive sales and service, nonmarine
Manufacturing, light ^{1,3,5}	Regional land use	Business service, intensive
Mobile food service ⁴	Religious institution ²	Cemetery, columbarium or mausoleum
Multiple-family dwelling ⁵	Supportive living facility ²	Community residential facility
Office ¹		Construction and trade
Personal service ^{1,3}		Family child-care home
Recreational facility, indoor ^{1,3}		Funeral home/crematory
Retail sales ^{1,3,5}		Hospital
Temporary lodging ^{1,3}		Manufactured housing community
		Manufacturing, heavy
		Marijuana business
		Recreational facility, outdoor
		Resource land use

EXHIBIT A

**Table A – TOD District Overlay
Use Allowances**

Permitted	Conditionally Permitted	Prohibited
		Retail sales, bulk
		Secure facility
		Single detached dwelling unit
		Standalone parking
		Transportation
		Utility facility
		Vehicle or equipment rental
		Vehicle refueling station
		Warehousing
		Wholesale trade

- ¹ Commercial use limitations in residentially oriented underlying zones: If these uses are proposed for property with underlying zoning of R-12, R-18, or R-24, then each use is limited to maximum 5,000 square feet per use and 15,000 square feet total contiguous nonresidential area within the development.
- ² Conditional use permit required in underlying urban corridor, downtown commercial, and public/semi-public zones. Prohibited in all other underlying zones within the TOD district overlay area.
- ³ Conditional use permit required in underlying R-12, R-18, R-24 zones. Permitted in underlying urban corridor, downtown commercial, and public/semi-public zones within the TOD district overlay area.
- ⁴ *Mobile food service* is permitted subject to the following requirements:
- a. For a stand, location shall be on a sidewalk or near a storefront consistent with barrier-free regulations;

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- b. For a stand, location on the sidewalk or near a storefront shall provide for at least four feet of unobstructed sidewalk between the stand and the sidewalk edge for pedestrian movement;
- c. No permanent fencing, walls, or other structures are installed which hinder removal of the structure from the site;
- d. No required parking stall shall be blocked or rendered unusable as a result of the mobile *food service*;
- e. Safe ingress and egress to the site shall be maintained. Visibility for transportation and pedestrian access shall be maintained;
- f. The limited duration of the *mobile food service* shall be established as a condition of approval of any applicable permits; if accessory to a use, such operation is removed daily at the time of or prior to the close of business hours;
- g. A sign permit is required for exterior signage in accordance with the sign code, Chapter [18.42](#) KMC.

⁵ No *outdoor storage* of materials shall be permitted.

⁶ Townhouse development shall be prohibited.

[Ord. 19-0481 § 2 (Exh. A); Ord. 17-0438 § 2 (Att. A); Ord. 16-0426 § 5 (Att. C); Ord. 15-0406 § 1 (Att. A).]

18.29.050 Zoning standards.

The following development standards in Table B apply to properties electing to develop under provisions of the TOD district overlay:

Table B – TOD Overlay District Development Standards

STANDARD	REQUIREMENT
Minimum Density: Dwelling Units/Gross Acre	60 ¹
Maximum Density: Dwelling Units/Gross Acre	150 ¹
Maximum Height	65' ²

¹ Portions of any property developing under the TOD district overlay regulations with an underlying zoning of R-1 shall cluster development away from critical areas or

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corridors such as urban separators or the wildlife habitat network to the extent possible and the open space shall be placed in a separate tract that includes at least 50 percent of the site. The open space tract shall be permanent and meet the provisions of KMC [17.20.130](#)(B).

- ² Portions of any property developing under the TOD district overlay regulations that are within 50 feet of a single-family zone (R-1, R-4, R-6) shall have a maximum height of 35 feet within that area to provide a transition in height to the lower intensity uses.

[Ord. 15-0406 § 1 (Att. A).]

18.29.055 Wireless communication facilities.

Use allowances and development regulations for *wireless communication facilities* in the TOD district overlay shall be as specified in Chapter [18.60](#) KMC for the underlying zoning district.

[Ord. 16-0426 § 6 (Att. D).]

18.29.060 Affordable housing requirements.

For properties choosing to develop under the TOD district overlay, *development* shall provide affordable housing as described in Chapter [18.77](#) KMC. *Development* choosing to develop under the TOD district overlay shall not utilize the provisions of residential density incentives found in Chapter [18.80](#) KMC to achieve maximum densities. [Ord. 19-0481 § 2 (Exh. A); Ord. 15-0406 § 1 (Att. A).]

18.29.070 Parking.

Parking in the TOD district overlay should be sufficient to support local businesses and residential development, while at the same time promoting transit ridership, walkable streets, and efficient use of land. Proposed development choosing to develop under the TOD district overlay shall provide parking as follows:

A. Minimum parking requirements for nonresidential uses may be reduced to 75 percent of the minimum requirement computed according to the provisions of KMC [18.40.030](#).

B. Minimum residential parking shall be supplied at the following ratios:

1. 1.0 parking spaces per market-rate dwelling unit, except as follows:

- a. Pioneer Project Incentive. For purposes of this section, a pioneer project consists of the first 100 bonus housing units provided in the city under the TOD district overlay regulations. The first 100 bonus housing units in a pioneer project(s) may elect to provide parking spaces for market rate bonus units at 0.6 parking spaces per dwelling unit.

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2. 1.0 additional parking space per every five market rate dwelling units shall be provided and designated as guest parking for use by all guests.

3. 0.6 parking spaces per dwelling unit for affordable or senior dwelling units.

4. Affordable housing shall be as defined under KMC [18.29.060](#). Senior housing shall be defined as housing restricted to those meeting the definition of "senior citizen" as found in KMC [18.20.2500](#).

C. The following factors shall count towards minimum parking standards for residential and nonresidential development:

1. On-street parking immediately adjoining a property proposed for development or provided as part of the proposed development may be counted toward the minimum parking requirement.

2. Minimum on-site parking may be reduced further by provisions of KMC [18.40.090](#)(B) for properties within the TOD district overlay that meet the requirements of KMC [18.40.090](#)(B) for accessibility to high frequency transit service.

3. Shared parking among uses is encouraged within the TOD district overlay. Developments that propose shared parking arrangements shall submit a parking management plan as defined in KMC [18.20.1995](#) that describes the terms and conditions of shared parking arrangements on site.

D. Parking Provided in Excess of Minimum. Provision of parking in excess of the minimum parking requirements outlined in subsections A and B of this section shall require the excess parking be included in a structured parking garage, or under building and screened from the street frontage, unless the additional parking is associated with a phased, mixed use development, is interim in nature, and is temporarily located on land reserved for future phases not yet built.

E. Maximum parking within the TOD district overlay shall not exceed the minimum requirement calculated under the provisions of KMC [18.40.030](#).

1. Applicants may be allowed to exceed the maximum parking if the applicant can produce a parking study that demonstrates probable on-site parking needs that are significantly higher than similar uses. This traffic study shall be subject to review by the city manager before approval for additional parking is granted. All parking granted in excess of the maximum shall be provided in a structured parking garage or under building and screened from the street frontage.

F. All other parking requirements shall be as provided in Chapter [18.40](#) KMC. [Ord. 16-0428 § 13 (Att. I); Ord. 15-0406 § 1 (Att. A).]

EXHIBIT A

18.29.080 Design requirements.

Development within the TOD district overlay shall comply with Standard 1 provisions of the downtown design standards, as set forth in Chapter [18.52](#) KMC.

In addition, the following design requirements shall apply:

A. Relational Setback Requirements. Any proposed development within the TOD district overlay adjacent to an existing single-family zone (R-1, R-4, or R-6) shall be required to provide an interior ground-level setback of 15 feet on the side of the property facing the single-family zone, unless a larger setback is required in the underlying zone. In that event, the larger of the two setback requirements shall govern. The setback required by this subsection shall be landscaped with Type II landscaping as defined in KMC [18.35.040](#)(B) to provide a visual buffer. [Ord. 15-0406 § 1 (Att. A).]

18.29.090 Connectivity requirements.

The TOD district overlay should remove impediments to pedestrian use of the district and the downtown area by fostering the creation of an extensive network of sidewalks and pedestrian walkways.

Development proposals within the boundaries of the TOD district overlay that elect to develop under the provisions of this chapter shall:

A. Provide any direct pedestrian connections between proposed development and transit facilities, or arterials providing transit access in order to minimize walking distances to transit.

B. Comply with the downtown design standards pertaining to pedestrian walkways, as set forth in KMC [18.52.100](#).

C. Properties abutting water bodies (i.e., wetlands, rivers, lakes, or streams) shall provide a public access trail paralleling the water body from one property line to the next with setbacks that are consistent with the requirements of KMC Title [16](#) and Chapter [18.55](#) KMC. The public access trail shall connect to a public right-of-way.

1. Where a development proposal abuts a property with a public access trail segment, the public access segment on the subject property shall connect to abutting property public access segment(s).

2. The public access easement for public access trails shall be documented on the face of the plat or plan and recorded with the King County Department of Records and Elections. Public access easements shall run with the land in perpetuity. [Ord. 15-0406 § 1 (Att. A).]

EXHIBIT A

18.29.100 Significant tree grove retention.**A. Definitions.**

1. Significant Tree Grove Definition. A “significant tree grove” shall consist of two or more trees with a minimum of five and one-half tree units total. A qualifying tree has two tree units minimum. The maximum distance measured in feet between qualifying trees shall be equal to two times the critical root zone in order to be defined as a significant tree grove. For example a 24-inch d.b.h. tree must be within 24 feet of another tree in the grove to be included in the significant tree grove. A tree of any size that is topped or considered a “hazard tree” as defined in KMC [18.20.3084](#) may not qualify as part of a significant tree grove as herein defined. For purposes of this chapter, a significant tree grove may not contain trees that are located within a critical area or critical area buffer protected under Chapter [18.55](#) KMC. A significant tree grove is not the same as a “grove,” as defined in KMC [18.20.1273](#).

2. Tree Units. See KMC [18.57.060](#)(A) for translation of diameter at breast height (d.b.h.) to tree units.

B. Applicability.

1. If the underlying zone within the TOD district overlay requires tree retention as provided in Chapter [18.57](#) KMC, then the provisions of Chapter [18.57](#) KMC shall be retained. If Chapter [18.57](#) KMC exempts a property from tree retention then it shall remain exempt.

2. Development proposals within the boundaries of the TOD district overlay that elect to develop under the provisions of this chapter shall be eligible to benefit from providing less parking or more dwelling units or any combination of the two if the development retains one or more significant tree grove(s) as defined in this section in perpetuity. A development may be able to benefit from both reduced parking and additional dwelling units by preserving a significant tree grove so long as the same tree credits are not counted towards both reductions in parking and additional bonus dwellings. Trees or groves retained through the provision of Chapter [18.57](#) KMC may count towards the significant tree grove retention if they meet the definitions found in subsection A of this section.

3. Tree on Property Line. In instances where one or more trees that would qualify as part of a significant tree grove is located on a property line such that the tree is on more than one property, and the properties are in separate ownerships, the tree shall qualify to be counted as part of a separate tree grove by each property owner.

C. Reduced Parking. In order to retain qualifying significant tree groves, required parking may be reduced at the maximum rate of one stall per each five and one-half tree units. Parking

EXHIBIT A

quantities may be reduced up to a maximum of 20 percent from the parking requirement after other reductions are applied, if any.

D. Residential Bonus Units. In order to retain qualifying significant tree groves, residential units are offered at the rate of one bonus unit per each 11 tree units preserved. Grove bonus units are not included in maximum unit density calculations. Grove bonus units are not subject to the affordability requirements of KMC [18.29.060](#).

E. Significant Tree Grove Preservation Requirements.

1. Tree Protection Plan Required. A tree protection plan as identified in KMC [18.57.050](#) shall be required for any development application proposing to protect one or more significant tree groves through this section.
2. Recorded on Title. The map of significant tree groves preserved through this section, along with a covenant preventing removal, shall be recorded and shown on the property title.
3. Subject to Tree Protection Measures of Chapter [18.57](#) KMC. Significant tree groves protected under this section shall be subject to the tree protection measures during construction found in KMC [18.57.090](#), the post-construction replacement, financial guarantee, and maintenance requirements of KMC [18.57.100](#), and the penalties and enforcement of KMC [18.57.110](#). [Ord. 15-0406 § 1 (Att. A).]



City Council Business Agenda Item
City of Kenmore, WA

<p>Subject/Topic: Residential Renter Protection Regulations, Discussion and Direction</p> <p>Proposed Council Action/Motion: Direction on which residential renter protection regulations to bring forward in a future ordinance</p>	<p>For Council Meeting Agenda of: 2/14/22</p> <p>Department: Community Development</p> <p>Prepared by: Debbie Bent, Community Development Director</p> <p>Initial & Date</p> <p>Approved by Department Head: DB 2/10/22</p> <p>Approved by City Attorney: email 2/4/22</p> <p>Approved by Finance Director: N/A</p> <p>Approved by City Manager: RK 2/10/22</p> <p>Exhibits/Attachments:</p> <ol style="list-style-type: none"> 1) Staff memo 12/20/21 2) Model Ordinance from the Transit Riders Union 3) King County Ordinance 19311 4) Seattle Ordinance 126451 5) Summary Table of Renter Protections (<i>revised</i>)
<p>INFORMATION/BACKGROUND: At the 2/14/22 Council meeting, staff is requesting policy direction on which renter protections Council are interested in pursuing. Some councilmembers have expressed interest in regulations in the King County renter protection ordinance and the policies of the Transit Riders Union Stay Housed Stay Healthy Campaign. Staff has invited representatives from the Transit Riders Union (Katie Wilson), Housing Justice Project (Edmund Witter), and the Rental Housing Association of Washington (Jim Henderson) to attend the meeting to provide information and answer questions. <u>The third column in the Summary Table (Attachment #5) referencing renter protections in other jurisdictions has been updated and corrected based on information provided by the Transit Riders Union. To avoid confusion, references to King County are clarified to refer to "unincorporated King County"; and several additions and deletions are made to ensure references to jurisdictions are correct.</u></p> <p>Following Council policy direction, staff will bring back an ordinance along with proposed amendments to the Kenmore Municipal code for Council consideration. Staff will work with the City attorney on drafting a proposed ordinance and regulations and confirm any procedural requirements. Depending on which renter protections Council wishes to pursue, staff may also need to bring back additional information about resources. For example, if Council wishes to implement a new rental unit registration and inspection program, this will likely require additional staff resources for inspection and enforcement. Another example, of the need for resources, would be relocation assistance, where local funds would need to be available. If Council adopts renter protections, an additional component to consider is outreach and communication which would also require additional funding or staffing resources.</p> <p>The 2019 American Community Survey (ACS) data, gives an estimated 2,423 renter-occupied units (27% of the total number of occupied units) and an estimated 5,351 renters (+/- 677) in Kenmore. The State residential landlord-tenant act is in the Revised Code of Washington (RCW Chapter 59.18). Some jurisdictions have adopted stronger renter tenant protections than state law.</p> <p>Attachment #1 (also included in the 1/8/22 Council retreat agenda packet) provides an overview of renter protections in Kenmore and renter protections adopted by other cities in King County. Attachment #2 is a Model Ordinance drafted by the King County Bar Association Housing Justice Project as a starting point for discussion of renter protections and which also aligns with the Transit Riders Union Stay Housed Stay Healthy Campaign. <u>The Housing Justice Project attorney may be providing further suggested edits to the Model Ordinance (Attachment #2) regarding rental unit inspection language to be consistent with regulations adopted in Seattle, Auburn and Burien.</u> Attachment #3 is King County's recent tenant protection ordinance which closely aligns with the Transit Riders Union Stay Housed Stay Healthy Campaign. Attachment #4 is the City of Seattle's ordinance regarding relocation displacement assistance which is another potential piece of renter protection legislation. Attachment #5 is a summary table of renter protections.</p>	

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The model ordinance (Attachment #2) collects some of the stronger policies in King County, including the following examples: the City of Auburn \$10 cap on late fees; the City of Seattle requirement for a 180-day notice of any rent increase; unincorporated King County cap on move-in fees at one month's rent and provision of installment plans. The model ordinance also goes beyond any existing legislation by suggesting a 5% rent increase trigger for relocation fees, compared with the 10% trigger in the City of Seattle legislation. Proposed state legislation this year includes HB2017 that would ban landlords from discriminating against people with a conviction history or formerly incarcerated, like Seattle's legislation. Also, HB 1904 would require 180-days' notice for rent increases over 3% and cap late fees at 1.5% of the monthly rent and HB2023 addresses unfair/deceptive/abusive practices by landlords.

Renter Protection Policies: The following is a summary of the types of renter protection policies that the Council could consider.

- a) Notice of rent increase required: Requires landlords to give a specific amount of notice prior to increasing rent ranging from 60 to 180 days.
- b) No rent increase if property in poor condition: Restricts a landlord from increasing the rent by any amount if the dwelling unit has defective conditions making the dwelling unit unlivable, if a request for repairs has not been completed, or is otherwise in violation of RCW 59.18.060.
- c) Cap on late fees: Establishes a cap on any fees for late payment of rent.
- d) Cap on move in fee: Establishes a cap on tenant's move in fees and security deposit to a specific amount.
- e) Right to payment plan: Requires landlords to accept payment plans ranging from 3 to 6 months for up-front moving costs like security deposit and last month's rent.
- f) Source of income discrimination prohibited: Prevents landlords from denying a tenant's application solely based on their source of income, such as social security, and requires landlords to accept public housing assistance.
- g) Rental unit registration inspection program: Require registration and inspection of rental units, often in response to a complaint, on a set schedule, or a combination of the two. Some cities have specific habitability standards regarding rental units.
- h) Just cause eviction program: Prevents landlords from evicting tenants without cause and gives specific notice requirements for terminating a tenancy depending on the reason for the termination.
- i) Right to relocation assistance: Requires financial assistance to give to low-income tenants who are displaced due to development related reasons, such as the demolition of a building. The assistance is paid by both the jurisdiction and landlord.
- j) Right to live with family: Requires landlords to allow a tenant's family to live in a unit, up to occupancy requirements in the building code.
- k) Criminal background checks prohibited: Limits landlord's ability to deny a tenant's application based on criminal history with some exceptions.
- l) Bans discrimination due to immigration status: Limits landlord's ability to make any inquiry regarding or based on the immigration or citizenship status of a tenant, prospective tenant, occupant, or prospective occupant of residential rental property.
- m) Bans requirement of social security number: Limits landlord's ability to require that any tenant, prospective tenant, occupant, or prospective occupant of rental property provide a social security number.
- n) Bans abusive, deceptive, and unfair practices in rental housing: For example, taking advantage of a lack of a tenant's understanding of tenancy or rights.

- o) Rent due date may be altered due to tenant's fixed income:
- p) Landlord may not demand child or person with disability to be signatory to lease if tenant of record is already a signatory. Under these circumstances a landlord cannot require these signatures.

If the Council pursues renter protection regulations, the Council may also want to consider an education and outreach component. The King County renter protection ordinance includes an outreach and education component. The King County Executive is required to develop standard notices to be used by landlords for tenancy terminations and evictions after, consulting with landlord and tenant organizations and then translated into the ten most common languages. The King County executive is also required to produce a tenant protections access plan and a landlord outreach plan including identification of funding and staffing resources.

FISCAL CONSIDERATION: Staff time.

COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:

2021—2022 Council Priorities: Priority #1 Increase and preserve the options for affordable housing stock



City Of Kenmore, Washington

Date: 12/20/21

To: Rob Karlinsey, City Manager

From: Debbie Bent, Community Development Director

Subject: Residential Tenant Protection

Residential tenant protection is a discussion topic for the January 2022 Council retreat agenda. The purpose of this memo is to provide the following: 1. A summary of residential tenant protections in Kenmore and 2. A summary of residential tenant protections adopted by cities in King County, tracked on the King County Regional Affordable Housing Dashboard.

1. **Kenmore Residential Tenant Protections:**

- a) **Notice of Rent Increase:** In 2019 Council adopted Ordinance 19-0484. This ordinance established a new chapter in the Kenmore Municipal Code (KMC), KMC Chapter 8.55 Notice of Rent Increase (link below)

[Chapter 8.55 NOTICE OF RENT INCREASE \(codepublishing.com\).](https://www.kenmorewa.gov/citycode/chapter-8.55-notice-of-rent-increase)

KMC 8.55.020 states “For any *rental agreement* or renewal of a *rental agreement* for a residential *rental unit* in the City of Kenmore entered into after September 1, 2019, the *landlord* shall include or shall be deemed to include a provision requiring a minimum of 90 days’ prior written notice whenever the periodic or monthly housing costs to be charged a *tenant* are to increase by 10 percent or more over the periodic or monthly rental rate charged the same *tenant* for the same *rental unit* and same services for any period or month during the preceding 12-month period”.

- b) **Residential Tenant Protections Related to the COVID-19 Pandemic:** At the 6/14/21 Council meeting, Council adopted Ordinance 21-0525 Extending the Temporary Moratorium on Residential Tenant Evictions and Adopting Renter Protections and Eviction Defense Related to Covid-19. The ordinance included the following renter protections:
1. Creates a defense to eviction for rental debt accrued due to pandemic-related hardship.
 2. Creates a defense to eviction if a tenant has a rental assistance application in process.

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3. Bans late fees for rent that became due during the pandemic.
4. Requires landlords to certify that they have attempted to obtain rental assistance before filing for eviction due to unpaid rent accrued during the pandemic.

Ordinance 21-0536 adopted 9/27/21 does not amend the residential tenant protections and eviction defense due to the COVID-19 pandemic adopted by Ordinance 21-0525 on 6/14/21. Instead, it amends Section 2 of Ordinance 21-0525 to make it consistent with the 1/15/22 extension of the moratorium. The residential tenant protections and eviction defense provisions remain in effect if the Governor's State of Washington proclaimed State of Emergency due to COVID-19 (established 2/29/20) and the City's proclaimed emergency (3/5/20) and associated emergency rules also remain in effect.

2. **Residential Tenant Protections Adopted by Cities in King County:** The 2018 (revised March 2019) Regional Affordable Housing Task Force Report includes goals, strategies and a five year action plan to address the affordable housing crisis in King County, see following link [RAH_Report_Final.ashx \(kingcounty.gov\)](#). Pages 45 and 46 of this report describe the recommended strategies and plans for meeting Goal 4 "Preserve access to affordable homes for renters by supporting tenant protections to increase housing stability and reduce risk of homelessness." The report does not recommend specific rental protection measures. However, the Regional Affordable Housing Dashboard provides information on specific renter tenant protection measures adopted in King County.

At the 7/1/21 Council meeting, King County staff presented the Regional Affordable Housing Dashboard (see link below), including Kenmore data. The dashboard includes metrics on meeting goals, including Goal #4, tenant protections. The dashboard also includes a map to show where the status of different renter protection policies have been enacted as of December 2020. I have contacted King County staff to see if they have a spreadsheet that summarizes renter protection policies by jurisdiction.

[Regional Affordable Housing Dashboard - King County](#)

Renter protection policies adopted in King County jurisdictions include:

- a) **Notice of rent increase required:** Requires landlords to give a specific amount of notice prior to increasing rent ranging from 60 to 120 days. The dashboard shows 100% of the King County population are covered by this type of policy. As stated earlier in this memo, Kenmore's code requires 90 days' notice.
- b) **Source of income discrimination prohibited:** Prevents landlords from denying a tenant's application solely based on their source of income, such as social security, and requires landlords to accept public housing assistance. The dashboard shows 100% of the King County population are covered by this policy.

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- c) Rental inspection program: Cities require inspection of rental units, often in response to a complaint, on a set schedule, or a combination of the two. Some cities have specific habitability standards regarding rental units. The dashboard shows 47% of the King County population are covered by this type of policy. Kenmore does not have this policy.
- d) Just cause eviction program: Prevents landlords from evicting tenants without cause and gives specific notice requirements for terminating a tenancy depending on the reason for the termination. The dashboard shows 44% of the King County population are covered by this type of policy. Kenmore does not have this policy.
- e) Right to relocation assistance: Requires financial assistance to give to low-income tenants who are displaced due to development related reasons, such as the demolition of a building. The assistance is paid by both the jurisdiction and landlord. Mercer Island only requires relocation assistance for condo conversions. The dashboard shows that 41% of the King County population are covered by this type of policy. Kenmore does not have this policy.
- f) Right to payment plan: Requires landlords to accept payment plans ranging from 3 to 6 months for up-front moving costs like security deposit and last month's rent. The dashboard shows that 39% of the King County population are covered by this type of policy. Kenmore does not have this policy.
- g) Right to live with family: Requires landlords to allow a tenant's family to live in a unit, up to occupancy requirements in the building code. The dashboard shows that 38% of the King County population are covered by this type of policy. Kenmore does not have this policy.
- h) Criminal background checks prohibited: Limits landlord's ability to deny a tenant's application based on criminal history with some exceptions. The dashboard shows that 34% of the King County population are covered by this type of policy. Kenmore does not have this policy.

This ordinance does the following:

- Rent Increases must be provided 180 days before effective date
 - No increase in rent if property is in poor condition
 - Increases over 5% of monthly rent requires landlord to pay relocation assistance for economically displaced tenants
- Move-in fees are capped at one month's rent and provide installment plans
- Late fees are capped at \$10.00 per month
- Requires cause to evict as specified in the agreement
- Rent due date may be altered due to tenant's fixed income
- Landlord may not demand child or person with disability to be signatory to lease if tenant of record is already a signatory
- Bars discrimination due to immigration status and bars requirement of social security number
- Bans abusive, deceptive, and unfair practices in rental housing
- Creates a rental housing registration and inspection program

Sec. 1. A new section is hereby added:

(1) A landlord may not increase the rent or charge any non-rent charges except in accordance with this section:

(a) A landlord may not increase the rent of a tenant unless the landlord has provided the tenant with notice of the rent increase 180 days before such increase shall take effect.

(i) In the event of such an increase, the tenant may terminate the tenancy immediately upon surrendering the dwelling unit at any point prior to the increase taking effect. The tenant shall only owe pro rata rent through the date upon which the premises are surrendered. Any notice increasing the current rent shall inform the tenant that they may terminate the tenancy at any time and owe pro rata rent through the date the tenant surrenders the dwelling unit.

(ii) Any notice of a rent increase shall be served in accordance with RCW 59.12.040.

(iii) If the increase exceeds five percent or more of the current monthly rent and the tenant has to vacate as a result and notifies the landlord as such prior to the effective date, the landlord is required to pay three times the monthly rent amount to the tenant as economic displacement relocation assistance. Any notice of a rent increase must inform the tenant that an increase above five percent of the rent over a twelve month period, including over separate notices, requires the landlord to offer a payment to the tenant of three months of rent if the tenant should vacate prior to the increase taking effect.

(b) Any amount paid to the landlord by the tenant at the commencement of the tenancy charged for the purpose of procuring and obtaining a dwelling

unit, including the deposit or as security for performance of the tenant's obligations in a lease or rental agreement, must not exceed the allowable monthly rent as permitted by this chapter; upon forty-five days' notice to the landlord prior to termination of the rental agreement, the tenant may elect to have any such moneys paid to the landlord to be applied to the last month's rent. This section requires that any landlord, prior to entering into a rental agreement, offer at least a six month installment plan for any deposit or security payments. The first installment plan payment would not commence until move-in. (c) Any fees for late payment of rent shall not exceed \$10.00 per month. No other fees may be charged for late payment of rent, including for the service of any notice required under state law, or any legal costs, including court costs and attorney's fees. Any rental agreement provision providing for such fees shall be deemed void with respect to any provision prohibited by this subsection (c).

(d) A landlord shall not increase the rent to be charged to a tenant by any amount if the dwelling unit has defective conditions making the dwelling unit unlivable, if a request for repairs has not been completed, or is otherwise in violation of RCW 59.18.060. If the tenant believes the dwelling unit has defective conditions making the unit unlivable or is in violation of RCW 59.18.060, the tenant shall notify the landlord in writing in accordance with RCW 59.18.070 specifying the premises involved, the name of the owner, if known, and the nature of the defective condition before the effective date listed in the notice of rent increase.

Section 2. A new section is hereby added as follows:

(1) It is the intent of this section to require landlords to comply with tenant protection laws and to show good cause before taking action to terminate a tenancy or refusing to renew or continue the rental agreement after the expiration of the rental agreement.

(2) It shall be a defense against eviction that the landlord is, at time of eviction, in violation of any duties or prohibited actions under this Chapter.

(3) It shall be a defense against eviction or nonrenewal of the rental agreement that the landlord lacks good cause. Only the following justifications constitute good cause to terminate a tenancy or refuse to renew a lease against a tenant subject to this Chapter:

a. The tenant fails to pay rent, and meets all requirements for an unlawful detainer under state law, after receiving all notices required under state law and having failed to cure within the time required by state law and the tenant has not otherwise reinstated pursuant to RCW 59.18.410(2) by offering the rent owed plus any late fees or court costs incurred at the time of payment. However, this subsection shall not constitute grounds for eviction where there exist conditions that deprive the tenant or occupants of normal and habitable use of the dwelling unit.

b. The tenant substantially and materially breaches a non-monetary term of the rental agreement as mutually agreed to by the tenant, and meets all requirements for an unlawful detainer under state law, after receiving all notices required under state law and having failed to take reasonable steps to cure the breach within the time required by state law. No term may be enforced against the tenant unless the tenant has subscribed in writing to the term sought to be enforced.

c. The landlord in good faith, without ulterior reasons and with honest intent, seeks to remove the dwelling unit from the rental market for one of the following reasons, after providing the tenant with 120 day advanced written notice of the eviction: (i) the landlord or his or her immediate family seeks to occupy the dwelling unit as their principal residence and the landlord has exhausted all other options and no other similar residence is available; (ii) the landlord seeks to convert the dwelling unit to a condominium pursuant to RCW 64.34.440; (iii) the landlord seeks to demolish or substantially rehabilitate the dwelling unit; (iv) a governmental entity has prohibited the continued rental of the dwelling unit to the tenant; (v) the landlord intends to remove the dwelling unit within a single-family residence from the rental market for at least a 24 month period and has listed the dwelling unit for sale prior to evicting the tenant; or (vi) the landlord resides in the dwelling unit with the tenant and no longer wishes to cohabitate with the tenant. There is a rebuttable presumption that the landlord did not act in good faith if, after the landlord terminates the tenancy under this subsection (c) of this section, the landlord or their immediate family fails to occupy the unit as a principal residence for at least ninety consecutive days during the one hundred twenty days immediately after the tenant vacated. Moreover, if the landlord owns a similar vacant unit, and chooses instead to take possession of the dwelling unit occupied by a tenant, there shall be a rebuttable presumption that the landlord is acting in bad faith and shall be liable for penalties of four and one-half times the monthly rent of the dwelling unit at issue. A landlord may not recover possession pursuant to this subsection (c) more than once in any thirty-six (36) month period.

(4) These protections shall apply to any immediate family members residing within the dwelling unit and shall apply to such family members should the tenant permanently vacate the premises, whether voluntarily or involuntarily, except if the landlord has terminated the tenancy pursuant to this section. For purposes of this subsection (9), "immediate family" refers to spouses, parents, children, grandparents, grandchildren, great-grandparents, great-grandchildren, siblings, nieces, nephews, and intimate partners.

(5) All written notices required under this section must be served in a manner consistent with RCW 59.12.040 and all other relevant laws, including local statutes. Any notice served pursuant to this section shall identify the facts and circumstances that support the cause or causes with enough specificity for the tenant to be able to respond and assert any defense that may be available, including the names of witnesses, time and places of events, and other specific detail to fully apprise the tenant of the allegations therein. Failure to include information within the possession of

the landlord that would have permitted the tenant to assert a defense to the action shall bar the admissibility of any evidence with regard to any such information or facts at trial.

(6) Except as provided in subsections (3)(c) of this section, a notice may not form any part of any basis for an eviction action if more than sixty days have passed since issuance of the notice.

(7) A landlord may not coerce a tenant to sign a mutual termination agreement ending the tenancy. A tenant may rescind a mutual termination agreement by: (a) delivering written or electronic notice of rescission to the landlord within ten business days after signing the agreement; or (b) more than ten business days after signing the agreement by delivering written notice of rescission to the landlord if the tenant signed the agreement without representation by an attorney.

(8) A landlord may not alter the original terms and conditions of the rental agreement entered into at the inception of the tenancy except as to the duration of the term, the rental amount, or how utilities are to be charged; however, all rental agreements shall include a provision allowing tenants to adjust the due date of rent payments if the tenant has a fixed income source that the tenant receives on a date of the month that is incongruent with paying rent on the date otherwise specified in the rental agreement. A landlord shall not refuse to enter into a rental agreement with a prospective tenant because the prospective tenant requests such accommodations.

(9) Acceptance of rent shall waive any right to declare forfeiture or seek the eviction of any tenant for any prior breaches of the rental agreement or violations of this Chapter by the tenant, including for any basis for eviction in this section. Any rental agreement purporting to waive this subsection (9) shall be deemed null and void.

(10) Any notice to pay or vacate served under RCW 59.12.030(3) shall include within the notice in at least 16 point bold font the following information: "You have 14 days to pay the rent required by this notice. After 14 days, you may pay the rent but will have to include a late fee totaling at most \$10.00 per month for each month of rent owed. If the landlord has started a court case to evict you and the case is filed in court, you will need to pay court costs as well before the hearing date to avoid eviction."

(11) A landlord may not seek rent if the landlord has failed to notify the tenant by certified mail that rent was not received within fourteen days of the date rent is due; service of a notice pursuant to RCW 59.18.057 may be performed in lieu of a notice by certified mail that rent was not received if the amount sought in the notice is solely the most recent periodic or monthly rent due.

Section 3. A new section is hereby added as follows:

(1) Any tenant claiming injury from any violation of this chapter shall be entitled to bring an action in King County Superior Court or in any other court of competent jurisdiction to enforce the provisions of this chapter, and shall be entitled to all remedies available at law or

in equity appropriate to remedy any violation of this chapter, including declaratory or injunctive relief. A tenant who prevails in any action to enforce this chapter shall be awarded his or her costs, reasonable attorneys' fees, and expenses.

(2) A landlord who violates this chapter shall be liable for penalties of four and one-half times the monthly rent of the dwelling unit at issue.

(3) Failure of a landlord to comply with any of the provisions of this chapter shall provide the tenant with a defense in any legal action brought by the landlord to recover possession of the dwelling unit.

(4) A tenant or an organization representing tenants may seek injunctive relief on their own behalf or on behalf of other affected tenants.

(5) Remedies provided in this section are in addition to any other existing legal remedies and are not intended to be exclusive.

Section 4. A new section is hereby added as follows:

(1) A landlord shall not require a tenant to enter into a rental agreement, make as a condition of any rental agreement, or otherwise make the dwelling unit unavailable due to the tenant or prospective tenant's refusal to comply with the following rental terms or requests by the landlord:

(a) Any demand that any of the following occupants or prospective occupants of the household enter into and sign a rental agreement so as to be liable pursuant to its terms:

(i) The tenant's or prospective tenant's child, including those of majority age;

(ii) A person within the household who has a qualifying disability as defined by RCW 49.60.040(7).

(b) In the event the tenant of record vacates voluntarily or involuntarily except due to a termination of the tenancy by the landlord, any family members residing in the unit or other occupants who reside in the unit as a primary residence shall succeed to the rental agreement on the same terms and conditions in effect at the time the tenant of record vacated.

(c) Any rental agreement entered into in violation of this section shall be null and void.

(2) No landlord shall do any of the following:

(i) Make any inquiry regarding or based on the immigration or citizenship status of a tenant, prospective tenant, occupant, or prospective occupant of residential rental property;

- (ii) Require that any tenant, prospective tenant, occupant, or prospective occupant of the rental property make any statement, representation, or certification concerning his or her immigration or citizenship status;
- (iii) Require that any tenant, prospective tenant, occupant, or prospective occupant of rental property provide a social security number. Alternative proof of financial eligibility such as portable screening reports, or other proof of income must also be accepted, where available, must also be accepted if offered by the tenant; and
- (iv) Intimidate or harass any person due to alienage status, including, but not limited to, threatening to disclose information regarding or relating to the immigration or citizenship status of an occupant or prospective occupant to an authority or other person with the intent to harass or intimidate, undertaking or refusing to engage in a real estate transaction, including the refusal to rent or lease, or approve of a rental or lease of, a rental unit, representing that a rental unit is not available for inspection, sale, rental, or lease when it is in fact available, or applying different terms or conditions of a real estate transaction, including the setting of housing costs and the establishment of damage deposits, in furnishing the facilities or services in connection with such a transaction.

(a) Nothing in this section shall prohibit a rental housing owner or non-owner manager from either:

- (i) Complying with any legal obligation under federal law.
- (ii) Requesting information or documentation necessary to determine or verify the financial qualifications of a prospective tenant, or to determine or verify the identity of a prospective tenant or prospective occupant. However, if the rental housing owner or non-owner manager requests a social security number for verifying financial qualifications, other documentation sufficient to verify financial qualifications must also be accepted, such as portable screening reports, Individual Taxpayer Identification Number (ITIN) or other proof of income, and if a person is offering alternative means, the rental housing owner or non-owner manager must offer the same terms to the applicant as if a social security number was provided.

(c) A rental owner or non-owner manager shall inform any prospective resident or applicant seeking a rental unit of their right to provide alternative proof of financial qualifications on a form to be prescribed by the City within 60 days of enactment of this ordinance. Such form shall be signed by the prospective applicant.

(d) For purposes of this Section, "immigration or citizenship status" refers to the lawful or unlawful status of a person to remain in the United States.

(3) Landlords are prohibited from unfair or abusive acts or practices or deceptive acts or practices as defined in this subsection.

a) For the purposes of this subsection:

1. "Deceptive acts or practices" means representations, omissions, acts or practices that mislead or are likely to mislead a tenant; the tenant's interpretation of the representation, omission, act or practice is reasonable under the circumstances; and the

representation, omission, act or practice is material. "Deceptive acts or practices" includes threatening to evict a tenant for nonpayment of charges except as authorized by section 5 of this ordinance.

2. "Unfair or abusive acts or practices" means those representations, omissions, acts or practices that:

a. Materially interfere with the ability of any tenant to understand a term or condition of the rental agreement or the tenancy; or

b. Take unreasonable advantage of a lack of understanding on the part of the tenant regarding the conditions of the tenancy or rights under the law or the inability of the tenant to protect the tenant's interests

Section 5. A new section is hereby added as follows:

Purpose

The establishment of a rental housing safety inspection and registration program ("IRP") will protect the public health, safety, and welfare of tenants by requiring that rental housing meet standard living conditions. The IRP will help identify rental housing that does not meet liveable standards and require correction of any substandard housing conditions. The purpose of this program is to prevent conditions that create a health and safety risk or that would adversely impact the quality of life of renters.

Conflicts

This chapter shall apply in addition to the provisions of any other code provision or ordinance. Where there is a conflict, the provision which provides the most housing stability shall apply.

Scope

1. Rental Housing Registration. All properties containing rental housing units shall be registered with the Inspection and Registration Program. No one shall rent, subrent, lease, sublease, let, or sublet to any person or entity a rental housing unit without first obtaining and holding a current rental housing registration for the property where the rental housing unit is located. The registration shall identify all rental housing units on the property and shall be the only registration required for the rental housing units on the property. For condominiums and cooperatives, the property required to be registered shall be the individual housing unit being rented, and common areas accessible to the tenant of the housing unit, and not the entire condominium building, cooperative building, or development. If a property owner owns more than one housing unit in a condominium or cooperative building, the owner may submit a single registration application for the units owned in the building.

1. Fees for rental housing registration, renewal, or reinstatement, or other fees necessary to implement and administer the Rental Registration and Inspection Ordinance program, shall be adopted. A rental housing registration or renewal shall not be issued until all fees required under this provision have been paid.

2. The new owner of a registered property shall, within 60 days after the sale is closed on a registered property, update the current registration information and post or deliver the updated registration. When property is held in common with multiple owners, the registration shall be updated when more than 50 percent of the ownership changes.
3. The application for a rental housing registration shall be made to the IRP. The application shall include, but is not limited to:
 1. The address of the property;
 2. The name, address, and telephone number of the property owners;
 3. The name, address, and telephone number of the registration applicant if different from the property owners;
 4. The name, address, and telephone number of the person or entity the tenant is to contact when requesting repairs be made to their rental housing unit, and the contact person's business relationship to the owner;
 5. A list of all rental housing units on the property, identified by a means unique to each unit, that are or may be available for rent at any time;
 6. A declaration of compliance from the owner or owner's agent, declaring that all housing units that are or may be available for rent are listed in the registration application and meet or will meet livable standards before the units are rented; and
 7. A statement identifying whether the conditions of the housing units available for rent and listed on the application were established by declaration of the owner or owner's agent, or by physical inspection by a qualified rental housing inspector.
- d. A rental housing registration must be renewed according to the following procedures:
 - i. A registration renewal application and the renewal fee shall be submitted before the current registration expires;
 - ii. All information required by subsection (c)(1) shall be updated as needed; and,
 - iii. A new declaration as required by subsection (c)(1) shall be submitted.
- e. The landlord has 30 days to deliver a copy of the current rental housing registration to the tenants in each rental housing unit via certified mail. A copy of the current registration shall be provided by the property owner or owner's agent to all new tenants at or before the time they take possession of the rental housing unit. A failure to comply with this provision allows a tenant to terminate their current rental agreement so as to find housing they know is legally registered.
- f. If any of the information required by subsection (c)(1) changes during the term of a registration, the owner shall update the information within 60 days of the information changing to the IRP.
- g. Exempt Residential Housing Units. This chapter does not apply to the following residential housing units:
 - i. Owner-occupied single-family residences;
 - ii. Units unavailable for rent;

- iii. Owner-occupied mobile homes or manufactured homes, both as defined in Chapter 59.20 RCW;
- iv. Shelters; and
- v. Rental units that a government unit, agency, or authority owns, operates, or manages, or that are specifically exempted from such a registration requirement by state or federal law or administrative regulation. This exemption does not apply once the governmental ownership, operation, or management is discontinued.

2. Penalties

a. There shall be assessed a penalty of \$100.00 per day for each day that a rental housing unit operates without a valid and current registration for the first 10 days of noncompliance with this chapter, and up to \$400.00 per day for each day in excess of 10 days of noncompliance with this chapter.

3. Revocation of Rental Housing Registration. A registration issued to a residential rental housing unit or units may be denied or revoked for the following reasons:

- a. Failure to obtain a certificate of inspection as required by this chapter;
- b. The registration or certificate of inspection was procured by fraud or false representation of fact;
- c. The applicant or registration holder has failed to comply with any of the provisions of this chapter;
- d. The applicant or registration holder is in default in any fee due to the city under this chapter;
- e. Any other good reason set by the IRP
- f. The property is subject to a notice of violation for a code violation or violation of the Revised Code of Washington.

4. There is a 30 day appeal process. Any appeals would be directed to the IRP.

5. If a registration issued for a residential rental housing unit(s) is revoked, or an application for a license is denied, the landlord will be granted a business license only after:

- a. Any and all deficiencies on which the revocation or denial was based have been corrected;
- b. In the event an inspection has been required, the applicant has provided to the city a valid certificate of inspection that meets the requirements of this chapter; and
- c. The applicant pays a license fee as determined by ordinance.

Certificates of Inspection

(1) All residential rental properties subject to the requirements of this chapter must be inspected once every three years by a qualified rental housing inspector and will require a certificate of inspection within a time period established by the IRP.

(2) The IRP is authorized to create and publish a checklist to be used for declarations of compliance and inspections submitted or conducted under this chapter, and is authorized to include additional standards including, but not limited to, those within the building code, fire code, or RCW 59.18.060.

- (3) All certificates of inspection submitted under this chapter must state that all units subject to inspection have been inspected, and that all units inspected comply with the requirements of the checklist.
- (4) A certificate of inspection shall be based upon a physical inspection by the qualified rental housing inspector of the residential housing units conducted not more than 90 days prior to the date of the certificate of inspection.
- (5) The certificate of inspection shall list and show compliance with the minimum standards for each residential housing unit that was inspected using the checklist provided by the city and shall contain such other information as determined by the director to carry out the intent of this chapter.
- (6) Limitations and Conditions on Inspection of Units for Certificate of Inspection.
 - (a) The unit selection process shall be based on a methodology determined by the IRP that will further the purpose of this chapter.
 - (b) The city may only require a certificate of inspection on a rental property no more frequently than once every three years in accordance with RCW 59.18.125.
 - (c) A rental property that has received a certificate of occupancy within the last four years and has had no code violations reported on the property during that period is exempt from inspection.
 - (d) For properties that require an inspection, the owner or landlord must send written notice of the inspection to all units at the rental property. The notice must advise tenants that some of the units at the property will be inspected and that the tenants whose units need repairs or maintenance should send written notification to the landlord as provided in RCW 59.18.070. The notice must also advise tenants that if the landlord fails to adequately respond to the request for repairs or maintenance, the tenants may contact city of _____ officials. A copy of the notice must be provided to the inspector upon request on the day of inspection.
 - (e) If a rental property has 20 or fewer rental units, no more than four rental units at the rental property may be selected by the city to provide a certificate of inspection as long as the initial inspection reveals that no conditions exist that endanger or impair the health or safety of a tenant.
 - (f) If a rental property has 21 or more rental units, no more than 20 percent of the units, rounded up to the next whole number, on the rental property, and up to a maximum of 50 units at any one property, may be selected by the city to provide a certificate of inspection as long as the initial inspection reveals that no conditions exist that endanger or impair the health or safety of a tenant.
 - (g) If an owner or landlord is asked to provide a certificate of inspection for a sample of units on the rental property and a selected unit fails the initial inspection, the city may require up to 100 percent of the units on the rental property to provide a certificate of inspection.
 - (h) If a rental property has had conditions that endanger or impair the health or safety of a tenant reported since the last required inspection, the city may require 100 percent of the units on the rental property to provide a certificate of inspection.
 - (i) An inspector conducting an inspection under this chapter may only investigate a rental property as needed to provide a certificate of inspection.

Notice That Rental Is Unlawful When Certificate Not Provided.

When a certificate of inspection or a declaration of compliance is required for a specified residential housing unit under this chapter and a valid certificate of inspection or declaration of compliance has not been provided to the city, the IRP is authorized to notify the owner or landlord that until a valid certificate of inspection or declaration of compliance is provided to the city, it is unlawful to rent or to allow a tenant to continue to occupy the residential housing unit. It shall be unlawful to rent or allow a tenant to occupy or continue to occupy such unit. It shall also be a defense to an eviction that a proper notice of registration was not delivered to the tenant(s).

Other Inspections.

Nothing in this chapter precludes additional inspections conducted under RCW 59.18.150, other local ordinances, or at the request or consent of a tenant, pursuant to a warrant, or pursuant to the tenant remedy provided by RCW 59.18.115 of the Residential Landlord-Tenant Act.

IRP is authorized to make rules.

The IRP is authorized to adopt, publish, and enforce rules and regulations, consistent with this chapter and the standards in this chapter, for the purpose of carrying out the provisions of this chapter, and it is unlawful to violate or fail to comply with any such rule or regulation.

Correction notice prior to enforcement.

Before the city suspends or revokes a registration or imposes the penalties set forth in this chapter, an attempt shall be made to give the owner or landlord a written notice by personal service or by certified mail, return receipt requested, stating the existence of a violation, that enforcement action is contemplated, and that such person shall have a specified period of time in which to correct the violation.

Immediate health and safety threats.

Nothing in this chapter shall limit the city's ability to inspect properties and issue citations for property-related conditions that may constitute an immediate health or safety threat.

Immunity, no warranty by city, and no private right of action.

The purpose of this chapter is to promote the safety and welfare of the general public and not to create or designate any particular class of persons who will or should be specially protected by its terms. Nothing contained in this chapter is intended nor shall be construed to create any liability on the part of the city or its employees for any injury or damage resulting from the failure of an owner, landlord, inspector, or other individual to comply with the provisions of this chapter, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this chapter on the part of the city or its employees. By enacting and undertaking to enforce this chapter, neither the city, its agents or employees, nor the city council warrants or guarantees the safety, fitness, nor suitability of any dwelling in the city or any unit inspected under this program. Owners, landlords, and occupants shall take whatever steps they deem appropriate to protect their interest, health, safety, and welfare. Nothing contained in this chapter is intended to create a private right of action.

Section 6. A new section is hereby added as follows:

For the purposes of this Chapter:

- (1) "Dwelling unit" or "unit" is a structure or that part of a structure which is used as a home, residence, or sleeping place by one person or by two or more persons maintaining a common household, including but not limited to single-family residences, units of multiplexes, units of apartment buildings, and mobile homes.
- (2) "Eviction" or "evict" is an effort by the landlord to terminate or discontinue the tenancy through any means, including unlawful detainer, refusing to offer a new lease pursuant to this chapter, or seeking a mutual termination agreement.
- (3) "Immediate family" includes: spouse, domestic partner, or partner in a committed intimate relationship; grandparents; parents; children; or grandchildren.
- (4) "Landlord" means the owner, lessor, or sublessor of the dwelling unit or the property of which it is a part, including any owner of a mobile home park, and in addition means any person designated as representative of the owner, lessor, or sublessor including, but not limited to, an agent, a resident manager, or a designated property manager.
- (5) "Lease renewal actions" include actions taken in the lease renewal process which could have the effect of ending the tenancy, including but not limited to a landlord's refusal to renew a rental agreement or the addition of new material non-financial terms to a renewed rental agreement.
- (6) "Mutual termination agreement" means any agreement by a landlord and tenant to terminate a tenancy.
- (7) "Rent" means any recurring or periodic payments for the use and occupancy of the dwelling unit, which may include utilities. Rent does not include any non-recurring charges such as late fees, notice fees, attorney's fees, court costs, damages, or other fees.
- (8) "Rental agreement" means all agreements subscribed to in writing by the tenant which establish or modify the terms, conditions, rules, regulations, or any other provisions concerning the use and occupancy of a dwelling unit.
- (9) "Retaliatory eviction" is an eviction in response to a tenant's assertion of rights or protections afforded under this chapter or another tenant protection law.
- (10) "Retaliation" has the same meaning as "reprisal or retaliatory action" under RCW 59.18.240.

(11) “Tenancy” refers to the right of a tenant to reside in a dwelling unit for living or dwelling purposes.

(12) “Tenant” is any person who occupies a dwelling unit primarily for living or dwelling purposes.

(13) “Tenant protection laws” includes this chapter, RCW 59.18, RCW 59.20, and any other federal, state, or local law or regulation designed to protect tenants, regardless of whether such laws or regulations are enacted before or after this chapter.

Section 7. A new section is hereby added as follows:

(1) The provisions of this Act may not be waived, and any term of any rental agreement, contract, mutual termination agreement, or other agreement which purports to waive or limit a tenant’s substantive or procedural rights under this chapter are contrary to public policy, unenforceable, and void.

(2) The provisions of this chapter are declared to be separate and severable. If any provision of this chapter, or the application thereof to any person or circumstance, is held invalid, that invalidity shall not affect any other provision or application of this chapter that can be given effect without the invalid provision or application. Moreover, if a provision or its application is declared invalid due to preemption by state or federal law, then the remainder shall remain valid.

(3) Any ambiguity in this chapter shall be construed in favor of the tenant. Statements that non-compliance with certain provisions constitutes a violation of this chapter and/or are subject to penalties are provided for emphasis only and such statements shall not be construed to mean that non-compliance with other provisions does not constitute a violation subject to penalties.



KING COUNTY
Signature Report

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Ordinance 19311

Proposed No. 2021-0131.3

Sponsors Kohl-Welles, Zahilay and
Upthegrove

1 AN ORDINANCE relating to tenant protections; amending
2 Ordinance 383, Section 5, as amended, and K.C.C.
3 2.60.050, adding a new chapter to K.C.C. Title 12 and
4 repealing Ordinance 16223, Section 3, and K.C.C.
5 12.47.010, Ordinance 16223, Section 4, and K.C.C.
6 12.47.020, Ordinance 16223, Section 5, and K.C.C.
7 12.47.030 and Ordinance 16223, Section 6, and K.C.C.
8 12.47.040.

9 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

10 **SECTION 1. Findings:**

11 A. The King County council finds that establishing this ordinance, a just cause
12 and tenant protections ordinance, is necessary to protect the public health, safety and
13 welfare.

14 B. Under a provision of the Washington state Residential Landlord-Tenant Act of
15 1973, RCW 59.18.290, landlords may not evict residential tenants without a court order,
16 which under RCW 59.18.380 can be issued by a court only after the tenant has an
17 opportunity to contest the eviction.

18 C. King County established the regional affordable housing task force in 2017
19 through Motion 14873. The task force's charge was to develop a recommended

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20 countywide affordable housing strategy.

21 D. The regional affordable housing task force released its Final Report and
22 Recommendations in December 2018, and the King County council declared through
23 Motion 15372 that recommendations contained therein represent the policy of the
24 council.

25 E. The regional affordable housing task force's report included Census data that
26 showed that more than one hundred twenty-four thousand low-income households in
27 King County are severely cost burdened. Of those, eighty-eight percent, or one hundred
28 nine thousand seven hundred households, earn fifty percent or less of area median
29 income, meaning the county's poorest residents struggle most with housing costs. The
30 report found that communities of color and renters are disproportionately likely to be
31 severely cost burdened, paying more than half of their income toward housing costs. The
32 report also included a recommended strategy of adopting ordinances to expand tenant
33 protection and provide implementation support.

34 F. The Washington state Legislature passed Engrossed Substitute House Bill
35 1236, which became Chapter 212, Laws of Washington 2021. Those statutes establish
36 just cause eviction regulations at the state level. This ordinance builds on those
37 protections, to offer additional protections that are necessary for the public health,
38 welfare and safety of the residents of King County. This ordinance includes the
39 following additional protections:

40 1. A just cause for reducing the number of tenants in response to a notice and
41 order. The county has regulations in place that limit the number of people that may
42 reside in a dwelling unit. That just cause adds a protection for the landlord in a case

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43 where the county has found a violation of those regulations and the landlord seeks to
44 comply with that notice, but the tenant continues in possession of the dwelling unit;

45 2. A just cause for a landlord who seeks to discontinue residential use of an
46 accessory dwelling unit. Chapter 212, Laws of Washington 2021, does not contemplate
47 accessory dwelling units as rental units. Accessory dwelling units are an important
48 supply of rental housing in unincorporated King County, and this ordinance provides the
49 same protections to tenants of those types of units as other types of rental housing;

50 3. Two just causes for owners seeking to discontinue renting out an owner's
51 primary residence or an accessory dwelling unit on an owner's primary residential
52 property. Those protections provide an owner with more rights to discontinue renting out
53 parts of their primary residence or primary residential property;

54 4. Protections for victims of a physical assault or the victim of the use or
55 threatened use of a firearm or other deadly weapon. This ordinance clarifies the status of
56 those victims, in order to provide them safe housing; and

57 5. A provision limiting security deposits to a maximum of one month's rent and
58 capping late fees and administrative costs of the landlord. The county finds that use of
59 these fees can pose a financial hardship for tenants, and placing a cap on these fees will
60 allow more individuals and families to obtain stable housing.

61 NEW SECTION. SECTION 2. Sections 3 through 16 of this ordinance should
62 constitute a new chapter of K.C.C. Title 12.

63 NEW SECTION. SECTION 3. There is hereby added to the new K.C.C. chapter
64 established in section 2 of this ordinance a new section to read as follows:

65 The definitions in this section apply throughout this chapter unless the context

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66 clearly requires otherwise. The definitions in RCW 59.18.030 also apply to this chapter
67 unless otherwise defined in this section.

68 A. "Dwelling" or "dwelling unit" has the same meaning as "dwelling unit" in
69 RCW 59.18.030, in addition to any vacant land that is offered for sale or lease for mobile
70 and manufactured homes.

71 B. "Landlord" has the same meaning as "landlord" in RCW 59.18.030.

72 C. "Occupancy" means the formal designation of the primary purpose of the
73 building structure or portion thereof.

74 D. "Owner" has the same meaning as "owner" in RCW 59.18.030.

75 E. "Tenant" has the same meaning as "tenant" in RCW 59.18.030 or 59.20.030,
76 depending on the context, and excludes living arrangements identified in RCW
77 59.18.040.

78 NEW SECTION. SECTION 4. There is hereby added to the chapter established
79 in section 2 of this ordinance a new section to read as follows:

80 A. Except as otherwise specifically required or allowed by K.C.C. Title 12 or by
81 the Washington state Residential Landlord-Tenant Act of 1973, chapter 59.18 RCW, it is
82 unlawful for any landlord to:

83 1. Remove or exclude from the premises a tenant except under a court order
84 authorizing the removal or exclusion; or

85 2. Evict, reduce services, increase the obligations of a tenant or otherwise
86 impose, threaten or attempt any punitive measure against a tenant for the reason that the
87 tenant has in good faith asserted, exercised or attempted to exercise any legal rights
88 granted tenants by law and arising out of the tenant's occupancy of the dwelling unit.

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89 NEW SECTION. SECTION 5. There is hereby added to the chapter established
90 in section 2 of this ordinance a new section to read as follows:

91 A. In addition to the just causes allowed under state law, a landlord shall not evict
92 a tenant, refuse to continue a tenancy or terminate a tenancy except for the just causes
93 enumerated and otherwise provided under this section:

94 1. The tenant continues in possession after the tenant fails to comply with:

95 a. a notice to pay rent or vacate in accordance with RCW 59.12.030(3);

96 b. a notice to comply or vacate in accordance with RCW 59.12.030(4); or

97 c. a notice to vacate for waste, nuisance, including a drug-related activity
98 nuisance in accordance with chapter 7.43 RCW, or maintenance of an unlawful business
99 or conduct in accordance with RCW 59.12.030(5);

100 2. The tenant fails to comply with a ten-day notice to comply or vacate requiring
101 compliance with a material term of the rental agreement or that requires compliance with
102 a material obligation under chapter 59.18 RCW;

103 3. The tenant continues in possession after the landlord seeks possession so that
104 the owner or a member of the owner's immediate family may occupy the unit as that
105 person's principal residence and no substantially equivalent unit is vacant and available in
106 the same building, and the landlord has given the tenant at least ninety days' advance
107 written notice of the date the tenant's possession is to end. For the purposes of this
108 subsection A.3., "immediate family" includes the owner's domestic partner registered
109 under chapter 26.60 RCW or the owner's spouse, parents, grandparents, children, brothers
110 and sisters of the owner, of the owner's spouse or of the owner's domestic partner. There
111 is a rebuttable presumption of a violation of this subsection A.3. if the owner or a

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112 member of the owner's immediate family fails to occupy the unit as that person's
113 principal residence for at least sixty consecutive days during the ninety days immediately
114 after the tenant vacated the unit in accordance with a notice of termination or eviction
115 using this subsection A.3. as the cause for eviction;

116 4. The tenant continues in possession after the owner elects to sell a single-
117 family dwelling unit and gives the tenant at least ninety days' written notice before the
118 date set for vacating, which date shall coincide with the end of the term of a rental
119 agreement, or if the agreement is month-to-month, with the last day of a monthly period.
120 For the purposes of this subsection A.4., an owner "elects to sell" when the owner, at a
121 minimum, lists the dwelling for sale at fair market value, such as with a realty agency or
122 advertising in a newspaper of general circulation. There shall be a rebuttable
123 presumption that the owner did not intend to sell the unit if:

124 a. within thirty days after the tenant has vacated, the owner does not list the
125 single-family dwelling for sale at fair market value, or

126 b. within ninety days after the date the tenant vacated or the date the property
127 was listed for sale, whichever is later, the owner withdraws the rental unit from the sales
128 market, rents the unit to someone other than the former tenant or otherwise indicates that
129 the owner does not intend to sell the unit;

130 5. The tenant continues in possession after the landlord seeks to do substantial
131 rehabilitation in the building, but only if the owner or designee submitted a complete
132 application for at least one permit required under K.C.C. Title 16 for the rehabilitation.
133 The landlord shall serve the tenant with advance written notice in accordance with RCW
134 59.18.200(2)(c). Substantial rehabilitation has the same meaning as "substantially"

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135 rehabilitate" in RCW 59.18.200(2)(c);

136 6. The tenant continues in possession after the landlord:

137 a. elects to demolish the building, convert it to a cooperative or convert it to a
138 nonresidential use, though the owner or designee must obtain a permit necessary to
139 demolish before terminating any tenancy. The landlord shall serve the tenant with
140 advance written notice in accordance with RCW 59.18.200(2)(c); or

141 b. elects to withdraw the premises to pursue a conversion in accordance with
142 RCW 64.34.440 or RCW 64.90.655. The landlord shall serve the tenant with advance
143 written notice in accordance with RCW 64.34.440 and RCW 64.90.655;

144 7.a. The tenant continues in possession after the landlord seeks to reduce the
145 number of occupants who reside in one dwelling unit to comply with the legal limit, and:

146 (1) the landlord has served the tenants with a thirty-day written notice,
147 informing the tenants that the number of occupants exceeds the legal limit and must be
148 reduced to the legal limit; however, a thirty-day notice is not required if the number of
149 occupants was increased above the legal limit without the knowledge or consent of the
150 landlord;

151 (2) after expiration of the thirty-day notice required by subsection A.7.a.(1) of
152 this section, or any time after receipt of the notice and order if a thirty-day notice is not
153 required in accordance with subsection A.7.a.(1) of this section, the landlord has served
154 the tenants and the tenants have failed to comply with a ten-day notice to comply with the
155 maximum legal limit on the number of occupants or vacate; and

156 (3) if there is more than one rental agreement for the unit, the landlord may
157 choose which agreements to terminate; however, the landlord may terminate no more

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158 than the minimum number of rental agreements necessary to comply with the legal limit
159 on the number of occupants.

160 b. For any violation of the maximum legal limit on the number of individuals
161 allowed to reside in a dwelling unit that occurred with the knowledge or consent of the
162 landlord, upon creation of a relocation assistance program, the landlord is required to pay
163 relocation assistance to the tenant or tenants of each such a unit as the program dictates;

164 8. The tenant continues in possession after the landlord seeks to discontinue
165 residential use of an accessory dwelling unit;

166 9. The tenant continues in possession after a landlord or owner receives a notice
167 and order issued under K.C.C. Title 16 or 23 and violations identified in the notice and
168 order have not been corrected, but only if the notice and order restricts the tenant's ability
169 to reside in the dwelling unit. The landlord shall be required to make a showing of
170 medical or financial hardship to the tenant that the landlord could not correct the
171 violations identified in the notice order. However, the tenant may elect to repair and stay
172 in the dwelling unit as set forth in RCW 59.18.100;

173 10.a. The tenant continues in possession after the owner intends to discontinue
174 leasing to a tenant of the owner's own dwelling unit in which the owner resides;

175 b. The owner intends to evict a tenant, to refuse to continue a tenancy, or to
176 terminate the tenancy of an accessory dwelling unit accessory to the dwelling unit in
177 which the owner resides; or

178 c. The owner seeks to evict a tenant, refuse to continue a tenancy, or terminate
179 the tenancy in a single-family dwelling unit and the owner resides in an accessory
180 dwelling unit on the same lot;

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181 11.a. The tenant continues in possession after the tenant, or with the consent of
182 the tenant, the tenant's subtenant, sublessee, resident or guest, has engaged in criminal
183 activity on the premises, or on the property or public right-of-way abutting the premises.
184 For purposes of this subsection A.11., a person has "engaged in criminal activity" if the
185 person:

186 (1) engages in a drug-related activity that would constitute a violation of
187 chapters 69.41, 69.50 or 69.52 RCW;

188 (2) engages in activity that is a crime under the laws of this state, but only if
189 the activity substantially affects the health or safety of any person. An activity
190 substantially affects the health or safety of other tenants or the landlord if:

191 (a) the activity is imminently hazardous to the physical safety of any person;

192 (b) the activity entails physical assaults upon another person that result in an
193 arrest; or

194 (c) the activity entails the unlawful use of a firearm or other deadly weapon,
195 as defined in RCW 9A.04.110, that results in an arrest, including threatening another
196 tenant or the landlord with a firearm or other deadly weapon under RCW 59.18.352; or

197 (3) The activity renders people in at least two or more dwelling units or
198 residences insecure in life or the use of property or that injures or endangers the safety or
199 health of people in at least two or more dwelling units or residences.

200 b. In determining whether a tenant's activity substantially effects the health or
201 safety of other tenants or the landlord, a court may consider the totality of the
202 circumstances, including factors such as whether there have been a significant number of
203 complaints to the landlord about the tenant's activities at the property, damage done by

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204 the tenant to the property, including the property of other tenants or neighbors,
205 harassment or threats made by the tenant to other tenants or neighbors that have been
206 reported to law enforcement agencies, any police incident reports involving the tenant,
207 and the tenant's criminal history.

208 c. Nothing in this subsection A.11. shall authorize the termination of tenancy
209 or eviction of the victim of a physical assault or the victim of the use or threatened use of
210 a firearm or other deadly weapon; or

211 12. The tenant continues in possession after the tenant, or with the consent of
212 the tenant, the tenant's subtenant, sublessee, resident or guest:

213 i. Knowingly allows to reside in the dwelling unit, without receiving written
214 consent from a landlord before moving into the dwelling unit, an animal that has been
215 declared vicious by the manager of the regional animal services section in accordance
216 with K.C.C. Title 11; or

217 ii. Knowingly continues to maintain in the dwelling unit an animal that is
218 declared vicious by the manager of the regional animal services section in accordance
219 with K.C.C. Title 11 during the terms of the rental agreement.

220 B. Any rental agreement provision that waives or purports to waive any right
221 created by this chapter shall be deemed void and of no lawful force or effect. No rental
222 agreement may provide that the tenant agrees to waive or to forgo rights or remedies
223 under this ordinance. A provision prohibited in this ordinance included in a rental
224 agreement is unenforceable. If a landlord knowingly uses a rental agreement containing
225 provisions known by the landlord to be prohibited, the tenant may recover actual
226 damages sustained by the tenant, and exemplary damages not to exceed two times the

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227 monthly rent charged for the unit, and reasonable litigation costs and attorneys' fees.

228 C. Whenever a termination notice is required by law, a landlord refusing to
229 continue a tenancy or seeking to terminate a tenancy protected by this chapter shall serve
230 the notice in a manner consistent with RCW 59.12.040 and identify the facts and
231 circumstances known and available to the landlord at the time of the issuance of the
232 notice that support the cause or causes with enough specificity so as to enable the tenant
233 to respond and prepare a defense to any incidents alleged. The landlord may present
234 additional facts and circumstances regarding the noticed allegations if such evidence was
235 unknown or unavailable at the time of the issuance of the notice.

236 D. Landlords shall provide at least thirty days' written notice when evicting a
237 tenant, refusing to continue a tenancy or terminating a tenancy for a just cause
238 enumerated in subsection A. of this section, unless a longer noticing period is required by
239 state law or the rental agreement.

240 E. It shall be a violation of this chapter for any landlord to remove or cause to
241 remove a tenant from a dwelling unit using a notice that references subsection A.3., 4., 5.
242 or 6. of this section as grounds for eviction or termination of tenancy without fulfilling or
243 carrying out the stated reason for or condition justifying the termination of such a tenancy
244 within sixty days after the tenant has vacated, unless another time frame is specified in
245 subsection A.3., 4., 5. or 6. of this section.

246 F. Nothing in this chapter is intended to affect or limit a landlord's rights to
247 pursue an action for unlawful detainer as defined by RCW 59.12.030, except as
248 specifically set forth in this chapter.

249 NEW SECTION. SECTION 6. There is hereby added to the chapter established

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250 in section 2 of this ordinance a new section to read as follows:

251 Sections 7 through 16 of this ordinance apply to tenancies governed by chapter
252 59.20 RCW and are in addition to the provisions provided to those tenancies in RCW
253 59.20.080.

254 NEW SECTION. SECTION 7. There is hereby added to the chapter established
255 in section 2 of this ordinance a new section to read as follows:

256 A. All move in fees and security deposits charged by a landlord before a tenant
257 takes possession of a dwelling unit shall not exceed one month's rent, except in
258 subsidized tenancies where the amount of rent is set based on the income of the tenant.
259 The exception for subsidized housing shall not include tenancies regulated under Section
260 8 of the Housing Act of 1937, 42 U.S.C. Sec. 1437f, commonly known as the choice
261 voucher program.

262 B. Tenants entering rental agreements with terms lasting six or more months may
263 elect to pay their move in fees and security deposits in six equal monthly installments
264 over the first six months occupying the unit.

265 C. Tenants entering rental agreements with terms lasting fewer than six months
266 or month-to-month rental agreements, may choose to pay move in fees and security
267 deposits in two equal monthly installments over the first two months occupying the unit.

268 NEW SECTION. SECTION 8. There is hereby added to the chapter established
269 in section 2 of this ordinance a new section to read as follows:

270 Late fees or costs due to nonpayment of rent charged to a tenant shall not exceed
271 one and one-half percent of the tenant's monthly rent.

272 NEW SECTION. SECTION 9. There is hereby added to the chapter established

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273 in section 2 of this ordinance a new section to read as follows:

274 Any rental agreement or renewal of a rental agreement shall include, or shall be
275 deemed to include, a provision requiring not less than one hundred twenty days' notice
276 for rent increases greater than three percent. If the rental agreement governs a subsidized
277 tenancy where the amount of rent is based on the income of the tenant or circumstances
278 specific to the subsidized household, the landlord shall provide a minimum of thirty days'
279 prior written notice of an increase in the amount of rent to each affected tenant.

280 NEW SECTION. SECTION 10. There is hereby added to the chapter established
281 in section 2 of this ordinance a new section to read as follows:

282 A. Landlords are prohibited from unfair or abusive acts or practices or deceptive
283 acts or practices as defined in this section.

284 B. For the purposes of this section:

285 1. "Deceptive acts or practices" means representations, omissions, acts or
286 practices that mislead or are likely to mislead a tenant; the tenant's interpretation of the
287 representation, omission, act or practice is reasonable under the circumstances; and the
288 representation, omission, act or practice is material. "Deceptive acts or practices"
289 includes threatening to evict a tenant for nonpayment of charges except as authorized by
290 section 5 of this ordinance.

291 2. "Unfair or abusive acts or practices" means those representations, omissions,
292 acts or practices that:

293 a. Materially interfere with the ability of any tenant to understand a term or
294 condition of the rental agreement or the tenancy; or

295 b. Take unreasonable advantage of a lack of understanding on the part of the

Ordinance 19311

296 tenant regarding the conditions of the tenancy or rights under the law or the inability of
297 the tenant to protect the tenant's interests.

298 NEW SECTION. SECTION 11. There is hereby added to the chapter established
299 in section 2 of this ordinance a new section to read as follows:

300 Except as otherwise provide in Section 2(2)(n)(i), Chapter 212, Laws of
301 Washington 2021, a landlord's acceptance of rent waives the right to declare forfeiture or
302 evict based solely on any prior breach or breaches of the rental agreement. This section
303 does not waive any landlord's remedy for nonpayment of rent if additional rent is
304 outstanding.

305 NEW SECTION. SECTION 12. There is hereby added to the chapter established
306 in section 2 of this ordinance a new section to read as follows:

307 A landlord shall not increase the rent to be charged to a tenant by any amount if
308 the dwelling unit has defective conditions making the dwelling unit uninhabitable or is in
309 violation of RCW 59.18.060. If the tenant believes the dwelling unit has defective
310 conditions making the unit uninhabitable or is in violation of RCW 59.18.060, the tenant
311 shall notify the landlord in writing in accordance with RCW 59.18.070 specifying the
312 premises involved, the name of the owner, if known, and the nature of the defective
313 condition before the effective date listed in the notice of housing costs increase the tenant
314 received from the landlord.

315 NEW SECTION. SECTION 13. There is hereby added to the chapter established
316 in section 2 of this ordinance a new section to read as follows:

317 Rental agreements shall include a provision stating that when late fees may be
318 assessed after rent becomes due, the tenant may propose that the due date be altered to a

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319 different date of the month. Additionally, the provision shall specify that, according to
320 RCW 59.18.170(3), a landlord shall agree to such a proposal if it is submitted in writing
321 and the tenant can demonstrate that his or her primary source of income is a regular,
322 monthly source of governmental assistance that is not received until after the date rent is
323 due in the rental agreement. A landlord shall not refuse to enter into a rental agreement
324 with a prospective tenant because the prospective tenant requests such accommodations.

325 NEW SECTION. SECTION 14. There is hereby added to the chapter established
326 in section 2 of this ordinance a new section to read as follows:

327 A landlord found in violation of any of the provisions in this chapter, unless
328 otherwise provided in this chapter, shall be liable to such a tenant in a private right of
329 action for the greater of double the tenant's economic and noneconomic damages or three
330 times the monthly rent of the dwelling unit at issue, and reasonable litigation costs and
331 attorneys' fees.

332 NEW SECTION. SECTION 15. There is hereby added to the chapter established
333 in section 2 of this ordinance a new section to read as follows:

334 A landlord serving a notice to the tenant to pay rent or vacate under RCW
335 59.12.030(3) must include on the notice substantially in the form of the following
336 statement in sixteen-point, bolded font: "Pursuant to RCW 58.12.030(3), you have
337 fourteen days to pay the rent required by this notice. After fourteen days, the landlord is
338 required by RCW 59.18.410(2) to allow you to pay the rent up to five court days after a
339 judgement in an eviction proceeding, but you may be subject to a late fee, if a late fee is
340 required in the rental agreement and any court costs incurred at the time of payment.
341 Attorneys' fees may also be requested by the landlord and may be awarded to the landlord

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342 by a judge."

343 NEW SECTION. SECTION 16. There is hereby added to the chapter established
344 in section 2 of this ordinance a new section to read as follows:

345 A. A landlord shall not require a social security number for the purposes of
346 screening a prospective tenant, as allowed under RCW 59.18.257. A landlord may
347 request a social security number and screen prospective tenants. A landlord shall not
348 refuse to enter into a rental agreement with a prospective tenant because the prospective
349 tenant does not agree to provide a social security number. A landlord may utilize
350 information including, but not limited to, previous names, addresses, personal references
351 and work history to screen prospective tenants. A landlord shall maintain the right to
352 take adverse action because of inaccurate, unfavorable or unavailable screening results.

353 B. A landlord found in violation of subsection A. of this section shall be liable to
354 such a prospective tenant in a private right of action for the greater of double the tenant's
355 economic and noneconomic damages or one month of rent of the dwelling unit at issue,
356 and reasonable litigation costs and attorneys' fees

357 SECTION 17. Ordinance 383, Section 5, as amended, and K.C.C. 2.60.050 are
358 hereby amended to read as follows:

359 A. Legal defense services through the department shall be made available to all
360 eligible persons for whom counsel is constitutionally required. In addition, legal defense
361 services through department shall be made available when funds are available: to any
362 eligible person in legal proceedings arising in King County that may result in the person's
363 loss of liberty by an act of King County or any of its agencies, including, but not limited
364 to, criminal proceedings alleging a violation of any law of the state of Washington or

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365 ordinance of King County, juvenile matters, mental illness and similar commitment
 366 proceedings, revocations and habeas corpus proceedings when they arise in King County;
 367 ~~((and))~~ to eligible parents and children in dependency proceedings arising in King
 368 County; and to tenants whose rental agreements have been terminated or tenants who are
 369 subject to unlawful detainer actions by a landlord whom the tenant alleges terminated a
 370 tenancy or initiated an unlawful detainer action in violation of any King County
 371 ordinance.

372 B. Legal defense services through the department may be made available to a
 373 person charged in King County with a felony of public notoriety, at the person's expense,
 374 when the court finds that the defendant is unable to employ adequate private counsel as a
 375 result of the public notoriety. The county public defender shall establish a reasonable fee
 376 for the legal defense services, subject to the approval of the court.

377 SECTION 18. The following are hereby repealed:

- 378 A. Ordinance 16223, Section 3, and K.C.C. 12.47.010;
- 379 B. Ordinance 16223, Section 4, and K.C.C. 12.47.020;
- 380 C. Ordinance 16223, Section 5, and K.C.C. 12.47.030; and
- 381 D. Ordinance 16223, Section 6, and K.C.C. 12.47.040.

382 SECTION 19.

383 A. The executive shall develop standard notices required to be used by landlords
 384 who are terminating a month-to-month tenancy, failing to renew a fixed-term lease or
 385 evicting due to one or more of the causes enumerated in section 5.A. of this ordinance.
 386 The notices shall provide information for tenants on how to access legal services for
 387 eviction prevention. The executive shall translate the notice into the ten most common

Ordinance 19311

388 languages used in King County. In developing the notices, the executive shall consult
389 with organizations that represent landlords and tenants and provide a minimum thirty-day
390 public comment period.

391 B.1. The executive shall transmit a tenant protections access plan to the council
392 by June 30, 2022, with the goal of expanding knowledge of and access to tenant
393 protections in the King County Code. The plan shall include at least the following
394 components, and if the executive is already conducting the work identified in a. through
395 d. of this subsection B.1., the plan shall include an explanation of the work being done,
396 the funding mechanism to accomplish scope of work, and how it addresses the goals of
397 this subsection B.1.:

398 a. recommendations on providing information about tenant protections in King
399 County and access to those protections to residents with limited English proficiency;

400 b. recommendations on providing tenant protections to undocumented
401 residents who may have a fear of accessing tenant protections through the court system;

402 c. a "know your rights" campaign with the objective of spreading awareness of
403 the new provisions in this ordinance. The plan shall utilize partnerships with community
404 organizations and the King County immigrant and refugee commission;

405 d. recommendations on ways to provide free legal representation, advice and
406 other legal assistance to tenants facing eviction, harassment, disrepair and other housing-
407 related issues, including an analysis of the right-to-counsel law available through the
408 New York City office of civil justice's legal representation program; and

409 e. a phone number, either internal to the county or through a request for
410 proposals to outside entities, for tenants who believe their rental agreement has been

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411 unlawfully terminated or who believe a landlord failed to renew a rental agreement
412 unlawfully. The phone number should be staffed by the department of community and
413 human services, the department of public defense, or a designee to provide information
414 on protections afforded to tenants in state law and King County Code. The plan shall
415 include an analysis of the level of funding the executive would need to create and staff
416 such a phone number.

417 2. The executive shall transmit a landlord outreach plan by June 30, 2022, with
418 the goal of expanding knowledge of tenant protections contained in King County Code to
419 landlords.

420 3. The tenant protections access plan and the landlord outreach plan shall be
421 electronically transmitted to the clerk of the council with motions that should
422 acknowledge receipt of the plans and a proposed ordinance making recommended
423 changes from the tenant protections access plan, if recommendations necessitate an
424 ordinance. The clerk of the council shall provide an electronic copy to all
425 councilmembers, the council chief of staff and the lead staff for the community, health
426 and housing services committee, or its successor.

427 **SECTION 20. Severability.** If any provision of this ordinance or its application

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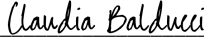
Ordinance 19311

428 to any person or circumstance is held invalid, the remainder of the ordinance or the
429 application of the provision to other persons or circumstances is not affected.
430

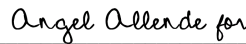
Ordinance 19311 was introduced on 3/16/2021 and passed as amended by the
Metropolitan King County Council on 6/29/2021, by the following vote:

Yes: 6 - Ms. Balducci, Mr. Dembowski, Ms. Kohl-Welles, Mr.
McDermott, Mr. Upthegrove and Mr. Zahilay
No: 3 - Mr. Dunn, Ms. Lambert and Mr. von Reichbauer


KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

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7E1C273CE9994B6...
Claudia Balducci, Chair

ATTEST:

DocuSigned by:

C267B914088E4A0...
Melani Pedroza, Clerk of the Council

APPROVED this ____ day of 7/16/2021, ____.

DocuSigned by:

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Dow Constantine, County Executive

Attachments: None



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King County Council

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Dow.Constantine@kingcounty.gov

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Notary Events	Signature	Timestamp
Envelope Summary Events		
Envelope Sent	Hashed/Encrypted	6/30/2021 3:06:35 PM
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Signing Complete	Security Checked	7/16/2021 3:54:15 PM
Completed	Security Checked	7/16/2021 3:54:15 PM
Payment Events	Status	Timestamps
Electronic Record and Signature Disclosure		

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 Parties agreed to: Dow Constantine

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If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. To indicate to us that you are changing your mind, you must withdraw your consent using the DocuSign 'Withdraw Consent' form on the signing page of a DocuSign envelope instead of signing it. This will indicate to us that you have withdrawn your consent to receive required notices and disclosures electronically from us and you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

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Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

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You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: bob.johnson@kingcounty.gov

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To let us know of a change in your e-mail address where we should send notices and disclosures electronically to you, you must send an email message to us at bob.johnson@kingcounty.gov and in the body of such request you must state: your previous e-mail address, your new e-mail address. We do not require any other information from you to change your email address..

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- ii. send us an e-mail to bob.johnson@kingcounty.gov and in the body of such request you must state your e-mail, full name, US Postal Address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Required hardware and software

Operating Systems:	Windows® 2000, Windows® XP, Windows Vista®; Mac OS® X
Browsers:	Final release versions of Internet Explorer® 6.0 or above (Windows only); Mozilla Firefox 2.0 or above (Windows and Mac); Safari™ 3.0 or above (Mac only)
PDF Reader:	Acrobat® or similar software may be required to view and print PDF files
Screen Resolution:	800 x 600 minimum

Enabled Security Settings:	Allow per session cookies
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Acknowledging your access and consent to receive materials electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please verify that you were able to read this electronic disclosure and that you also were able to print on paper or electronically save this page for your future reference and access or that you were able to e-mail this disclosure and consent to an address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format on the terms and conditions described above, please let us know by clicking the 'I agree' button below.

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- Until or unless I notify Carahsoft OBO King County ITD as described above, I consent to receive from exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to me by Carahsoft OBO King County ITD during the course of my relationship with you.

Asha Venkataraman
LEG Economic Displacement Relocation Assistance ORD
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CITY OF SEATTLE
ORDINANCE 126451
COUNCIL BILL 120173

AN ORDINANCE relating to relocation assistance for economically displaced tenants; requiring the payment of economic displacement relocation assistance to households that are vacating a housing unit after receiving notice of a rent increase of ten percent or more or of less than ten percent where the cumulative effect for the household's tenancy is ten percent or more; and adding a new Chapter 22.212 to the Seattle Municipal Code.

WHEREAS, rent increases may cause many households to move due to their inability to pay the higher rent; and

WHEREAS, rents in Seattle have been increasing rapidly and vacancies in affordable rental housing are at low levels, making it increasingly difficult for many households to locate rental housing; and

WHEREAS, before moving into a rental unit, landlords typically require that households pay some type of security deposit and other move-in fees; and

WHEREAS, these conditions in the rental market have created a relocation crisis because many households do not have sufficient resources to save money to cover moving expenses; and

WHEREAS, providing economic displacement relocation assistance to households who move following a rent increase of ten percent or more will help households obtain replacement housing and mitigate the impact of the rent increase on the relocation crisis; and

WHEREAS, the Council finds that this ordinance will protect and promote the health, safety, and welfare of the general public; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

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Section 1. This ordinance is adopted pursuant to the City’s police power authority granted by Article 11, section 11 of the Washington State Constitution, and not pursuant to RCW 59.18.440 or other law.

Section 2. A new Chapter 22.212 is added to the Seattle Municipal Code as follows:

**CHAPTER 22.212 ECONOMIC DISPLACEMENT RELOCATION ASSISTANCE –
RENT INCREASE**

22.212.010 Definitions

For the purposes of this Chapter 22.212, the following words or phrases shall have the meaning below unless the context clearly indicates otherwise. Terms that are not defined in this Chapter 22.212 and are defined in Chapter 22.204 shall have the meaning given to them in Chapter 22.204.

“Family household” means all occupants in the same housing unit who are members of the same family unit.

“Family unit” means all related persons, including: parents; spouses’ parents; grandparents; spouses’ grandparents; grandchildren; spouses’ grandchildren; siblings; spouses’ siblings; siblings’ spouses and siblings’ children; and those similarly related to individuals in city or state registered domestic partnerships.

“Household” means any family household or non-family household that occupies a housing unit. A combination of family households and non-family households may occupy a single housing unit.

“Housing costs” has the same meaning defined by Section 7.24.020.

“Household representative” means the household member designated by the household as the person representing the household in performing actions under this Chapter 22.212, and who

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1 is the person legally entitled to obtain the payment authorized by this Chapter 22.212. A
2 household representative may represent only one household at a time.

3 “Non-family household” means: a person living alone; or occupants of a housing unit
4 who are not members of a family household.

5 “Required rent-increase notice” means the notice required by subsection 7.24.030.A if it
6 is: (1) a required rent-increase notice for ten percent or more; or (2) a required rent-increase
7 notice for less than ten percent.

8 “Required rent-increase notice for less than ten percent” means a required rent-increase
9 notice for a one-time rent increase of less than ten percent, but where that rent increase, in
10 combination with all other rent increases taking effect within either 12 months prior to the
11 effective date of that rent increase or the household’s tenancy in the housing unit, whichever
12 period is shorter, will result in a cumulative rent increase for the household of ten percent or
13 more.

14 “Required rent-increase notice for ten percent or more” means a required rent-increase
15 notice for a one-time rent increase of ten percent or more.

16 **22.210.020 Notice**

17 A. The Director shall prepare a notice describing how persons may obtain information
18 about the rights and obligations of tenants and owner under this Chapter 22.212. The Director
19 shall place the notice on the Department’s website and provide links to translated versions of the
20 notice in the five languages most commonly spoken in Seattle other than English, as determined
21 on an annual basis. The Director may provide links to translated versions in other languages at
22 the Director’s discretion. If requested, the Director shall provide copies of the notice to an owner
23 at no cost.

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B. The owner shall provide the notice described in subsection 22.212.020.A with a required rent-increase notice. The owner shall provide that notice to an adult tenant of each housing unit by:

1. Personally delivering each notice or causing it to be personally delivered; or
2. Mailing each notice by certified mail, return receipt requested and by first-class mail addressed to the housing unit.

22.212.030 Criteria for economic displacement relocation assistance

A household representative is entitled to economic displacement relocation assistance if:

- A. A tenant of the housing unit has received a required rent-increase notice;
- B. The household representative complies with the deadlines or extensions in Section 22.212.040;
- C. After receiving the required rent-increase notice but before the rent increase takes effect, the household vacates the housing unit or a member of the household has given written notice to the owner of the date the household intends to vacate the housing unit; and
- D. The household is a low-income household as defined in Section 23.84A.016.

22.212.040 Application for economic displacement relocation assistance

A. Within 180 days after a tenant in the household receives a required rent-increase notice or 60 days after the rent increase goes into effect, whichever date is later, the household representative may apply to the Director for economic displacement relocation assistance by submitting an application to the Director on a form approved by the Director. If the household representative fails to submit an application within either 180 days after a tenant in the household receives the required rent-increase notice or 60 days after the rent increase goes into effect, whichever date is later, the household representative is not entitled to economic displacement

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1 relocation assistance unless the household representative requests, and the Director approves the
2 request for, an extension of time to submit the application. The extension request must explain
3 why the household representative is unable to apply before the expiration of the applicable
4 period. The Director shall approve the extension request if the Director receives it before the
5 expiration of the applicable period and determines that the household representative has good
6 cause for being unable to apply within the applicable period. The Director shall notify the
7 household representative and the owner in writing whether the extension has been approved or
8 rejected. If the Director approves the extension, the household representative will have an
9 additional 60 days after the expiration of the original applicable period in which to submit the
10 application.

11 B. The application shall include:

12 1. An affidavit identifying the date the household representative's household
13 vacated the housing unit or a copy of the notice the household gave to the owner identifying the
14 date the household intends to vacate the housing unit;

15 2. A copy of the current rental agreement or, if the tenancy is not subject to a
16 written agreement or the household does not have a copy of it, proof of housing costs for the 12
17 months prior to the effective date of the required rent-increase notice or for the household's
18 tenancy in the housing unit, whichever period is shorter;

19 3. Documentation establishing that that rent increase is for ten percent or more or,
20 in combination with all other rent increases taking effect within 12 months prior to the effective
21 date of that rent increase or the household's tenancy in the housing unit, whichever period is
22 shorter, will result or resulted in a cumulative rent increase of ten percent or more; and

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4. The number of family and non-family households occupying the housing unit and the names of all members of each household; and

5. For the household applying for assistance, the total combined annual income for the previous calendar year, and the total combined income for the current calendar year.

C. Within five days after receiving the application, the Director shall notify the owner in writing that the household representative has submitted an application for economic displacement relocation assistance.

D. The Director may ask the household representative to provide information to complete an application for economic displacement relocation assistance. The household representative is not entitled to economic displacement relocation assistance if the household representative fails to provide the requested information within 30 days after receiving the Director's request, unless the household representative requests, and the Director approves the request for, an extension of time to provide the requested information. The extension request must explain why the household representative is unable to provide the information before the expiration of the 30-day period. The Director shall approve the extension request if the Director receives it before the expiration of the 30-day period and determines that the household representative has good cause for being unable to provide the requested information within the period. If the Director approves the extension request, the household representative will have an additional 30 days after the expiration of the original 30-day period in which to submit the requested information.

E. Within ten days after the Director receives a complete application, the Director shall send by certified mail, return receipt requested and by first-class mail to the household representative and the owner a notice stating whether the household representative is entitled to

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economic displacement relocation assistance pursuant to Section 22.212.030 and identifying the amount of any entitlement as calculated pursuant to Section 22.212.050.

F. If the household rescinds its notice of vacation or fails to vacate the housing unit by the date identified on the written notice of vacation at any time after the household representative submits an application to the Director and before the Director pays economic displacement relocation assistance to the household representative, the household representative must withdraw the application for economic displacement relocation assistance by providing written notice to the Director.

22.212.050 Calculation of economic displacement relocation assistance payment

The Director shall calculate the amount of economic displacement relocation assistance, if any, to which the household representative is entitled. To calculate that amount, the Director shall:

A. Determine the average monthly housing costs for the housing unit, based upon either: the housing costs for the 12 months prior to the effective date of that rent increase or for the household's tenancy in the housing unit, whichever period is shorter;

B. Identify the number of households that occupy the housing unit and divide the average monthly housing costs by the number of households, resulting in the average monthly housing costs per household; and

C. Multiply the average monthly housing costs per household by three.

22.212.060 Owner's payment of economic displacement relocation assistance to the Director

A. The owner shall pay to the Director the amount of assistance, if any, identified in the Director's notice described in subsection 22.212.040.E within seven days after the owner receives the notice.

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B. The owner may not reduce the amount of the assistance payment by any amount the owner believes the tenant owes the owner, such as a security deposit for damage to the property for which the tenant is responsible. Nothing in this Chapter 22.212 precludes the owner from seeking such amounts from the tenant pursuant to other applicable law.

C. Payment by the owner of economic displacement relocation assistance under this Chapter 22.212 does not constitute compliance with the tenant relocation assistance requirements of Chapter 22.210.

22.212.070 Payment of economic displacement relocation assistance to the household representative

A. The Director shall pay the household representative the amount of assistance, if any, identified in the Director's notice described in subsection 22.212.040.E within 14 days after the Director sends the notice described in subsection 22.212.040.E .

B. An economic displacement relocation assistance payment received by a household representative under this Chapter 22.212 shall not be considered as income for any City benefit program or affect the amount to which any person may be entitled under any City benefit program.

22.212.080 Refunds

If after the owner has already paid economic displacement relocation assistance to the Director, the household fails to vacate the housing unit by the date identified on the written notice of vacation, rescinds its notice of vacation, or withdraws the application for economic displacement relocation assistance:

A. The Director will refund the amount paid by the owner within ten days after the Director receives notice of the failure, rescission, or withdrawal; and

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B. If the household representative has received an economic displacement relocation assistance payment, the household representative shall refund the payment to the Director within ten days after the failure, rescission, or withdrawal.

22.212.090 Administrative appeals

A. The owner or a household representative may appeal the Director's decision approving or denying the application for an economic displacement relocation assistance payment, including the Director's calculation of the amount of any economic displacement relocation assistance payment under Section 22.212.050.

B. A notice of appeal shall be filed with the Seattle Hearing Examiner by 5 p.m. within ten days after receipt of the Director's decision, and by that same date, copies of the notice of appeal shall be placed in the mail, postage pre-paid, for service on the Director and any non-appellant owner or household representative. Proof of service shall be filed with the Hearing Examiner.

C. A notice of appeal shall be in writing, specifically describe the alleged errors in the Director's decision, and describe the relief sought.

D. The Hearing Examiner shall hold a hearing on the appeal pursuant to procedures prescribed by the Hearing Examiner, subject to the procedures prescribed by this Section 22.212.090. The Hearing Examiner shall provide notice of the hearing to all parties of record at least ten days prior to the scheduled hearing date.

E. The Hearing Examiner shall establish a record at the hearing. Appeals shall be considered de novo. The Hearing Examiner may affirm, reverse, remand, or modify the Director's decision. The Hearing Examiner's decision shall bind the Director and parties of record.

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F. The Hearing Examiner shall issue a decision within 20 days after the date of record closure. The decision shall be final and conclusive. On the day the decision is issued, a copy of the decision shall be mailed or emailed to all parties of record and all other persons requesting a copy of the decision.

22.212.100 Administration, enforcement, and violations

A. The Director shall administer and enforce the provisions of this Chapter 22.212 and may adopt rules and regulations to implement the Director's duties established by this Chapter 22.212.

B. A restricted accounting unit designated as the Economic Displacement Relocation Assistance Account is established in the Construction and Inspections Fund, from which account the Director may make any payment authorized by this Chapter 22.212. Money from the following sources shall be paid into the Economic Displacement Relocation Assistance Account:

1. Fines and penalties collected pursuant to Sections 22.212.110 and 22.212.120;
2. Sums that may by ordinance be appropriated to or designated as revenue to the Account;
3. Other sums that may be deposited into the Account by gift, bequest, or grant;
4. Refund of monies paid to The City of Seattle as relocation assistance from the Account; and
5. Relocation assistance monies paid by owners to the Director pursuant to Section 22.212.060.

C. Any failure to comply with a requirement of this Chapter 22.212 or a rule or regulation adopted under this Chapter 22.212 is a violation of this Chapter 22.212, including, but not limited to:

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1 1. Receipt of economic displacement relocation assistance pursuant to this
2 Chapter 22.212 by a person not entitled to such assistance;

3 2. Failure by the household representative to refund the economic displacement
4 relocation assistance payment as required by subsection 22.212.080.B; and

5 3. Failure by the owner to pay economic displacement relocation assistance
6 pursuant to Section 22.212.060.

7 D. A separate violation of this Chapter 22.212 exists for each day there is a failure to
8 comply with a requirement of this Chapter 22.212 or a rule or regulation adopted under this
9 Chapter 22.212.

10 **22.212.110 Citations**

11 A. Citation. If after investigation the Director determines that a person has committed a
12 violation of this Chapter 22.212, the Director may issue a citation to the person responsible for
13 the violation. The citation shall include the following information:

14 1. The name and address of the responsible person to whom the citation is issued;

15 2. A reasonable description of the location of the property on which the relevant
16 housing unit is located;

17 3. A separate statement of each requirement, rule, or regulation violated;

18 4. The date the violation occurred;

19 5. A statement that the person cited must respond to the citation within 15 days
20 after service;

21 6. The applicable citation penalty;

22 7. A statement that a response must be sent to the Hearing Examiner and received
23 not later than 5 p.m. on the day the response is due;

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8. The name, address, and phone number of the Hearing Examiner where the citation is to be filed; and

9. A statement that the citation represents a determination that a violation has been committed by the responsible person named in the citation and that the determination shall be final unless contested as provided in subsection 22.212.110.C.

B. Service. The citation must be served by personal service in the manner set forth in RCW 4.28.080 for service of a summons or sent by first class mail, addressed to the last known address of the responsible person named in the citation. Service shall be complete at the time of personal service, or if mailed, three days after the date of mailing.

C. Response to a citation

1. The person cited must respond to a citation in one of the following ways:

a. Payment of the citation penalty specified in the citation, in which case the record shall show a finding that the person cited committed the violation;

b. A written request for a mitigation hearing to explain the circumstances surrounding the commission of the violation, with an address to which notice of such hearing may be sent; or

c. A written request for a contested hearing specifying why the cited violation did not occur or why the person cited is not responsible for the violation, with an address to which notice of such hearing may be sent.

2. A response to a citation must be received by the Hearing Examiner by 5 p.m. within 15 days after the date service of the citation is complete.

D. Failure to respond. If the Hearing Examiner does not receive a response within the period prescribed by subsection 22.212.110.C.2, the Hearing Examiner shall enter an order

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finding that the person cited committed the violation stated in the citation and assessing the citation penalty specified in the citation.

E. Hearings

1. Mitigation hearing

a. Date and notice. If the person cited requests a mitigation hearing, the Hearing Examiner shall hold a mitigation hearing within 30 days after the Hearing Examiner receives the written response to the citation requesting such hearing. The Hearing Examiner shall send notice of the time, place, and date of the hearing to the address specified in the request for hearing no later than ten days prior to the date of the hearing.

b. Procedure at hearing. The Hearing Examiner shall hold an informal hearing that shall not be governed by the Rules of Evidence. The person cited may present witnesses, but witnesses may not be compelled to attend. The Director may also attend the hearing and may present additional information, but is not required to attend.

c. Disposition. The Hearing Examiner shall determine whether the person cited's explanation justifies reducing the citation penalty, but the citation penalty may not be reduced unless the Director affirms or certifies that the violation has been corrected prior to the mitigation hearing. Factors that may be considered in whether to reduce the citation penalty include: whether the violation was caused by the act, neglect, or abuse of another; or whether correction of the violation was commenced promptly prior to citation, but full compliance was prevented by a condition or circumstance beyond the control of the person cited.

d. Entry of order. After hearing the explanation of the person cited and any other information presented at the hearing, the Hearing Examiner shall enter an order finding that the person cited committed the violation and assessing a citation penalty in an amount

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determined pursuant to subsection 22.212.110.F, which amount the Examiner may reduce pursuant to the mitigation factors in subsection 22.212.110.E.1.c. The Hearing Examiner's decision is the final decision of the City on the matter.

2. Contested hearing

a. Date and notice. If the person cited requests a contested hearing, the Hearing Examiner shall hold the hearing within 60 days after the Hearing Examiner receives the written response to the citation requesting such hearing.

b. Hearing. The Hearing Examiner shall conduct a contested hearing pursuant to the procedures for hearing contested cases contained in Section 3.02.090 and the rules adopted by the Hearing Examiner for hearing contested cases, except as modified by this subsection 22.212.110.E.2. The issues heard at the hearing shall be limited to those that are raised in writing in the response to the citation and that are within the jurisdiction of the Hearing Examiner. The Hearing Examiner may issue subpoenas for the attendance of witnesses and the production of documents.

c. Sufficiency. No citation shall be deemed insufficient for failure to contain a detailed statement of the facts constituting the specific violation that the person cited is alleged to have committed or by reason of defects or imperfections, provided that such lack of detail or defects or imperfections do not prejudice a substantial right of the person cited.

d. Amendment of citation. A citation may be amended prior to the conclusion of the hearing to conform to the evidence presented if a substantial right of the person cited is not thereby prejudiced.

e. Evidence at hearing. A certified statement or declaration that complies with RCW 9A.72.085 and is made by the Director shall be prima facie evidence that a violation

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occurred and that the person cited is responsible. The certified statement or declaration and any other evidence accompanying it shall be admissible without further evidentiary foundation. The person cited may rebut the Director's evidence and establish that the cited violation did not occur or that the person contesting the citation is not responsible for the violation.

f. Disposition. If the citation is sustained at the hearing, the Hearing Examiner shall enter an order finding that the person cited committed the violation. If the violation remains uncorrected, the Hearing Examiner shall impose a citation penalty in an amount determined pursuant to subsection 22.212.110.F. If the violation has been corrected, the Hearing Examiner may reduce the citation penalty pursuant to the mitigation factors in subsection 22.212.110.E.1.c. If the Hearing Examiner determines that the violation did not occur, the Hearing Examiner shall enter an order dismissing the citation. The Hearing Examiner's decision is the final decision of the City on the matter.

3. Failure to appear for hearing. Failure of the person cited or their attorney to appear for a requested hearing will result in an order being entered finding that the person cited committed the violation stated in the citation and assessing the citation penalty specified in the citation. For good cause shown and upon terms the Hearing Examiner deems just, the Hearing Examiner may set aside an order entered upon a failure to appear.

F. Citation penalties

1. Unless reduced pursuant to subsection 22.212.110.E, the following citation penalties shall be assessed for violations of any provision of this Chapter 22.212:

- a. \$1,000 for the first violation; and
- b. \$2,000 for each subsequent violation within a five-year period.

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2. Collection of penalties. If the person cited fails to pay a citation penalty imposed pursuant to this Section 22.212.110, the citation penalty may be referred to a collection agency. The cost to the City for the collection services will be assessed as costs, at the rate agreed to between the City and the collection agency, and added to the citation penalty. Alternatively, the City may pursue collection in any other manner allowed by law.

22.212.120 Notice of violation; penalties

A. If the Director determines that a violation of this Chapter 22.212 has occurred, the Director may serve a notice of the violation upon the person responsible for the violation. The Director may serve the notice by personal service, registered mail, or certified mail, to the last known address of the person responsible for the violation. The notice of violation shall identify the violation of this Chapter 22.212 and what corrective action is necessary to comply with the requirements of this Chapter 22.212.

B. In addition to any other sanction or remedial procedure that may be available, any person violating any provision of this Chapter 22.212 may be subject to a civil penalty in the amount of \$1,000 per day for each violation from the date the violation began until the requirements of this Chapter 22.212 are satisfied, as applicable.

C. If a violation of this Chapter 22.212 resulted in a household representative not receiving economic displacement relocation assistance to which the household representative was entitled, the civil penalty shall be increased by the amount of the economic displacement relocation assistance that the household representative did not receive. The Director shall pay the household representative the economic displacement relocation assistance that was due.

D. If a violation of this Chapter 22.212 is for receipt of economic displacement relocation assistance by a person not entitled to such assistance because the person intentionally

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misrepresented material information regarding entitlement to assistance under subsection 22.212.100.C.1, the civil penalty shall be increased by the amount of economic displacement relocation assistance the household representative received. The Director shall refund the amount paid by the owner.

E. The civil penalty imposed by this Section 22.212.120 may be collected by civil action brought in the name of the City. Actions to enforce this Chapter 22.212 shall be brought exclusively in Seattle Municipal Court except as otherwise required by law or court rule. The Director shall notify the City Attorney of the name of any person subject to the civil penalty and the City Attorney may take action to collect the civil penalty. In any action filed pursuant to this Chapter 22.212, the City has the burden of proving by a preponderance of evidence that a violation exists or existed.

22.212.130 Warnings

Before issuing a citation or a notice of violation, the Director may, in an exercise of discretion, issue a warning to the person responsible for the violation if that person has not been previously warned or cited for violating this Chapter 22.212.

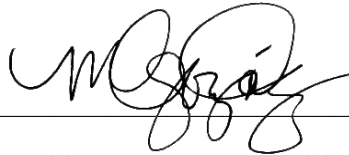
Section 3. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, subsection, or portion of this ordinance, or the invalidity of its application to any person or circumstance, does not affect the validity of the remainder of this ordinance or the validity of its application to other persons or circumstances.

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1 Section 4. Section 2 of this ordinance shall take effect and be in force July 1, 2022.

2 Section 5. This ordinance shall take effect and be in force 30 days after its approval by
3 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
4 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

5 Passed by the City Council the 27th day of September, 2021,
6 and signed by me in open session in authentication of its passage this 27th day of
7 September, 2021.



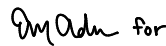
8
9 President _____ of the City Council

10 ☐ Approved / ☒ returned unsigned / ☐ vetoed this 8th day of October, 2021.

11 **Returned Unsigned by Mayor**

12 _____
Jenny A. Durkan, Mayor

13 Filed by me this 8th day of October, 2021.

14 

15 _____
Monica Martinez Simmons, City Clerk

16 (Seal)

Protections	Kenmore Regs	Model Ordinance	Other Jurisdictions
a) Notice of rent Increase	yes. 90 days if >10%	180 days if >3% and tenant may terminate the tenancy at any time and owe pro rata rent through the date the tenant surrenders the dwelling unit.	State 60 days Seattle 180 days Auburn 120 days <u>Unincorporated King</u> County 120 days if over 3%
b) No rent increase if property in poor condition	no	yes	Seattle <u>Unincorporated King</u> <u>County</u>
c) Cap on late fee	No. except late fees for rent that became due during the pandemic.	Yes, capped at \$10 per month	Auburn: \$10 <u>Unincorporated King</u> County: one and one-half percent of the tenant's monthly rent
d) Cap on move in fees	no	Yes, capped to one months rent	<u>Unincorporated King</u> County: one months rent <u>Seattle</u>
e) Right to payment plan	no	yes	Seattle Burien <u>Unincorporated King</u> County: 6 installments if lease < 6 months or 2 if > 6 months. Auburn: 3 installments if lease < 3 months or 2 if > 3 months. Tacoma
f) Source of income discrimination prohibited	State law	Refers to state law	all
g) Rental registration and inspection program	no	yes	Burien Kent Renton Seattle Tukwila Auburn
h) Just cause eviction program	No, except under pandemic emergency, defense to eviction for rental debt accrued; and if a tenant has a rental assistance application in process;	yes	State Law Auburn Burien Federal Way Seattle <u>Unincorporated King</u> County Tacoma

	Requires landlords to certify that they have attempted to obtain rental assistance before filing for eviction due to unpaid rent.		
i) Relocation assistance	no	>5% rent increase, landlord pays 3x rent to tenant	Burien Kent Renton Seattle <u>Portland</u> <u>Tukwila</u> <u>Auburn</u>
j) Right to live with family	no	no	Federal Way Seattle
k) Criminal background checks prohibited	no	no	Seattle
l) Bars discrimination due to immigration status	no	yes	<u>Unincorporated</u> King County
m) Bars requirement of social security number	no	yes	<u>Unincorporated</u> King County
n) Bans abusive, deceptive, and unfair practices in rental housing	no	yes	<u>Unincorporated King County</u>
o) Rent due date may be altered due to tenant's fixed income	no	yes	<u>Unincorporated</u> King County (<u>stronger than state law</u>)
p) Landlord may not demand child or person with disability to be signatory to lease if tenant of record is already a signatory	no	yes	<u>Federal Way</u> <u>Seattle</u> <u>Note: Comparable but different to the model ordinance</u>

CITY OF KENMORE
Community Development
Department

Residential Renter Tenant Protections



Agenda

- Review residential landlord tenant act laws (City Attorney)
- Overview of the model renter protection ordinance (Katie Wilson, with the Transit Riders Union and Edmund Witter with the Housing Justice Project)
- Comment from the rental owners perspective on tenant protections (Jim Henderson, lobbyist for the Rental Housing Association of Washington)
- Overview of Kenmore's current renter protection regulations
- Council discussion and direction on which rental protections to pursue



Residential Tenant Act Laws

State law procedurally regulates the relationship between landlords and tenants:

- Requires premises to be fit for human habitation
- Requires 60-day notice of rent increase
- Requires notice prior to charging late fee for rent
- Requires 14-day notice to pay rent or vacate, which must include notice of right to legal representation, notice of dispute resolution requirement and defense to eviction if landlord fails to provide notice
- Requires 20-day notice of termination; 90-day for change to policy regarding children; 120-days for conversion to condominium or substantial rehabilitation of premises
- Requires just cause evictions
- Prohibits requiring tenants to waive state law protections in rental agreement
- Requires landlord to notify prospective tenants of information necessary for screening, applicable criteria that may result in denial and notice of adverse action



Residential Tenant Act Laws (continued)

State law procedurally regulates the relationship between landlords and tenants:

- Requires 21-day statement of basis for retaining security deposit
- Requires landlord to apply any payment towards rent before applying to other fees and charges
- Prohibits source of income discrimination
- Requires landlords to pay relocation assistance if dwelling unit condemned or unlawful to occupy due to existence of conditions that violates applicable law
- Authorizes local municipality to require landlords to provide certificate of inspection every three years as a business license condition
- Authorizes implementation of relocation assistance for low-income tenants, after public hearing (that determines relocation assistance costs), adopting policies with appeals, and requires local govt. to pay ½ of relocation assistance
- Authorizes tenant to request installment payment of deposits, nonrefundable fees and last month's rent in installments upon certain conditions



Residential Tenant Act: Just Cause Evictions

Just cause required for terminating tenancy (with certain exceptions), as follows: Exceptions not discussed here.

- Failure to pay rent
- Substantial breach of material term of rental agreement, subsidized housing program or tenant obligation
- Committing or permitting waste or nuisance, unlawful activity that affects use and enjoyment of premises
- Landlord, in good faith, seeks possession for owner or immediate family to occupy unit as principal residence and no equivalent unit is vacant and available
- Owner elects to sell single-family residence
- Premises to be demolished, substantially rehabilitated, or change of use
- Owner elects to withdraw premises from rental market to pursue conversion
- Premise are condemned as uninhabitable by local agency
- Service of notice to vacate when tenant shares dwelling unit or access to common kitchen or bathroom area



Just Cause Evictions (continued)

- Rental agreement has expired, landlord offers new agreement at least 30-days prior to expiration and tenant does not sign
- Tenant has aged out of transitional housing program or completed educational or training service program and no longer eligible for housing program
- Tenant intentionally and knowingly misrepresents or omits material information from application that would have resulted in landlord requesting additional information or taking adverse action
- Other good cause that includes legitimate economic or business reason
- Four or more violations of a subsidized housing requirement, material term lease, or tenant obligation imposed by law, in 12-month period with notice given
- Required to register as sex offender during tenancy, or failed to disclose in rental application
- Makes unwanted sexual advances or commits other acts of sexual harassment directed at property owner, property manager or employees, or another tenant based on person's race, gender or protected status in violation of a lease term



Just Cause Evictions (continued)

Landlord may not require tenant to waive just cause requirements. Landlord may be liable for two times monthly rent charged if knowingly requires lease provisions in violation of just cause laws. Landlord who removes tenant in violation of just cause eviction may be law liable to tenant for three times monthly rent and reasonable attorneys' fees and court costs.



Tenant Protections for Non-Payment of Rent Between 3/1/20 and 12/30/21

Applicable to:

- Tenants protected under Residential Landlord-Tenant Act, Chap. 59.18 RCW ("Act")
- Mobile home park tenants
- Individuals living in transient lodging (hotel, motel or camping area) for 30 days or more or prior to March 1, 2020; or for more than 30 days after March 1, 2020, unless they received a 7-day eviction notice.

Protections:

- Landlord may not charge late fees or other charges for unpaid rent that became due between March 1, 2020 and December 30, 2021;
- Landlord may not report to a prospective landlord of the tenant's nonpayment of rent or that an unlawful detainer action was filed for nonpayment of rent that accrued between March 1, 2020 and December 30, 2021;



Tenant Protections for Non-Payment of Rent Between 3/1/20 and 12/30/21 (continued)

Protections

- A prospective landlord may not take adverse action based on a prospective tenant's nonpayment of rent that occurred between March 1, 2020 and December 30, 2021 when considering a rental application;
- Current or prospective landlord may not deny, discourage application for, or make unavailable a rental dwelling unit based on tenant's medical history, including prior or current COVID-19 exposure or infection;
- Current or prospective landlord may not inquire about, consider or require medical records or history unless necessary to evaluate request for reasonable accommodation or reasonable modification request; and
- If a current or prospective landlord violates tenant protections they will be liable in a civil action for up to two and one-half times the monthly rent, attorneys' fees and court costs.



Repayment Plans Required for Non-Payment of Rent Between 3/1/20 and 12/31/21 or End of Public Emergency

If tenant has unpaid rent that accrued between March 1, 2020 and December 30, 2021 or the end of the public health emergency, whichever is greater, a landlord must offer reasonable repayment schedule for unpaid rent.

- Reasonable repayment plan may not:
 - Exceed $1/3^{\text{rd}}$ of monthly rental charges during time-period of accrued debt. For example, if rent was \$1500 per month during pandemic when tenant unable to pay, repayment plan cannot require payments more than \$500 per month ($1/3$ of monthly rent charges) to get caught up.
 - Begin sooner than 30 days after plan offered;
 - Cover legal fees, late fees or other charges (must cover rent only);
 - Be conditioned on acceptance of rental agreement, payment of attorneys' fees, court or other costs related to litigation with default of rental agreement, require application of benefits or tenant's waiver of rights to notice



Repayment Plans Required for Non-Payment of Rent Between 3/1/20 and 12/31/21 or End of Public Emergency

- Landlord must allow payments from any source of income;
- If tenant fails to accept terms of repayment plan within 14 days the landlord may proceed with an unlawful detainer action (subject to notice, and other provisions)
- It is a defense to unlawful detainer proceeding if landlord fails to offer reasonable repayment plan.
- Court must consider tenant's circumstances, including decreased income or increased expenses due to COVID-19, and repayment plan terms offered



Eviction Resolution Program (ERP)

An ERP program to facilitate resolution of nonpayment of rent cases between landlord and tenant prior to filing of unlawful detainer action. Landlord must give 14-day notice that informs tenant of ERP and send notice to local Dispute Resolution Center. Landlord may not file unlawful detainer action without proof of notice.

Legal Representative of Indigent Tenants: Authorizes court appointed attorneys for indigent tenants in unlawful detainer proceeding.



Transit Riders Union and Housing Justice Project, Model Ordinance (Katie Wilson and Edmund Witter)

Rent Increases must be provided 180 days before effective date

- No increase in rent if property is in poor condition
- Increases over 5% of monthly rent requires landlord to pay relocation assistance for economically displaced tenants
- Move-in fees are capped at one month's rent and provide installment plans
- Late fees are capped at \$10.00 per month
- Requires cause to evict as specified in the agreement
- Rent due date may be altered due to tenant's fixed income
- Landlord may not demand child or person with disability to be signatory to lease if tenant of record is already a signatory
- Bars discrimination due to immigration status and bars requirement of social security number
- Bans abusive, deceptive, and unfair practices in rental housing
- Creates a rental housing registration and inspection program



Rental Housing Association of Washington (Jim Henderson)

- The RHAWA is a state rental housing association representing independent rental owners/managers and manufactured housing community owners.
- Comments from Jim Henderson from the rental owners perspective on renter tenant protections and the model ordinance



Kenmore Renter Protections

In 2019 Council adopted Ordinance 19-0484. This ordinance established a new chapter in the Kenmore Municipal Code (KMC), KMC Chapter 8.55 Notice of Rent Increase

KMC 8.55.020 states "For any rental agreement or renewal of a rental agreement for a residential rental unit in the City of Kenmore entered into after September 1, 2019, the landlord shall include or shall be deemed to include a provision requiring a minimum of 90 days' prior written notice whenever the periodic or monthly housing costs to be charged a tenant are to increase by 10 percent or more over the periodic or monthly rental rate charged the same tenant for the same rental unit and same services for any period or month during the preceding 12-month period"



Kenmore Renter Protections Related to the Pandemic

At the 6/14/21 Council meeting, Council adopted Ordinance 21-0525, adopting Renter Protections and Eviction Defense Related to Covid-19. The ordinance included the following renter protections:

1. Creates a defense to eviction for rental debt accrued due to pandemic-related hardship.
2. Creates a defense to eviction if a tenant has a rental assistance application in process.
3. Bans late fees for rent that became due during the pandemic.
4. Requires landlords to certify that they have attempted to obtain rental assistance before filing for eviction due to unpaid rent accrued during the pandemic.

The residential tenant protections and eviction defense provisions remain in effect if the Governor's State of Washington proclaimed State of Emergency due to COVID-19 (established 2/29/20) and the City's proclaimed emergency (3/5/20) and associated emergency rules also remain in effect.



Renter Protection Policies

- a) Notice of rent increase required: Requires landlords to give a specific amount of notice prior to increasing rent ranging from 60 to 180 days.
- b) No rent increase if property in poor condition: Restricts a landlord from increasing the rent by any amount if the dwelling unit has defective conditions making the dwelling unit unlivable, if a request for repairs has not been completed, or is otherwise in violation of RCW 59.18.060.
- c) Cap on late fees: Establishes a cap on any fees for late payment of rent.
- d) Cap on move in fee: Establishes a cap on tenant's move in fees and security deposit to a specific amount.
- e) Right to payment plan: Requires landlords to accept payment plans ranging from 3 to 6 months for up-front moving costs like security deposit and last month's rent.
- f) Source of income discrimination prohibited: Prevents landlords from denying a tenant's application solely based on their source of income, such as social security, and requires landlords to accept public housing assistance.



Renter Protection Policies (continued)

- g) Rental unit registration inspection program: Require registration and inspection of rental units, often in response to a complaint, on a set schedule, or a combination of the two. Some cities have specific habitability standards regarding rental units.
- h) Just cause eviction program: Prevents landlords from evicting tenants without cause and gives specific notice requirements for terminating a tenancy depending on the reason for the termination.
- i) Right to relocation assistance: Requires financial assistance to give to low-income tenants who are displaced due to development related reasons, such as the demolition of a building. The assistance is paid by both the jurisdiction and landlord.
- j) Right to live with family: Requires landlords to allow a tenant's family to live in a unit, up to occupancy requirements in the building code.
- k) Criminal background checks prohibited: Limits landlord's ability to deny a tenant's application based on criminal history with some exceptions.



Renter Protection Policies (continued)

- g) Rental unit registration inspection program: Require registration and inspection of rental units, often in response to a complaint, on a set schedule, or a combination of the two. Some cities have specific habitability standards regarding rental units.
- h) Just cause eviction program: Prevents landlords from evicting tenants without cause and gives specific notice requirements for terminating a tenancy depending on the reason for the termination.
- i) Right to relocation assistance: Requires financial assistance to give to low-income tenants who are displaced due to development related reasons, such as the demolition of a building. The assistance is paid by both the jurisdiction and landlord.
- j) Right to live with family: Requires landlords to allow a tenant's family to live in a unit, up to occupancy requirements in the building code.
- k) Criminal background checks prohibited: Limits landlord's ability to deny a tenant's application based on criminal history with some exceptions.



Renter Protection Policies (continued)

- l) Bars discrimination due to immigration status: Limits landlord's ability to make any inquiry regarding or based on the immigration or citizenship status of a tenant, prospective tenant, occupant, or prospective occupant of residential rental property.
- m) Bars requirement of social security number: Limits landlord's ability to require that any tenant, prospective tenant, occupant, or prospective occupant of rental property provide a social security number.
- n) Bans abusive, deceptive, and unfair practices in rental housing: For example, taking advantage of a lack of a tenant's understanding of tenancy or rights.
- o) Rent due date may be altered due to tenant's fixed income:
- p) Landlord may not demand child or person with disability to be signatory to lease if tenant of record is already a signatory: Under these circumstances a landlord cannot require these signatures.





**City Council Business Agenda Item
City of Kenmore, WA**

Subject/Topic: Deliberation and Action
Relating to Ordinance No. 22-0544

Proposed Council Action/Motion:
Adopt Ordinance No. 22-0544 Relating to
Providing Fee Discount Options for Lower-
Income Homeowners, Amending Section
20.05.050 of the Kenmore Municipal Code and
Establishing an Effective Date.

For Council Meeting Agenda of: February 14, 2022

Department: Development Services

Prepared by: Tela Gardner, Permit Coordinator &
Bryan Hampson, Development Services
Director

	<u>Initial & Date</u>
Approved by Department Head:	<u>BH 1-28-22</u>
Approved by City Attorney:	<u>JSR 1-28-22</u>
Approved by Finance Director:	<u> </u>
Approved by City Manager:	<u>RGK 1-28-22</u>

Exhibits/Attachments:

1. Ordinance No. 22-0544 with Code Amendment
2. ARCH Income Limit Table (2021)
3. Jurisdiction Examples

INFORMATION/BACKGROUND:

For Kenmore residents who are below a certain income level, the cost of submitting for a building permit or land use application can become cost prohibitive, potentially resulting in unsafe structures or living conditions. On October 11, 2021, while discussing the 2022 Fee Schedule, City Council directed staff to research hardship fee waivers and/or discounts for potential adoption.

In 2016, Development Services hired the FCS Group to study the current development fee rates and make a recommendation for updated fees. Based on their final report, Council adopted the 2018 fee schedule with a 90% cost recovery for building services and 80% cost recovery for planning (land use) services. While state law limits the maximum cost recovery for permit processing, it doesn't require a minimum. The discount is also not considered a gift of public funds because the homeowner will demonstrate through the standards of the application process that there is a need for reduced permit fees.

The code amendment attached to the Ordinance proposes additional language to an existing code section regarding fee waivers and expands staff's ability to waive a portion of development review fees for property owners that can demonstrate their income level meets the levels of KMC 18.20.098 for ownership. Staff proposes discount rates as outlined in the table below:

Total gross household income level	Discount	Approximate cost recovery rate
Moderate-income or less: 80 percent of median income or less	70%	27%

To demonstrate eligibility with this program, on an application form provided by Development Services, the property owner must certify to the income level criteria or provide an approved free meal application from Northshore School District. Besides attesting to income levels, the property owner must sign the application attesting to residing in the property six months per year and that their homeowner's insurance company is not responsible for the permit cost(s). Staff will review the application per the most recent ARCH income limit

table (Attachment 2) household income limits. For plan review permits, the application can be submitted with other application materials, but for over-the-counter permits such as mechanical and plumbing, the owner will need to follow up with the paperwork and request a refund as these are automatically issued through MyBuildingPermit.com when requested.

The scenarios below illustrate the discount amounts for two different permitting scenarios which are based on real-life examples. The starred total in both scenarios includes the 5% technology fee and WA State Surcharge (\$6.50).

Scenario #1

A homeowner would like to remove their wood fireplace and chimney due to a weather event and subsequent tree damage that was not covered by insurance. The estimated project cost is \$10,000 for labor and materials.

Scenario 1 - Standard permit cost (based on project valuation and 2022 Fee Schedule)

<i>Line Item</i>	<i>Cost</i>
<i>Building permit</i>	\$210.76
<i>Building plan review</i>	\$137.00
<i>Subtotal</i>	\$347.76
<i>Total*</i>	\$371.65
	90% cost recovery

Scenario 1 – With 70% discount

<i>Line Item</i>	<i>Cost</i>
<i>Building permit</i>	\$63.23
<i>Building plan review</i>	\$41.10
<i>Subtotal</i>	\$104.33
<i>Total*</i>	\$116.04
	27% cost recovery
<i>Discount</i>	\$255.61

Scenario #2

A manufactured homeowner would like to install a new entry ramp & front porch on their unit near the Slough. The estimated project cost is \$3,000 for labor and materials and is eligible for a shoreline exemption since the entry porch is relatively small.

Scenario 2 - Standard permit cost (based on project valuation and 2022 Fee Schedule)

<i>Line Item</i>	<i>Cost</i>
<i>Building permit</i>	\$97.22
<i>Building plan review</i>	\$63.20
<i>Shoreline exemption</i>	\$914
<i>Site plan review</i>	\$115
<i>Subtotal</i>	\$1,189.42
<i>Total*</i>	\$1,255.39
	~90% cost recovery

Scenario 2 – With 70% discount

<i>Line Item</i>	<i>Cost</i>
<i>Building permit</i>	\$29.17
<i>Building plan review</i>	\$18.96
<i>Shoreline exemption</i>	\$274.20
<i>Site plan review</i>	\$34.50
<i>Subtotal</i>	\$356.83
<i>Total*</i>	\$381.17

Discount	27% cost recovery \$874.22
<p>Based on research to the surrounding areas, here are some examples of what other jurisdictions do (see the supporting documentation in Attachment 3):</p> <ul style="list-style-type: none"> • City of Auburn offers a building permit fee reduction for homeowners enrolled in another City program that benefits low-income residents. • Pierce County offers to waive fees when the applicant can demonstrate they meet one of the criteria in the exception section: the dwelling is intended for low-income families the construction involved volunteer labor, is being coordinated by a non-profit or any new unit approved as Affordable Housing. • Puyallup offers to waive fees when all of the conditions apply: if the dwelling must be a residential structure intended for low-income families, the construction of the structure involves some volunteer labor, and the structure is being constructed by an organization classified as a nonprofit. 	
<p><u>FISCAL CONSIDERATION:</u> Allowing for 70% discounts on a permit reduces the cost recovery on individual permits to approximately 27%. If we had this in place in the last few years, we estimate this would have only affected a handful of applications. For example, if 5 homeowners a year requested a discount on their minor building alterations (Scenario 1 above), the permit cost would change from approximately \$372 to \$116, over 5 years, City would absorb approximately \$6,400. If the ordinance is approved, Development Services will track the overall revenue impacts of this program.</p>	
<p><u>COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:</u> Priority #1: Increase and preserve the options for affordable housing stock.</p>	

**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 22-0544**

**AN ORDINANCE OF THE CITY OF KENMMORE, WASHINGTON,
AMENDING SECTION 20.05.050 OF THE KENMORE MUNICIPAL
CODE TO ALLOW THE CITY'S COMMUNITY DEVELOPMENT
DIRECTOR TO WAIVE CERTAIN DEVELOPMENT REVIEW FEES FOR
REPAIR OF SINGLE-FAMILY HOMES BASED ON HARDSHIP;
PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN
EFFECTIVE DATE.**

WHEREAS, the City of Kenmore as a member of ARCH has been working to help people with lower incomes obtain stable and safe housing; and

WHEREAS, the ARCH income standard for homeownership is 80 percent of Area Median Income (AMI) as adjusted for family size; and

WHEREAS, some Kenmore homeowners have incomes that are at or below 80 percent AMI; and

WHEREAS, homeowners who are lower income may have difficulty in paying for repairs and necessary improvements to their homes in order to provide for safety and accessibility; and

WHEREAS, many people who live in Kenmore have also been financially impacted by the COVID-19 pandemic; and

WHEREAS, one component of performing repairs or safety/accessibility improvements on a home is obtaining permits from the City; and

WHEREAS, the costs of these permits add to the overall costs of repairing or improving the home and can make it financially infeasible from some homeowners to maintain their homes in a safe and accessible manner; and

WHEREAS, in order to assist homeowners with incomes at or below 80 percent AMI in maintaining their homes in a safe and accessible manner, the City Council deems it in the public interest to allow the Community Development Director to waive certain development review fees; and

WHEREAS, the City Council finds that waiving some of these fees as set forth in this Ordinance will benefit the public health and welfare of its residents and it will encourage low income homeowners to repair their homes to make them safe and accessible;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON
ORDAINS AS FOLLOWS:**

Section 1. Amendment. The City Council amends Section 20.05.050 of the Kenmore Municipal Code to read as follows:

20.05.050 Fee waivers.

The director shall have the discretion to waive all or a portion of the development review fees administered by the department and required pursuant to this title; provided, the waiver is warranted in the director's judgment or building permit fees are assessed to replace, repair, abate or demolish a structure due to property damage caused by a natural disaster. In addition, the director may waive a portion of development review fees for certain permits necessary to repair single-family dwelling units when the property owner(s) demonstrates, on a form provided by the department, their income level meets the level(s) described in KMC 18.20.098. The types of permits eligible are single family addition and/or alteration building permit for repair or maintenance of the existing structure, including accessibility or safety reasons, manufactured homes addition and/or alteration building permit for manufactured homes occupied as single-family residences, temporary mobile home permits, single family plumbing and mechanical permits, and shoreline substantial development permit exemptions for any of the previously mentioned permit types. Additional fee reduction provisions may be specified elsewhere in this title.

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. Effective Date. This ordinance shall be published in the City's newspaper of record and shall take effect and be in full force five (5) days after the date of publication.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE ____ DAY OF ____, 2022.

CITY OF KENMORE

Nigel Herbig, Mayor

ATTEST/AUTHENTICATED:

Anastasiya Warhol, City Clerk

Approved as to form:

Dawn Reitan, City Attorney

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
ORDINANCE NO.: 22-0544
DATE OF PUBLICATION:
EFFECTIVE DATE:

Attachment 2

ARCH 2021 Income and Rent Limits
 Median Income: \$115,700

HOUSEHOLD INCOME LIMITS--determined by household size**ALL LAND USE & MFTE PROJECTS**

Percentage

of AMI	1 person	2 persons	3 persons	4 persons	5 persons	6 persons	7 persons
30%	\$ 24,297	\$ 27,768	\$ 31,239	\$ 34,710	\$ 37,487	\$ 40,264	\$ 43,040
35%	\$ 28,347	\$ 32,396	\$ 36,446	\$ 40,495	\$ 43,735	\$ 46,974	\$ 50,214
40%	\$ 32,396	\$ 37,024	\$ 41,652	\$ 46,280	\$ 49,982	\$ 53,685	\$ 57,387
45%	\$ 36,446	\$ 41,652	\$ 46,859	\$ 52,065	\$ 56,230	\$ 60,395	\$ 64,561
50%	\$ 40,495	\$ 46,280	\$ 52,065	\$ 57,850	\$ 62,478	\$ 67,106	\$ 71,734
55%	\$ 44,545	\$ 50,908	\$ 57,272	\$ 63,635	\$ 68,726	\$ 73,817	\$ 78,907
60%	\$ 48,594	\$ 55,536	\$ 62,478	\$ 69,420	\$ 74,974	\$ 80,527	\$ 86,081
65%	\$ 52,644	\$ 60,164	\$ 67,685	\$ 75,205	\$ 81,221	\$ 87,238	\$ 93,254
70%	\$ 56,693	\$ 64,792	\$ 72,891	\$ 80,990	\$ 87,469	\$ 93,948	\$ 100,428
75%	\$ 60,743	\$ 69,420	\$ 78,098	\$ 86,775	\$ 93,717	\$ 100,659	\$ 107,601
80%	\$ 64,792	\$ 74,048	\$ 83,304	\$ 92,560	\$ 99,965	\$ 107,370	\$ 114,774
85%	\$ 68,842	\$ 78,676	\$ 88,511	\$ 98,345	\$ 106,213	\$ 114,080	\$ 121,948
90%	\$ 72,891	\$ 83,304	\$ 93,717	\$ 104,130	\$ 112,460	\$ 120,791	\$ 129,121
95%	\$ 76,941	\$ 87,932	\$ 98,924	\$ 109,915	\$ 118,708	\$ 127,501	\$ 136,295
100%	\$ 80,990	\$ 92,560	\$ 104,130	\$ 115,700	\$ 124,956	\$ 134,212	\$ 143,468
120%	\$ 97,188	\$ 111,072	\$ 124,956	\$ 138,840	\$ 149,947	\$ 161,054	\$ 172,162

1-person	2-person	3-person	4-person	5-person	6-person	7-person
0.7	0.8	0.9	1	1.08	1.16	1.24

RENT LIMITS--determined by bedrooms**LAND USE & MFTE PROJECTS EXECUTED BEFORE MAY 1, 2019**

Percentage

of AMI	Studio	1-Bedroom	2-Bedroom	3-Bedroom	4-Bedroom
30%	\$ 607	\$ 694	\$ 781	\$ 868	\$ 937
35%	\$ 709	\$ 810	\$ 911	\$ 1,012	\$ 1,093
40%	\$ 810	\$ 926	\$ 1,041	\$ 1,157	\$ 1,250
45%	\$ 911	\$ 1,041	\$ 1,171	\$ 1,302	\$ 1,406
50%	\$ 1,012	\$ 1,157	\$ 1,302	\$ 1,446	\$ 1,562
55%	\$ 1,114	\$ 1,273	\$ 1,432	\$ 1,591	\$ 1,718
60%	\$ 1,215	\$ 1,388	\$ 1,562	\$ 1,736	\$ 1,874
65%	\$ 1,316	\$ 1,504	\$ 1,692	\$ 1,880	\$ 2,031
70%	\$ 1,417	\$ 1,620	\$ 1,822	\$ 2,025	\$ 2,187
75%	\$ 1,519	\$ 1,736	\$ 1,952	\$ 2,169	\$ 2,343
80%	\$ 1,620	\$ 1,851	\$ 2,083	\$ 2,314	\$ 2,499
85%	\$ 1,721	\$ 1,967	\$ 2,213	\$ 2,459	\$ 2,655
90%	\$ 1,822	\$ 2,083	\$ 2,343	\$ 2,603	\$ 2,812
95%	\$ 1,924	\$ 2,198	\$ 2,473	\$ 2,748	\$ 2,968
100%	\$ 2,025	\$ 2,314	\$ 2,603	\$ 2,893	\$ 3,124
120%	\$ 2,430	\$ 2,777	\$ 3,124	\$ 3,471	\$ 3,749

RENT LIMITS--determined by bedrooms**LAND USE & MFTE PROJECTS EXECUTED AFTER MAY 1, 2019**

Percentage

of AMI	Studio	1-Bedroom	2-Bedroom	3-Bedroom	4-Bedroom
30%	\$ 607	\$ 651	\$ 781	\$ 902	\$ 1,007
35%	\$ 709	\$ 759	\$ 911	\$ 1,053	\$ 1,174
40%	\$ 810	\$ 868	\$ 1,041	\$ 1,203	\$ 1,342
45%	\$ 911	\$ 976	\$ 1,171	\$ 1,354	\$ 1,510
50%	\$ 1,012	\$ 1,085	\$ 1,302	\$ 1,504	\$ 1,678
55%	\$ 1,114	\$ 1,193	\$ 1,432	\$ 1,655	\$ 1,845
60%	\$ 1,215	\$ 1,302	\$ 1,562	\$ 1,805	\$ 2,013
65%	\$ 1,316	\$ 1,410	\$ 1,692	\$ 1,955	\$ 2,181
70%	\$ 1,417	\$ 1,519	\$ 1,822	\$ 2,106	\$ 2,349
75%	\$ 1,519	\$ 1,627	\$ 1,952	\$ 2,256	\$ 2,516
80%	\$ 1,620	\$ 1,736	\$ 2,083	\$ 2,407	\$ 2,684
85%	\$ 1,721	\$ 1,844	\$ 2,213	\$ 2,557	\$ 2,852
90%	\$ 1,822	\$ 1,952	\$ 2,343	\$ 2,707	\$ 3,020
95%	\$ 1,924	\$ 2,061	\$ 2,473	\$ 2,858	\$ 3,188
100%	\$ 2,025	\$ 2,169	\$ 2,603	\$ 3,008	\$ 3,355
120%	\$ 2,430	\$ 2,603	\$ 3,124	\$ 3,610	\$ 4,026

Older covenants use the same occupancy multipliers to adjust income and rent limits, shown in gray, above. Covenants executed after 5/1/19 use different multipliers for income and rent limits; new rent limit multipliers (in blue to the right) match those used by other programs, e.g. WSHFC.

1-person	1.5-person	3-person	4.5-person	6-person
0.7	0.75	0.9	1.04	1.16

ALLOWANCES**ALL LAND USE & MFTE PROJECTS**

	Studio	1-Bedroom	2-Bedroom	3-Bedroom	4-Bedroom
Elect & Gas	\$ 54	\$ 81	\$ 107	\$ 134	\$ 161
W/S/G	\$ 76	\$ 76	\$ 87	\$ 108	\$ 127
Renter's insurance	\$ 13	\$ 13	\$ 13	\$ 13	\$ 13
Sewer capacity	Actual	Actual	Actual	Actual	Actual
Pest control	Actual	Actual	Actual	Actual	Actual
Other*	Actual	Actual	Actual	Actual	Actual

CITY OF AUBURN FEE SCHEDULE
FEES FOR CITY PERMITS, LICENSES, PUBLICATIONS, AND ACTIONS
Effective January 1, 2022.

A. PLANNING FEES (Per Ordinance No. 5707, Ordinance No. 5715, Ordinance No. 5819, Resolution No. 3797, Resolution No. 3953, Resolution No. 4070, Resolution No. 4117, Resolution No. 4143, Ordinance No. 6077, Resolution No. 4272, Resolution No. 4424, Ordinance No. 6276, Resolution No. 4552, Ordinance No. 6295, Resolution No. 4868, Resolution No. 4880, Resolution 4964, Ordinance 6477, Resolution No. 5016, Resolution 5114, Resolution No. 5181, Resolution No. 5213, Resolution No. 5228, Resolution No. 5255, Resolution No. 5312, Resolution No. 5319, Resolution No. 5388, Resolution No. 5470, Resolution No. 5549, and Resolution No. 5620.)

1. Application Fees: Applications for any action identified below shall not be accepted for filing, unless otherwise noted, until the fees per the below schedule have been paid to the City. ¹	
Additional Meeting Fee (beyond the specified number)	\$327.00 per meeting
Additional Re-submittal Fee (applied after 3 city reviews of the application)	\$112.00 per re-submittal
Administrative Use Permits (covers 1 meeting with staff after which additional meeting fees apply)	\$1,833.00
Appeal of Administrative Decisions issued under Chapter 1.25, Title 3, Title 5, Title 8, Title 14, Title 15, Title 16, Title 17, Title 18 or Title 19 to Hearing Examiner ¹ . Hearing Examiner costs are included within the appeal fee and are therefore not billed separately.	\$1,267.00
Preliminary Binding Site Plan ² (covers 2 meetings with staff after which additional meeting fees apply)	\$5,112.00 + \$68.00/lot
Boundary Line Adjustment ¹ :	
Residential (Single Family & Multi-Family)	\$1,517.00
Non-Residential (includes mixed use projects)	\$2,275.00
Boundary Line Elimination ¹	\$596.00
Comprehensive Plan Map Amendments ³ (covers 2 meetings with staff after which additional meeting fees apply)	\$7,651.00 (includes rezone application fee)
Comprehensive Plan Text Amendments ³ (covers 2 meetings with staff after which additional meeting fees apply)	\$7,651.00
Conditional Use Permits ^{1, 6} (covers 2 meetings with staff after which additional meeting fees apply):	
Residential (Single Family & Multi-Family)	\$2,390.00 + Hearing Examiner expenses.
All Other (includes mixed use projects)	\$3,583.00 + Hearing Examiner expenses.

¹ Please note that the City of Auburn may collect a review fee on behalf of the Valley Regional Fire Authority for certain land use and/or environmental reviews which fee is collected in addition to the City's required fees.

² Per Auburn City Code, a modification to an approved binding site plan shall be processed in the same manner as the original binding site plan approval. Therefore, the specified fee shall apply to a new or modified binding site plan approval request.

³ Fees for amendments to text or maps of the Comprehensive Plan apply only where an applicant seeks an amendment affecting specific properties rather than the City generally or property within the City generally.

will be applied in addition to the fee collected for the Valley Regional Fire Authority (VRFA) as identified in the VRFA Fee Schedule.			
Manufactured Home: The permit fee shall be equivalent to the adopted additional plan review and reinspection fee based on a minimum of four hours.			
Permit Extensions: For permits that are granted an extension beyond the expiration date or date of abandonment, whether issued or not, a permit extension fee is required to be paid prior to extension. The fee shall be the lesser of \$112 or 50% of the original application and permit fees.			
Plan Review Fees: When submitted documents are required by Section 106.3 of the Construction Administrative Code, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be 65 percent of the building permit fee as shown in Table 1-A. The plan review fees specified in this section are separate fees from the permit fees and in addition to permit fees.			
Rack Permit Fee: The permit fee shall be equivalent to the adopted additional plan review and reinspection fee based on a minimum of three hours.			
Solar Permits – Over the Counter: The permit fee for solar installations that qualify for the over-the-counter permitting shall be equivalent to the inspection fee based on a minimum of two hours.			
Stock Plan Site Plan Review Fee: The plan review fee for individual lot site plan that have an approved building stock plan shall be \$224.00.			
Temporary Certificate of Occupancy Fees: There shall be a fee equal to \$1,250.00 for issuance of a temporary certificate of occupancy and a fee of \$300.00 for each subsequent 30-day extension requested.			
Building Permit Fee Reductions. The Director is authorized to waive building, mechanical or plumbing permit fees for homeowners that are already enrolled in another City program that is intended to benefit low income residents (e.g. housing home repair program, utility discount program). This fee reduction may also be extended to contractors that are applying for permits on behalf of these homeowners provided that it can be documented that the discount is benefiting the homeowner and not supplementing a contractor's profit.			
5. FIRE IMPACT FEES. Impact Fees By Land Use – Revenue Credit = 20% (Per Ordinance No. 5977, Resolution 3953, and Resolution No. 4022)			
Land Use	Total Fire & EMS Cost per Unit of Development	Adjustment (Revenue Credit) at 20%	Fire and EMS Impact Fee per Unit of Development
Residential – All calculations below are per dwelling unit – Total x Number of Units			
Single Family, Duplex, Mobile Home	\$362.66	\$72.53	\$290.13
Multi-Family	\$383.09	\$76.62	\$306.47
Non-Residential – All calculations below are per square foot - Total x Square Feet			
Hotel/Motel	\$0.53	\$0.11	\$0.42
Hospital/Clinic	\$1.05	\$0.21	\$0.84
Group Living	\$2.63	\$0.53	\$2.10
Office	\$0.29	\$0.06	\$0.23
Retail	\$0.62	\$0.12	\$0.50

Chapter 17C.10 ADMINISTRATIVE PROVISIONS FOR THE CONSTRUCTION CODES

Sections:

- 17C.10.010 Adoption of Washington State Building Codes by Reference.**
- 17C.10.020 Implementation.**
- 17C.10.030 Creation of Enforcement Agency.**
- 17C.10.040 Conflicts Between Codes.**
- 17C.10.050 Violations and Penalties.**
- 17C.10.060 Appeals.**
- 17C.10.070 Fees.**
- 17C.10.080 Investigation Fee.**
- 17C.10.090 Reinspection Fee.**
- 17C.10.110 Application Expiration.**
- 17C.10.120 Conditions of Approval.**
- 17C.10.130 Permit Expiration.**
- 17C.10.140 Fully Completed Building Permit Application.**
- 17C.10.145 Access to Public or Private Road.**
- 17C.10.150 Severability.**

17C.10.010 Adoption of Washington State Building Codes by Reference.

The following Codes are hereby adopted:

- A. International Building Code, published by the International Code Council, including Appendix C, Appendix E, Appendix G, Appendix H, and Appendix I (as adopted by PCC [17C.20.010](#));
- B. The International Residential Code, published by the International Code Council, including Appendix Chapters E, G, H, J, and K (as adopted by PCC [17C.30.010](#));
- C. The International Existing Building Code published by the International Code Council (as adopted by Chapter [17C.35](#) PCC);
- D. International Mechanical Code published by the International Conference of Building Officials International Code Council (as adopted by Chapter [17C.40](#) PCC);
- E. The Uniform Plumbing Code, including Appendix Chapters A, B, D, E, I, and L, published by the International Association of Plumbing and Mechanical Officials; provided, that Chapters 12 and 15 of such Code are not adopted (as adopted by Chapter [17C.50](#) PCC);
- F. The International Fire Code (as adopted by Chapter [17C.60](#) PCC), published by the International Code Council; provided that, notwithstanding any wording in this Code, participants in religious ceremonies shall not be precluded from carrying hand-held candles;

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- G. The Washington State Energy Code as adopted by the State Building Code Council (as adopted by Chapter [17C.70](#) PCC);
 - H. The International Swimming Pool and Spa Code published by the International Code Council (as adopted by Chapter [17C.75](#) PCC); and
 - I. The International Property Maintenance Code, published by the International Code Council (as adopted by Chapter [17C.80](#) PCC).
- The above Codes shall govern all buildings, structures and related equipment within unincorporated Pierce County.
(Ord. [2016-85s](#) § 1 (part), 2016; Ord. [2010-4s](#) § 1 (part), 2010; Ord. [2007-55s](#) § 1 (part), 2007; Ord. [2004-30s](#) § 6 (part), 2004; Ord. [99-24S](#) § 11 (part), 1999)

17C.10.020 Implementation.

Pursuant to RCW [19.27.074](#), the State Building Code Council reviews and amends the Codes enumerated in PCC [17C.10.010](#), as appropriate. The updated editions of the Codes identified in PCC [17C.10.010](#) shall be incorporated by reference into the Pierce County Code on the effective date of their adoption and amendment by the State Building Code Council. The amendments contained in this Title shall govern over the published provisions of these Codes. (Ord. [2016-85s](#) § 1 (part), 2016; Ord. [99-24S](#) § 11 (part), 1999)

17C.10.030 Creation of Enforcement Agency.

The Division of Building Safety and Inspection is hereby created and the official in charge thereof shall be known as the Building Official. The provisions of the Codes listed in Section [17C.10.010](#) shall be administered by the Building Official.
EXCEPTION: The provisions of the International Fire Code shall be administered by the Pierce County Fire Prevention Bureau, and the official in charge thereof shall be the Pierce County Fire Marshal.
(Ord. [2004-30s](#) § 6 (part), 2004)

17C.10.040 Conflicts Between Codes.

In case of conflict among the Codes enumerated in PCC [17C.10.010](#), the International Building Code, the International Residential Code, the International Mechanical Code, International Fire Code, the Uniform Plumbing Code, Uniform Plumbing Code Standards, the International Existing Building Code, and International Swimming Pool and Spa Code, the first named Code shall govern over those following. (Ord. [2016-85s](#) § 1 (part), 2016; Ord. [2004-30s](#) § 6 (part), 2004; Ord. [99-24S](#) § 11 (part), 1999)

17C.10.050 Violations and Penalties.

- A. **Unlawful Acts.** It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, extend, repair, move, improve, remove, convert, demolish, equip, use, occupy or maintain any building, structure, or equipment, or cause same to be done, in conflict with or in violation of any of the provisions of the codes named in PCC [17C.10.010](#). It shall also be unlawful for any person, firm, or corporation to fail to comply with a written order issued by the Building Official or Fire Marshal.
- B. **Notice of Violation.** The Building Official and Fire Marshal are authorized to serve a notice of violation or order on the person responsible for the erection, construction, enlargement, alteration, extension, repair, movement, improvement, removal, conversion, demolition, use, maintenance, or occupancy of a building, structure, or equipment in violation of the provisions of any of the codes named in PCC [17C.10.010](#), or in violation of a detail statement or a plan approved there under, or in violation of a permit or certificate issued under the provisions of the Pierce County Code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

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C. **Public Nuisance.** Buildings, structures, or equipment that have been erected, constructed, enlarged, altered, extended, repaired, moved, improved, removed, converted, demolished, used, occupied, or maintained in conflict with or in violation of any of the provisions of this code are hereby declared to be public nuisances. The Building Official and Fire Marshal are authorized to serve a notice or order upon any person who owns, maintains, or occupies any property where any building, structure or equipment has been erected, constructed, enlarged, altered, extended, repaired, moved, improved, removed, converted, demolished, used, occupied, or maintained in conflict with or in violation of any of the provisions of this Code. Such order shall direct that the building, structure and/or equipment to be permitted or abated shall state the date by which such action must be completed.

D. **Penalties.**

1. **Misdemeanor.** It shall be a misdemeanor for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or equipment or cause or permit the same to be done in violation of the codes named in PCC [17C.10.010](#). It shall also be a misdemeanor for any person, firm or corporation to fail to comply with a lawfully issued written order of the Building Official or Fire Marshal. A misdemeanor under this Code shall be punishable by a fine of not more than \$1,000.00, or by imprisonment for not more than 90 days, or both. The imposition of a penalty for any violation shall not excuse the violation or allow it to continue.

Each person, firm or corporation found guilty of a misdemeanor shall be deemed guilty of a separate offense for each day during any portion of which any violation of any provision of this Code is committed, continued or permitted by such person, firm or corporation and shall be punishable as provided in this Section.

2. **Civil Infraction.** Failure to comply with any permit or decision issued pursuant to the Construction and Infrastructure Regulations in Title [17C](#) PCC constitutes a Class 1 civil infraction as defined in Chapter [1.16](#) PCC.

It shall be a separate offense for any person not authorized by the Building Official or Fire Marshal to remove, mutilate, destroy, or conceal any notice issued or posted by the Building Official or Fire Marshal, or his or her representative, pursuant to the provisions of this Code.

3. **Title Notification.** In addition to any other sanction or remedial procedure which may be available in any of the codes named in PCC [17C.10.010](#), the Building Official may record a Certificate of Noncompliance on the parcel upon which the violation is located. Once the violation has been remedied, the Building Official shall record a Certificate of Compliance. The property owner shall pay the cost of recording the Certificates of Noncompliance and Compliance prior to recording of the Certificate of Compliance.

Prior to recording a Certificate of Noncompliance, the Building Official shall provide written notice of intent to record to the property owner. Notice shall be delivered either personally or by mailing a copy of such notice by certified mail, postage prepaid, return receipt requested to the address of the owner as shown on the Assessor's tax record.

The property owner may appeal the notice of intent to record a Certificate of Noncompliance to the Building Official. The appeal must be filed within 14 days of the date of written notice of intent to record.

4. **Civil Penalty.** The provisions of this subsection are in addition to and not in lieu of any other penalty, sanction, or right of action provided by law. Any person who fails to obtain a necessary permit prior to conducting activities governed by the provisions of this Title and/or any person who fails to comply with a written order issued by the Building Official or Fire Marshal may be assessed a civil penalty as follows:

- a. The Building Official or Fire Marshal may assess the violator a civil penalty not to exceed \$1,000.00 for each violation. Each violation or each day of continued unlawful activity shall constitute a separate violation.

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- b. Any person who, through an act of commission or omission, aids in a violation shall be considered to have committed the violation for purposes of the civil penalty.
- c. The Building Official or Fire Marshal shall impose the penalty provided for in this Section by sending written notice, either by certified mail with return receipt requested or by personal service, to the person incurring the penalty. Such written notice shall describe the violation with reasonable particularity and shall order appropriate corrective action(s) to be taken within a specified time period.
- d. Within 14 days after the notice of penalty is received, the person incurring the penalty may apply in writing to the Building Official or Fire Marshal for remission or mitigation of such penalty. Upon receipt of the application, the Building Official or Fire Marshal may remit or mitigate the penalty upon whatever terms are deemed proper to bring about compliance with the applicable regulations.
- e. Any decision(s) regarding remission or mitigation of penalties imposed pursuant to this subsection may be appealed to the Pierce County Hearing Examiner under Chapter [1.22](#) PCC, as an appeal of an administrative official's decision.
- f. If the penalty is not appealed, the violator will have up to 30 days after receipt of notice for payment of the penalty, unless a written request is made to the Building Official or Fire Marshal, who may then grant a longer time period for payment.
- g. All civil penalties recovered pursuant to this subsection shall be deposited into a fund of the division taking the enforcement action. Any monies collected shall be deposited into an account to be used for the purpose of abatement.

(Ord. [2014-4s](#) § 1 (part), 2014; Ord. [2010-44s](#) § 1 (part), 2010; Ord. [2007-55s](#) § 1 (part), 2007; Ord. [2004-30s](#) § 6 (part), 2004; Ord. [99-24S](#) § 11 (part), 1999)

17C.10.060 Appeals.

A. The written decision of the Building Official or Fire Marshal may be appealed under Chapter [1.22](#) PCC as an appeal of an administrative decision or order.

B. Hearing Examiner Appeals.

1. **Authority.** An application for appeal shall be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply, or an equally good or better form of construction is proposed. The Hearing Examiner may approve alternate materials and methods of construction, provided they find that the proposed design is satisfactory and complies with the provisions of the code section being considered. The Hearing Examiner must also find the material or method of work offered is, for the purpose intended, at least the equivalent of that prescribed in that code in suitability, strength, effectiveness, fire resistance, durability, safety and sanitation.

2. Fees.

- a. An Administrative Determination by the Building Official or the Fire Marshal can be appealed for a fee of \$3,360.00 that is required at time of application.
- b. When the Administrative Determination is directly related to a County enforcement action, a fee of \$250.00 is required at the time of application.
- c. Appeal application fees shall be fully refundable to any appellant who successfully appeals a decision of the Building Official or Fire Marshal to the Hearing Examiner.

(Ord. [2016-85s](#) § 1 (part), 2016; Ord. [2014-4s](#) § 1 (part), 2014; Ord. [2010-44s](#) § 1 (part), 2010; Ord. [2004-30s](#) § 6 (part), 2004; Ord. [99-24S](#) § 11 (part), 1999)

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17C.10.070 Fees.

The fee for each permit shall be as set forth in Tables 17C.10-1-A through 1-G:

A. The determination of value or valuation under any of the provisions of the Codes shall be made by the Building Official. The value used in computing the building permit and building plan review fee shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent equipment. The Building Official shall be guided by the "Building Valuation Data" table compiled by the International Code Council and published in the *Building Safety Journal* or other national standard in establishing a permit valuation minimum.

EXCEPTION: The determination of value or valuation under the International Fire Code, published by the International Code Council, as adopted by Chapter [17C.60](#) PCC, shall be made by the Fire Marshal.

Table 17C.10-1-A. Building Permit Fees	
Total Valuation	Fees for Other Than One and Two-Family, Group R, Division 3 and Private Garage and Agricultural Group U, Division 1 and 3 Occupancies.
\$1 to \$25,000	\$69.00 for the first \$2,000 plus \$12.21 for each additional \$1,000 or fraction thereof, to and including \$25,000.
\$25,001 to \$50,000	\$349.75 for the first \$25,000 plus \$9.00 for each additional \$1,000 or fraction thereof, to and including \$50,000.
\$50,001 to \$100,000	\$574.75 for the first \$50,000 plus \$6.25 for each additional \$1,000 or fraction thereof, to and including \$100,000.
\$100,001 to \$500,000	\$887.75 for the first \$100,000 plus \$5.00 for each additional \$1,000 or fraction thereof, to and including \$500,000.
\$500,001 and up	\$2,887.75 for the first \$500,000 plus \$4.25 for each additional \$1,000 or fraction thereof.

Table 17C.10-1-B. Building Permit Fees	
Total Valuation	Fees for One and Two-Family, Group R, Division 3 and Private Garage and Agricultural Group U, Division 1 and 3 Occupancies.
\$1 to \$2,000	\$69.00 for the first \$500 plus \$2.00 for each additional \$100 or fraction thereof, to and including \$2,000.
\$2,001 to \$50,000	\$99.00 for the first \$2,000 plus \$4.50 for each additional \$1,000 or fraction thereof, to and including \$50,000.

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Table 17C.10-1-B. Building Permit Fees	
\$50,001 to \$100,000	\$315.00 for the first \$50,000 plus \$6.50 for each additional \$1,000 or fraction thereof, to and including \$100,000.
\$100,001 to \$150,000	\$640.00 for the first \$100,000 plus \$8.50 for each additional \$1,000 or fraction thereof, to and including \$150,000.
\$150,001 and up	\$1,065.00 for the first \$150,000 plus \$6.00 for each additional \$1,000 or fraction thereof.

Table 17C.10-1-C. Plan Review Fees	
Description	Plan Review Fee
For all occupancies.	65 percent of the building permit fee as shown in Tables 17C.10-1-A., 17C.10-1-B., 17C.10-1-D., and 17C.10-1-E.
For all occupancies other than Group R, Division 3 and Group U occupancies when the project involves deferred submittal items as defined in Section 106.3.4.2.	100 percent of the building permit fee as shown in Table 17C.10-1-A.
For all occupancies other than Group R, Division 3 and Group U occupancies, when submittal documents submitted in phases to accommodate a (fast track or expedited) design build process.	150 percent of the building permit fee as shown in Table 17C.10-1-A.
To create a Base Plan (1) for Group R, Division 3 and Group U occupancies.	100 percent of the building permit fee as shown in Table 17C.10-1-B.
The plan review fee for a Base Plan Permit (2).	30 percent of the building permit fee as shown in Tables 17C.10-1-A. and 17C.10-1 B.
Plan Review Fees for Fire Prevention Bureau	
For Group R, Division 3 and Group U occupancies	3 percent of the building permit fee in Table 17C.10-1-B.
For all occupancies other than Group R, Division 3 and Group U	20 percent of the building permit fee in Table 17C.10-1-A.

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Table 17C.10-1-C. Plan Review Fees

- (1) A Base Plan is a set of drawings and documents for a Group R, Division 3, One and Two-Family Dwelling, Group U, Private Garage and Agricultural Buildings. They are reviewed and approved to be built more than once in Pierce County.
- (2) Base Plan Permits are building permits obtained using a base plan.

Table 17C.10-1-D. Plumbing Permit Fees

1.	For issuing each permit.	\$50.00
2.	For issuing each supplemental permit.	\$25.00
Unit Fee Schedule (in addition to items 1 and 2 above)		
1.	For each plumbing fixture on one trap or a set of fixtures on one trap (including water, drainage piping and backflow protection therefor).	\$7.00
2.	For each building sewer and each connection to a manufactured home in a trailer park sewer system.	\$15.00
3.	Rainwater systems-per drain (inside building).	\$7.00
4.	For each cesspool (where permitted).	\$25.00
5.	For each private sewage disposal system.	\$40.00
6.	For each water heater and/or vent.	\$7.00
7.	For each industrial waste pretreatment interceptor including its trap and vent, except kitchen-type grease interceptors functioning as fixture traps.	\$7.00
8.	For each installation, alteration or repair of water piping and/or water treating equipment, each.	\$7.00
9.	For each repair or alteration of drainage or vent piping, each fixture.	\$7.00
10.	For each lawn sprinkler system on any one meter including backflow protection devices therefor.	\$7.00
11.	For atmospheric-type vacuum breakers not included in item 12:	
	1 to 5	\$5.00
	Over 5, each	\$1.00
12.	For each backflow protective device other than atmospheric type vacuum breakers:	

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Table 17C.10-1-D. Plumbing Permit Fees		
	2 inch (21 mm) diameter and smaller	\$7.00
	over 2 inch (51 mm diameter)	\$15.00
13.	For each:	
	Graywater system	\$200.00
	Nonpotable Reuse Water System	
	Rainwater Harvesting System	
14.	For initial installation and testing for a reclaimed water system.	\$200.00
15.	For each annual cross-connection testing of a reclaimed water system (excluding initial test).	\$200.00
16.	For each medical gas piping system serving one to five inlet(s)/outlet(s).	\$50.00
17.	For each additional medical gas inlet(s)/outlet(s).	\$5.00
18.	For the complete water distribution and drain waste and vent system installed concurrently with the initial construction of a single-family dwelling, and each unit in a duplex.	\$105.00

Table 17C.10-1-E. Mechanical Permit Fees		
Permit Issuance		
1.	For the issuance of each permit.	\$50.00
2.	For issuing each supplemental permit.	\$25.00
Unit Fee Schedule		
1.	For the installation or relocation of each forced-air or gravity-type furnace or burner, including ducts and vents attached to such appliance up to and including 100,000 Btu/h.	\$14.80
2.	For the installation or relocation of each forced air or gravity-type furnace or burner, including ducts and vents attached to each appliance over 100,000 Btu/h.	\$18.20
3.	For the installation or relocation of each floor furnace, including vent.	\$14.80
4.	For the installation or relocation of each suspended heater, recessed wall heater or floor-mounted unit heater.	\$14.80

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Table 17C.10-1-E. Mechanical Permit Fees		
5.	For the installation, relocation or replacement of each appliance vent installed and not included in an appliance permit.	\$ 7.25
6.	For the repair of, alteration of, or addition to each heating appliance, refrigeration cooling unit, absorption unit, or evaporative cooling system, including installation of controls regulated by this Code.	\$13.70
7.	For the installation or relocation of each boiler or compressor to and including three horsepower, or each absorption system including 100,000 Btu/h.	\$14.70
8.	For the installation or relocation of each boiler or compressor over three horsepower to and including 15 horsepower, or each absorption system over 100,000 Btu/h.	\$27.15
9.	For the installation or relocation of each boiler or compressor over 15 horsepower to and including 30 horsepower, or each absorption system over 500,000 Btu/h to and including 1,750,000 Btu/h.	\$37.25
10.	For the installation or relocation of each boiler or compressor over 30 horsepower to and including 50 horsepower, or for each absorption system over 1,000,000 Btu/h to and including 1,750,000 Btu/h.	\$55.45
11.	For the installation or relocation of each boiler or refrigeration compressor over 50 horsepower, or each absorption system over 1,750,000 Btu/h.	\$92.65
12.	For each air-handling unit to and including 10,000 cubic feet per minute, including ducts attached thereto.	\$10.65
	Note: This fee shall not apply to an air-handling unit which is a portion of a factory-assembled appliance, cooling unit, evaporative cooler or absorption unit for which a permit is required elsewhere in this Code.	
13.	For each air-handling unit over 10,000 cfm.	\$18.10
14.	For each evaporative cooler other than portable type.	\$10.65
15.	For each ventilation fan connected to a single duct.	\$7.25
16.	For each ventilation system which is not a portion of any heating or air-conditioning system authorized by a permit.	\$10.65
17.	For the installation of each hood which is served by mechanical exhaust, including the ducts for such hood.	\$10.65

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Table 17C.10-1-E. Mechanical Permit Fees		
18.	For the installation or relocation of each domestic-type incinerator.	\$18.20
19.	For the installation or relocation of each commercial or industrial-type incinerator.	\$14.50
20.	For each appliance or piece of equipment regulated by this code but not classed in other appliance categories, or for which no other fee is listed in this Code.	\$10.65
21.	When Appendix B, Chapter 13 is applicable (see Section 103), permit fees for fuel-gas piping shall be as follows:	
	For each gas-piping system of one to four outlets	\$ 5.00
	For each gas-piping system of five or more outlets, per outlet	\$ 1.50
22.	When Appendix B, Chapter 14 is applicable (see Section 103), permit fees for process piping shall be as follows:	
	For each hazardous process piping system (HPP) of one to four outlets	\$ 8.05
	For each piping system of five or more outlets, per outlet	\$ 1.75
	For each nonhazardous process piping system (NPP) of one to four outlets	\$ 3.25
	For each piping system of five or more outlets, per outlet	\$ 1.00
23.	For the complete heating and ventilation system equipment, including State of Washington ventilation requirements and gas piping system if needed, installed concurrently with the initial construction of a single-family dwelling, and each unit in a duplex.	\$50.00

Table 17C.10-1-F. Fire Protection Permits			
Fire protection systems as required by the International Building or International Fire Code shall require permits, plan review fees and payment of inspection fees in accordance with this Table.			
Types of Fire Protection Systems		Plan Review	Inspection
A.	Fire alarm, new or additions, and sprinkler supervision		
	1. Base Fee	\$275.00	\$275.00
	2. New or Additional Devices over 25	\$7.50 per device	\$2.50 per device
	3. One- and two-family dwellings	\$55.00	\$165.00
B.	Fire Sprinkler Systems 13 & 13-R (Fees not to exceed \$20,000)		

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Table 17C.10-1-F. Fire Protection Permits			
Fire protection systems as required by the International Building or International Fire Code shall require permits, plan review fees and payment of inspection fees in accordance with this Table.			
Types of Fire Protection Systems		Plan Review	Inspection
	1. Each new riser	\$275.00 +\$3.75/head	\$192.50 +\$2.75/head
	2. Sprinkler underground	\$110.00	\$275.00
	3. Revisions to existing systems	\$110.00 + \$3.75/head	\$126.50
	4. High-piled stock or rack storage systems, add to riser fee	\$350.00	\$90.00
	5. 13-D Sprinkler Systems	\$110.00 + \$3.75/head	\$154.00
C.	Standpipe Systems		
	1. Each new Class 1, 2, or 3	\$275.00	\$275.00
D.	Fire Pumps	\$500.00	\$460.00
E.	Fire Suppression Systems	\$275.00	\$275.00
F.	Fixed Fire Suppression System	\$275.00	\$275.00
G.	Water Systems		
	1. Hydrant installation on existing main:		
	a. Building permit (1)	\$140.00	\$ 0.00
	b. Short plats and plats	\$140.00	\$ 0.00
	2. Installation of hydrants and mains on utility owned systems:		
	a. Building permit	\$140.00	\$ 0.00
	b. Short plats and plats	\$302.50	\$ 0.00
	3. Installation of hydrants and mains on privately owned systems:		
	a. without pumps and tanks for fire flow	\$275.00	\$275.00

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Table 17C.10-1-F. Fire Protection Permits			
Fire protection systems as required by the International Building or International Fire Code shall require permits, plan review fees and payment of inspection fees in accordance with this Table.			
Types of Fire Protection Systems		Plan Review	Inspection
	b. with pumps and tanks for fire flow	\$425.00	\$425.00
	4. Bond or assignment of funds	\$175.00	
H.	Reinspection (1) all categories		\$110.00
I.	Expedited review at discretion of the Fire Marshal	2x the base fee	2x the base fee

(1) Refer to PCC [17C.10.090](#), Reinspection Fee, for explanation of when to assess fee.

Table 17C.10-1-G. Other Fees		
These fees apply to all permits issued by the Building Inspection Division of Planning and Public Works.		
1.	Inspections outside of normal business hours.	\$140.00 per hour (minimum two hours)
2.	Reinspection fees assessed under provisions of PCC 17C.10.090 .	\$110.00
3.	Inspections for which no fee is specifically indicated.	\$100.00* per hour (minimum one hour)
4.	Additional plan review required by changes, additions or revisions to approved plans.	\$100.00* per hour (minimum one hour)
5.	Expedited review at discretion of Building Official. Building Division Third Party Review	\$140.00 per hour \$124.00 per hour plus reprographics
6.	For use of outside consultants for plan checking and inspection, or both.	Actual cost (including overhead)
7.	Demolition.	\$150.00
8.	Moved Buildings and for the placement of Modular Buildings and Foundation Ready Manufactured Homes.	One-half of the required building permit fee in Tables 17C.10-1-A or 1-B
9.	Placement of Manufactured Homes.	\$200.00
10.	Swimming Pools.	

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Table 17C.10-1-G. Other Fees		
	In-ground pool	\$200.00
	Above-ground pool (Cost > \$500.00)	\$100.00
	Above-ground pool (Cost < \$500.00)	\$ 50.00
11.	For a gas or electric water heater permit obtained through the Internet online system. Includes venting and gas and water piping.	\$75.00
12.	For a gas or electric furnace permit obtained through the Internet online system. Includes venting and gas piping.	\$75.00

* Per hour for each hour worked.

EXCEPTIONS:

B. **Low Income.** Permit fees in building Tables 17C.10-1-B and 1-C, plumbing Table 17C.10-1 D, mechanical Table 17C.10-1-E and fire suppression Table 17C.10-1-F for the construction, alteration, or repair of one-family or two-family dwellings shall be waived when the applicant provides sufficient documentation showing, to the satisfaction of the Building Official, who shall make written findings, that one of the following conditions exist:

1. The one-family or two-family dwelling is intended for low-income families as defined through the low-income guidelines set forth by the Pierce County Department of Community Services and Department of Housing and Urban Development (HUD). The construction, alteration, or repair of the one-family or two-family dwelling involves some volunteer labor and is being coordinated by an organization classified as a 501(c)(3) non-profit organization by the Internal Revenue Service; or
2. Any new residential unit approved by the Department of Planning and Public Works through the requirements of Chapter [18A.65](#) PCC, "Affordable Housing Incentives," provided sufficient funds have been appropriated by the Pierce County Council and are available for transfer to the Department of Planning and Public Works to replace those fees waived or refunded to the builder/developer.

C. **Natural Hazard Damage.** Permit fees in building Tables 17C.10-1-A, 1-B and 1-C, plumbing Table 17C.10-1-D, mechanical Table 17C.10-1-E and fire suppression Table 17C.10-1-F for the repair and restoration of damage due to natural hazards shall be waived or deferred if all the following conditions are met:

1. Upon a declaration of emergency, issued by the Governor of the State of Washington, the Executive of Pierce County, by executive order, may implement the provisions of this Section.
2. Applications for permits for repair damage under the provisions of this Section must be applied for within 180 days of the declaration of emergency.
3. No expansion of the original building area shall be allowed.

Building owners with insurance coverage will be required to pay all fees upon reimbursement by the insurance carrier.

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When the total amount of fees waived exceeds 1 percent of the total budget for Planning and Public Works, the department shall notify the Executive, and shall prepare a supplemental budget request.

D. Green Building. A permit applicant who employs sustainable building practices in the construction of a residential structure shall be eligible for up to a 25 percent refund of the permit fee calculated and paid for said structure pursuant to Table 17C.10-1-B when all of the following requirements are met:

1. The structure receiving the fee reduction receives one of the following certifications within 90 days of the issuance of the certification of occupancy:
 - a. Tacoma-Pierce County Built Green/AE program – 4 or 5 star certification; or
 - b. U.S. Green Building Council LEED for Homes – Gold or Platinum certification.
2. The applicant submits a written request to the Building Official within 90 days of the issuance of the certification of occupancy which requests the refund and provides proof of certification required pursuant to 17C.10.070 D.1.a. above.
3. The maximum fee refund shall not exceed 25 percent of the permit fee calculated pursuant to Table 17C.10-1-B or \$350.00 whichever is less.
4. The total amount of all refunds granted by the Planning and Public Works Department pursuant to Subsection [17C.10.070](#) D. have not exceeded \$25,000 for the current fiscal year. In the event that this threshold is achieved, no further applicant shall be eligible for a refund in that fiscal year.

(Ord. [2018-68s](#) § 2 (part), 2018; Ord. [2017-12s](#) § 2 (part), 2017; Ord. [2016-71](#) § 1 (part), 2016; Ord. [2015-63](#) § 1 (part), 2015; Ord. [2014-81](#) § 1, 2014; Ord. [2010-71](#) § 1, 2010; Ord. [2010-44s](#) § 1 (part), 2010; Ord. [2009-48s2](#) § 4, 2010; Ord. [2008-107](#) § 1 (part), 2008; Ord. [2006-118](#) § 3, 2006; Ord. [2004-116](#) § 3, 2004; Ord. [2004-30s](#) § 6 (part), 2004; Ord. [2002-107s](#) § 4, 2002; Ord. [99-116S](#) § 2, 1999; Ord. [99-24S](#) § 11 (part), 1999)

17C.10.080 Investigation Fee.

A. Investigation. Whenever any work for which a permit is required by any code listed in Section [17C.10.010](#) has started without first obtaining the required permit, a special investigation shall be made before a permit may be issued for such work.

B. Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by code. The minimum investigation fee shall be the same as the minimum fee for that work but no less than \$250.00 nor more than \$5,000.00.

The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

C. Innocent Purchaser. The Building Official shall waive the investigation fee when credible evidence exists which demonstrates that the unpermitted activity occurred without the current property owner's knowledge and occurred prior to their ownership of the property in question. All other required fees shall continue to apply.

(Ord. [2010-44s](#) § 1 (part), 2010; Ord. [2004-30s](#) § 6 (part), 2004)

17C.10.090 Reinspection Fee.

A reinspection fee may be assessed for each inspection or reinspection required by any code listed in PCC [17C.10.010](#), when such portion of work for which inspection is called is not complete or when corrections called for are not made.

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This Section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for inspection or reinspection.

Reinspection fees may be assessed when the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the Building Official.

To obtain a reinspection, the applicant shall pay the reinspection fee in accordance with Table 17C.10-1-G.

In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

(Ord. [2004-30s](#) § 6 (part), 2004)

17C.10.110 Application Expiration.

Applications for which no permit is issued within 180 days following the date of application shall expire and plans and other data submitted for review will thereafter be returned to the applicant or destroyed by the Building Official. The Building Official may grant an extension or extensions pursuant to PCC [18.60.030](#).

If an application expires, the applicant shall make a new application and pay new fees.

Permit applications from codes listed in Section [17C.10.010](#) related to the main project building permit application shall expire together with the building permit application.

(Ord. [2007-55s](#) § 1 (part), 2007; Ord. [2004-30s](#) § 6 (part), 2004)

17C.10.120 Conditions of Approval.

No permit shall be issued for the construction or alteration of any building, structure or any project that does not meet all of the following conditions:

A. **Denial or Conditioning of Permit Due to Significant Adverse Environmental Impact(s).** Permits for the construction or alteration of any building, structure or any project which will cause significant adverse environmental impact may be denied or conditioned. The denial or conditional issuance of a building permit shall be based upon policy(ies) set forth in ordinances adopted by the Pierce County Council or by any applicable environmental impact statement or threshold determination prepared pursuant to the State Environmental Policy Act. Any denial or conditional issuance of a building permit by the Building Official must be in writing.

B. **Non-Issuance of Permit Prior to Sewage Disposal Approval.** No permit for the construction or alteration of any building requiring sewage disposal facilities of any kind shall be issued to any applicant until approved by the Tacoma-Pierce County Health Department and/or Pierce County Utilities Department. A copy of such approval shall be transmitted to the Building Official prior to the issuance of a building permit.

C. **Non-Issuance of Permit Prior to Storm or Surface Water Drainage Control Approval.** No permit for the construction of any building or structure requiring storm or surface water drainage control of any kind may be issued without approval of the storm or surface water drainage control facilities. A copy of such approval shall be transmitted to the building official prior to the issuance of a building permit.

D. **Non-Issuance of Permit Due to Noncompliance with State and County Laws or Regulations.** No permit shall be issued to any person who fails to provide sufficient evidence of compliance with all laws and regulations of the State of Washington and Pierce County relating to the use of land and/or the construction or improvement of structures thereon.

(Ord. [2004-30s](#) § 6 (part), 2004)

17C.10.130 Permit Expiration.

Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The Building Official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. No permit shall be extended beyond five years from the date it was issued. Except for the International Fire Code, permits from codes listed in PCC [17C.10.010](#), related to the main project building permit, shall expire together with the building permit.
(Ord. [2004-30s](#) § 6 (part), 2004)

17C.10.140 Fully Completed Building Permit Application.

Pursuant to RCW [19.27.095](#), a fully complete building permit application shall be any application including payment of all required fees and containing all the components that are applicable in Table 17C.10-1-H. Incomplete applications shall not be accepted.

Table 17C.10-1-H. Elements for a Complete Building Permit Application	
Description	Comments
Site Development Permit	When the project requires a Site Development Permit, it shall be applied for prior to or with the building permit application.
Geotechnical Report/Assessment	A Geotechnical Report/Assessment is required when a project is located in a slope hazard area, or where required in the Pierce County Stormwater and Site Development Manual.
Hydrogeologic Report	A Hydrogeologic Report is required when a project is located in an aquifer recharge area.
Critical Area Checklist	A title notification is required when a project is located in an aquifer recharge area.
Land Use Application	Any land use permits required to approve the building permit application shall be applied for prior to or with the building permit application. Rezone applications must be final prior to the building permit application being accepted as a complete application.
Environmental Checklist	A completed checklist is required if the project is located in a sensitive area.
Wetlands Application	A Wetlands Application is required if the project is located in a wetland area.

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Table 17C.10-1-H. Elements for a Complete Building Permit Application	
Septic Application Approval	Buildings served by on-site sewage systems require Approved As-Built plans or an application for an on-site system or system remodel submitted with building permit application.
Water Availability	A water availability letter signed by the water purveyor shall be provided at time of building permit application. Water source, quantity and quality review. RCW 19.27.097 .
Health Sanitation Review	Schools, pools, restaurants and caps require review by Tacoma-Pierce County Health Department. Application for this review shall be made prior to or with the building permit application.
Pretreatment	A pretreatment application shall be applied for with or prior to building permit application when pretreatment is required.
Fire-Flow Letter	Provide form signed by water purveyor indicating hydrant placement (location on vicinity map) and water flow in GPM.
Construction Drawings	Plans shall include specifications, code analysis and statement of use, engineering calculations, diagrams, soil investigation reports, hazardous materials inventory statement (HMIS), special inspection and structural observation programs, deferred submittal information and architect/engineer stamp. Base plan work sheet. Mechanical Drawings, Plumbing Drawings, Fire Protection Drawings and Energy Code compliance information shall also be included with the construction drawings.
Site Plan	Site plans shall include, but not be limited to, the following: a vicinity map, all buildings on the same site, access drives, Emergency Vehicle Access, landscaping, on-site septic drain field location, parking dimensions, all setbacks from buildings and lot lines, hydrant location and grading contours if lot slope is 15 percent or greater. Site Plans should also include locations of stormwater facilities and on-site low impact development (LID) Best Management Practices (BMPs).

(Ord. [2017-28s](#) § 5, 2017; Ord. [2004-30s](#) § 6 (part), 2004)**17C.10.145 Access to Public or Private Road.**

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All properties for which a building permit is required shall adjoin or have access to a public or private road and a yard on not less than one side. Required access and yards shall be permanently maintained. (Ord. [2004-133](#) § 1, 2005)

17C.10.150 Severability.

If any provision of this Title or its application to any person or circumstance is held invalid, the remainder of the Chapter or the application of the provision to other persons or circumstances shall not be affected. (Ord. [2004-30s](#) § 6 (part), 2004; Ord. [99-24S](#) § 11 (part), 1999)

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Chapter 17.04 BUILDING CODES

Attachment 3 City of
Puyallup Municipal Code

Chapter 17.04 BUILDING CODES

Sections:

- 17.04.010 Short title.**
- 17.04.020 Purpose.**
- 17.04.030 Adoption of codes by reference.**
- 17.04.040 Local amendments of International Building Code.**
- 17.04.050 Local amendments of International Residential Code.**
- 17.04.060 Conflicts between codes.**
- 17.04.070 Definitions.**
- 17.04.080 Fees.**
- 17.04.090 Construction plans.**
- 17.04.100 Professional services.**
- 17.04.110 Contractor registration.**
- 17.04.120 Expiration of applications, permits or approvals.**
- 17.04.130 Violation and enforcement.**

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Chapter 17.04 BUILDING CODES

17.04.140 Appeals.**17.04.010 Short title.**

This title is known as and may be referred to as the “building code of the city of Puyallup.” (Ord. 2962 § 6, 2010).

17.04.020 Purpose.

The purpose of this chapter is to promote the health, safety and welfare of the occupants or users of buildings and structures and the general public by the provision of building codes that are mandated throughout the state. (Ord. 2962 § 6, 2010).

17.04.030 Adoption of codes by reference.

The city of Puyallup hereby adopts the following codes by reference, which are incorporated herein, as they currently exist or are hereafter amended:

(1) The current edition of the International Building Code, published by the International Code Council, Inc., as adopted by the Washington State Building Code Council in Chapter [51-50](#) WAC. The following appendix of the International Building Code is specifically adopted in its entirety:

(a) Appendix E: Supplementary Accessibility Requirements.

(2) The current edition of the International Residential Code, published by the International Code Council, Inc., as adopted by the Washington State Building Code Council in Chapter [51-51](#) WAC.

(3) The current edition of the International Mechanical Code, published by the International Code Council, Inc., as adopted by the Washington State Building Code Council in Chapter [51-52](#) WAC, except that the standards for liquefied petroleum gas installations shall be NFPA 58 (Storage and Handling of Liquefied Petroleum Gases) and ANSI Z223.1/NFPA 54 (National Fuel Gas Code).

(4) The current edition of the International Fuel Gas Code published by the International Code Council, Inc., as adopted by the Washington State Building Code Council in Chapter [51-52](#) WAC.

(5) Except as provided in RCW [19.27.170](#), the current edition of the Uniform Plumbing Code and Uniform Plumbing Code Standards, published by the International Association of Plumbing and Mechanical Officials, as adopted by the Washington State Building Code Council in Chapters [51-56](#) and [51-57](#) WAC.

(6) The rules adopted by the Washington State Building Code Council establishing standards for making buildings and facilities accessible to and usable by the physically disabled or elderly persons as provided in RCW [70.92.100](#) through [70.92.160](#), as they now exist or are hereafter amended.

(7) The current edition of the Washington State Energy Code, as adopted by the State Building Code Council in Chapter [51-11](#) WAC.

(8) The current edition of the National Electric Code, published by the National Fire Protection Association, as adopted by the Department of Labor and Industries in Chapter [296-46B](#) WAC, and Chapter [19.28](#) RCW.

(9) The 2012 Edition of the International Property Maintenance Code published by the International Code Council, Inc., effective July 1, 2013, and any subsequent editions published by the International Code Council, Inc., effective July 1st of the following calendar year. (Ord. 3043 § 4, 2013; Ord. 2962 § 6, 2010).

17.04.040 Local amendments of International Building Code.

The International Building Code adopted by reference in this chapter is hereby amended as follows:

(1) International Building Code (IBC) Section 101.1, entitled "Title," is hereby amended to read as follows:

These regulations shall be known as the Building Code of the City of Puyallup, Washington, hereinafter referred to as "this code."

(2) IBC Section 104, entitled "Duties and Powers of Building Official," is hereby amended to add the following new subsection 104.12:

Sec. 104.12 Lot lines and setback lines. Notwithstanding the authority of the building official to administer and enforce the building code, the building official shall have no duty to verify or establish lot lines or setback lines. No such duty is created by this code, and none shall be implied.

(3) IBC Section 113, "Board of Appeals," is hereby amended to delete subsection 113.3, entitled "Qualifications."

(4) IBC Section 1612.3, regarding the establishment of flood hazard areas, is amended to read as follows:

Section 1612.3. To establish flood hazard areas, the City Council hereby adopts the flood hazard map and supporting data identified by the Federal Emergency Management Agency in an engineering report entitled “The Flood Insurance Study for the City of Puyallup,” initially adopted in PMC [21.07.040](#), as it currently exists or may be subsequently amended.

(Ord. 3043 § 5, 2013; Ord. 2962 § 6, 2010).

17.04.050 Local amendments of International Residential Code.

The International Residential Code adopted in this chapter is hereby amended as follows.

(1) Section R104, entitled “Duties and Powers of Building Official,” is hereby amended to add subsection R104.12:

Section R104.12 Lot lines and setback lines. Notwithstanding the authority of the building official to administer and enforce the building code, the building official shall have no duty to verify or establish lot lines or setback lines. No such duty is created by this code, and none shall be implied.

(2) Section R105.2, entitled “Work exempt from permit,” subsection 10, entitled “Building,” is amended to read as follows:

Decks that are not more than 30 inches above adjacent grade at any point and are not over any basement or story.

(3) Section R110.1, entitled “Use and Occupancy,” subsection entitled “Exception,” is amended to read as follows:

Certificates of occupancy are not required for Group R, Division 3 occupancies and for work exempt from permits under Section R105.2.

(4) The following subsections are deleted from Section R112, “Board of Appeals”: Subsection R112.3, “Qualifications.”

(5) Table R301.2(1), Climatic and Geographical Design Criteria, is amended to read as follows:

Table R301.2(1)
Climatic and Geographical Design Criteria

Ground Snow Load	Wind Design	Seismic Design Category ^f	Subject to Damage from	Winter Design Temp ^e	Ice Shield Underlay ^h	Flood Hazards ^g	Air Freeze Index ⁱ	Mean Annual Temp ^j

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Ground Snow Load	Wind Speed ^d (mph)	Topographical effects ^k	Seismic Design Category ^f	Weathering ^a	Subject to Frost Line Depth ^b	Damage from Termites ^c	Winter Design Temp ^e	Ice Shield Underlay ^h	Flood Hazards ^g	Air Freeze Index ⁱ	Mean Annual Temp ^j
	Speed ^d (mph)	Topographical effects ^k		Weathering ^a	Frost Line Depth ^b	Termites ^c					
20 lbs/ft	85	No	D-1	Moderate	12 inches	Slight to Moderate	22°	No	Puyallup Municipal Code 21.07	160	51°

(Ord. 3043 § 6, 2013; Ord. 2962 § 6, 2010).

17.04.060 Conflicts between codes.

In case of conflict among the provisions of the State Building Code, i.e., the International Building Code, the International Residential Code, the International Mechanical Code, the International Fire Code, the Uniform Plumbing Code and Uniform Plumbing Code Standards, and the rules adopted by the Washington State Building Code Council establishing standards for making buildings and facilities accessible to and usable by the physically disabled or elderly persons, the first named code in this section shall govern over those that follow. In case of conflicts between other codes and provisions adopted by this chapter, the code or provision that is most restrictive, as determined by the city's building official, shall apply. (Ord. 2962 § 6, 2010).

17.04.070 Definitions.

(1) Unless the context requires otherwise, any reference to "jurisdiction," "department of building safety," "department of mechanical inspection," "department of inspection," "department of prevention," or "department of property maintenance inspection" shall be construed to mean the city of Puyallup.

(2) Unless the context requires otherwise, any reference to "building official" or "code official" shall be construed to mean the city's building code official in the absence of any specific written designation from the city manager.

- (3) Unless the context requires otherwise, any reference to “fire code official” shall be construed to mean the city’s fire code official in the absence of any specific written designation.
- (4) Unless the context requires otherwise, any reference to “board of appeals” shall be construed to mean the hearing examiner. All appeals authorized by the codes adopted in the chapter shall be to the city’s hearing examiner.
- (5) Unless the context requires otherwise, any reference to “International Electric Code” shall be construed to mean the National Electric Code. (Ord. 2962 § 6, 2010).

17.04.080 Fees.

(1) Establishment. All fees and charges for permits, approvals, inspections or other services or items related to this title shall be established and amended from time to time by executive order of the city manager.

(2) Waiver of Fees. Building permit fees for the construction, alteration, and repairs of single-family or duplex dwellings may be waived when all of the following conditions apply:

- (a) The residential structure is intended for low-income families.
- (b) The construction of the structure involves some volunteer labor.
- (c) The structure is being constructed by an organization classified as a 501(c) nonprofit organization by the Internal Revenue Service.

(3) Fee Refund. The building official may authorize a fee refund in the following amounts:

- (a) One hundred percent of any fee erroneously paid or collected;
- (b) Up to 80 percent of the permit fee paid when no work had been performed under a permit or approval issued in accordance with this code;

(c) Up to 80 percent of the plan review fee paid when an application for a permit or approval for which a plan review fee has been paid is withdrawn or cancelled before any plan review has been performed. The building official shall not authorize refunding of any fee paid except on written application filed by the original applicant not later than 180 days after the date of fee payment.

(4) Special Investigation Fee. Whenever any work for which a permit or approval is required by applicable law has commenced without a permit or approval, the city may perform a special investigation before issuance of a permit or approval. The building official is authorized to impose an investigation fee in an amount that compensates the city for performing the investigation. The subject of investigation shall pay the fee whether or not a permit or approval is subsequently issued. (Ord. 2962 § 6, 2010).

17.04.090 Construction plans.

A project proponent must submit project or construction documents that are of sufficient detail to show the entire project. The city may require more or less detail, depending on the nature and complexity of the project. (Ord. 2962 § 6, 2010).

17.04.100 Professional services.

When a project involves, or should involve, the practice of architecture as defined in RCW [18.08.320](#), a project proponent shall engage an architect to provide any architectural services that are related to the project, except as set forth in RCW [18.08.410](#). When a project involves, or should involve, the practice of engineering or practice of land surveying as defined in RCW [18.43.020](#), a project proponent shall engage an engineer or land surveyor to provide any engineering or land surveying services that are related to the project, except as set forth in RCW [18.43.130](#). (Ord. 2962 § 6, 2010).

17.04.110 Contractor registration.

The city shall refrain from issuing a construction building permit for work which is to be done by any contractor, as defined in RCW [18.27.010](#), when such contractor is required to be registered under RCW [18.27.020](#) without verification that such contractor is currently registered as required by law. All contractors shall have a city business license as required under Chapter [5.04](#) PMC. (Ord. 2962 § 6, 2010).

17.04.120 Expiration of applications, permits or approvals.

(1) Expiration of Application. Project applications that are subject to SEPA review shall be governed by applicable SEPA deadlines. All other applications shall expire by limitation if no permit or approval is issued within 180 days after the city determines that the application

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is complete, unless the city determines that a project proponent has pursued issuance of a permit or approval in good faith. The building official may extend the time for action on the application for one or more periods, each period not exceeding 90 days, upon written request by the applicant showing good cause. If an application has expired, plans and other data previously submitted for review may thereafter be returned to the applicant, except that the city shall retain originals or copies in order to comply with applicable record retention laws. In order to renew action on an expired application, the applicant shall resubmit plans and pay a new review or application fee.

(2) Expiration of Permits or Approvals. All permits or approvals shall expire by limitation and become void if:

- (a) Work authorized by the permit or approval is not commenced within 180 days of approval or permit issuance;
- (b) Work is suspended or abandoned for 180 days or more after work is commenced; or
- (c) After two years from the date of permit or approval issuance, regardless of whether work is finished.

The building official is authorized to grant one or more extensions of time for periods not more than 180 days each. The extensions shall be requested in writing and justifiable cause demonstrated.

If a permit or approval expires, the City may issue a new permit or approval for the unfinished work upon a showing of good cause and payment by the project proponent of half of the original permit or approval fee. However, if any applicable law, regulation or rule has materially changed after the expiration of the permit or approval, the City shall have full discretion to decline to issue a new permit even upon a showing of good cause. The option for approval or permit renewal shall lapse two years after the permit or approval expires. (Ord. 2962 § 6, 2010).

17.04.130 Violation and enforcement.

(1) It is unlawful for any person or entity to violate any provision of this chapter, or any code adopted herein, or to erect, construct, enlarge, alter, repair, move, improve, remove, change, convert, demolish, equip, use, occupy or maintain any building, structure or equipment, or to use any land contrary to, or in violation of, any of the provisions of this chapter, or any code adopted herein.

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(2) A violation of the provisions of this chapter shall be a Class 1 civil infraction pursuant to Chapter [1.02](#) PMC. Notwithstanding the foregoing, a violation of a stop work order a notice of violation or use of unsafe structures or equipment after notice shall be a misdemeanor.

(3) In addition to fines or penalties, a violator shall be liable for all costs and expenses occasioned by such violation.

(4) The permit or approval of a violator may be revoked by the city. (Ord. 2962 § 6, 2010).

17.04.140 Appeals.

All appeals arising from this chapter shall be to the city's hearing examiner as established by Chapter [2.54](#) PMC. The hearing examiner shall utilize the procedures and penalties set forth in Chapters [1.01](#) and [1.02](#) PMC. The hearing examiner shall serve in lieu of all boards of appeals mentioned or described in the codes as adopted and amended by the city. (Ord. 2962 § 6, 2010).

The Puyallup Municipal Code is current through Ordinance 3245, passed December 7, 2021.

Disclaimer: The city clerk's office has the official version of the Puyallup Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

City Website: <http://www.cityofpuyallup.org/>

City Telephone: (253) 841-5480

[Code Publishing Company](#)



**City Council Business Agenda Item
City of Kenmore, WA**

<p>Subject/Topic:</p> <p>Kenmore Automated Photo Enforcement program.</p> <p>Proposed Council Action/Motion:</p> <p>Adopt Ordinance 22-0542 for Implementation of the Automated Photo Enforcement Program and Amendment to Chapter 10 of the Kenmore Municipal Code.</p>	<p>For Council Meeting Agenda of: 02/14/2022</p> <p>Department: <u>Engineering – Public Works</u></p> <p>Prepared by: <u>Tobin Bennett-Gold, Traffic Engineer</u></p> <p>Approved by Department Head: <u>JFV 2/1/2022</u></p> <p>Approved by City Attorney: <u>01/06/22</u></p> <p>Approved by Finance Director: <u>N/A</u></p> <p>Approved by City Manager: <u>RGK 2/2/2022</u></p> <p>Exhibits/Attachments:</p> <ul style="list-style-type: none"> Attachment A: Changelog for Photo Enforcement Technical Memorandum Attachment B: Photo Enforcement Technical Memorandum Attachment C: Ordinance 22-0542 Attachment D: KMC Code Language Attachment E: Crash Data Memorandum Attachment F: Violation Data Memorandum Attachment G: Court Data Memorandum
<p><u>STAFF RECOMMENDATION:</u></p> <ol style="list-style-type: none"> 1) Implement an auto enforcement program based upon the Photo Enforcement Technical Memorandum (Attachment B) at the following locations: <ul style="list-style-type: none"> • 73rd Ave NE in the Kenmore Elementary School Zone for school zone speed violations, • Juanita Dr NE in the Arrowhead Elementary school zone or school zone speed violations, and • 61st Ave NE and NE Bothell Way (SR522) for eastbound-to-northbound left-turn red-light violations 2) Implement a fine schedule for infractions detected by automated photo enforcement as follows: <ul style="list-style-type: none"> • <u>Automated Red-Light Enforcement</u> \$100 Failure to Stop at a Red Light • <u>Automated School-Zone Enforcement</u> \$100 Exceeding the School Zone Speed Limit by 6+ MPH When School Zone is Active \$250 Exceeding the Regulatory Speed Limit 6+ MPH When School Zone is Active 	

3) The schedule for implementation of photo enforcement as follows:

Apr '22	Installation of advanced warning signs for photo enforcement locations, installation of photo enforcement cameras
Apr '22	Start of warning period: photo enforcement cameras become active and warnings are issued in lieu of notices of infraction.
Summer '22	Automated red-light enforcement warning period ends no sooner than 2 months after cameras become active. School-zone speed enforcement cameras not active during summer.
Fall '22	Automated speed enforcement warning period ends, cameras begin issuing fines at start of school year. Photo enforcement program is now fully implemented.

INFORMATION/BACKGROUND:

Kenmore City Council included automated photo enforcement as part of the 2020 Financial Sustainability Plan (FSP), and photo enforcement was a safety recommendation of the 2014 Pedestrian and Bicycle Safety Task Force. In the state of Washington, automated photo enforcement is permitted for use only to enforce red-light violations and school zone speeding violations. If implemented correctly, photo enforcement can be an effective tool for reducing crash risk for all road users as well as providing a stable, long-term revenue source for investment in our transportation infrastructure. Careful attention to the details of program implementation can help create a program that not only reduces crash risk in areas where photo enforcement is implemented, but also promotes equity and travel safety city-wide through judicious application of the revenue generated.

On November 8th, 2021, staff presented the program goals for photo enforcement in Kenmore. In addition to increased traffic safety and providing funding for safety and maintenance investment in our roads, a successful photo enforcement program must solicit public buy-in from Kenmore residents through practices which are transparent, fair, and equitable for all residents and road users affected by the program.

On December 6th, 2021, staff responded to comments and questions submitted by council based on the information presented in the November 8th presentation as well as the accompanying technical memorandum detailing program and policy proposals, and relevant supporting information. Staff provided discussion and examples of how fair and equitable program practices were reflected in the proposed fine schedule as well as travel speed and red-light violation trigger thresholds. The proposed warning period for school zone photo enforcement was revised to better accommodate driver expectations with the start-and-stop nature of photo enforcement which follows the school year cycle. Site selection criteria was also presented in detail, and it was recommended by staff that the initial photo enforcement locations be 73rd Av in the Kenmore Elementary school zone, Juanita Dr in the Arrowhead Elementary school zone, and 61st Av and SR 522 intersection for eastbound-to-northbound left-turn red-light violations.

On January 24th, 2022, a public hearing was held to receive public comment and solicit additional questions and comments from council regarding the proposed Kenmore Automated Photo Enforcement program. Based on requests received from council following the public hearing, staff has provided additional information regarding crash data, violation data, and court processes for reduced payment requests.

FISCAL CONSIDERATION:

Low-range for estimates based on the recommended locations are projected to meet or exceed \$1.7M net revenue annually, meeting or exceeding estimates included in the 2020 Financial Sustainability Plan approved by Council.

Exclusion of photo enforcement revenue from the City budget would leave a \$1.7M shortfall in revenue proposed in the Financial Sustainability Plan for traffic engineering, traffic safety, and pavement preservation budgets.

COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:

Goal #6: Focus on and emphasize multimodal transportation in the City of Kenmore with a specific focus on pedestrian, bicycle, and other means of travel.



City Of Kenmore, Washington

Technical Memorandum

TO: City of Kenmore City Council

FROM: Tobin Bennett-Gold, PE
City of Kenmore Traffic Engineer

DATE: January 31, 2022

SUBJECT: Changelog for Photo Enforcement Technical Memorandum

11/19/2021

- P1 Date of memorandum updated to November 19, 2021
- P12 Bullet and footnote added regarding warning period at beginning of school year

1/31/2022

- P6 Updated crash table to reflect correct time period
(previously reflected 2016-2020, now correctly reflects 2015-2019)
 - P13 Footnote formatted to span one page only
 - P14 Photo Enforcement Timeline updated to reflect council vote in Feb '22
(Separate from the public hearing in Jan '22)
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City Of Kenmore, Washington

Technical Memorandum

TO: City of Kenmore City Council

FROM: Tobin Bennett-Gold, PE
City of Kenmore Traffic Engineer

DATE: January 31, 2022

SUBJECT: Proposed Photo Enforcement Policy and Program Structure

Executive Summary

Kenmore City Council included automated photo enforcement as part of the 2020 Financial Sustainability Plan (FSP), and photo enforcement was a safety recommendation of the 2014 Pedestrian and Bicycle Safety Task Force. In the state of Washington, automated photo enforcement is permitted for use only to enforce red-light violations and school zone speeding violations¹. If implemented correctly, photo enforcement can be an effective tool for reducing crash risk for all road users as well as providing a stable, long-term revenue source for investment in our transportation infrastructure. Careful attention to the details of program implementation can help create a program that not only reduces crash risk in areas where photo enforcement is implemented, but also promotes equity and travel safety city-wide through judicious application of the revenue generated.

Historically the largest obstacle to photo enforcement programs is lack of public buy-in, and so the implementation of a successful and long-lived photo enforcement program will require explicit measures to promote fair practices, transparency, and communication. If done well, the photo enforcement program can be an instrument of positive public safety and equity in the City as a whole. If done poorly, the City is at risk of implementing a program that is unpopular, short-lived, and closes the door to future attempts at photo enforcement when trust is lost between City Hall and Kenmore residents.

The proposed photo enforcement timeline includes extensive council discussion and input before voting whether to approve a proposed photo enforcement program. The activation of photo enforcement cameras can be completed by April of 2022, followed by a warning period during

¹ Other use-cases are permitted for conditions which do not exist the City of Kenmore, e.g. railroad crossings.

which warnings will be issued in lieu of notices of infraction. After the conclusion of the warning period, notices of infraction will be issued and revenue will be generated from fines consistent with projections made in the FSP. Every step of program implementation will be accompanied by extensive public outreach and communication.

Legal Framework and Regional Precedent for Photo Enforcement

The restrictions and requirements of the use of photo enforcement in the State of Washington are set forth by the Revised Code of Washington (RCW) 46.63.170 which restricts use of photo enforcement (“traffic safety cameras” in the language of the RCW) for issuance of notices of infraction for red-light violations at signalized intersections of two or more arterial streets, and for issuance of notices of infraction for school speed zone violations. Other requirements that a program must meet are the following:

- The city must prepare an analysis of the locations where automated photo enforcement is proposed to be located.
- The city must enact an ordinance allowing for the use of traffic safety cameras.
- Locations where photo enforcement is to be installed must be clearly marked thirty days prior to activation of cameras.
- The city must post an annual report which at minimum states the number of notices of infraction issued and the number of crashes which occurred for each location where traffic safety cameras are in use.
- For automated red-light enforcement, yellow-phase intervals must be at least as long as the minimums set by the Manual on Uniform Traffic Control Devices, and the interval may not be shortened after photo enforcement is implemented.

Per the process outlined in the RCW, all violations must be reviewed by a law enforcement officer, and it is the law enforcement officer who then issues the notice of infraction. The RCW additionally states that the notice of infraction is to be mailed to the registered owner of the vehicle within 14 days of the violation, and includes requirements for what documentation will be provided to the registered owner of the vehicle. The RCW also stipulates the process by which the vehicle’s registered owner may overcome presumption of fault². Though it is not stated in the RCW, instructions for contesting the violation or for overcoming the presumption of fault are

² Primarily, reference is made to RCW 46.63.075(2) which states “This presumption may be overcome only if the registered owner states, under oath, in a written statement to the court or in testimony before the court that the vehicle involved was, at the time, stolen or in the care, custody, or control of some person other than the registered owner.”

often included in the documentation provided to the vehicle's registered owner along with the notice of infraction.

The RCW additionally states that Infractions generated by photo enforcement may not become part of a driver or vehicle owner's driving record, and must be processed in the manner of parking fines. The implications of this are that red-light violations and speeding violations are not treated as moving violations when identified through a photo enforcement program, and as such do not contribute to the suspension of a person's drivers license. Additionally, collections of outstanding fines and reporting of outstanding fines for the purpose of placing a hold on vehicle registration are at the discretion of the city³ and may be subject to the city's policy on reporting outstanding tickets to the Department of Licensing.

Although not mentioned in the RCW with regards to photo enforcement, flashing school zone beacons (which are active exclusively during times when the school-zone speed limit is in effect) have become established regional precedent for signaling drivers when automated enforcement is active for school zones (in addition to standard signing which is required by the RCW).

Cities with Photo Enforcement	School Zone Hours per Day
Bellevue	1.50
Issaquah	9.00
Kenmore	3.00
Kent	2.00
Kirkland	2.00
Lake Forest Park	8.50
Renton	3.25
Seattle	2.75

Hours during which school-zone speed limits are active are the discretion of the city, and school-zone speed limit hours vary widely across the region. School zone hours for Kenmore are currently 75 minutes before start of classes until 15 minutes after start of classes, and 15 minutes before dismissal until 75 minutes after dismissal, for a total of 90 minutes twice per day. These cover 15 minutes of school commute activity before the start of the earliest campus activities until 15 minutes after most after-school campus activities have ended.

Fines for violations detected by photo enforcement and threshold speed for issuing a notice of infraction are also at the discretion of the city, as is the fine structure (fixed value or graduated by speed). The RCW states that the

City	Speed Threshold	Fine Schedule	Fine Amount
Bellevue	28 mph	Fixed	\$124
Des Moines	26 mph	26-30 31+	\$210 \$250
Edgewood	24 mph	24-30 31+	\$166 \$250
Federal Way	26 mph	26-30 31+	\$210 \$250
Issaquah	27 mph	Fixed	\$124
Kent	26 mph	26-30 31+	\$136 \$248
Kirkland	26 mph	26-30 31+	\$136 \$250
Lake Forest Park	26 mph	Fixed	\$136
Lynwood	26 mph	26-35 36+	\$124 \$250
Renton	28 mph	26-35 36+	\$124 \$250
Seattle	26 mph	Fixed	\$237

³ The jurisdictional agency for a photo enforcement program in the State of Washington is not required to be a city, but for the sake of brevity the jurisdictional agency will be referred to as "the city" for the purposes of this memorandum.

maximum permissible fine for infractions issued by photo enforcement may not exceed the value of fines issued for parking infractions⁴, although regionally fines do not typically exceed \$250.

The city operating the photo enforcement program retains 100% of all fines collected. The contractor selected to install and operate the photo enforcement system will be paid a fixed fee; the RCW explicitly prohibits compensation paid to contractors based upon a portion of the revenue generated. Although not paid directly from the fine amount, the increase in court services amounts to a cost of approximately \$30 per infraction processed, on average. Across programs regionally, a non-payment rate of roughly 30% is typical, either through failure to respond to a notice of infraction, or through successful contestation of the infraction, or by overcoming the presumption of fault. The cost of court services related to forms of non-payment are included in the estimated cost of court services per notice of infraction issued.

The following is the proposed fine schedule for an automated photo enforcement program in Kenmore:

Automated Red-Light Enforcement

\$100 Failure to Stop at a Red Light

Automated School-Zone Enforcement

\$100 Exceeding the School Zone Speed Limit by 6+ MPH When School Zone is Active

\$250 Exceeding the Regulatory Speed Limit 6+ MPH When School Zone is Active

In this graduated fine structure, the lower tier fine would be triggered when traveling at 26+ mph through any active school zone with photo enforcement⁵, and the higher tier fine would be triggered by traveling 31+ mph through an active school zone on a road with a 25 mph regulatory speed limit, 36+ mph on a road with a 30 mph regulatory speed limit, and 41+ mph on a road with a 35 mph regulatory speed limit. Speed limits in the City of Kenmore are representative of land use, mobility, and infrastructure context, and thereby serve well as relative-risk indicators for determining what constitutes reckless and egregious speeding behavior. By contrast, the lower tier fines for speeding at 6+ mph in excess of the school zone speed limit and for failing to stop at a red light (which most frequently occurs shortly after the yellow-light phase) correspond to more commonly occurring violations and violations associated with inattention to speed control, poor judgment of signal control, or low respect for compliance with signal control. Setting a relatively low value for the fines which impact the most drivers reduces the risk of placing undue financial burden on individuals belonging to economically vulnerable households. Lower values for the fines which will impact most drivers will also be more favorable for soliciting buy-in from residents and road users, and help to explicitly demonstrate the intention of the City

⁴ In Kenmore, the highest fine for a parking infraction is \$450, which corresponds to "Parking in a Disabled Zone without a Disabled Placard/Plate".

⁵ All school zones speed limits are 20 mph per the RCW.

to minimize the impact and the burden placed on drivers who are issued notices of infraction by the photo enforcement system.

Low-end revenue estimates for implementing automated photo enforcement at three locations within Kenmore indicate that the revenue expectations set in the FSP and the biennium budget are met under the proposed fine schedule even given conservative assumptions for number of notices of infraction issued and rates of non-payment.

Crash Risk Reduction

Crash Risk Reduction from Automated Speed Enforcement

Reducing the mean speed of travel on a roadway is directly effective at reducing the risk of crashes occurring and reducing the risk of injury in crashes that do occur. Lower travel speeds result in drivers having more time to perceive and react to hazards or conflicts in order to avoid or reduce the severity of crashes, and vehicles traveling at lower speeds carry less kinetic energy, which in turn reduces the distance and braking power required to bring a vehicle to a stop and reduces the amount of energy dissipated destructively by vehicles and victims in the event that a crash does occur. A substantial body of research exists which shows that reducing the mean speed of a roadway will result in a proportional reduction in expected crash frequency, a reduced risk of crash injury proportional to the square of the speed reduction, and a reduction in risk of fatal crash injury even more substantially.⁶ A reduction in mean speed from 35 mph to 20 mph (approximately a speed reduction of 40%) for example would result in roughly a 40% reduction in expected crash frequency, a 70% reduction in expected frequency of injury crashes, and a 90% reduction in expected frequency of fatal crashes.

This reduction in crash risk and risk of crash injury is a benefit to the safety of all road users traveling in a reduced speed environment, but the road users most vulnerable to severe and fatal injury during a crash are cyclists and pedestrians, and young students walking or biking to and from school are more vulnerable still. In crashes where a pedestrian is struck by a vehicle, the pedestrian will suffer fatal injury in roughly two out of three crashes when the vehicle is traveling 35 mph, but a pedestrian will suffer fatal injury in roughly only one out of ten crashes when the vehicle is traveling 20 mph.

Although the safety benefit of photo enforcement is most appropriately described in terms of reduced mean travel speed, the criteria by which photo enforcement programs are measured is most commonly in terms of the reduction in violations in the enforcement area. The typical effectiveness of automated speed enforcement regionally is that school zones in which photo enforcement is implemented experience a 40% reduction in school-zone speeding violations in the first year of implementation, and then a further 40% reduction in school-zone speeding

⁶ Elvik, R. (2005). Speed and Road Safety: Synthesis of Evidence from Evaluation Studies. *Transportation Research Record*, 1908(1), 59–69.

violations over the following several years, resulting in an overall long-term reduction in school-zone speeding violations of around 64%.

To estimate the safety benefit of a specific site, a conservative assumption is that the mean speed is reduced only enough to reduce the frequency of school-zone speeding violations by 64%, and only for the vehicles which would exceed the threshold for enforcement, while the speed of other vehicles is assumed to remain unchanged. It is proposed that sites in Kenmore should be considered for automated speed enforcement if they meet at least one of two criteria: school zones which are on arterial or collector streets, and school zones which have experienced at least one crash in the past five years. The safety benefit of implementing photo enforcement at these sites is expressed as the estimated absolute reduction in expected crashes per year. The sites that would meet these criteria for consideration and the estimated safety benefit of implementing automated speed enforcement are as follows:

Location	Current Mean Speed	Estimated Mean Speed Reduction	Estimated Reduction in Crash Risk All / Injury / Fatal	Historical Observed Annual Crashes ⁷	Expected Annual Crash Reduction ⁸
Juanita Dr near 153rd Pl	37.0 mph	20%	5% / 7% / 11%	1.6	0.06
153rd Pl east of Juanita Dr	29.9 mph	10%	3% / 4% / 6%	0.4	0.00
84th Av north of 150th St	32.7 mph	14%	4% / 5% / 9%	0.2	0.01
71st Av south of Kenmore Elem.	24.0 mph	3%	2% / 3% / 6%	0.2	0.00
73rd Av south of 192nd St	30.4 mph	11%	3% / 4% / 7%	1.8	0.02
192 nd St east of 73 rd Av	24.0 mph	3%	2% / 3% / 6%	0.2	0.00
202nd St west of 68th Av	34.7 mph	18%	4% / 6% / 10%	0.6	0.01

Based on total crash reduction, it is proposed that automated speed enforcement be implemented initially at two locations:

1. Arrowhead Elementary school zone on Juanita Drive near Arrowhead Drive
2. Kenmore Elementary school zone on 73rd Avenue near 71st Avenue

It is worth noting that school-zone speed limits are in effect only during a short number of hours per day, only during weekdays, and only during the school year. Most school zones in Kenmore are active a total of three hours per school day, which amounts to just below 7% active time overall annually, affecting approximately 20% of daily traffic volume on school days and approximately 10% of the traffic volume traversing the facility each year. Current school zone

⁷ Based on crashes which occurred within school-zone extents in the 5 year period from 2015 through 2019.

⁸ In the case of automated speed enforcement, the safety benefit of speed reduction is prorated according to the hours when school zone speed limits are in effect.

hours are scheduled to cover times when parent and student school commute traffic is most likely to be present in the school zone, but adjusting the active times for school-zone speed limits can have dramatic effects on the safety benefit provided to other road users, and to vulnerable road users that may be present in the facility outside of school commute hours.

Also worth noting is that speed reduction measures during times of high traffic volumes have a magnified effect: Unless passing is possible, drivers can only travel as fast as the vehicle in front of them. In this case, successfully slowing one vehicle can slow an entire platoon of vehicles and extend the speed reduction effects far beyond the immediate area where the speed reduction treatment has been applied. The estimates for speed reduction and crash reduction do not factor in magnified effects of speed reduction during higher volume hours and so these estimates are likely to be conservative with regards to the geographic area which will benefit from speed reduction and crash risk reduction.

Crash Risk Reduction from Automated Red-Light Enforcement

A red-light violation occurs when a driver enters a signalized intersection after the traffic signal controlling their lane has turned red. Vehicles which already occupy the intersection when the signal transitions from yellow to red are not committing a red-light violation. The most common types of red-light violations are ones in which queued traffic continues to enter the intersection through the yellow-light phase and continuing into the red-light phase (sometimes with multiple consecutive vehicles continuing to enter the intersection into the red-light phase), and ones which happen very shortly after the signal transition from yellow to red (within 2 seconds or less) when drivers attempting to enter during a yellow phase misjudge the timing and instead enter during the red phase. Crashes caused by red-light violations are often angle-crashes and turning-crashes, both of which carry the highest risk of severe and fatal injury of any crash by type (compared to, for example, rear-end crashes and side-swipe crashes, which have very low relative risk of fatal and serious injury compared to crashes of other types).

The specific geometry and signal phasing of an intersection can also affect the crash risk associated with red-light violations. In the case of 61st Avenue and Bothell Way, a high frequency of red-light violations for left-turn traffic on eastbound Bothell Way presents a high frequency of conflicts with pedestrians entering the crosswalk during the protected pedestrian crossing phase on the north leg of the intersection. A pedestrian conflict is defined as when a legally-crossing pedestrian must alter their path to avoid a vehicle (either by stopping in their path or accelerating to clear the conflict area). Pedestrian conflicts represent “near-misses” which, in unluckier circumstances, may have escalated to pedestrian crashes; in areas where pedestrian conflicts are frequent, the risk of pedestrian crashes is high. A pedestrian conflict study conducted in 2019 at the intersection of 61st Avenue and Bothell Way indicated that during peak volume hours pedestrian conflicts were experienced by over 80% of pedestrians crossing the north leg of the intersection. The baseline rate for pedestrian conflicts at a signalized or stop controlled intersection is very low – other studies conducted in the City of Kenmore typically show pedestrian crossing conflicts at a rate of 0% to 5% during the peak volume hours.

Automated red-light enforcement has been shown to be very effective at reducing red-light violations, varying from a 40% reduction in red-light violations that occur within 0.5 seconds of the light transitioning to an 86% reduction in red-light violations which occur 1.5 seconds or more after the light transitioning. Although studies show that automated red-light enforcement unequivocally reduces the frequency of red-light violations and the frequency of crashes related to red-light violations, there is also consistent evidence showing that automated red-light enforcement increases the frequency of rear-end crashes (as might be related to sudden braking to avoid a red-light violation). The safety value of implementing red-light cameras therefore is based on the difference between the value of the crashes prevented and the cost of the crashes which may be introduced. For this reason, automated red-light enforcement is not a one-size-fits-all solution for improving intersection safety, and careful engineering analysis is required to determine where and how automated red-light enforcement can be applied to best improve intersection safety. The following criteria must be assessed when considering whether automated red-light enforcement is appropriate for a given location:

- Whether or not there is an elevated risk of crashes associated with red-light violations.
- To what degree is the implementation of automated red-light enforcement likely to increase rear-end collisions.
- To what degree are the types of red-light violations observed at this location likely to be correctable by photo enforcement.

In the case of the 61st Avenue and Bothell Way intersection, although there is a high frequency of pedestrian conflicts observed directly relating to right-light violations, the crash history of the intersection does not suggest that red light violations are contributing to other types of crash risk. Observation of the intersection indicates that red light violations occur almost exclusively due to queueing in the eastbound left-turn lane when drivers continue to make eastbound-to-northbound left-turns even after the signal has changed. When police presence was dispatched to address the concern, the occurrence of red-light violations stopped completely, though only when police were conspicuously present. Based on these factors, there is an opportunity to precisely right-size photo enforcement for this intersection by applying automated red-light enforcement only to the eastbound-to-northbound left-turn lane where the occurrence of red-light violations is high, but because of the nature of queued traffic being slow-moving the risk of increasing the frequency of rear-end crashes is very low. Because of the driver response to conspicuous enforcement, it is expected that photo enforcement at this location would be near-completely effective at eliminating pedestrian conflicts, providing substantial safety value and greatly reducing the risk of a pedestrian crash due to red-light violations occurring at this location in the future.

Based on these factors, it is proposed that automated red-light enforcement be initially implemented for east-bound left-turn movements at the intersection of 61st Avenue and Bothell Way (SR 522).

Other locations in Kenmore may also be suitable for implementation of automated red-light enforcement, for the purposes of reducing risk to vulnerable road users, to motor vehicle traffic, or both. The changes to traffic patterns and travel volumes which accompanied the COVID-19 pandemic, however, have made it impossible to determine where these problems may be occurring under normal traffic conditions.⁹ As travel volumes continue to recover other locations suitable for automated photo enforcement may become apparent through continued study and observation of signalized intersections in the City of Kenmore.

Fairness, Transparency, and Public Buy-In

The single characteristic which is almost universally prevalent in failed photo enforcement programs is lack of public buy-in. Either through working with their council or legislature representation or through voter-driven initiatives, countless photo enforcement programs regionally and nationally have been ended by grass-roots political action spearheaded by residents who feel that photo enforcement does not serve their interests or impacts them unfairly. In some cases the residents taking issue with photo enforcement programs may have well-founded concerns with how the program is being delivered, but many well-intentioned programs have also been toppled by misinformation, poor communication, and insufficient transparency. If the City of Kenmore is to put in place a photo enforcement program that is well intentioned and well implemented, it is still critical that communication with residents address the concerns that residents have and communicate the benefits they receive in order for the program to have the public buy-in required for its long-term success.

One of the most ubiquitous criticisms of photo enforcement is that it is used as a fundraising tool while disingenuously being presented as a traffic safety program. The traffic safety benefits of photo enforcement programs are well documented regionally, nationally, and world-wide, and the benefits of implementing a photo enforcement program in Kenmore will be evident in the changes in driver behavior and reduction in crash frequency in the years following implementation. The minimum reporting requirements by state law are that a city using photo enforcement publish the number of crashes and number of notices of infractions issued in photo enforcement areas annually. Above and beyond this requirement, city staff has already created a website detailing the timeline and progress leading up to photo enforcement implementation,

⁹ Important to note is that under pandemic traffic conditions the extensive queueing and high frequency of red-light violations and subsequent pedestrian conflicts at 61st Avenue and Bothell Way has all but evaporated. Because the volume of traffic has been the only change to this intersection, however, it is reasonable to expect that when higher traffic volumes return the problematic behavior will return as well.

and this website will serve as the nexus for all information related to photo enforcement within the City. Information available on this website will include at least the following:

- Detailed explanation of site selection process
- Annual frequency of speeding and red-light violations beginning at the time of photo enforcement implementation
- Travel speed statistics for school zones, including historical speed statistics from before the implementation of photo enforcement, and speed statistics from school zones not receiving photo enforcement
- Annual crash frequency and number of notices of infractions issued for photo enforcement areas per RCW reporting requirements
- Annual revenue generated by each photo enforcement location
- High-level overview accounting for how photo enforcement revenues are used
- List of projects planned and delivered using photo enforcement revenue

The revenue generated by photo enforcement can be substantial even when fines are modest, but implementation of photo enforcement as a means of generating revenue is a common thread in negative sentiment surrounding photo enforcement programs. There is evidence that Kenmore residents are open to a photo enforcement program part of the City's revenue plan; during the development of the Financial Sustainability Plan (FSP), the "Balancing Act Budget Simulator Tool" available on the City's website showed photo enforcement as the single most popular revenue enhancement strategy. This sentiment can be built upon – tying photo enforcement specifically to the maintenance of public roads and improvement of transportation safety throughout the City is an important facet of soliciting public buy-in and addressing concerns about photo enforcement as a revenue-generating tool by committing that revenue to furthering the goal of providing a safe and effective transportation environment for all road users. Covering these expenditures is the purpose for which the photo enforcement program was introduced into the FSP, and clear and consistent messaging can underscore the transportation safety and operational benefit residents are receiving from photo enforcement revenue.

The goal of effective photo enforcement is to reduce red-light violations or to reduce dangerous speeding behavior, but enforcement (including photo enforcement) is the tool of last resort for achieving these goals. When public buy-in is critical to the success of a program, it is important that drivers have every opportunity to avoid or self-correct problematic behavior or be otherwise deterred before being penalized with a fine. If photo enforcement is perceived to "create" the problem it is solving, for example by suddenly reducing the speed limit immediately before

issuing a fine for not traveling at the reduced speed, then photo enforcement will not be viewed as a tool for improving transportation safety but rather as a deceitful method of extracting revenue from drivers. The paradox of creating a photo enforcement program which solicits public buy-in is that the photo enforcement program must take all reasonable steps to minimize the number of violations issued by the program. In service of this goal, it is proposed that the City of Kenmore photo enforcement program take the following steps to allow drivers to self-correct problematic driving behavior before they are issued a notice of infraction by the photo enforcement program:

For all photo enforcement locations:

- New photo enforcement locations will be advertised widely using the City's available outreach tools, including but not limited to the City website, social media accounts, and quarterly newsletters.
- Advance signing will be present for all locations clearly indicating the presence of photo enforcement on the upcoming facility. Signing will be installed at least thirty days before equipment is activated (as required by the RCW) and will be marked with high-visibility flags for a period of at least thirty days after photo enforcement becomes active.
- After installation of photo enforcement devices, each new photo enforcement location will issue warning letters to violators in lieu of notices of infraction for a period of at least two months before notices of infraction and associated fines are issued to violators. For the initial implementation of photo enforcement in the City of Kenmore, warning periods will be substantially longer.
- All traffic movements which are detected as likely violations will be reviewed by Kenmore police officers before a notice of infraction is issued for the violation.

For automated school zone speed enforcement:

- All school zones with automated speed enforcement will be delimited with flashing school-zone beacons, and photo enforcement will be active exclusively at times during which the beacons are active.
- Speed feedback signs will be present in advance of school zones to notify drivers of their current speed and allow drivers to moderate their speed before approaching an automated enforcement area.
- A graduated fine system will issue a fine of \$100 for exceeding the school zone speed limit by more than 5 mph (i.e. fines beginning at 26 mph), and a \$250 fine for exceeding the regulatory speed limit by more than 5 mph (i.e. beginning at 41 mph if the regulatory

speed limit is 35 mph). The tiered fine structure allows for only moderate fines for “accidental” or “inattentive” speeding in school zones in order to facilitate driver awareness, while still allowing punitive fines for reckless speeding more in line with what would be issued by in-person enforcement for school zone offenses.

- Automated school zone speed enforcement will issue warnings for the calendar week which includes the first day of school for the Fall semester each year.¹⁰

For automated red-light enforcement:

- Stop bars for photo-enforced lanes will be clearly marked.
- Actuation zones for red-light violations will be set at the point where the photo-enforced lane would enter a conflict with opposing traffic. In the case of eastbound left-turn traffic this is roughly one car-length past the stop bar, and in a case where there is a crosswalk present, this would include encroachment in the crosswalk. This allows for a more forgiving stop location than if enforcement were triggered just past the stop bar.
- The photo enforcement program will issue a fixed fine of \$100 for red-light violations, a value moderately lower than what would be issued by in-person enforcement for a first-time offense.

Providing substantial warning periods and public outreach, advanced signing indicating the presence of photo enforcement, advanced flashing beacons and speed feedback signs at entry to automated speed enforcement zones, forgiving enforcement zoning for red-light enforcement, police review before notices of infraction are issued, and moderate values for fine amounts will help underscore the position that revenue generated from photo enforcement is in support of creating a safe and effective traffic environment and not for the sole purpose of extracting fines from drivers.

Driver Impact and Equity

It is critical that the photo enforcement program clearly and unequivocally support the City of Kenmore’s social and economic equity values and goals in each way that it interacts with individuals as well as social and governance systems, including but not limited to the financial impact on drivers, driver interaction with law enforcement and court systems, and infrastructure

¹⁰ The first day of school is typically the first Wednesday in September; this accommodation means that notices of infraction would not be issued for the Wednesday, Thursday, and Friday of the week when school starts for the Fall semester. Notices of infraction will be issued per normal beginning the following week. This special warning period will recur each year, and is not limited to the year the site first received automated photo enforcement.

investment from revenue generated by photo enforcement. The nature of photo enforcement has several intrinsic characteristics which are positive for equity:

- Road users most likely to incur fines are drivers of personal vehicles, a group which has disproportionately low representation of individuals belonging to economically vulnerable households.¹¹
- Detection of violations and issuance of notices of infraction are done based on objective criteria and without access to personally identifying information, removing the most substantial avenues for introduction of implicit bias into enforcement practices.
- Notices of infraction are processed in the manner of parking tickets, rather than moving violations; photo enforcement therefore will not contribute to a driver's license suspension and risk impacting that driver's access to transportation and mobility.

In addition to these characteristics which are intrinsic to any photo enforcement program which meets the requirements stated in the RCW, other practices which support equity can be explicitly included in the City of Kenmore's photo enforcement policies and practices.

- The fine schedule can be set such that fines most commonly incurred by drivers are set at a level that does not present undue financial burden for individuals belonging to economically vulnerable households.
- The revenue generated by photo enforcement can be used to provide traffic safety improvements in areas which do not directly benefit from the crash reduction effect of photo enforcement.
- For city expenses which must be funded and which may be funded by photo enforcement revenue, photo enforcement revenue can replace the need to enact other fundraising measures which may have regressive impacts on lower-income households.

¹¹ Puget Sound Regional Council (PSRC) Spring 2019 Travel Survey. As a percentage of trips, households with an income of \$25,000 or less have the lowest rate of personal vehicle usage by percent-of-trips, with 75% of trips made by car, compared to 85% of trips made by car for households with an income of \$25,000 to \$74,999, and 80% of trips by car made by households with an income of \$75,000+. Although this still represents a high percent of trips completed by personal vehicle for lower- and middle-income groups, higher-income households (with household income of \$100,000 or more) are responsible for approximately 50% of all trips made regionally, and responsible for more than three times the number of trips as lower-income households (with household income less than \$50,000). On a statistically representative road, it can be expected that slightly more than half of all personal vehicle trips are made by drivers belonging to households with incomes of \$100,000 or more, and less than 20% of personal vehicle trips are made by drivers with incomes below \$50,000. Households with incomes of \$100,000 or more make up 40% of the households included in the PSRC Travel Survey, while households with incomes less than \$50,000 make up 24% of households included in the survey, indicating that in addition to being the majority share of personal vehicle drivers on the road, higher-income households are also over-represented in personal vehicle travel (50% of car trips made by 40% of households), while lower-income households are under-represented (20% of car trips made by 24% of households).

Importantly, the substantial revenue generated by photo enforcement is a lever for implementing traffic safety and infrastructure maintenance throughout the City, and the application of that revenue can be employed dynamically as the equity needs of the City shift and evolve throughout the life of the photo enforcement program. If careful attention is given to the direct impact on drivers by the inception of the photo enforcement program, and continued attention is given to equitable use of the revenue generated by photo enforcement, then the proposed photo enforcement program can be an instrument of positive public safety and equity in the City as a whole.

Proposed Photo Enforcement Timeline and Public Outreach

The proposed timeline for implementation of photo enforcement is as follows:

Nov '21 – Dec '21	Council begins discussion on proposed new traffic photo enforcement program
Jan '22	Public hearing
Feb '22	Council vote to approve photo enforcement program
Feb '22 – Mar '22	RFP and selection of contractor for lease and operation of cameras
Mar '22	Council award of photo enforcement contract
Mar '22	Installation of advanced warning signs for photo enforcement locations, installation of photo enforcement cameras
Apr '22	Start of warning period: photo enforcement cameras become active and warnings are issued in lieu of notices of infraction.
Summer '22	Automated red-light enforcement warning period ends no sooner than 2 months after cameras become active. School-zone speed enforcement cameras not active during summer.
Fall '22	Automated speed enforcement warning period ends, cameras begin issuing fines at start of school year. Photo enforcement program is now fully implemented.

Each step in the proposed timeline will be accompanied by updates to the photo enforcement website which will reflect the most current photo enforcement news and timeline. Public hearing and council approval will be accompanied by a press release. A city-wide mailer describing photo enforcement program and schedule will be sent out prior to cameras becoming active. The beginning of warning period, end of warning period for automated red-light enforcement, and

end of warning period for automated speed enforcement will each be accompanied by social media release. Each monthly E-news and Kenmore Quarterly will have updates regarding the state of photo enforcement information. Already, several photo enforcement updates have been released in E-news and Kenmore Quarterly publications this year, and a social media release was made regarding the launch of the photo enforcement website.

The website for photo enforcement was created in May '21 and is currently active; the website is updated frequently with changes to the photo enforcement timeline. In addition to the estimated timeline, the website contains frequently-asked-questions (FAQ) regarding the City's purpose for photo enforcement, ticketing practices, site selection, and common concerns addressing misinformation about photo enforcement programs. The FAQ will continue to be updated as more common concerns are brought to the City. Details on site selection will be available on the website after they are presented to council. Once cameras are active, the photo enforcement website will also describe the process for responding to a notice of infraction. Once the program is active, information will be available for each photo enforcement location including at the least information about crash frequency and number of notices of infractions issued.

**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 22-0542**

**AN ORDINANCE OF THE CITY OF KENMORE,
WASHINGTON, ADOPTING A NEW CHAPTER 10.45 OF
THE KENMORE MUNICIPAL CODE TO ESTABLISH AN
AUTOMATED TRAFFIC SAFETY CAMERAS
ENFORCEMENT PROGRAM AND REGULATIONS
RELATING TO THE SAME; PROVIDING FOR
SEVERABILITY; AND ESTABLISHING AN EFFECTIVE
DATE.**

WHEREAS, RCW 46.63.170 authorizes the City Council, as the local legislative body, to adopt an ordinance establishing an automated traffic safety cameras program and the regulations relating to the same; and

WHEREAS, pursuant to RCW 46.63.170, the City has prepared an analysis of the locations within the City of Kenmore where automated traffic safety cameras are proposed to be located; and

WHEREAS, in 2014 the Ad Hoc Committee on Pedestrian and Bicycle Safety recommended the implementation of automated traffic safety cameras enforcement; and

WHEREAS, revenue from automated traffic safety cameras enforcement was included in the 2020 Financial Sustainability Plan adopted by City Council; and

WHEREAS, City staff has proposed the adoption of use of automated traffic safety cameras for enforcement of red light violations and school zone speed violations; and

WHEREAS, on November 8, 2021, the City Council was presented with and considered the proposed automated traffic safety cameras enforcement program, entitled "Proposed Photo Enforcement Policy and Program Structure" ("Program"); and

WHEREAS, on December 6, 2021, the City Council was presented with and considered the Program and proposed new Chapter 10.45 KMC, which includes, among other things, the restrictions and provision of public notice and signage as set forth in RCW 46.63.170; and

WHEREAS, on January 24, 2022, the City Council held a public hearing in order to take public testimony regarding the adoption of proposed Chapter 10.45 KMC; and

WHEREAS, the City Council finds it in the interest of the public welfare to adopt this ordinance and implement the proposed Program in the City of Kenmore;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings. The City Council adopts the recitals set forth above, incorporated herein by reference, as findings in support of this ordinance.

Section 2. Adoption. The City Council adopts a new Chapter 10.45 to the Kenmore Municipal Code, entitled “Automated Traffic Safety Cameras” as set forth in Attachment A, attached hereto and incorporated herein by reference.

Section 3. Annual posting. Pursuant to RCW 46.63.170, the City Manager, or designee, is directed to post an annual report of the number of the 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 deems appropriate on the City’s website.

Section 4. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, the remainder of the ordinance, or the application of the provision to other persons or circumstances, is not affected.

Section 5. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE ____TH DAY OF _____, 2022.

CITY OF KENMORE

Nigel Herbig, Mayor

ATTEST/AUTHENTICATED:

Anastasiya Warhol, City Clerk

Approved as to form:

Dawn Reitan, City Attorney

Filed with the City Clerk:
Passed by the City Council:
Ordinance No.:
Date of Publication:
Effective Date:

Chapter 10.45
AUTOMATED TRAFFIC SAFETY CAMERAS

Sections:

- 10.45.001 Purpose**
- 10.45.010 Authorized use of automated traffic cameras**
- 10.45.020 Notice of infraction**
- 10.45.030 Adjudication of infraction – Procedures**
- 10.45.040 Violation - presumption**
- 10.45.050 Infractions processed**
- 10.45.060 Nonexclusive enforcement**
- 10.45.070 Definition of automated traffic safety camera.**
- 10.45.080 Penalties.**
- 10.45.090 Authorization for use of electronic signatures.**

10.45.001 Purpose.

The City recognizes the value of implementing an automated traffic enforcement program in furtherance of city goals of creating safer environment for its citizens. Consistent with the council's direction and intent in adopting the policy and procedures of the photo enforcement program, the department is hereby authorized to develop public rules and make minor changes to the policies and procedures of the photo enforcement program, in order to better implement photo enforcement and as needed to stay current with changing technology and methods.

10.45.010 Authorized use of automated traffic safety cameras.

A. Pursuant to RCW 46.63.170, law enforcement officers of the City of Kenmore and persons commissioned by the police chief are authorized to use automated traffic safety cameras and related automated systems to detect one or more of the following:

1. Stoplight violations; and
2. School speed zone violations.

B. The use of automated traffic safety cameras is subject to the following restrictions:

1. Use of automated traffic safety cameras is restricted to intersections of two or more arterials, and school speed zones.
2. Automated traffic safety cameras may only take pictures of the vehicle and vehicle license plate and only while an infraction is occurring. Pictures taken by the automated traffic safety camera may not reveal the face of the driver or of passengers in the vehicle.

C. The City shall clearly mark all locations where automated safety cameras are in use by placing signs in locations that clearly indicate to a driver that the driver is entering a zone where traffic laws are enforced by an automated traffic safety camera.

10.45.020 Notice of infraction.

A. Whenever any vehicle is photographed by an automatic traffic safety camera, a notice of infraction shall be mailed to the registered owner of the vehicle within 14 days of the violation, or to the renter of the vehicle within 14 days of establishing the renter's name and address under subsection (B) of this section.

B. If the registered owner of the vehicle is a rental car business, the law enforcement agency shall, before a notice of infraction is issued, 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 18 days of receiving the written notice, provide to the issuing agency by return mail:

1. A statement under oath stating the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred; or
2. 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
3. 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.

C. The law enforcement 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.

D. All photographs, microphotographs, or electronic images, or any other personally identifying data prepared under this chapter are for the exclusive use of law enforcement in the discharge of duties under this chapter and, as provided in RCW 46.63.170(1)(g), 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 chapter. No photograph, microphotograph, or electronic image, or any other personally identifying data may be used for any purpose other than enforcement of violations under this chapter nor retained longer than necessary to enforce this chapter.

10.45.030 Adjudication of infraction – Procedures.

A. A person receiving a notice of infraction based on evidence detected by an automated traffic safety camera may respond to the notice by mail or request a hearing. The King County District Court shall adjudicate all requests for a hearing to mitigate or contest the notice of infraction.

B. 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.

10.45.040 Violation - presumption.

A. In a traffic infraction case involving an infraction detected through the use of an automated traffic safety camera under this chapter and/or RCW 46.63.170, proof that the particular vehicle described in the notice of traffic infraction was in violation of this chapter and/or RCW 46.63.170, together with proof that the person named in the notice of traffic infraction was at the time of the violation the registered owner of the vehicle, constitutes in evidence a prima facie presumption that the registered owner of the vehicle was the person in control of the vehicle at the point where, and for the time during which, the violation occurred.

B. This presumption may be overcome only if the registered owner states, under oath, in a written statement to the court or in testimony before the court that the vehicle involved was, at the time, stolen or in the care, custody, or control of some person other than the registered owner.

10.45.050 Infractions processed.

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 chapter 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).

10.45.060 Nonexclusive enforcement.

Nothing in this chapter 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).

10.45.070 Definition of automated traffic safety camera.

For the purposes of this ordinance, "automated traffic safety camera" means a device that uses a vehicle sensor installed to work in conjunction with an intersection traffic 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 exceeds a speed limit in a school zone as detected by a speed measuring device.

10.45.080 Penalties.

A. The penalty for red-light infractions committed pursuant to the provisions of this chapter shall be \$100.00.

B. The penalty for school speed zone infractions committed pursuant to the provisions of this chapter shall be as follows:

Speed of Violation	Fine Amount
Exceeding the School Zone Speed Limit by 6+ MPH	\$100.00
Exceeding the Regulatory Speed Limit 6+ MPH	\$250.00

C. Fees and penalties for failure to respond shall follow the standard court schedule for infractions.

10.45.090 Authorization for use of electronic signatures.

In connection with the traffic safety camera program, the police chief, or his or her designee, is authorized to utilize electronic signatures in accordance with the provisions of Kenmore Resolution No. 20-351, and the Uniform Electronic Transactions Act.



City Of Kenmore, Washington

Technical Memorandum

TO: City of Kenmore City Council

FROM: Tobin Bennett-Gold, PE
City of Kenmore Traffic Engineer

DATE: January 31, 2022

SUBJECT: School Zone Crash Data for 2015 through 2019

Description of Crash Data

Two sets of crash data are attached to this memorandum:

- Crashes which occurred within the spatial limits of school zones in the City of Kenmore during the years of 2015 through 2019.
- Crashes which occurred at the intersection of 61st Av and SR 522 during the years of 2015 through 2019.

The crash data is recorded by King County Sheriff's Office when an officer or deputy responds to a crash, and the data is then reported to the Washington Department of Transportation (WSDOT). After the data is processed by WSDOT, the formatted crash data is made available to the City of Kenmore, where it is retained for use in City-wide crash risk assessment.

Brief Summary of Crash Risk Assessment Methodology for School Zones

Because school zones are so small, and the periods during which school zones are active are so short, it is not likely that crashes will occur frequently enough in school zones during active school zone hours to allow a sample large enough to assess crash risk. For this reason, the baseline crash risk was estimated using the set of all crashes which occurred in a school zone at any time in a five year period, and that baseline crash risk was then used to assess the risk of crashes occurring during the school commute time period. The city-wide number of school zone, school-commute crashes estimated using this methodology was in fact less than the number of crashes which actually occurred during the school commute periods historically, so it is reasonable to assume that the estimated risk of crashes occurring in school zones during school commute periods using this methodology is a conservative underestimate.

Report Number	Associated School Zone	Date of Crash	Time of Crash	Maximum Injury Severity	Number of Injuries	Number of Vehicles	Number of Pedestrians	Number of Bicycles	Total Persons Involved	Description of Primary Collision	Location of Primary Collision in Roadway
E395863	Moorlands Elementary SZ on 84th Av	1/27/2015	21:25	No Apparent Injury	0	2	0	0	2	From same direction - one left turn - one straight	Lane of Primary Trafficway
E413868	Kenmore Elementary SZ on 73rd Av	4/5/2015	15:44	Possible Injury	2	3	0	0	3	From same direction - both going straight - one stopped - rear-end	Lane of Primary Trafficway
E432055	Moorlands Elementary SZ on 155th St	6/9/2015	9:57	Suspected Minor Injury	1	1	0	1	1	Vehicle - Pedalcyclist	Lane of Primary Trafficway
E432198	Moorlands Elementary SZ on 155th St	6/10/2015	7:10	No Apparent Injury	0	2	0	0	2	From same direction - both going straight - one stopped - rear-end	Lane of Primary Trafficway
3678876	Moorlands Elementary SZ on 155th St	6/18/2015	16:16	No Apparent Injury	0	2	0	0	2	From same direction - both going straight - both moving - rear-end	Lane of Primary Trafficway
E444286	Arrowhead Elementary SZ on 153rd Pl	7/20/2015	10:42	No Apparent Injury	0	2	0	0	2	Entering at angle	Lane of Primary Trafficway
E450394	Moorlands Elementary SZ on 155th St	8/6/2015	18:27	No Apparent Injury	0	2	0	0	2	Entering at angle	Lane of Primary Trafficway
E453735	Moorlands Elementary SZ on 155th St	8/20/2015	6:25	No Apparent Injury	0	1	0	0	1	Roadway Ditch	Past the Outside Shoulder of Primary Trafficway
E476054	Kenmore Elementary SZ on 73rd Av	10/28/2015	15:43	No Apparent Injury	0	2	0	0	2	Entering at angle	Lane of Primary Trafficway
E487692	Kenmore Middle SZ on 202nd St	11/28/2015	22:02	Unknown	0	1	0	0	1	Utility Pole	Past the Outside Shoulder of Primary Trafficway
E504185	Moorlands Elementary SZ on 155th St	1/10/2016	18:00	Suspected Minor Injury	1	1	0	0	1	Tree or Stump (stationary)	Past the Outside Shoulder of Primary Trafficway
E523505	Kenmore Middle SZ on 202nd St	3/9/2016	14:15	No Apparent Injury	0	2	0	0	2	Entering at angle	Lane of Primary Trafficway
E524330	Kenmore Elementary SZ on 192nd St	3/11/2016	15:53	Unknown	0	1	0	0	1	Retaining Wall (concrete, rock, brick, etc.)	Past the Outside Shoulder of Primary Trafficway
E526902	Kenmore Elementary SZ on 73rd Av	3/21/2016	15:51	No Apparent Injury	0	2	0	0	2	One parked--one moving	Outside Shoulder of Primary Trafficway
E529555	Arrowhead Elementary SZ on 153rd Pl	3/29/2016	17:35	Suspected Serious Injury	1	1	0	0	1	Guide Post	Past the Outside Shoulder of Primary Trafficway
E552337	Moorlands Elementary SZ on 155th St	6/7/2016	11:38	No Apparent Injury	0	2	0	0	2	Entering at angle	Lane of Primary Trafficway
E563014	Kenmore Elementary SZ on 73rd Av	7/13/2016	4:30	No Apparent Injury	0	2	0	0	2	One parked--one moving	Outside Shoulder of Primary Trafficway
E564131	Moorlands Elementary SZ on 155th St	7/15/2016	14:30	No Apparent Injury	0	2	0	0	2	Entering at angle	Lane of Primary Trafficway
E580694	Arrowhead Elementary SZ on Juanita Dr	9/1/2016	9:20	No Apparent Injury	0	2	0	0	2	From same direction - both going straight - one stopped - rear-end	Lane of Primary Trafficway
E581556	Moorlands Elementary SZ on 155th St	9/4/2016	9:00	No Apparent Injury	0	2	0	0	2	One parked--one moving	Past the Outside Shoulder of Primary Trafficway
E613455	Kenmore Elementary SZ on 73rd Av	11/28/2016	17:00	Suspected Minor Injury	1	2	0	0	2	From same direction - both going straight - one stopped - rear-end	Lane of Primary Trafficway
E616684	Arrowhead Elementary SZ on Juanita Dr	12/6/2016	17:20	Possible Injury	1	3	0	0	3	From same direction - both going straight - one stopped - rear-end	Lane of Primary Trafficway
E627583	Moorlands Elementary SZ on 155th St	1/2/2017	1:24	Unknown	0	1	0	0	1	Tree or Stump (stationary)	Past the Outside Shoulder of Primary Trafficway
E640703	Arrowhead Elementary SZ on Juanita Dr	2/8/2017	16:14	Possible Injury	1	2	0	0	2	From same direction - both going straight - both moving - rear-end	Lane of Primary Trafficway
E647055	Arrowhead Elementary SZ on Juanita Dr	2/28/2017	9:05	No Apparent Injury	0	2	0	0	2	From same direction - both going straight - one stopped - rear-end	Lane of Primary Trafficway
E712613	Kenmore Middle SZ on 202nd St	9/15/2017	20:35	No Apparent Injury	0	2	0	0	2	Entering at angle	Lane of Primary Trafficway
E749869	Arrowhead Elementary SZ on Juanita Dr	12/20/2017	21:51	No Apparent Injury	0	2	0	0	2	From same direction - both going straight - one stopped - rear-end	Lane of Primary Trafficway
E751903	Arrowhead Elementary SZ on Juanita Dr	12/24/2017	17:30	No Apparent Injury	0	2	0	0	2	One parked--one moving	Past the Outside Shoulder of Primary Trafficway
E757158	Arrowhead Elementary SZ on Juanita Dr	1/10/2018	18:39	No Apparent Injury	0	2	0	0	2	From opposite direction - one left turn - one straight	Lane of Primary Trafficway
E786728	Moorlands Elementary SZ on 155th St	3/22/2018	7:30	No Apparent Injury	0	2	0	0	2	From same direction - both going straight - one stopped - rear-end	Lane of Primary Trafficway
E865162	Arrowhead Elementary SZ on Juanita Dr	11/10/2018	20:28	No Apparent Injury	0	3	0	0	3	From same direction - both going straight - one stopped - rear-end	Lane of Primary Trafficway
E880656	Moorlands Elementary SZ on 155th St	1/6/2019	20:34	No Apparent Injury	0	2	0	0	2	From same direction - both going straight - one stopped - rear-end	Lane of Primary Trafficway
E892870	Kenmore Elementary SZ on 73rd Av	2/5/2019	15:06	No Apparent Injury	0	2	0	0	2	From opposite direction - one left turn - one straight	Lane of Primary Trafficway
E903537	Moorlands Elementary SZ on 84th Av	3/17/2019	0:12	No Apparent Injury	0	1	0	0	1	Fire Hydrant	Past the Outside Shoulder of Primary Trafficway
E920790	Kenmore Elementary SZ on 73rd Av	5/13/2019	15:20	No Apparent Injury	0	2	0	0	2	From same direction - all others	Lane of Primary Trafficway
E920792	Kenmore Elementary SZ on 73rd Av	5/14/2019	18:18	No Apparent Injury	0	2	0	0	2	One car leaving parked position	Lane of Primary Trafficway
E927611	Kenmore Elementary SZ on 71st Av	5/29/2019	8:40	Possible Injury	1	2	0	0	2	One parked--one moving	Lane of Primary Trafficway
EA06011	Moorlands Elementary SZ on 155th St	12/31/2019	13:30	No Apparent Injury	0	2	0	0	2	Entering at angle	Lane of Primary Trafficway

Highlight indicates crash occurred during school zone active hours

Report Number	Primary Trafficway	Date of Crash	Time of Crash	Maximum Injury Severity	Number of Injuries	Number of Vehicles	Number of Pedestrians	Number of Bicycles	Total Persons Involved	Relationship to Intersection	Description of Primary Collision	Location of Primary Collision in Roadway
E395862	522	1/27/2015	17:34	No Apparent Injury	0	2	0	0	2	At Driveway within Major Intersection	From opposite direction - one left turn - one straight	Lane 1 Decreasing Milepost
E398145	522	2/4/2015	22:18	No Apparent Injury	0	2	0	0	2	At Intersection and Related	From same direction - both going straight - one stopped - rear-end	Lane 2 Decreasing Milepost
E399258	522	2/5/2015	22:14	No Apparent Injury	0	2	0	0	2	At Intersection and Related	From same direction - both going straight - both moving - rear-end	Lane 2 Decreasing Milepost
E399257	522	2/8/2015	13:18	Possible Injury	1	2	0	0	2	At Intersection and Related	From same direction - all others	Intersecting Road Increasing Milepost
E406513	522	3/9/2015	14:50	No Apparent Injury	0	2	0	0	2	At Intersection and Not Related	From same direction - both going straight - both moving - rear-end	Lane 1 Increasing Milepost
E410045	522	3/18/2015	14:40	No Apparent Injury	0	2	0	0	2	At Intersection and Not Related	From same direction - both going straight - both moving - rear-end	Lane 2 Increasing Milepost
E416316	522	4/14/2015	9:35	No Apparent Injury	0	2	0	0	2	At Driveway within Major Intersection	Entering at angle	Intersecting Road Decreasing Milepost
E425610	522	5/17/2015	19:37	No Apparent Injury	0	2	0	0	2	At Intersection and Related	From same direction - both going straight - both moving - rear-end	Lane 2 Increasing Milepost
E428338	522	5/29/2015	0:04	No Apparent Injury	0	1	0	1	1	At Intersection and Related	Vehicle - Pedalcyclist	Lane 2 Increasing Milepost
E433646	522	6/13/2015	17:20	No Apparent Injury	0	2	0	0	2	At Intersection and Related	Entering at angle	Intersecting Road Decreasing Milepost
E490564	522	12/5/2015	14:39	Suspected Minor Injury	1	2	0	0	2	At Intersection and Related	Temporary Traffic Sign, Barricade or Construction Materials	Intersecting Road Decreasing Milepost
E516157	522	2/14/2016	6:00	No Apparent Injury	0	2	0	0	2	At Intersection and Related	Entering at angle	Lane 3 Decreasing Milepost
E529186	522	3/26/2016	19:25	No Apparent Injury	0	1	0	0	1	At Intersection and Not Related	Temporary Traffic Sign, Barricade or Construction Materials	Lane 1 Increasing Milepost
3199996	522	3/27/2016	15:40	No Apparent Injury	0	2	0	0	2	At Intersection and Related	From same direction - both going straight - one stopped - rear-end	Lane 2 Increasing Milepost
E537195	522	4/23/2016	8:25	Possible Injury	1	2	0	0	2	At Intersection and Related	From same direction - both going straight - both moving - rear-end	Intersecting Road Decreasing Milepost
E546052	522	5/20/2016	17:52	No Apparent Injury	0	2	0	0	2	At Intersection and Related	From same direction - both going straight - one stopped - rear-end	Intersecting Road Increasing Milepost
E549651	522	6/2/2016	21:12	No Apparent Injury	0	2	0	0	2	At Intersection and Related	From same direction - both going straight - both moving - sideswipe	Lane 1 Decreasing Milepost
E565147	522	7/20/2016	13:10	No Apparent Injury	0	2	0	0	2	At Intersection and Related	From same direction - both going straight - one stopped - rear-end	Lane 2 Increasing Milepost
E580695	522	9/1/2016	15:40	No Apparent Injury	0	2	0	0	2	At Intersection and Related	From same direction - both going straight - both moving - sideswipe	Lane 3 Increasing Milepost
E613454	522	11/29/2016	9:05	No Apparent Injury	0	2	0	0	2	At Intersection and Related	Entering at angle	Lane 1 Decreasing Milepost
E618013	522	12/9/2016	17:10	No Apparent Injury	0	2	0	0	2	At Intersection and Related	From same direction - both going straight - one stopped - rear-end	Intersecting Road Decreasing Milepost
E629670	522	1/7/2017	13:44	No Apparent Injury	0	2	0	0	2	At Intersection and Related	From same direction - both going straight - both moving - sideswipe	Lane 3 Decreasing Milepost
E629673	522	1/8/2017	17:33	No Apparent Injury	0	2	0	0	2	At Intersection and Related	From same direction - both going straight - both moving - rear-end	Lane 2 Increasing Milepost
E630680	522	1/11/2017	10:15	No Apparent Injury	0	2	0	0	2	At Intersection and Related	From same direction - both going straight - one stopped - sideswipe	Intersecting Road Decreasing Milepost
E635984	522	1/27/2017	9:48	No Apparent Injury	0	2	0	0	2	At Intersection and Related	From same direction - both going straight - one stopped - rear-end	Intersecting Road Decreasing Milepost
E647060	522	2/14/2017	11:30	No Apparent Injury	0	2	0	0	2	At Intersection and Related	Entering at angle	Lane 2 Decreasing Milepost
E653959	522	3/21/2017	15:43	No Apparent Injury	0	3	0	0	3	At Intersection and Related	From same direction - both going straight - one stopped - rear-end	Left Turn Lane Increasing Milepost
E657336	522	4/1/2017	12:30	Suspected Serious Injury	1	2	0	0	2	At Intersection and Related	From opposite direction - one left turn - one straight	Lane 2 Decreasing Milepost
E659872	522	4/9/2017	20:55	No Apparent Injury	0	2	0	0	2	At Intersection and Related	From same direction - both going straight - one stopped - rear-end	Lane 2 Increasing Milepost
E671353	522	5/16/2017	6:41	No Apparent Injury	0	2	0	0	2	Intersection Related but Not at Intersection	From same direction - both going straight - one stopped - rear-end	Lane 2 Increasing Milepost
E674080	522	5/22/2017	19:04	No Apparent Injury	0	2	0	0	2	At Intersection and Related	Entering at angle	Lane 2 Decreasing Milepost
E677873	522	6/5/2017	8:20	Suspected Minor Injury	1	2	0	0	2	Intersection Related but Not at Intersection	From same direction - both going straight - one stopped - rear-end	Lane 3 Increasing Milepost
E691971	522	7/16/2017	9:59	No Apparent Injury	0	2	0	0	2	At Intersection and Related	From same direction - both going straight - one stopped - rear-end	Lane 3 Decreasing Milepost
E701041	522	8/11/2017	9:45	No Apparent Injury	0	2	0	0	2	At Intersection and Related	Entering at angle	Lane 1 Decreasing Milepost
E712621	522	9/2/2017	7:36	No Apparent Injury	0	2	0	0	2	At Intersection and Related	Entering at angle	Lane 2 Decreasing Milepost
E713151	522	9/17/2017	15:20	No Apparent Injury	0	1	0	0	1	At Intersection and Related	Signal Pole	Decreasing Other Location
E717916	522	9/25/2017	9:03	No Apparent Injury	0	2	0	0	2	At Intersection and Related	Same direction -- both turning left -- both moving -- sideswipe	Lane 3 Decreasing Milepost
E731747	522	11/3/2017	20:08	No Apparent Injury	0	3	0	0	3	Intersection Related but Not at Intersection	From same direction - both going straight - one stopped - rear-end	Lane 1 Increasing Milepost
E732210	522	11/4/2017	19:00	No Apparent Injury	0	2	0	0	2	At Intersection and Related	From opposite direction - all others	Lane 2 Decreasing Milepost
E790271	522	4/8/2018	18:39	No Apparent Injury	0	2	0	0	2	At Intersection and Related	From same direction - both going straight - one stopped - rear-end	Lane 3 Decreasing Milepost
E788818	522	4/10/2018	16:04	Possible Injury	1	2	0	0	2	Intersection Related but Not at Intersection	From same direction - both going straight - one stopped - rear-end	Lane 2 Increasing Milepost
E803034	522	4/24/2018	15:45	No Apparent Injury	0	1	0	0	1	At Intersection and Related	Linear Curb	Right Shoulder Decreasing Milepost
E806947	522	6/4/2018	15:54	No Apparent Injury	0	2	0	0	2	At Intersection and Not Related	From same direction - both going straight - both moving - sideswipe	Lane 1 Increasing Milepost
E835308	522	8/29/2018	21:31	No Apparent Injury	0	2	0	0	2	At Intersection and Related	From same direction - both going straight - one stopped - rear-end	Lane 4 Increasing Milepost
E835309	522	9/2/2018	13:05	No Apparent Injury	0	2	0	0	2	Intersection Related but Not at Intersection	From same direction - both going straight - one stopped - rear-end	Lane 2 Increasing Milepost
E863204	522	11/6/2018	18:27	Possible Injury	1	2	0	0	2	At Intersection and Related	From same direction - both going straight - one stopped - rear-end	Lane 2 Increasing Milepost
E885359	522	1/11/2019	6:35	Possible Injury	1	2	0	0	2	Intersection Related but Not at Intersection	From same direction - both going straight - one stopped - rear-end	Lane 3 Decreasing Milepost
E928726	522	6/2/2019	10:40	Possible Injury	1	2	0	0	2	Intersection Related but Not at Intersection	From same direction - both going straight - one stopped - rear-end	Lane 3 Increasing Milepost
E928725	522	6/4/2019	23:47	Possible Injury	1	1	0	0	1	At Intersection and Related	Fixed object	Decreasing Other Location
E950279	522	8/13/2019	18:32	No Apparent Injury	0	2	0	0	2	At Intersection and Related	From same direction - both going straight - one stopped - rear-end	Lane 2 Decreasing Milepost
E961340	522	9/14/2019	13:40	No Apparent Injury	0	2	0	0	2	At Intersection and Related	From same direction - both going straight - one stopped - rear-end	Lane 1 Decreasing Milepost
E984617	522	11/18/2019	17:15	Possible Injury	1	1	1	0	2	At Intersection and Related	Vehicle turning right hits pedestrian	Lane 1 Increasing Milepost



City Of Kenmore, Washington

Technical Memorandum

TO: City of Kenmore City Council

FROM: Tobin Bennett-Gold, PE
City of Kenmore Traffic Engineer

DATE: January 31, 2022

SUBJECT: School Zone Speed Violation and Red Light Violation Data for 2015 through 2019

Description of Violation Data

The attached data represents the total number of notices of infraction issued for school zone speeding violations by Kenmore Police in the five-year period of time from 2015 through 2019. This data was recorded by Kenmore Police and made available by Kenmore Police Chief Brandon Moen. During the period of time represented by this data set, 518 notices of infraction (NOI) were issued in school zones throughout Kenmore, roughly three NOIs per week while school was in session.

Although requested, data for red-light violations at 61st Av and SR 522 was not available, and it was confirmed by Chief Moen that no notices of infraction had been issued for failure to stop at a red light for this intersection in the five-year period.

Considerations Regarding the Frequency of Violations and Enforcement

The frequency with which Kenmore Police are able to respond to a specific violation is not necessarily indicative of the frequency with which violations of that type occur. A statement by Chief Moen offers some explanation for the discrepancy between violations detected by non-conspicuous engineering studies and conspicuous police enforcement:

Traffic enforcement is conducted by Kenmore Police Officers as time allows, in-between 911 calls for service, as well as proactive policing efforts directed at competing non-traffic related issues. KPD has the second lowest staffed (per capita) police agency in King County, at less than half the state average. The lone traffic dedicated Officer position was eliminated in 2014 due to budget and staffing constraints.

The presence of a marked patrol vehicle reduces the likelihood that a violation will occur. If drivers see a patrol car parked at an intersection monitoring traffic, or running radar in a school zone, it is less likely that a driver will choose to violate a traffic law.

For those drivers that are not observant, Officers are able to stop and issue infractions. This whole process can take between 10-15 minutes per traffic stop, limiting the number of violators that can be contacted (especially during the narrow school zone window). The logistics of traffic stops in certain areas (i.e. areas of heavy traffic, or where there are few safe places to stop) makes it challenging to safely make traffic stops for Officers.

Leveraging technology to assist in traffic enforcement will help Kenmore Police more efficiently and effectively address specific traffic concerns on roadways and intersections in Kenmore. – Brandon Moen, Kenmore Chief of Police

Because of the effect of conspicuous enforcement, violations are less likely to occur when police are present than when they are not. When police are present, the number of violations they respond to is limited by the time it takes to perform a traffic stop and issue a notice of infraction, and if violations occur more frequently than police are able to respond to them, then those additional violations will not be reflected by the number of NOIs issued.

Number	Agency	Ticket_Number	Incident_date	Primary_Trafficway
313	Kenmore PD	7Z0473695	10/2/2017	73RD AVE NE
314	Kenmore PD	7Z0473694	10/2/2017	73RD AVE NE
54	Kenmore PD	5Z0020345	6/17/2015	73 AV NE
90	Kenmore PD	5Z0020367	11/4/2015	73 AV NE
104	Kenmore PD	6Z0090455	1/7/2016	73 AV NE
105	Kenmore PD	6Z0090453	1/7/2016	73 AV NE
112	Kenmore PD	6Z0090464	1/21/2016	73 AV NE
118	Kenmore PD	6Z0090468	1/29/2016	73 AV NE
119	Kenmore PD	6Z0090470	1/29/2016	73 AV NE
156	Kenmore PD	6Z0090508	5/12/2016	73 AV NE
259	Kenmore PD	7Z0600313	4/17/2017	73 AVE NE
1	Kenmore PD	5Z0038304	1/6/2015	73 AVE NE
2	Kenmore PD	5Z0038310	1/12/2015	73 AVE NE
3	Kenmore PD	5Z0160233	1/14/2015	73 AVE NE
8	Kenmore PD	5Z0056561	1/22/2015	73 AVE NE
10	Kenmore PD	5Z0160249	1/30/2015	73 AVE NE
11	Kenmore PD	5Z0038339	2/3/2015	73 AVE NE
13	Kenmore PD	5Z0148180	2/23/2015	73 AVE NE
14	Kenmore PD	5Z0038367	2/24/2015	73 AVE NE
15	Kenmore PD	5Z0038366	2/24/2015	73 AVE NE
16	Kenmore PD	5Z0056566	2/27/2015	73 AVE NE
17	Kenmore PD	5Z0038385	3/10/2015	73 AVE NE
19	Kenmore PD	5Z0038400	3/13/2015	73 AVE NE
21	Kenmore PD	5Z0378758	3/16/2015	73 AVE NE
22	Kenmore PD	5Z0394791	3/19/2015	73 AVE NE
23	Kenmore PD	5Z0378763	3/24/2015	73 AVE NE
28	Kenmore PD	5Z0394806	4/2/2015	73 AVE NE
29	Kenmore PD	5Z0394820	4/10/2015	73 AVE NE
30	Kenmore PD	5Z0056576	4/21/2015	73 AVE NE
31	Kenmore PD	5Z0394826	4/23/2015	73 AVE NE
34	Kenmore PD	5Z0056577	4/27/2015	73 AVE NE
36	Kenmore PD	5Z0394846	5/15/2015	73 AVE NE
37	Kenmore PD	5Z0546733	5/19/2015	73 AVE NE
40	Kenmore PD	5Z0546739	5/27/2015	73 AVE NE
42	Kenmore PD	5Z0607597	5/29/2015	73 AVE NE
43	Kenmore PD	5Z0546743	6/2/2015	73 AVE NE
44	Kenmore PD	5Z0546742	6/1/2015	73 AVE NE
46	Kenmore PD	5Z0663908	6/3/2015	73 AVE NE
47	Kenmore PD	5Z0663913	6/4/2015	73 AVE NE
48	Kenmore PD	5Z0678695	6/5/2015	73 AVE NE
49	Kenmore PD	5Z0689653	6/8/2015	73 AVE NE
50	Kenmore PD	5Z0689665	6/10/2015	73 AVE NE
51	Kenmore PD	5Z0710209	6/17/2015	73 AVE NE
52	Kenmore PD		6/17/2015	73 AVE NE
56	Kenmore PD	5Z0779891	9/2/2015	73 AVE NE
57	Kenmore PD	5Z0952626	9/8/2015	73 AVE NE

58	Kenmore PD	5Z0918972	9/9/2015	73 AVE NE
59	Kenmore PD	5Z0918973	9/9/2015	73 AVE NE
61	Kenmore PD	5Z0148232	9/10/2015	73 AVE NE
63	Kenmore PD	5Z0779902	9/10/2015	73 AVE NE
65	Kenmore PD	5Z0996288	9/15/2015	73 AVE NE
66	Kenmore PD	5Z0779916	9/17/2015	73 AVE NE
67	Kenmore PD	5Z0779915	9/17/2015	73 AVE NE
68	Kenmore PD	5Z0148241	9/18/2015	73 AVE NE
69	Kenmore PD	5Z0779918	9/18/2015	73 AVE NE
70	Kenmore PD	5Z1025666	9/21/2015	73 AVE NE
71	Kenmore PD	5Z1025667	9/21/2015	73 AVE NE
72	Kenmore PD	5Z1025671	9/23/2015	73 AVE NE
73	Kenmore PD	5Z1025672	9/23/2015	73 AVE NE
74	Kenmore PD	5Z1025677	9/24/2015	73 AVE NE
75	Kenmore PD	5Z1025680	9/25/2015	73 AVE NE
76	Kenmore PD	5Z0148242	9/25/2015	73 AVE NE
77	Kenmore PD	5Z0779925	9/25/2015	73 AVE NE
78	Kenmore PD	5Z0952637	9/29/2015	73 AVE NE
83	Kenmore PD	5Z0779936	10/8/2015	73 AVE NE
84	Kenmore PD	5Z0779940	10/9/2015	73 AVE NE
86	Kenmore PD	5Z1060156	10/13/2015	73 AVE NE
87	Kenmore PD	5Z0779944	10/15/2015	73 AVE NE
88	Kenmore PD	5Z1060159	11/3/2015	73 AVE NE
89	Kenmore PD	5Z1123234	11/3/2015	73 AVE NE
91	Kenmore PD	5Z1123238	11/6/2015	73 AVE NE
92	Kenmore PD	5Z1155724	11/9/2015	73 AVE NE
93	Kenmore PD	5Z1060161	11/10/2015	73 AVE NE
94	Kenmore PD	5Z1155733	11/13/2015	73 AVE NE
95	Kenmore PD	5Z1155739	11/20/2015	73 AVE NE
96	Kenmore PD	5Z1180511	11/30/2015	73 AVE NE
97	Kenmore PD	5Z1155744	12/1/2015	73 AVE NE
98	Kenmore PD	5Z1155746	12/3/2015	73 AVE NE
101	Kenmore PD	5Z1214863	12/11/2015	73 AVE NE
102	Kenmore PD	5Z1060171	12/11/2015	73 AVE NE
103	Kenmore PD	5Z1060172	12/17/2015	73 AVE NE
109	Kenmore PD	6Z0140587	1/12/2016	73 AVE NE
111	Kenmore PD	6Z0140591	1/20/2016	73 AVE NE
113	Kenmore PD	6Z0006570	1/22/2016	73 AVE NE
116	Kenmore PD	6Z0140595	1/27/2016	73 AVE NE
117	Kenmore PD	6Z0220773	1/28/2016	73 AVE NE
120	Kenmore PD	6Z0006580	1/29/2016	73 AVE NE
121	Kenmore PD	6Z0006582	2/2/2016	73 AVE NE
122	Kenmore PD	6Z0265023	2/1/2016	73 AVE NE
123	Kenmore PD	6Z0258845	2/3/2016	73 AVE NE
124	Kenmore PD	6Z0006586	2/4/2016	73 AVE NE
125	Kenmore PD	6Z0006600	2/11/2016	73 AVE NE
132	Kenmore PD	6Z0006619	3/3/2016	73 AVE NE

133	Kenmore PD	6Z0258866	3/4/2016	73 AVE NE
134	Kenmore PD	6Z0374601	3/8/2016	73 AVE NE
136	Kenmore PD	6Z0374614	3/16/2016	73 AVE NE
138	Kenmore PD	6Z0374621	3/21/2016	73 AVE NE
139	Kenmore PD	6Z0423870	3/23/2016	73 AVE NE
142	Kenmore PD	6Z0006633	3/28/2016	73 AVE NE
143	Kenmore PD	6Z0006638	4/1/2016	73 AVE NE
144	Kenmore PD	6Z0423890	4/5/2016	73 AVE NE
145	Kenmore PD	6Z0006654	4/18/2016	73 AVE NE
146	Kenmore PD	6Z0006656	4/19/2016	73 AVE NE
147	Kenmore PD	6Z0517740	4/22/2016	73 AVE NE
148	Kenmore PD	6Z0006668	4/26/2016	73 AVE NE
149	Kenmore PD	6Z0140612	5/2/2016	73 AVE NE
150	Kenmore PD	6Z0006672	5/2/2016	73 AVE NE
151	Kenmore PD	6Z0140614	5/3/2016	73 AVE NE
152	Kenmore PD	6Z0006674	5/3/2016	73 AVE NE
153	Kenmore PD	6Z0517756	5/9/2016	73 AVE NE
154	Kenmore PD	6Z0006680	5/10/2016	73 AVE NE
155	Kenmore PD	6Z0006681	5/10/2016	73 AVE NE
157	Kenmore PD	6Z0588792	5/20/2016	73 AVE NE
158	Kenmore PD	6Z0006690	5/26/2016	73 AVE NE
159	Kenmore PD	6Z0006699	6/2/2016	73 AVE NE
163	Kenmore PD	6Z0006708	6/15/2016	73 AVE NE
165	Kenmore PD	6Z0926127	9/8/2016	73 AVE NE
166	Kenmore PD	6Z0140627	9/12/2016	73 AVE NE
167	Kenmore PD	6Z0090523	9/14/2016	73 AVE NE
168	Kenmore PD	6Z0926136	9/16/2016	73 AVE NE
169	Kenmore PD	6Z0742679	9/15/2016	73 AVE NE
170	Kenmore PD	6Z0140631	9/19/2016	73 AVE NE
171	Kenmore PD	6Z0694018	9/19/2016	73 AVE NE
173	Kenmore PD	6Z0140632	9/20/2016	73 AVE NE
175	Kenmore PD	6Z0926142	9/26/2016	73 AVE NE
176	Kenmore PD	6Z0926141	9/26/2016	73 AVE NE
177	Kenmore PD	6Z0090529	9/26/2016	73 AVE NE
180	Kenmore PD	6Z0694030	10/4/2016	73 AVE NE
183	Kenmore PD	6Z1023129	10/10/2016	73 AVE NE
184	Kenmore PD	6Z0694045	10/10/2016	73 AVE NE
185	Kenmore PD	6Z1044766	10/11/2016	73 AVE NE
186	Kenmore PD	6Z0090533	10/12/2016	73 AVE NE
188	Kenmore PD	6Z1006578	10/14/2016	73 AVE NE
189	Kenmore PD	6Z1006577	10/14/2016	73 AVE NE
190	Kenmore PD	6Z1044782	10/17/2016	73 AVE NE
191	Kenmore PD	6Z1055209	10/18/2016	73 AVE NE
197	Kenmore PD	6Z1044792	10/25/2016	73 AVE NE
198	Kenmore PD	6Z1044796	10/27/2016	73 AVE NE
199	Kenmore PD	6Z1089091	10/31/2016	73 AVE NE
200	Kenmore PD	6Z1083502	11/1/2016	73 AVE NE

202	Kenmore PD	6Z1089104	11/8/2016	73 AVE NE
203	Kenmore PD	6Z1089105	11/8/2016	73 AVE NE
204	Kenmore PD	6Z0985760	11/10/2016	73 AVE NE
205	Kenmore PD	6Z1083507	11/14/2016	73 AVE NE
207	Kenmore PD	6Z1083509	11/15/2016	73 AVE NE
208	Kenmore PD	6Z1089113	11/15/2016	73 AVE NE
212	Kenmore PD	6Z0985764	11/21/2016	73 AVE NE
213	Kenmore PD	6Z0985766	11/28/2016	73 AVE NE
214	Kenmore PD	6Z1083518	11/30/2016	73 AVE NE
215	Kenmore PD	6Z1089134	12/2/2016	73 AVE NE
216	Kenmore PD	6Z1089137	12/6/2016	73 AVE NE
220	Kenmore PD	7Z0055608	1/3/2017	73 AVE NE
221	Kenmore PD	7Z0055609	1/4/2017	73 AVE NE
224	Kenmore PD	7Z0034088	1/12/2017	73 AVE NE
229	Kenmore PD	7Z0250860	1/27/2017	73 AVE NE
231	Kenmore PD	7Z0319536	2/13/2017	73 AVE NE
237	Kenmore PD	7Z0466512	3/7/2017	73 AVE NE
238	Kenmore PD	7Z0459131	3/7/2017	73 AVE NE
240	Kenmore PD	7Z0464531	3/9/2017	73 AVE NE
242	Kenmore PD	7Z0466516	3/10/2017	73 AVE NE
244	Kenmore PD	7Z0459137	3/14/2017	73 AVE NE
245	Kenmore PD	7Z0466518	3/15/2017	73 AVE NE
246	Kenmore PD	7Z0459146	3/20/2017	73 AVE NE
247	Kenmore PD	7Z0459148	3/21/2017	73 AVE NE
249	Kenmore PD	7Z0466524	3/23/2017	73 AVE NE
250	Kenmore PD	7Z0466523	3/23/2017	73 AVE NE
251	Kenmore PD	7Z0466522	3/23/2017	73 AVE NE
253	Kenmore PD	7Z0459151	3/27/2017	73 AVE NE
257	Kenmore PD	7Z0459160	4/4/2017	73 AVE NE
258	Kenmore PD	7Z0459161	4/6/2017	73 AVE NE
261	Kenmore PD	7Z0464543	4/24/2017	73 AVE NE
265	Kenmore PD	7Z0459166	5/1/2017	73 AVE NE
266	Kenmore PD	7Z0600331	5/4/2017	73 AVE NE
268	Kenmore PD	7Z0668447	5/5/2017	73 AVE NE
269	Kenmore PD	7Z0668452	5/15/2017	73 AVE NE
271	Kenmore PD	7Z0669969	5/18/2017	73 AVE NE
281	Kenmore PD	7Z0459180	6/1/2017	73 AVE NE
282	Kenmore PD	7Z0772518	6/5/2017	73 AVE NE
287	Kenmore PD	7Z0772523	6/9/2017	73 AVE NE
288	Kenmore PD	7Z0459186	6/9/2017	73 AVE NE
289	Kenmore PD	7Z0772527	6/12/2017	73 AVE NE
290	Kenmore PD	7Z0668464	6/13/2017	73 AVE NE
307	Kenmore PD	7Z1035479	9/22/2017	73 AVE NE
318	Kenmore PD	7Z0993754	10/9/2017	73 AVE NE
319	Kenmore PD	7Z1131499	10/11/2017	73 AVE NE
320	Kenmore PD	7Z1131498	10/11/2017	73 AVE NE
321	Kenmore PD	7Z1131497	10/11/2017	73 AVE NE

337	Kenmore PD	7Z1214653	11/1/2017	73 AVE NE
340	Kenmore PD	7Z1214663	11/13/2017	73 AVE NE
341	Kenmore PD	7Z1214662	11/13/2017	73 AVE NE
342	Kenmore PD	7Z1248264	11/16/2017	73 AVE NE
343	Kenmore PD	7Z1248267	11/17/2017	73 AVE NE
344	Kenmore PD	7Z1248266	11/17/2017	73 AVE NE
345	Kenmore PD	7Z1248269	11/20/2017	73 AVE NE
346	Kenmore PD	7Z1248268	11/20/2017	73 AVE NE
347	Kenmore PD	7Z1248273	11/22/2017	73 AVE NE
351	Kenmore PD	7Z1288912	12/7/2017	73 AVE NE
352	Kenmore PD	7Z1288913	12/7/2017	73 AVE NE
354	Kenmore PD	7Z1288919	12/11/2017	73 AVE NE
355	Kenmore PD	7Z1232690	12/14/2017	73 AVE NE
356	Kenmore PD	7Z1232693	12/15/2017	73 AVE NE
358	Kenmore PD	8Z0042606	1/2/2018	73 AVE NE
361	Kenmore PD	8Z0109005	1/9/2018	73 AVE NE
362	Kenmore PD	8Z0109004	1/9/2018	73 AVE NE
363	Kenmore PD	8Z0109010	1/11/2018	73 AVE NE
365	Kenmore PD	8Z0042612	1/19/2018	73 AVE NE
366	Kenmore PD	8Z0039572	1/22/2018	73 AVE NE
369	Kenmore PD	8Z0039575	1/25/2018	73 AVE NE
370	Kenmore PD	8Z0039574	1/25/2018	73 AVE NE
371	Kenmore PD	8Z0039573	1/25/2018	73 AVE NE
374	Kenmore PD	8Z0039580	1/26/2018	73 AVE NE
375	Kenmore PD	8Z0039579	1/26/2018	73 AVE NE
376	Kenmore PD	8Z0039578	1/26/2018	73 AVE NE
377	Kenmore PD	8Z0109020	1/31/2018	73 AVE NE
379	Kenmore PD	8Z0192103	2/6/2018	73 AVE NE
380	Kenmore PD	8Z0192101	2/6/2018	73 AVE NE
381	Kenmore PD	8Z0109027	2/8/2018	73 AVE NE
382	Kenmore PD	8Z0109026	2/8/2018	73 AVE NE
384	Kenmore PD	8Z0109033	2/16/2018	73 AVE NE
385	Kenmore PD	8Z0109032	2/16/2018	73 AVE NE
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434	Kenmore PD	8Z0785241	9/24/2018	73 AVE NE
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438	Kenmore PD	8Z0636918	9/28/2018	73 AVE NE
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455	Kenmore PD	8Z1002123	11/13/2018	73 AVE NE
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386	Kenmore PD	8Z0036083	2/27/2018	73RD AVE NE
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128	Kenmore PD	6Z0288135	3/1/2016	JUANITA DR NE
129	Kenmore PD	6Z0288139	3/2/2016	JUANITA DR NE
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80	Kenmore PD	5Z0952640	9/30/2015	NE 153 PL
391	Kenmore PD	8Z0102573	3/12/2018	NE 153 PL
303	Kenmore PD	7Z0473689	9/18/2017	NE 153RD PL
4	Kenmore PD	5Z0096679	1/13/2015	NE 155 ST
20	Kenmore PD	5Z0056569	3/13/2015	NE 155 ST
41	Kenmore PD	5Z0582280	5/28/2015	NE 155 ST
85	Kenmore PD	5Z1060155	10/12/2015	NE 155 ST
106	Kenmore PD	6Z0075389	1/7/2016	NE 155 ST
162	Kenmore PD	6Z0588798	6/10/2016	NE 155 ST
172	Kenmore PD	6Z0742682	9/20/2016	NE 155 ST
201	Kenmore PD	6Z0985755	11/4/2016	NE 155 ST
225	Kenmore PD	7Z0055610	1/11/2017	NE 155 ST
298	Kenmore PD	7Z1091494	9/15/2017	NE 155 ST
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323	Kenmore PD	7Z1091510	10/11/2017	NE 155 ST
328	Kenmore PD	7Z1091514	10/17/2017	NE 155 ST
334	Kenmore PD	7Z1091518	10/24/2017	NE 155 ST
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410	Kenmore PD	8Z0471099	5/14/2018	NE 155 ST
419	Kenmore PD	8Z0609669	5/29/2018	NE 155 ST
420	Kenmore PD	8Z0609668	5/29/2018	NE 155 ST
425	Kenmore PD	8Z0384580	6/8/2018	NE 155 ST
309	Kenmore PD	7Z0852767	9/27/2017	NE 155TH ST
196	Kenmore PD	6Z0981597	10/26/2016	NE 190TH
194	Kenmore PD	6Z0981599	10/26/2016	NE 190TH ST
195	Kenmore PD	6Z0981598	10/26/2016	NE 190TH ST

397	Kenmore PD	8Z0192116	3/26/2018	NE 192 ST
64	Kenmore PD	5Z0020361	9/11/2015	84 AV NE



City Of Kenmore, Washington

Memorandum

TO: City of Kenmore City Council

FROM: Tobin Bennett-Gold, PE
City of Kenmore Traffic Engineer

DATE: January 31, 2022

SUBJECT: King County Court Photo Enforcement Violations Practices and Records

Availability of King County Courts Records

On Wednesday January 26th, 2022 King County District Court was contacted in order to informally request records relating to the processing and outcomes of photo enforcement notices of infraction (no public records request was made at this time). Court staff investigated the feasibility of providing this information and responded with the following considerations:

- A request for records pertaining to another contract city's photo enforcement program would have to be made to that city, who would in turn make the request to King County Courts.
- In 2020 King County Court switched record keeping systems from the system administered by Washington State to a system administered by the County, and all court records which predate this system change have been archived with the state in physical storage.
- If a request is made by a contract city to retrieve these records, they would have to be entered into the court's new system before they could be queried, which would require additional time and accrue additional expense, and a guarantee could not be made that the desired data is retrievable. Altogether the time to deliver this information would be on the scale of months.

Furthermore, the nature of the data which would be available is "a snapshot in time" of the status of active court cases at that moment, e.g. on this date how many cases are on extended payment plans, or how many cases are requesting reduced payment but have not yet been processed. Once the City of Kenmore received the case data, it would require an additional level of analysis to extract information about relative frequency of case outcomes.

Data from 2020 and onward would still be available in the current court records system, however that information is expected to be of limited utility as schools have been closed for most of the available data period, virtually eliminating all school zone speed violations, and traffic volumes during pandemic

periods have plummeted, substantially reducing the frequency of red light violations. Because of the dissimilarity of pandemic conditions to future conditions (in type and frequency of violations, financial circumstances for violators, and court policies and practices specific to pandemic periods), any data taken exclusively from pandemic-influenced years is poorly suited for forecasting future outcomes.

Informal Process Description

Although the data requested was not readily available, court representatives were able to offer an informal description of court processes and typical outcomes. Regarding relief for financial hardship and / or financial difficulty with making payment of fines, two options are available: reduced payment, and extended payment plan¹. Persons owing fines may request one or both of these accommodations, and nearly all requests for either or both accommodations are approved. The frequency with which these requests are made, however, is difficult to estimate. The decision of whether and to what degree accommodation is granted is ultimately the responsibility of a court judge, and the person requesting accommodation may visit the court in person or may submit a written request, either method is equally acceptable.

In addition to the availability of reduced payment or payment plan accommodations, in the cases where non-response or non-payment results in additional cost (e.g. accrued interest, or collections), both of these options remain open to the person should they seek accommodation from the court. That is to say, at any time, regardless of the history of non-response or non-payment, accommodations for financial hardship are always available upon request.

¹ Although a payment plan does not increase the amount of the fine owed, the collections vendor does collect a one-time \$15 set-up fee and a monthly \$5 payment processing fee, resulting in an increase in total amount paid if the amount is spread over a larger number of payments.

<p>Subject/Topic:</p> <p>ARPA Business Assistance Proposal for Urgent Needs</p> <p>Proposed Council Action/Motion:</p> <p>Authorize up to \$25,000 in ARPA Funds for Urgent Business Assistance Grants of approximately \$5,000 per business</p>	<p>For Council Meeting Agenda of: 14 February 2022</p> <p>Department: Executive</p> <p>Prepared by: Nancy Ousley, Assistant City Manager</p> <div style="text-align: right; margin-right: 20px;"> <u>Initial & Date</u> Approved by Department Head: SL/NKO, 2/3/22 Approved by City Attorney: DR, 2/4/22 Approved by Finance Director: LS, 2/4/22 Approved by City Manager: RGK, 2/4/22 </div> <p>Exhibits/Attachments:</p>
<p><u>INFORMATION/BACKGROUND:</u></p> <p>City staff have received a limited number of requests from local brick and mortar businesses in urgent need of assistance in order to continue operations. The ongoing effects of the pandemic have taken a toll on local businesses in a variety of business sectors. Though the business assistance is under consideration, funds are not likely to be available before April 2022 following the analysis of public comment on potential uses for the City's American Rescue Plan Act (ARPA) funds.</p> <p>This proposal would allocate up to \$25,000 in ARPA funds for grants of approximately \$5,000 per business to cover urgent needs for local brick and mortar businesses facing the possibility of closure due to the pandemic. We expect that this opportunity would be available for a limited window to meet urgent local brick and mortar business needs. The funds would be prioritized for businesses with a Kenmore Business Registration (as required) and any funds received through these grants would be deducted from eligibility for future ARPA businesses assistance provided by the City.</p> <p>A streamlined online application portal including an attestation process comparable to what was used for the ARPA direct cash assistance program will be developed if this request is approved.</p>	
<p><u>FISCAL CONSIDERATION:</u></p> <p>Assistance for small businesses with impacts related to pandemic conditions is allowed for ARPA funding.</p>	
<p><u>COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:</u></p> <p>Respond to the Pandemic</p> <p>Implement the Economic Development Plan</p>	



City Council Business Agenda Item
City of Kenmore, WA

Subject/Topic:	For Council Meeting Agenda of: February 14, 2022
Personnel Policy Amendments and Additions	Department: Public Works Prepared by: Jennifer Gordon, PW Ops Manager & Leonora Palaña, Human Resources Manager <u>Initial & Date</u> Approved by Department Head: <u>JG & LP 2/9/22</u> Approved by City Attorney: <u>KW 2/4/22</u> Approved by Finance Director: <u>LS 2/10/22</u> Approved by City Manager: <u>RGK 2/9/22</u>
Proposed Council Action/Motion:	Exhibits/Attachments:
Approve Resolution 22-377 to Amend the Personnel Policies	Resolution 22-377 Personnel Policy Amendments

INFORMATION/BACKGROUND:

The City started its own in-house Public Works Operations Division in January of 2019. At that time new sections were added to the Personnel Policy establishing:

- Stand-by Pay;
- Call-back Pay; and
- A Safety Footwear Allowance.

Council approved the personnel policy amendments under Resolution 18-312.

The Public Works Operations Division has been operating for just over three years. Even in a pre-pandemic state, staffing positions within Public Works, for both permanent and seasonal positions with well-qualified personnel has been difficult for many years. Now amidst the pandemic, the challenge to fill positions has become even more difficult.

Kenmore must remain competitive in not only attracting employees, but also with retaining them. We value our high-performing staff, and in an effort to stay competitive and increase employee retention, we need to ensure our field employees:

- Are equitably and competitively compensated while providing around-the-clock emergency response; and
- Have the necessary safety equipment to perform their duties.

There will be an increase in costs to implement the proposed changes. These proposed changes to the personnel policies will mostly affect those within Public Works Operations; however, some of the changes also apply to the few field staff who work in other departments. The summary of changes include:

- Stand-by Pay increase from \$45.00 per day to \$55.00 per day;
- Creating a premium for Emergency Stand-by pay at \$60.00 per day; In the rare case of an emergency disaster, any employee would be eligible for emergency stand-by pay;
- Including holidays as hours worked when calculating overtime hours. This change will affect all non-FLSA exempt employees;
- Including holidays and vacation days as hours worked when calculating hours during emergency callout (including inclement weather) and other emergencies; and
- Increasing the annual clothing and boot allowance and issuing field staff uniforms with the City logo.

The proposed changes are relatively small, yet the impact to an employee can be significant. These small changes are the types of benefits that we want to provide for our employees, giving them the same sense of pride, they have for the City of Kenmore. Our employees are ambassadors to the community. We want to keep employee morale high and show our employees how much they are valued and appreciated.

FISCAL CONSIDERATION:

The budget impacts with the proposed changes above would increase annual costs by approximately \$10,000 to \$12,000 annually. These expenditures would be distributed across multiple budgets within general fund and the surface water fund. The increased expenditures can be covered within existing budgets.

COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:

City of Kenmore Vision Statement:

- Supports the safety, health and welfare of all of its citizens.
- Is inclusive and family-friendly, with a small-town feeling, that fosters a sense of pride and belonging.

**CITY OF KENMORE
WASHINGTON
RESOLUTION NO. 22 - 377**

A RESOLUTION OF THE CITY COUNCIL OF KENMORE,
WASHINGTON, ADOPTING CHANGES TO THE CITY'S
PERSONNEL POLICIES TO AMEND STAND-BY PAY
AND CALL-BACK PAY AND ESTABLISH SAFETY
APPAREL AND FIELD STAFF UNIFORM POLICY.

WHEREAS, since their original adoption, the City's Personnel Policies have been updated on several occasions to modify policies as necessary; and

WHEREAS, the City Council has expressed a desire to promote the safety, health, and welfare of City employees; and

WHEREAS, the City of Kenmore believes that providing field staff with uniforms, safety apparel, and compensation for the stand-by status for employees helps the City retain and recruit talented employees; and

WHEREAS, the City Council, having given full consideration to the proposed revisions to the Personnel Policies;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON, DOES HEREBY RESOLVE AS FOLLOWS:

Amend Sections: 2.2.5, 2.6.1, and 2.6.2

Add Sections: 2.6.3, 8.12.3, 8.12.4

2.2 HOURS OF WORK AND OVERTIME

2.2.5 ~~When computing overtime, holidays, sick leave, and vacation time are not counted as hours worked.~~ Subject to certain exceptions expressly provided by City policy, overtime is computed based on time actually worked by the employee (which "time worked" does not include paid time off). Notwithstanding the foregoing, the City shall include holiday hours within its calculation of overtime. Vacation hours shall be included in an overtime calculation only during an emergency stand-by period, as designated by the City Manager or designee. Sick time hours are never included in a calculation of overtime.

2.6 CALL BACK

2.6.1 All employees are subject to call back in emergencies or as otherwise needed by the City to provide necessary services to the public. A refusal to respond to a call back is grounds for ~~immediate~~ disciplinary action, up to and including possible termination. Non-exempt employees who are physically called back to duty will be paid their appropriate rate of pay for hours worked (including the overtime rate, if applicable), with a minimum three (3) ~~two~~

hours callback pay (this minimum call-back increment shall not apply to call-back work that can be performed remotely via computer, phone, or other electronic means). The call-back shall begin the time the employee is called back to work and shall end when the employee returns directly home from the work site. If the call-back exceeds the three-hour minimum, the employee shall be paid the applicable rate of pay for the time actually worked by the employee. If an employee is called to work early or required to stay late, at the beginning or end of a shift, the employee shall not be entitled to the three (3) hour minimum, as long as such hours are contiguous with the employee's shift. All hours shall be paid the appropriate overtime rate, if applicable. Providing support to planned City events is not eligible for call-back pay.

- 2.6.2 Stand by Pay: An employee who is required to be on stand-by time and subject to call-back shall receive a stand-by allowance of ~~forty-five dollars~~ fifty-five dollars (\$55) per day, while on stand-by. Only one employee at a time shall be designated as being stand-by to receive this allowance, unless otherwise determined by the Department Head, Public Works Operations Manager or City Manager. ~~The~~ Department Head, ~~or~~ Public Works Operations Manager, or ~~the~~ City Manager will designate the stand-by employees. Employees on vacation, out on sick leave or any other paid leave shall not receive on stand-by payment.

- 2.6.3 Emergency Stand-by Pay: An employee who is required to be on emergency stand-by for inclement weather or other large-scale emergencies as declared by the City Manager or the City Manager's designee, shall receive an emergency stand-by allowance of sixty-five dollars (\$65) per day, while on emergency stand-by. Multiple employees may be placed on emergency stand-by at one time. The Department Head, Public Works Operations Manager, or City Manager will designate emergency stand-by employees. If an employee is called back while on emergency stand-by, the call-back provisions of Section 2.6.1 (along with the general overtime policy set forth in Section 2.2.5 above) shall apply.

8.12 SAFETY

- 8.12.3 Safety Apparel: The City will provide safety apparel and Personal Protective Equipment (PPE) in accordance with applicable state and federal requirements. This may include but is not limited to, safety glasses, protective gloves, ear protection, masks, and hard hats. PPE will be provided to employees on an as-needed basis, subject to inspection and replacement at the discretion of a supervisor. Safety apparel and PPE is property the City and shall be returned upon separation.

- 8.12.4 Field Employee Uniform Policy: Employees working in the field are representatives of the City. So that our staff who are working in the field will be recognizable as City employees and look professional, the City will provide full-time regular field employees with certain uniform items on an annual basis. Personnel who spend the majority of their day working outdoors and/or performing physical labor will wear the designated uniform as determined by the Department Head. Field employee uniforms will include above the waist items, below the waist items, and safety footwear. Uniformed employees may use the annual allowance to purchase uniform items authorized by the City. These items may be purchased in quantity by the City and issued to employees at cost against the annual uniform allowance per policy. If an employee spends their maximum allowance and requests additional items, these may be purchased at the employee's expense.

a) Defined Uniform and Annual Allowances:

<u>Above the waist uniform (shirts, sweatshirts, etc.)</u>	<u>\$250.00</u>
<u>Below the waist uniform (pants)</u>	<u>\$250.00</u>

b) Safety Footwear: Designated field employees are required to wear sturdy-soled work boots made of leather or equally firm material, with sturdy impact resistant toe. Employees are required to obtain approval from their supervisor before purchasing below the waist uniform and footwear items. The safety footwear allowance is available only to those employees designated by the Department Head.

<u>Safety Footwear</u>	<u>\$350.00</u>
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c) Newly hired field employees will be provided four uniform shirts upon hire; the final complement of uniform will be available after 90 days.d) Employees are expected to wear clean, presentable uniforms while at work. Employees must launder uniforms on their own time; however, the City's washer and dryer may be used for uniform items. The City does not pay for or reimburse dry cleaning or other laundering service costs.e) Seasonal Employees: The City will provide full time seasonal field employees with all necessary PPE items as well as 5 logo T-shirts, two pairs of pants and footwear as-needed for position.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON, AT
A REGULAR MEETING THEREOF THIS 14th DAY OF FEBRUARY 2022.

CITY OF KENMORE

Nigel Herbig, Mayor

ATTEST/AUTHENTICATED:

Anastasiya Warhol, City Clerk

APPROVED AS TO FORM:

Dawn Reitan, City Attorney