

## City of Kenmore

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

### **City Council Special & Regular Meeting**

**March 21, 2022 - 6:30 p.m.**

**VIA ZOOM - LINK: <https://us02web.zoom.us/j/84917143242>**

**US: +12532158782,,81120782479# or +16699009128,,81120782479#**

**Or Telephone: Dial US: +1 253 215 8782**

**Webinar ID: 811 2078 2479**

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**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 now enter an executive session to discuss pending or potential litigation. The session is set to conclude at 7 p.m.

**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**

### **APPROVED**

- A. Approve Minutes:  
[City Council March 14, 2022 Special Regular Meeting Minutes](#)
- B. Approve Total Check #s 49121 through 49202 totaling \$938,797.51 and Total Payroll/Taxes/Flexible Spending/Retirement & Health Savings Account Electronic Deposits Dated 2/25/2022 in the amount totaling \$183,748.24, and an ACH Payment to Road Construction NW In the amount of \$218,774.85, and ACH Payments to US Bank Purchase Cards in the amount of \$16,223.87, and Electronic Investment Purchase in the amount of \$1,495,026.33.  
[Voucher Approval Report Dated 3/04/2022](#)
- C. Adopt Ordinance No. 22-0547, Relating to Definition of Significant Trees, Nuisance Species, Permit Process for Tree Removal, and Other Items  
[Agenda Bill - Tree Regulations](#)  
[Ordinance 22-0547 Amending Tree Regs](#)  
[Exhibit A to Ordinance Amending Chapter 15.25](#)  
[Exhibit B To Ordinance Amending Chap. 18.57 - KMC 18.20.2730](#)
- D. Approve Eight-Week Pilot Youth Kenmore Spring Swim Program at the Aqua Club and Budget of \$2,320  
[Agenda Bill - Aqua Club Pilot Swim Program](#)

## **XI. BUSINESS AGENDA**

- A. City Council Health Insurance Benefits, presented by Policy Analyst Garrett Oppenheim, *for Discussion & Direction*  
**TABLED**  
[Agenda Bill - City Council Benefits Agenda Bill](#)  
[City Council Health Insurance Memo 3.11.22](#)  
[Provision of Health Insurance Benefits to City Council](#)
- B. Dog Park Locations and their Suitability, presented by Parks Project Manager Rob Sayre-McCord, *for Information and Discussion*  
**DISCUSSED**  
[Agenda Bill - Kenmore Dog Parks](#)  
[Kenmore Dog Parks Council Presentation - PDF Format - Uploaded 3/23/22](#)

## **XII. STAFF REPORT**

- A. Kenmore Cares Update - presented by Assistant City Manager/ARPA Administrator Stephanie Lucash

**XIII. COUNCILMEMBER REPORTS & COMMENTS**

**XIV. ADJOURNMENT**

**UPCOMING MEETINGS:**

- A. March 28, 2022 - Special & Regular Meeting  
April 11, 2022 - Regular Meeting  
April 18, 2022 - Public Safety Study Session

**City of Kenmore  
City Council Meeting  
Special & Regular Meeting Minutes  
March 14, 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.

**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  
Development Services Director Bryan Hampson  
Human Resources Manager Leonora Palaña  
Permit Coordinator Tela Gardner  
City Engineer John Vicente  
Traffic Engineer Tobin Bennett-Gold  
Engineering Intern Eugenio Sanchez

Speaking Guests: Carmin Dalziel, Northshore Schools Foundation  
Heather Erickson, Northshore Schools Foundation  
Patrick O'Brien, Kenmore Resident  
David Morton, Redmond Resident  
Janet Hays, Kenmore Resident  
Stacey Valenzuela, 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 entered an executive session to consider real estate acquisition. The session is scheduled to conclude at 6:59 p.m. No action was taken.

**ADJORN SPECIAL MEETING**

The Special Meeting was adjourned at 7:00 p.m.

**CALL REGULAR MEETING TO ORDER – 7:00 PM**

Mayor Herbig called the regular meeting to order.

**FLAG SALUTE**

Mayor Herbig led the Council in the flag salute.

**AGENDA APPROVAL**

**MOTION:** At the Mayor's suggestion, Councilmember Srebnik moved to amend the agenda to add an Executive Session to consider real estate acquisition as the next item on the agenda. Councilmember O'Cain seconded the motion.

**VOTE:** Motion passed by Unanimous Consent.

**EXECUTIVE SESSION**

Pursuant to RCW 42.30.110(1)(b), the City Council entered an Executive Session to consider real estate acquisition. The Mayor noted that the session will conclude at approximately 7:15 pm.

**ACTION FOLLOWING THE EXECUTIVE SESSION**

**MOTION:** Councilmember Pfeil moved to approve the Letter of Intent, approved as to form by the City Attorney or Special Counsel, to acquire the Holt Industries property located at 7010 NE 181<sup>st</sup> Street, Kenmore, WA, 98028, as negotiated between the parties for a price of 3.2 million. Final approval of the purchase and sale agreement shall be subject to Council approval. Councilmember Marshall seconded the motion.

**VOTE:** 4 For, 3 Against, 0 Abstain. MOTION CARRIED.

**PRESENTATION**

Chair Carmin Dalziel and Executive Director Brittany Caldwell of the Bothell Kenmore Chamber of Commerce provided a 'State of the Chamber' annual update. They highlighted partnership with the City, events put on by the Chamber, business activity, and business needs. [2022 State of the Chamber City of Kenmore - March 14, 2022](#)

**PUBLIC COMMENT**

The Council took comments from the public from approximately 7:35 pm to 7:42 pm. Timestamped link included here: <https://youtu.be/IEOcS4jheJw?t=3952>

**CONSENT AGENDA**

- A. Approve Minutes:  
[City Council February 14, 2022 Special and Regular Meeting Minutes](#)  
[City Council February 28, 2022 Special & Regular Meeting Minutes](#)
- B. Approve Total Check #s 49037 through 49120 totaling \$2,042,273.06, Total Payroll/Taxes/Flexible Spending/Retirement & Health Savings Account Electronic Deposits Dated 2/11/22 totaling \$187,642.66, and an ACH Payment to Thomco Construction in the amount of \$200,615.88.  
[Voucher Approval Report dated 2/18/22](#)
- C. Receive and File December 2021 Financial Report  
[Agenda Bill - Monthly Report- 12/31/21](#)

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

**VOTE:** Consent Agenda was approved by UNANIMOUS CONSENT.

- A. **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, presented by Permit Coordinator Tela Gardner and Development Services Director Bryan Hampson, *for Discussion and/or Adoption***  
[Agenda Bill - Ordinance No. 22-0544 Hardship Fee Discount](#)  
[Attachment 1 - Ordinance No. 22-0544](#)  
[Attachment 2 - ARCH Income Limit Table \(2021\)](#)  
[Attachment 3- Jurisdiction Examples](#)  
[Ordinance 22-0544](#)

Permit Coordinator Tela Gardner and Development Services Director Bryan Hampson discussed a proposed hardship fee discount for development review fees, specifically, a 70% discount for homes whose income is 80% of median income or less (if specific criteria are met.)

The Council offered additional suggestions, including offering a full fee waiver in certain circumstances, and tracking this as pilot program. City Staff agreed to return to the Council at a future date with amendments.

- B. **Americans with Disabilities Act (ADA) Transition Plan, presented by City Engineer John Vicente, *for Discussion***  
[Agenda Bill - ADA Transition Plan Update 20220314](#)  
[Attachment A - Curb Ramps](#)  
[Attachment B - Sidewalks](#)  
[Attachment C - Push buttons](#)  
[Attachment D - Crosswalks](#)  
[Attachment E - Parking](#)

City Engineer John Vicente explained that under the Americans with Disabilities Act, the City is required to make a transition plan to make public amenities conform to ADA guidelines. Although the ADA Title II – Local and State Government Programs and Services section deals with the public right of way, public parks, public government buildings, and public sponsored events, the presentation and analysis will be focused solely on the public right of way. Having a transition plan requires the following:

- inventory of all city facilities (curb ramps, sidewalks, crosswalks, pedestrian push buttons, and marked parking)
- Identification of physical barriers
- Detail method for obtaining accessibility
- Schedule for achieving accessibility
- Identify official responsible for implementation
- Identify a grievance policy

In analyzing each facility component, significant non-compliance was noted. The City estimates a total cost of \$21.3 million dollars to bring all necessary areas into compliance. While the City relies on approximately \$100K from the Capital Improvement Plan and an additional \$100K per year from Overlay Project Revenues, legislative earmarks and grant opportunities continue to be the best way to cover the costs of the ADA Transition Plan and implementation. At a budget investment of \$600K per year, the Plan might be realized in 35 years. Staff hope to continue public outreach and gather comments through April/May 2022. The goal is to finalize the ADA Transition Plan and move to formal adoption in May 2022.

**MOTION:**

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

**C. Pedestrian Facilities Plan, presented by City Engineer John Vicente, *for Discussion***

[Agenda Bill – 2022 Pedestrian Facility Program Update 20220314](#)

[Attachment A – North Project Map](#)

[Attachment B – South Project Map](#)

[Attachment C – Project List](#)

City Engineer John Vicente and Engineering Intern Eugenio Sanchez explained that the most recent plan was adopted as the “City Sidewalk Project” in 2013. The updated 2022 plan, now called the “Pedestrian Facilities Plan,” will focus on the following prioritization criteria; each criterion has a subset of qualifiers:

- Pedestrian Safety
- Connectivity with community facilities/commercial centers
- Continuity (fill gaps/extend sidewalks)
- Connection to transit
- Proximity to schools
- Potential population served

Based on the criteria, a project list is created, and the total cost of the projects is estimated to be approximately \$170 million dollars. To fund this work, only \$100K per year can be expended in the Capital Improvement Plan. The best sources of funding continue to be legislative earmarks and grants. Public outreach on the Pedestrian Facility Program will continue through April and move to formal adoption in May 2022.

**D. Arterial Speed Study, presented by Traffic Engineer Tobin Bennett-Gold, *for Discussion***

[Agenda Bill - Arterial Speed Evaluation](#)

[Attachment A - Scope of Study](#)

[Attachment B - Current and Target Speed Limits](#)

[Attachment C - Recommended Action](#)

[Arterial & Collector Speed Evaluation Presentation](#)

Traffic Engineer Tobin Bennet-Gold began a presentation by emphasizing the benefit of safety when lowering the speed limit. Motivated by the consistent service requests and the Council’s official goal to “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,” the City’s

traffic engineering team performed a thorough analysis to establish speed profiles of the City's major corridors. As a result, the City has classified those roads by one of the following speed limited recommendations:

- Roads where no speed limit reduction is recommended at this time
- Roads that are suitable for immediate reduction in speed limit based on current travel speeds
- Roads that have ongoing projects and will be suitable for a reduction in speed limit as part of project completion
- Roads that have upcoming projects which may have sufficient effect on travel speeds for reduction of speed limit to be appropriate, but post-project data collection is recommended before speed limits are reduced
- Roads that will require identification and delivery of speed reduction countermeasures before speed limits can be reduced

City Traffic Engineering Staff recommend the following plan of action:

- 1) Work with WSDOT to reduce SR 522 speed limit to 35 MPH
- 2) Reduce the speed limit on 175<sup>th</sup> Street
- 3) Reduce the speed limits throughout the 68<sup>th</sup> Ave and Juanita Drive Corridor in conjunction with project completion
- 4) Observe effects of upcoming traffic calming projects on 73<sup>rd</sup> Ave South of 192<sup>nd</sup> Street, 192<sup>nd</sup> Street, and 80<sup>th</sup> Ave to determine if speed limit reduction is appropriate or requires additional support
- 5) Identify low-cost traffic calming on 75<sup>th</sup> Ave and 84<sup>th</sup> Ave to support near-term speed limit reductions
- 6) Reach out to neighboring cities to partner on speed reduction efforts for 193<sup>rd</sup> St., 203<sup>rd</sup> St., and 83<sup>rd</sup> Avenue
- 7) Identify and scope substantial speed reduction projects on Simonds Road, 73<sup>rd</sup> Ave North of 192<sup>nd</sup> St., and 61<sup>st</sup> Ave.

Staff plan to bring a formal action proposal forward in the form of an ordinance at a future meeting.

#### **STAFF REPORTS**

ARPA Direct Cash Assistance – Assistant City Manager/ARPA Administrator Stephanie Lucash explained that the City has disbursed nearly all of the allocated Kenmore Cares funds (\$1,000,000.) She requested that the applications continue to be accepted through the end of March as previously advertised. The Council was in support.

Cadman Materials Draft Permit Update – Development Services Director Bryan Hampson explained that the Puget Sound Clean Air Agency (PSCAA) provided notice that they issued a draft permit to Cadman. PSCAA will also be holding a public hearing of the draft permit on April 18, at 4:00 pm, via zoom. City Staff and legal representatives will provide testimony at the hearing. Members of the Council and the public are encouraged to attend. Staff agreed to provide a presentation to the Council on the subject prior to the April 18 PSCAA public hearing.

[Cadman Draft NOC- Staff Memorandum](#)

Legislative Session Update – City Manager Rob Karlinsey noted that our lobbyist Shelly Helder, with Gordon Thomas Honeywell, will provide a legislative session update in April.



**COUNCILMEMBER REPORTS & COMMENTS**

Returning to in-person meetings – Rob Karlinsey explained that the City hopes to make the Council chambers available for hybrid meetings by April, 2022. City Clerk Anastasiya Warhol noted that equipment procuring may be delayed. Staff agreed to relay a project timeline to the Council when available.

**ADJOURNMENT**

Mayor Herbig adjourned the meeting at 10:35 p.m.

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Nigel Herbig, Mayor

**ATTEST:**

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Anastasiya Warhol, City Clerk



## Voucher Certification and Approval

City of Kenmore

DATE RANGE:

02/19/2022 - 03/04/2022

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 49121 through 49202: \$938,797.51

Total Payroll/Taxes/Flexible Spending/Retirement & Health Savings Acct Electronic Deposits Dated: 02/25/2022: \$183,748.24

ACH Payment to Road Construction NW: \$218,774.85

ACH Payments - US Bank Purchase Cards: \$16,223.87

Electronic Investment Purchase: \$1,495,026.33

Rob Karlinsey  
Rob Karlinsey (Mar 8, 2022 14:12 PST)

Mar 8, 2022

City Manager / Date

Leticia Salcido  
Leticia Salcido (Mar 8, 2022 09:11 PST)

Mar 8, 2022

Finance Director / Date

Vendor Name	Check #	Date	Description	Amount
INVESTMENT PURCHASE	Electronic	3/2/2022	Funds Transfer	1,495,026.33
ROAD CONSTRUCTION NW, INC.	1087	03/04/2022	21-C2669 1/22-2/20 Logboom Waterfront Proj. Construction	218,774.85
U.S. BANK PURCHASE CARDS	1088	03/04/2022	Amazon	23.86
U.S. BANK PURCHASE CARDS	1089	03/04/2022	Volgistics/Motherloadmovie.com	565.00
U.S. BANK PURCHASE CARDS	1090	03/04/2022	Zoom/Natl. League of Cities	245.54
U.S. BANK PURCHASE CARDS	1091	03/04/2022	American Public Works Association	384.00
U.S. BANK PURCHASE CARDS	1092	03/04/2022	Int'l. Society of Arboriculture Membership	75.00
U.S. BANK PURCHASE CARDS	1093	03/04/2022	Amazon/GDI Medical/JRW Enterprises	5,453.45
U.S. BANK PURCHASE CARDS	1094	03/04/2022	Traffic Supplies, Phone, Microphone, Phone Supplie	592.71
U.S. BANK PURCHASE CARDS	1095	03/04/2022	Roberts Rules/Wix.com AWC/NLC/Skamanian Lodge	1,783.34
U.S. BANK PURCHASE CARDS	1096	03/04/2022	American Red Cross/NWETC/1000 Bulbs/ETS Co.	2,530.70
U.S. BANK PURCHASE CARDS	1097	03/04/2022	Shutterstock/WSFMA/Vcita/The Wood Merchant	358.25
U.S. BANK PURCHASE CARDS	1098	03/04/2022	SWM Supplies, Training Reg, MBP.com Merchant Fees	213.95
U.S. BANK PURCHASE CARDS	1099	03/04/2022	American Society of Landscape Architects	495.00
U.S. BANK PURCHASE CARDS	1100	03/04/2022	Zoom/The Seaside Institute	433.00
U.S. BANK PURCHASE CARDS	1101	03/04/2022	Training Reg, Tax Forms, & City Hall Phone Service	3,021.07
U.S. BANK PURCHASE CARDS	1102	03/04/2022	Userway	49.00
AFLAC	49121	02/25/2022	Employee Medical/Disability Plans	216.19
AWC EMPLOYEE BENEFIT TRUST	49122	02/25/2022	Employee Health Insurance	76,290.58

X. B. Approve Total Check #s 49121 through 49202 totaling \$938,797.51 an...

AWC EMPLOYEE BENEFIT TRUST	49123	02/25/2022	Void	-
AWC EMPLOYEE BENEFIT TRUST	49124	02/25/2022	Void	-
CITY OF KENMORE	49125	02/25/2022	Wages Overpayment Reimbursement	2,961.10
DEPARTMENT OF LABOR AND INDUSTRIES	49126	02/25/2022	City of Kenmore	4,644.27
DEPARTMENT OF LABOR AND INDUSTRIES	49127	02/25/2022	Void	-
EMPLOYMENT SECURITY DEPARTMENT	49128	02/25/2022	Paid Family & Medical Leave	2,274.41
EMPLOYMENT SECURITY DEPARTMENT	49129	02/25/2022	Void	-
ICMA RETIREMENT C/O ALLFIRST BANK/109964	49130	02/25/2022	City of Kenmore 401a	21,055.84
ICMA RETIREMENT TRUST 457 / 304745	49131	02/25/2022	ICMA 457 Deferred Comp	8,461.54
LINCOLN NATIONAL LIFE INSURANCE	49132	02/25/2022	Life Ins/ADD & LTD	1,619.29
NATIONAL LIFE OF VERMONT	49133	02/25/2022	Life Insurance	123.17
STATE OF FLORIDA DISBURSEMENT UNIT	49134	02/25/2022	Employee Deduction	550.00
UNITED WAY OF KING COUNTY	49135	02/25/2022	Employee Charitable Contribution	80.00
AMERICAN PLANNING ASSOCIATION	49136	03/04/2022	Membership Renewal - L. Anderson	668.00
APPLEONE EMPLOYMENT SERVICES	49137	03/04/2022	Engineering Temporary Admin. Svcs thru 2/18	1,053.45
BAKER, DAVID	49138	03/04/2022	3/10-3/14 NLC Conference Per Diem/Mileage	468.43
BOB'S HEATING & AIR CONDITIONING LLC	49139	03/04/2022	Refund Cancelled MEC22-0001 Permit	444.15
BRIMSTONE FIRE SAFETY MANAGEMENT LLC	49140	03/04/2022	FDC Inspection/Cap Replacement @ Hangar	279.31
CASCADIA CONSULTING GROUP, INC.	49141	03/04/2022	21-C2679 Jan. Climate Action Plan Consulting	10,247.50
CASCADIA LAW GROUP	49142	03/04/2022	Jan. Legal Services - Cadman PSCAA	1,755.00
CECCANTI, INC.	49143	03/04/2022	19-C1977 Jan. W. Sammamish Bridge Construction	502,103.77
CHICAGO TITLE	49144	03/04/2022	Mailing Labels - PRJ21-0054	3.86
CITY OF BELLEVUE	49145	03/04/2022	Human Svcs Pooled Contracts Funding	15,450.00
COMCAST BUSINESS	49146	03/04/2022	2/10-3/09 Squire's Landing Internet	153.90
DAVIS HEETER	49147	03/04/2022	Duplicate of MEC22-0094 Permit Refund	285.60
ELECTRONIC BUSINESS MACHINES	49148	03/04/2022	Jan. 2nd Floor Copier Overage Chgs	177.88
ESTABROOK, MEGAN	49149	03/04/2022	Temporary Construction Easement	2,800.00
HDR ENGINEERING, INC	49150	03/04/2022	10/24-11/21 Engineering Svcs Juanita Dr. Ped/Bike	60,735.59
HONEY BUCKET	49151	03/04/2022	2/19-3/18 Logboom Park Rental	1,116.50
HUANG, ANGELINA	49152	03/04/2022	Deposit Refund ENG16-0476	3,848.90
INSLEE, BEST, DOEZIE & RYDER, P.S.	49153	03/04/2022	January Attorney Services	31,327.45
KING COUNTY FINANCE	49154	03/04/2022	Feb. Indigency Screening	81.00
KING COUNTY FINANCE	49155	03/04/2022	Qtr 1 2021 Historic Preservation Svcs.	353.90
KING COUNTY TREASURY	49156	03/04/2022	Property Tax - Ald. Manor #14 18926 73rd Ave NE	256.84
KING COUNTY TREASURY	49157	03/04/2022	Property Tax - Ald Manor #14 Lot 3 Blk 2	17.25
KING COUNTY TREASURY	49158	03/04/2022	Property Tax - Ald. Manor #14 Lot 11 Blk 4	17.40
KING COUNTY TREASURY	49159	03/04/2022	Property Tax - 6910 NE 170th St. Lot 42-43	8,799.09
KING COUNTY TREASURY	49160	03/04/2022	Property Tax - Ald Manor #14 19129 73rd Ave NE	17.60

X. B. Approve Total Check #s 49121 through 49202 totaling \$938,797.51 an...

KING COUNTY TREASURY	49161	03/04/2022	Prop. Tax - Lot 11-26-04 Por Common Area Inglewood Vill.	17.49
KING COUNTY TREASURY	49162	03/04/2022	Property Tax - Ald. Manor #14 Lot 6 Blk 4	266.37
KING COUNTY TREASURY	49163	03/04/2022	Property Tax -Ald. Manor #14 Lot 11 Blk 4	1,125.76
KING COUNTY TREASURY	49164	03/04/2022	Various Property Tax Bills	682.04
LIGHTHOUSE CONSULTING INC	49165	03/04/2022	Feb. IT Services	3,463.60
LIGHTHOUSE CONSULTING INC	49166	03/04/2022	Feb. Web Hosting/Backup/Protection/Archiving	8,929.94
MR. T'S TROPHIES & AWARDS LLC	49167	03/04/2022	Council Appreciation Awards	306.08
NORTH AMERICAN SAFETY, INC.	49168	03/04/2022	Target Zero Safety Vests	1,111.50
NORTHSHORE SCHOOL DISTRICT	49169	03/04/2022	Feb. School Impact Fee Remittance	60,264.00
NORTHSHORE UTILITY DIST	49170	03/04/2022	Construction Admin. Deposit Fee	5,000.00
NORTHSHORE UTILITY DIST	49171	03/04/2022	Snow Removal Services	27,808.18
NORTHWEST ELECTRIC AND SOLAR	49172	03/04/2022	City Hall Electrical Work	1,970.79
NORTHWEST ELECTRIC AND SOLAR	49173	03/04/2022	City Hall Water Feature Repair	554.35
OFFICE DEPOT	49174	03/04/2022	Office Supplies	57.69
OLBRECHTS & ASSOCIATES, PLLC	49175	03/04/2022	Gellner 78 Hearing Examiner Services	280.50
OSBORN CONSULTING INC.	49176	03/04/2022	19-C2012 Jan. Citywide Fish Barrier Prioritization	8,031.76
PACE ENGINEERS, INC.	49177	03/04/2022	Jan. On-Call Services	1,367.50
PACIFIC OFFICE AUTOMATION	49178	03/04/2022	2/15-3/15 Temperature Scanners Monthly Maint.	92.04
PARAMETRIX INC	49179	03/04/2022	21-C2747 Jan. Transportation Professional Svcs	9,131.57
PUGET SOUND ENERGY	49180	03/04/2022	City Hall/Hangar Gas & Electricity/Parks/Traffic Signals	4,008.63
PUGET SOUND PLANTS	49181	03/04/2022	62nd/182nd Street Tree Replacement	312.62
QUALITY BUSINESS SYSTEMS INC.	49182	03/04/2022	2/5-3/4 1st Floor Photocopier Lease	676.14
RED BARN ENGINEERING, INC.	49183	03/04/2022	21-C2666 1/17-2/13 Engineering Svcs	1,325.00
ROBINSON AND NOBLE, INC.	49184	03/04/2022	1/19-2/15 Prof. Svcs/Cozy Inn Phase I ESA	2,850.00
SEATOWN ELECTRIC, PLUMBING, HEATING & AIR	49185	03/04/2022	Cancellation of MEC22-0013 Refund	285.60
SMS CLEANING, INC.	49186	03/04/2022	Monthly City Hall/Hangar/PW Office Janitorial	6,495.00
STAPLES ADVANTAGE	49187	03/04/2022	City Hall & Hangar Maintenance Supplies	217.92
STAPLES ADVANTAGE	49188	03/04/2022	City Hall Maintenance Supplies	81.06
STEPHANIE LUCASH	49189	03/04/2022	Per Diem/Mileage for ICMA W. Coast Conference	406.43
TRUGREEN	49190	03/04/2022	Moorlands Field Aeration & Seeding	1,525.99
TRUGREEN	49191	03/04/2022	City Hall Lawn Aeration/Lime Application	554.90
U.S. BANK N.A. / CUSTODY	49192	03/04/2022	Q4 2021 Investment Custodian Fees	84.00
UPS STORE KENMORE	49193	03/04/2022	Feb. Shipping Charges	24.54
WASHINGTON ENERGY SERVICES CO. LLC	49194	03/04/2022	Cancellation of MEC22-0077	285.60
WELWEST CONSTRUCTION INC.	49195	03/04/2022	22-C2780 Culvert Replacement	10,000.00
WESTERN DISPLAY FIREWORKS, LTD.	49196	03/04/2022	1st Installment for Bridge Ribbon Cutting Event	6,250.00
WESTLAKE HARDWARE WA-153	49197	03/04/2022	Public Works Supplies & Equipment	172.31
WILLIAMS, KASTNER & GIBBS PLLC	49198	03/04/2022	May & June 2021 Ridout Case Special Counsel	3,730.00

X. B. Approve Total Check #s 49121 through 49202 totaling \$938,797.51 an...

WM CORPORATE SVCS - COLUMBIA RIDGE LANDFILL	49199	03/04/2022	Feb. Street Sweeper Disposal Chgs	1,929.64
WM CORPORATE SVCS - COLUMBIA RIDGE LANDFILL	49200	03/04/2022	Dec. Street Sweeper Disposal Fees	6,026.30
ZIPLY FIBER	49201	03/04/2022	2/19-3/18 Public Works Office Internet	153.00
ZONAR SYSTEMS	49202	03/04/2022	De-Icer & Sweeper Fleet Tracking System	202.91
DRS 457	DFT0001225-1226	02/25/2022	DRS 457 Deferred Comp	1,210.57
AVIDIA HEALTH	DFT0001227	02/25/2022	Employee Health Savings Contribution	100.00
DEPARTMENT OF RETIREMENT SYSTEMS	DFT0001228-1233	02/25/2022	Public Employees Retirement	30,693.29
NAVIA	DFT0001234	02/25/2022	Employee Flexible Spending Account	602.64
BANK OF AMERICA 941	DFT0001235	02/25/2022	Federal Taxes	23,828.46
PAYROLL	Electronic Dep.	2/25/2022	Direct Deposit	127,313.28
TOTAL				<u>\$ 2,852,570.80</u>

X. B. Approve Total Check #s 49121 through 49202 totaling \$938,797.51 an...



City of Kenmore

## Vendor Purchasing Report

For Date Range 01/01/2022 - 03/04/2022

Vendor Set: Vendor Set 01

Vendor	Name	Volume
0014	AMERICAN PLANNING ASSOCIATION	1336
0024	BAKER, DAVID	468.43
0064	CASCADE PEST CONTROL	309.16
0067	CENTER FOR HUMAN SERVICES	5550
0076	CITY OF BELLEVUE	40078.5
0081	CITY OF KENMORE	2961.1
0083	CITY OF LAKE FOREST PARK	51948
0099	CONSOLIDATED PRESS	4945.76
0109	DAILY JOURNAL OF COMMERCE	308.2
0121	REPUBLIC SERVICES	1071.69
0130	EMPLOYMENT SECURITY DEPARTMENT	4538.81
0137	FERGUSON ENTERPRISES INC #3011	1197.07
0151	CALPORTLAND COMPANY	78.52
0173	HOME DEPOT CREDIT SERVICES	974.63
0184	INSLEE, BEST, DOEZIE & RYDER, P.S.	55299.24
0191	INTERNATIONAL INST OF MUNI CLERKS	215
0197	JET CITY PRINTING	385.35
0204	KENMORE COMMUNITY CLUB	180
0205	KENMORE HERITAGE SOCIETY	25
0206	KENMORE MIDDLE SCHOOL	2650
0212	KING COUNTY FINANCE W.L.R.D.	5426
0213	KING COUNTY ANIMAL SVCS	230
0218	KING COUNTY FINANCE	1735.84
0235	KING COUNTY TREASURY	11199.84
0251	LIGHTHOUSE CONSULTING INC	33428.88
0261	PENDLETON CONSULTING LLC	3575
0267	MR. T'S TROPHIES & AWARDS LLC	306.08
0285	NORTHSHORE FIRE DEPT	860
0286	NORTHSHORE SCHOOL DISTRICT	95392
0287	NORTHSHORE SENIOR CENTER	9500
0288	NORTHSHORE UTILITY DIST	45006.35
0292	HONEY BUCKET	2546.5
0300	OFFICE DEPOT	704.12
0310	PACIFIC TOPSOILS	355.19
0311	PARAMETRIX INC	9131.57
0327	PUGET SOUND CLEAN AIR AGENCY	19183
0328	PUGET SOUND ENERGY	73136.19
0345	SEATTLE TIMES	1315.62
0355	STAPLES ADVANTAGE	1824.64
0357	STEWART MACNICHOLS HARMELL, INC.	10000
0359	SOUND CITIES ASSOC	16314.32
0365	TOTAL LANDSCAPE CORP	11188.57
0371	UNITED STATES POSTMASTER	1928.18
0385	WA ASSOC OF BUILDING OFFICIALS	1375
0387	WA CITIES INSURANCE AUTHORITY	486509
0389	WASHINGTON CITY/COUNTY MGMT ASSOC	315
0401	WA STATE DEPT OF TRANSPORTATION	8136.87
0405	WASHINGTON STATE OFFICE CASH MGMT	610.5
0412	WM CORPORATE SVCS - COLUMBIA RIDGE LANDFILL	7955.94
0424	ICMA RETIREMENT TRUST 457 / 304745	33860.09
0425	DRS 457	4807.52
0426	AFLAC	432.38

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## Vendor Purchasing Report

For Date Range 01/01/2022 - 03/04/2022

Vendor Set: Vendor Set 01

Vendor	Name	Volume
0428	BANK OF AMERICA 941	94126.63
0429	AWC EMPLOYEE BENEFIT TRUST	155194.08
0431	DEPARTMENT OF RETIREMENT SYSTEMS	123506.13
0432	DEPARTMENT OF LABOR AND INDUSTRIES	8581.74
0434	UNITED WAY OF KING COUNTY	160
0436	NATIONAL LIFE OF VERMONT	246.34
0448	UPS STORE KENMORE	101.34
0450	AURORA RENTS	1710.9
0542	AMERICAN SOCIETY OF COMPOSERS	390
0617	KING COUNTY FINANCE	10710.58
0685	PACE ENGINEERS, INC.	2300
0692	HDR ENGINEERING, INC	164776.84
0696	AMERICAN GENERAL LIFE GPO/400S	559.84
0764	OUSLEY, NANCY	23.99
0781	QUALITY BUSINESS SYSTEMS INC.	676.14
0791	NORTHSHORE ROTARY CLUB	300
0817	GRAINGER	110.94
0892	JACOBS ENGINEERING GROUP	16321.51
0898	ZONAR SYSTEMS	202.91
0913	KENMORE ELEMENTARY	1250
0981	COMCAST BUSINESS	544.27
0994	GORDON THOMAS HONEYWELL	4300
1003	iWORQ SYSTEMS	2800
1010	WESTLAKE HARDWARE WA-153	425.43
1034	EMERALD FIRE LLC	705
1053	INTERNATIONAL CODE COUNCIL, INC	600
1123	AM TEST, INC	200
1140	PAWS	416
1152	WASHINGTON ENERGY SERVICES CO. LLC	285.6
1197	MILLER STEPHENS, MARY	1250
1215	STATE OF FLORIDA DISBURSEMENT UNIT	1100
1226	CONTECH ENGINEERED SOLUTIONS, INC	600
1299	VERIZON WIRELESS	87.53
1313	BOTHELL KENMORE CHAMBER OF COMMERCE	2100
1331	KBA INC.	91843.88
1333	WELWEST CONSTRUCTION INC.	10000
1337	STATE OF WA DEPT. OF LICENSING	1.52
1356	KARLINSEY, ROB	1145
1358	ALPHAGRAPHS	329.33
1359	EVERGREEN FIRE AND SAFETY, INC.	214.14
1383	CHICAGO TITLE	7.72
1390	UTILITIES UNDERGROUND LOCATION CTR	282.51
1403	OSBORN CONSULTING INC.	65284.94
1431	BRIEN, GAYLYNN	50
1452	CITY OF KENT	500
1459	FLEMINGS HOLIDAY LIGHTING LLC	1491.99
1464	ROAD CONSTRUCTION NW, INC.	397564.31
1465	WA TRUST FOR HISTORIC PRESERVATION	75
1504	SCORE	62839.16
1555	LINCOLN NATIONAL LIFE INSURANCE	3316.15
1673	KPFF CONSULTING ENGINEERS	27412.19
1689	MOTT MACDONALD GROUP, INC.	15536.13
1711	SOFTWAREONE, INC.	13724.9
1712	SITEIMPROVE, INC.	3356.95
1754	RFI ENTERPRISES INC.	236.72
1774	OWEN EQUIPMENT COMPANY	1371.61
1798	OLBRECHTS & ASSOCIATES, PLLC	280.5
1816	NAVIA	8910.57

X. B. Approve Total Check #s 49121 through 49202 totaling \$938,797.51 an...

## Vendor Purchasing Report

For Date Range 01/01/2022 - 03/04/2022

Vendor Set: Vendor Set 01

Vendor	Name	Volume
1820	PIPER SANDLER	23920
1828	QUALITY BUSINESS SYSTEMS / WELLS FARGO	676.14
1829	SHI INTERNATIONAL CORP.	219.52
1838	AVIDIA HEALTH	400
1889	WILLIAMS, KASTNER & GIBBS PLLC	3730
1930	T MOBILE USA, INC.	1162.76
1979	MSPT XXII, LLC C/O FLYWAY RETAIL + LIVING	1500
1980	HRA VEBA TRUST	20203.44
1993	HYAS GROUP, LLC	3750
1999	KING COUNTY POLICE CHIEFS ASSOCIATION	50
2004	RED BARN ENGINEERING, INC.	1550
2010	JUDHA OF LION LANDSCAPING AND SERVICES LLC	26952.48
2047	PUGET SOUND PLANTS	312.62
2048	SMS CLEANING, INC.	12990
2097	ROBINSON AND NOBLE, INC.	2850
2113	WA ASSOC. OF SHERIFFS & POLICE CHIEFS	180
2142	ICMA RETIREMENT C/O ALLFIRST BANK / 109964	84450.87
2145	NORTHWEST ELECTRIC AND SOLAR	1970.79
2175	ELECTRONIC BUSINESS MACHINES	177.88
2176	CANON FINANCIAL SERVICES, INC.	532.16
2183	SISKUN POWER EQUIPMENT	373.34
2209	MORUP SIGNS, INC.	522.98
2221	O'REILLY/FIRST CALL	46.2
2236	COMCAST	3504.43
2249	KING COUNTY BAR ASSOCIATION	250
2252	TRUGREEN	2080.89
2254	U.S. BANK PURCHASE CARDS	29570.62
2259	MINUTEMAN PRESS	4226.73
2270	LAKESIDE INDUSTRIES	1007.42
2285	QUALITY WATER FINANCIAL	365.18
2304	ESTABROOK, MEGAN	2800
2337	HUANG, ANGELINA	3848.9
2353	NORTHSHORE SCHOOLS FOUNDATION	300000
2368	JEFF LUKE PHOTOGRAPHY LLC	5364.77
2386	CECCANTI, INC.	805460.95
2396	ZIPLY FIBER	956.66
2402	PACIFIC OFFICE AUTOMATION	184.08
2403	AMERICALL	274.82
2425	THOMCO CONSTRUCTION, INC.	200615.88
2464	D.P. NICOLI, INC.	166.67
2486	CASCADIA LAW GROUP	5832
2489	THE ORIGINAL POOP BAGS	1453.2
2503	NORTH AMERICAN SAFETY, INC.	1111.5
2512	CARASOFT TECHNOLOGY CORPORATION	3633.3
2530	CASCADIA CONSULTING GROUP, INC.	10247.5
2531	BCN TELECOM, INC.	769.58
2543	FOSTER GARVEY PC	14376.5
2544	ACTION SERVICES CORPORATION	1512
2545	KLB CONSTRUCTION, INC.	556515.6
2549	DAVID EVANS	226.44
2553	TICOR TITLE	50000
2573	WHISTLE WORKWEAR	248.16
2577	APPLEONE EMPLOYMENT SERVICES	1053.45
2579	CHANIN KELLY-RAE CONSULTING LLC	20210
2584	AQUALIS	11538.48
2603	COMMERCIAL FENCE CORPORTATION	14588.25
2614	SEATOWN ELECTRIC, PLUMBING, HEATING & AIR	285.6
2617	STRIDER CONSTRUCTION CO., INC.	847522.72

X. B. Approve Total Check #s 49121 through 49202 totaling \$938,797.51 an...



## Vendor Purchasing Report

For Date Range 01/01/2022 - 03/04/2022

Vendor Set: Vendor Set 01

Vendor	Name	Volume
2618	STEPHANIE LUCASH	1079.77
2621	TRACY BANASZYNSKI	47
2622	IMPERIAL NW CONSTRUCTION LLC	462.42
2623	TOLO EVENTS LLC	10000
2624	CBRE, INC. - VALUATION & ADVISORY SERVICES	4800
2625	BRIMSTONE FIRE SAFETY MANAGEMENT LLC	279.31
2626	DAVIS HEETER	285.6
2627	BOB'S HEATING & AIR CONDITIONING LLC	444.15
Vendor Set Vendor Set 01 Total:		5482971.32

X. B. Approve Total Check #s 49121 through 49202 totaling \$938,797.51 an...



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

<p><b>Subject/Topic:</b> Adoption of Ordinance No. 22-0547 (Tree Regulations).</p> <p><b>Proposed Council Action/Motion:</b> Adopt Ordinance No. 22-0547 Relating to regulations to further preserve and protect Kenmore's urban forest canopy.</p>	<p><b>For Council Meeting Agenda of:</b> <u>March 21, 2022</u></p> <p><b>Department:</b> <u>Development Services</u></p> <p><b>Prepared by:</b> <u>Samantha Loyuk, Senior Planner &amp; Bryan Hampson, Development Services Director</u></p> <table border="0"> <tr> <td></td><td style="text-align: right;"><u><b>Initial &amp; Date</b></u></td></tr> <tr> <td>Approved by Department Head:</td><td style="text-align: right;"><u>BH 3-14-22</u></td></tr> <tr> <td>Approved by City Attorney:</td><td style="text-align: right;"><u>DR 2-16-22</u></td></tr> <tr> <td>Approved by Finance Director:</td><td style="text-align: right;"><u>LS 3/15/22</u></td></tr> <tr> <td>Approved by City Manager:</td><td style="text-align: right;"><u>RK 3-15-22</u></td></tr> </table> <p><b>Exhibits/Attachments:</b></p> <ol style="list-style-type: none"> <li>1. Ordinance No. 22-0547</li> <li>2. Ord. 22-0547 Exhibit A (Title 15 amendments)</li> <li>3. Ord. 22-0547 Exhibit B (Title 18 amendments)</li> </ol>		<u><b>Initial &amp; Date</b></u>	Approved by Department Head:	<u>BH 3-14-22</u>	Approved by City Attorney:	<u>DR 2-16-22</u>	Approved by Finance Director:	<u>LS 3/15/22</u>	Approved by City Manager:	<u>RK 3-15-22</u>		
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<p><b><u>INFORMATION/BACKGROUND:</u></b> Over the past year, Kenmore City Council has expressed interest in strengthening tree regulations to increase protection measures for Kenmore's urban forest. Steps taken towards protecting and increasing Kenmore's urban forest are summarized in the table below. The proposed ordinance is based on explicit direction given to staff by Kenmore City Council.</p> <table border="1"> <thead> <tr> <th style="text-align: center;">Date</th><th style="text-align: center;">Milestone</th></tr> </thead> <tbody> <tr> <td>1/8/2021 &amp; 1/9/2021</td><td>At the 2021 Kenmore City Council annual retreat, tree preservation was discussed, and Council requested to conduct a tree workshop.</td></tr> <tr> <td>4/19/2021</td><td>Development Services staff provided an informational PowerPoint presentation to summarize tree regulations in Kenmore. As part of the presentation, potential code amendments were provided to further preserve, protect, and enhance Kenmore's urban forest. Recommendations included short-term and long-term action items, referred to as List 1 and 2. City Council directed staff to bring tree preservation staff recommendations back to a future meeting for council action.</td></tr> <tr> <td>5/26/2021</td><td>Development Services Staff further discussed staff recommendations (List 1 and 2) with Council. During that discussion, Council directed Staff to amend the code regulations in List 1 now and consider the items in List 2 on future work plans</td></tr> <tr> <td>9/20/2021</td><td>Garrett Oppenheim presented policy papers on tree rebate programs and exceptional tree programs. Council agreed to proceed with a King Conservation District (KCD) 2021 Urban Forestry Health Management grant for a second city-wide urban tree canopy assessment and tree giveaway event.</td></tr> <tr> <td>12/6/2021</td><td>Development Services Staff presented potential code amendments and requested feedback from Council. <ol style="list-style-type: none"> <li>1. Change the definition of "significant tree" so it includes smaller diameter at breast height (DBH) trees. KMC 18.20.2730.</li> </ol> </td></tr> </tbody> </table>		Date	Milestone	1/8/2021 & 1/9/2021	At the 2021 Kenmore City Council annual retreat, tree preservation was discussed, and Council requested to conduct a tree workshop.	4/19/2021	Development Services staff provided an informational PowerPoint presentation to summarize tree regulations in Kenmore. As part of the presentation, potential code amendments were provided to further preserve, protect, and enhance Kenmore's urban forest. Recommendations included short-term and long-term action items, referred to as List 1 and 2. City Council directed staff to bring tree preservation staff recommendations back to a future meeting for council action.	5/26/2021	Development Services Staff further discussed staff recommendations (List 1 and 2) with Council. During that discussion, Council directed Staff to amend the code regulations in List 1 now and consider the items in List 2 on future work plans	9/20/2021	Garrett Oppenheim presented policy papers on tree rebate programs and exceptional tree programs. Council agreed to proceed with a King Conservation District (KCD) 2021 Urban Forestry Health Management grant for a second city-wide urban tree canopy assessment and tree giveaway event.	12/6/2021	Development Services Staff presented potential code amendments and requested feedback from Council. <ol style="list-style-type: none"> <li>1. Change the definition of "significant tree" so it includes smaller diameter at breast height (DBH) trees. KMC 18.20.2730.</li> </ol>
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	<ol style="list-style-type: none"> <li>2. Revise tree retention requirements so certain “nuisance species” (i.e., cottonwood, alder, and holly) do not receive credit for retention. This will encourage retention of preferred species that are expected to thrive long term. KMC18.57.060 A.</li> <li>3. Codify the tree removal application process for existing single-family residences (code clean up item). KMC 15.25.070 B.2.</li> <li>4. Update the removal penalty language for consistency (code clean up item). Have tree removal permits valid for a shorter period of time so replacement trees get into the ground faster. KMC 15.25.120 A.</li> </ol> <p>Council provided direction on wording and code language. Council directed staff to bring back an ordinance consistent with the amendments discussed.</p>
2/17/2022	Per RCW 36.70A.106, the proposed code amendments were sent to Washington State Department of Commerce.
2/25/2022	In compliance with the requirements of the State Environmental Policy Act (SEPA), a SEPA Determination of Non-Significance (DNS) was issued by the City. As Lead Agency, the City of Kenmore SEPA Official determined that the proposed code amendments (a non-project action) do not have probable significant adverse impacts on the environment.
3/11/2022	The SEPA public comment period ended. No comments were received.
3/21/2022	Ordinance 22-0547 is considered for adoption by Kenmore City Council.
<b><u>FISCAL CONSIDERATION:</u></b> N/A	
<b><u>COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:</u></b> Develop a Kenmore Climate Plan and promote Environmental Stewardship, including water, air, forest, and habitat restoration	

**CITY OF KENMORE  
WASHINGTON  
ORDINANCE NO. 22-0547**

**AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON,  
AMENDING SECTIONS 15.25.030, 15.25.070, 15.25.120, 15.25.190,  
18.20.2730, 18.57.060, AND 18.57.110 RELATING TO REMOVAL AND  
PROTECTION OF TREES WITHIN THE CITY; PROVIDING FOR  
SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE**

---

WHEREAS, the City Council adopted Chapter 18.57 of the Kenmore Municipal Code (“KMC”), Tree Management and Protection, and its purposes include the reduction of soil erosion and water pollution in streams and creeks, improving air quality, positively affecting energy and water conservation, reducing noise pollution, and providing wildlife habitat, among other things; and

WHEREAS, the City Council and members of the public have voiced concerns with the scope of tree removal within the City, and the Council directed staff to bring forward proposed regulations to further preserve and protect Kenmore’s urban forest canopy; and

WHEREAS, at the City Council’s April 19, 2021, September 20, 2021, and December 6, 2021, meetings potential amendments to KMC 15.25.030, KMC 15.25.070, KMC 15.25.120, KMC 15.25.190, KMC 18.20.2730, KMC 18.57.060 and KMC 18.57.110 (the “Proposed Amendments”) were discussed to further preserve, protect and enhance Kenmore’s urban forest; and

WHEREAS, the City Council desires to adopt the Proposed Amendments, which support Council priorities to develop a Kenmore Climate Plan and promote Environmental Stewardship, including water, air, forest, and habitat restoration; and

WHEREAS, the City sent notice of the Proposed Amendments to the Washington State Department of Commerce pursuant to RCW 36.70A.106; and

WHEREAS, on February 25, 2022, the City’s Responsible Official issued a Determination of Non-Significance pursuant to the State Environmental Policy Act in relation to the Proposed Amendments; and

WHEREAS, the City Council desires to adopt the Proposed Amendments and finds that such amendments are consistent with the goals, objectives and policies of the Comprehensive Plan; and

WHEREAS, the City Council finds that adoption of the Proposed Amendments is in the best interests of the residents of Kenmore and will promote the public health, safety and welfare of the City;

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 as findings in support of this Ordinance, which are incorporated by reference as if set forth in full.

Section 2. Amendment. The City Council amends Chapter 15.25 of the Kenmore Municipal Code as set forth in Exhibit A, attached hereto and incorporated by reference as if set forth in full.

Section 3. Amendment. The City Council amends Section 18.20.2730 of the Kenmore Municipal Code as set forth in Exhibit B, attached hereto and incorporated by reference as if set forth in full.

Section 4. Amendment. The City Council amends Chapter 18.57 of the Kenmore Municipal Code as set forth in Exhibit B.

Section 5. 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, shall not be affected or affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

Section 6. 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  
\_\_\_ 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:

**EXHIBIT A TO ORD. 22-0547**

**I. Chapter 15.25 of the Kenmore Municipal Code is amended to read as follows:**

**Chapter 15.25  
LAND ALTERATIONS**

Sections:

- 15.25.010 Purpose.
- 15.25.020 Scope.
- 15.25.030 Definitions.
- 15.25.040 References adopted.
- 15.25.050 Administration.
- 15.25.060 Hazards.
- 15.25.070 Permit required – Exception.
- 15.25.080 Emergency repairs or activities.
- 15.25.090 Application requirements.
- 15.25.100 Time limitation of application.
- 15.25.110 Validity of permit.
- 15.25.120 Permit expiration.
- 15.25.130 Suspension or revocation.
- 15.25.140 Liability insurance required – Exception.
- 15.25.150 Restrictions.
- 15.25.160 Standards.
- 15.25.170 Land restoration.
- 15.25.180 Shorelines.
- 15.25.190 Enforcement.
- 15.25.200 Financial guarantees authorized.

**15.25.010 Purpose.**

This chapter is intended to regulate *land alterations* within the City in order to protect public health, safety and welfare by:

- A. Minimizing adverse *stormwater* impacts caused by *land alterations*;
- B. Protecting water quality from the adverse impacts associated with erosion and sedimentation;
- C. Minimizing aquatic and terrestrial wildlife habitat loss caused by the *removal of vegetation*;

- D. Encouraging the retention of native vegetation and soils and soils during *clearing* and *grading* activities;
- E. Protecting critical areas from adverse *clearing* and *grading* activities;
- F. Preventing damage to property and harm to persons caused by *land alterations*;
- G. Establishing administrative procedures for the issuance of permits, approval of plans, and inspection of land *alteration* operations; and
- H. Providing penalties for the violation of this chapter. [Ord. 16-0428 § 11 (Att. G); Ord. 12-0345 § 3 (Exh. A).]

#### **15.25.020 Scope.**

The provisions of this chapter apply to *land alterations* within the City, except work located in a public right-of-way. Where conflicts occur between the technical requirements of this chapter and a geotechnical report, the geotechnical report shall govern. [Ord. 12-0345 § 3 (Exh. A).]

#### **15.25.030 Definitions.**

Certain words and phrases used in this chapter, unless otherwise clearly indicated by their context, mean as follows:

- A. “Applicant” means a person who files an application for a permit under this chapter and who is either the owner of the land on which that proposed activity would be conducted, a contract purchaser, or the authorized agent of such a person.
- B. “Bench” is a relatively level step excavated or constructed on the face of a graded *slope* surface for drainage and maintenance purposes.
- C. “City manager” means the City of Kenmore city manager or his or her designee(s).
- D. “Clearing” means the cutting or *removal* of *vegetation* or other organic plant material by physical, mechanical, chemical or any other means.
- E. “Department” means the *department* designated by the *city manager* to administer this chapter.
- F. “Diameter at breast height” means a *tree’s* diameter in inches at four and one-half feet above the ground. On multiple stemmed or trunked *trees*, the diameter shall be the sum of diameters of all individual stems or trunks.



G. "Director" means the director of the *department* designated by the *city manager* to administer this chapter.

H. "Earth material" is any rock, natural soil or any combination thereof.

I. "Erosion" is the wearing away of the ground surface as the result of the movement of wind, water and/or ice.

J. "Excavation" is the *removal* of *earth material*.

K. "Fill" is a deposit of *earth material* placed by mechanical means.

L. "Grade" means the elevation of the ground surface.

1. "Existing grade" is the *grade* prior to *grading*.

2. "Rough grade" is the stage at which the *grade* approximately conforms to the approved plan.

3. "Finish grade" is the final *grade* of the *site* which conforms to the approved plan.

M. "Grading" is any excavating, filling, removing of the duff layer, or combination thereof.

N. "Hazard tree" means any *tree* that has a high probability of failure due to any structural defect, disease or damage or combination of defect, disease or damage. A "high probability of failure" means falling and causing damage to persons or property. A "hazard tree" includes, but is not limited to, any isolated *tree(s)* that have a high probability of failure due to low *wind-firmness* in post-construction conditions as determined by a *qualified tree protection professional*.

O. "Impervious surface" means a nonvegetated surface which either prevents or retards the entry of water into the soil mantle under natural conditions prior to development, and/or which causes water to run off the surface in greater quantities or at a rate of flow greater than the flow under natural conditions prior to development. Common *impervious surfaces* include, but are not limited to, roofs, walkways, patios, driveways, parking lots, storage areas, paved areas, gravel areas, areas of packed or oiled earthen materials or other surfaces which similarly impede the natural infiltration of surface and *stormwater*. Open uncovered flow control or water quality treatment facilities shall not be considered as *impervious surfaces* for the purposes of determining whether thresholds for the application of minimum requirements are exceeded, but shall be considered *impervious surfaces* for the purposes of runoff modeling.

P. "Land alteration" means any alteration to the surface of the land or the surface drainage including improvements to a storm water tract. *Land alterations* include but are not limited

to: *excavations, fills, clearing, grading, and tree removal* or any combination thereof; placing or removing *impervious surfaces*, including *structures* and *pavement*; compacting the earth surface; changing the existing *grade*; or changing the surface so that surface water leaves the *site* differently, including changes to flow path, flow rate, or flow volume.

Q. "Removal" with regard to *trees* means the act of removing a *tree* by digging up, cutting down, or causing a *tree* to die within a period of three years from such act.

R. "Shorelines" means those lands defined as shorelines in the State Shorelines Management Act of 1971.

S. "Significant tree" means an existing healthy *tree* that is not a *hazard tree* and that is at least six (6) inches in diameter at breast height (DBH) as measured at 4.5 feet (54 inches) above the ground. For trees with multiple leaders at 4.5 feet above the ground, the DBH shall be the combined cumulative total of branches greater than six (6) inches diameter at 4.5 feet above the ground. For trees that have been removed and whereas only the stump remains, the size of the tree shall be measured from the diameter of the top of the stump, when measured four and one-half feet above grade, has a minimum diameter of:

1. Eight inches for evergreen trees; or

2. Twelve inches for deciduous trees.

T. "Site" is any lot or parcel of land or contiguous combination thereof where projects covered by this chapter are performed or permitted.

U. "Slope" is an inclined ground surface, the inclination of which is expressed as a ratio of vertical distance to horizontal distance.

V. "Storm drain system" means a system of gutters, pipes, or ditches used to carry surface and *stormwater* from the surrounding lands to drainage facilities, critical areas, streams or lakes.

W. "Stormwater" means water originating from rainfall and other precipitation that ultimately flows into drainage facilities, rivers, streams, lakes and wetlands. As applied in this chapter, *stormwater* is synonymous with the term "surface water."

X. "Structure" means anything permanently constructed in or on the ground, or over the water, and excluding fences eight feet or less in height, decks less than 18 inches above *grade*, paved areas, and structural or nonstructural *fill*.

Y. "Terrace" is a relatively level step excavated or constructed on the face of a graded *slope* surface for drainage and maintenance purposes.

Z. "Tree" means a self-supporting woody perennial plant characterized by one main stem or trunk of at least six inches diameter at breast height, or a multiple stemmed or trunk system with a definite crown, maturing at a height of at least 12 feet above ground level.  
The *department* shall determine whether any specific woody plant shall be considered a *tree*.

AA. "Vegetation" means any and all organic plant life growing at, below, or above the soil surface. [Ord. 16-0428 § 11 (Att. G); Ord. 12-0345 § 3 (Exh. A).]

#### **15.25.040 References adopted.**

The following codes and standards shall be considered part of the requirements of this chapter to the extent applicable. In the event of differences between provisions of this chapter and referenced codes and standards, the provisions of this chapter shall apply.

- A. The street standards of Chapter 12.50 KMC;
- B. The appropriate version of the Washington State Department of Transportation Standard Specifications for Road, Bridge, and Municipal Construction, as referenced in the road standards adopted by the City;
- C. The King County Surface Water Design Manual (KCSWDM) adopted by Chapter 13.35 KMC;
- D. The current edition of the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD). [Ord. 12-0345 § 3 (Exh. A).]

#### **15.25.050 Administration.**

The *city manager* is authorized to enforce the provisions of this chapter.

- A. Inspections. The *city manager* is authorized to make such inspections and take such actions as may be required to enforce the provisions of this chapter.
- B. Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the *city manager* has reasonable cause to believe that any land, building, *structure*, premises, or portion thereof is being used in violation of this chapter, the *city manager* may enter such land, building, *structure*, premises, or portion thereof at all reasonable times to inspect the same or perform any duty imposed upon the director by this chapter; provided, that if such building, land, *structure*, premises or portion thereof is occupied, he shall first present proper credentials and demand entry, and if such land, building, *structure*, premises, or portion thereof be unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the land, building, *structure*, premises, or portion thereof and demand entry.

No owner or occupant or any other person having charge, care or control of any building, land, *structure*, premises, or portion thereof shall fail or neglect, after proper demand, to promptly permit entry thereon by the city *manager* for the purpose of inspection and examination pursuant to this chapter. Any person violating this subsection is guilty of a misdemeanor. [Ord. 12-0345 § 3 (Exh. A).]

#### **15.25.060 Hazards.**

Whenever the *city manager* determines that an existing *site*, as a result of *land alterations*, has become a hazard to life and limb, or endangers property, or adversely affects the safety, use or stability of a public way or drainage channel, the owner of the property upon which the *land alteration* is located, or other person or agent in control of said property, upon receipt of notice in writing from the *city manager*, shall within the period specified therein restore the *site* affected by such *land alteration* or repair or eliminate such *land alteration* so as to eliminate the hazard and be in conformance with the requirements of this chapter. [Ord. 12-0345 § 3 (Exh. A).]

#### **15.25.070 Permit required – Exception.**

No *land alteration* shall be performed without first having obtained a permit therefor from the City. Exemptions from permit requirements of this chapter shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this chapter or any other laws or ordinances of the City. Even if a permit is required, best management practices must be utilized to limit *erosion* and sedimentation. Permits shall not be required for the following:

##### *A. Grading.*

1. *Excavation* for construction of a *structure* authorized by a valid building permit,
2. *Excavations* for trenches for utilities not within critical areas, shorelines or associated buffers,
3. Exploratory *excavations* performed under the direction of a registered design professional; provided, that any disturbance of the area shall be the minimum necessary to carry out the work or studies and the disturbed area shall be immediately restored, and
4. *Excavation* or *fill* less than four feet in vertical depth not involving more than 100 cubic yards of earth or other material on a single *site* and not within critical areas, shorelines or associated buffers;

##### *B. Clearing and Tree Removal.*

1. *Clearing and removal of trees* for the construction of a *structure* authorized by a valid building permit,

2. Removal of significant trees requires a permit filed by the owner of real property within the City on forms provided by the department for review and approval prior to removing the tree. The city manager may approve, deny, or approve with conditions an application for tree removal. The decision shall be based on the following approval criteria:

- a. The tree(s) proposed for removal is on a lot containing an existing single-family detached dwelling unit;
- b. The tree(s) proposed for removal is not located within critical areas or associated buffers, shorelines or associated buffers, native growth protection areas, or wildlife protection zones;
- c. The tree(s) proposed for removal has not been previously designated for protection (e.g., as part of a plat); and
- d. The tree(s) proposed for removal complies with the yearly tree removal maximum allowances table shown below:

~~A formal application is currently not required for removal of significant trees on lots that contain existing single family detached dwellings, and that are not within critical areas, shorelines or associated buffers, native growth protection areas, wildlife protection zones, or that have not been previously designated for protection (e.g., as part of a plat) and based on the following table:~~

Lots up to 10,000 sq. ft.:	2 trees per year
Lots 10,001 sq. ft. to 20,000 sq. ft.:	4 trees per year
Lots 20,001 sq. ft. to 30,000 sq. ft.:	6 trees per year
Lots 30,000 sq. ft. and greater:	8 trees per year

3. *Clearing* by a public agency, franchise utility or public or private golf course for routine maintenance activities,

4. Minor stream restoration projects for fish habitat enhancement pursuant to a Washington State Joint Aquatic Resource Permit Application (JARPA),

5. Normal and routine maintenance of existing lawns and landscaping, and

6. *Removal* of noxious weeds. *Removal* of noxious weeds from critical areas, shorelines or associated buffers shall be subject to the requirements of KMC Title 16 and Chapter 18.55 KMC;

C. Engineering.

1. Less than 2,000 square feet of replaced *impervious surface* or new plus replaced *impervious surface* that is not within critical areas or associated buffers, and

2. *Land alterations* that are exempt from a *grading* permit and that do not alter the method by which the *stormwater* leaves the *site*. [Ord. 16-0428 § 11 (Att. G); Ord. 12-0345 § 3 (Exh. A).]

**15.25.080 Emergency repairs or activities.**

Where repairs or activities necessary to prevent or correct an immediate threat to public health, safety, property or welfare are performed in an emergency situation, the permit application and evidence of the threat shall be submitted within the next business working day to the City (for example, landslide stabilization, flood prevention and *hazard tree removal*). Mitigation may be required for such repairs or activities. [Ord. 12-0345 § 3 (Exh. A).]

**15.25.090 Application requirements.**

A. The *department* shall not commence review of any application for *land alteration* until the *applicant* has submitted the required materials and fees for a complete application.

B. The *applicant* shall file the following information with the *department*:

1. A complete permit application, with supporting affidavits, on forms provided by the *department*;
2. Information specified on the application checklist provided by the *department* for the requested decision(s); and
3. Any additional information or materials that the *department* specifies at the pre-application meeting.

C. A permit application is complete for purposes of this section upon satisfaction of the application requirements and upon the *department's* determination that the application is sufficiently complete for continued processing, even though additional information may be required or project modifications may be undertaken subsequently. The determination of completeness shall not preclude the *department* from requesting additional information or

studies either at the time of notice of completeness or subsequently if new or additional information is required or substantial changes in the proposed *land* application occur, as determined by the *department*.

D. The *city manager* may waive any specific submittal requirements that are determined to be unnecessary for review of an application.

E. The *applicant* shall attest by written oath to the accuracy of all information submitted with an application. [Ord. 12-0345 § 3 (Exh. A).]

#### **15.25.100 Time limitation of application.**

A. Applications for which no permit is issued within 18 months following the date of application shall expire by limitation and plans and other data submitted for review may thereafter be returned to the *applicant* or destroyed in accordance with State law by the *city manager*.

B. Applications may be canceled for inactivity, if an *applicant* fails to respond to the *department's* written request for revisions, corrections, actions or additional information within 90 days of the date of request. The *city manager* may extend the response period beyond 90 days if within the original 90-day time period the *applicant* provides and subsequently adheres to an approved schedule with specific target dates for submitting the full revisions, corrections or other information needed by the *department*.

C. The *city manager* may extend the life of an application if any of the following conditions exist:

1. Compliance with the State Environmental Policy Act is in progress; or
2. Any other City review is in progress; provided, that the *applicant* has submitted a complete response to City requests or the *city manager* determines that unique or unusual circumstances exist that warrant additional time for such response, and the *city manager* determines that the review is proceeding in a timely manner toward final City decision; or
3. Litigation against the City or applicant is in progress, the outcome of which may affect the validity or the provisions of any permit issued pursuant to such application. [Ord. 12-0345 § 3 (Exh. A).]

#### **15.25.110 Validity of permit.**

The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this chapter or of any other ordinance or law of the City. Permits presuming to give authority to violate or cancel the provisions of this chapter or other ordinance or law of the City shall not be valid. The issuance of a permit based on

construction documents and other data shall not prevent the *city manager* from requiring the correction of errors in the construction documents and other data. [Ord. 12-0345 § 3 (Exh. A).]

#### **15.25.120 Permit expiration.**

A. Stand-alone *land alteration*, except tree removal, permits shall expire two years from the date of issuance. Tree removal permits shall expire one year from the date of issuance. *Land alteration* permits issued and associated with another land use permit or approval shall expire in conjunction with the land use permit or approval. The *city manager* may approve a request for an extended expiration date where a construction schedule is provided by the *applicant* and approved prior to permit issuance.

B. Stand-alone *land alteration* permits which have been expired for less than one year may be renewed for a period of one year from the expiration date for an additional fee, as long as no changes have been made to the originally approved plans. *Land alteration* permits associated with a land use permit or approval which has been expired for less than one year may be renewed for an additional fee as long as no changes have been made to the originally approved *land alteration* plans and the originally approved land use permit or approval is not expired. For permits that have been expired for longer than one year, a new permit must be obtained and full new fees paid. No permit shall be renewed more than once. [Ord. 12-0345 § 3 (Exh. A).]

#### **15.25.130 Suspension or revocation.**

Subject to applicable case authority, the *city manager* is authorized to suspend or revoke a permit issued under the provisions of this chapter wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code. [Ord. 12-0345 § 3 (Exh. A).]

#### **15.25.140 Liability insurance required – Exception.**

The applicant shall procure and maintain, for the duration of the permit, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the land alteration. The insurance shall include automobile liability and commercial general liability. The automobile liability insurance shall be a minimum combined single limit for bodily injury and property damage of \$1,000,000 per accident, and the commercial general liability insurance shall be with limits no less than \$1,000,000 each occurrence, and \$2,000,000 general aggregate. The City shall be named as an insured under the commercial general liability insurance policy. The insurance shall be endorsed to state that coverage shall not be cancelled, except after 30 days' prior written notice to the City. Prior to issuance of a *land alteration* permit for *grading*, the *applicant* shall provide to the *department* an original certificate evidencing the required insurance, on a form approved by the *city manager*, and a copy of the amendatory endorsement. The insurance requirements may be waived or modified by the *city manager* for projects which do not present a risk to



surrounding properties. Liability insurance shall not be required of other City departments.  
[Ord. 12-0345 § 3 (Exh. A).]

#### **15.25.150 Restrictions.**

*Land alterations* for projects within critical areas per Chapter 18.55 KMC are restricted to the time period between May 1st and October 1st, with all *grading* activities stabilized by October 1st. No *land alteration* activities shall occur outside of this time period, except with written approval from the *city manager*. [Ord. 12-0345 § 3 (Exh. A).]

#### **15.25.160 Standards.**

A. Any activity that will *clear, grade* or otherwise disturb the *site*, whether requiring a *land alteration* permit or not, shall provide *erosion* and sediment control (ESC) that prevents, to the maximum extent possible, the transport of sediment from the *site* to drainage facilities, water resources and adjacent properties. *Erosion* and sediment control shall be applied as specified by the temporary ESC measures and performance criteria and implementation requirements of KMC Title 13.

B. Cuts and *fills* shall conform to the following provisions unless otherwise approved by the *city manager*:

1. Slope. No *slope* of cut and *fill* of surfaces shall be steeper than is safe for the intended use and shall not exceed two horizontal to one vertical, unless approved by the geotechnical engineer of record.
2. *Erosion* Control. All disturbed areas including faces of cuts and *fill slopes* shall be prepared and maintained to control *erosion* in compliance with subsection A of this section.
3. Preparation of Ground. The ground surface shall be prepared to receive *fill* by removing vegetation, topsoil, and other unsuitable materials.
4. *Fill* Material. *Fill* material shall not include organic, frozen or other deleterious materials, and shall be made with nonnoxious, nonflammable, noncombustible and nonputrescible solids. No rock or similar irreducible material greater than 18 inches in diameter shall be used.
5. Drainage. Provisions shall be made to:
  - a. Prevent any surface water or seepage from damaging the cut face of any *excavations* or the sloping face of a *fill*; and

b. Carry any surface waters that are or might be concentrated as a result of a *fill* or *excavation* to a natural watercourse or public *storm drain system*, or by other means approved by the department of public works.

6. Compaction of Permeable Surfaces. The compaction of new permeable surfaces should protect the soil moisture holding capacity. The duff layer or native topsoil shall be retained to the maximum extent practicable. Soil amendments shall be required to mitigate for lost moisture holding capacity where compaction or removal of some or all of the duff layer or underlying topsoil has occurred. The amendment must be such that the replaced topsoil is a minimum of eight inches thick, unless the applicant demonstrates that a different thickness will provide conditions equivalent to the soil moisture holding capacity native to the site.

7. *Bench/Terrace*. *Benches*, if required, at least 10 feet in width shall be back-sloped and shall be established at not more than 25 feet vertical intervals to control surface drainage and debris. Swales or ditches on *benches* shall have a maximum gradient of five percent.

8. Access Roads Maintenance. Access roads to *grading sites* shall be maintained and located to the satisfaction of the *city manager* to minimize problems of dust, mud and traffic circulation.

9. Access Roads – Gate. Access roads to *grading sites* shall be controlled by a gate when required by the *city manager*.

10. Warning Signs. Signs warning of hazardous conditions, if such exist, shall be established at locations as required by the *city manager*. All signage and traffic control shall be compliant with Manual on Uniform Traffic Control Devices.

11. Fencing. Fencing, where required by the *city manager* to protect life, limb and property, must be installed with lockable gates and must be closed and locked when work is not occurring at the *site*. The fence must be no less than five feet in height and cannot have a horizontal opening larger than two inches.

12. Setbacks. The tops and the toes of cut and *fill slopes* shall be set back from property boundaries as far as necessary to protect adjacent properties and to prevent damage from water runoff or *erosion* of the *slopes*.

The tops and the toes of cut and *fill slopes* shall be set back from *structures* as far as is necessary to protect foundation support and to prevent damage from water runoff or *erosion* of the *slopes*.

*Slopes* and setbacks shall be determined by the *city manager*.

13. Easements. The applicant shall provide to the *department* copies of recorded and executed easements for *land alterations* that are proposed on neighboring properties.

C. For *land alteration* permits issued under this chapter, the current *vegetation* standards contained in this section and in the following regulations shall apply:

1. Chapter 18.55 KMC, Critical Areas;
2. Property-specific development standards pursuant to Chapter 18.47 KMC;
3. Critical drainage area designations identified by adopted administrative rule;
4. Wildlife habitat corridors; and
5. Chapter 18.35 KMC, Development Standards – Landscaping.

D. *Tree Removal*. The following additional regulations shall apply to vacant property:

1. KMC 18.57.060, tree management and protection. [Ord. 16-0428 § 11 (Att. G); Ord. 12-0345 § 3 (Exh. A).]

#### **15.25.170 Land restoration.**

A. *Finish grades* shall encourage the uses permitted within the underlying zone classification.

B. *Grading* or backfilling shall not include organic, frozen or other deleterious materials, and shall be made with nonnoxious, nonflammable, noncombustible and nonputrescible solids. No rock or similar irreducible material greater than 18 inches shall be used.

C. Such graded or backfilled areas, except for roads, shall be sodded or surfaced with soil of a quality at least equal to the topsoil of the immediately surrounding land areas, and to a depth of at least four inches or a depth of that of the topsoil of immediately surrounding land areas if less than four inches.

D. Such topsoil as required by subsection C of this section shall be planted with *trees*, shrubs, legumes or grasses, and these plants shall be so selected as to be indigenous to the surrounding area, or as approved through a mitigation plan.

E. Graded or backfilled areas shall be reclaimed in a manner which will not allow water to collect and permit stagnant water to remain, unless otherwise approved through a mitigation plan. Suitable drainage systems approved by the *city manager* shall be constructed or installed if natural drainage is not possible.

F. Waste or soil piles shall be leveled and the area treated as to sodding or surfacing and planting as required in subsections D and E of this section. [Ord. 12-0345 § 3 (Exh. A).]

#### **15.25.180 Shorelines.**

A. No permit required by this chapter shall be issued for *land alteration* upon the *shorelines* until approved by the appropriate federal, State and local authority (see KMC Title 16).

B. For *land alteration* which requires a shoreline management substantial development permit, the conditions of the shoreline management substantial development permit shall be incorporated into the conditions of any permit issued pursuant to this chapter and shall be subject to the inspection and enforcement procedures authorized by this chapter. [Ord. 12-0345 § 3 (Exh. A).]

#### **15.25.190 Enforcement.**

The *city manager* is authorized to enforce the provisions of this chapter, the ordinances and resolutions codified in it, and any rules and regulations promulgated thereunder pursuant to the enforcement and penalty provisions of Chapter 1.20 KMC, Code Enforcement.

If *land alterations* inconsistent with the purposes and requirements of this chapter have occurred on a *site*, the City shall not accept or grant any development permits or approvals for the *site* unless the applicant adequately restores the *site*. The *city manager* shall require appropriate restoration of the *site* under a City approved restoration plan which shall include a time schedule for compliance if significant resource damage has or may occur. If restoration has not been completed within the time established by the *department*, the *city manager* shall order restoration using funds from the appropriate contingency accounts and seek restitution from the property owner through available legal methods. [Ord. 12-0345 § 3 (Exh. A).]

An individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of any governmental unit, however designated, removing a tree in violation of this chapter shall be assessed a monetary penalty of up to \$2,000 per inch in diameter at breast height (DBH) of the tree removed. For example, the monetary penalty for a 20-inch DBH tree removed results in a maximum penalty of \$40,000. In no case shall the penalty be reduced to an amount less than \$500.00 for each violation found committed. The extent of the penalty shall be determined by the *city manager* in consideration of reasonable factors. Monetary penalties shall increase with each violation. The *city manager* is authorized to adopt policies setting forth the reasonable factors for consideration under this subsection.

#### **15.25.200 Financial guarantees authorized.**

The *department* is authorized to require all *applicants* who are issued permits or approvals under the provisions of this chapter to post performance financial guarantees consistent with the provisions of KMC Title 21 in an amount up to 125 percent of the estimated cost of completing or restoring the work in accordance with the approved plans, specifications, permit or approval requirements, and applicable regulations. [Ord. 12-0345 § 3 (Exh. A).]

EXHIBIT B TO ORD. 22-0547

I. Section 18.20.2730 of the Kenmore Municipal Code is amended to read as follows:

**18.20.2730 Significant tree.**

“Significant tree” means an existing healthy *tree* that is not a *hazard tree* and that is at least six (6) inches in diameter at breast height (DBH) as measured at 4.5 feet (54 inches) above the ground. For trees with multiple leaders at 4.5 feet above the ground, the DBH shall be the combined cumulative total of branches greater than six (6) inches diameter at 4.5 feet above the ground. For trees that have been removed and whereas only the stump remains, the size of the tree shall be measured from the diameter of the top of the stump. (i.e., a tree that does not have a high probability of imminently falling due to a debilitating disease or structural defect) and that, when measured four and one-half feet above grade, has a minimum diameter of:

A. Eight inches for *evergreen trees*; or

B. Twelve inches for *deciduous trees*. [Ord. 11-0329 § 3 (Exh. 1).]

II. Chapter 18.57 of the Kenmore Municipal Code is amended to read as follows:

Chapter 18.57  
TREE MANAGEMENT AND PROTECTION

Sections:

- 18.57.010 Title.
- 18.57.015 Findings and purpose.
- 18.57.030 Applicability.
- 18.57.035 Exemptions.
- 18.57.050 Tree protection plan required.
- 18.57.060 Tree density requirement.
- 18.57.070 Tree protection plan review procedure.
- 18.57.080 Tree protection plan review standards.
- 18.57.085 Tree windthrow evaluation and prevention.
- 18.57.090 Tree protection during construction.
- 18.57.100 Post-construction replacement, financial guarantee and maintenance requirements.

**18.57.110 Penalties, enforcement.**

**18.57.010 Title.**

This chapter shall be known and may be cited as the Kenmore tree management and protection code. [Ord. 11-0329 § 3 (Exh. 1).]

**18.57.015 Findings and purpose.**

A. Reducing soil *erosion* and water pollution in the *City's streams* and creeks by providing wind breaks, slowing the surface movement of water, reducing the amount of stormwater runoff, and stabilizing soil with their roots and fallen leaves;

B. Improving air quality by removing pollutant gases and airborne particles;

C. Positively affecting energy and water conservation by providing shade, lowering temperatures, and reducing net evaporation rates;

D. Reducing noise pollution by absorbing and deadening excessive and/or unwanted noise and by screening the source of the noise from view; and

E. Providing a wide variety of habitats and ecosystems for birds, mammals, and other wildlife;

F. Accordingly, the purpose of this chapter is to establish a process and standards to:

1. Increase the livability of an area by helping to screen people and *buildings* from wind and inclement weather;
  2. Create a special sense of identity, a sense of community and civic pride, and a memorable place to live and work;
  3. Preserve and enhance the *City's* physical and aesthetic character by preventing untimely and indiscriminate removal or destruction of *trees*;
  4. Promote *site* planning, construction practices, and horticultural practices that are consistent with the *reasonable use* of property;
  5. Implement the goals and objectives of the *City's* comprehensive plan; and
  6. Implement the goals and objectives of the *City's* parks and recreation master plan.
- [Ord. 11-0329 § 3 (Exh. 1).]

**18.57.030 Applicability.**

A. No individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of any governmental unit, however designated, shall directly or indirectly remove or destroy any *tree* as defined in this title within the *City*, without first obtaining a clearing permit as provided in KMC Title 15.

B. Unless otherwise exempted in KMC 18.57.035, any *site* subject to *development*, including the division of a parcel of land into two or more parcels, within the *City* shall comply with the requirements of this chapter.

C. Approval of a tree protection plan pursuant to the provisions of this chapter shall not discharge the obligation of the *applicant* to otherwise comply with the applicable provisions of this chapter.

D. When any provision of any other chapter of the Kenmore Municipal Code conflicts with this chapter or when the provisions of this chapter are in conflict, that provision which provides more protection for individual *trees* and *groves* of *trees* shall apply unless specifically provided otherwise in this chapter or unless such provision conflicts with federal or State laws or regulations. [Ord. 11-0329 § 3 (Exh. 1).]

**18.57.035 Exemptions.**

A. The following land *uses* are exempt from the provisions of this chapter. However, compliance with other applicable provisions of the Kenmore Municipal Code including but not limited to then-current *critical area* regulations per Chapter 18.55 KMC and then-current clearing regulations per Chapter 15.25 KMC is still required:

1. Agriculture, meaning the use of the land for the primary purpose of deriving income from growing plants or *trees* on land including, but not limited to, land used principally for fruit or timber production, but not including land used principally for another *use* and only incidentally for growing *trees* or plants for income.

2. *Commercial nursery or tree farm*, but only those *trees* which are planted and growing on the premises of a licensed retailer or wholesaler for sale to the general public. Other *trees* on such premises shall remain subject to this chapter.

3. Residential *Development*.

a. All existing *lots* on which are to be situated new *single detached dwelling units* in residential zones based on tree removal limits established by clearing requirements.



b. All existing *lots* on which are situated existing detached *dwelling units* in residential zones based on tree removal limits established by clearing requirements.

4. Downtown Commercial and Downtown Residential Zones. All *development* occurring within core areas designated as downtown commercial and downtown residential zones. [Ord. 11-0329 § 3 (Exh. 1).]

**18.57.050 Tree protection plan required.**

A. Requirement Established. Except for the exemptions enumerated in this chapter, no individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of any governmental unit, however designated, shall remove, transplant, or destroy, or cause to be removed, transplanted, or destroyed, on any land in the *City*, any *tree* as defined in this chapter, without first obtaining the *city manager's* approval of a tree protection plan and receiving a clearing permit from the *City*. For *sites* proposed for land *development*, including the division of a parcel of land into two or more parcels, having *trees* below the minimum tree density, even though no *trees* are proposed to be removed, a tree protection plan is required to bring the *site* up to the minimum tree density standard herein established.

B. Submittal of Tree Protection Plan. Where the *site* proposed for *development* requires site or plat or short plat review, the tree protection plan shall be submitted concurrent with a site plan or plat or short plat application.

C. Tree Protection Plan Requirements. Attached to the *applicant* information and site plan information required for the clearing permit applications, the *applicant* shall include the following tree protection plan information:

1. *Tree Survey*. For all *development proposals*, a *tree survey*, drawn to scale by a land surveyor licensed in Washington State, identifying the exact location and conditions of existing *trees* as defined in this title and containing the following information:

- a. Common and botanical name of each *tree*.
- b. *Trees* proposed to remain and to be removed.
- c. *Groves* with indication of predominant species, number of *trees* and size of d.b.h.
- d. Any off-site *tree* with a root protection zone which could be adversely affected by the proposed activity.
- e. The location and dimensions of established and proposed perimeter *landscaping*, natural *vegetation* easements, and open space areas for public, *private*, or community use.
- f. *Net buildable areas*.

- g. *Critical areas* and their *buffers*.
- h. Stormwater tracts.
- i. Limits of construction line.
- j. North arrow, scale, and date of survey.

2. An assessment of *tree windthrow* potential as described in KMC 18.57.085, along with any proposed mitigation measures to minimize windthrow. These measures shall be incorporated into the proposed tree protection plan described in subsection (C)(5) of this section.

3. A statement describing how *trees* intended to remain will be identified, marked, and protected before the start of and during *development* as further described in KMC 18.57.090.

4. A statement that describes replacement tree quality as conforming to the American Standards for Nursery Stock (ANSI).

5. Proposed Tree Protection Plan. The permit *applicant* shall have a *qualified tree protection professional* prepare recommendations for the tree protection plan. The tree protection plan shall be drawn to scale using the *tree* survey as a base and containing the following information:

- a. The exact location and conditions of protected *trees*.
- b. The exact location, common name, botanical name, and *caliper* of each *tree* species to be planted.
- c. The *site* minimum tree density calculation indicating the total number, size, and species of existing *trees* to be preserved and the replacement *trees* to be planted as described in KMC 18.57.060.
- d. The *site* replacement tree calculation as described in KMC 18.57.060 with an explanation including the number, *caliper*, and species.
- e. The location, materials, dimensions, and layout of the protective barriers.

6. Submit a landscape bond quantity form.

7. Additional Information. Any additional or more detailed information required by the *city manager* to ensure compliance with the provisions of this chapter (i.e., aerial photograph). The *city manager* may waive the requirements for the scaled drawing and other submission data if he finds that the information presented is sufficient to determine the project's compliance with the provisions of this chapter. [Ord. 15-0409 § 1 (Att. A); Ord. 11-0329 § 3 (Exh. 1).]

**18.57.060 Tree density requirement.**

A. Minimum Tree Density Requirement Established. A minimum tree density is required on each *site*. The tree density may consist of existing *trees* ([provided they are not cottonwood, alder, or holly trees](#)), replacement *trees*, or a combination of existing and replacement *trees*. The *site* density of *trees* to be protected on each *site* shall be determined prior to approval of a tree protection plan or clearing permit, by the *city manager*.

B. Tree Density Calculation. The minimum tree density required for each *site* is 30 tree units per acre of *net buildable area*.

1. To calculate the density of *trees* to be protected:

- a. Obtain the d.b.h. measurement in inches for each protected *tree* within the *net buildable area*.
- b. Go to Table 18.57.060A and select the tree unit value that corresponds to the d.b.h. for each protected *tree*.
- c. Add up the tree unit values for all protected *trees* and divide by the total acreage of the *net buildable area*. This value must equal or exceed 30 tree units per acre of *net buildable area*. If the total is less than 30 tree units per acre, more *trees* must be protected or replacement *trees* will be required.
- d. If replacement *trees* are planted as *groves* within designated tracts, then *applicant* may reduce total tree units required by 10 percent.

**Table 18.57.060A**  
**Existing Trees to Remain.**

**(Conversion from diameter (d.b.h.) in inches  
to tree units for  
*trees* protected on-site.)**

d.b.h.	Tree Units	d.b.h.	Tree Units
1 – 5	1.0	30	8.2
6 – 10	1.2	31	8.6
11	1.4	32	9.0
12	1.8	33	9.5
13	2.0	34	10.0

**Table 18.57.060A**  
**Existing Trees to Remain.**

**(Conversion from diameter (d.b.h.) in inches  
to tree units for  
trees protected on-site.)**

<b>d.b.h.</b>	<b>Tree Units</b>	<b>d.b.h.</b>	<b>Tree Units</b>
14	2.3	35	10.5
15	2.6	36	11.0
16	2.9	37	11.5
17	3.2	38	12.0
18	3.5	39	12.5
19	3.8	40	13.0
20	4.2	41	13.5
21	4.6	42	14.0
22	5.0	43	14.5
23	5.4	44	15.0
24	5.8	45	15.5
25	6.2	46	16.0
26	6.6	47	17.0
27	7.0	48	18.0
28	7.4	49	19.0
29	7.8	50	20.0
For every one inch greater than 50 d.b.h., add an additional 2 tree units (i.e., 62 d.b.h. = 44 tree units).			

C. Replacement *Tree* Requirement. If the number of existing *trees* is not enough to meet the minimum of 30 tree units per acre, a sufficient number of replacement *trees* shall be planted to meet the minimum requirement. To determine the total number of replacement *trees* required:

1. Obtain the *caliper* measurement for each replacement *tree*. Replacement *trees* are measured differently than protected *trees*. Instead of measuring d.b.h. as in

protected *trees*, replacement *trees* are measured by *caliper* in inches according to industry standards (ANSI). *Caliper* on replacement *trees* is measured six inches above the ground line for four-inch and smaller *trees*, and 12 inches above ground for larger replacement *trees*.

2. Go to Table 18.57.060B and select the tree unit value that corresponds to the *caliper* for each replacement *tree*.

3. Add the replacement tree unit values together to determine how many of that size *tree* will be required to achieve the minimum *site* density. See Table 18.57.060C for an example.

**Table 18.57.060B Replacement Trees.**

(Conversion from  
*caliper* inches to tree units for replacement *trees*.)

Deciduous Tree Caliper in Inches	Tree Units for Deciduous Trees	Coniferous Tree Height in Feet	Tree Units for Conifers	Tree Units for Native Conifers
1.5"	0.4	4' – 6'	0.5	0.8
2"	0.5	6' – 8'	0.7	1.0
3"	0.6	8' – 10'	1.0	1.5
4"	0.7	11' – 12'	1.5	2.0
5"	0.8			
6"	1.0			
7"	1.2			
8" +	1.5			

**Table 18.57.060C Sample Tree Density Calculation.**

The required density factor is calculated below as follows for five acres: five acres x 30 units = 150 tree units required.

Existing density (ED):

Size	Quantity	Total Units	Size	Quantity	Total Units
24"	3	17.4	12"	5	9.0

Size	Quantity	Total Units	Size	Quantity	Total Units
18"	3	10.5	8"	6	7.2
10"	4	4.8	15"	8	20.8
30"	7	57.4	4"	10	10.0
				Total ED	137.1

Replacement density (RD):

Size	Units	Quantity	Total Units
2" <i>Deciduous</i>	0.5	12	6.0
4" <i>Deciduous</i>	0.7	6	4.2
4' – 6' Native Conifer	0.8	5	4.0
		Total RD	14.2
ED + RD =	Site Total Tree Density	> or =	Minimum Density Required
137.1 + 14.2 =	151.3	>	150 Density Satisfied

The sum of the ED and RD must be greater than or equal to the minimum density required.  
[Ord. 11-0329 § 3 (Exh. 1).]

#### **18.57.070 Tree protection plan review procedure.**

*A. Departmental Review.* The *city manager* shall review the tree protection plan and clearing permit application to determine whether the *applicant* has provided all required information. Completed applications shall be referred to appropriate *City departments* for review. Upon request of either the *applicant* or the *City*, the *City* may conduct field inspections or review meetings. *City departments* involved in the review and/or inspections shall submit their report(s) and recommendation(s) to the *city manager*.

*B. Evaluation for Compliance.* The *city manager* may require an evaluation by a *qualified tree protection professional*, a qualified engineer, landscape architect, soils engineer, testing lab, or other specialist at any time during the tree protection plan review process or tree removal inspection as necessary to ensure compliance with the provisions of this chapter and/or the terms of the clearing permit. Individual *applicants* will be responsible for payment to the *City* of the actual cost to the *City* of this evaluation. The actual costs of any such evaluation shall be paid to the *City* within 30 days of receipt of the *City's* invoice.

*C. Financial Guarantees.* For all projects required to have a tree protection plan, *financial guarantees* shall be required consistent with the provisions of KMC 21.20.070; provided, however, that to the extent that the *financial guarantee* requirements of KMC 18.57.100 are

more protective of tree preservation, performance and maintenance, then the more protective requirements shall prevail. [Ord. 11-0329 § 3 (Exh. 1).]

#### **18.57.080 Tree protection plan review standards.**

The following standards shall govern the approval of a tree protection plan and the granting or denial of an application for clearing permit:

A. Design. *Development* shall be designed, located, and conducted so as to minimize the loss of healthy *groves* and protected *trees* as identified by a *qualified tree protection professional*, degradation of wildlife habitat as identified through environmental review, and the potential for *erosion* and slope failure.

B. Tree Protection Priority. In designing a development project and in meeting the required minimum tree density, the *applicant* shall protect *trees* within the *net buildable area* as described in KMC 18.57.060(B)(1), in the following order of priority. *Trees* to be preserved and protected must be healthy and vigorous, *wind-firm*, and not in conflict with utilities.

1. *Groves*.
2. Individual *trees* which provide wildlife habitat as identified through environmental review.
3. Individual *trees* and *groves* which occur within required *setbacks*.
4. *Trees* that protect against windthrow, including *trees* sheltering interior *trees* or *trees* on adjacent property from strong winds that could otherwise cause them to blow down.
5. *Trees* which provide a buffer and separate incompatible *uses* or reduce sound and wind levels.

C. Replacement Tree Planting Conditions. Replacement *trees* should be planted in areas with soil, climate, exposure, and moisture conditions appropriate to the replacement *tree species'* growing requirements as determined by a *qualified tree protection professional*, licensed landscape architect, or certified nurseryman.

D. Replacement Tree Planting Location Priority. On *sites* where the number of existing *trees* falls below the minimum density requirements, then replacement *tree* planting shall be required. The *applicant's* proposed location of transplanted or replacement *trees* shall be subject to review by a *qualified tree protection professional*, licensed landscape architect, or certified

nurseryman, and *City* approval as part of the tree protection plan. Replacement *trees* should be planted according to the following priority:

1. On-Site.

- a. Designated Tracts. *Trees* located in separate deeded *tree* tracts specifically set aside for the preservation and planting of *trees* and/or the required recreation open space area if *trees* do not interfere with recreation activities.
- b. Perimeter *Landscaping*. In which case, replacement *trees* shall not count toward and shall be in addition to perimeter landscape requirements.
- c. Landscaping. This may include entrance landscaping, traffic islands, and other common open space areas. *Trees* located in a public right-of-way may be credited as replacement *trees* only if *street trees* are not a requirement.

2. Off-Site. In cases where an *applicant* believes that lot size prevents installation of the required number of *trees*, the *applicant* may propose to the *City* payment of a fee in lieu for installation of *trees* in a public *park* or other *public space*. The *city manager* shall review and make the final decision on the *applicant's* proposal, based on a recommendation from a *qualified tree protection professional*.

E. Replacement Conifer Tree Types. Replacement *trees* shall be of a similar type of genus to the conifer *trees* that are removed; i.e., a Western Red Cedar (*Thuja plicata*) may be replaced with a *tree* in the genus *Thuja*, such as an American Arborvitae (*Thuja occidentalis*). [Ord. 15-0409 § 1 (Att. A); Ord. 11-0329 § 3 (Exh. 1).]

**18.57.085 Tree windthrow evaluation and prevention.**

A. Increased *tree windthrow* potential as a result of impacts to *trees* on a site shall be evaluated based on the following risk factors:

- 1. Root system disruption that will extend within an area one to two and one-half times the radius of the canopy;
- 2. Topography of the site;
- 3. Whether the *tree* is deciduous or evergreen;
- 4. Height of the *tree* relative to the neighboring *trees*;
- 5. Whether the tree is part of a *grove*.



B. The windthrow evaluation shall be conducted as part of the preparation of the tree protection plan (see KMC 18.57.050) based on the aforementioned risk factors. The assessment shall be conducted by a *qualified tree protection professional*. This assessment also shall evaluate increased windthrow potential for *trees* on neighboring lots that are within 50 feet of the closest *trees* being removed on the site, including *trees* that share a root system with *tree(s)* on the site.

C. Tree Protection Plan.

1. When significant windthrow potential is identified for *trees* that could impact neighboring properties or are on neighboring properties, the *applicant* shall identify measures to minimize windthrow as part of the tree protection plan. Measures could include but are not limited to demonstrating that the *critical root zone (CRZ)* fencing is adequate to prevent root disruption or that the *CRZ* is expanded to provide root protection; saving *groves* when applicable; taking steps to preserve existing grades around *trees*; and/or tunneling rather than trenching for utilities. The City may deny a request to remove a *tree(s)* if mitigation measures are inadequate to minimize windthrow.
2. If potential windthrow damage is for the *site* itself, the *applicant* shall identify measures to reduce impacts to future *structures* on the *site*. [Ord. 15-0409 § 2 (Att. B).]

**18.57.090 Tree protection during construction.**

Prior to initiating tree removal and any *clearing* and *grading* on the *site*, *trees* to be protected and preserved shall be protected from potentially damaging activities as follows unless otherwise approved by the *City*.

A. *Critical Root Zone (CRZ)*. The *CRZ* of individual *trees*, *groves*, or otherwise designated protected tree areas shall include no less than the area of a circle with a radius that extends one foot out from the *tree* for every inch of trunk d.b.h., or the area of a circle with radius extending from a *tree's* trunk to a point no less than the end of a *tree's* longest branch, whichever is greater (see Figure 18.57.090A).

B. Tree Protection Fence (TPF). Before *development*, the *applicant*:

1. Shall place three inches of composted woodchips over the *CRZ* of all retained *trees* to retain moisture, increase organic matter, and visually establish the *CRZ*.

2. Shall erect and maintain readily visible protective tree fencing a minimum of three feet beyond the outer edge of the *CRZ* for all individual *trees*, *groves*, or other designated protected tree areas.

- a. Fencing shall completely surround the required tree protection area. The *city manager* may allow adjustments to placement of the TPF based on an evaluation of the *tree*, soils, and proposed disturbance.
- b. Fencing shall be a minimum of four feet high and may be higher if needed to ensure clear visual delineation. Chain-link *fence* or orange plastic *fence* fastened to steel stakes/posts driven securely into the ground shall be required in order to discourage easy movement.
- c. Any deviation from the tree fencing methods listed above must be authorized in writing by the *city manager* in advance.

3. Shall keep the protective fencing in place until the *City* authorizes the removal or issues a final certificate of occupancy, whichever occurs first.

4. Shall ensure that any landscaping done within the root protection zone subsequent to the removal of the *fence* shall not disturb existing *trees* including roots within the *CRZ*.

C. Placing Materials Near *Tree*. During *development*, no individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of any governmental unit, however designated, may conduct any activity within the TPF of any *tree* designated to remain, except as specified in this section.

D. Attachments to *Trees*. During *development*, no individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of any governmental unit, however designated, shall attach any object to any *tree* designated for protection.

E. Grade.

1. The grade shall not be filled or cut within the *CRZ* of any *tree* designated to remain without prior review by a *qualified tree protection professional* and advance, written approval from the *city manager*.

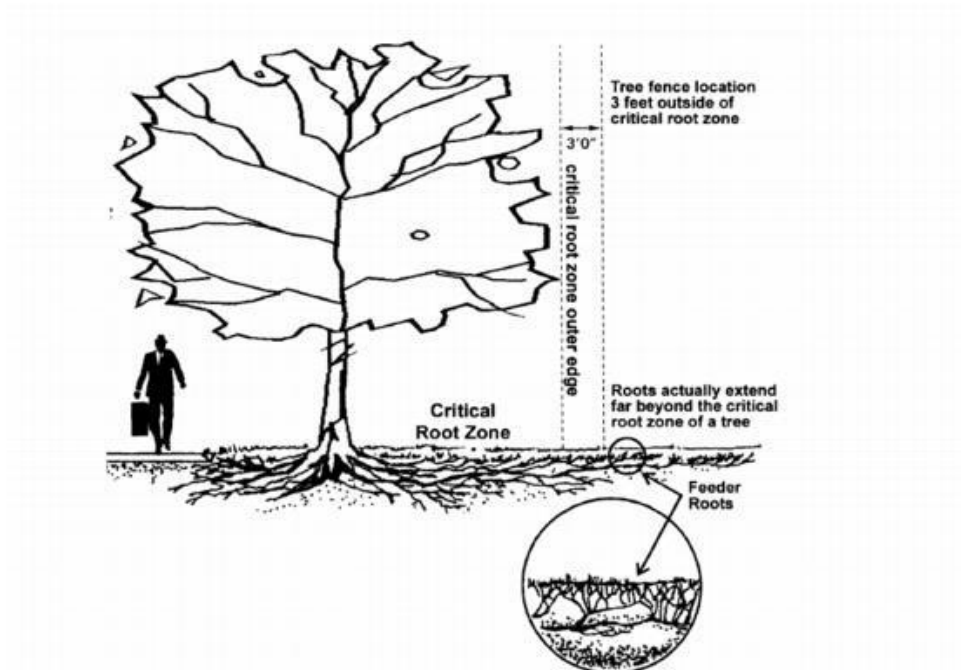
2. The *applicant* shall not install an *impervious surface* within the protective barrier of any *tree* designated to remain without the advance, written authorization of the *city manager*.

3. To the greatest extent practical, utility trenches shall be located outside of the root protection zone of *trees* to be retained. Boring or tunneling under the *CRZ* may be considered an alternative, but shall require the advance, written approval of the *city manager*.

4. *Trees* and other *vegetation* to be retained shall be protected from *erosion* and *sedimentation*.

F. Additional Requirements. The *city manager* may require additional tree protection measures which are consistent with accepted urban forestry practices.

**Figure 18.57.090A Critical Root Zone.**



This section shows a cross-section of the typical root zone for a *deciduous tree*. Eighty-five percent of the *tree's* roots are within the top 18 inches of the soil. Roots typically spread up to two times the height of the *tree* and sometimes more. However, the critical mass of roots is usually found within the *critical root zone*. [Ord. 11-0329 § 3 (Exh. 1).]

**18.57.100 Post-construction replacement, financial guarantee and maintenance requirements.**

A. Replace Damaged, Dead, or Dying *Trees*. Replacement *trees* or *groves* that are damaged or die within a period of three years after planting or transplanting must be replaced in kind at a ratio of one-to-one within six months of the *tree's* death or the date of discovery of the damage. Existing *trees* that are damaged or die within a period of three years after completion of construction activities and as a cause of construction activities as determined by a *qualified tree protection professional* shall be replaced in kind at a ratio of two-to-one within six months of the *tree's* death or date of discovery of the damage.

B. Replacement *Tree* Quality. Replacement *trees* shall conform to the American Standards for Nursery Stock, ANSI.

C. *Tree* Maintenance. All *trees* shall be maintained in accordance with International Society of Arboriculture guidelines and standards.

D. *Financial Guarantee* Required. A *financial guarantee* as defined and regulated under KMC Title 21 shall be required as a mechanism to cover any potential cost associated with replacing dead or dying replacement or existing *trees* required to satisfy tree unit requirements per this section.

1. A *financial guarantee* shall be required for all plans requiring 15 or more tree units.
2. Calculation of the amount of the *financial guarantee* shall be computed based upon equivalent tree replacement value for all replacement and existing *trees* on the property as determined by a *qualified tree protection professional* using the most recent edition of the Guide for Plant Appraisal published by the International Society of Arboriculture, in collaboration with the Council of Tree and Landscape Appraisers. Fair market value shall be posted. Fair market value includes the value of the *tree(s)*, installation, and maintenance until establishment that would be required to compensate for the *trees* that could be lost.
3. The *financial guarantee* period for maintenance shall be three years, plus an additional 60 days.
4. Release of *Financial Guarantee*.
  - a. Upon successful tree replacement and establishment as determined by the written approval of the *City* and consistent with Chapter 21.15 KMC, the *financial guarantee* required by this section shall be released.
  - b. The *City*, in its discretion, may release a *financial guarantee* under this section when fee simple title is transferred. The *City* may condition the release of the

existing *financial guarantee* upon establishment of a new *financial guarantee* by the new owner in fee simple. [Ord. 11-0329 § 3 (Exh. 1).]

#### **18.57.110 Penalties, enforcement.**

A. Civil Penalty. Any violation of any provision of this chapter constitutes a civil violation under Chapter 1.15 KMC, and is subject to the enforcement procedures of Chapter 1.20 KMC; provided, however, that an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of any governmental unit, however designated, who removes any *tree* in violation of this chapter shall be assessed the following civil penalty:

An individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of any governmental unit, however designated, removing a *tree* in violation of this chapter shall be assessed a monetary penalty ~~of up to in the amount of~~ \$2,000 per inch in *diameter at breast height (DBH)* of ~~the~~ tree removed. For example, ~~the monetary penalty for if a 20-inch DBH tree is removed, then the results in a maximum~~ penalty would be of \$40,000. In no case shall the penalty be reduced to an amount less than \$500.00 for each violation found committed. The extent of the penalty shall be determined by the city manager in consideration of reasonable factors. Monetary penalties shall increase with each violation. The city manager is authorized to adopt policies setting forth the reasonable factors for consideration under this subsection.

B. Criminal Penalty. In addition to or as an alternative to incurring civil liability under this section, an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of any governmental unit, however designated, who violates any provisions of this chapter shall be guilty of a misdemeanor and subject to the criminal penalties set forth in Chapter 1.15 KMC, and shall be subject to the procedures of the *City's* criminal code, KMC Title 9.

C. Separate Offense. Every individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of any governmental unit, however designated, violating any provision of this chapter is guilty of a separate offense for each and every day during any portion of which the violation is committed, continued or permitted by any such individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of any governmental unit, however designated. [Ord. 11-0329 § 3 (Exh. 1).]





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

<p>Subject/Topic: Kenmore Spring Swim Program: Youth Swim Lessons at the Aqua Club</p> <p>Proposed Council Action/Motion: Motion to approve an 8-week pilot youth swim program at the aqua club and budget of \$2,320</p>	<p>For Council Meeting Agenda of: 3/28/22</p> <p>Department: Community Development</p> <p>Prepared by: Rita Moreno, Recreation Coordinator/ Admin Assistant</p> <p style="text-align: right;"><u>Initial &amp; Date</u></p> <p>Approved by Department Head: <u>DB 3/11/22</u></p> <p>Approved by City Attorney: <u>N/A</u></p> <p>Approved by Finance Director: <u>LS 3/15/22</u></p> <p>Approved by City Manager: <u>RK 3/15/22</u></p> <p>Exhibits/Attachments:</p>
<p><b>INFORMATION/BACKGROUND:</b> Staff is requesting Council approval of an eight-week pilot free youth swim program (ages 6 years and up) at the Aqua Club with lessons provided by the McDonald Swim School. For this pilot program staff are also requesting Council authorization of a \$2,320 budget to cover the costs of the program.</p> <p>The January 2022 Final Council Retreat Report included a topic of “Fun, youth activities and family” and Council discussed the importance of creating activities, and recreational opportunities for families and various age groups within the city.</p> <p>Council member Srebnik provided staff contact information for the Aqua Club and McDonald Swim School. At the 2/28/22 Council meeting, staff gave an oral report on progress, noting that this was being proposed as a pilot eight-week youth swim lesson program (starting 4/2/22), provided at no-cost to youth, including low-income youth. Staff noted that working with Mary’s Place will be explored, like a free skate camp week (offered by Skate Like a Girl). There was general council support of this concept and direction to move forward. Councilmember comments included: ensure provision of safety certification and insurance; provide lessons to at least fifty youth; in the future exploring partnerships and/or scholarships with the YMCA or other swim providers for swim lessons; explore future potential grant opportunities if the program is continued; swim proficiency requires ongoing programming more than 8 weeks.</p> <p>Proposed Pilot Program: The program could potentially provide swim instruction for 24 youth.</p> <ul style="list-style-type: none"> <li>• The proposed program length is eight weeks starting 4/2/22.</li> <li>• Rental of two lanes at the Aqua Club.</li> <li>• Contracting with the McDonald Swim School for provision of two swim instructors (two hours per week per instructor for the 8-week program) and management of registration, staff, and lesson instruction.</li> <li>• Twelve 20-minute sessions provided each week (three sessions per hour x two hours x two instructors). Four youth per session.</li> <li>• Contracting with the Aqua Club for rental of two lanes (McDonald Swim School) and one lifeguard (Aqua Club) for two hours per week for the 8-week program).</li> </ul> <p>Following conclusion of the program, staff will provide a report to Council. If Council wishes to continue and/or expand pursuit of swim lesson partnerships/programming, this may be part of a future budget discussion.</p> <p><b>FISCAL CONSIDERATION:</b> The cost for this 8-week trial program is \$2,320.00</p>	

<b>Kenmore Swim Program 2022</b> This program would run for 8 weeks, Saturday's beginning 4/2/22 and would be for ages 6 and up.			
Item	Est. Cost	Act. Cost	Additional Notes
Lane Rental - Aqua Club	\$320		\$20 per lane, 2 lanes needed
Lifeguard - Aqua Club	\$200		\$25 per hour, 1 guard needed per Saturday
Instructors - McDonald Swim School	\$800		\$50 per hour per instructor, 2 instructors needed
Program Manager - Kristina McDonald	\$1,000		Manages registration, staff, day of operations
<b>Total:</b>	<b>\$2,320</b>	<b>\$0.00</b>	
<b>Budget:</b>			
Proposed source of budget Recreation Programs 001.013.57100.3315			
<b><u>COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:</u></b> Priority #3: Diversity, Equity, and Inclusion Priority #10: Foster and Create Fun			





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

<p><b>Subject/Topic:</b> City Council Health Insurance Benefits</p> <p><b>Proposed Council Action/Motion:</b> Provide staff with direction on whether to pursue installing health insurance benefits for City Councilmembers.</p>	<p><b>For Council Meeting Agenda of:</b> 3/21/22</p> <p><b>Department:</b> <u>City Manager's Office</u></p> <p><b>Prepared by:</b> <u>Garrett Oppenheim</u></p> <table style="width: 100%;"> <thead> <tr> <th></th><th style="text-align: right;"><u>Initial &amp; Date</u></th></tr> </thead> <tbody> <tr> <td>Approved by Department Head:</td><td style="text-align: right;">NA</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> </tbody> </table> <p><b>Exhibits/Attachments:</b> Memo by Garrett Oppenheim</p>		<u>Initial &amp; Date</u>	Approved by Department Head:	NA	Approved by City Attorney:	NA	Approved by Finance Director:	NA	Approved by City Manager:	RK
	<u>Initial &amp; Date</u>										
Approved by Department Head:	NA										
Approved by City Attorney:	NA										
Approved by Finance Director:	NA										
Approved by City Manager:	RK										
<p><b>Council Action:</b> At the March 21, 2022 City Council meeting, provide direction on whether to pursue health insurance benefits for City Councilmembers.</p> <p><b>Background:</b> RCW 41.04.180 authorizes a city's "principal supervising official or governing body," i.e., the City Council, to provide health coverage to elected officials. As such, it is within the jurisdiction of the Kenmore City Council to provide for medical, dental, and vision benefits for its members, if it so chooses.</p> <p>The Association of Washington Cities Employee Benefit Trust offers several medical, dental, and vision insurance plans, from which the City Council can choose, including the five medical plans, two dental plans, and a single vision plan available to other City of Kenmore employees.</p> <p>Minimum participation requirements mean that at least 50% of Councilmembers must participate in medical insurance and 75% must participate in vision and dental insurance in order for any members to be eligible. If participation drops below the minimum during the year, all participating members will lose coverage on the first day of the next month and the loss of eligibility is not considered a qualifying event for COBRA.</p> <p>Of the 28 cities in Washington that also use a Council-Manager form of government and were determined to be comparable to Kenmore for purposes of last year's salary commission, seven offer medical, dental, and/or vision benefits to their Councilmembers. None of Kenmore's neighboring cities currently offer these benefits to their City Councilmembers.</p> <p>Please see the attached memo for more detail on this subject.</p>											

I:/City Clerk/Agenda Items/Templates



# City of Kenmore, Washington

## Memorandum

Date: March 11, 2022  
 To: Rob Karlinsey, City Manager  
 From: Garrett Oppenheim, Intern in City Manager's Office  
 Regarding: City Council Insurance Benefits

### I. Background

When the Salary Commission determined the salaries of Kenmore's City Councilmembers in December 2021 it did not consider any benefits for the City Councilmembers because a persuasive 1988 Attorney General's Office opinion reasoned that the standard definition of the word "salary" does not include health benefits such that it should not be within the purview of the Salary Commission to provide for them as part of the City Councilmembers' salaries.<sup>1</sup> In addition, the State Legislature adopted RCW 41.04.190, which provides that health coverage insurance "is not additional compensation." Under RCW 41.04.180 health coverage may be authorized by a city's "principal supervising official or governing body," i.e., the City Council. As such, it is within the jurisdiction of the Kenmore City Council to provide for medical, dental, and vision benefits for its members, if it so chooses.

Appendices A and B of this memo demonstrate that most of the cities surrounding Kenmore do not in fact provide health care benefits to their City Councils and indeed, few of the Council-Manager cities used by the Salary Commission as comparables to Kenmore provide such benefits. Of the cities that border Kenmore – Brier, Bothell, Kirkland, Lake Forest Park, and Shoreline – none currently provide medical, dental, or vision insurance benefits to their City Councils. Kirkland and Shoreline offer them but not enough Councilmembers choose to participate such that none are eligible. Of the 26 Council-Manager cities used by the Salary Commission as comparable cities to Kenmore for the purpose of determining the City Councilmembers' salaries, only Battle Ground, Centralia, and Puyallup pay for their Councilmembers' medical insurance. Puyallup and Sammamish are the only cities that provide dental and vision benefits to their Councilmembers. Sammamish and University Place would provide medical benefits but their City Councils do not meet the minimum participation requirements so they do not currently offer any medical coverage.

### II. Available Plans and Associated Costs

All of the plans offered through the Association of Washington Cities Employee Benefit Trust are available options for elected officials, even though only five medical insurance plans, two dental insurance plans, and one vision plan are offered to other City of Kenmore employees. The Council is considered a separate group from other city employees such that the City may offer its

<sup>1</sup> AGO 1988 No. 29 at 3.

members plans that are not offered to other employees. The following plans, labelled with stars in the plan detail charts on the next several pages, are currently offered to other City of Kenmore employees:

Type	Provider	Plan Name
Medical	Regence BlueShield/ Asuris Northwest Health	HealthFirst 250
	Regence BlueShield/ Asuris Northwest Health	Accountable Health Network
	Regence BlueShield/ Asuris Northwest Health	High Deductible Health Plan
	Kaiser Permanente	Kaiser Access PPO
	Kaiser Permanente	High Deductible Health Plan
Dental	Delta Dental of Washington	Plan F with Ortho Rider V
	Willamette Dental	\$10 Copay
Vision	Vision Service Plan	\$25 Copay

The minimum participation for the above plans is four Councilmembers for medical and six Councilmembers for dental and vision. (see discussion on Minimum Enrollment Requirements later in this document)

If provided medical, dental, and/or vision benefits, City Council members would enroll with the initial offering or within 30 days of election, in the manner of a newly hired employee. Those who fail to enroll upon the initial offering would have the option to enroll during open enrollment each year with coverage effective on January 1.

Rates differ based on plan but do not change based on the number of Council members who elect to get coverage. The City may elect to pay between 0 and 100% of the premium for medical coverage, but the City must pay at least 75% of the premium for dental and vision coverage.

The lowest monthly rate among the plans available through AWC Employee Benefit Trust to cover only a Councilmember and no spouses or children is \$569, which is the high deductible plan. With the minimum participation required for any Councilmembers to receive medical benefits being four, if the City of Kenmore covered that full cost as it does for other city employees, it would cost the City \$27,312 per year. If all seven Councilmembers participated in the benefits, it would cost \$47,796 per year. Kenmore's population in 2022, according to the MRSC, is 24,050, such that with minimum participation at the least expensive option, health insurance benefits for City Council would cost each resident \$1.14 each year, and with full participation it would cost each resident \$1.99 each year. Those costs increase substantially if coverage is provided for spouses and children.

Kenmore is eligible for WellCity discounted rates on the Kaiser and Regence/BlueShield plans through The Employee Benefit Trust, and that would not change if benefits are also provided to City Council. As such, those rates are reflected in the tables below.



# City of Kenmore, Washington

## Memorandum

### A. Medical

Regence BlueShield/Asuris Northwest Health and Kaiser Permanente each offer four plans from which to choose.

#### 1. Regence BlueShield/Asuris Northwest Health

##### a. Plan Details

Plan Name	Network	Deductible	Typical Patient Responsibility	Prescriptions	Out of Pocket Maximum
HealthFirst 250*	PPO preferred	\$250/person \$750/family	10% coinsurance	<ul style="list-style-type: none"> <li>\$5 generic</li> <li>\$25 name brand formulary</li> <li>\$50 name brand non-formulary</li> <li>\$100 specialty medications</li> </ul>	\$3,000/person \$6,000/family
HealthFirst 500	PPO preferred	\$500/person \$1,500/family	20% coinsurance	<ul style="list-style-type: none"> <li>\$10 generic</li> <li>\$20 name brand formulary</li> <li>50% coinsurance name brand non-formulary</li> </ul>	\$3,500/person \$7,000/family
Accountable Health Network*	PPO- four Accountable Health Networks	\$250/person \$750/family	10% coinsurance	<ul style="list-style-type: none"> <li>\$5 generic</li> <li>\$25 name brand formulary</li> <li>\$50 name brand non-formulary</li> <li>\$100 specialty medications</li> </ul>	\$2,000/person \$4,000/family
Regence/Asuris High Deductible Health Plan*	PPO preferred	\$1,500 individual coverage \$3,000 family coverage	20% coinsurance	<ul style="list-style-type: none"> <li>20% coinsurance</li> <li>Optimum value drugs not subject to deductible</li> </ul>	\$5,000/person \$10,000/family

b. Plan Rates

HealthFirst 250	2022 Monthly Rate
<b>Employee only</b>	\$817.82
<b>Employee and spouse</b>	\$1,642.46
<b>Employee, spouse, and one child</b>	\$2,048.68
<b>Employee, spouse, and two children</b>	\$2,384.54
<b>Employee and one child</b>	\$1,224.04
<b>Employee and two children</b>	\$1,559.90
<b>More dependents</b>	No additional charge

HealthFirst 500	2022 Monthly Rate
<b>Employee only</b>	\$768.54
<b>Employee and spouse</b>	\$1,544.38
<b>Employee, spouse, and one child</b>	\$1,925.68
<b>Employee, spouse, and two children</b>	\$2,242.58
<b>Employee and one child</b>	\$1,149.84
<b>Employee and two children</b>	\$1,466.76
<b>More dependents</b>	No additional charge

Accountable Health Network	2022 Monthly Rate
<b>Employee only</b>	\$780.84
<b>Employee and spouse</b>	\$1,568.24
<b>Employee, spouse, and one child</b>	\$1,956.14
<b>Employee, spouse, and two children</b>	\$2,276.82
<b>Employee and one child</b>	\$1,168.74
<b>Employee and two children</b>	\$1,489.42
<b>More dependents</b>	No additional charge

High Deductible Health Plan	2022 Monthly Rate
<b>Employee only</b>	\$568.70
<b>Employee and spouse</b>	\$1,144.38
<b>Employee, spouse, and one child</b>	\$1,433.02
<b>Employee, spouse, and two children</b>	\$1,669.38
<b>Employee and one child</b>	\$857.36
<b>Employee and two children</b>	\$1,093.70
<b>More dependents</b>	No additional charge

2. Kaiser Permanente  
a. Plan Details

Plan Name	Network	Deductible	Typical Patient Responsibility	Prescriptions	Out of Pocket Maximum
Kaiser 200	Kaiser Permanente providers & facilities	\$200/person \$400/family	\$20 copay, then 10% coinsurance	<ul style="list-style-type: none"> <li>\$10 preferred generic</li> <li>\$20 preferred brand</li> <li>\$40 non-preferred</li> </ul>	\$2,500/person \$5,000/family
Kaiser 500	Kaiser Permanente providers & facilities	\$500/person \$1,000/family	\$20 copay, then 20% coinsurance	<ul style="list-style-type: none"> <li>\$10 preferred generic</li> <li>\$30 preferred brand</li> <li>\$50 non-preferred</li> </ul>	\$3,500/person \$7,000/family
Kaiser Access PPO*	Kaiser Permanente & First Choice Health Network providers & facilities	\$250/person \$750/family	\$10 copay (PCP) \$20 copay (Specialist) 10% coinsurance	<ul style="list-style-type: none"> <li>\$10 preferred generic</li> <li>\$35 preferred brand (\$30 at KP facility)</li> <li>\$70 non-preferred (\$65 at KP facility)</li> </ul>	\$2,500/person \$5,000/family
Kaiser High Deductible Health Plan*	Kaiser Permanente providers & facilities	\$1,500 individual coverage \$3,000 family coverage	\$20 copay, then 10% coinsurance	<ul style="list-style-type: none"> <li>\$15 preferred generic</li> <li>\$30 preferred brand</li> <li>\$50 non-preferred (\$0 generic preventative drugs)</li> </ul>	\$3,750/person \$7,500/family

b. Rates

Kaiser 200	2022 Monthly Rate
<b>Employee only</b>	\$697.96
<b>Employee and spouse</b>	\$1,384.30
<b>Employee, spouse, and one child</b>	\$1,734.50
<b>Employee, spouse, and two children</b>	\$2,084.72
<b>Employee and one child</b>	\$1,048.18
<b>Employee and two children</b>	\$1,398.38
<b>More dependents</b>	No additional charge

Kaiser 500	2022 Monthly Rate
<b>Employee only</b>	\$645.62
<b>Employee and spouse</b>	\$1,280.48
<b>Employee, spouse, and one child</b>	\$1,604.42
<b>Employee, spouse, and two children</b>	\$1,928.40
<b>Employee and one child</b>	\$969.58
<b>Employee and two children</b>	\$1,293.54
<b>More dependents</b>	No additional charge

Kaiser Access PPO	2022 Monthly Rate
<b>Employee only</b>	\$772.82
<b>Employee and spouse</b>	\$1,533.20
<b>Employee, spouse, and one child</b>	\$1,921.06
<b>Employee, spouse, and two children</b>	\$2,308.92
<b>Employee and one child</b>	\$1,160.68
<b>Employee and two children</b>	\$1,548.54
<b>More dependents</b>	No additional charge

High Deductible Health Plan	2022 Monthly Rate
<b>Employee only</b>	\$580.74
<b>Employee and spouse</b>	\$1,149.80
<b>Employee, spouse, and one child</b>	\$1,440.62
<b>Employee, spouse, and two children</b>	\$1,731.44
<b>Employee and one child</b>	\$871.56
<b>Employee and two children</b>	\$1,162.38
<b>More dependents</b>	No additional charge

B. Dental

Delta Dental of Washington offers eight different dental plans and five orthodontics riders to choose from while Willamette Dental offers two choices.

1. Delta Dental of Washington
  - a. Plan Details

Over 90% of the dentists in Washington are in-network.

	Plan A	Plan B	Plan C	Plan D	Plan E	Plan F*	Plan G	Plan J
<b>Class I</b> (diagnostic, preventative exam, x-ray, cleaning, fluoride)	100 – 70% Incentive	100 – 70% Incentive	70%	100%	100 – 70% Incentive	100 – 70% Incentive	100%	100 – 70% Incentive Does not accrue toward plan maximum
<b>Class II</b> (restorative, oral surgery, root canals, periodontal)				80%			80%	100 – 70% Incentive
<b>Class III</b> (crowns, onlays)				50%			50%	
<b>Class III*</b> (prosthetics, bridges, partials)	50%	50%	50%	50%	50%	50%	50%	50%
<b>Annual Plan Maximum</b>	\$1,000					\$1,500	\$2,000	\$1,500

Delta Dental Orthodontia Riders that can be added to any of the above plans

	Rider I	Rider II	Rider III	Rider IV	Rider V*
<b>Covers</b>	Dependent children	Dependent children	Dependent children & adults	Dependent children	Dependent children & adults
<b>Benefit</b>	50% to \$500 lifetime maximum	50% to \$1,000 lifetime maximum	50% to \$1,000 lifetime maximum	50% to \$2,000 lifetime maximum	50% to \$2,000 lifetime maximum



b. Rates

Plan A	2022 Monthly Rate
<b>Employee</b>	\$53.82
<b>Employee and 1 dependent</b>	\$102.20
<b>Employee and 2 or more dependents</b>	\$161.42

Plan B	2022 Monthly Rate
<b>Employee</b>	\$47.44
<b>Employee and 1 dependent</b>	\$88.56
<b>Employee and 2 or more dependents</b>	\$145.48

Plan C	2022 Monthly Rate
<b>Employee</b>	\$38.78
<b>Employee and 1 dependent</b>	\$74.68
<b>Employee and 2 or more dependents</b>	\$122.10

Plan D	2022 Monthly Rate
<b>Employee</b>	\$49.96
<b>Employee and 1 dependent</b>	\$105.46
<b>Employee and 2 or more dependents</b>	\$156.14

Plan E	2022 Monthly Rate
<b>Employee</b>	\$49.66
<b>Employee and 1 dependent</b>	\$92.32
<b>Employee and 2 or more dependents</b>	\$151.82

Plan F	2022 Monthly Rate
<b>Employee</b>	\$55.88
<b>Employee and 1 dependent</b>	\$105.68
<b>Employee and 2 or more dependents</b>	\$165.42

Plan G	2022 Monthly Rate
<b>Employee</b>	\$54.72
<b>Employee and 1 dependent</b>	\$103.52
<b>Employee and 2 or more dependents</b>	\$171.12

Plan J	2022 Monthly Rate
<b>Employee</b>	\$57.78
<b>Employee and 1 dependent</b>	\$109.28
<b>Employee and 2 or more dependents</b>	\$171.06

Orthodontia Rider I	2022 Monthly Rate
<b>Employee</b>	\$0
<b>Employee and 1 dependent</b>	\$0.16
<b>Employee and 2 or more dependents</b>	\$9.88

Orthodontia Rider II	2022 Monthly Rate
<b>Employee</b>	\$0
<b>Employee and 1 dependent</b>	\$0.42
<b>Employee and 2 or more dependents</b>	\$19.74

Orthodontia Rider III	2022 Monthly Rate
<b>Employee</b>	\$1.26
<b>Employee and 1 dependent</b>	\$3.12
<b>Employee and 2 or more dependents</b>	\$22.22

Orthodontia Rider IV	2022 Monthly Rate
<b>Employee</b>	\$0
<b>Employee and 1 dependent</b>	\$1.06
<b>Employee and 2 or more dependents</b>	\$35.44

Orthodontia Rider V	2022 Monthly Rate
<b>Employee</b>	\$2.50
<b>Employee and 1 dependent</b>	\$5.80
<b>Employee and 2 or more dependents</b>	\$39.80



## City of Kenmore, Washington

### Memorandum

#### Willamette Dental

##### a. Plan Details

	<b>\$10 Copay Plan*</b>	<b>\$15 Copay Plan</b>
	<i>Diagnostic &amp; Preventative</i>	
Exams, X-Rays, Cleaning, & Fluoride	\$10 copay, then paid at 100%	\$15 copay, then paid at 100%
	<i>Restorative</i>	
Fillings	\$10 copay, then paid at 100%	\$15 copay, then paid at 100%
Oral Surgery	\$10 copay, then paid at 100%	\$75-150 copay, then paid at 100%
Extractions, Crowns, Bridges, Dentures	\$10 copay, then paid at 100%	\$80/\$150/\$300 copay, then paid at 100%
	<i>Endodontics &amp; Periodontics</i>	
Root Planing, Root Canal Therapy	\$30 copay, then paid at 100%	\$60-\$150 copay, then paid at 100%
	<i>Orthodontia</i>	
Pre-orthodontic Service	\$150 copay, then paid at 100%	\$150 copay, then paid at 100%
Comprehensive Orthodontia	\$1,000 copay, then paid at 100% (\$150 copay is credited)	\$1,500 copay, then paid at 100% (\$150 copay is credited)
<b>Annual Maximum</b>	No annual plan maximum	No annual plan maximum

##### b. Rates

<b>\$10 Copay Plan</b>	2022 Monthly Rate
Employee	\$64.32
Employee and 1 dependent	\$120.50
Employee and 2 or more dependents	\$191.92

<b>\$15 Copay Plan</b>	2022 Monthly Rate
Employee	\$49.18
Employee and 1 dependent	\$94.84
Employee and 2 or more dependents	\$156.44

### C. Vision

Vision Service Plan offers four options for vision insurance. A second pair rider can be added to any of the \$0, \$10, or \$25 Copay plans, allowing a second pair of glasses (either frames and lenses or contacts, up to an allowable charge) for a \$20 copay.

#### a. Plan Details

Plan Name	Copay	Routine Eye Exam	Lenses	Frames	Contact Lenses
\$0 Copay	\$0	100%	Materials copay, then	100% up to \$150	100% up to \$200 every 12
\$10 Copay	\$10 materials	(One exam every	100% covered lens	every 24 months	months for contacts and the
\$25 Copay*	\$25 materials	12 months)	options (Every 12		contact lens exam
			months)		
\$10/\$15 Copay	\$10 eye exam \$15 materials	100% (One exam every	Materials copay, then		100% up to \$150 every 24
		24 months)	100% covered lens		months for contacts and the
			options (Every 24		contact lens exam
			months)		

#### b. Rates

\$0 Copay Plan	2022 Monthly Rate	Rate with Second Pair Rider
<b>Employee</b>	\$10.96	\$12.02
<b>Employee + 1</b>	\$21.92	\$24.04
<b>Employee + 2</b>	\$32.88	\$36.06

\$25 Copay Plan	2022 Monthly Rate	Rate with Second Pair Rider
<b>Employee</b>	\$7.72	\$8.78
<b>Employee + 1</b>	\$15.44	\$17.56
<b>Employee + 2</b>	\$23.16	\$26.34

\$10 Copay Plan	2022 Monthly Rate	Rate with Second Pair Rider
<b>Employee</b>	\$9.54	\$10.58
<b>Employee + 1</b>	\$19.06	\$21.18
<b>Employee + 2</b>	\$28.58	\$31.76

\$10/\$15 Copay Plan	2022 Monthly Rate	Rate with Second Pair Rider
<b>Employee</b>	\$6.10	N/A
<b>Employee + 1</b>	\$12.20	N/A
<b>Employee + 2</b>	\$18.30	N/A



# City of Kenmore, Washington

## Memorandum

### III. Minimum Enrollment Requirements

There are minimum participation requirements for all of the benefits detailed above. In order for any Council members to receive medical coverage, no fewer than 50% of the Council members must participate, meaning four of the seven City Council members must participate in medical coverage for any of the Council members to be eligible. Dental and vision coverage require 75% of the Council members to participate in order for the City to offer the coverage to any members. For a seven-member Council, this means that at least four Councilmembers must participate in the medical plans and at least six of the seven Council members must participate in dental or vision coverage for any to be eligible.

Assuming the minimum of four Councilmembers enroll in the medical plans, there is no minimum enrollment in individual plans. For instance, if three Council members elected to enroll in a Kaiser Permanente plan and one selected a Regence/BlueShield plan, that would suffice to maintain eligibility for the Council as four members would be participating.

### IV. Minimum Enrollment Periods and Commitments

There is no minimum enrollment period for any of the coverages, but it is important to know that if participation in the plan drops below the eligibility threshold (either 50% for medical or 75% for dental and vision), then all of the Council members become ineligible for coverage on the first of the month following non-compliance. The loss of eligibility is not considered a qualifying event for COBRA.

### V. Next Steps

If the City Council is interested in pursuing health insurance benefits further, the next step would be to review in more detail the available plans. Once the Council chooses a plan or plans, the following step should be to direct staff to prepare a resolution authorizing health insurance benefits for City Councilmembers. The Council would also need to decide how much of the monthly premiums would be paid by the City and by the participating Councilmembers.

### VI. Appendix A. Medical, Dental, and/or Vision Benefits Provided to City Council Members in Kenmore's Neighboring Cities

<i>City</i>	<i>Benefits Provided to City Council Members (Medical, Dental, Vision)</i>
<i>Bothell</i>	none
<i>Brier</i>	none
<i>Kirkland</i>	none*
<i>Lake Forest Park</i>	none
<i>Shoreline</i>	none**
<i>Woodinville</i>	none

\*Kirkland offers the option for the City to pay for medical, dental, and vision benefits but no Councilmembers currently participate.

\*\*Shoreline offers the option for the City to pay for medical, dental, and vision benefits but the entire Council must participate and currently that is not the case so no Councilmembers receive these benefits.

VII. Appendix B. Medical, Dental, and/or Vision Benefits Provided to City Council Members in Comparable Cities to Kenmore<sup>2</sup>

<i>City</i>	<i>Benefits Provided to City Council Members (Medical, Dental, Vision)</i>
<i>Bainbridge Island</i>	none
<i>Battle Ground</i>	Medical is provided but the Council does not meet the minimum participation requirement to be eligible for dental or vision
<i>Burien</i>	\$600/month VEBA
<i>Centralia</i>	medical, dental, and vision for Council members but not families
<i>Covington</i>	none
<i>Des Moines</i>	none
<i>Ellensburg</i>	none
<i>Kelso</i>	none
<i>Lacey</i>	none
<i>Longview</i>	none
<i>Maple Valley</i>	none
<i>Mercer Island</i>	none
<i>Mill Creek</i>	none
<i>Moses Lake</i>	none
<i>Mountlake Terrace</i>	none
<i>Newcastle</i>	none
<i>Olympia</i>	none
<i>Port Angeles</i>	Medical and dental are available to City Councilmembers only if the Councilmember pays 100% of the premium.
<i>Puyallup</i>	medical, dental, and vision
<i>Sammamish</i>	The City pays the entire cost for dental and vision benefits for employees, but while medical benefits are also offered, there has not been enough interest among Councilmembers to reach minimum participation requirements for eligibility so they do not currently provide medical insurance benefits.
<i>SeaTac</i>	none
<i>Shelton</i>	none
<i>Sunnyside</i>	none
<i>University Place</i>	Benefits are offered but their agreement with AWC requires a 75% participation rate for eligibility and they do not meet that so they do not provide any benefits at this time.
<i>Walla Walla</i>	none
<i>Washougal</i>	none

<sup>2</sup> Cities with Council-Manager form of government used by the Salary Commission as comparable cities to Kenmore, excluding those in Appendix A.

# Provision of Health Insurance Benefits to City Council

# Background Information

- Salary Commission
- Attorney General
- RCW 41.04.190

# Enrollment Information

- Dates & Deadlines
- Rates
- WellCity



# Kenmore's Neighbors

City	Benefits Provided to City Council Members (Medical, Dental, Vision)
Bothell	none
Brier	none
Kirkland	none*
Lake Forest Park	none
Shoreline	none**
Woodinville	none

\*Kirkland offers the option for the City to pay for medical, dental, and vision benefits but no Councilmembers currently participate.

\*\*Shoreline offers the option for the City to pay for medical, dental, and vision benefits but the entire Council must participate and currently that is not the case so no Councilmembers receive these benefits.

## Council-Manager Cities in Washington Comparable to Kenmore

7 Provide Benefits to Council	
Battle Ground	Medical provided
Burien	\$600/month VEBA
Centralia	Medical, dental, vision provided for Council, not families
Port Angeles	Councilmembers must pay 100% of premium
Puyallup	Medical, dental, vision
Sammamish	Dental and vision provided; medical offered but minimum participation not met so medical is not provided
University Place	Benefits offered but minimum participation not met so they are not provided

21 Do Not Provide Benefits to Council	
Bainbridge Island	Moses Lake
Bothell	Mountlake Terrace
Covington	Newcastle
Des Moines	Olympia
Ellensburg	SeaTac
Kelso	Shelton
Lacey	Sunnyside
Longview	Walla Walla
Maple Valley	Washougal
Mercer Island	Woodinville
Mill Creek	

Of the 28 cities in Washington that also use a Council-Manager form of government and were determined to be comparable to Kenmore for purposes of last year's salary commission, only 7 offer any of medical, dental, and vision benefits to their Council members.

# Available Plans

## AWC Employee Benefit Trust Plans

- Medical (4 Regence, 4 Kaiser)
- Dental (8 Delta, 2 Willamette)
- Vision (4 VSP)

## Available to City Staff

- Medical (3 Regence, 2 Kaiser)
- Dental (1 Delta, 1 Willamette)
- Vision (1 VSP)

## MEDICAL PLANS AVAILABLE TO CITY KENMORE OF EMPLOYEES

Plan Name	Network	Deductible	Typical Patient Responsibility	Prescriptions	Out of Pocket Maximum
<b>Regence HealthFirst 250</b>	PPO preferred	\$250/person \$750/family	10% coinsurance	<ul style="list-style-type: none"> <li>\$5 generic</li> <li>\$25 name brand formulary</li> <li>\$50 name brand non-formulary</li> <li>\$100 specialty medications</li> </ul>	\$3,000/person \$6,000/family
<b>Regence Accountable Health Network</b>	PPO- four Accountable Health Networks	\$250/person \$750/family	10% coinsurance	<ul style="list-style-type: none"> <li>\$5 generic</li> <li>\$25 name brand formulary</li> <li>\$50 name brand non-formulary</li> <li>\$100 specialty medications</li> </ul>	\$2,000/person \$4,000/family
<b>Regence/Asuris High Deductible Health Plan</b>	PPO preferred	\$1,500 individual coverage \$3,000 family coverage	20% coinsurance	<ul style="list-style-type: none"> <li>20% coinsurance</li> <li>Optimum value drugs not subject to deductible</li> </ul>	\$5,000/person \$10,000/family
<b>Kaiser Access PPO</b>	KP & First Choice Health Network providers & facilities	\$250/person \$750/family	\$10 copay (PCP) \$20 copay (Specialist) 10% coinsurance	<ul style="list-style-type: none"> <li>\$10 preferred generic</li> <li>\$35 preferred brand (\$30 at KP facility)</li> <li>\$70 non-preferred (\$65 at KP facility)</li> </ul>	\$2,500/person \$5,000/family
<b>Kaiser High Deductible Health Plan</b>	KP providers & facilities	\$1,500 individual coverage \$3,000 family coverage	\$20 copay, then 10% coinsurance	<ul style="list-style-type: none"> <li>\$15 preferred generic</li> <li>\$30 preferred brand</li> <li>\$50 non-preferred (\$0 generic preventative drugs)</li> </ul>	\$3,750/person \$7,500/family

# DENTAL PLANS AVAILABLE TO CITY OF KENMORE EMPLOYEES

Delta Dental	Plan F
Class I (diagnostic, preventative exam, x-ray, cleaning, fluoride)	100 – 70% Incentive
Class II (restorative, oral surgery, root canals, periodontal)	
Class III (crowns, onlays)	
Class III* (prosthetics, bridges, partials)	50%
Annual Plan Maximum	\$1,500

Willamette Dental	\$10 Copay Plan
	Diagnostic & Preventative
Exams, X-Rays, Cleaning, & Fluoride	\$10 copay, then paid at 100%
	Restorative
Fillings	\$10 copay, then paid at 100%
Oral Surgery	\$10 copay, then paid at 100%
Extractions, Crowns, Bridges, Dentures	\$10 copay, then paid at 100%
	Endodontics & Periodontics
Root Planing, Root Canal Therapy	\$30 copay, then paid at 100%
	Orthodontia
Pre-orthodontic Service	\$150 copay, then paid at 100%
Comprehensive Orthodontia	\$1,000 copay, then paid at 100% (\$150 copay is credited)
Annual Maximum	No annual plan maximum

VISION PLAN AVAILABLE TO CITY OF KENMORE EMPLOYEES

Plan Name	Copay	Routine Eye Exam	Lenses	Frames	Contact Lenses
\$25 Copay	\$25 materials	100% (One exam every 12 months)	Materials copay, then 100% covered lens options (Every 12 months)	100% up to \$150 every 24 months	100% up to \$200 every 12 months for contacts and the contact lens exam

Type	Provider	Plan Name	Monthly Premiums					
			Employee Only	Employee & Spouse	Employee, Spouse, 1 Child	Employee, Spouse, 2 Children	Employee & 1 Child	Employee & 2 Children
Medical	Regence BlueShield/Asuris Northwest Health	HealthFirst 250	\$817.82	\$1,642.46	\$2,048.68	\$2,384.68	\$1,224.04	\$1,559.90
	Regence BlueShield/Asuris Northwest Health	Accountable Health Network	\$780.84	\$1,568.24	\$1,956.14	\$2,276.82	\$1,168.74	\$1,489.42
	Regence BlueShield/Asuris Northwest Health	High Deductible Health Plan	\$568.70	\$1,144.38	\$1,433.02	\$1,669.38	\$857.36	\$1,093.70
	Kaiser Permanente	Kaiser Access PPO	\$772.82	\$1,533.20	\$1,921.06	\$2,308.92	\$1,160.68	\$1,548.54
	Kaiser Permanente	High Deductible Health Plan	\$580.74	\$1,149.80	\$1,440.62	\$1,731.44	\$871.56	\$1,162.38
Dental	Delta Dental of Washington	Plan F with Ortho Rider V	\$55.88	\$105.68	\$165.42			
	Willamette Dental	\$10 Copay	\$64.32	\$120.50	\$191.92			
Vision	Vision Service Plan	\$25 Copay	\$7.72	\$15.44	\$23.16			

## Eligibility Requirements

- Minimum Participation
  - Medical
  - Dental and Vision
  - Individual Plans
- Minimum Commitment Period
  - Not a COBRA Qualifying Event



# Next Steps

- Review
- Contributions
- Resolution

Thank  
You

- Questions?

<p><b>Subject/Topic:</b> Overview of Potential Kenmore Dog Park Locations and their Suitability</p>   <p><b>Proposed Council Action/Motion:</b> None, informational only</p>	<p><b>For Council Meeting Agenda of:</b> 3/21/2022</p> <p><b>Department:</b> Community Development</p> <p><b>Prepared by:</b> Rob Sayre-McCord, Parks Project Manager</p> <div style="text-align: right;"> <u><b>Initial &amp; Date</b></u> </div> <p>Approved by Department Head: _____ DB _____</p> <p>Approved by City Attorney: _____ N/A _____</p> <p>Approved by Finance Director: _____ N/A _____</p> <p>Approved by City Manager: _____ RK _____</p> <p><b>Exhibits/Attachments:</b> Presentation on existing dog parks in surrounding communities, internal site possibilities, and projected budget (to be uploaded by 3/18/22)</p>
<p><b><u>INFORMATION/BACKGROUND:</u></b> At the 3/21/22 Council meeting staff will present background information on dog parks including: 1. a preliminary assessment of dog parks in surrounding communities; 2. a preliminary assessment of potential locations; and 3. information on costs for establishing and maintaining a dog park. Staff is not requesting Council action 3/21/22. However, Council may wish to give direction to continue to pursue options for partnering for establishing a dog park outside city limits. The Mayor and City Manager recently met with King County Councilmember Rod Dembowski about the potential for locating a dog park at Big Finn Hill Park (located just south of Kenmore city limits).</p> <p>Agreement #16 in the January Council Retreat Report states “Host a study session with an expert on dog parks to learn more about the topic to better inform subsequent actions”. If Council direction is to continue to pursue establishment of a dog park, bringing an expert to a future study session will be explored.</p> <p>The Kenmore Community have expressed interest in the establishment of a dedicated dog park within city limits. A 2019 statistically valid survey conducted for the Park Recreation and Open Space (PROS), used a Priority Investment Rating tool to weigh the importance that residents place on facilities and how many residents have unmet needs for the facilities. An off-leash dog park was rated as one type of facility with a high priority for investment. There are four off-leash dog parks in surrounding communities within a ten-minute drive of Kenmore: Eastside Off-Leash Dog Area to the southwest, Mountlake Terrace Off-Leash Dog Park to the northwest, and the Edith Moulton Off-Leash Dog Area and Jasper’s Dog Park, both to the southeast. The northeastern quadrant of Kenmore is the furthest from an existing dog park with the two closest parks being 15 and 25 minutes away.</p> <p>Staff have reviewed potential locations within Kenmore for a future dog park site. There are a number of barriers to the establishment of a dog park within Kenmore. The City does not currently own any park space that does not present one or more serious impediment (environmental, size/space, terrain suitability, existing park amenities/uses) for its suitability as a dog park. The City is open to collaborating with adjacent communities for the development of a new dog park but these locations would not be within city limits. The option that appears best suited for this would be Big Finn Hill Park in Kirkland, located just outside the city border. However, this site would be located adjacent to the section of the city already best served by existing neighboring dog parks.</p>	

Lastly, staff has been researching costs for construction and ongoing maintenance of dog parks. A preliminary “draft” budget will be included in the presentation materials (presentation to be uploaded by 3/18/22).
<b><u>FISCAL CONSIDERATION:</u></b> No budget funds are currently allocated for a future dog park within city limits. This exercise was conducted for future informational purposes only.
<b><u>COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:</u></b> 2021—2022 Council Priorities: Council Priority #10: Foster and Create More Fun

# Kenmore

## Dog Parks

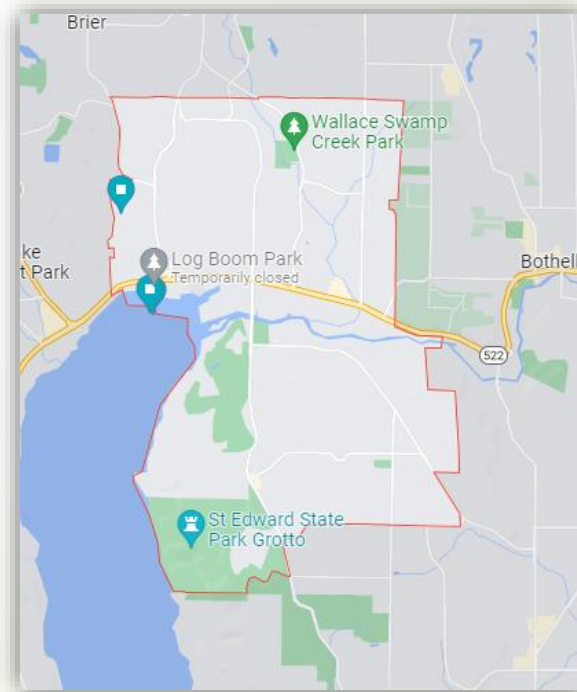
## Kenmore's Need for a Dog Park

- Number of dog parks in the US has grown by 40% since 2009
- 55% of P&R agencies contain a dog park amongst their park portfolio

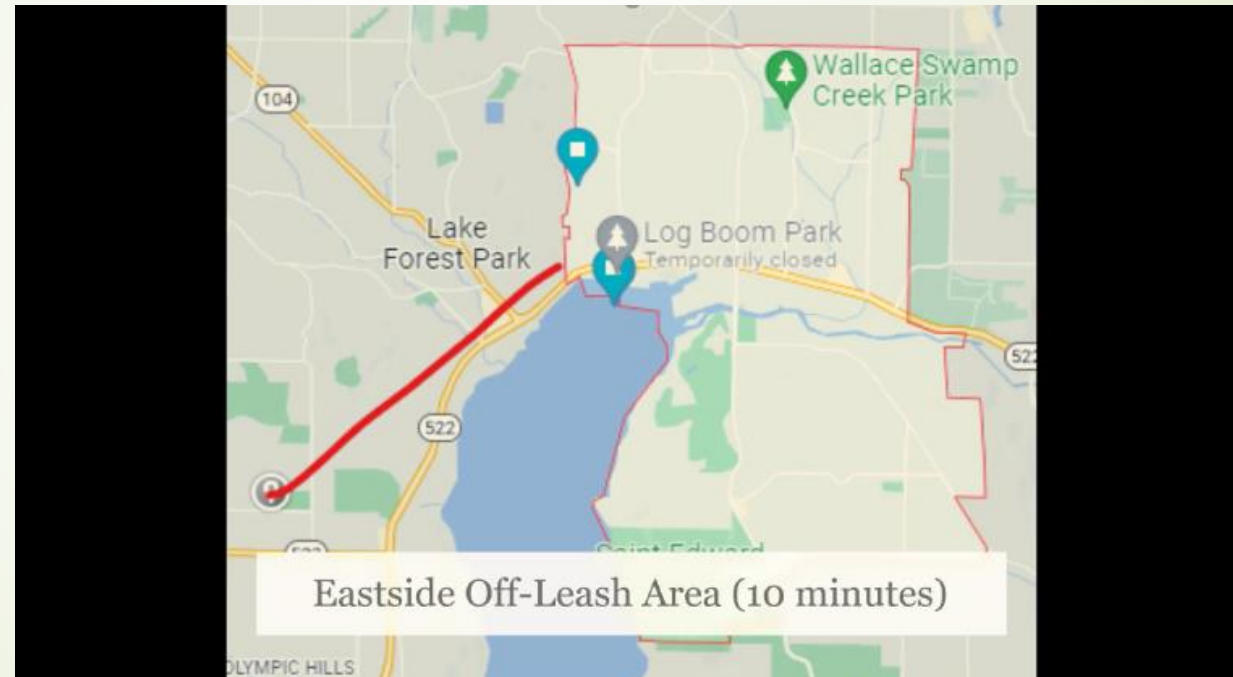




# Kenmore's Need for a Dog Park

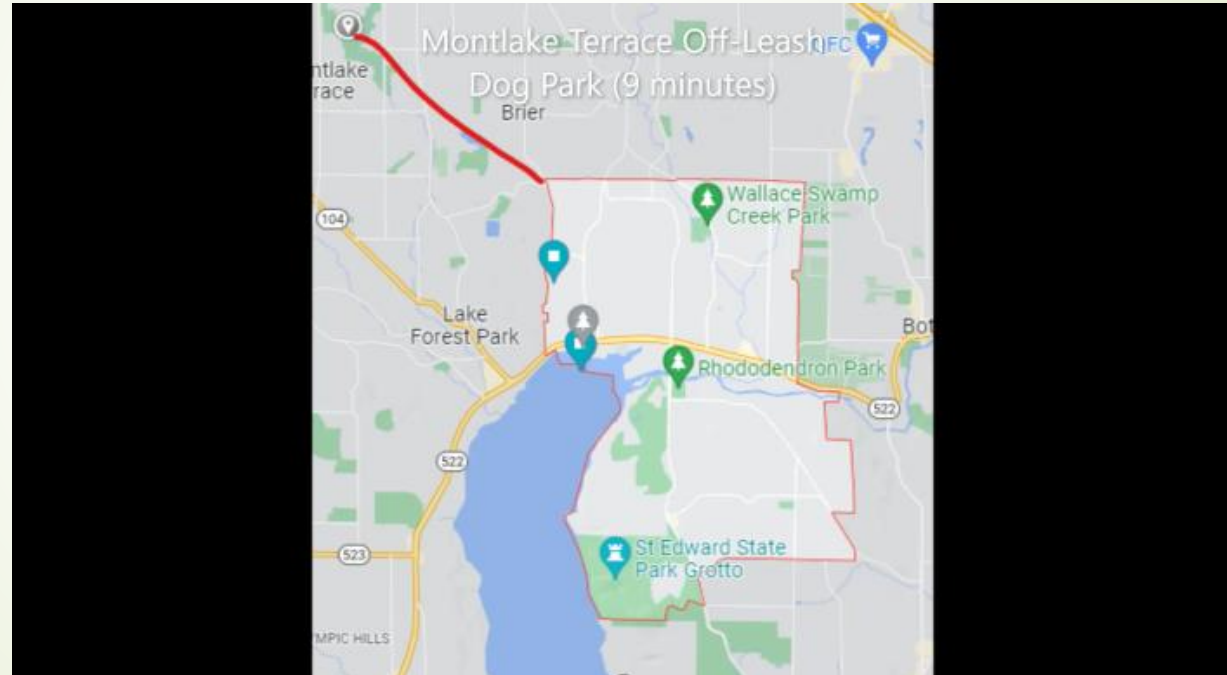


## Kenmore's Need for a Dog Park

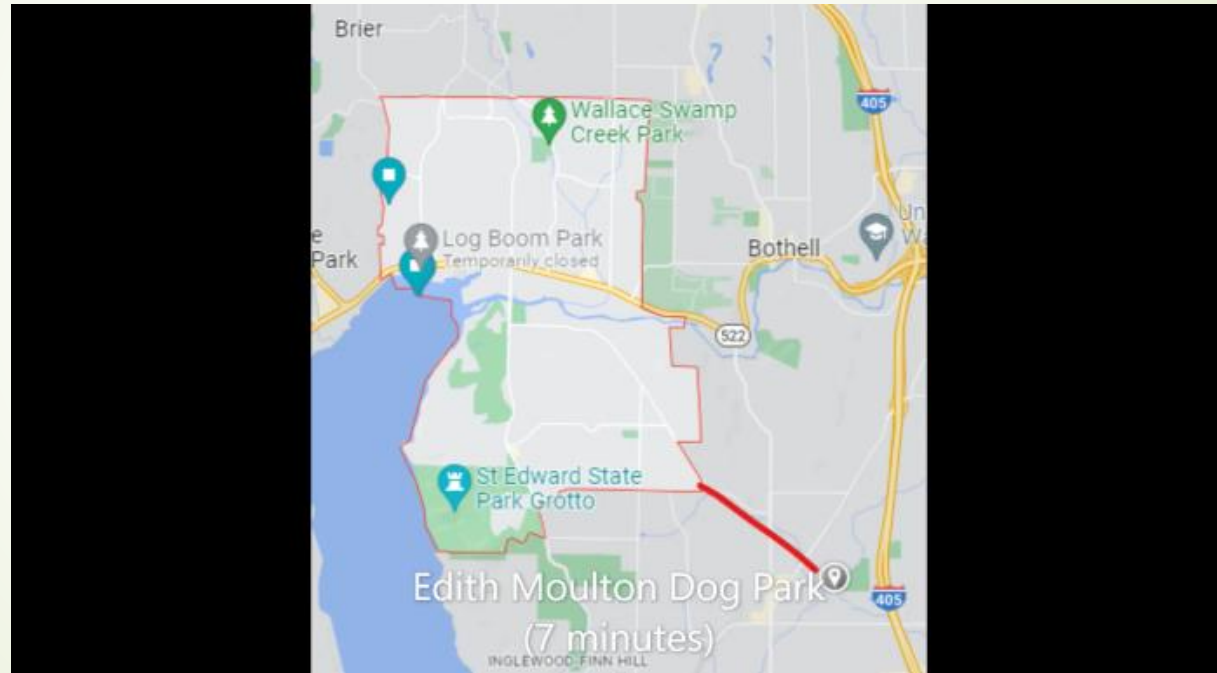




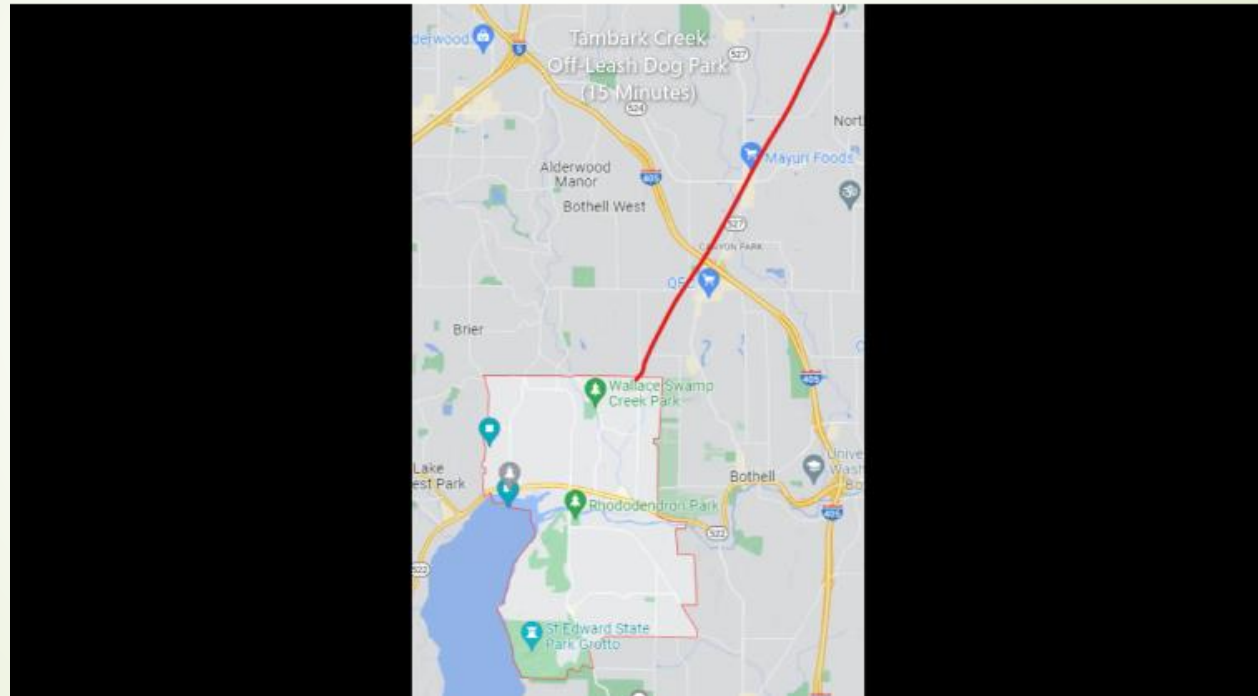
# Kenmore's Need for a Dog Park



## Kenmore's Need for a Dog Park



# Kenmore's Need for a Dog Park



# Dog Park Best Practices

- Between ½ and 1 acre
- Visual and physical buffer from residential areas
- Fence >5' high
- Double gated
- Surface of decomposed granite/sandy soil/wood chips





## Bothell Landing Pop-Up Dog Park



# Dog Park Best Practices

- Separate areas for small/large dogs
- Drinking water and shade
- Replicate a natural setting
- Pet waste
- Buy in from user groups for park stewardship





## Dog Park Optimal Amenities

- Varied terrain
- Water feature
- Climbing rocks
- Tunnels
- Walking/jogging path for human users
- Visual barriers (rocks, hills, trees)
- Substantial parking



# Common Dog Park Rules and Regulations

- This park is for the use of residents and their pets only
- Owners are legally responsible for their dogs and any injuries caused by them.
- Puppies and dogs must be properly licensed, inoculated, and healthy to use the park.
- Animals must wear a collar and ID tags at all times.
- Owners must clean up after their dogs.





# Common Dog Park Rules and Regulations

- Dogs showing aggression towards people or other animals must be removed from the park.
- Animals exhibiting a history of aggressive behavior will not be permitted.
- Puppies using the park must be at least four months old.
- Owners must not leave their dogs' unattended or allowed out of sight.
- Children under the age of 16 are not permitted in the park unless actively supervised by a parent.

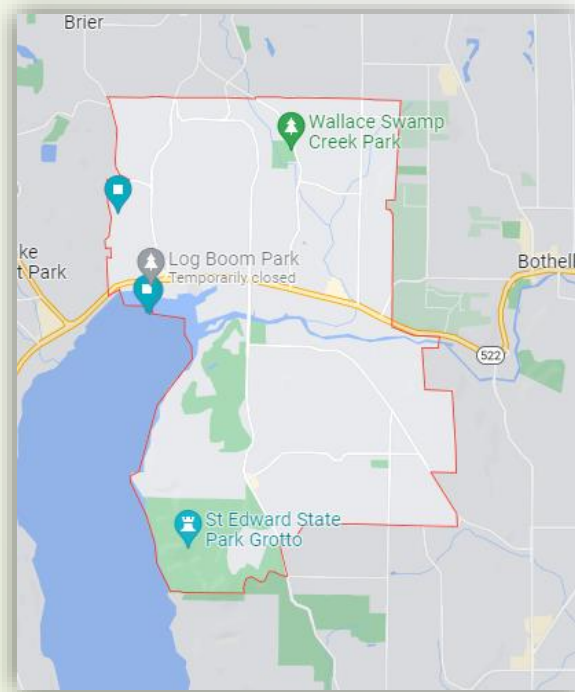


# Common Dog Park Rules and Regulations

- Dogs in heat are not allowed inside the park.
- No food, beverages, glass, sharp objects or weapons are permitted inside the park.
- Owners must carry a leash at all times. Dogs must be leashed before entering and prior to leaving the park.
- Violators will be subject to removal from the park and suspension of park privileges.



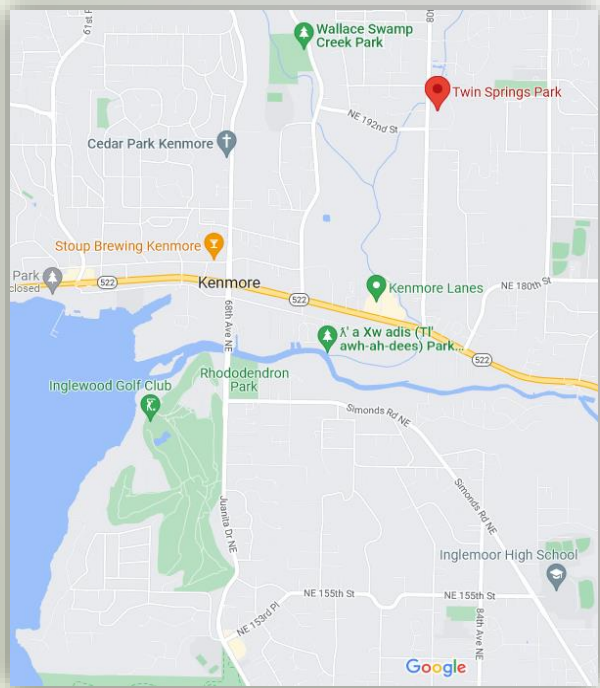
## Potential Kenmore Dog Parks -



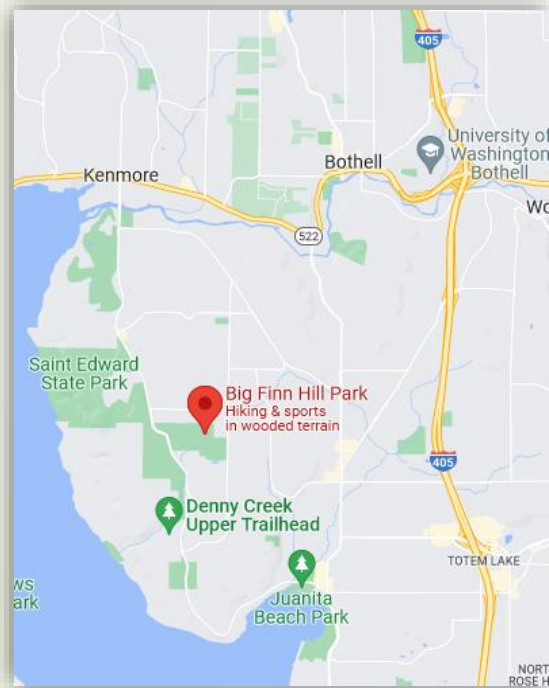




# Potential Kenmore Dog Parks - Twin Springs Park



## Potential Kenmore Dog Parks - Big Finn Hill Park





## Potential Kenmore Dog Parks - Associated Costs

- \$100-200k overall construction costs
- Maintenance crew: 8-20 hours/month
- Maintenance costs: \$10-20k/year



# Potential Kenmore Dog Parks

- Pop-up Dog Parks?
  - Lower cost
  - Temporary
  - Good track record
  - Opportunities for collaboration





# Questions?

