



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

City Council Special and Regular Meeting

ON-SITE

MONDAY, OCTOBER 16, 2023 - 5:30 PM

In addition, we try to provide access to the meeting virtually:

ZOOM LINK: <https://kenmorewa-gov.zoom.us/j/83423241506>

Or One tap Mobile: US: +12532050468,,83423241506#

Or Telephone Dial US: +1 253 205 0468

Callers please dial *9 to raise and lower hand

Webinar ID: 834 2324 1506

If you are having difficulty accessing the meeting virtually, please contact mkang@kenmorewa.gov.

Technical Difficulties - If the virtual component of the meeting disconnects, and we cannot resolve technical difficulties to reconnect the virtual component, the in-person meeting will continue at City Hall if there is a quorum of the body to conduct business.

Land Acknowledgement to Honor First Peoples

We acknowledge that the City of Kenmore is situated upon the ancestral lands of the Snohomish, Snoqualmie, Sauk-Suiattle, Duwamish, Stillaguamish, Tulalip, Suquamish, Muckleshoot, and other tribes who are part of the Coast Salish Peoples. We recognize and express our deepest respect for their enduring stewardship and profound relationship with this land, which they have cherished and protected since time immemorial. We honor the First Peoples, acknowledge their vibrant cultures, and commit ourselves to learning from their wisdom in our journey to promote justice, equity, and mutual understanding. We pledge to stand alongside these communities in acknowledging past injustices and working towards a future that respects and celebrates the diverse heritage of this land.

I. CALL SPECIAL MEETING TO ORDER - 5:30 PM

II. EXECUTIVE SESSION

- A. Pursuant to RCW 42.30.110(1)(b) and (i), the City Council will now enter an executive session to 1) consider real estate acquisition, and 2) discuss potential litigation. This executive session is slated to last 90 minutes, until approximately 7:00 PM.

III. POSSIBLE ACTION RELATING TO EXECUTIVE SESSION

**VIRTUAL PUBLIC COMMENT AND VIRTUAL PUBLIC HEARING
TESTIMONY TEMPORARILY SUSPENDED AFTER TONIGHT'S
MEETING UNTIL FURTHER NOTICE**

IV. ADJOURN SPECIAL MEETING

V. CALL REGULAR MEETING TO ORDER - 7:00 PM

VI. ROLL CALL

VII. LAND ACKNOWLEDGEMENT

VIII. FLAG SALUTE

IX. AGENDA APPROVAL

X. WHERE'S THE FUN?

XI. 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. We will hear from our on-site guests first, followed by our virtual guests. If you're online, please use the "raise hand" feature now if you wish to speak. All guests 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.

XII. CONSENT AGENDA

ITEMS A AND C ADOPTED. ITEM B ADOPTED WITH AMENDMENT.

- A. Approve Total Check #s 52982 through 53060 totaling \$1,207,622.21 and Total Payroll/Taxes/Flexible Spending/Retirement & Health Savings Account Electronic Deposits Dated 09/22/2023 in the amount totaling \$238,575.22 and ACH Payment to KBA Inc. in the amount of \$2,683.92, and Wire Transfer to Chicago Title in the amount of \$1,500.00.
[Voucher Certification and Approval 09/16/2023 - 09/29/2023](#)
- B. Adopt Proposed Ordinance No. 23-0593 Establishing Exceptional Tree Regulations and Procedures within the City. (Added 10/11/2023)
[Agenda Bill - Proposed Ordinance No. 23-0593](#)
[Attachment 1 - Proposed Ordinance No. 23-0593 \(updated 10/11/2023, see highlights\)](#)
[Attachment 2 - Proposed Ordinance No. 23-0593 Exhibit A](#)
[Attachment 3 - Proposed Ordinance No. 23-0593 Exhibit B](#)
[Attachment 4 - Proposed Ordinance No. 23-0593 Exhibit C](#)
[Attachment 5 - King County Conservation District Tree Canopy Study](#)
[Attachment 6 - September 2021 Exceptional Trees Policy Report](#)

[Attachment 7 - KMC 18.55.180, Reasonable Use Exception](#)

[Attachment 8 - 10/09/2023 Agenda Bill and Materials](#)

- C. Adopt Proposed Ordinance No. 23-0584, amending Kenmore Municipal Code (KMC) Sections 18.42.030 and 18.42.135 relating to unattended temporary signs and displays on City-owned property within the public/semi-public zone. (Added 10/11/2023)

[Agenda Bill - Proposed Ordinance No. 23-0584](#)

[Attachment 1 - Proposed Ordinance No. 23-0584 \(updated 10/11/2023, see highlights\)](#)

[Attachment 2 - Exhibit A of Proposed Ordinance No. 23-0584](#)

[Attachment 3 - 10/09/2023 Agenda Bill and Attachments](#)

XIII. BUSINESS AGENDA

- A. Planning Commission Recommendation on the Public Services Element and Utilities Element of the Comprehensive Plan Amendments, presented by Principal Planner Todd Hall and Planning Commissioners, *for discussion*

DISCUSSED

[Agenda Bill - Public Services Element and Utilities Element](#)

[Attachment 1 - Summary of Comprehensive Plan Amendments](#)

[Attachment 2 - Public Comments and Staff Responses](#)

[Attachment 3 - Draft Public Services Element](#)

[Attachment 4 - Draft Utilities Element](#)

[Attachment 5 - SEPA Determination of Nonsignificance](#)

[Attachment 6 - Police Services Report 2022](#)

[Presentation - Public Services Element and Utilities Element](#)

XIV. PUBLIC HEARING

- A. Proposed Ordinance No. 23-0577, repealing 1997 property maintenance codes and replacing them with a new Kenmore Property Maintenance Code (KPMC) based on the 2021 International Property Maintenance Code, presented by Development Services Director Samantha Loyuk, Building Official Bryan Hampson, and Code Compliance Officer Bridgit Baker, *for public hearing*

PUBLIC HEARING HELD

[Agenda Bill - Proposed Ordinance No. 23-0577, New Kenmore Property Maintenance Code](#)

[Attachment 1 - Proposed Ordinance No. 23-0577](#)

[Attachment 2 - Proposed Ordinance No. 23-0577 Exhibit A](#)

XV. BUSINESS AGENDA (continued)

- B. Proposed Ordinance No. 23-0577, repealing 1997 property maintenance codes and replacing them with a new Kenmore Property Maintenance

Code (KPMC) based on the 2021 International Property Maintenance Code, presented by Development Services Director Samantha Loyuk, Building Official Bryan Hampson, and Code Compliance Officer Bridgit Baker, *for adoption*

ADOPTED UNANIMOUSLY

[Agenda Bill - Proposed Ordinance No. 23-0577, New Kenmore Property Maintenance Code](#)

[Attachment 1 - Proposed Ordinance No. 23-0577](#)

[Attachment 2 - Proposed Ordinance No. 23-0577 Exhibit A](#)

- C. Surface Water Management (SWM) Capital Improvement Program (CIP) for Rapid Progress, presented by City Manager Rob Karlinsey, Finance and Administration Director Melinda Merrell, and Environmental Services Manager Richard Sawyer, *for discussion*

DISCUSSED

[Agenda Bill - 2023-2029 Capital Improvement Program for Surface Water Management](#)

[Attachment 1 - SWM Capital Improvement Program](#)

[Attachment 2 - SWM Project Narratives](#)

[Attachment 3 - Adopted CIP, 2023-2024 Budget Book, pages 214-215](#)

[Presentation - 2023-2029 SWM CIP](#)

- D. 2023 Surface Water Management (SWM) Rate Analysis and Proposed Rates for 2024-2030, presented by City Manager Rob Karlinsey, Finance and Administration Director Melinda Merrell, Environmental Services Manager Richard Sawyer, and Consultant Ashley Emery, *for discussion and direction*

DISCUSSED AND DIRECTION PROVIDED

[Agenda Bill - 2023 SWM Rate Analysis and Proposed Rates for 2024-2030](#)

[Attachment 1 - 2023 SWM Rate Analysis Report](#)

[Attachment 2 - September 18, 2023 Agenda Materials and Slide Presentation](#)

[Presentation - 2023 Stormwater Rate & CFC Study](#)

- E. Climate Action Element of the Comprehensive Plan Amendments, presented by Community Development Director Debbie Bent, Principal Planner Todd Hall, Environmental Services Director Richard Sawyer, and Climate Action Plan Program Manager Nina Rasmussen, *for continued discussion*

DISCUSSED

[Agenda Bill - Climate Action Element](#)

[Attachment 1 - Draft Climate Action Element, redlined](#)

[Attachment 2 - Draft Climate Action Element, clean version](#)

[Presentation - Climate Action Element](#)

XVI. STAFF REPORTS

XVII. COUNCILMEMBER REPORTS & COMMENTS

XVIII. ADJOURNMENT

UPCOMING MEETINGS

- A. Monday, October 23, 2023 at 6:00 PM - City Council Special and Regular Meeting
- Monday, October 30, 2303 at 6:30 PM - City Council Special Meeting
- Monday, November 6, 2023 at 7:00 PM - City Council Special Meeting
- Monday, November 13, 2023 at 7:00 PM - City Council Regular Meeting

NOTICE OF POTENTIAL QUORUMS

[Click here for information about Potential Quorums of the City Council.](#) Now found on the City website under City Council Meetings.



Voucher Certification and Approval

City of Kenmore

DATE RANGE: 09/16/2023 - 09/29/2023

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 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 52982 through 53060: | \$ 1,207,622.21 |
| Total Payroll/Taxes/Flex Spending/Health Savings/Retirement Electronic Deposits Dated: 09/22/2023 | \$ 238,575.22 |
| ACH Payment - KBA Inc | \$ 2,683.92 |
| Wire Transfer - Chicago Title | \$ 1,500.00 |

Rob Karlinsey
 Rob Karlinsey (Oct 4, 2023 5:13 PDT)
 City Manager / Date

Oct 4, 2023

Melinda Merrell
 Melinda Merrell (Oct 4, 2023 14:30 PDT)

Oct 4, 2023

Finance & Administrative Services Director / Date

| Vendor Name | Payment Number | Payment Date | Description (Payable) | Amount |
|------------------------------------|----------------|--------------|---|-----------|
| KBA INC. | 1444 | 09/29/2023 | Aug 2023 TI' Park Water Access Project | 2,683.92 |
| STEPHANIE LUCASH | 52982 | 09/19/2023 | ICMA Conference Per Diem | 320.00 |
| AFLAC | 52983 | 09/22/2023 | Employee Medical/Disability Plans | 209.04 |
| AWC EMPLOYEE BENEFIT TRUST | 52984 | 09/22/2023 | Employee Health Insurance | 98,251.10 |
| AWC EMPLOYEE BENEFIT TRUST | 52985 | 09/22/2023 | VOID | 0.00 |
| DEPARTMENT OF LABOR AND INDUSTRIES | 52986 | 09/22/2023 | City of Kenmore | 6,574.22 |
| DEPARTMENT OF LABOR AND INDUSTRIES | 52987 | 09/22/2023 | VOID | 0.00 |
| DEPARTMENT OF LABOR AND INDUSTRIES | 52988 | 09/22/2023 | VOID | 0.00 |
| EMPLOYMENT SECURITY DEPARTMENT | 52989 | 09/22/2023 | Paid Family & Medical Leave | 3,834.33 |
| EMPLOYMENT SECURITY DEPARTMENT | 52990 | 09/22/2023 | VOID | 0.00 |
| EMPLOYMENT SECURITY DEPT. | 52991 | 09/22/2023 | Long Term Care Fund | 1,967.82 |
| LINCOLN NATIONAL LIFE INSURANCE | 52992 | 09/22/2023 | Life Ins/ADD & LTD | 2,014.48 |
| MISSION SQUARE / 109964 | 52993 | 09/22/2023 | City of Kenmore 401a & 401a Loan | 24,679.64 |
| MISSION SQUARE 457 / 304745 | 52994 | 09/22/2023 | ICMA 457 Deferred Comp | 5,185.72 |
| NATIONAL LIFE INSURANCE CO. | 52995 | 09/22/2023 | Life Insurance | 123.17 |
| UNITED WAY OF KING COUNTY | 52996 | 09/22/2023 | Employee Charitable Contribution | 40.00 |
| US POSTAL SERVICE | 52997 | 09/27/2023 | Postage for Walkways & Waterways Mailer | 2,163.00 |
| ACF WEST INC | 52998 | 09/29/2023 | Surface water work supplies | 1,414.79 |
| AMERICALL | 52999 | 09/29/2023 | After hours call out | 148.66 |
| APPLEONE EMPLOYMENT SERVICES | 53000 | 09/29/2023 | Sept 11-15, 2023 Temporary Receptionist | 1,175.52 |
| AURORA RENTS | 53001 | 09/29/2023 | Rental front loader Rhododendron playground | 843.26 |

XII. A. Approve Total Check #s 52982 through 53060 totaling \$1,207,622.2...

| Vendor Name | Payment Number | Payment Date | Description (Payable) | Amount |
|------------------------------------|----------------|--------------|--|------------|
| BCN TELECOM, INC. | 53002 | 09/29/2023 | 2023 Sep/Oct City Hall Phones | 811.18 |
| CANON FINANCIAL SERVICES, INC. | 53003 | 09/29/2023 | Sept 2023 Copier Contract | 266.08 |
| CASCADE PEST CONTROL | 53004 | 09/29/2023 | Rhododendron Park Pest Control | 167.35 |
| CASCADE RECREATION, INC | 53005 | 09/29/2023 | TI' Park trash receptacle | 4,662.74 |
| DAY WIRELESS SYSTEMS | 53006 | 09/29/2023 | Police 5 SMD calibration | 456.92 |
| DIVERSIFICATION INC | 53007 | 09/29/2023 | 14 Desk Chairs for City Hall Workstations | 9,026.53 |
| EBIX, INC. | 53008 | 09/29/2023 | 2023/24 Online Health Publication "Top Health" | 33.03 |
| ERGOLOGY LLC | 53009 | 09/29/2023 | Ergonomic Assessments (6) & Evaluations (3) | 1,368.75 |
| GRAND EVENT RENTALS | 53010 | 09/29/2023 | 25th Anniv event equipment rentals | 4,790.24 |
| H.D. FOWLER COMPANY | 53011 | 09/29/2023 | Materials for SW WO11692 & 11803 | 854.55 |
| HERBIG, NIGEL | 53012 | 09/29/2023 | Travel Adv - Nat'l League of Cities Summit | 762.81 |
| HESTON PHOTOGRAPHY | 53013 | 09/29/2023 | 25th Anniv & Story Pole Dedication Video | 754.19 |
| HONEY BUCKET | 53014 | 09/29/2023 | 2023 Sep/Oct PW Yard Honey Bucket rental | 167.75 |
| HUNTINGTON TECHNOLOGY FINANCE | 53015 | 09/29/2023 | Council Chambers AV Equipment Upgrade Property Tax | 695.63 |
| INSLEE, BEST, DOEZIE & RYDER, P.S. | 53016 | 09/29/2023 | Aug 2023 Legal Services | 38,647.13 |
| JASON RICHARD SPERLING | 53017 | 09/29/2023 | Photos-25th Anniv, Kenmore Devel. & Newspaper | 830.00 |
| KANG, MICHELLE | 53018 | 09/29/2023 | Meals/Mileage M. Kang WMCA Conference | 217.73 |
| KELLEY, MIGUEL | 53019 | 09/29/2023 | M. Kelley WSDOT Const. Inspector Cert. Program | 125.00 |
| KING COUNTY FINANCE | 53020 | 09/29/2023 | 2023 Q2 KC Behavior. Health Support | 1,815.28 |
| KING COUNTY FINANCE | 53021 | 09/29/2023 | 2023 Q1 KC Behavior Health Support | 1,811.14 |
| KING COUNTY FINANCE | 53022 | 09/29/2023 | Aug 2023 King County Roads Maint | 28,730.80 |
| KING COUNTY FINANCE | 53023 | 09/29/2023 | 2022 Q4 KC Behavior. Health Support | 1,730.83 |
| KPFF CONSULTING ENGINEERS | 53024 | 09/29/2023 | May-Jul 2023 Engineering Svcs 19-C2098 & 22-C2862 | 123,386.76 |
| KPFF CONSULTING ENGINEERS | 53025 | 09/29/2023 | VOID | 0.00 |
| KPFF CONSULTING ENGINEERS | 53026 | 09/29/2023 | VOID | 0.00 |
| MILLER STEPHENS, MARY | 53027 | 09/29/2023 | Aug 2023 public defense services at SCORE jail | 1,250.00 |
| MINUTEMAN PRESS | 53028 | 09/29/2023 | Town Hall Postcard printing & postage | 4,000.27 |
| MOTT MACDONALD GROUP, INC. | 53029 | 09/29/2023 | Aug 2023 services TI' Park Water Access | 5,808.12 |
| NORTHSHORE UTILITY DIST | 53030 | 09/29/2023 | Irrigation; Water/Sewer; Water | 11,572.23 |
| NORTHSHORE UTILITY DIST | 53031 | 09/29/2023 | VOID | 0.00 |
| OFFICE DEPOT | 53032 | 09/29/2023 | Misc. Office Supplies | 366.44 |
| OFFICE DEPOT | 53033 | 09/29/2023 | VOID | 0.00 |
| OFFICE DEPOT | 53034 | 09/29/2023 | stamp for Accounting | 6.67 |
| ONTRA MARKETING GROUP | 53035 | 09/29/2023 | 2023 Q3 Kenmore Cares Website | 75.00 |
| O'REILLY/FIRST CALL | 53036 | 09/29/2023 | Fleet Supplies | 34.52 |
| OSBORN CONSULTING INC. | 53037 | 09/29/2023 | Jul 2023 Svcs & SWM On-Call NE 190th Culvert Ph 2 | 55,371.55 |
| PACIFIC AIR CONTROL, INC. | 53038 | 09/29/2023 | City Hall HVAC maintenance | 448.11 |
| PUGET SOUND ENERGY | 53039 | 09/29/2023 | Street Lights/CH & Hangar gas/Irrigation electric. | 25,170.62 |
| RANDALL, BRIAN | 53040 | 09/29/2023 | Travel Exp WFOA Conference | 727.08 |
| SCORE | 53041 | 09/29/2023 | Aug 2023 Jail Services & Security Hospital Trspt | 12,009.16 |
| SHRED IT, C/O STERICYCLE, INC> | 53042 | 09/29/2023 | Aug 2023 Shredding Services | 112.28 |
| SISKUN POWER EQUIPMENT | 53043 | 09/29/2023 | Tools & Supplies for Streets | 600.83 |

XII. A. Approve Total Check #s 52982 through 53060 totaling \$1,207,622.2...

| Vendor Name | Payment Number | Payment Date | Description (Payable) | Amount |
|---------------------------------------|--------------------|--------------|--|---------------------|
| SMS CLEANING, INC. | 53044 | 09/29/2023 | City Hall, Hangar, & PW Office Janitorial Services | 6,495.00 |
| SNOHOMISH COUNTY | 53045 | 09/29/2023 | Hangar/Town Square Potholing for Story Pole | 326.00 |
| STAPLES | 53046 | 09/29/2023 | CH & Hangar Maintenance Supplies | 883.29 |
| STAPLES | 53047 | 09/29/2023 | CH & Hangar Maintenance Supplies | 338.59 |
| STATE AUDITOR'S OFFICE | 53048 | 09/29/2023 | 2022 Audit Services | 1,281.00 |
| STEWART MACNICHOLS HARMELL, INC. | 53049 | 09/29/2023 | Aug 2023 Public Defense Services | 5,000.00 |
| TASTAD CONTRUCTION INC | 53050 | 09/29/2023 | 22-C2773 NE 190th St Fish Culvert Replace. | 572,314.00 |
| TOTAL LANDSCAPE CORP | 53051 | 09/29/2023 | Landscape Services City Hall & Parks | 5,030.02 |
| VENTILATION POWER CLEANING, INC. | 53052 | 09/29/2023 | Potholing for Story Pole Installation | 1,412.00 |
| WA STATE DEPT OF TRANSPORTATION | 53053 | 09/29/2023 | Aug 2023 Traffic Signal Maintenance | 519.81 |
| WESTLAKE HARDWARE WA-153 | 53054 | 09/29/2023 | PW Materials & Supplies | 248.33 |
| WM CORP SVCS - COLUMBIA RIDGE LANDFIL | 53055 | 09/29/2023 | 9/5/23 Sweeper Debris Disposal | 4,414.83 |
| XEROX CORPORATION | 53056 | 09/29/2023 | Aug 2023 Copiers Rental & Usage | 488.18 |
| ANASTASIYA WARHOL | 53057 | 09/29/2023 | Travel Exp WCMA Conference Aug 15-18 2023 | 1,007.77 |
| EXO CONTRACTING | 53058 | 09/29/2023 | 23-C2906 Small Works Project on 61st Ave NE | 111,494.75 |
| INTERSECTION MEDIA, LLC | 53059 | 09/29/2023 | SWM Outreach - Business Ads | 1,010.89 |
| OSBORN CONSULTING INC. | 53060 | 09/29/2023 | 19-C2012 Muck Creek Mitigation | 6,747.70 |
| DRS 457 | DFT0001700 | 09/22/2023 | DRS 457 Deferred Comp | 615.00 |
| AVIDIA HEALTH | DFT0001701 | 09/22/2023 | Employee Health Savings Contribution | 266.30 |
| DEPARTMENT OF RETIREMENT SYSTEMS | DFT0001702-1710 | 09/22/2023 | Public Employees Retirement | 35,697.62 |
| NAVIA | DFT0001711 | 09/22/2023 | Employee Flexible Spending Account | 1,077.28 |
| BANK OF AMERICA 941 | DFT0001712 | 09/22/2023 | Federal Taxes | 30,206.58 |
| PAYROLL | Electronic Deposit | 09/22/2023 | Direct Deposit | 170,712.44 |
| CHICAGO TITLE CO. OF WASHINGTON | WIRE TRANSFER | 09/29/2023 | Deposit for property 61st Ave NE/Escrow 233200-SC-PA | 1,500.00 |
| TOTAL | | | | <u>1,450,381.35</u> |

XII. A. Approve Total Check #s 52982 through 53060 totaling \$1,207,622.2...



Vendor Set: Vendor Set 01

| Vendor | Name | Volume |
|--------|-------------------------------------|------------|
| 0022 | ASSOCIATION OF WA CITIES | 29164.16 |
| 0024 | DAVID BAKER | 824.6 |
| 0054 | BULGER SAFE & LOCK, INC. | 570.64 |
| 0064 | CASCADE PEST CONTROL | 1429.53 |
| 0067 | CENTER FOR HUMAN SERVICES | 14430 |
| 0076 | CITY OF BELLEVUE | 147120.42 |
| 0083 | CITY OF LAKE FOREST PARK | 54026 |
| 0092 | CODE PUBLISHING COMPANY | 7019.31 |
| 0099 | CONSOLIDATED PRESS | 15202.24 |
| 0103 | COSTCO WHOLESALE MEMBERSHIP | 60 |
| 0109 | DAILY JOURNAL OF COMMERCE | 2057.5 |
| 0111 | DEPARTMENT OF ECOLOGY | 30829 |
| 0121 | REPUBLIC SERVICES | 14804.54 |
| 0130 | EMPLOYMENT SECURITY DEPARTMENT | 36217.7 |
| 0137 | FERGUSON ENTERPRISES INC #3156 | 6255.9 |
| 0151 | CALPORTLAND COMPANY | 4940.66 |
| 0173 | HOME DEPOT CREDIT SERVICES | 5015.95 |
| 0184 | INSLEE, BEST, DOEZIE & RYDER, P.S. | 252114.7 |
| 0189 | INTERNATIONAL CITY/CNTY MGMT ASSOC | 1200 |
| 0191 | INTERNATIONAL INST OF MUNI CLERKS | 350 |
| 0197 | JET CITY PRINTING | 7530.26 |
| 0204 | KENMORE COMMUNITY CLUB | 6000 |
| 0205 | KENMORE HERITAGE SOCIETY | 4345.02 |
| 0206 | KENMORE MIDDLE SCHOOL | 5000 |
| 0212 | KING COUNTY FINANCE W.L.R.D. | 15381.21 |
| 0213 | KING COUNTY ANIMAL SVCS | 950 |
| 0216 | KING COUNTY FINANCE | 3500 |
| 0218 | KING COUNTY FINANCE | 5357.25 |
| 0219 | KING COUNTY FINANCE | 255659.82 |
| 0230 | KING COUNTY RADIO COMM SERVICES | 959.52 |
| 0233 | KING COUNTY SHERIFF | 2414184.51 |
| 0235 | KING COUNTY TREASURY | 61227.82 |
| 0251 | LIGHTHOUSE CONSULTING INC | 112697.34 |
| 0260 | MEEHAN, NANCY | 46.04 |
| 0261 | PENDLETON CONSULTING LLC | 10287.8 |
| 0265 | MORGAN SOUND INC | 4274.3 |
| 0267 | MR. T'S TROPHIES & AWARDS LLC | 10358.7 |
| 0285 | SHORELINE FIRE DEPT | 1200 |
| 0286 | NORTHSHORE SCHOOL DISTRICT | 15312 |
| 0287 | NORTHSHORE SENIOR CENTER | 37500 |
| 0288 | NORTHSHORE UTILITY DIST | 136534.42 |
| 0289 | NORTHSHORE YMCA | 10000 |
| 0292 | HONEY BUCKET | 6793.5 |
| 0299 | EBIX, INC. | 33.03 |
| 0300 | OFFICE DEPOT | 4666.13 |
| 0304 | OLYMPIC ENVIRONMENTAL RESOURCES INC | 39555.96 |
| 0310 | PACIFIC TOPSOILS | 7835.39 |
| 0311 | PARAMETRIX INC | 48104.11 |
| 0314 | PETTY CASH CUSTODIAN | 734.57 |
| 0328 | PUGET SOUND ENERGY | 344707.69 |
| 0329 | PUGET SOUND FINANCE OFFICERS ASSOC | 75 |
| 0345 | SEATTLE TIMES | 10648.1 |

XII. A. Approve Total Check #s 52982 through 53060 totaling \$1,207,622.2...

Vendor Purchasing Report

Page 10 of 57
For Date Range 10/1/2023 - 09/29/2023

Vendor Set: Vendor Set 01

| Vendor | Name | Volume |
|--------|---|-----------|
| 0355 | STAPLES | 13154.41 |
| 0356 | STATE AUDITOR'S OFFICE | 3801 |
| 0357 | STEWART MACNICHOLS HARMELL, INC. | 35000 |
| 0365 | TOTAL LANDSCAPE CORP | 76868.89 |
| 0370 | UNITED RENTALS NW, INC | 1360.31 |
| 0371 | US POSTAL SERVICE | 8562.88 |
| 0375 | US POSTAL SERVICE (HASLER) | 3617.59 |
| 0385 | WA ASSOC OF BUILDING OFFICIALS | 1289.31 |
| 0387 | WA CITIES INSURANCE AUTHORITY | 643692 |
| 0389 | WASHINGTON CITY/COUNTY MGMT ASSOC | 3000 |
| 0390 | WA FINANCE OFFICERS ASSOCIATION | 150 |
| 0391 | WASHINGTON MUNICIPAL CLERKS ASSOC | 200 |
| 0400 | WASHINGTON STATE DEPT OF REVENUE | 22770.22 |
| 0401 | WA STATE DEPT OF TRANSPORTATION | 11278.52 |
| 0405 | WASHINGTON STATE OFFICE CASH MGMT | 1425.5 |
| 0412 | WM CORPORATE SVCS - COLUMBIA RIDGE LANDFILL | 22596.86 |
| 0419 | WONDERLAND DEVELOPMENT | 1000 |
| 0424 | MISSION SQUARE 457 / 304745 | 102256.96 |
| 0425 | DRS 457 | 11565 |
| 0426 | AFLAC | 1881.36 |
| 0428 | BANK OF AMERICA 941 | 560796.79 |
| 0429 | AWC EMPLOYEE BENEFIT TRUST | 827519.3 |
| 0431 | DEPARTMENT OF RETIREMENT SYSTEMS | 654372.69 |
| 0432 | DEPARTMENT OF LABOR AND INDUSTRIES | 54874.98 |
| 0434 | UNITED WAY OF KING COUNTY | 380 |
| 0436 | NATIONAL LIFE INSURANCE CO. | 1108.53 |
| 0441 | DANSOUND INC | 5990 |
| 0448 | UPS STORE KENMORE | 754.45 |
| 0449 | ACF WEST INC | 1778.8 |
| 0450 | AURORA RENTS | 10259.49 |
| 0473 | ARTS OF KENMORE | 9150 |
| 0483 | PAT'S TREES AND LANDSCAPE INC. | 1541.4 |
| 0484 | CITY WIDE FENCE COMPANY, INC | 18654.25 |
| 0494 | SECRETARY OF STATE | 292.86 |
| 0497 | DAY WIRELESS SYSTEMS | 913.85 |
| 0510 | AA ASPHALTING LLC | 34000 |
| 0542 | AMERICAN SOCIETY OF COMPOSERS | 438.75 |
| 0550 | KING COUNTY RECORDER'S OFFICE | 277.5 |
| 0558 | SNOHOMISH COUNTY | 8041 |
| 0586 | QUADIENT LEASING USA, INC. | 1420.28 |
| 0588 | ENVIRONMENTAL SYSTEMS RESEARCH INST | 32022.6 |
| 0594 | RANDALL, BRIAN | 727.08 |
| 0610 | WA STATE DEPT OF TRANSPORTATION | 328.68 |
| 0685 | PACE ENGINEERS, INC. | 4345.5 |
| 0689 | DIGITAL REPROGRAPHICS SERVICES INC. | 126.27 |
| 0690 | BUILDERS EXCHANGE OF WASHINGTON INC | 336.4 |
| 0692 | HDR ENGINEERING, INC | 311602.74 |
| 0696 | AMERICAN GENERAL LIFE GPO/400S | 2073.54 |
| 0781 | QUALITY BUSINESS SYSTEMS INC. | 1914.38 |
| 0807 | CASCADE RECREATION, INC | 7195.04 |
| 0817 | GRAINGER | 3067.65 |
| 0850 | UNCLE STINKY'S MAGIC & NOVELTIES | 10000 |
| 0851 | EVERMARK, LLC | 2457.31 |
| 0868 | JAYMARC AV | 1612.97 |
| 0892 | JACOBS ENGINEERING GROUP | 48546.5 |
| 0898 | ZONAR SYSTEMS | 528.21 |
| 0899 | SHRED IT, C/O STERICYCLE, INC> | 2699.25 |
| 0913 | KENMORE ELEMENTARY | 3850 |

XII. A. Approve Total Check #s 52982 through 53060 totaling \$1,207,622.2...

Vendor Purchasing Report

For Date Range 10/01/2023 - 09/29/2023

Vendor Set: Vendor Set 01

| Vendor | Name | Volume |
|--------|---------------------------------------|-----------|
| 0937 | ZUMAR | 5006.61 |
| 0941 | KVO INDUSTRIES, INC | 2833 |
| 0981 | COMCAST BUSINESS | 6330.28 |
| 0994 | GORDON THOMAS HONEYWELL | 36120 |
| 1003 | iWORQ SYSTEMS | 2800 |
| 1010 | WESTLAKE HARDWARE WA-153 | 4709.03 |
| 1045 | HORIZON DISTRIBUTORS INC | 3170.5 |
| 1047 | SARAH ROBERTS | 111585.86 |
| 1052 | FIRE PROTECTION, INC | 13557.61 |
| 1053 | INTERNATIONAL CODE COUNCIL, INC | 77.62 |
| 1068 | WA STATE DEPT OF LABOR & INDUSTRIES | 243.1 |
| 1123 | AM TEST, INC | 5200 |
| 1140 | PAWS | 2200 |
| 1168 | SCHINDLER ELEVATOR CORPORATION | 1913.85 |
| 1197 | MILLER STEPHENS, MARY | 10000 |
| 1216 | ADVANCE TESTING & SERVICE INC | 1815 |
| 1267 | ALBIREO ENERGY LLC/AUTOMATED CONTROLS | 3241.45 |
| 1291 | SCHNEE, CARLA | 370.06 |
| 1297 | GOVERNMENT FINANCE RESEARCH GROUP | 1995 |
| 1299 | VERIZON WIRELESS | 640.58 |
| 1304 | HAMPSON, BRYAN | 299.55 |
| 1313 | BOTHELL KENMORE CHAMBER OF COMMERCE | 2725 |
| 1322 | AABCO BARRICADE COMPANY INC. | 793.22 |
| 1331 | KBA INC. | 221012.16 |
| 1333 | WELWEST CONSTRUCTION INC. | 11325 |
| 1337 | STATE OF WA DEPT. OF LICENSING | 2.16 |
| 1345 | SHERWIN WILLIAMS CO. | 699.21 |
| 1356 | KARLINSEY, ROB | 666.1 |
| 1358 | ALPHAGRAPHICS | 1219.51 |
| 1383 | CHICAGO TITLE | 416.98 |
| 1385 | AZTECA SYSTEMS, LLC/CITYWORKS | 42751.83 |
| 1390 | UTILITIES UNDERGROUND LOCATION CTR | 1638.3 |
| 1403 | OSBORN CONSULTING INC. | 360258.97 |
| 1410 | SEATTLE & KING COUNTY PUBLIC HEALTH | 833 |
| 1420 | SAUVE, GAYLEN | 600 |
| 1431 | GAYLYNN BRIEN | 440 |
| 1452 | CITY OF KENT | 500 |
| 1456 | HESTON PHOTOGRAPHY | 2057.14 |
| 1457 | LANGUAGE LINE SERVICES, INC. | 25.77 |
| 1459 | FLEMINGS HOLIDAY LIGHTING LLC | 4350.61 |
| 1464 | ROAD CONSTRUCTION NW, INC. | 9856.46 |
| 1478 | HERBIG, NIGEL | 860.14 |
| 1482 | HIGHWIRE | 2059.7 |
| 1485 | WA ASSOC OF PUBLIC RECORDS OFFICERS | 25 |
| 1504 | SCORE | 129656.98 |
| 1524 | GRANICUS LLC | 6372.73 |
| 1544 | METROPOLITAN TRANS. COMMISSION | 2000 |
| 1547 | LOYUK, SAMANTHA | 513.5 |
| 1550 | THE EVP GROUP | 7500 |
| 1555 | LINCOLN NATIONAL LIFE INSURANCE | 17267.51 |
| 1584 | STUDIO 3 SIGNS | 3401.23 |
| 1591 | ULINE | 5056.34 |
| 1593 | A & A LIMOUSINE & BUS SERVICE | 2072 |
| 1596 | NW ENVIRONMENTAL TRAINING CENTER | 195 |
| 1603 | ALPHA SUPPORTED LIVING SERVICES | 250 |
| 1629 | WESTERN DISPLAY FIREWORKS, LTD. | 27500 |
| 1634 | SREBNIK, DEBRA | 1670.99 |
| 1673 | KPFF CONSULTING ENGINEERS | 344563.18 |

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Vendor Set: Vendor Set 01

| Vendor | Name | Volume |
|--------|---|-----------|
| 1682 | PUBLIC AGENCY TRAINING COUNCIL | 425 |
| 1689 | MOTT MACDONALD GROUP, INC. | 77517.06 |
| 1701 | THE SEATTLE TIMES NIE | 1033.75 |
| 1711 | SOFTWAREONE, INC. | 20235.08 |
| 1725 | NORTHLAKE LUTHERAN CHURCH | 10000 |
| 1731 | NORTHWEST ARBORICULTURE LLC | 21660.11 |
| 1732 | PERFORMANCE SYSTEMS INTEGRATION LLC | 423.9 |
| 1739 | FIX AUTO | 6440.95 |
| 1747 | FOOTPRINT PROMOTIONS | 1052.58 |
| 1754 | RFI ENTERPRISES INC. | 1582.28 |
| 1762 | BAKER, BRIDGIT | 501.56 |
| 1763 | REID, JAMES FALCONER | 14276.25 |
| 1775 | YOURMEMBERSHIP.COM, INC | 549 |
| 1779 | SNO KING WATERSHED COUNCIL | 200 |
| 1786 | TYLER TECHNOLOGIES, INC. | 21983.22 |
| 1795 | CABOT DOW ASSOCIATES | 6606.25 |
| 1816 | NAVIA | 37509.23 |
| 1828 | QUALITY BUSINESS SYSTEMS / WELLS FARGO | 2768.32 |
| 1829 | SHI INTERNATIONAL CORP. | 182.93 |
| 1838 | AVIDIA HEALTH | 3412.7 |
| 1879 | HOLMBERG COMPANY | 7055.76 |
| 1884 | HEIDELBERG MATERIALS | 1920.23 |
| 1885 | NATIONAL BARRICADE CO., LLC | 6429.88 |
| 1889 | WILLIAMS, KASTNER & GIBBS PLLC | 1739.5 |
| 1900 | ASPECT CONSULTING LLC | 7025 |
| 1913 | GRAND EVENT RENTALS | 11595.95 |
| 1914 | MCNAMARA SIGNS | 2235.03 |
| 1927 | GAMETIME | 1914.94 |
| 1930 | T MOBILE USA, INC. | 12333.19 |
| 1932 | U.S. BANK N.A. / CUSTODY | 180 |
| 1936 | SUPERION, LLC | 2422.2 |
| 1943 | BALDWIN DESIGN WORKS, LTD. | 1469 |
| 1960 | WALTER E. NELSON CO. | 1492.47 |
| 1979 | MSPT XXII, LLC C/O FLYWAY RETAIL + LIVING | 4500 |
| 1980 | HRA VEBA TRUST | 45085.59 |
| 1991 | WASHINGTON STATE TREASURER | 4451 |
| 1993 | HYAS GROUP, LLC | 3750 |
| 1994 | LAKE CITY PARTNERS ENDING HOMELESSNESS | 26125 |
| 1999 | KING COUNTY POLICE CHIEFS ASSOCIATION | 50 |
| 2004 | RED BARN ENGINEERING, INC. | 29132 |
| 2047 | PUGET SOUND PLANTS | 1678.11 |
| 2048 | SMS CLEANING, INC. | 58455 |
| 2052 | J. A. BRENNAN ASSOCIATES, PLLC | 26200.96 |
| 2078 | WA RECREATION & PARK ASSOC. | 1855 |
| 2081 | SHANNON & WILSON, INC. | 12397.5 |
| 2101 | PENINSULA FINANCIAL CONSULTING | 17812.5 |
| 2126 | SCHWARZWALTER, MARK | 218 |
| 2137 | ECIVIS, INC. | 4000 |
| 2142 | MISSION SQUARE / 109964 | 455096.12 |
| 2157 | SOUND SAFETY PRODUCTS CO. | 503.8 |
| 2161 | BENNETT GOLD, TOBIN | 5380.14 |
| 2175 | ELECTRONIC BUSINESS MACHINES | 1730.88 |
| 2176 | CANON FINANCIAL SERVICES, INC. | 2394.72 |
| 2183 | SISKUN POWER EQUIPMENT | 3166.64 |
| 2194 | CONFLUENCE ENVIRONMENTAL COMPANY | 8001.42 |
| 2209 | MORUP SIGNS, INC. | 3005.73 |
| 2210 | PACWEST MACHINERY | 30850.27 |
| 2215 | INTERSECTION MEDIA, LLC | 1010.89 |

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| Vendor | Name | Volume |
|--------|---|------------|
| 2221 | O'REILLY/FIRST CALL | 274.93 |
| 2224 | STEPHANIE BROWN | 55.02 |
| 2236 | COMCAST | 14560.14 |
| 2249 | KING COUNTY BAR ASSOCIATION | 650 |
| 2250 | NAMI EASTSIDE | 4500 |
| 2252 | TRUGREEN | 2656.72 |
| 2254 | U.S. BANK PURCHASE CARDS | 208553.86 |
| 2259 | MINUTEMAN PRESS | 12411.28 |
| 2262 | DILIGENT CORPORATION | 36005.82 |
| 2270 | LAKESIDE INDUSTRIES | 1185.78 |
| 2282 | RICK BURNSTEAD CONSTRUCTION, LLC | 10432 |
| 2284 | ENVIROTECH | 7973.66 |
| 2285 | QUALITY WATER FINANCIAL | 1689.54 |
| 2288 | NORTHWEST PAVEMENT MANAGEMENT ASSOCIATIO | 700 |
| 2311 | BEST BEST & KRIEGER LLP ATTORNEYS AT LAW | 4433.5 |
| 2327 | PACIFIC AIR CONTROL, INC. | 7959.72 |
| 2330 | PROMOTIONS NOW | 236.05 |
| 2334 | NORTHSHORE YOUTH SOCCER ASSOC. | 55 |
| 2338 | 58 STARS TRAVEL | 2442.6 |
| 2349 | SSI & MHA CORPORATION | 2500 |
| 2353 | NORTHSHORE SCHOOLS FOUNDATION | 1500 |
| 2357 | 4IMPRINT | 5903.29 |
| 2360 | O'CAIN, MELANIE | 295.5 |
| 2361 | BFI 4 LLC | 2000 |
| 2369 | MARIA SZABLYA RIVAS | 300 |
| 2377 | NORTH URBAN HUMAN SVCS ALLIANCE | 1000 |
| 2379 | JENNIFER DIXON | 8273.66 |
| 2383 | NORTH LAKE LITTLE LEAGUE | 121 |
| 2386 | CECCANTI, INC. | 435403.54 |
| 2389 | JET CITY CLEANING | 7186.24 |
| 2392 | DEPARTMENT OF COMMERCE | 47219.75 |
| 2393 | SEATTLE PUMP & EQUIPMENT CO./JETTERS NORTHW | 577.37 |
| 2396 | ZIPLY FIBER | 6596.87 |
| 2403 | AMERICALL | 1354.24 |
| 2413 | ICLEI | 1200 |
| 2425 | THOMCO CONSTRUCTION, INC. | 1287557.89 |
| 2431 | ALPINE PRODUCTS INC. | 420.1 |
| 2434 | PSR MECHANICAL, LLC | 644.09 |
| 2437 | LOUDEDGE, INC. | 2962.5 |
| 2452 | SHARI BOTH JEWELRY DESIGN | 2500 |
| 2453 | SHIN'S TAEKWONDO ACADEMY | 10000 |
| 2459 | NELSON ELECTRIC, INC. | 12798.74 |
| 2464 | D.P. NICOLI, INC. | 1366.59 |
| 2465 | PRECISION CONCRETE CUTTING | 6355.87 |
| 2468 | DAVIDSON MACRI SWEEPING, INC. | 4157.38 |
| 2478 | MOXIE & OLIVER | 10000 |
| 2484 | LUKASZ LISOWSKI | 322.64 |
| 2486 | CASCADIA LAW GROUP | 13748.42 |
| 2489 | THE ORIGINAL POOP BAGS | 2919.74 |
| 2490 | NORTH SHORE PUB | 10000 |
| 2499 | M MEDINA REMODELING LLC | 2500 |
| 2503 | NORTH AMERICAN SAFETY, INC. | 3098.5 |
| 2506 | DIVERSIFICATION INC | 9026.53 |
| 2507 | ONE DIVERSIFIED | 5941.26 |
| 2511 | SALCIDO, LETICIA | 80.32 |
| 2522 | TRC ENVIRONMENTAL CORPORATION | 2262.95 |
| 2530 | CASCADIA CONSULTING GROUP, INC. | 77666.25 |
| 2531 | BCN TELECOM, INC. | 6437.82 |

XII. A. Approve Total Check #s 52982 through 53060 totaling \$1,207,622.2...

Vendor Set: Vendor Set 01

| Vendor | Name | Volume |
|--------|---|-----------|
| 2537 | HUNTINGTON TECHNOLOGY FINANCE | 45220.81 |
| 2540 | BRIGHT SPARK EARLY LEARNING SERVICES | 975 |
| 2545 | KLB CONSTRUCTION, INC. | 250413.87 |
| 2561 | PRR, INC | 167000 |
| 2570 | H.D. FOWLER COMPANY | 4523.34 |
| 2573 | GCP WW HOLDCO, LLC | 3125.26 |
| 2576 | TRADE ROOT MUSIC GROUP LLC | 3800 |
| 2577 | APPLEONE EMPLOYMENT SERVICES | 26479.56 |
| 2578 | CENTRICITY GIS, LLC | 2250 |
| 2579 | CHANIN KELLY-RAE CONSULTING LLC | 37170 |
| 2589 | ABRACADABRA PRINTING | 2025.29 |
| 2598 | WAGNER ARCHITECTS | 93705 |
| 2599 | CEDAR GROVE COMPOSTING, INC. | 924.85 |
| 2609 | DTG RECYCLE | 5209.37 |
| 2615 | TRIBAL LINES | 70000 |
| 2617 | STRIDER CONSTRUCTION CO., INC. | 834697.62 |
| 2618 | STEPHANIE LUCASH | 1205.91 |
| 2629 | GARRETT OPPENHEIM | 90.24 |
| 2641 | VENTILATION POWER CLEANING, INC. | 28094.1 |
| 2642 | WASHINGTON AUDIOLOGY SERVICES, INC. | 1080.5 |
| 2653 | CERTAPRO PAINTERS | 2290.08 |
| 2656 | WASHINGTON STATE FARMERS MARKET ASSOCIATIOI | 350 |
| 2660 | WASHINGTON FEDERAL BANK | 25959.06 |
| 2661 | JASON RICHARD SPERLING | 2630 |
| 2667 | CREATION ORGANICS, LLC | 2182.38 |
| 2691 | E SQUARED SYSTEMS, LLC | 1257.34 |
| 2692 | PREMIER MEDIA GROUP | 1000 |
| 2693 | LAKE DEFENSE FORCE CORP | 43078.92 |
| 2700 | ORION ENVIRONMENTAL COMPLIANCE & CONSULTIN | 1861.75 |
| 2707 | ONTRA MARKETING GROUP | 375 |
| 2720 | GEOFFREY JOHNSON | 100 |
| 2725 | NICKOLAI MEDVEDITSKOV | 10786.6 |
| 2728 | NARWHAL MET, LLC | 800 |
| 2730 | PANE'N THE GLASS WINDOW CLEANING LLC | 1100 |
| 2731 | ROBERT SAYRE-MCCORD | 148.8 |
| 2736 | PAUL LEE | 43255.1 |
| 2737 | THERESA TIMMES KING | 150 |
| 2738 | JULIANA FISHER | 150 |
| 2745 | HOME COMFORT ALLIANCE | 228.48 |
| 2747 | CHRISTINE CABATIT | 298.49 |
| 2748 | GOURAV MITRA | 250 |
| 2750 | MID SOUND FISHERIES | 250 |
| 2751 | MERANDA DIRECTO | 311.85 |
| 2752 | MEADOWDALE MARINA LLC | 7500 |
| 2755 | CITY OF KIRKLAND | 41049.69 |
| 2756 | DIVYA GATTU | 150 |
| 2757 | KAT ZUO | 100 |
| 2758 | ALEXA'S CATERING INC. | 1531 |
| 2759 | SAID HAMOOD | 150 |
| 2761 | KARA VAN LUCHENE | 150 |
| 2762 | APPLIANCE REPAIR MM LLC | 78.73 |
| 2763 | LA CONNER INN | 758 |
| 2764 | RHOMAR INDUSTRIES, INC. | 42.96 |
| 2765 | TRUSTEES OF THE HAMLINE UNIVERSITY OF MINNESC | 4513.87 |
| 2767 | GAMES2U | 1260.65 |
| 2769 | DEBUG MOBILITY PRODUCTS | 2865 |
| 2770 | EARTHCRAFT SERVICES, INC. | 6606 |
| 2771 | GIRL SCOUTS OF WESTERN WA | 150 |

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| Vendor | Name | Volume |
|--------|---|-----------|
| 2772 | POLYGON WLH LLC | 7500 |
| 2773 | REGIONAL CRISIS RESPONSE AGENCY | 123148.89 |
| 2774 | KISHORE SERALATHAN | 17731.35 |
| 2775 | LIUBOV UZIK | 300 |
| 2776 | KERALA ASSOCIATION OF WASHINGTON | 250 |
| 2778 | OUTCOMES BY LEVY, LLC | 14700 |
| 2779 | SYDNEY DANZIGER | 150 |
| 2780 | XEROX CORPORATION | 2684.96 |
| 2781 | PANIC, ANXIETY, AND STRESS SUPPORT INC. | 398.46 |
| 2782 | HILLIS CLARK MARTIN & PETERSON P.S. | 4462.5 |
| 2783 | IRUM YASIR BUTT | 250 |
| 2784 | WA STATE PUBLIC HEALTH LABORATORIES | 250 |
| 2785 | RICH HARTMAN'S BELLINGHAM FORD LINCOLN | 58612.64 |
| 2786 | BRYAN HAMPSON | 7443.39 |
| 2787 | KENNETH RIDOUT | 7500 |
| 2788 | PHOENIX UNITED INVESTMENT LLC | 7500 |
| 2789 | SCHEMATA WORKSHOP INC. | 25789.92 |
| 2790 | TRIPLE POINT LLC | 35360.4 |
| 2791 | BUSINESS STREET, LLC | 40000 |
| 2792 | STRATEGIES 360, INC. | 23616.67 |
| 2793 | ERGOLOGY LLC | 4118.75 |
| 2795 | KALE CARLSON | 1915.67 |
| 2796 | KING COUNTY REGIONAL HOMELESSNESS AUTHORITY | 38000 |
| 2797 | SAMUEL RODRIGUEZ | 150 |
| 2798 | STEPHENS & KLINGE LLP, IOLTA | 728 |
| 2800 | MELINDA MERRELL | 2011.81 |
| 2801 | PULTEGROUP | 1 |
| 2802 | AMADOR FARMS | 383 |
| 2804 | BROTHER'S FARMS | 153 |
| 2805 | CALICO COOKIES - ERIN CALI | 77 |
| 2806 | CUTE DUMPLINGS | 335 |
| 2807 | JESSICA'S UNIQUE BITE | 267 |
| 2808 | LITTLE JACK FLOWER FARM | 235 |
| 2809 | MANIMOU CAMARA | 600 |
| 2810 | PAO DE QUEIJO | 152.5 |
| 2811 | PUERTO ENSENADA | 351 |
| 2812 | RRJ COMPANY, LLC | 979453.5 |
| 2813 | OUR FAMILY FARM | 67 |
| 2815 | SUNRISE LOCAL BERRIES FARM, LLC | 173 |
| 2816 | PRAIRIEFORM | 165 |
| 2817 | CORNELL'S QUALITY CONSTRUCTION | 8302.75 |
| 2818 | BOAZ COFFEE | 45 |
| 2819 | DELFINO'S | 96.87 |
| 2821 | HAYTON FARMS | 97 |
| 2822 | HP'S SMOKEHOUSE BBQ | 169.5 |
| 2823 | PURE FUNGAL FRUITS | 34 |
| 2825 | KANG, MICHELLE | 292.4 |
| 2826 | SHAW, MICHELLE | 150 |
| 2827 | TSEN, JULIE | 150 |
| 2829 | KANOM SAI | 385 |
| 2832 | KDJ'S THE BAKERIE | 195 |
| 2834 | ELISE JIANG | 128 |
| 2835 | NAC INC | 42235 |
| 2838 | RAYMOND HANDLING CONCEPTS | 28773 |
| 2842 | HULA O LEHUALANI | 400 |
| 2843 | ELIAS M. KAUHANE | 700 |
| 2844 | ANITA WHITE | 2000 |
| 2845 | JAMIE NICOLE MASCHLER | 1800 |

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| Vendor | Name | Volume |
|--------|-----------------------------------|------------|
| 2847 | CAMP UNITED WE STAND | 2000 |
| 2848 | TAMI R ALLEN | 700 |
| 2849 | FARM FRESH NW | 94 |
| 2850 | GYPSY ROWS | 104 |
| 2851 | JENSEN TOFFEE | 23 |
| 2852 | KARACHI KITCHEN | 30 |
| 2853 | MARIAH WATSON | 100 |
| 2854 | NIYA CHACKO | 250 |
| 2855 | SEEKING FERMENTS | 36 |
| 2856 | STACEY VALENZUELA | 100 |
| 2857 | EMPLOYMENT SECURITY DEPT. | 4023.21 |
| 2858 | ANASTASIYA WARHOL | 1125.38 |
| 2859 | BEAU AND STELLA | 2500 |
| 2860 | BENEFICIAL SOUND | 6000 |
| 2861 | BROOK ROCHELLE HOUSEKEEPING | 2500 |
| 2862 | DAN MERIDIAN INC. | 7500 |
| 2863 | DYNAMIC CHIROPRACTIC CLINIC, PS | 10000 |
| 2864 | GOLDEN NAILS | 6000 |
| 2865 | GOOD FOR CHOCOLATE | 55 |
| 2866 | GRENLAR HOLDINGS, INC. | 10000 |
| 2867 | KENMORE CROSSFIT | 6000 |
| 2868 | MAIL ACCESS | 10000 |
| 2869 | NEW IDOL NAILS INC. | 10000 |
| 2870 | PH & N CORPORATION | 10000 |
| 2871 | SEATTLE POPS | 71 |
| 2872 | THEARY'S FLOWERS & PRODUCE | 9 |
| 2873 | TML INTERNATIONAL LLC | 267.32 |
| 2874 | TOSHI'S TERIYAKI | 6000 |
| 2875 | MICHAEL GOEDEL | 1377.54 |
| 2876 | AMERICAN TRAFFIC SOLUTIONS INC | 6500 |
| 2877 | COOKIES WITH TIFFANY | 4 |
| 2878 | ALWAYS ACTIVE SERVICES LLC | 105808.6 |
| 2880 | JAEDEN LUKE GARMANIAN | 1400 |
| 2881 | JAY AND FAMILY INC | 10000 |
| 2882 | LINA'S BAKERY | 5 |
| 2884 | LAKEVIEW YOGA LLC | 10000 |
| 2886 | SUBLIME CORN COMPANY | 2860 |
| 2887 | SELECT GOURMET FOODS INC | 10000 |
| 2889 | SCOTT BOTHEL | 4618 |
| 2890 | TASTAD CONTRUCTION INC | 1125190.68 |
| 2892 | VARI SALES CORPORATION | 941.36 |
| 2893 | THE NORTHWEST JUNIOR PIPE BAND | 250 |
| 2894 | CHILLZ LLC | 2380 |
| 2898 | AL VAN EQUIP NORTHWEST | 4914.39 |
| 2899 | EVERETT OFFICE FURNITURE | 569.22 |
| 2900 | MSR HIDDEN MEADOW 3 LLC | 7500 |
| 2901 | NORTHEND EXCAVATING INC | 90309.53 |
| 2902 | RAENNETTE MARTINEZ NIRO | 150 |
| 2904 | SETH THOMPSON | 85.33 |
| 2905 | SIGN CONNEXION LLC | 477.8 |
| 2907 | CAPITAL ONE TRADE CREDIT/MCLENDON | 198.11 |
| 2908 | KELLER ROHRBACK LAW OFFICES LLP | 37.5 |
| 2909 | MASONS SUPPLY COMPANY | 249.12 |
| 2910 | MK FLOWERS | 30 |
| 2911 | SANTIAGO FLORES | 260.85 |
| 2915 | GEORGE AND LIZ MCKINNON | 1495 |
| 2916 | KELLEY, MIGUEL | 125 |
| 2917 | EXO CONTRACTING | 111494.75 |

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| Vendor Set Vendor Set 01 Total: | 17439176.36 |
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City Council Agenda Bill City of Kenmore, WA

| | | | | | | | | | | | |
|--|---|--|----------------------------------|-------------------------------------|-----------------|-----------------------------------|-----------------|--------------------------------------|-----------------|----------------------------------|-----------------|
| Subject/Topic: Exceptional Tree Ordinance Public Hearing & Adoption | For Council Meeting Agenda of: October 16, 2023 Department: City Manager's Office Prepared by: Garrett Oppenheim, Assistant to the City Manager, Samantha Loyuk, Development Services Director <table><tr><td></td><td><u>Initial & Date</u></td></tr><tr><td>Approved by Department Head:</td><td><u>SL 10/11</u></td></tr><tr><td>Approved by City Attorney:</td><td><u>DR 10/11</u></td></tr><tr><td>Approved by Finance Director:</td><td><u>MM 10/11</u></td></tr><tr><td>Approved by City Manager:</td><td><u>RK 10/11</u></td></tr></table> | | <u>Initial & Date</u> | Approved by Department Head: | <u>SL 10/11</u> | Approved by City Attorney: | <u>DR 10/11</u> | Approved by Finance Director: | <u>MM 10/11</u> | Approved by City Manager: | <u>RK 10/11</u> |
| | <u>Initial & Date</u> | | | | | | | | | | |
| Approved by Department Head: | <u>SL 10/11</u> | | | | | | | | | | |
| Approved by City Attorney: | <u>DR 10/11</u> | | | | | | | | | | |
| Approved by Finance Director: | <u>MM 10/11</u> | | | | | | | | | | |
| Approved by City Manager: | <u>RK 10/11</u> | | | | | | | | | | |
| Proposed Council Action/Motion: Public hearing, Adoption of the proposed exceptional tree ordinance. | Exhibits/Attachments: 1. UPDATED Ordinance No. 23-0593 with highlighted changes 2. Ord. 23-0593 Exhibit A 3. Ord. 23-0593 Exhibit B 4. Ord. 23-0593 Exhibit C 5. King Conservation District Tree Canopy Study 6. September 2021 Exceptional Trees Policy Report 7. KMC 18.55.180 – Reasonable Use Exception 8. PowerPoint presentation 9. Compiled Agenda Items from October 9, 2023 | | | | | | | | | | |
| Summary: The proposed tree regulations provide added protections for extraordinary trees, native trees, and other exceptionally large trees that because of their unique combination of sizes, species, and age are worthy of retention for the reasons provided in KMC 18.52.015, such as: 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;

Exceptional trees have reached size thresholds that make them exceedingly important to the local environment and community.

On October 9, 2023, City Council held a public hearing on the proposed ordinance, and voted to continue the period to receive written comments via email to the City Clerk at awarhol@kenmorewa.gov until 5:00 PM on Sunday, October 15th, 2023. The proposed ordinance was moved to the consent agenda on this day, October 16th.

Information/Background:

In April 2021, Development Services staff provided an informational presentation to summarize tree regulations in Kenmore, as requested by the City Council at the January 2021 retreat. During the presentation, there was discussion about potential code amendments to further preserve, protect, and enhance Kenmore's tree canopy. These recommendations included short-term and long-term action items, referred to as List 1 and List 2 (later referred to as "Tier 1 and Tier 2"). Among the items included on Tier 2 was an Exceptional Tree Ordinance.

In September 2021, staff presented information to Council on exceptional tree ordinances. Such ordinances are already on the books in Washington cities such as Bainbridge Island, DuPont, Duvall, Lake Forest Park, Mercer Island, North Bend, Redmond, and Seattle. Seattle recently strengthened their exceptional tree ordinance, effective July 30, 2023.

As the attached exceptional tree memo elucidates, cities with exceptional tree ordinances have different means of protecting and preserving large trees. Some simply protect all trees over a certain size but most such cities make a catalog of protected trees that become exceptional when they reach a certain size. The proposed ordinance under consideration for the City of Kenmore protects both a list that comprises trees native to the Western Washington lowlands and also any other tree that achieves a "Diameter at Breast Height" (d.b.h.) of 48 or more inches. Staff reviewed the exceptional tree ordinances of other cities in the Puget Sound area to select a list of local tree species and the sizes at which they should be protected. The threshold d.b.h. for individual species was heavily informed by the examples provided by other cities, in particular the City of Seattle, such that the protected sizes are in line with those that other cities have previously established as benchmarks.

Following the examples of cities who have already implemented exceptional tree protections, the proposed ordinance does allow for certain situations whereby exceptional trees can be removed, including where removal is necessary for the preservation and enjoyment of a substantial property right or use possessed by other similarly situated properties, where the exceptional tree is hazardous to life or property, for access to development where no other options are feasible, and where it is necessary for roads, utilities, and other facilities.

Penalties for removal of an exceptional tree without a permissible exemption are set by the ordinance at \$2,500 per inch d.b.h. of the tree with a minimum fine of \$10,000 and a requirement to plant replacement trees to compensate for the loss.

SEPA review and notice to the Washington State Department of Commerce have been completed, as required before adoption.

The City has received public comments about the difficulty of reconciling housing obligations and tree protections, implying that the protection of trees will prevent the City from meeting its housing obligations under the Growth Management Act. However, the two goals are not mutually exclusive, as shown by the substantial amount of work on housing the City Council has performed over the years (and will continue to do in the future):

- [Housing Strategy Plan](#)
- [Missing Middle Housing](#)
- [Plymouth Affordable Housing Development](#)
- [RFP Issued for Affordable Housing Development at the City-owned Holt property](#)
- [Comprehensive Plan Update](#)

The City Council has also considered tree protections at the following public meetings:

- September 25, 2023: public hearing on proposed exceptional tree ordinance
Agenda link: [Kenmore - Document Center \(civicweb.net\)](#)
- September 11, 2023: staff presentation on proposed exceptional tree ordinance
Agenda link: [Kenmore - Document Center \(civicweb.net\)](#)
- October 24, 2022: study session on amendments to the tree regulations, including a proposed exceptional tree ordinance
Agenda link: [Kenmore - Document Center \(civicweb.net\)](#)
- July 18, 2022: continued tree regulations discussion
Agenda link: [Kenmore - Document Center \(civicweb.net\)](#)
- May 16, 2022: tree regulations discussion
Agenda link: [Kenmore - Document Center \(civicweb.net\)](#)
- March 21, 2022: adoption of tree regulation ordinance, including definition of significant trees, nuisance species, and permitting process for tree removal
Agenda link: [Kenmore - Document Center \(civicweb.net\)](#)
- December 6, 2021: tree regulations discussion
Agenda link: [Kenmore - Document Center \(civicweb.net\)](#)
- September 20, 2021: report and discussion on exceptional trees and residential tree subsidy programs
Agenda link: [Kenmore - Document Center \(civicweb.net\)](#)

The City Council has prioritized both the need for housing and tree preservation, which is consistent with its top two priorities adopted in the 2023-2024 Kenmore City Council Priorities:

1. Implement the adopted Climate Action Plan and promote environmental stewardship, including water, air, forest, and habitat restoration and preservation.
2. Increase and preserve the options for affordable housing stock.

A comment at the public hearing held at the September 25, 2023 City Council meeting voiced concern over the high number of trees a property owner can remove in a given year. The issue raised has been considered by City Council and is part of the Tier 2 list, however, it is beyond the scope of the proposed exceptional tree ordinance. Only the highlighted text in the exhibits is before the Council for adoption; the remainder comprises the Code as it currently exists.

On October 9, 2023, the City Council discussed the proposed ordinance (Ex. 1).

Fiscal Consideration:

The proposed exceptional tree ordinance will result in increased staff workloads, including fielding more questions and concerns from property owners, permit processing, plan review, and code enforcement. The code may result in the need for a new position, City Arborist.

City Council Priority or Budget Objective Being Addressed:

1. Implement the adopted Climate Action Plan and promote environmental stewardship, including water, air, forest, and habitat restoration and preservation.

**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 23-0593**

**AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON,
AMENDING CHAPTERS 15.25, 18.20, 18.57, AND 19.25 OF THE
KENMORE MUNICIPAL CODE TO ESTABLISH EXCEPTIONAL TREE
REGULATIONS AND PROCEDURES WITHIN THE CITY; PROVIDING
FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the City of Kenmore Comprehensive Plan (“Comprehensive Plan”) Policy LU-2.2.3 states that Kenmore’s regulation of land use should: a) protect public health, safety, and general welfare; b) protect environmentally sensitive areas, including wetlands, groundwater, streams, Lake Washington, the Sammamish River, and Puget Sound; and c) support tree preservation, whenever possible; and

WHEREAS, Comprehensive Plan Policy LU-1.5.2 identifies that development regulations should provide and address, among other things, tree retention standards; and

WHEREAS, consistent with the Comprehensive Plan, the City Council adopted Chapter 18.57 of the Kenmore Municipal Code (“KMC”), the “Tree Management and Protection Code” and declared that the purpose of the chapter was 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.

WHEREAS, the City Council finds that the purposes for tree protection regulations as

articulated above remain valid today, and that protecting trees provides substantial value to the City and its residents by:

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 [KMC 18.57.015.A-E];

WHEREAS, climate scientists maintain that big exceptional trees are invaluable to the environment and those native to the Pacific Northwest like Douglas firs, western hemlocks, and western red cedars are the best in the world at storing carbon - actually getting better at doing it as they age and grow bigger. In fact, according to the US Geological Survey, some large trees seem to add "the carbon mass equivalent of an entire smaller tree each year."

WHEREAS, in May of 2022, the City Council adopted the City of Kenmore Climate Action Plan ("CAP"), which acknowledges that cities like Kenmore have a critical role to play in addressing climate change impacts, including, but not limited to protecting, preserving, and restoring environmental and natural resources; and

WHEREAS, a CAP priority, goal and strategy include the expansion of tree canopy and sequestration opportunities, protecting critical and natural areas, and protecting local water bodies; 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, the City Council has considered tree protection regulations at its April 19, 2021, May 26, 2021, September 20, 2021, December 6, 2021, March 21, 2022, May 16, 2022, July 18, 2022, and October 24, 2022, meetings; and

WHEREAS, the City Council desires to adopt certain amendments to the Tree

Management and Protection Code to protect exceptional trees within the City ("Proposed Amendments") as they are unique in size, species, age, health, and are worthy of long-term retention, and provide substantial value to the City and community as referenced in the recitals herein; and

WHEREAS, the adoption of land use and zoning regulations is a valid exercise of the City's police powers and is specifically authorized by RCW 35A.63.100, RCW 36.70A.040, and the Washington Constitution, Article XI, Section 11; and

WHEREAS the Proposed Amendments support Council priorities to implement the adopted Kenmore CAP 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 September 1, 2023, 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 held a public hearing on September 25, 2023, and October 9, 2023, and considered the comments and record relating to the Proposed Amendments; and

WHEREAS, on October 9, 2023, the City Council voted to continue the period to receive written comments via email until 5:00 PM on Sunday, October 15th, 2023; and

WHEREAS, the City Council desires to adopt the Proposed Amendments and finds that such amendments are consistent with the 2023-2024 Council Priorities, the goals, objectives, and policies of the Comprehensive Plan; and

WHEREAS, the City Council has been guided by the goals of the Growth Management Act (RCW 36.70A.020) when considering adoption of the Proposed Amendments; 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 Chapter 18.20 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. Amendment. The City Council amends Section 19.25.020 of the Kenmore Municipal Code as set forth in Exhibit C, attached hereto and incorporated by reference as if set forth in full.

Section 6. 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 7. 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 _____ 2023.

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. 23-0593

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

A. KMC 15.25.030 is amended to read as follows:

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" means 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" means any rock, natural soil or any combination thereof.

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

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

K. "Exceptional tree" means a tree which because of its unique combination of size, species, and age is worthy of long-term retention for the purposes and values set forth in KMC 18.57.015, and that has been determined to constitute an important community resource and may not be *removed* or damaged.

1. All healthy specimens of *tree* species in Table 1 are *exceptional trees* if they have a diameter at breast height (d.b.h.) equal to or greater than that listed for the respective species. For *trees* with multiple leaders at four and one-half feet above the ground, the d.b.h. shall be the combined cumulative total of branches greater than six inches diameter at four and one-half 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.
2. Any healthy *tree* with a d.b.h. of 48 inches or greater is an exceptional tree except those in Table 2 that are never considered exceptional.

Table 1. Exceptional Tree Species and Required Diameters at Breast Height

| Tree Species (Common Name) | Scientific Name | Threshold d.b.h. (in inches) |
|-----------------------------------|------------------------------|-------------------------------------|
| Bigleaf Maple | <i>Acer macrophyllum</i> | 42" |
| Douglas Fir | <i>Pseudotsuga menziesii</i> | 30" |
| Grand Fir | <i>Abies grandis</i> | 24" |
| Madrona | <i>Arbutus menziesii</i> | 12" |
| Oregon Ash | <i>Fraxinus latifolia</i> | 24" |
| Oregon White Oak | <i>Quercus garryana</i> | 24" |
| Pacific Dogwood | <i>Cornus nuttallii</i> | 24" |
| Pine (any species) | <i>Pinus</i> family | 30" |
| Sitka Spruce | <i>Picea sitchensis</i> | 24" |
| Western Hemlock | <i>Tsuga heterophylla</i> | 24" |
| Western Red Cedar | <i>Thuja plicata</i> | 30" |
| Willow (any species) | <i>Salix</i> family | 24" |

Table 2. Tree Species That Are Not Exceptional Trees

| Tree Species (Common Name) | Scientific Name |
|-----------------------------------|------------------------------|
| Alder (any species) | <i>Alnus</i> family |
| Black Cottonwood | <i>Populus trichocarpa</i> |
| English Holly | <i>Ilex aquifolium</i> |
| Leyland Cypress | <i>Cupressus × leylandii</i> |

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

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

1. "Existing grade" means the *grade* prior to *grading*.
2. "Rough grade" means the stage at which the *grade* approximately conforms to the approved plan.
3. "Finish grade" means the final *grade* of the *site* which conforms to the approved plan.

N. "Grading" means any excavating, filling, removing of the duff layer, or combination thereof.

O. "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*.

P. "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.

Q. "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.

R. "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.

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

T. "Significant tree" means an existing healthy *tree* that is not a *hazard tree* and that is at least six inches in *diameter at breast height* (d.b.h.) as measured at four and one-half feet (54 inches) above the ground. For *trees* with multiple leaders at four and one-half feet above the ground, the d.b.h. shall be the combined cumulative total of branches greater than six inches diameter at four and one-half 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. Replacement trees required as mitigation for removed exceptional trees are considered significant trees, regardless of size.

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

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

W. "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.

X. "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."

Y. "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*.

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

AA. "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*.

BB. "Vegetation" means any and all organic plant life growing at, below, or above the soil surface. [Ord. 22-0547 § 2 (Exh. A); Ord. 16-0428 § 11 (Att. G); Ord. 12-0345 § 3 (Exh. A).]

B. KMC 15.25.070 is amended to read as follows:

15.25.070 Permit required – Exception.

No *land alteration* shall be performed without first having obtained a permit therefore 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 buffer;
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 of significant trees. This section does not apply to exceptional trees.

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:

| | |
|--|-------------------------|
| Lots up to 10,000 sq. ft.: | 2 <i>trees</i> per year |
| Lots 10,001 sq. ft. to 20,000 sq. ft.: | 4 <i>trees</i> per year |
| Lots 20,001 sq. ft. to 30,000 sq. ft.: | 6 <i>trees</i> per year |
| Lots 30,000 sq. ft. and greater: | 8 <i>trees</i> 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. 22-0547 § 2 (Exh. A); Ord. 16-0428 § 11 (Att. G); Ord. 12-0345 § 3 (Exh. A).]

EXHIBIT B TO ORD. 23-0593

I. Chapter 18.20 of the Kenmore Municipal Code is amended to read as follows:

A. KMC 18.20.2730 of the Kenmore Municipal Code (KMC) 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 inches in diameter at breast height (d.b.h.) as measured at four and one-half feet (54 inches) above the ground. For *trees* with multiple leaders at four and one-half feet above the ground, the d.b.h. shall be the combined cumulative total of branches greater than six inches diameter at four and one-half 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. Replacement trees required as mitigation for removed exceptional trees are considered significant trees, regardless of size. [Ord. 22-0547 § 3 (Exh. B(I)); Ord. 11-0329 § 3 (Exh. 1).]

B. Chapter 18.20 KMC is amended by adding a new KMC 18.20.3083, "Tree, exceptional" to read as follows:

18.20.3083 Tree, exceptional.

"Exceptional tree" means a tree which because of its unique combination of size, species, and age is worthy of long-term retention for the purposes and values set forth in KMC 18.57.015, and that has been determined to constitute an important community resource and may not be *removed* or *damaged*.

1. All healthy specimens of *tree* species in Table 1 are *exceptional trees* if they have a diameter at breast height (d.b.h.) equal to or greater than that listed for the respective species. For *trees* with multiple leaders at four and one-half feet above the ground, the d.b.h. shall be the combined cumulative total of branches greater than six inches diameter at four and one-half 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.
2. Any healthy *tree* with a d.b.h. of 48 inches or greater is an exceptional tree except those in Table 2 that are never considered exceptional.

Table 1. Exceptional Tree Species and Required Diameters at Breast Height

| Tree Species (Common Name) | Scientific Name | Threshold d.b.h. (in inches) |
|-----------------------------------|------------------------------|-------------------------------------|
| Bigleaf Maple | <i>Acer macrophyllum</i> | 42" |
| Douglas Fir | <i>Pseudotsuga menziesii</i> | 30" |

| | | |
|----------------------|---------------------------|-----|
| Grand Fir | <i>Abies grandis</i> | 24" |
| Madrona | <i>Arbutus menziesii</i> | 12" |
| Oregon Ash | <i>Fraxinus latifolia</i> | 24" |
| Oregon White Oak | <i>Quercus garryana</i> | 24" |
| Pacific Dogwood | <i>Cornus nuttallii</i> | 24" |
| Pine (any species) | <i>Pinus</i> family | 30" |
| Sitka Spruce | <i>Picea sitchensis</i> | 24" |
| Western Hemlock | <i>Tsuga heterophylla</i> | 24" |
| Western Red Cedar | <i>Thuja plicata</i> | 30" |
| Willow (any species) | <i>Salix</i> family | 24" |

Table 2. Tree Species That Are Not Exceptional Trees

| Tree Species (Common Name) | Scientific Name |
|-----------------------------------|------------------------------|
| Alder (any species) | <i>Alnus</i> family |
| Black Cottonwood | <i>Populus trichocarpa</i> |
| English Holly | <i>Ilex aquifolium</i> |
| Leyland Cypress | <i>Cupressus × leylandii</i> |

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.](#)

[18.57.063 Exceptional Tree Protections.](#)

[18.57.065 Significant tree grove retention in the urban residential zone, downtown commercial zone east of 73rd Avenue NE, public and semi-public zone abutting SR-522, and the urban corridor zone, east subarea.](#)

[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. 22-0547 § 4 (Exh. B(II)); 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. 22-0547 § 4 (Exh. B(II)); 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. 22-0547 § 4 (Exh. B(II)); 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.

c. Residential Development is not exempt from the provisions of Chapter 18.57.065 - *exceptional trees*.

4. Downtown Commercial and Downtown Residential Zones.

All *development* occurring within core areas designated as downtown commercial and downtown residential zones. [Ord. 22-0547 § 4 (Exh. B(II)); 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 application, 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, **common name, botanical name**, and condition 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 **worksheet on forms** **provided by the department.**

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. 22-0547 § 4 (Exh. B(II)); 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 |
| 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 |

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 |
|--|------------|--------|------------|
| 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 |

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 |
|---|---|---|------------------------------------|---|
| 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 |
| 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 |

| Size | | Units | Quantity | | | Total Units | |
|----------------|-------------------------|-------|----------|---|--------------------------|-------------------|--|
| | | | 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. 22-0547 § 4 (Exh. B(II)); Ord. 11-0329 § 3 (Exh. 1).]

18.57.063 Exceptional Tree Protections.

A. Prohibited Activities.

The following activities are prohibited with regard to *exceptional trees*.

1. Removal, in whole or in part.
2. Harming, injuring, or damaging the *tree*, including cutting its bark or branches with a knife, axe, hatchet, saw, or any other similar device or object.
3. Pouring toxic material on the *tree* or on the ground near enough to the *tree* to affect its health.
4. Burning the *tree* or causing a fire near enough to the *tree* to affect its health.
5. Topping.
6. Pruning beyond the standards provided by the Tree Care Industry Association at ANSI300 Part 1.
7. Attaching any sign, poster, notice, or other object to the *tree*, or fastening any guy wire, cable, rope, nails, screws, or other device to the *tree*, with the following exceptions:
 - a. To support young or broken *trees*;
 - b. For residential uses, (e.g., treehouses, tire swings, etc.);
 - c. The *City* may tie temporary signs or banners associated with street improvement, parades, seasonal lighting, or other *city* activities.

B. Variance.

Exceptional trees may be removed only as allowed in this section.

1. Variances from the *exceptional tree* standards of this chapter may be authorized by the *city manager* in accordance with the approval criteria described in this section. A variance for removal of *exceptional trees* is a Type 2 land use decision, pursuant to KMC 19.25.020, except as described in Section 18.57.063(B)2(a)(3).
 - a. Prior to commencing with the *removal* the owner shall obtain a permit from the *City*.
 - b. No *variance* is allowed in order to create additional *lots*.

c. Decision Criteria.

- i. Necessary for Rights or Use. Private *Development Proposals*: Such *variance* is necessary for the preservation and enjoyment of a substantial property right or use possessed by other similarly situated properties but which because of the presence of *exceptional tree(s)* is denied to the property in question. For a variance to be granted under this section, the applicant must demonstrate compliance with the reasonable use exception approval criteria established in KMC 18.55.180.A.1.a through 18.55.180.A.1.g. The phrase *exceptional tree* shall replace the phrase *critical area* when utilizing said criteria for a variance under this section;
- ii. The granting of such *variance* will not be materially detrimental to the public welfare or injurious to the property or improvement;
- iii. The granting of the *variance* is consistent with the general purpose and intent of the *City's* comprehensive plan and adopted development regulations.

d. *City Manager* Review. The *city manager* shall review the application. The *city manager* shall approve, approve with conditions, or deny the request based on the proposal's ability to comply with all of the *variance* criteria in this section.

e. Burden of Proof. The burden of proof shall be on the *applicant* to bring forth evidence in support of the application and to provide sufficient information on which any decision has to be made on the application.

f. Time Limit.

- i. Establishment of any activity authorized pursuant to an *exceptional tree variance* shall occur within four years of the effective date of the decision for such *variance*. This period may be extended for one additional year by the *city manager* if the *applicant* has submitted the applications necessary to authorize the development activity and has provided written justification for the extension.
- ii. For the purpose of this subsection, "establishment" shall occur upon the issuance of all local permit(s) needed to begin the development activity; provided, that the improvements authorized by such permits are completed within the time frames of said permits.

g. Mitigation Requirements.

- i. To the extent feasible, *exceptional trees removed* under a *variance* shall be replaced at a ratio of three (3) replacement trees for each *exceptional tree removed* (3:1).
- ii. If on-site replacement is not feasible, off-site replanting on public property with the *City's* written permission.

- iii. Whether planted on-site or off-site, replacement *trees* shall be of a species listed in Table 1 at KMC 18.20.3083 and must remain viable for a minimum of five (5) years after planting or themselves be replaced at a 1:1 ratio.
- iv. Notwithstanding the foregoing, replacement trees under this chapter are considered *significant trees* pursuant to KMC 18.20.2730, regardless of Diameter at Breast Height (d.b.h.).
- v. Notice on title.
 - 1. In order to inform subsequent purchasers of real property of the existence of replacement *trees* and their required viability period, the owner of any property containing replacement *trees* planted as mitigation for the removal of *exceptional trees* shall file a notice with county records and elections division according to the direction of the *City*. The notice shall state the presence of the replacement *trees* on the property and the date until which they must remain viable, of the application of this chapter to the property, and the fact that limitations on actions affecting the *trees* may exist. The notice shall run with the land.
 - 2. This notice on title shall not be required for:
 - a. A development proposal by a public agency or utility;
 - b. Within a recorded easement or right-of-way;
 - c. Where the agency or utility has been adjudicated the right to an easement or right-of-way; or
 - d. On the site of a public facility.
 - 3. The applicant shall submit proof that the notice has been filed with the county records and elections division (i.e., copy of document recorded on title).

2. Hazardous Trees.

- a. The removal of hazard exceptional trees shall comply with the following:
 - i. Prior to commencing with the removal the owner shall obtain a permit from the *City*.
 - ii. The burden of proving the hazardous nature of the *tree* lies with the property owner. The property owner shall provide the *City* with a report, prepared by an International Society of Arboriculture (ISA) certified arborist with a current Tree Risk Assessment Qualification (TRAQ), documenting that the *tree(s)* has a "high" or "extreme" risk and no other mitigation measure will reduce the risk below "high."

iii. Emergency tree removal. Where tree removal is necessary to prevent or correct an immediate threat to public health, safety, property, or welfare is performed in an emergency situation, the permit application, evidence of the threat, and a tree risk rating of "high" or "extreme" prepared by a *qualified tree protection professional* shall be submitted within the next business working day to the City. Emergency tree removal, as described here within, is exempt from the Type 2 decision process.

b. Mitigation Requirements.

i. The removal of hazardous, dying, or dead *exceptional trees* shall be mitigated by planting one (1) replacement tree, unless otherwise provided in KMC 18.55.150(E)(2).

ii. Replacement trees must be of a species listed in Table 1 at KMC 18.20.3083 and must remain viable for a minimum of five (5) years after planting or themselves be replaced at a 1:1 ratio.

3. Private Access.

a. Prior to commencing with the *removal* the owner shall obtain a permit from the City.

b. *Exceptional trees* may be removed where necessary to provide for access to development sites, provided there are no feasible alternative alignments. Alternative access must be pursued to the maximum extent feasible.

4. Public Facilities.

a. The City reserves the right to *remove exceptional trees* where necessary for roads, bridges, utilities, and facilities.

b. *Exceptional tree* removal by private utilities require a tree removal permit and right-of-way use permit.

C. Modification to Standards to Protect Exceptional Trees

1. For single-family residential subdivisions and short subdivisions on sites in the R-4 zone that contain *exceptional trees*, the minimum lot size may be reduced to 5,400 square feet with no limitation on the percentage of smaller lots, regardless of KMC 18.21.030, Footnote 16. The lot area shall exclude access easements and access panhandles.

2. Unless it would be unreasonable to do so based on the use of neighboring properties, the *city manager* may reduce setbacks in residential zones regulated by Chapter 18.21 KMC to 10 feet, and setbacks in other zones to five feet, in order to maximize the protection of an *exceptional tree* and avoid exceptions or variances.

D. Penalties.

1. **Civil Penalty.** The penalty for *removal of an exceptional tree* or any other activity prohibited under subsection A shall be a civil penalty of up to \$2,500 per inch in d.b.h. of the *tree removed* with a maximum fine of \$150,000. In no case shall the penalty be reduced to less than \$10,000 total. For example, the monetary penalty for a 30-inch d.b.h. Douglas fir *removed* results in a maximum penalty of \$75,000. If the violation is found to have been willful or malicious, as determined by the *city manager*, the amount of the penalty may be doubled as punitive damages and the violator may be subject to criminal penalties under KMC18.57.110.B.
2. In addition, any person found to be in violation of this Section shall plant three (3) replacement *trees* for each *exceptional tree* removed. Replacement *trees* shall be a species listed in Table 1 at KMC 18.20.3083 and must remain viable for a minimum of five (5) years after planting or themselves be replaced by the offender at a 1:1 ratio. In order to inform subsequent purchasers of real property of the existence of replacement *trees* and their required viability period, a notice will be filed on the title by the same procedure outlined under (B)(1)(g)(iv) of this Chapter.

18.57.065 Significant tree grove retention in the urban residential zone, downtown commercial zone east of 73rd Avenue NE, public and semi-public zone abutting SR-522, and the urban corridor zone, east subarea.

A. Definitions.

1. **Significant Tree Grove Definition.** A “significant tree grove” shall consist of two or more trees with a minimum of five and one-half tree units total. A qualifying tree has two tree units minimum. The maximum distance measured in feet between qualifying trees shall be equal to two times the critical root zone in order to be defined as a significant tree grove. For example a 24-inch d.b.h. tree must be within 24 feet of another tree in the grove to be included in the significant tree grove. A tree of any size that is topped or considered a “hazard tree” as defined in KMC [18.20.3084](#) may not qualify as part of a significant tree grove as herein defined. For purposes of this chapter, a significant tree grove may not contain trees that are located within a critical area or critical area buffer protected under Chapter [18.55](#) KMC. A significant tree grove is not the same as a “grove,” as defined in KMC [18.20.1273](#).
2. **Tree Units.** See KMC [18.57.060](#)(A) for translation of diameter at breast height (d.b.h.) to tree units.

B. Applicability.

1. Development proposals in the urban residential zone, downtown commercial zone east of 73rd Avenue NE, public and semi-public zone abutting SR-522, and the urban corridor zone, east subarea shall be eligible to benefit from providing less parking or more dwelling units or any combination of the two if the development retains one or more significant tree grove(s) as defined in this section in perpetuity. A development may be able to benefit from both reduced parking and additional dwelling units by preserving a significant tree grove so long as the same tree credits are not counted towards both reductions in parking and additional bonus dwellings. Trees or groves retained through other provisions of this chapter may count towards the significant tree grove retention if they meet the definitions found in subsection A of this section.

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

C. Reduced Parking. In order to retain qualifying significant tree groves, required parking may be reduced at the maximum rate of one stall per each five and one-half tree units. Parking quantities may be reduced up to a maximum of 20 percent from the parking requirement after other reductions are applied, if any.

D. Residential Bonus Units. In order to retain qualifying significant tree groves, residential units are offered at the rate of one bonus unit per each 11 tree units preserved. Grove bonus units are not included in maximum unit density calculations. Grove bonus units are not subject to the affordability requirements of KMC [18.27.020](#) and Chapter [18.77](#) KMC.

E. Significant Tree Grove Preservation Requirements.

1. Tree Protection Plan Required. A tree protection plan as identified in KMC [18.57.050](#) shall be required for any development application proposing to protect one or more significant tree groves through this section.

2. Recorded on Title. The map of significant tree groves preserved through this section, along with a covenant preventing removal, shall be recorded and shown on the property title.

3. Subject to Tree Protection Measures of Chapter [18.57](#) KMC. Significant tree groves protected under this section shall be subject to the tree protection measures during construction found in KMC [18.57.090](#), the post-construction replacement, financial guarantee, and maintenance requirements of KMC [18.57.100](#), and the penalties and enforcement of KMC [18.57.110](#).

Exception: This section, as adopted by Ordinance No. 23-0574, shall not apply to certain real properties located within the area of the transit oriented development (TOD) district overlay as identified in KMC [18.29.020](#) and Figure 18.29.020.1, and as further identified by the following tax parcel numbers (TPN): TPN 011410-0889, TPN 011410-0881, TPN 011410-0870, TPN 011410-0885, TPN 011410-0865, TPN 011410-0860, and TPN 011410-0855. [Ord. 23-0574 § 2 (Exh. A).]

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. 22-0547 § 4 (Exh. B(II)); 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. *Exceptional trees*.

2. *Groves*.

3. Individual *trees* which provide wildlife habitat as identified through environmental review.

4. Individual *trees* and *groves* which occur within required *setbacks*.

5. *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.

6. *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. 22-0547 § 4 (Exh. B(II)); 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. 22-0547 § 4 (Exh. B(II)); 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*.

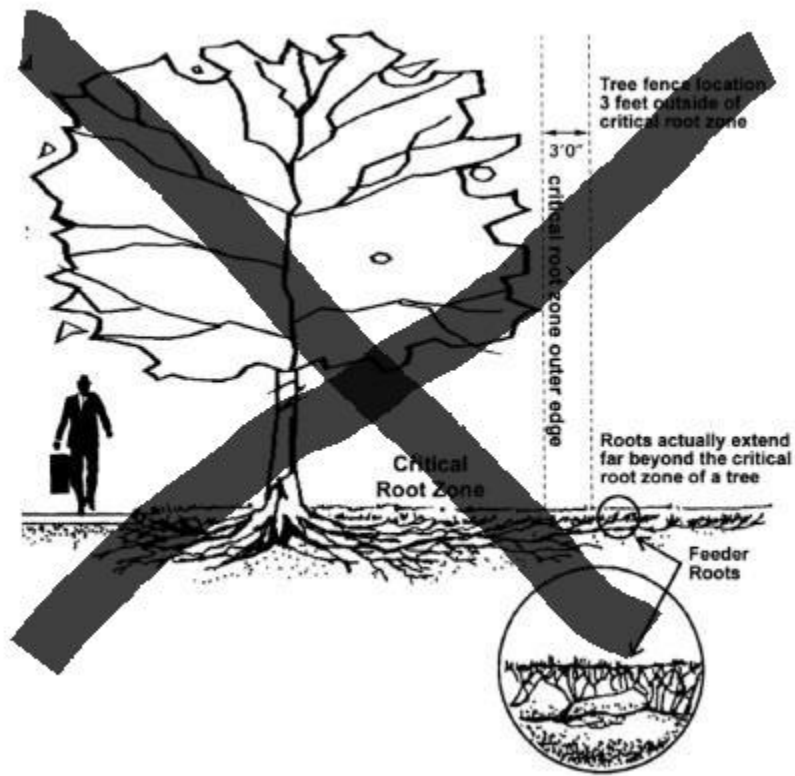
2. The *applicant* shall not install an *impervious surface* within the protective barrier of any *tree* designated to remain without the advance, written authorization of the *city manager*.

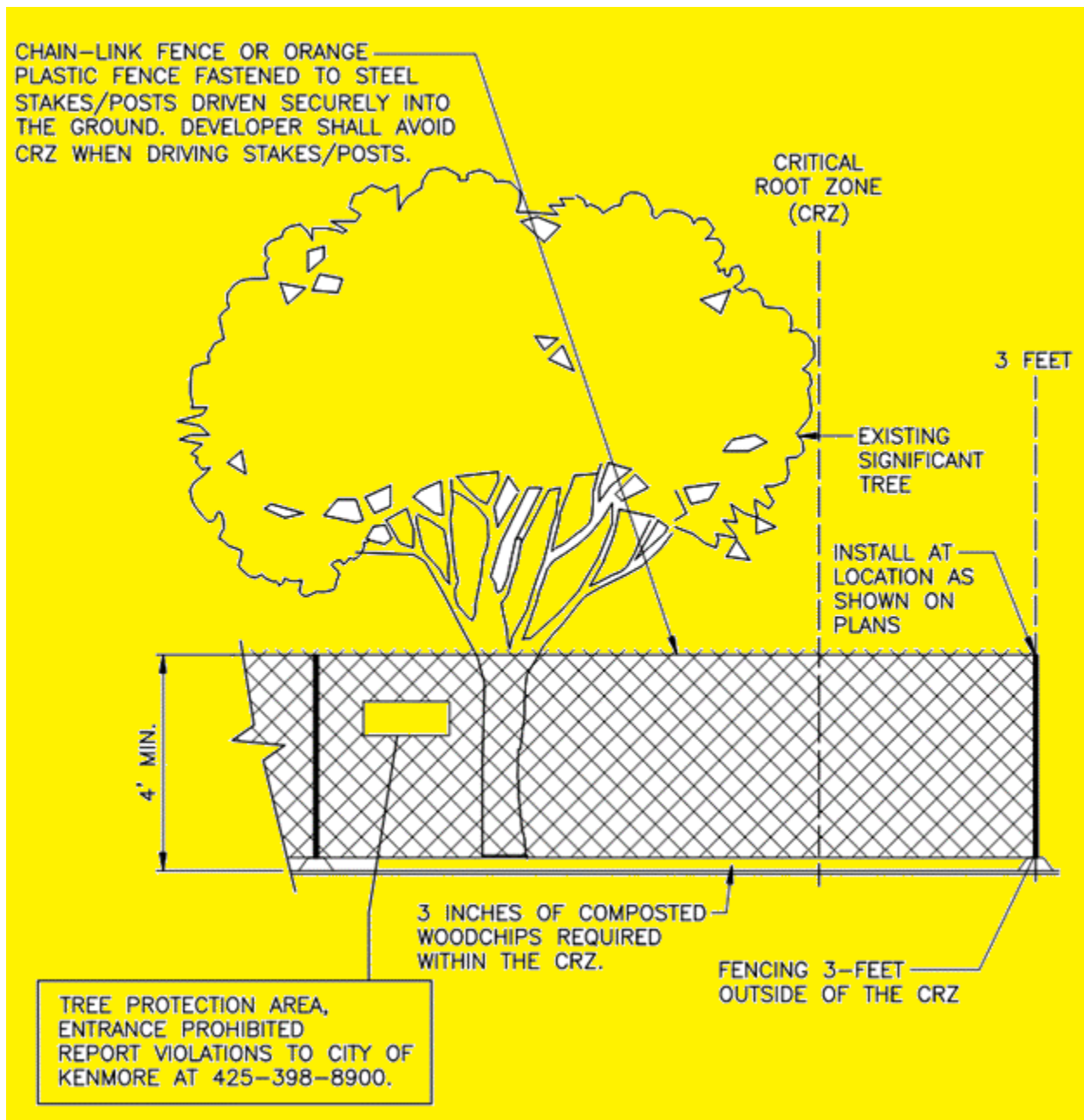
3. To the greatest extent practical, utility trenches shall be located outside of the root protection zone of *trees* to be retained. Boring or tunneling under the *CRZ* may be considered an alternative, but shall require the advance, written approval of the *city manager*.

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. 22-0547 § 4 (Exh. B(II)); 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. 22-0547 § 4 (Exh. B(II)); 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 \$2,000 per inch in *diameter at breast height* (d.b.h.) of the *tree* removed. For example, the monetary penalty for a 20-inch d.b.h. *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. **This section shall not apply to the removal of exceptional trees, which penalties are set forth in KMC 18.57.063.**

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. 22-0547 § 4 (Exh. B(II)); Ord. 11-0329 § 3 (Exh. 1).]

EXHIBIT C TO ORD. 23-0593

I. Section 19.25.020 of the Kenmore Municipal Code is amended to read as follows:

19.25.020 Classifications of land use decision processes.

A. Land use decisions are classified into five types, based on the amount of discretion associated with each decision. Procedures for the five different types are distinguished according to who makes the decision, whether public notice is required, whether a public hearing is required before a decision is made and whether administrative appeals are provided. The types of land use decisions are listed in Exhibit A of this section.

1. Type 1 decisions are made by the *city manager*. Type 1 decisions are nonappealable administrative decisions that require the exercise of little or no administrative discretion. Public notice is not required for Type 1 decisions.
2. Type 2 decisions are made by the *city manager*. Type 2 decisions are discretionary decisions that are subject to administrative appeal.
3. Type 3 decisions are quasi-judicial decisions made by the *hearing examiner* following an open record hearing. Type 3 decisions may be appealed directly to King County superior court, pursuant to Chapter [36.70C](#) RCW, the Land Use Petition Act, based on the record established by the *hearing examiner*.
4. Type 4 decisions are quasi-judicial decisions made by the city council based on the record established by the *hearing examiner*.
5. Type 5 decisions are legislative decisions made by the city council.

B. Except as provided in KMC [16.75.060](#) and [19.35.160](#) or unless otherwise agreed to by the *applicant*, all Type 2, 3 and 4 decisions included in consolidated permit applications that would require more than one type of land use decision process may be processed and decided together, including any administrative appeals, using the highest-numbered land use decision type applicable to the project application. KMC [16.75.060](#) sets out the combined hearing authority for shoreline exemptions, shoreline substantial development permits, shoreline variances, and shoreline conditional use permits.

C. Certain development proposals are subject to additional procedural requirements beyond the standard procedures established in this chapter.

D. Land use permits that are categorically exempt from review under SEPA do not require a threshold determination (determination of nonsignificance (DNS) or determination of significance (DS)). For all other projects, the SEPA review procedures in Chapter [19.35](#) KMC are supplemental to the procedures in this chapter.

Exhibit A

LAND USE DECISION TYPES

| | | |
|------------------------|--|--|
| TYPE 1 ² | Decision by <i>city manager</i> ; no administrative appeal | Building; demolition; moving; engineering; clearing and grading; sign; change of use and/or classification under KMC Title 15 ; accessory dwelling unit; home occupation; boundary line adjustment; right-of-way; street standards variance; adjustment under Chapter 13.35 KMC; shoreline exemption; temporary use; binding site plan; preliminary subdivision or short subdivision revision if not a substantial change; short plat alteration if not a substantial change; affordable housing project as described in KMC 18.77.060 (A). |
| TYPE 2 | Decision by <i>city manager</i> ; appealable to <i>hearing examiner</i> ; no further administrative appeal ^{1, 5} | Home industry; short subdivision; preliminary short subdivision revision; short plat alteration; zoning variance; conditional use permit; shoreline substantial development permit; shoreline variance; shoreline conditional use permit; site plan review for uses allowed by zone; wireless communication facility minor adjustment under Chapter 18.60 KMC; approval of residential density incentives under KMC 18.80.060 (A)(2) or transfer of development credits under KMC 18.80.090 (A); reuse of public schools; reasonable use exceptions under KMC 18.55.180 ; public agency and utility exceptions under KMC 18.55.160 ; other critical areas exceptions, variances and decisions to require studies or to approve, condition or deny a development proposal based on Chapter 18.55 KMC; <u>variances to exceptional tree regulations as set forth in KMC 18.57.063.</u> |

| | | |
|-----------|--|---|
| TYPE 3 | Recommendation by <i>city manager</i> ; hearing and decision by <i>hearing examiner</i> ; appealable directly to King County superior court, pursuant to Chapter 36.70C RCW, the Land Use Petition Act, on the record | Preliminary subdivision; plat alteration; preliminary subdivision revision; special use; wireless communication facility major adjustment under Chapter 18.60 KMC. |
| TYPE 4 | Recommendation by <i>city manager</i> ; hearing and recommendation by <i>hearing examiner</i> ; decision by city council on the record | Zone <i>reclassification</i> not related to a <i>site-specific comprehensive plan land use map amendment</i> ³ ; shoreline environment redesignation; plat vacation; short plat vacation; site plan review for uses not allowed by zone pursuant to Chapter 18.105 KMC; master plans other than those required in order to obtain a <i>comprehensive plan</i> amendment or related zoning map or text amendment. |
| TYPE 5 | Hearing and recommendation by planning commission or other city council-appointed advisory body ⁴ ; decision by city council on the record. Appealable to Growth Management Hearings Board pursuant to Chapter 36.70A RCW | <i>Comprehensive plan</i> amendment; <i>development regulation</i> amendment; zoning map amendment related to a <i>site-specific comprehensive plan land use map amendment</i> ; master plans required in order to obtain a <i>comprehensive plan</i> amendment or related zoning map or text amendment pursuant to Chapter 18.120 KMC. |

¹ All shoreline permits, including shoreline variances and conditional uses, are appealable to the State Shorelines Hearings Board and not to the *hearing examiner*.

² Type 1 land use decisions that are not categorically exempt from environmental review under Chapter [43.21C](#) RCW (State Environmental Policy Act) shall provide a notice of application per KMC [19.25.060](#) and a notice of decision per KMC [19.25.090](#). The notice of decision may be a copy of the permit.

³ Approvals that are consistent with the *comprehensive plan* may be considered by the city council at any time. Zone *reclassifications* that are not consistent with the *comprehensive plan* land use map require a *site-specific comprehensive plan land use map amendment* and the city council's hearing, and consideration shall be considered a Type 5 land use decision and scheduled with the amendment to the *comprehensive plan* under Chapter [19.20](#) KMC.

⁴ If the proposal is being considered as part of the annual *docket* work program as described in Chapter [19.20](#) KMC. If the proposal is not part of the annual *docket*, the city council conducts the public participation process and makes the decision on the record.

⁵ Decisions on shoreline variance and shoreline conditional use permits require approval by the Department of Ecology.

[Ord. 21-0521 § 3 (Exh. B); Ord. 19-0481 § 2 (Exh. A); Ord. 16-0426 § 8 (Att. F); Ord. 12-0334 § 18; Ord. 11-0329 § 3 (Exh. 1).]

Local Food | Healthy Forests | Clean Water | Better Ground

Funded by King Conservation District, PlanIT Geo used high-resolution aerial imagery from the USDA's National Agriculture Imagery Program (NAIP) to map and measure current tree canopy and possible planting areas and to quantify changes in canopy in Kenmore. The results and metrics were then analyzed by watershed, zoning, and census block. This information will be used to aid the City's decision-making around land use planning, community development, and urban forest management.

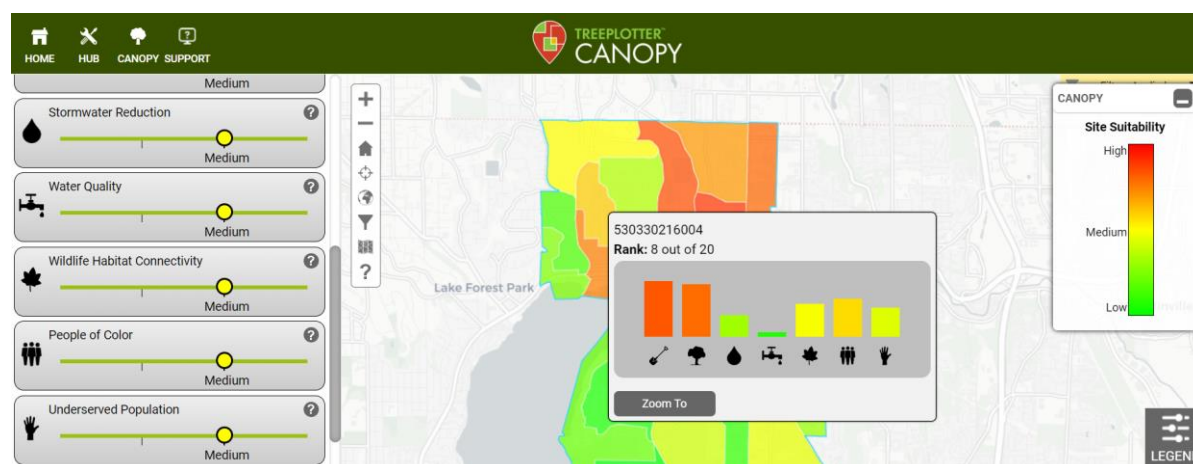
In particular, Kenmore wanted to explore how their tree canopy had changed since their first assessment was done in 2017. Results show that the City has gained 204 acres of tree canopy, representing a positive change of 5%.

UTC Change Metrics by City Boundary

| Kenmore | Total Area (Acres) | Land Area (Acres) | UTC 2017 (Acres) | UTC 2017 (%) | UTC 2021 (Acres) | UTC 2021 (%) | UTC Change 2017-2021 (Acres) | Raw Change (%) | Relative Change (%) |
|---------|--------------------|-------------------|------------------|--------------|------------------|--------------|------------------------------|----------------|---------------------|
| | 4,017 | 3,900 | 1,586 | 41% | 1,790 | 46% | 204 | 5% | 13% |

Increases were noted across all zoning categories – with the exception of neighborhood business. The analysis also revealed that there is still room to plant more trees in Kenmore. The study estimates that 22% of Kenmore is potential planting area – while 33% is unsuitable. Recommended zoning to concentrate on are R-1 residential, golf course, R-6 residential and R-4 residential.

With the data provided by PlanIT Geo, tree canopy and planting opportunities can also be analyzed by census block prioritized by factors such as income, habitat connectivity, or stormwater reduction. GIS layers were provided to the City of Kenmore but a visualization of Kenmore's tree canopy and possible planting areas is also available online at: <https://pg-cloud.com/KingCD-Cities/>





Date: September 10, 2021
To: Kenmore City Council
From: Garrett Oppenheim, Policy Analysis Intern
Re: Exceptional Tree Protections

I. Introduction

A. Context

At the City Council meeting on April 19, 2021, Bryan Hampson and Samantha Loyuk presented a summary of Kenmore's tree regulations including potential code amendments to further protect, preserve, and enhance Kenmore's urban forest. The presentation included a list of short-term and long-term action items, labelled List 1 and List 2.

List 1 was composed of five recommendations that could be accomplished this year, including changing the definition of "significant tree" so it includes smaller diameter at breast height (DBH) trees, revising tree retention requirements so certain "nuisance species" (i.e., cottonwood and alder) do not receive credit for retention, codifying the tree removal application process for existing single-family residences, updating the removal penalty language for consistency, and shortening the validity period for tree removal permits so replacement trees get into the ground faster.

List 2 was composed of more long-term items and consisted of increasing the tree density requirement for new development, decreasing yearly allowances for single-family tree removal, always requiring replacement of removed trees, establishing maximum floor area ratios to limit the size of single-family residences, creating a tree fund for instances where replacement is infeasible that would potentially include a tree rebate program for planting trees on single-family lots, and establishing an exceptional tree program. I was hired as an intern to research the final two items, exceptional tree ordinances and tree rebate programs, and draft policy papers on each.

B. Background

Big trees are invaluable to the environment. The big trees native to the Pacific Northwest like Douglas firs, western hemlocks, and western red cedars are the best in the world at storing carbon and they actually get better at doing it as they age and grow bigger.ⁱ In fact, some large trees seem to add "the carbon mass equivalent of an entire smaller tree each year."ⁱⁱ

Beyond helping fight climate change by removing greenhouse gases from the atmosphere and storing them, trees provide myriad benefits to our health, the environment, and society. Large trees increase property values, lower energy costs by regulating microclimates, clean local water, and even lead to better health outcomes for people.ⁱⁱⁱ And yet, despite the benefits trees, and in particular big trees, provide, the United States lost about 175,000 acres of tree cover, about 36

million trees, per year from urban and community areas between 2009 and 2014.^{iv} In that same period, Washington State lost 3,350 acres per year of urban and community tree cover.^v

To combat the decline in large trees, eleven Washington cities – Bainbridge Island, Bonney Lake, DuPont, Duvall, Lake Forest Park, Mercer Island, North Bend, Redmond, Seattle, Tacoma, and Woodway - have implemented protections for large trees, codified in exceptional tree ordinances. This report will explore, among other aspects, how these ordinances work, their commonalities and differences, and their effectiveness in preserving large trees.

While most cities refer to their protected trees as “exceptional trees,” Bainbridge Island, DuPont, and Redmond call their protected trees “landmark trees.” For the sake of simplicity, except in the Definitions section in this report, I will refer to all protected trees as “exceptional trees” irrespective of what individual cities call them.

Some cities list out species they protect when they reach a certain size while others give their city officials discretion whether to protect trees or not. Some cities apply their ordinances across the board to protect all exceptional trees in their jurisdiction while others apply only to new developments. All cities have carved out exceptions that allow for the removal of exceptional trees under certain circumstances. And some other cities rely on protection schemes called heritage tree programs that are voluntary on the part of property owners and require their consent to protect and preserve large trees.

The acronym DBH will appear multiple times within this report. It means diameter at breast height and refers to a tree’s width at four and one-half feet above the ground and is generally the place at which trees are measured to determine if their size meets the criteria for protection. The term caliper is synonymous with DBH.

C. Recommendation

It is recommended that the establishment of an exceptional tree ordinance be considered in the context of the recommendations that will come out of 1) the Climate Action Plan (CAP), which will likely produce a long list of potential new programs, and 2) the code amendment work plan dockets for future years, as discussed at the City Council’s annual retreat.

Several cities in Washington State have successfully implemented unique versions of an exceptional tree ordinance which have proven effective at preserving large trees. If Kenmore is to join these cities and enact its own exceptional tree ordinance, there are several issues that must be considered beforehand and it will take considerable staff time in the short term to do the research for and draft an exceptional tree ordinance appropriate for Kenmore.

First and foremost among those considerations is to decide what trees Kenmore wants to preserve. That can mean making a list of protected species like Seattle, DuPont, Duvall, Lake Forest Park, Mercer Island, and North Bend have done. Such a list will also require determining at what threshold sizes to protect each species. As Appendix B makes clear, different cities have chosen a variety of sizes at which to begin protections; for example, in Seattle and Mercer Island, an Oregon white oak with a six-inch DBH is an exceptional tree but in DuPont its DBH must be 24 inches to be protected and in no other city does it even warrant exceptional status. If Kenmore

wants to protect all large trees it can emulate Bonney Lake and Redmond where all trees with a DBH greater than 30 inches are exceptional, but that protection might miss some species whose specimens never reach that size and other cities protect at much smaller diameters, such as the Madrone and Pacific yew. Kenmore could also choose to follow the model set by Woodway and leave it to the discretion of city staff whether or not a particular tree is deserving of exceptional status but that of course leaves to fate whether the staff are tree-loving conservationists, heavily in favor of development, or somewhere else on the spectrum.

Once it has been established what trees to protect, the City must determine what protection means. The protection may simply prioritize exceptional trees for retention on development sites or it may bar their removal entirely. It can go even farther than that, emulating Bonney Lake's prevention of any harm at all that might injure or deface an exceptional tree.

The Council will have to decide further what exceptions will apply. Current regulations allow Kenmore residents to remove two or more large trees from their property, based on its size, and can either remain in place or be modified so that only significant trees that are not also exceptional trees may be removed. The ordinance could be applicable only to new developments to prohibit clear-cutting. Other common exceptions allow for removal of hazardous, dead, and dying exceptional trees and reasonable economic use of property, though they vary in the details. Where it provides for exceptions, the Council will further have to determine whether to require the planting of replacement trees, and if so, how many.

Suitable penalties must be established for violations of the ordinance. These can range from forcing the violator to plant replacement trees to fines that can be either consistent per violation or equal the appraised value of the removed tree.

Finally, the Council must acknowledge that the local context may result in unintended consequences that could force it to reevaluate the ordinance, its effectiveness, and its impact on both development and local livelihoods.

It is important to understand that an exceptional tree ordinance is not a panacea that, once implemented, prevents any big trees from coming down. Cities that have such ordinances in place already still see the removal of large trees. It is one tool in the regulatory toolbox but it is not a perfect one. Other tools in the toolbox include the actions on List 1 that will be implemented this Fall and they may well prove effective on their own and forego the need for an exceptional tree ordinance.

II. Current Kenmore Tree Protections

Kenmore's current tree regulations do not grant extra protection to large trees. The Code defines "significant trees" at KMC 18.20.2730 as "an existing healthy tree that is not a hazard tree (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."

KMC 15.25.070 permits Kenmore property owners to remove significant trees from property containing a single family residence based on the size of the property so long as the trees to be removed are not located in a critical area, shoreline, buffer, native growth area, or wildlife protection zone and have not been previously designated for protection. The owner of a typical single family lot, up to 10,000 square feet, can remove two significant trees per year without a permit.

Table 1

| Single Family Residence Lot Size | Number of Significant Trees That Can Be Removed Each Year Without a Permit |
|----------------------------------|--|
| Up to 10,000 sq. ft. | 2 |
| 10,001 – 20,000 sq. ft. | 4 |
| 20,001 – 30,000 sq. ft. | 6 |
| More than 30,000 sq. ft. | 8 |

Source: Kenmore Municipal Code 15.25.070(B)(2)

In terms of development, KMC 18.57.060 requires a minimum tree density of 30 tree units per acre of buildable area, to be made up of either existing trees already present on the land, replacement trees, or a combination of the two. Tree units are not equivalent to trees but are determined based on conversions found in KMC Table 18.57.060A. The City works with developers through all stages of development and construction to ensure the retention and protection of sufficient trees, but for a number of reasons, many, and in some cases, all trees are removed from development sites. Trees may be removed because the space they occupy is needed for roadways, sidewalks, drainage areas, fire access, utilities, or building setbacks. They may be removed because they are not viable. They may be removed because the size or shape of the lot would prevent construction if they remained. Oftentimes, even after replacement trees have been planted, developed sites look like there are no trees present because the replacement trees are often much smaller or are located in backyards, hidden from public view.

III. Defining Exceptional Trees

Eleven cities in Washington do grant additional protection to certain trees, usually based on their size. Most of the ten protect only specific species that have reached threshold sizes while others do not differentiate and protect all trees of a certain size. One city provides for subjective protection at the discretion of its Director of Public Works and a final city limits its protection to trees in specific environmentally important areas.

A. Specific Species Protected

Bainbridge Island, DuPont, Duvall, Lake Forest Park, Mercer Island, North Bend, and Seattle all have lists of tree species that become exceptional when they reach a specified size, noted as a diameter at breast height (DBH), 4.5 feet above the ground. For a list of all protected species and the threshold sizes required for protection, see Section XVI.

1. Bainbridge Island

Bainbridge Island calls the trees it protects “landmark trees,” defined at Bainbridge Island Municipal Code 16.32.010(C) as “trees, located on Bainbridge Island, that are unique because of their age, size, species, historical significance, or aesthetic quality and meet the criteria.” Those

criteria are found at BIMC 16.32.020 in a table listing protected tree species and the threshold sizes for protection. So long as a tree meets the size requirements, the city considers them landmark trees, whether they meet any of the more subjective criteria or not.

2. DuPont

DuPont protects what it terms “landmark trees,” defined at Section 25.10.120.005 of the DuPont Municipal Code as healthy, well-formed specimens of seven tree species – Oregon white oak, Pacific yew, madrona, Douglas fir, western red cedar, western hemlock, and big leaf maple – that have reached specified threshold sizes.

3. Duvall, Lake Forest Park, and North Bend

Duvall, Lake Forest Park, and North Bend use identical language to define exceptional trees: viable trees worthy of long-term retention due to a “unique combination of size and species, age, location, and health.” (The respective definitions are found at DMC 14.40.120, LFPMC 16.14.030, and NBMC 19.10.020). The criteria trees must meet are also identical, but for the language directing the reader to the location in the Code where protected species are found.

The tree must exhibit healthful vigor, not be a significant risk to utilities and structures, have no visual structural defects that cannot be mitigated, and “be expected to remain viable with reasonable and prudent management and care.”

Duvall protects 21 native western Washington species, selected by a committee of tree experts based on what other jurisdictions had protected and the best available science (DMC Table 14.40.120.1). Lake Forest Park protects seven species at LFPMC 16.14.030 Table 1.

Based on consultation with an arborist, North Bend protects nine species (NBMC 19.10.020(22)) and has an added provision that protects homestead trees planted many years ago that the city arborist determines to be unique in character, size, or form (NBMC 19.10.020(22)(f)).

4. Mercer Island

Mercer Island’s definition of exceptional trees is found at MIMC 19.16.010: “A tree or group of trees that because of its unique historical, ecological, or aesthetic value constitutes an important community resource. An exceptional tree is a tree that is rare or exceptional by virtue of its size, species, condition, cultural/historic importance, age, and/or contribution as part of a tree grove. Trees with a diameter of more than 36 inches, or with a diameter that is equal to or greater than the diameter listed in the Exceptional Tree Table, are considered exceptional trees[.]” The table lists 23 protected native species of trees and 45 non-native species with threshold diameters at breast height ranging from 6 inches to 30 inches depending on species (MIMC 19.16.010).

5. Seattle

Director’s Rule 16-2008 clarified the definition of exceptional trees found at **Seattle** Municipal Code 25.11.020, “a tree or group of trees that because of its unique historical, ecological, or aesthetic value constitutes an important community resource, and is deemed as such by the Director according to standards promulgated by the Seattle Department of Construction and Inspections.” The Rule contains a table of dozens of native and non-native tree species and their

associated threshold sizes required to be classified as exceptional, ranging from as small as six inches to as large as two and a half feet

B. All Large Trees Protected

1. Bonney Lake

The **Bonney Lake** Municipal Code defines exceptional trees located at Section 16.60.030(F)(10) as any tree with a DBH of 30 inches or greater, although it specifically excludes fast-growing and easily replaceable cottonwoods and alders unless they are found in a critical area. While the ordinance does not name them, its intent is to protect large specimens of three species of slow-growing, difficult to replace trees that predominate in undeveloped areas: Douglas firs, big leaf maples, and red leaf cedars.

2. Redmond

Redmond does not protect any specific species, choosing to define what its Code calls “landmark trees” at RMC 20A.20.120 as healthy trees with DBH over thirty inches or any particularly impressive or unusual tree in terms of “size, shape, age, historical significance or any other trait that epitomizes the character of the species.”

C. Discretion of City Officials

1. Woodway

Woodway defines an exceptional tree at WMC 16.12.020 as one that the Director of Public Works has determined worthy of long-term retention because it has a “unique combination of size, species, age, location, and health.” Under the Woodway definition, no specific species are protected, but rather the Director has discretion to deem any tree exceptional except for five enumerated species: red alders, laurel trees, English holly, Leyland cypress, and non-native cultivated fruit trees (WMC 16.12.050(A)).

Woodway decided not to protect specific species at threshold sizes like some cities do in order to save staff time. The discretion granted to the Director prevents the three staff members – the Director and two other Public Works employees – from having to go into the field to measure every single potential exceptional tree to determine what must be preserved; instead, the Director need only look at them and decide in his or her discretion whether they are exceptional trees or not.

D. Exceptional Trees Protected in Biodiversity Areas Only

1. Tacoma

Generally speaking, **Tacoma** does not protect exceptional trees, but in the Critical Areas Preservation section of its Code, implemented on June 26, 2018, the city does protect them in biodiversity areas and corridors. For the purposes of Tacoma’s municipal code, a biodiversity area, defined at TMC 13.01.110.B, is one containing diverse native vegetation composed of a “mosaic of habitats and microhabitats” and “areas with rare or uncommon plant species and associations designated by the City or identified by Federal and State agencies such as the Department of Natural Resources Heritage Program.” Biodiversity corridors, defined in the same chapter, are “relatively undisturbed and unbroken tracts of vegetation that connect Biodiversity Areas, other Priority Habitat and Critical Areas, including shorelines and serve to protect those areas and allow movement of common urban species.” TMC 13.11.510(B)(1)(b) requires a

minimum size of two acres for a biodiversity area and states that the only areas that cannot be classified as such are those “already developed with legally established, pre-existing uses which serve to eliminate or greatly reduce the propensity of wildlife to use the area as habitat or a corridor.” As such, a biodiversity area can include residential properties.

TMC 13.11.550(E)(1)(c) specifically protects exceptional trees within or affecting biodiversity areas and corridors with an explicit command to “retain exceptional trees,” noting that all “Conifers and Madrone are considered exceptional trees.” TMC 13.11.550(E)(1)(c)(2) further defines exceptional trees as those constituting an important community resource due to unique historical, ecological, or aesthetic value, allowing for trees other than conifers and madrone to be designated exceptional.

IV. Protection Granted

In many cities, the protection granted prohibits removal of exceptional trees, although exceptions, which will be detailed later in Section VI, are always provided for. **Bainbridge Island** bars the removal of exceptional trees by any “person, corporation, or other legal entity” without approval from the planning director, which will be explored in Section VI below (BIMC 16.32.030(A)). **Duvall** Municipal Code 14.40.025 and **North Bend** Municipal Code 19.10.093(E) state that “removal of exceptional trees shall not be allowed, except in [limited] circumstances.” **Lake Forest Park** Municipal Code 16.14.060(B) says that “Removal of viable exceptional trees [...] is prohibited.” **Redmond** Municipal Code 20D.80.20-070(3)(c) proclaims that “[Exceptional]¹ trees shall not be removed unless an exception has been applied for and granted.” **Seattle** Municipal Code 25.11.040(A)(2-3) prohibits, subject to exceptions in the preceding chapter, removal of exceptional trees on undeveloped lots and lots in areas with specific zoning requirements.

The protections granted to trees by these ordinances can extend beyond merely preventing removal. In **Bonney Lake**, BLMC 16.64.020(A) prevents anything that destroys, injures, or defaces exceptional trees, including pouring toxic material near them, posting signs on them, burning near their bases, and cutting their bark or branches.

Not all cities’ exceptional tree ordinances offer such strongly-worded protections. **Mercer Island** prioritizes exceptional trees for protection (MIMC 19.10.010(C)(2), 19.10.060(A)(2)(b)(ii)(a)). The protection provisions in **Woodway** do not allow removal of exceptional trees for routine property maintenance (WMC 16.12.150(E)(4)) or for development (WMC 16.12.170(I)(2)(e)) without a resolution by agreement or a tree management plan, both of which will be discussed in Section VI under Permits. The protection granted to exceptional trees in **Tacoma**, found at TMC 13.11.550(E)(1)(c), applies only to trees located in biodiversity areas and merely reads “Retain exceptional trees.”

V. Application

Cities differ with regard to whether their exceptional tree ordinances are applicable to everyone in the municipality or only to new developments. Most cities apply the ordinance to homeowners and developers but some cities allow homeowners to remove exceptional trees from their property,

¹ Redmond calls such trees “landmark trees” in its Code.

A. Universal Application

Bainbridge Island applies its ordinance to all property owners but also has regulations similar to Kenmore's that allow for homeowners with properties up to an acre in size to remove up to three significant trees each year without a permit. Exceptional trees cannot be removed but the city is aware that homeowners may inadvertently remove an exceptional tree under these provisions.

Bonney Lake makes its ordinance applicable to both homeowners and developers but provides an exception for homeowners to remove an exceptional tree that has become a hazard without a permit if a certified arborist provides a report that the tree is of "high" or "extreme high" risk and no mitigation methods will alleviate that risk.

By the letter of the law, the exceptional tree ordinance in **DuPont** applies only to new development projects (DMC 25.120.020) but, according to the city's community development director who administers the ordinance, it is also applicable to homeowners because they must go through the permitting process to remove trees and are held to the standards of the ordinance.

Lake Forest Park requires a Major Trees Permit to remove any tree with a DBH greater than 24 inches. Upon application for the permit, city staff visit the site to inspect the tree and, if it is an exceptional tree, the city denies the permit. It is also possible in Lake Forest Park for one resident to report another to the city for illegal cutting, instigating an immediate investigation and potential penalties.

Redmond, Seattle, and Woodway protect exceptional trees across the board from removal by both homeowners and developers. **Tacoma** likewise protects against removal so long as the tree is located in a biodiversity area or corridor.

B. Different Standards for Homeowners and Developers

There has not yet been an instance of an exceptional tree removal in **Duvall** since implementation of the ordinance but the city would hold developers and homeowners to different standards. A developer found removing an exceptional tree would face a fine but only mitigation would be required of a homeowner.

Mercer Island requires homeowners to get permits to remove trees with a DBH greater than ten inches and allows homeowners to remove exceptional trees from their property. While there is no limit to the number a homeowner may remove, there are mitigation requirements that can make removal prohibitive; each exceptional tree must either be replaced by six new trees or, if there is insufficient room on the property to meet replacement requirements, the property owner must make a payment in lieu under MIMC 19.10.070(C). In critical areas, exceptional trees can only be removed if they are hazardous.

Developers in Mercer Island, on the other hand, must preserve all exceptional trees with a DBH greater than 24 inches under MIMC 19.10.060(3) and commission an arborist's report to verify that the root system is not negatively impacted. Further protection of trees is granted by means of the development permit application review looking at the preceding five years for tree removal and the permit preventing it for five years after development.

Homeowners in **North Bend** have a categorical exemption in NBMC 19.10.040(B)(5) to remove up to ten trees per year from their property without a permit with only two limitations, trees in a designated native growth easement or within 150 feet of a critical area cannot be removed. As such, the exceptional tree ordinance there is applicable only to developers.

VI. Exceptions and Mitigation

No jurisdiction has a complete ban on the removal of exceptional trees. The various exceptions provided for include reasonable use of property, hazardous trees, access, subdivisions, protection of other exceptional trees, and permit systems. In most instances for which exceptions are made, mitigation is required in the form of planting replacement trees.

This section will not explore cities that do not apply their ordinances to homeowners because those were detailed in Section V above.

A. Exceptions

1. Reasonable Use

When a State eliminates all economically valuable use of land it engages in a “taking” of property and must compensate the land’s owner.^{vi} As such, cities provide exceptions to their bans on removing exceptional trees when preservation would deny any reasonable use of the property.

The first exception for which the **Bainbridge Island** planning director shall approve a request to remove an exceptional tree is that “removal is necessary to enable construction on or reasonable use of the property, and no other alternative is feasible” (BIMC 16.32.030(D)(1)).

Duvall at DMC 14.40.025(A)(4) and **North Bend** at NBMC 19.10.093(E)(1)(d) use the exact same language to say that exceptional trees can be removed in instances where the property owner can show the infeasibility of all on-site alternative designs that would result in less impact to the exceptional trees, including reduction in “size, scope, configuration, or density.”

In cases where “application of [the exceptional tree ordinance] will prevent any reasonable economic use of the owner’s property” **Lake Forest Park**, LFPMC 16.14.100(A) allows the property owner to apply to the planning department to be exempted from the ordinance’s requirements. LFPMC 16.14.100(C) lays out the criteria for receiving an exemption: following the ordinance would “deny all reasonable economic use of the property,” no other reasonable use exists that would have less impact, and the proposed development “is the minimum necessary to allow for reasonable economic use of the property.”

Tacoma grants a reasonable use exception at TMC 13.11.240(B) when application of the code’s preservation standards would “deny all reasonable economic use of the property.” Even under circumstances where no other reasonable economic use exists, subsection (3) requires the development “will be mitigated to the maximum practical extent and result in minimum feasible alteration or impairment of functional characteristics of the site.” In practice, this means the first goal is to avoid impact in critical areas, but where that is impossible, the goal becomes to minimize damage and mitigate what’s done through tree replacement.

Mercer Island, at MIMC 19.10.060(A)(3)(b) is less explicit about the reasoning behind the exception but allows removal of exceptional trees when retaining them would limit the constructable area to less than 85% of the maximum, as defined elsewhere in the Code. **Seattle** utilizes a similar mechanism to allow for the removal of exceptional trees from residential small lots at SMC 25.11.060(A)(1)(a) where the maximum allowable lot coverage cannot be achieved without extending into the tree's protected area and SMC 25.11.060(A)(1)(b) where retention of an exceptional tree would result in part of a house being less than fifteen feet wide, and in lowrise zones at SMC 25.11.070(A)(2) if retention would prevent reaching a certain floor area.

At RMC 20D.80.20-090, **Redmond** lays out the criteria that must be addressed in a property owner's application in order to be allowed to remove exceptional trees. Those criteria, found in subsections (1)(a)(i-ii), are that either special circumstances exist with regard "to the size, shape, topography, location, or surroundings of the subject property" or strict adherence to the ordinance would "jeopardize reasonable use of property."

2. Hazardous, Dead, and Dying Trees

Every city, with one possible exception, allows for exceptional trees to be removed if they are hazardous, dead, or dying.² There is some variation between cities with regard to how the exception is written, whether as part of the definition of an exceptional tree or as a distinct provision, the process for hazardous tree removal, the definition of the term "hazard," and what must be left behind.

At BIMC 16.32.030(D)(3), **Bainbridge Island's** planning director may allow for removal of exceptional trees that are "diseased, or otherwise determined to be a hazardous tree as determined by a qualified professional."

Part of the definition of an exceptional tree in **Duvall**, **Lake Forest Park**, and **North Bend** (see DMC 14.40.120, LFPMC 16.14.030, NBMC 19.10.020(22)(c)) is that the tree must be viable and "not be considered a significant risk in regard to existing utilities and structures as evaluated per the tree risk assessment[.]"

Most cities require that before removing a potentially hazardous tree, the city must provide written authorization (see, for instance, **Bonney Lake** Municipal Code 16.64.040(A); **DuPont** Municipal Code 25.120.030(8); **Duvall** Municipal Code 14.40.025(A)(1) referring to 14.40.110(A); **Seattle** Director's Rule 16-2008; and **Tacoma** Municipal Code 13.11.210(B)(11)) while others like **Woodway** allow immediate removal but require an application for a removal permit after the fact with proof that failure of the tree was likely imminent (Woodway Municipal Code 16.12.130(A) and 16.12.130(D)).

Cities take different approaches to defining what makes a tree hazardous. **Mercer Island** defines the term "hazardous tree" at MIMC 19.16.010 by referring to the rating system of the

² At RMC 20D.80.20-030(1) Redmond provides for the removal of significant trees that are "an immediate threat to public health, safety, or welfare" but at 20D.80.20-070(3)(c) clearly states that "Landmark trees shall not be removed unless an exception has been applied for and granted." None of the exceptions enumerated in RMC 20D.80.20 relate to trees being hazardous.

International Society of Arboricultural Hazard Tree Analysis for Urban Areas. **North Bend**, on the other hand, defines a “hazard tree” at NBMC 19.10.020(26) as a tree with a disease or defect that gives it “a high probability of failure.” **Seattle’s** Director’s Rule talks of allowing qualified professionals to make the determination. **Dupont** does not define the term at all.

In critical areas, **Bonney Lake** at BLMC 16.64.040 and **Tacoma** at TMC 13.11.210(B)(11) require that the cut pieces of the removed hazardous tree be left on site as wildlife habitat.

3. Access

Bainbridge Island will allow for an exceptional tree to be removed upon application under BIMC 16.32.030(D)/(2) if “removal is necessary to fulfill the terms of an easement or covenant recorded prior to the adoption of the” exceptional tree ordinance. The city would not allow for the creation of an easement today that contained exceptional trees, but would instead require finding a reasonable alternative.

Duvall and **North Bend** both grant an exception to remove exceptional trees where necessary to access developments. The provisions, found at DMC 14.40.025(3) and NBMC 19.10.093(E)(c) share language with regard to this exception. Both provide that where there are no other feasible alternatives, exceptional trees can be removed to provide access to private development sites. They both require that alternatives “shall be pursued to the maximum extent feasible.”

Duvall provides for an additional access-related exception at DMC 14.40.025(A)(2) where it is necessary to remove exceptional trees “necessary for public roads and bridges within existing public right of ways and other essential public facilities.” **DuPont**, likewise allows up to 30% of Oregon white oaks and up to 50% of all other exceptional trees to be removed to install a street right of way that is “integral to a neighborhood and cannot reasonably be moved,” at DMC 25.120.030(2).

4. Residential Lot Subdivisions

Bonney Lake at BLMC 16.64.070(D)(2) and **Mercer Island** at MIMC 19.10.060(A)(3)(c) provide for an exception to allow for removing an exceptional tree if retaining it would prevent creating a lot via subdivision, provided that the subdivision is otherwise allowed for in the Code.

5. Permits

Woodway has devised a unique permit system to allow property owners limited control over removing exceptional trees. WMC 16.12.150(E)(4) defines how many trees may be removed from a property each year depending on zoning and also states that exceptional trees can only be removed under an approved Resolution by Agreement or Tree Management Plan, two programs explained in greater detail in WMC 16.12.180 and 16.12.190.

First, the Resolution by Agreement, as described in WMC 16.12.180(A)(3), allows a property owner to enter into an agreement with the Director of Public Works to remove one exceptional tree every five years. While the Director has no discretion whether to enter a Resolution by Agreement with a property owner, in order to remove a single exceptional tree, the property owner must replace it with five trees similar in growth rate and canopy cover that must remain healthy and viable for a period of five years.

The limit of one such tree in a five-year period can only be exceeded by the second exception, the much more burdensome Tree Management Plan, explained at WMC 16.12.190(B). A Tree Management Plan is more burdensome to the property owner because the Director has more discretion to make additional demands on him or her such as requiring more replacement trees that remain healthy and viable for a longer period or altering construction plans to build on a less sensitive area of a lot. Additionally, the Director has the discretion whether to permit the Tree Management Plan at all. In general, most property owners considering a Tree Management Plan as an option to remove more than one exceptional tree rethink it and stick to a Resolution by Agreement that allows one removal per five years.

6. Protecting Other Exceptional Trees

DMC 25.120.040(8) in **DuPont** requires that Douglas firs be removed in some instances to ensure the survival of oaks, to which the ordinance grants special protections.

B. Mitigation

In general, when cities provide exceptions that allow for the removal of exceptional trees, they require replacement and oftentimes the replacement requirements are significant.

Bonney Lake imposes a draconian 9:1 replacement ratio on those who remove exceptional trees, under BLMC 16.64.080(A). BLMC 16.64.040(G) allows for a reduced 4.5:1 replacement ratio if the removed tree was a hazard tree.

Under MIMC 19.10.070, **Mercer Island** requires replacement at a burdensome rate of six new trees for every exceptional tree that is removed.

As detailed above in the discussion about permits, **Woodway** requires five replacement trees that must remain viable for five years under a Resolution by Agreement for removing a single exceptional tree and the Director of Public Works has discretion to demand more replacement trees and a longer viability period under a Tree Management Plan.

Lake Forest Park, at LFCMC 16.14.100(D), and **Duvall**, at DMC 14.40.025(B), both require replacement at a rate of three trees for every exceptional tree removed.

Redmond at RMC 20D.80.20-090(1)(c) requires replacement in accordance with the Tree Replacement provisions found at RMC 20D.80.20-080(1) and (5), namely that all significant trees removed must be replaced at a 1:1 ratio by two-and-one-half-inch caliper deciduous trees or evergreen trees six to eight feet tall.³ If the reasonable use exception grants the property owner the right to retain less than 35% of the standard, RMC 20D.80.20-090(b) requires replanting three replacement trees per exceptional tree removed.

³ Based on the definitions present in the Redmond Municipal Code, all exceptional trees are significant trees. RMC 20A.20.190 defines significant trees as healthy trees with a DBH of six inches or more. RMC 20A.20.120 defines exceptional trees (“landmark trees” in their terms) as a “healthy tree over thirty inches in diameter” or any particularly impressive or unusual tree in terms of “size, shape, age, historical significance or any other trait that epitomizes the character of the species.” As such, exceptional trees are significant trees with greater protections.

Seattle requires at SMC 25.11.090 that every exceptional tree with a DBH over two feet that is removed be replaced by at least one new tree whose size and species must be approved by the City with the expectation that when the tree is mature the canopy will be at least equal to what existed before.

Bainbridge Island requires mitigation at BIMC 16.32.030(E) only when exceptional trees are removed to enable reasonable use of the property. The replanting requirements, found at BIMC 16.32.030(E)(1-2), provide for multiplying the DBH of the removed trees by one-half and planting sufficient replacement trees such that the sum of their combined calipers equals or exceeds that figure. Alternatively, BIMC 16.32.030(F) allows for planting three replacement trees and paying into the Bainbridge Island tree fund \$500 per inch of replacement inch unaccounted for by the replacement trees.

Only a removed street tree must be replaced in **DuPont**, according to DMC 25.120.030(8).

When the removed exceptional trees are hazardous, the replacement requirements differ. Some cities require replacement of hazardous trees (see, for instance, **Duvall** Municipal Code 14.40.110(A)), whereas others may waive the replacement requirement entirely or in specific areas (see, for instance, **Seattle** Municipal Code 25.11.090(B) for an example of the former and **Woodway** Municipal Code 16.12.130(E) for the latter).

VII. Administration

A. Inventories of Exceptional Trees

Very few of the cities who have implemented exceptional tree ordinances maintain inventories or lists of all of the trees in their jurisdictions that meet the criteria for that designation. Most cities only learn about the existence of such trees upon the submission of development plans or tree removal permit applications which require property owners to disclose the trees that would be affected by development or removal. In North Bend, where the exceptional tree ordinance has been on the books since 2018, not a single exceptional tree has been discovered in the submission for property to be developed. Mercer Island keeps track of exceptional trees found in development applications, but there is no formal inventory. Bainbridge Island does not currently maintain an inventory of its exceptional trees but has plans to perhaps create one in the future.

The only cities that do maintain complete inventories of the exceptional trees in their municipalities are Dupont and Seattle.

1. **DuPont** made its initial inventory of exceptional trees about twenty years ago when Weyerhaeuser started its development there but it only tracks exceptional trees on public property and finds out about those on public property like other cities, when residents apply for tree removal permits.

2. **Seattle's** Department of Construction and Inspections includes a team of GIS Analysts who use ARCPro GIS to track all trees on private property in the city with a DBH of six inches or greater. Seattle tracks internally all trees that have been preserved, removed, and planted as part of mitigation and expects to make that information available to the public in the near future.

B. Staff Time

Staff resources are required to administer exceptional tree ordinances in every city that has implemented them. There is a large cost in staff time up front in researching and writing the ordinances. Administrators talked about having to spend time consulting with arborists to determine what tree species to protect and what the appropriate sizes would be. They spent significant amounts of time researching the ordinances other cities had passed before them to determine what would work for them and what would not. The administrator of **Ridgefield's** heritage tree ordinance estimated that it took at least 40 hours of staff time to set up and draft their ordinance, one that, as will be described below in Section XII, has not even been as effective as the drafters had hoped. In **Woodway**, it took three months of full time work to develop and craft the ordinance before taking it to their City Council.

Once the ordinance is up and running, the amount of time can vary. If the ordinance does not change the regulations very much then it will not take much time to administer, but if it does not change the Code much one must wonder why it was enacted. Where the ordinance does change the regulations significantly it can add an hour or more to the duties of staff each week in reviewing development proposals and permit applications.

VIII. Effectiveness

Every city that has implemented an exceptional tree ordinance has done so with similar goals in mind, namely, maintaining and increasing the tree canopy and preserving large trees. Subsidiary goals include preventing clearcutting by developers, increasing home values, and preserving the sylvan northwest characteristics of the region.

As many cities have implemented their exceptional tree ordinances in the last five years it remains too soon to say whether they have been effective in protecting more trees than they were beforehand and it will take further tree canopy analysis to make that determination. Such is the case in **Bonney Lake** and **North Bend**. **Duvall**, likewise, enacted their ordinance too recently to be certain of its success but typical five-acre development sites always turn up exceptional trees and the development plans that have been submitted since it took effect have shown that more trees are being preserved that would not have been previously.

Bainbridge Island is already looking at revisions to its exceptional tree ordinance only three years after implementation so it is likely falling short of the standard of effectiveness for which its original drafters had hoped.

Those cities who maintain that the exceptional tree ordinance has been an effective tool to preserve large trees and increase canopy include **DuPont**, **Lake Forest Park**, **Tacoma**, and **Woodway**.

IX. Development

A. Impact

Most cities report that the exceptional tree ordinances have had little to no negative impacts on development.

Duvall and **Woodway** have seen no negative impact on development. In **Lake Forest Park**, the decision to increase the size threshold for a tree to be protected compared to those used in Seattle prevented the ordinance from having a negative impact on development in the city.⁴ A city arborist in **North Bend** verifies all developers' tree plans to ensure no exceptional trees go unreported but none have yet been recorded on development sites there since its ordinance was implemented in 2018. It is possible that no exceptional trees have appeared on development sites in North Bend because in the wake of the ordinance being implemented developers have begun examining land more closely in advance to build only where there are no protected trees that they must retain.

Mercer Island saw a short-term negative impact on development in the wake of the ordinance's implementation but once developers figured out how to work with the new ordinance, they returned and development has increased over where it was prior to the enactment late in 2017.

Bainbridge Island has not had any slowdown in the submissions of building applications since implementing its exceptional tree ordinance and is unaware of any negative impacts the ordinance could have had on development.

Other cities such as **Redmond** and **Seattle** have not tracked whether the ordinance has impacted the development rate. Development in Redmond has remained strong. Too many other factors influence development in Seattle to say whether the exceptional tree protections have any impact on development, but many developers avoid lots with exceptional trees in low-density zones because they may require the investment of substantial amounts of money only to find out whether they can develop the site as they have planned, suggesting that there may be fewer development sites available than would be without the ordinance.

In **Bonney Lake**, where the exceptional tree ordinance was implemented in 2020, most of the development projects the city is working on were already submitted before enactment so it is too soon to say whether there will be any impacts from the exceptional tree ordinance.

Tacoma acknowledges that exceptional tree protection in biodiversity areas has made development more difficult in some instances such as when subdivisions of existing properties can be prevented when the new lot would not be developable due to the presence of biodiversity areas. Despite the impact on development, this was an intended consequence of the ordinance as the city intended to preserve biodiversity at the expense of some development.

B. Credits

A second aspect to development is that two cities, Bonney Lake and North Bend, give developers extra credit toward the minimum required tree credits for retaining exceptional trees. In **Bonney Lake**, BLMC 16.64.080(C) equates a single retained exceptional tree with four tree replacement credits. **North Bend** bases the credit for retained trees on their DBH and all retained exceptional trees count for 150% of a non-exceptional tree of the same size (NBMC Table 19.10.092-2).

⁴ See Appendix B, Section XVI, to compare size thresholds for protected trees.

X. Penalties

The penalties for illegally removing exceptional trees include replanting requirements and fines with some cities punishing malicious or willful violations more harshly than accidental violations.

A. Mitigation

In **Bonney Lake** the penalty for cutting down an exceptional tree, found in BLMC 16.64.080(A) is to plant nine replacement trees, each with a minimum two-inch caliper. BLMC 16.64.080(J) provides for an in lieu mechanism whereby a violator can pay money to the city's tree fund if they do not have room to plant all of the required replacement trees.

DuPont works with violators to mitigate the harm done by removing a tree but does not have any codified mitigation scheme.

In **Tacoma**, the penalty for removal of exceptional trees in biodiversity areas is mitigation in the form of planting replacement trees.

In **Duvall**, a homeowner who illegally removed an exceptional tree would face only mitigation requirements such as replanting replacement trees.

B. Fines

Unlike homeowners who must only mitigate the harm caused, a developer who removes exceptional trees in **Duvall** is subject to a fine based on an appraisal of the removed tree that is done after the removal.

The penalty for illegally removing an exceptional tree in **Lake Forest Park** is a fine in the amount of the tree's appraised value.

Woodway imposes a \$1,000 fine for illegally removing an exceptional tree, and, if the violation is done knowingly and willfully, it adds a fine not to exceed the appraised value of the tree.

Mercer Island and **North Bend**, as stated above in Section V.B, apply their ordinances primarily to developers only, but both provide stiff penalties to developers who violate the Code. At MIMC 19.10.160(B), Mercer Island provides for up to triple the value of a damaged or removed tree. North Bend has instituted a \$10,000 per violation penalty for removing exceptional trees found on development sites based on NBMC 19.10.140(B) which gives the city arborist discretion to charge for removal of protected trees.

Bainbridge Island imposes a fine of \$25,000 in addition to standard civil penalties for each exceptional tree removed without approval (BIMC 16.32.060(B)).

C. Both Mitigation and a Fine

Redmond penalizes those who illegally remove exceptional trees with both a fine up to \$3,000 and a requirement to replace the removed tree with three new trees (RMC 20D.80.20-130(2)).

SMC 15.11.100(I-J) provide for civil penalties for violations of **Seattle's** Tree Protection Code. SMC 15.11.100(I)(1) sets the fine for removing an exceptional tree at the tree's appraised value and allows for triple damages if the violation is willful or malicious. SMC 15.11.100(J) requires, in addition to the aforementioned fine, restoration of the damaged area to its pre-violation state.

XI. Unintended Consequences

Cities reported a handful of unintended consequences that have arisen related to their exceptional tree ordinances. Some unintended consequences arose from local context and others the way their particular ordinance was written.

In September 2020, wildfires forced parts of **Bonney Lake** to evacuate to safety.^{vii} The city's close proximity to wildfire danger means that protecting trees very close to houses can leave them vulnerable to fire so the ordinance is likely to be reconsidered in the near future with regard to this aspect.

In **Duvall** there may be unintended consequences in the form of

- unnecessary economic harm to developers,
- issues with meeting minimum density requirements, and
- conflicts with critical root zone ordinance requirements.

According to my source at Duvall, developers have been harmed economically in instances when poorly done arborist evaluations have resulted in preservation of trees that should not be classified as exceptional and they consequently lost useable land.

My source at Duvall believes that with regard to density requirements, Duvall's exceptional tree ordinance has pushed developers of subdivision projects to meet only the minimum required, thus preventing achievement of maximum densities allowed by zone.

Finally, exceptional trees can have massive critical root zones and depending on whether Code requirements allow for any activity in that area, it may limit how much land can be developed.

XII. Heritage Tree Protections

Another common protection scheme for large trees is heritage tree protection. Seattle defines a heritage tree as one that it is an exceptional specimen in terms of size, rarity, or beauty, has an association with a significant historical person or event, or is a community landmark.^{viii}

Vancouver utilizes similar criteria for deciding if nominated trees should be designated as heritage trees, as found in Vancouver Municipal Code 20.770.120(B)(2).

Several cities have, or have had, heritage tree programs but they are not as effective for tree preservation as exceptional tree ordinances because the property owners must give consent for the trees on their private property to be designated as heritage trees. This is the case in all of the heritage tree programs examined for this report: Seattle, Bonney Lake, Lake Forest Park, Mercer Island, Ridgefield, and Vancouver. Trees designated as heritage trees acquire protection from removal but the voluntary nature of the programs allows property owners to refuse to add an extra burden and commitment to their land.

Bonney Lake has only a single heritage tree in the entire city and even that is in a public park. Were it not for that one tree, the ordinance would have been eliminated when the Code was revised in 2020. Lake Forest Park no longer administers its heritage tree program because it did not provide any additional protection for trees. Mercer Island abandoned its heritage tree program because no property owners were taking part out of fear that it would have a negative impact on the value of their property.

Of the cities examined for this report who have had heritage tree programs, only Seattle and Vancouver maintain actively growing heritage tree inventories. Seattle has about 250 on private property and grants exceptional tree status to all of its heritage trees so that with the owner's consent they receive the exact same protections that those that qualify as exceptional trees based on the Code get automatically. Each year about a dozen nominations of heritage trees on private property in Seattle fail because the owner refuses to give consent. Vancouver has about 40 heritage trees across the entire city, each nominated by the property owner and now unable to be removed from the inventory. In both cities, heritage tree status adheres to a tree even if ownership of the underlying property changes.

The Heritage Tree program in Ridgefield, enacted in October 2018, provides an example of the weak protections these programs offer.

Ridgefield defines heritage trees in its code at Section 18.840.030 as having one of the following characteristics: a DBH greater than 36 inches; a distinctive size, shape, or location; a distinctive species, age, or exceptional beauty that warrants heritage status; a functional or aesthetic relationship to a natural resource like a stream bank that conveys distinctiveness; or a documented association with a historical figure, property, or significant historical event. RMC 18.840.020 requires the city to maintain an inventory of its exceptional trees and to update the inventory annually.

Anyone can nominate trees to City Council for designation, including the Public Works Department, which nominates trees from sites where development has been proposed, but RMC 18.840.020(C) grants property owners the right to object to the designation. The City Council interprets the ordinance as though it is entirely voluntary on the part of the property owners, and has so far refused to override any of their objections, despite no language in the ordinance giving property owners an absolute right to block trees on their property from being protected. The Council has relied on the subjective nature of many of the criteria, which is different from most of the exceptional tree ordinances that protect trees of a certain size, to reject nominations.

While the initial inventory was a success with 90% of the 40-50 nominated trees receiving heritage status, the City Council did not grant the status to any of the nominated trees at the first annual update because of owner objections.

The program also provides weak protection against developers because rather than providing *per se* protection of large trees, it relies on the City Council to vote on whether to protect trees nominated to it. This creates a loophole that would allow a developer to remove trees that have been nominated for designation as heritage trees before the Council has had a chance to vote on their nomination.

In conclusion, heritage tree programs do not protect trees as well as exceptional tree ordinances because property owners can block the designation. The heritage tree ordinance in Ridgefield was meant to provide strong protection for large trees but nonetheless demonstrates the weakness of this type of program because the City Council there has deferred to property owners rather than tree preservation.

XIII. Enactment

Enactment in Kenmore of an exceptional tree ordinance to protect more big trees will require a City Council vote on an ordinance to make changes to the tree regulations in the Land Use Code found at Title 18 of the Kenmore Municipal Code. The process for such changes would involve a process of approximately six months and require staff resources from the Planning Department, Development Services Department, and the City Attorney. The process would entail a SEPA environmental determination by the Development Services Director, a 60-day notice to the Department of Commerce providing a draft of the new regulations and showing which department is responsible for carrying it out, a public hearing before the Council with a draft of the new regulations available to the public, and finally, the adoption of the ordinance with review by the City Attorney.

XIV. Appendix A: City Facts

| City | County | Population (2021) ^{ix} | Date Ordinance Implemented | Specific Species Protected | Inventory of All Exceptional Trees Maintained |
|-------------------|-----------|---------------------------------|----------------------------|----------------------------|---|
| Bainbridge Island | Kitsap | 26,254 | 2018 | Yes | No |
| Bonney Lake | Pierce | 21,354 | 2020 | No | No |
| DuPont | Pierce | 9,556 | unknown | Yes | Yes |
| Duvall | King | 8,267 | 2018 | Yes | No |
| Kenmore | King | 23,281 | N/A | N/A | N/A |
| Lake Forest Park | King | 12,638 | 2017 | Yes | No |
| Mercer Island | King | 25,918 | 2017 | Yes | No |
| North Bend | King | 8,039 | 2018 | Yes | No |
| Redmond | King | 80,915 | 1998 | No | No |
| Ridgefield | Clark | 10,807 | 2017 | No | Yes |
| Seattle | King | 776,555 | 2001/2009 ⁵ | Yes | Yes |
| Tacoma | Pierce | 221,259 | 2018 | No | No |
| Woodway | Snohomish | 1,393 | 2006 | No | No |

⁵ The ordinance took effect in 2001. The Director's Rule defining which trees are protected took effect in 2009.

XV. Appendix B: Species and Size Threshold Protections by City

| Species⁶ | Seattle⁷ | Bainbridge Island⁸ | DuPont⁹ | Duvall¹⁰ | Lake Forest Park¹¹ | Mercer Island¹² | North Bend¹³ |
|-------------------------------|----------------------------|--------------------------------------|---------------------------|----------------------------|--------------------------------------|-----------------------------------|--------------------------------|
| Sitka Alder | 6" | | | | | | |
| Oregon Ash | 24" | | | | | 24" | |
| Quaking Aspen | 12" | | | | | 12" | |
| Paper Birch | 20" | 30" | | | | 20" | |
| Cascara | 8" | | | | | 8" | |
| Western Red Cedar | 30" | 30" | 30" (45") | 30" | 42" | 30" | 30" |
| Pacific Crabapple | 12" | | | 12" | | 12" | |
| Pacific Dogwood | 6" | | | 6" | | 6" | 12" |
| Douglas Fir | 30" | 40" | 30" (45") | 30" | 42" | 30" | 30" |
| Grand Fir | 24" | 40" | | 24" | 33" | 24" | 24" |
| Black Hawthorn | 6" | | | 6" | | 6" | |
| Western Hemlock | 24" | 30" | 30" (45") | 24" | 36" | 24" | 24" |
| Madrona | 6" | 24" | 24" (30") | | 12" | 6" | |
| Bigleaf Maple | 30" | 36" | 30" (45") | 30" | 42" | 30" | 30" |
| Dwarf or Rocky Mountain Maple | 6" | | | | | 6" | |
| Vine Maple | 8" | | | | | 8" | |
| Oregon White or Garry Oak | 6" | 30" | 24" (30") | | | 6" | |
| Lodgepole Pine | 6" | | | | | 6" | |
| Shore Pine | 12" | | | 12" | | 12" | 12" |

⁶ Trees only protected when in a grove are not included. Non-native species are in italics.

⁷ Protected species found at Director's Rule 16-2008 Table 1.

⁸ Protected species found at Bainbridge Island Municipal Code 16.32.020.

⁹ Protected species found at DuPont Municipal Code 25.10.120.005. The first number is for trees with a single trunk first, the number in parentheses is for multi-trunk trees.

¹⁰ Protected species found at Duvall Municipal Code Table 14.40.120.1.

¹¹ Protected species found at Lake Forest Park Municipal Code 16.14.030 Table 1.

¹² Protected species found at Mercer Island Municipal Code 19.16.010 Exceptional Tree Table.

¹³ Protected species found at North Bend Municipal Code 19.10.020(22) Exceptional Tree Species and Their Threshold Diameters.

| Species | Seattle | Bainbridge Island | DuPont | Duvall | Lake Forest Park | Mercer Island | North Bend |
|------------------------------|---------|-------------------|-----------|--------|------------------|---------------|------------|
| Western White Pine | 24" | | | | 36" | 24" | |
| Western Serviceberry | 6" | | | | | 6" | |
| Silver Maple | | 36" | | | | | |
| Sitka Spruce | 6" | 36" | | 30" | | 6" | 30" |
| Willow (all native species) | 8" | | | | | 8" | |
| Pacific Yew | 6" | | 24" (30") | 6" | | 6" | |
| <i>Orchard Apple</i> | 20" | | | 20" | | 20" | |
| <i>European Ash</i> | 22" | | | | | 22" | |
| <i>Green Ash</i> | 30" | | | | | 30" | |
| <i>Raywood Ash</i> | 24" | | | | | 24" | |
| <i>European Beech</i> | 30" | | | | | 30" | |
| <i>European White Birch</i> | 24" | | | 24" | | 24" | |
| <i>Atlas Cedar</i> | 30" | | | | | 30" | |
| <i>Deodor Cedar</i> | 30" | | | | | 30" | |
| <i>Incense Cedar</i> | 30" | | | 30" | | 30" | |
| <i>Flowering Cherry</i> | 23" | | | 24" | | 23" | |
| <i>Lawson Cypress</i> | 30" | | | | | 30" | |
| <i>Kousa Dogwood</i> | 12" | | | 12" | | 12" | |
| <i>Eastern Dogwood</i> | 12" | | | | | 12" | |
| <i>American Elm</i> | 30" | 30" | | 30" | | 30" | |
| <i>English Elm</i> | 30" | | | 30" | | 30" | |
| <i>Gingko</i> | 24" | | | 24" | | 24" | |
| <i>Common Hawthorn</i> | 16" | | | | | 16" | |
| <i>Washington Hawthorn</i> | 9" | | | | | 9" | |
| <i>European Hornbeam</i> | 16" | | | | | 16" | |
| <i>Common Horse Chestnut</i> | 30" | 40" | | | | | |
| <i>Red Horse Chestnut</i> | 30" | | | | | | |
| <i>Katsura</i> | 30" | | | | | 30" | |
| <i>Littleleaf Linden</i> | 30" | | | | | 30" | |
| <i>Honey Locust</i> | 20" | | | | | 20" | |

| Species | Seattle | Bainbridge Island | DuPont | Duvall | Lake Forest Park | Mercer Island | North Bend |
|--|---------|-------------------|--------|--------|------------------|---------------|------------|
| <i>Southern Magnolia</i> | 16" | | | | | 16" | |
| <i>Paperbark Maple</i> | 12" | | | | | 12" | |
| <i>Japanese Maple</i> | 12" | 12" | | | | 12" | |
| <i>Norway Maple</i> | 30" | | | | | | |
| <i>Red Maple</i> | 25" | | | | | 25" | |
| <i>Sugar Maple</i> | 30" | | | | | 30" | |
| <i>Sycamore Maple</i> | 24" | | | | | 24" | |
| <i>Monkey Puzzle Tree</i> | 22" | 36" | | | | 22" | |
| <i>Mountain-Ash</i> | 29" | | | | | 29" | |
| <i>Pin Oak</i> | 30" | 30" | | | | 30" | |
| <i>Red Oak</i> | 30" | 38" | | | | 30" | |
| <i>Callery Pear</i> | 13" | | | | | 13" | |
| <i>Austrian Black Pine</i> | 24" | | | | | 24" | |
| <i>Ponderosa Pine</i> | 30" | 30" | | | | 30" | |
| <i>Scot's Pine</i> | 24" | | | | | 24" | |
| <i>London Plane</i> | 30" | | | | | 30" | |
| <i>Flowering Plum</i> | 21" | | | | | 21" | |
| <i>Coastal Redwood</i> | 30" | 30" | | | | 30" | |
| <i>Giant Sequoia</i> | 30" | | | 30" | | 30" | 30" |
| <i>Japanese Snowbell</i> | 12" | | | | | 12" | |
| <i>American Sweetgum</i> | 27" | | | | | 27" | |
| <i>Tulip Tree</i> | 30" | | | | | 30" | |
| <i>Willow (all non-native species)</i> | 24" | | | | | 24" | |
| <i>Beech (Fagus grandifolia)</i> | | 36" | | | | | |
| <i>Catalpa</i> | | 36" | | | | | |
| <i>Lombardy Poplar</i> | | 38" | | | | | |
| <i>Black Locust</i> | | 30" | | | | | |
| <i>Monterey Pine</i> | | 30" | | | | | |
| <i>Sycamore</i> | | 36" | | | | | |

| Species | Seattle | Bainbridge Island | DuPont | Duvall | Lake Forest Park | Mercer Island | North Bend |
|-----------------------------|---------|-------------------|--------|--------|------------------|---------------|------------|
| <i>English Walnut</i> | | 30" | | | | | |
| <i>Eastern Black Walnut</i> | | | | 30" | | | |

Cities in the Report but Not in the Chart Because They Do Not Protect Exceptional Trees by Species:

- Bonney Lake defines exceptional trees as those “30 inches or greater at DBH, excluding cottonwood trees (*Populus trichocarpa*), white alder (*Alnus rhombifolia*), and red alder (*Alnus rubra*).” (BLMC 16.60.030(F)(10))
- Redmond defines Landmark Trees as “Any healthy tree over thirty inches in diameter or any tree that is particularly impressive or unusual due to its size, shape, age, historical significance or any other trait that epitomizes the character of the species.” (RMC 20A.20.120)
- Tacoma defines an exceptional tree as “a tree or group of trees that because of its unique historical, ecological, or aesthetic value constitutes an important community resource, and is determined as such by the Director according to standards and procedures promulgated by the Department of Planning and Development.” (TMC 13.11.550(E)(1)(c)(2)) Its Code also says “Conifers and Madrone are considered exceptional trees.” (TMC 13.11.550(E)(1)(c))
- Woodway defines exceptional trees as “a tree that has been determined by the Director to be worthy of long-term retention because of its unique combination of size, species, age, location, and health. All trees, except red alder or species listed as exempt in Section 16.12.050, with a diameter of thirty inches or greater are exceptional trees.” (WMC 16.12.020) The excluded tree species are English laurel, English holly, Leyland cypress, and non-native cultivated fruit trees. (WMC 16.12.050)

XVI. Thanks

Thank you to the people listed below for their assistance in better understanding the exceptional tree ordinances and heritage tree programs they administer. Anything in this report that was not cited to an ordinance came from my discussions with the following people.

- Ashley Adams, City Arborist, Lake Forest Park
- Cathy Beam, Principal Planner, Redmond
- Steve Bennett, Planning Director, Lake Forest Park
- Terry Bryant, Public Works Director, Woodway
- Jamie Burrell, Senior Planner, North Bend
- Troy Davis, Senior Planner, Duvall
- Chanda Emery, Senior Planner, Seattle
- Bryan Kast, Public Works Director, Ridgefield
- John Kenney, City Arborist, Mercer Island
- Barbara Kincaid, Community Development Director, DuPont
- Dylan Marcus, Planner, Bainbridge Island
- Charles Ray, Urban Forester, Vancouver
- Nolan Rundquist, City Arborist, Seattle Department of Transportation
- Lisa Spadoni, Natural Resources Program Supervisor, Tacoma Planning and Development Services
- Jason Sullivan, Planning and Building Supervisor, Bonney Lake

ⁱ Garmon, J. (2014, February 24). *Mature trees are biocarbon heavyweights*.

<https://www.climatesolutions.org/article/1590119179-mature-trees-are-biocarbon-heavyweights>.

ⁱⁱ United States Geological Survey. (2014, January 15). *Large Old Trees Grow Fastest, Storing More Carbon*.

<https://www.usgs.gov/news/large-old-trees-grow-fastest-storing-more-carbon>.

ⁱⁱⁱ Armour, T., Job, M., & Canavan, R. (2012). In *The benefits of large species trees in urban landscapes: A costing, design and management guide* (pp. v-vi). CIRIA.

^{iv} Nowak, D. J., & Greenfield, E. J. (2018). Declining urban and Community tree cover in the United States. *Urban Forestry & Urban Greening*, 32, 32–55. <https://doi.org/10.1016/j.ufug.2018.03.006>

^v Id at 36.

^{vi} Lucas v. South Carolina Coastal Council, 505 US 1003, 1027 (1992)

^{vii} Crowe, M. (2020, September 8). *'Please leave now:' Level 3 fire evacuations for parts of Bonney Lake*.

KING5.com. <https://www.king5.com/article/news/local/wildfire/level-3-fire-evacuations-for-parts-of-bonney-lake-officials-say-please-leave-now/281-abb0e8c0-cb77-4b8c-8160-e554463be09a>.

^{viii} Seattle Department of Transportation. *Heritage Tree Program*. (n.d.).

<http://www.seattle.gov/transportation/projects-and-programs/programs/trees-and-landscaping-program/heritage-tree-program>.

^{ix} *Top 500 Cities in Washington by Population*. Cities in Washington by Population (2021). (n.d.).

<https://worldpopulationreview.com/states/cities/washington>.

18.55.180 Exception – Reasonable use.

A. If the application of this chapter pertaining to *critical areas* will prevent the *applicant* from making any *reasonable use* of the subject property, the *applicant* may apply for an exception pursuant to this section unless the project is located on lands regulated under the Kenmore Shoreline Master Program. Projects on lands regulated under the Kenmore Shoreline Master Program are regulated under the procedures of Chapter [16.75](#) KMC. An application for a reasonable use exception must accompany a *development permit* application through the City's review and decision process.

1. Criteria for Granting. The *city manager* shall grant a *reasonable use* allowance only when all of the following criteria are met:

a. Reasonable Use.

(1) Private Proposals: The *applicant* demonstrates that the application of this chapter will deny all *reasonable use* of the subject property otherwise allowed by applicable law;

(2) New *Public Agency Development Proposals*: The *applicant* demonstrates that the application of this chapter would interfere with a *public agency* proposal to fulfill a duty to serve per federal, State, or local laws; or to provide an essential public facility; or to address a public need or demand for service consistent with an adopted capital facilities plan, system plan, or other *master plan* that has been subject to an alternative *site* evaluation and public review process;

b. The development activities involve the least intrusion into and disruption of the *critical area* necessary to allow a *reasonable use* of the subject property by a private *applicant* or to achieve a *public agency* responsibility consistent with adopted laws, rules, and plans per subsection (A)(1)(a) of this section;

c. The development activities will not cause or result in damage to properties other than the subject property and will not endanger the public health, safety or welfare;

d. The *applicant's* inability to make *reasonable use* of the subject property has not resulted from any of the following:

(1) Prior subdivision or segregation of the subject property, or changes to the boundaries of the subject property through a boundary line adjustment or otherwise; or

(2) Prior actions taken in violation of this chapter or any local, State, or federal law or regulation;

- e. No other *reasonable use* of the property has less impact on the *critical area*;
- f. The inability of the *applicant* to derive *reasonable use* of the property is not the result of actions by the *applicant* after the effective date of the ordinance codified in this chapter, or its predecessor; and
- g. *Mitigation* proposed by the *applicant* is sufficient to protect the *functions and values* of the *critical area* and public health, safety, and welfare concerns consistent with the goals, purposes, objectives, and requirements of this chapter.

2. Appeals. The *applicant* may appeal a decision of the *city manager* on a *reasonable use* allowance application to the *hearing examiner* pursuant to the provisions of the Kenmore Municipal Code.

B. Exception Request and Review Process. An application for a *reasonable use* exception shall be made to the *City* and shall include a *critical areas* report, including *mitigation* plan, if necessary; and any other related project documents, such as permit applications to other agencies, special studies, and environmental documents prepared pursuant to the State Environmental Policy Act (Chapter [19.35](#) KMC).

C. *City Manager* Review. The *city manager* shall review the application. The *city manager* shall approve, approve with conditions, or deny the request based on the proposal's ability to comply with all of the criteria in subsection A of this section.

D. Burden of Proof. The burden of proof shall be on the *applicant* to bring forth evidence in support of the application and to provide sufficient information on which any decision has to be made on the application.

E. Time Limit.

1. Establishment of any development activity authorized pursuant to a *reasonable use* exception shall occur within four years of the effective date of the decision for such *reasonable use* exception. This period may be extended for one additional year by the *city manager* if the *applicant* has submitted the applications necessary to authorize the development activity and has provided written justification for the extension.

2. For the purpose of this subsection, "establishment" shall occur upon the issuance of all local permit(s) needed to begin the development activity; provided, that the improvements authorized by such permits are completed within the time frames of said permits. [Ord. 19-0488 § 2 (Exh. 1); Ord. 12-0334 § 12; Ord. 11-0329 § 3 (Exh. 1).]

City Council Agenda Bill City of Kenmore, WA

| | | | | | | | | | | | |
|--|--|--|----------------------------------|-------------------------------------|-------------------|-----------------------------------|-------------------|--------------------------------------|-------------------|----------------------------------|-------------------|
| <p>Subject/Topic: Exceptional Tree Ordinance Public Hearing & Adoption</p> <p>Proposed Council Action/Motion: Public hearing, Adoption of the proposed exceptional tree ordinance.</p> | <p>For Council Meeting Agenda of: October 9, 2023</p> <p>Department: City Manager's Office</p> <p>Prepared by: Garrett Oppenheim, Assistant to the City Manager, Samantha Loyuk, Development Services Director</p> <table border="0"> <tr> <td></td><td style="text-align: right;"><u>Initial & Date</u></td></tr> <tr> <td>Approved by Department Head:</td><td style="text-align: right;"><u>SL 9/29/23</u></td></tr> <tr> <td>Approved by City Attorney:</td><td style="text-align: right;"><u>DR 9/28/23</u></td></tr> <tr> <td>Approved by Finance Director:</td><td style="text-align: right;"><u>MM 9/29/23</u></td></tr> <tr> <td>Approved by City Manager:</td><td style="text-align: right;"><u>MM 9/29/23</u></td></tr> </table> <p>Exhibits/Attachments:</p> <ol style="list-style-type: none"> 1. Ordinance No. 23-0593 2. Ord. 23-0593 Exhibit A 3. Ord. 23-0593 Exhibit B 4. Ord. 23-0593 Exhibit C 5. King Conservation District Tree Canopy Study 6. September 2021 Exceptional Trees Policy Report 7. KMC 18.55.180 – Reasonable Use Exception 8. PowerPoint presentation | | <u>Initial & Date</u> | Approved by Department Head: | <u>SL 9/29/23</u> | Approved by City Attorney: | <u>DR 9/28/23</u> | Approved by Finance Director: | <u>MM 9/29/23</u> | Approved by City Manager: | <u>MM 9/29/23</u> |
| | <u>Initial & Date</u> | | | | | | | | | | |
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| Approved by Finance Director: | <u>MM 9/29/23</u> | | | | | | | | | | |
| Approved by City Manager: | <u>MM 9/29/23</u> | | | | | | | | | | |
| <p>Summary:</p> <p>The proposed tree regulations provide added protections for extraordinary trees, native trees, and other exceptionally large trees that because of their unique combination of sizes, species, and age are worthy of retention for the reasons provided in KMC 18.52.015, such as:</p> <ul style="list-style-type: none"> 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;

Exceptional trees have reached size thresholds that make them exceedingly important to the local environment and community.

Information/Background:

In April 2021, Development Services staff provided an informational presentation to summarize tree regulations in Kenmore, as requested by the City Council at the January 2021 retreat. During the presentation, there was discussion about potential code amendments to further preserve, protect, and enhance Kenmore's tree canopy. These recommendations included short-term and long-term action items, referred to as List 1 and List 2 (later referred to as "Tier 1 and Tier 2"). Among the items included on Tier 2 was an Exceptional Tree Ordinance.

In September 2021, staff presented information to Council on exceptional tree ordinances. Such ordinances are already on the books in Washington cities such as Bainbridge Island, DuPont, Duvall, Lake Forest Park, Mercer Island, North Bend, Redmond, and Seattle. Seattle recently strengthened their exceptional tree ordinance, effective July 30, 2023.

As the attached exceptional tree memo elucidates, cities with exceptional tree ordinances have different means of protecting and preserving large trees. Some simply protect all trees over a certain size but most such cities make a catalog of protected trees that become exceptional when they reach a certain size. The proposed ordinance under consideration for the City of Kenmore protects both a list that comprises trees native to the Western Washington lowlands and also any other tree that achieves a "Diameter at Breast Height" (d.b.h.) of 48 or more inches. Staff reviewed the exceptional tree ordinances of other cities in the Puget Sound area to select a list of local tree species and the sizes at which they should be protected. The threshold d.b.h. for individual species was heavily informed by the examples provided by other cities, in particular the City of Seattle, such that the protected sizes are in line with those that other cities have previously established as benchmarks.

Following the examples of cities who have already implemented exceptional tree protections, the proposed ordinance does allow for certain situations whereby exceptional trees can be removed, including where removal is necessary for the preservation and enjoyment of a substantial property right or use possessed by other similarly situated properties, where the exceptional tree is hazardous to life or property, for access to development where no other options are feasible, and where it is necessary for roads, utilities, and other facilities.

Penalties for removal of an exceptional tree without a permissible exemption are set by the ordinance at \$2,500 per inch d.b.h. of the tree with a minimum fine of \$10,000 and a requirement to plant replacement trees to compensate for the loss.

SEPA review and notice to the Washington State Department of Commerce have been completed, as required before adoption.

The City has received public comments about the difficulty of reconciling housing obligations and tree protections, implying that the protection of trees will prevent the City from meeting its housing obligations under the Growth Management Act. However, the two goals are not mutually exclusive, as shown by the substantial amount of work on housing the City Council has performed over the years (and will continue to do in the future):

- [Housing Strategy Plan](#)
- [Missing Middle Housing](#)
- [Plymouth Affordable Housing Development](#)
- [RFP Issued for Affordable Housing Development at the City-owned Holt property](#)
- [Comprehensive Plan Update](#)

The City Council has also considered tree protections at the following public meetings:

- September 25, 2023: public hearing on proposed exceptional tree ordinance
Agenda link: [Kenmore - Document Center \(civicweb.net\)](#)
- September 11, 2023: staff presentation on proposed exceptional tree ordinance
Agenda link: [Kenmore - Document Center \(civicweb.net\)](#)
- October 24, 2022: study session on amendments to the tree regulations, including a proposed exceptional tree ordinance
Agenda link: [Kenmore - Document Center \(civicweb.net\)](#)
- July 18, 2022: continued tree regulations discussion
Agenda link: [Kenmore - Document Center \(civicweb.net\)](#)
- May 16, 2022: tree regulations discussion
Agenda link: [Kenmore - Document Center \(civicweb.net\)](#)
- March 21, 2022: adoption of tree regulation ordinance, including definition of significant trees, nuisance species, and permitting process for tree removal
Agenda link: [Kenmore - Document Center \(civicweb.net\)](#)
- December 6, 2021: tree regulations discussion
Agenda link: [Kenmore - Document Center \(civicweb.net\)](#)
- September 20, 2021: report and discussion on exceptional trees and residential tree subsidy programs
Agenda link: [Kenmore - Document Center \(civicweb.net\)](#)

The City Council has prioritized both the need for housing and tree preservation, which is consistent with its top two priorities adopted in the 2023-2024 Kenmore City Council Priorities:

1. Implement the adopted Climate Action Plan and promote environmental stewardship, including water, air, forest, and habitat restoration and preservation.
2. Increase and preserve the options for affordable housing stock.

A comment at the public hearing held at the September 25, 2023 City Council meeting voiced concern over the high number of trees a property owner can remove in a given year. The issue raised has been considered by City Council and is part of the Tier 2 list, however, it is beyond the scope of the proposed exceptional tree ordinance. Only the highlighted text in the exhibits is before the Council for adoption; the remainder comprises the Code as it currently exists.

Fiscal Consideration:

The proposed exceptional tree ordinance will result in increased staff workloads, including fielding more questions and concerns from property owners, permit processing, plan review, and code enforcement. The code may result in the need for a new position, City Arborist.

City Council Priority or Budget Objective Being Addressed:

1. Implement the adopted Climate Action Plan and promote environmental stewardship, including water, air, forest, and habitat restoration and preservation.

**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 23-0593**

**AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON,
AMENDING CHAPTERS 15.25, 18.20, 18.57, AND 19.25 OF THE
KENMORE MUNICIPAL CODE TO ESTABLISH EXCEPTIONAL TREE
REGULATIONS AND PROCEDURES WITHIN THE CITY; PROVIDING
FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the City of Kenmore Comprehensive Plan (“Comprehensive Plan”) Policy LU-2.2.3 states that Kenmore’s regulation of land use should: a) protect public health, safety, and general welfare; b) protect environmentally sensitive areas, including wetlands, groundwater, streams, Lake Washington, the Sammamish River, and Puget Sound; and c) support tree preservation, whenever possible; and

WHEREAS, Comprehensive Plan Policy LU-1.5.2 identifies that development regulations should provide and address, among other things, tree retention standards; and

WHEREAS, consistent with the Comprehensive Plan, the City Council adopted Chapter 18.57 of the Kenmore Municipal Code (“KMC”), the “Tree Management and Protection Code” and declared that the purpose of the chapter was 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.

WHEREAS, the City Council finds that the purposes for tree protection regulations as

articulated above remain valid today, and that protecting trees provides substantial value to the City and its residents by:

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 [KMC 18.57.015.A-E];

WHEREAS, climate scientists maintain that big exceptional trees are invaluable to the environment and those native to the Pacific Northwest like Douglas firs, western hemlocks, and western red cedars are the best in the world at storing carbon - actually getting better at doing it as they age and grow bigger. In fact, according to the US Geological Survey, some large trees seem to add "the carbon mass equivalent of an entire smaller tree each year."

WHEREAS, in May of 2022, the City Council adopted the City of Kenmore Climate Action Plan ("CAP"), which acknowledges that cities like Kenmore have a critical role to play in addressing climate change impacts, including, but not limited to protecting, preserving, and restoring environmental and natural resources; and

WHEREAS, a CAP priority, goal and strategy include the expansion of tree canopy and sequestration opportunities, protecting critical and natural areas, and protecting local water bodies; 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, the City Council has considered tree protection regulations at its April 19, 2021, May 26, 2021, September 20, 2021, December 6, 2021, March 21, 2022, May 16, 2022, July 18, 2022, and October 24, 2022, meetings; and

WHEREAS, the City Council desires to adopt certain amendments to the Tree

Management and Protection Code to protect exceptional trees within the City ("Proposed Amendments") as they are unique in size, species, age, health, and are worthy of long-term retention, and provide substantial value to the City and community as referenced in the recitals herein; and

WHEREAS, the adoption of land use and zoning regulations is a valid exercise of the City's police powers and is specifically authorized by RCW 35A.63.100, RCW 36.70A.040, and the Washington Constitution, Article XI, Section 11; and

WHEREAS the Proposed Amendments support Council priorities to implement the adopted Kenmore CAP 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 , 2023, 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 held a public hearing on September 25, 2023, and October 9, 2023, and considered the comments and record relating to the Proposed Amendments; and

WHEREAS, the City Council desires to adopt the Proposed Amendments and finds that such amendments are consistent with the 2023-2024 Council Priorities, the goals, objectives, and policies of the Comprehensive Plan; and

WHEREAS, the City Council has been guided by the goals of the Growth Management Act (RCW 36.70A.020) when considering adoption of the Proposed Amendments; 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 Chapter 18.20 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. Amendment. The City Council amends Section 19.25.020 of the Kenmore Municipal Code as set forth in Exhibit C, attached hereto and incorporated by reference as if set forth in full.

Section 6. 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 7. 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 _____ 2023.

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. 23-0593

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

A. KMC 15.25.030 is amended to read as follows:

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" means 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" means any rock, natural soil or any combination thereof.

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

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

K. "Exceptional tree" means a tree which because of its unique combination of size, species, and age is worthy of long-term retention for the purposes and values set forth in KMC 18.57.015, and that has been determined to constitute an important community resource and may not be *removed* or damaged.

1. All healthy specimens of *tree* species in Table 1 are *exceptional trees* if they have a diameter at breast height (d.b.h.) equal to or greater than that listed for the respective species. For *trees* with multiple leaders at four and one-half feet above the ground, the d.b.h. shall be the combined cumulative total of branches greater than six inches diameter at four and one-half 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.
2. Any healthy *tree* with a d.b.h. of 48 inches or greater is an exceptional tree except those in Table 2 that are never considered exceptional.

Table 1. Exceptional Tree Species and Required Diameters at Breast Height

| Tree Species (Common Name) | Scientific Name | Threshold d.b.h. (in inches) |
|-----------------------------------|------------------------------|-------------------------------------|
| Bigleaf Maple | <i>Acer macrophyllum</i> | 42" |
| Douglas Fir | <i>Pseudotsuga menziesii</i> | 30" |
| Grand Fir | <i>Abies grandis</i> | 24" |
| Madrona | <i>Arbutus menziesii</i> | 12" |
| Oregon Ash | <i>Fraxinus latifolia</i> | 24" |
| Oregon White Oak | <i>Quercus garryana</i> | 24" |
| Pacific Dogwood | <i>Cornus nuttallii</i> | 24" |
| Pine (any species) | <i>Pinus</i> family | 30" |
| Sitka Spruce | <i>Picea sitchensis</i> | 24" |
| Western Hemlock | <i>Tsuga heterophylla</i> | 24" |
| Western Red Cedar | <i>Thuja plicata</i> | 30" |
| Willow (any species) | <i>Salix</i> family | 24" |

Table 2. Tree Species That Are Not Exceptional Trees

| Tree Species (Common Name) | Scientific Name |
|-----------------------------------|------------------------------|
| Alder (any species) | <i>Alnus</i> family |
| Black Cottonwood | <i>Populus trichocarpa</i> |
| English Holly | <i>Ilex aquifolium</i> |
| Leyland Cypress | <i>Cupressus × leylandii</i> |

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

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

1. "Existing grade" means the *grade* prior to *grading*.
2. "Rough grade" means the stage at which the *grade* approximately conforms to the approved plan.
3. "Finish grade" means the final *grade* of the *site* which conforms to the approved plan.

N. "Grading" means any excavating, filling, removing of the duff layer, or combination thereof.

O. "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*.

P. "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.

Q. "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.

R. "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.

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

T. "Significant tree" means an existing healthy *tree* that is not a *hazard tree* and that is at least six inches in *diameter at breast height* (d.b.h.) as measured at four and one-half feet (54 inches) above the ground. For *trees* with multiple leaders at four and one-half feet above the ground, the d.b.h. shall be the combined cumulative total of branches greater than six inches diameter at four and one-half 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. Replacement trees required as mitigation for removed exceptional trees are considered significant trees, regardless of size.

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

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

W. "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.

X. "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."

Y. "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*.

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

AA. "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*.

BB. "Vegetation" means any and all organic plant life growing at, below, or above the soil surface. [Ord. 22-0547 § 2 (Exh. A); Ord. 16-0428 § 11 (Att. G); Ord. 12-0345 § 3 (Exh. A).]

B. KMC 15.25.070 is amended to read as follows:

15.25.070 Permit required – Exception.

No *land alteration* shall be performed without first having obtained a permit therefore 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 buffer;
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 of significant trees. This section does not apply to exceptional trees.

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:

| | |
|--|-------------------------|
| Lots up to 10,000 sq. ft.: | 2 <i>trees</i> per year |
| Lots 10,001 sq. ft. to 20,000 sq. ft.: | 4 <i>trees</i> per year |
| Lots 20,001 sq. ft. to 30,000 sq. ft.: | 6 <i>trees</i> per year |
| Lots 30,000 sq. ft. and greater: | 8 <i>trees</i> 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. 22-0547 § 2 (Exh. A); Ord. 16-0428 § 11 (Att. G); Ord. 12-0345 § 3 (Exh. A).]

EXHIBIT B TO ORD. 23-0593

I. Chapter 18.20 of the Kenmore Municipal Code is amended to read as follows:

A. KMC 18.20.2730 of the Kenmore Municipal Code (KMC) 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 inches in diameter at breast height (d.b.h.) as measured at four and one-half feet (54 inches) above the ground. For *trees* with multiple leaders at four and one-half feet above the ground, the d.b.h. shall be the combined cumulative total of branches greater than six inches diameter at four and one-half 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. Replacement trees required as mitigation for removed exceptional trees are considered significant trees, regardless of size. [Ord. 22-0547 § 3 (Exh. B(I)); Ord. 11-0329 § 3 (Exh. 1).]

B. Chapter 18.20 KMC is amended by adding a new KMC 18.20.3083, "Tree, exceptional" to read as follows:

18.20.3083 Tree, exceptional.

"Exceptional tree" means a tree which because of its unique combination of size, species, and age is worthy of long-term retention for the purposes and values set forth in KMC 18.57.015, and that has been determined to constitute an important community resource and may not be *removed* or damaged.

1. All healthy specimens of *tree* species in Table 1 are *exceptional trees* if they have a diameter at breast height (d.b.h.) equal to or greater than that listed for the respective species. For *trees* with multiple leaders at four and one-half feet above the ground, the d.b.h. shall be the combined cumulative total of branches greater than six inches diameter at four and one-half 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.
2. Any healthy *tree* with a d.b.h. of 48 inches or greater is an exceptional tree except those in Table 2 that are never considered exceptional.

Table 1. Exceptional Tree Species and Required Diameters at Breast Height

| Tree Species (Common Name) | Scientific Name | Threshold d.b.h. (in inches) |
|-----------------------------------|------------------------------|-------------------------------------|
| Bigleaf Maple | <i>Acer macrophyllum</i> | 42" |
| Douglas Fir | <i>Pseudotsuga menziesii</i> | 30" |

| | | |
|----------------------|---------------------------|-----|
| Grand Fir | <i>Abies grandis</i> | 24" |
| Madrona | <i>Arbutus menziesii</i> | 12" |
| Oregon Ash | <i>Fraxinus latifolia</i> | 24" |
| Oregon White Oak | <i>Quercus garryana</i> | 24" |
| Pacific Dogwood | <i>Cornus nuttallii</i> | 24" |
| Pine (any species) | <i>Pinus</i> family | 30" |
| Sitka Spruce | <i>Picea sitchensis</i> | 24" |
| Western Hemlock | <i>Tsuga heterophylla</i> | 24" |
| Western Red Cedar | <i>Thuja plicata</i> | 30" |
| Willow (any species) | <i>Salix</i> family | 24" |

Table 2. Tree Species That Are Not Exceptional Trees

| Tree Species (Common Name) | Scientific Name |
|-----------------------------------|------------------------------|
| Alder (any species) | <i>Alnus</i> family |
| Black Cottonwood | <i>Populus trichocarpa</i> |
| English Holly | <i>Ilex aquifolium</i> |
| Leyland Cypress | <i>Cupressus × leylandii</i> |

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.](#)

[18.57.063 Exceptional Tree Protections.](#)

[18.57.065 Significant tree grove retention in the urban residential zone, downtown commercial zone east of 73rd Avenue NE, public and semi-public zone abutting SR-522, and the urban corridor zone, east subarea.](#)

[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. 22-0547 § 4 (Exh. B(II)); 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. 22-0547 § 4 (Exh. B(II)); 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. 22-0547 § 4 (Exh. B(II)); 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.

c. Residential Development is not exempt from the provisions of Chapter 18.57.065 - *exceptional trees*.

4. Downtown Commercial and Downtown Residential Zones.

All *development* occurring within core areas designated as downtown commercial and downtown residential zones. [Ord. 22-0547 § 4 (Exh. B(II)); 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 application, 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, **common name, botanical name**, and condition 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 **worksheet on forms** **provided by the department.**

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. 22-0547 § 4 (Exh. B(II)); 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 |
| 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 |

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 |
|--|---------------|--------|---------------|
| 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 |

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 |
|---|---|---|------------------------------------|---|
| 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 |
| 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 |

| Size | | Units | Quantity | | | Total Units | |
|----------------|-------------------------|-------|----------|---|--------------------------|-------------------|--|
| | | | 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. 22-0547 § 4 (Exh. B(II)); Ord. 11-0329 § 3 (Exh. 1).]

18.57.063 Exceptional Tree Protections.

A. Prohibited Activities.

The following activities are prohibited with regard to *exceptional trees*.

1. *Removal*, in whole or in part.
2. *Harming, injuring, or damaging the tree, including cutting its bark or branches with a knife, axe, hatchet, saw, or any other similar device or object.*
3. *Pouring toxic material on the tree or on the ground near enough to the tree to affect its health.*
4. *Burning the tree or causing a fire near enough to the tree to affect its health.*
5. *Topping.*
6. *Pruning beyond the standards provided by the Tree Care Industry Association at ANSI300 Part 1.*
7. *Attaching any sign, poster, notice, or other object to the tree, or fastening any guy wire, cable, rope, nails, screws, or other device to the tree, with the following exceptions:*
 - a. *To support young or broken trees;*
 - b. *For residential uses, (e.g., treehouses, tire swings, etc.);*
 - c. *The City may tie temporary signs or banners associated with street improvement, parades, seasonal lighting, or other city activities.*

B. Variance.

Exceptional trees may be removed only as allowed in this section.

1. *Variances from the exceptional tree standards of this chapter may be authorized by the city manager in accordance with the approval criteria described in this section. A variance for removal of exceptional trees is a Type 2 land use decision, pursuant to KMC 19.25.020, except as described in Section 18.57.063(B)2(a)(3).*
 - a. *Prior to commencing with the removal the owner shall obtain a permit from the City.*
 - b. *No variance is allowed in order to create additional lots.*

c. Decision Criteria.

- i. Necessary for Rights or Use. Private *Development Proposals*: Such *variance* is necessary for the preservation and enjoyment of a substantial property right or use possessed by other similarly situated properties but which because of the presence of *exceptional tree(s)* is denied to the property in question. For a variance to be granted under this section, the applicant must demonstrate compliance with the reasonable use exception approval criteria established in KMC 18.55.180.A.1.a through 18.55.180.A.1.g. The phrase *exceptional tree* shall replace the phrase *critical area* when utilizing said criteria for a variance under this section;
- ii. The granting of such *variance* will not be materially detrimental to the public welfare or injurious to the property or improvement;
- iii. The granting of the *variance* is consistent with the general purpose and intent of the *City's* comprehensive plan and adopted development regulations.

d. *City Manager* Review. The *city manager* shall review the application. The *city manager* shall approve, approve with conditions, or deny the request based on the proposal's ability to comply with all of the *variance* criteria in this section.

e. Burden of Proof. The burden of proof shall be on the *applicant* to bring forth evidence in support of the application and to provide sufficient information on which any decision has to be made on the application.

f. Time Limit.

- i. Establishment of any activity authorized pursuant to an *exceptional tree variance* shall occur within four years of the effective date of the decision for such *variance*. This period may be extended for one additional year by the *city manager* if the *applicant* has submitted the applications necessary to authorize the development activity and has provided written justification for the extension.
- ii. For the purpose of this subsection, "establishment" shall occur upon the issuance of all local permit(s) needed to begin the development activity; provided, that the improvements authorized by such permits are completed within the time frames of said permits.

g. Mitigation Requirements.

- i. To the extent feasible, *exceptional trees removed* under a *variance* shall be replaced at a ratio of three (3) replacement trees for each *exceptional tree removed* (3:1).
- ii. If on-site replacement is not feasible, off-site replanting on public property with the *City's* written permission.

- iii. Whether planted on-site or off-site, replacement *trees* shall be of a species listed in Table 1 at KMC 18.20.3083 and must remain viable for a minimum of five (5) years after planting or themselves be replaced at a 1:1 ratio.
- iv. Notwithstanding the foregoing, replacement trees under this chapter are considered *significant trees* pursuant to KMC 18.20.2730, regardless of Diameter at Breast Height (d.b.h.).
- v. Notice on title.
 - 1. In order to inform subsequent purchasers of real property of the existence of replacement *trees* and their required viability period, the owner of any property containing replacement *trees* planted as mitigation for the removal of *exceptional trees* shall file a notice with county records and elections division according to the direction of the *City*. The notice shall state the presence of the replacement *trees* on the property and the date until which they must remain viable, of the application of this chapter to the property, and the fact that limitations on actions affecting the *trees* may exist. The notice shall run with the land.
 - 2. This notice on title shall not be required for:
 - a. A development proposal by a public agency or utility;
 - b. Within a recorded easement or right-of-way;
 - c. Where the agency or utility has been adjudicated the right to an easement or right-of-way; or
 - d. On the site of a public facility.
 - 3. The applicant shall submit proof that the notice has been filed with the county records and elections division (i.e., copy of document recorded on title).

2. Hazardous Trees.

- a. The removal of hazard exceptional trees shall comply with the following:
 - i. Prior to commencing with the removal the owner shall obtain a permit from the *City*.
 - ii. The burden of proving the hazardous nature of the *tree* lies with the property owner. The property owner shall provide the *City* with a report, prepared by an International Society of Arboriculture (ISA) certified arborist with a current Tree Risk Assessment Qualification (TRAQ), documenting that the *tree(s)* has a "high" or "extreme" risk and no other mitigation measure will reduce the risk below "high."

iii. Emergency tree removal. Where tree removal is necessary to prevent or correct an immediate threat to public health, safety, property, or welfare is performed in an emergency situation, the permit application, evidence of the threat, and a tree risk rating of "high" or "extreme" prepared by a *qualified tree protection professional* shall be submitted within the next business working day to the City. Emergency tree removal, as described here within, is exempt from the Type 2 decision process.

b. Mitigation Requirements.

i. The removal of hazardous, dying, or dead *exceptional trees* shall be mitigated by planting one (1) replacement tree, unless otherwise provided in KMC 18.55.150(E)(2).

ii. Replacement trees must be of a species listed in Table 1 at KMC 18.20.3083 and must remain viable for a minimum of five (5) years after planting or themselves be replaced at a 1:1 ratio.

3. Private Access.

a. Prior to commencing with the *removal* the owner shall obtain a permit from the City.

b. *Exceptional trees* may be removed where necessary to provide for access to development sites, provided there are no feasible alternative alignments. Alternative access must be pursued to the maximum extent feasible.

4. Public Facilities.

a. The City reserves the right to *remove exceptional trees* where necessary for roads, bridges, utilities, and facilities.

b. *Exceptional tree* removal by private utilities require a tree removal permit and right-of-way use permit.

C. Modification to Standards to Protect Exceptional Trees

1. For single-family residential subdivisions and short subdivisions on sites in the R-4 zone that contain *exceptional trees*, the minimum lot size may be reduced to 5,400 square feet with no limitation on the percentage of smaller lots, regardless of KMC 18.21.030, Footnote 16. The lot area shall exclude access easements and access panhandles.

2. Unless it would be unreasonable to do so based on the use of neighboring properties, the *city manager* may reduce *setbacks* in residential zones regulated by Chapter 18.21 KMC to 10 feet, and *setbacks* in other zones to five feet, in order to maximize the protection of an *exceptional tree* and avoid exceptions or variances.

D. Penalties.

1. **Civil Penalty.** The penalty for *removal* of an *exceptional tree* or any other activity prohibited under subsection A shall be a civil penalty of up to \$2,500 per inch in d.b.h. of the *tree removed* with a maximum fine of \$150,000. In no case shall the penalty be reduced to less than \$10,000 total. For example, the monetary penalty for a 30-inch d.b.h. Douglas fir *removed* results in a maximum penalty of \$75,000. If the violation is found to have been willful or malicious, as determined by the *city manager*, the amount of the penalty may be doubled as punitive damages and the violator may be subject to criminal penalties under KMC18.57.110.B.
2. In addition, any person found to be in violation of this Section shall plant three (3) replacement *trees* for each *exceptional tree* removed. Replacement *trees* shall be a species listed in Table 1 at KMC 18.20.3083 and must remain viable for a minimum of five (5) years after planting or themselves be replaced by the offender at a 1:1 ratio. In order to inform subsequent purchasers of real property of the existence of replacement *trees* and their required viability period, a notice will be filed on the title by the same procedure outlined under (B)(1)(g)(iv) of this Chapter.

18.57.065 Significant tree grove retention in the urban residential zone, downtown commercial zone east of 73rd Avenue NE, public and semi-public zone abutting SR-522, and the urban corridor zone, east subarea.

A. Definitions.

1. **Significant Tree Grove Definition.** A “significant tree grove” shall consist of two or more trees with a minimum of five and one-half tree units total. A qualifying tree has two tree units minimum. The maximum distance measured in feet between qualifying trees shall be equal to two times the critical root zone in order to be defined as a significant tree grove. For example a 24-inch d.b.h. tree must be within 24 feet of another tree in the grove to be included in the significant tree grove. A tree of any size that is topped or considered a “hazard tree” as defined in KMC [18.20.3084](#) may not qualify as part of a significant tree grove as herein defined. For purposes of this chapter, a significant tree grove may not contain trees that are located within a critical area or critical area buffer protected under Chapter [18.55](#) KMC. A significant tree grove is not the same as a “grove,” as defined in KMC [18.20.1273](#).
2. **Tree Units.** See KMC [18.57.060](#)(A) for translation of diameter at breast height (d.b.h.) to tree units.

B. Applicability.

1. Development proposals in the urban residential zone, downtown commercial zone east of 73rd Avenue NE, public and semi-public zone abutting SR-522, and the urban corridor zone, east subarea shall be eligible to benefit from providing less parking or more dwelling units or any combination of the two if the development retains one or more significant tree grove(s) as defined in this section in perpetuity. A development may be able to benefit from both reduced parking and additional dwelling units by preserving a significant tree grove so long as the same tree credits are not counted towards both reductions in parking and additional bonus dwellings. Trees or groves retained through other provisions of this chapter may count towards the significant tree grove retention if they meet the definitions found in subsection A of this section.

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

C. Reduced Parking. In order to retain qualifying significant tree groves, required parking may be reduced at the maximum rate of one stall per each five and one-half tree units. Parking quantities may be reduced up to a maximum of 20 percent from the parking requirement after other reductions are applied, if any.

D. Residential Bonus Units. In order to retain qualifying significant tree groves, residential units are offered at the rate of one bonus unit per each 11 tree units preserved. Grove bonus units are not included in maximum unit density calculations. Grove bonus units are not subject to the affordability requirements of KMC [18.27.020](#) and Chapter [18.77](#) KMC.

E. Significant Tree Grove Preservation Requirements.

1. Tree Protection Plan Required. A tree protection plan as identified in KMC [18.57.050](#) shall be required for any development application proposing to protect one or more significant tree groves through this section.

2. Recorded on Title. The map of significant tree groves preserved through this section, along with a covenant preventing removal, shall be recorded and shown on the property title.

3. Subject to Tree Protection Measures of Chapter [18.57](#) KMC. Significant tree groves protected under this section shall be subject to the tree protection measures during construction found in KMC [18.57.090](#), the post-construction replacement, financial guarantee, and maintenance requirements of KMC [18.57.100](#), and the penalties and enforcement of KMC [18.57.110](#).

Exception: This section, as adopted by Ordinance No. 23-0574, shall not apply to certain real properties located within the area of the transit oriented development (TOD) district overlay as identified in KMC [18.29.020](#) and Figure 18.29.020.1, and as further identified by the following tax parcel numbers (TPN): TPN 011410-0889, TPN 011410-0881, TPN 011410-0870, TPN 011410-0885, TPN 011410-0865, TPN 011410-0860, and TPN 011410-0855. [Ord. 23-0574 § 2 (Exh. A).]

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. 22-0547 § 4 (Exh. B(II)); 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. *Exceptional trees*.

2. *Groves*.

3. Individual *trees* which provide wildlife habitat as identified through environmental review.

4. Individual *trees* and *groves* which occur within required *setbacks*.

5. *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.

6. *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. 22-0547 § 4 (Exh. B(II)); 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. 22-0547 § 4 (Exh. B(II)); 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*.

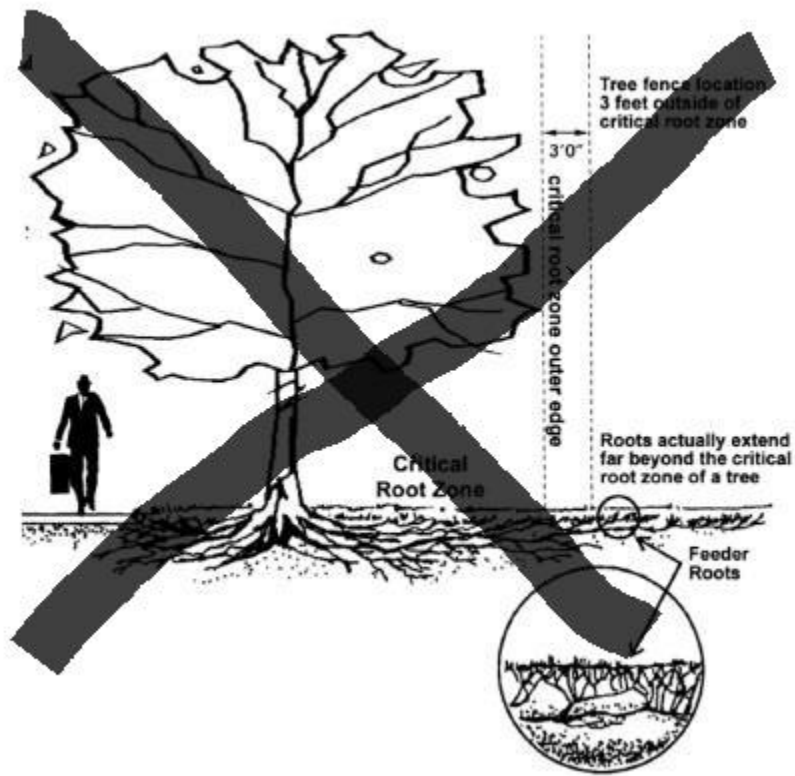
2. The *applicant* shall not install an *impervious surface* within the protective barrier of any *tree* designated to remain without the advance, written authorization of the *city manager*.

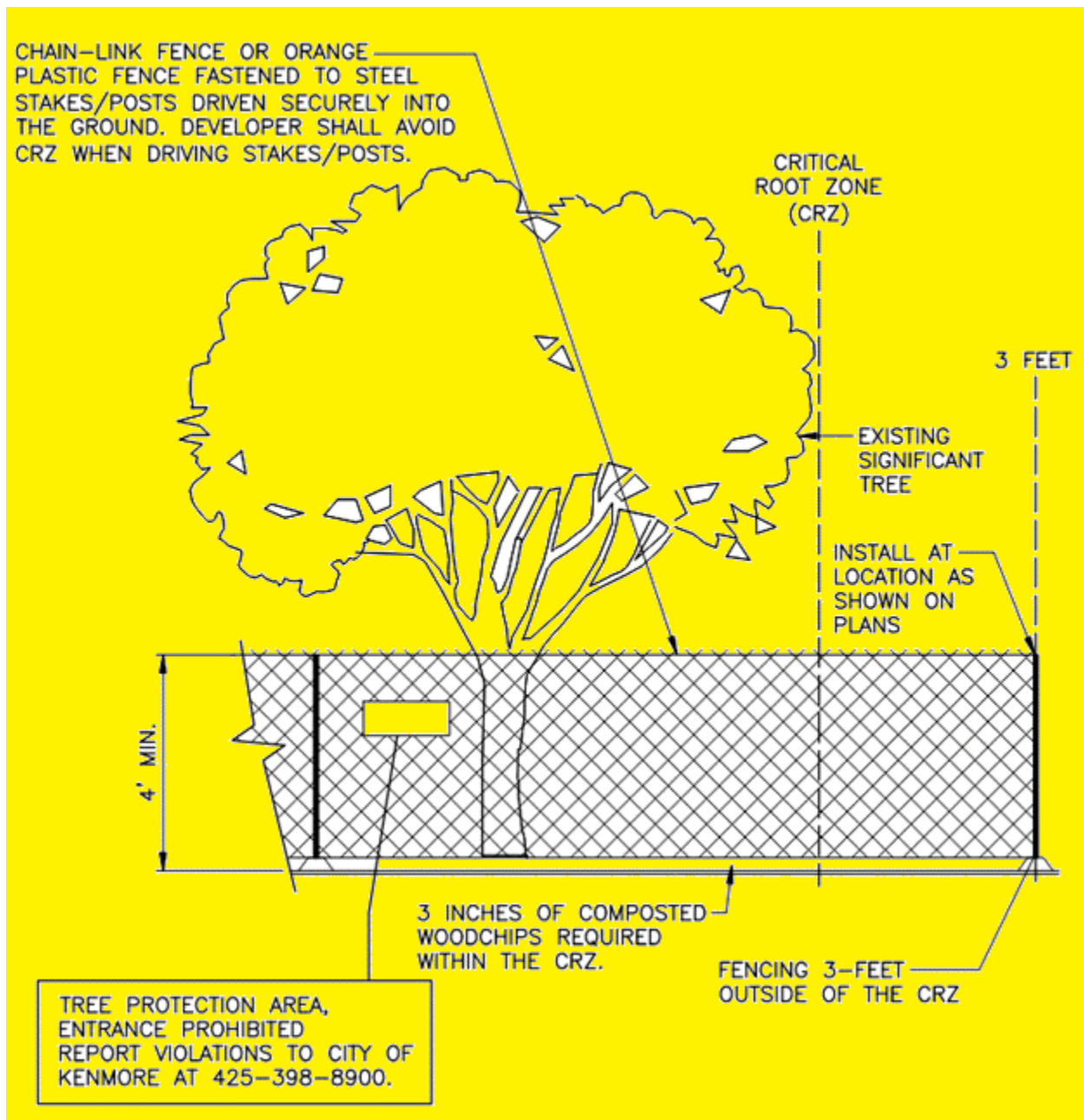
3. To the greatest extent practical, utility trenches shall be located outside of the root protection zone of *trees* to be retained. Boring or tunneling under the *CRZ* may be considered an alternative, but shall require the advance, written approval of the *city manager*.

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. 22-0547 § 4 (Exh. B(II)); 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. 22-0547 § 4 (Exh. B(II)); 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 \$2,000 per inch in *diameter at breast height* (d.b.h.) of the *tree* removed. For example, the monetary penalty for a 20-inch d.b.h. *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. **This section shall not apply to the removal of exceptional trees, which penalties are set forth in KMC 18.57.063.**

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. 22-0547 § 4 (Exh. B(II)); Ord. 11-0329 § 3 (Exh. 1).]

EXHIBIT C TO ORD. 23-0593**I. Section 19.25.020 of the Kenmore Municipal Code is amended to read as follows:****19.25.020 Classifications of land use decision processes.**

A. Land use decisions are classified into five types, based on the amount of discretion associated with each decision. Procedures for the five different types are distinguished according to who makes the decision, whether public notice is required, whether a public hearing is required before a decision is made and whether administrative appeals are provided. The types of land use decisions are listed in Exhibit A of this section.

1. Type 1 decisions are made by the *city manager*. Type 1 decisions are nonappealable administrative decisions that require the exercise of little or no administrative discretion. Public notice is not required for Type 1 decisions.
2. Type 2 decisions are made by the *city manager*. Type 2 decisions are discretionary decisions that are subject to administrative appeal.
3. Type 3 decisions are quasi-judicial decisions made by the *hearing examiner* following an open record hearing. Type 3 decisions may be appealed directly to King County superior court, pursuant to Chapter [36.70C](#) RCW, the Land Use Petition Act, based on the record established by the *hearing examiner*.
4. Type 4 decisions are quasi-judicial decisions made by the city council based on the record established by the *hearing examiner*.
5. Type 5 decisions are legislative decisions made by the city council.

B. Except as provided in KMC [16.75.060](#) and [19.35.160](#) or unless otherwise agreed to by the *applicant*, all Type 2, 3 and 4 decisions included in consolidated permit applications that would require more than one type of land use decision process may be processed and decided together, including any administrative appeals, using the highest-numbered land use decision type applicable to the project application. KMC [16.75.060](#) sets out the combined hearing authority for shoreline exemptions, shoreline substantial development permits, shoreline variances, and shoreline conditional use permits.

C. Certain development proposals are subject to additional procedural requirements beyond the standard procedures established in this chapter.

D. Land use permits that are categorically exempt from review under SEPA do not require a threshold determination (determination of nonsignificance (DNS) or determination of significance (DS)). For all other projects, the SEPA review procedures in Chapter [19.35](#) KMC are supplemental to the procedures in this chapter.

Exhibit A

LAND USE DECISION TYPES

| | | |
|------------------------|--|--|
| TYPE 1 ² | Decision by <i>city manager</i> ; no administrative appeal | Building; demolition; moving; engineering; clearing and grading; sign; change of use and/or classification under KMC Title 15 ; accessory dwelling unit; home occupation; boundary line adjustment; right-of-way; street standards variance; adjustment under Chapter 13.35 KMC; shoreline exemption; temporary use; binding site plan; preliminary subdivision or short subdivision revision if not a substantial change; short plat alteration if not a substantial change; affordable housing project as described in KMC 18.77.060 (A). |
| TYPE 2 | Decision by <i>city manager</i> ; appealable to <i>hearing examiner</i> ; no further administrative appeal ^{1, 5} | Home industry; short subdivision; preliminary short subdivision revision; short plat alteration; zoning variance; conditional use permit; shoreline substantial development permit; shoreline variance; shoreline conditional use permit; site plan review for uses allowed by zone; wireless communication facility minor adjustment under Chapter 18.60 KMC; approval of residential density incentives under KMC 18.80.060 (A)(2) or transfer of development credits under KMC 18.80.090 (A); reuse of public schools; reasonable use exceptions under KMC 18.55.180 ; public agency and utility exceptions under KMC 18.55.160 ; other critical areas exceptions, variances and decisions to require studies or to approve, condition or deny a development proposal based on Chapter 18.55 KMC; <u>variances to exceptional tree regulations as set forth in KMC 18.57.063.</u> |

| | | |
|-----------|--|---|
| TYPE 3 | Recommendation by <i>city manager</i> ; hearing and decision by <i>hearing examiner</i> ; appealable directly to King County superior court, pursuant to Chapter 36.70C RCW, the Land Use Petition Act, on the record | Preliminary subdivision; plat alteration; preliminary subdivision revision; special use; wireless communication facility major adjustment under Chapter 18.60 KMC. |
| TYPE 4 | Recommendation by <i>city manager</i> ; hearing and recommendation by <i>hearing examiner</i> ; decision by city council on the record | Zone <i>reclassification</i> not related to a <i>site-specific comprehensive plan land use map amendment</i> ³ ; shoreline environment redesignation; plat vacation; short plat vacation; site plan review for uses not allowed by zone pursuant to Chapter 18.105 KMC; master plans other than those required in order to obtain a <i>comprehensive plan</i> amendment or related zoning map or text amendment. |
| TYPE 5 | Hearing and recommendation by planning commission or other city council-appointed advisory body ⁴ ; decision by city council on the record. Appealable to Growth Management Hearings Board pursuant to Chapter 36.70A RCW | <i>Comprehensive plan</i> amendment; <i>development regulation</i> amendment; zoning map amendment related to a <i>site-specific comprehensive plan land use map amendment</i> ; master plans required in order to obtain a <i>comprehensive plan</i> amendment or related zoning map or text amendment pursuant to Chapter 18.120 KMC. |

¹ All shoreline permits, including shoreline variances and conditional uses, are appealable to the State Shorelines Hearings Board and not to the *hearing examiner*.

² Type 1 land use decisions that are not categorically exempt from environmental review under Chapter [43.21C](#) RCW (State Environmental Policy Act) shall provide a notice of application per KMC [19.25.060](#) and a notice of decision per KMC [19.25.090](#). The notice of decision may be a copy of the permit.

³ Approvals that are consistent with the *comprehensive plan* may be considered by the city council at any time. Zone *reclassifications* that are not consistent with the *comprehensive plan* land use map require a *site-specific comprehensive plan land use map amendment* and the city council's hearing, and consideration shall be considered a Type 5 land use decision and scheduled with the amendment to the *comprehensive plan* under Chapter [19.20](#) KMC.

⁴ If the proposal is being considered as part of the annual *docket* work program as described in Chapter [19.20](#) KMC. If the proposal is not part of the annual *docket*, the city council conducts the public participation process and makes the decision on the record.

⁵ Decisions on shoreline variance and shoreline conditional use permits require approval by the Department of Ecology.

[Ord. 21-0521 § 3 (Exh. B); Ord. 19-0481 § 2 (Exh. A); Ord. 16-0426 § 8 (Att. F); Ord. 12-0334 § 18; Ord. 11-0329 § 3 (Exh. 1).]

Local Food | Healthy Forests | Clean Water | Better Ground

Funded by King Conservation District, PlanIT Geo used high-resolution aerial imagery from the USDA's National Agriculture Imagery Program (NAIP) to map and measure current tree canopy and possible planting areas and to quantify changes in canopy in Kenmore. The results and metrics were then analyzed by watershed, zoning, and census block. This information will be used to aid the City's decision-making around land use planning, community development, and urban forest management.

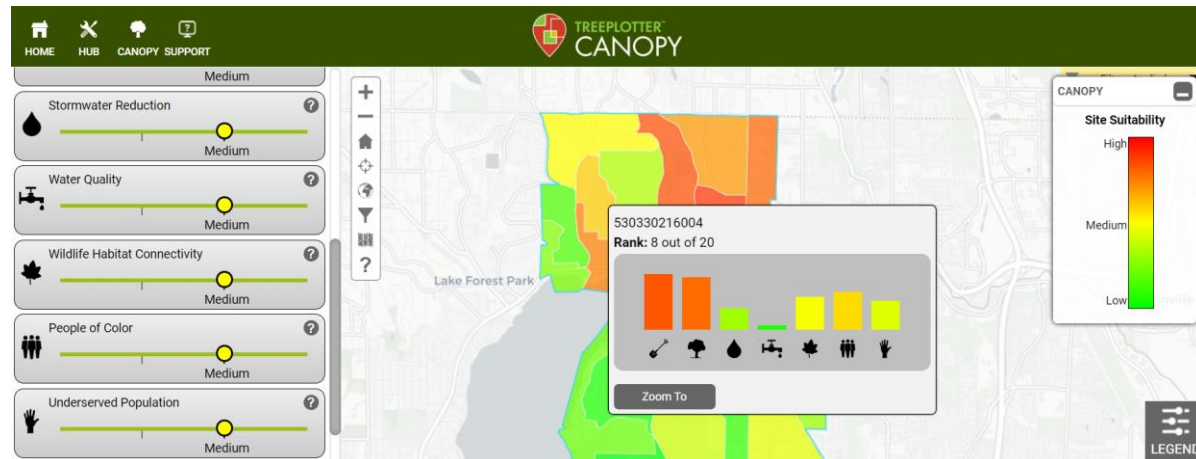
In particular, Kenmore wanted to explore how their tree canopy had changed since their first assessment was done in 2017. Results show that the City has gained 204 acres of tree canopy, representing a positive change of 5%.

UTC Change Metrics by City Boundary

| Kenmore | Total Area (Acres) | Land Area (Acres) | UTC 2017 (Acres) | UTC 2017 (%) | UTC 2021 (Acres) | UTC 2021 (%) | UTC Change 2017-2021 (Acres) | Raw Change (%) | Relative Change (%) |
|---------|--------------------|-------------------|------------------|--------------|------------------|--------------|------------------------------|----------------|---------------------|
| | 4,017 | 3,900 | 1,586 | 41% | 1,790 | 46% | 204 | 5% | 13% |

Increases were noted across all zoning categories – with the exception of neighborhood business. The analysis also revealed that there is still room to plant more trees in Kenmore. The study estimates that 22% of Kenmore is potential planting area – while 33% is unsuitable. Recommended zoning to concentrate on are R-1 residential, golf course, R-6 residential and R-4 residential.

With the data provided by PlanIT Geo, tree canopy and planting opportunities can also be analyzed by census block prioritized by factors such as income, habitat connectivity, or stormwater reduction. GIS layers were provided to the City of Kenmore but a visualization of Kenmore's tree canopy and possible planting areas is also available online at: <https://pg-cloud.com/KingCD-Cities/>





Date: September 10, 2021
To: Kenmore City Council
From: Garrett Oppenheim, Policy Analysis Intern
Re: Exceptional Tree Protections

I. Introduction

A. Context

At the City Council meeting on April 19, 2021, Bryan Hampson and Samantha Loyuk presented a summary of Kenmore's tree regulations including potential code amendments to further protect, preserve, and enhance Kenmore's urban forest. The presentation included a list of short-term and long-term action items, labelled List 1 and List 2.

List 1 was composed of five recommendations that could be accomplished this year, including changing the definition of "significant tree" so it includes smaller diameter at breast height (DBH) trees, revising tree retention requirements so certain "nuisance species" (i.e., cottonwood and alder) do not receive credit for retention, codifying the tree removal application process for existing single-family residences, updating the removal penalty language for consistency, and shortening the validity period for tree removal permits so replacement trees get into the ground faster.

List 2 was composed of more long-term items and consisted of increasing the tree density requirement for new development, decreasing yearly allowances for single-family tree removal, always requiring replacement of removed trees, establishing maximum floor area ratios to limit the size of single-family residences, creating a tree fund for instances where replacement is infeasible that would potentially include a tree rebate program for planting trees on single-family lots, and establishing an exceptional tree program. I was hired as an intern to research the final two items, exceptional tree ordinances and tree rebate programs, and draft policy papers on each.

B. Background

Big trees are invaluable to the environment. The big trees native to the Pacific Northwest like Douglas firs, western hemlocks, and western red cedars are the best in the world at storing carbon and they actually get better at doing it as they age and grow bigger.ⁱ In fact, some large trees seem to add "the carbon mass equivalent of an entire smaller tree each year."ⁱⁱ

Beyond helping fight climate change by removing greenhouse gases from the atmosphere and storing them, trees provide myriad benefits to our health, the environment, and society. Large trees increase property values, lower energy costs by regulating microclimates, clean local water, and even lead to better health outcomes for people.ⁱⁱⁱ And yet, despite the benefits trees, and in particular big trees, provide, the United States lost about 175,000 acres of tree cover, about 36

million trees, per year from urban and community areas between 2009 and 2014.^{iv} In that same period, Washington State lost 3,350 acres per year of urban and community tree cover.^v

To combat the decline in large trees, eleven Washington cities – Bainbridge Island, Bonney Lake, DuPont, Duvall, Lake Forest Park, Mercer Island, North Bend, Redmond, Seattle, Tacoma, and Woodway - have implemented protections for large trees, codified in exceptional tree ordinances. This report will explore, among other aspects, how these ordinances work, their commonalities and differences, and their effectiveness in preserving large trees.

While most cities refer to their protected trees as “exceptional trees,” Bainbridge Island, DuPont, and Redmond call their protected trees “landmark trees.” For the sake of simplicity, except in the Definitions section in this report, I will refer to all protected trees as “exceptional trees” irrespective of what individual cities call them.

Some cities list out species they protect when they reach a certain size while others give their city officials discretion whether to protect trees or not. Some cities apply their ordinances across the board to protect all exceptional trees in their jurisdiction while others apply only to new developments. All cities have carved out exceptions that allow for the removal of exceptional trees under certain circumstances. And some other cities rely on protection schemes called heritage tree programs that are voluntary on the part of property owners and require their consent to protect and preserve large trees.

The acronym DBH will appear multiple times within this report. It means diameter at breast height and refers to a tree’s width at four and one-half feet above the ground and is generally the place at which trees are measured to determine if their size meets the criteria for protection. The term caliper is synonymous with DBH.

C. Recommendation

It is recommended that the establishment of an exceptional tree ordinance be considered in the context of the recommendations that will come out of 1) the Climate Action Plan (CAP), which will likely produce a long list of potential new programs, and 2) the code amendment work plan dockets for future years, as discussed at the City Council’s annual retreat.

Several cities in Washington State have successfully implemented unique versions of an exceptional tree ordinance which have proven effective at preserving large trees. If Kenmore is to join these cities and enact its own exceptional tree ordinance, there are several issues that must be considered beforehand and it will take considerable staff time in the short term to do the research for and draft an exceptional tree ordinance appropriate for Kenmore.

First and foremost among those considerations is to decide what trees Kenmore wants to preserve. That can mean making a list of protected species like Seattle, DuPont, Duvall, Lake Forest Park, Mercer Island, and North Bend have done. Such a list will also require determining at what threshold sizes to protect each species. As Appendix B makes clear, different cities have chosen a variety of sizes at which to begin protections; for example, in Seattle and Mercer Island, an Oregon white oak with a six-inch DBH is an exceptional tree but in DuPont its DBH must be 24 inches to be protected and in no other city does it even warrant exceptional status. If Kenmore

wants to protect all large trees it can emulate Bonney Lake and Redmond where all trees with a DBH greater than 30 inches are exceptional, but that protection might miss some species whose specimens never reach that size and other cities protect at much smaller diameters, such as the Madrone and Pacific yew. Kenmore could also choose to follow the model set by Woodway and leave it to the discretion of city staff whether or not a particular tree is deserving of exceptional status but that of course leaves to fate whether the staff are tree-loving conservationists, heavily in favor of development, or somewhere else on the spectrum.

Once it has been established what trees to protect, the City must determine what protection means. The protection may simply prioritize exceptional trees for retention on development sites or it may bar their removal entirely. It can go even farther than that, emulating Bonney Lake's prevention of any harm at all that might injure or deface an exceptional tree.

The Council will have to decide further what exceptions will apply. Current regulations allow Kenmore residents to remove two or more large trees from their property, based on its size, and can either remain in place or be modified so that only significant trees that are not also exceptional trees may be removed. The ordinance could be applicable only to new developments to prohibit clear-cutting. Other common exceptions allow for removal of hazardous, dead, and dying exceptional trees and reasonable economic use of property, though they vary in the details. Where it provides for exceptions, the Council will further have to determine whether to require the planting of replacement trees, and if so, how many.

Suitable penalties must be established for violations of the ordinance. These can range from forcing the violator to plant replacement trees to fines that can be either consistent per violation or equal the appraised value of the removed tree.

Finally, the Council must acknowledge that the local context may result in unintended consequences that could force it to reevaluate the ordinance, its effectiveness, and its impact on both development and local livelihoods.

It is important to understand that an exceptional tree ordinance is not a panacea that, once implemented, prevents any big trees from coming down. Cities that have such ordinances in place already still see the removal of large trees. It is one tool in the regulatory toolbox but it is not a perfect one. Other tools in the toolbox include the actions on List 1 that will be implemented this Fall and they may well prove effective on their own and forego the need for an exceptional tree ordinance.

II. Current Kenmore Tree Protections

Kenmore's current tree regulations do not grant extra protection to large trees. The Code defines "significant trees" at KMC 18.20.2730 as "an existing healthy tree that is not a hazard tree (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."

KMC 15.25.070 permits Kenmore property owners to remove significant trees from property containing a single family residence based on the size of the property so long as the trees to be removed are not located in a critical area, shoreline, buffer, native growth area, or wildlife protection zone and have not been previously designated for protection. The owner of a typical single family lot, up to 10,000 square feet, can remove two significant trees per year without a permit.

Table 1

| Single Family Residence Lot Size | Number of Significant Trees That Can Be Removed Each Year Without a Permit |
|----------------------------------|--|
| Up to 10,000 sq. ft. | 2 |
| 10,001 – 20,000 sq. ft. | 4 |
| 20,001 – 30,000 sq. ft. | 6 |
| More than 30,000 sq. ft. | 8 |

Source: Kenmore Municipal Code 15.25.070(B)(2)

In terms of development, KMC 18.57.060 requires a minimum tree density of 30 tree units per acre of buildable area, to be made up of either existing trees already present on the land, replacement trees, or a combination of the two. Tree units are not equivalent to trees but are determined based on conversions found in KMC Table 18.57.060A. The City works with developers through all stages of development and construction to ensure the retention and protection of sufficient trees, but for a number of reasons, many, and in some cases, all trees are removed from development sites. Trees may be removed because the space they occupy is needed for roadways, sidewalks, drainage areas, fire access, utilities, or building setbacks. They may be removed because they are not viable. They may be removed because the size or shape of the lot would prevent construction if they remained. Oftentimes, even after replacement trees have been planted, developed sites look like there are no trees present because the replacement trees are often much smaller or are located in backyards, hidden from public view.

III. Defining Exceptional Trees

Eleven cities in Washington do grant additional protection to certain trees, usually based on their size. Most of the ten protect only specific species that have reached threshold sizes while others do not differentiate and protect all trees of a certain size. One city provides for subjective protection at the discretion of its Director of Public Works and a final city limits its protection to trees in specific environmentally important areas.

A. Specific Species Protected

Bainbridge Island, DuPont, Duvall, Lake Forest Park, Mercer Island, North Bend, and Seattle all have lists of tree species that become exceptional when they reach a specified size, noted as a diameter at breast height (DBH), 4.5 feet above the ground. For a list of all protected species and the threshold sizes required for protection, see Section XVI.

1. Bainbridge Island

Bainbridge Island calls the trees it protects “landmark trees,” defined at Bainbridge Island Municipal Code 16.32.010(C) as “trees, located on Bainbridge Island, that are unique because of their age, size, species, historical significance, or aesthetic quality and meet the criteria.” Those

criteria are found at BIMC 16.32.020 in a table listing protected tree species and the threshold sizes for protection. So long as a tree meets the size requirements, the city considers them landmark trees, whether they meet any of the more subjective criteria or not.

2. DuPont

DuPont protects what it terms “landmark trees,” defined at Section 25.10.120.005 of the DuPont Municipal Code as healthy, well-formed specimens of seven tree species – Oregon white oak, Pacific yew, madrona, Douglas fir, western red cedar, western hemlock, and big leaf maple – that have reached specified threshold sizes.

3. Duvall, Lake Forest Park, and North Bend

Duvall, Lake Forest Park, and North Bend use identical language to define exceptional trees: viable trees worthy of long-term retention due to a “unique combination of size and species, age, location, and health.” (The respective definitions are found at DMC 14.40.120, LFPMC 16.14.030, and NBMC 19.10.020). The criteria trees must meet are also identical, but for the language directing the reader to the location in the Code where protected species are found.

The tree must exhibit healthful vigor, not be a significant risk to utilities and structures, have no visual structural defects that cannot be mitigated, and “be expected to remain viable with reasonable and prudent management and care.”

Duvall protects 21 native western Washington species, selected by a committee of tree experts based on what other jurisdictions had protected and the best available science (DMC Table 14.40.120.1). Lake Forest Park protects seven species at LFPMC 16.14.030 Table 1.

Based on consultation with an arborist, North Bend protects nine species (NBMC 19.10.020(22)) and has an added provision that protects homestead trees planted many years ago that the city arborist determines to be unique in character, size, or form (NBMC 19.10.020(22)(f)).

4. Mercer Island

Mercer Island’s definition of exceptional trees is found at MIMC 19.16.010: “A tree or group of trees that because of its unique historical, ecological, or aesthetic value constitutes an important community resource. An exceptional tree is a tree that is rare or exceptional by virtue of its size, species, condition, cultural/historic importance, age, and/or contribution as part of a tree grove. Trees with a diameter of more than 36 inches, or with a diameter that is equal to or greater than the diameter listed in the Exceptional Tree Table, are considered exceptional trees[.]” The table lists 23 protected native species of trees and 45 non-native species with threshold diameters at breast height ranging from 6 inches to 30 inches depending on species (MIMC 19.16.010).

5. Seattle

Director’s Rule 16-2008 clarified the definition of exceptional trees found at **Seattle** Municipal Code 25.11.020, “a tree or group of trees that because of its unique historical, ecological, or aesthetic value constitutes an important community resource, and is deemed as such by the Director according to standards promulgated by the Seattle Department of Construction and Inspections.” The Rule contains a table of dozens of native and non-native tree species and their

associated threshold sizes required to be classified as exceptional, ranging from as small as six inches to as large as two and a half feet

B. All Large Trees Protected

1. Bonney Lake

The **Bonney Lake** Municipal Code defines exceptional trees located at Section 16.60.030(F)(10) as any tree with a DBH of 30 inches or greater, although it specifically excludes fast-growing and easily replaceable cottonwoods and alders unless they are found in a critical area. While the ordinance does not name them, its intent is to protect large specimens of three species of slow-growing, difficult to replace trees that predominate in undeveloped areas: Douglas firs, big leaf maples, and red leaf cedars.

2. Redmond

Redmond does not protect any specific species, choosing to define what its Code calls “landmark trees” at RMC 20A.20.120 as healthy trees with DBH over thirty inches or any particularly impressive or unusual tree in terms of “size, shape, age, historical significance or any other trait that epitomizes the character of the species.”

C. Discretion of City Officials

1. Woodway

Woodway defines an exceptional tree at WMC 16.12.020 as one that the Director of Public Works has determined worthy of long-term retention because it has a “unique combination of size, species, age, location, and health.” Under the Woodway definition, no specific species are protected, but rather the Director has discretion to deem any tree exceptional except for five enumerated species: red alders, laurel trees, English holly, Leyland cypress, and non-native cultivated fruit trees (WMC 16.12.050(A)).

Woodway decided not to protect specific species at threshold sizes like some cities do in order to save staff time. The discretion granted to the Director prevents the three staff members – the Director and two other Public Works employees – from having to go into the field to measure every single potential exceptional tree to determine what must be preserved; instead, the Director need only look at them and decide in his or her discretion whether they are exceptional trees or not.

D. Exceptional Trees Protected in Biodiversity Areas Only

1. Tacoma

Generally speaking, **Tacoma** does not protect exceptional trees, but in the Critical Areas Preservation section of its Code, implemented on June 26, 2018, the city does protect them in biodiversity areas and corridors. For the purposes of Tacoma’s municipal code, a biodiversity area, defined at TMC 13.01.110.B, is one containing diverse native vegetation composed of a “mosaic of habitats and microhabitats” and “areas with rare or uncommon plant species and associations designated by the City or identified by Federal and State agencies such as the Department of Natural Resources Heritage Program.” Biodiversity corridors, defined in the same chapter, are “relatively undisturbed and unbroken tracts of vegetation that connect Biodiversity Areas, other Priority Habitat and Critical Areas, including shorelines and serve to protect those areas and allow movement of common urban species.” TMC 13.11.510(B)(1)(b) requires a

minimum size of two acres for a biodiversity area and states that the only areas that cannot be classified as such are those “already developed with legally established, pre-existing uses which serve to eliminate or greatly reduce the propensity of wildlife to use the area as habitat or a corridor.” As such, a biodiversity area can include residential properties.

TMC 13.11.550(E)(1)(c) specifically protects exceptional trees within or affecting biodiversity areas and corridors with an explicit command to “retain exceptional trees,” noting that all “Conifers and Madrone are considered exceptional trees.” TMC 13.11.550(E)(1)(c)(2) further defines exceptional trees as those constituting an important community resource due to unique historical, ecological, or aesthetic value, allowing for trees other than conifers and madrone to be designated exceptional.

IV. Protection Granted

In many cities, the protection granted prohibits removal of exceptional trees, although exceptions, which will be detailed later in Section VI, are always provided for. **Bainbridge Island** bars the removal of exceptional trees by any “person, corporation, or other legal entity” without approval from the planning director, which will be explored in Section VI below (BIMC 16.32.030(A)). **Duvall** Municipal Code 14.40.025 and **North Bend** Municipal Code 19.10.093(E) state that “removal of exceptional trees shall not be allowed, except in [limited] circumstances.” **Lake Forest Park** Municipal Code 16.14.060(B) says that “Removal of viable exceptional trees [...] is prohibited.” **Redmond** Municipal Code 20D.80.20-070(3)(c) proclaims that “[Exceptional]¹ trees shall not be removed unless an exception has been applied for and granted.” **Seattle** Municipal Code 25.11.040(A)(2-3) prohibits, subject to exceptions in the preceding chapter, removal of exceptional trees on undeveloped lots and lots in areas with specific zoning requirements.

The protections granted to trees by these ordinances can extend beyond merely preventing removal. In **Bonney Lake**, BLMC 16.64.020(A) prevents anything that destroys, injures, or defaces exceptional trees, including pouring toxic material near them, posting signs on them, burning near their bases, and cutting their bark or branches.

Not all cities’ exceptional tree ordinances offer such strongly-worded protections. **Mercer Island** prioritizes exceptional trees for protection (MIMC 19.10.010(C)(2), 19.10.060(A)(2)(b)(ii)(a)). The protection provisions in **Woodway** do not allow removal of exceptional trees for routine property maintenance (WMC 16.12.150(E)(4)) or for development (WMC 16.12.170(I)(2)(e)) without a resolution by agreement or a tree management plan, both of which will be discussed in Section VI under Permits. The protection granted to exceptional trees in **Tacoma**, found at TMC 13.11.550(E)(1)(c), applies only to trees located in biodiversity areas and merely reads “Retain exceptional trees.”

V. Application

Cities differ with regard to whether their exceptional tree ordinances are applicable to everyone in the municipality or only to new developments. Most cities apply the ordinance to homeowners and developers but some cities allow homeowners to remove exceptional trees from their property,

¹ Redmond calls such trees “landmark trees” in its Code.

A. Universal Application

Bainbridge Island applies its ordinance to all property owners but also has regulations similar to Kenmore's that allow for homeowners with properties up to an acre in size to remove up to three significant trees each year without a permit. Exceptional trees cannot be removed but the city is aware that homeowners may inadvertently remove an exceptional tree under these provisions.

Bonney Lake makes its ordinance applicable to both homeowners and developers but provides an exception for homeowners to remove an exceptional tree that has become a hazard without a permit if a certified arborist provides a report that the tree is of "high" or "extreme high" risk and no mitigation methods will alleviate that risk.

By the letter of the law, the exceptional tree ordinance in **DuPont** applies only to new development projects (DMC 25.120.020) but, according to the city's community development director who administers the ordinance, it is also applicable to homeowners because they must go through the permitting process to remove trees and are held to the standards of the ordinance.

Lake Forest Park requires a Major Trees Permit to remove any tree with a DBH greater than 24 inches. Upon application for the permit, city staff visit the site to inspect the tree and, if it is an exceptional tree, the city denies the permit. It is also possible in Lake Forest Park for one resident to report another to the city for illegal cutting, instigating an immediate investigation and potential penalties.

Redmond, Seattle, and Woodway protect exceptional trees across the board from removal by both homeowners and developers. **Tacoma** likewise protects against removal so long as the tree is located in a biodiversity area or corridor.

B. Different Standards for Homeowners and Developers

There has not yet been an instance of an exceptional tree removal in **Duvall** since implementation of the ordinance but the city would hold developers and homeowners to different standards. A developer found removing an exceptional tree would face a fine but only mitigation would be required of a homeowner.

Mercer Island requires homeowners to get permits to remove trees with a DBH greater than ten inches and allows homeowners to remove exceptional trees from their property. While there is no limit to the number a homeowner may remove, there are mitigation requirements that can make removal prohibitive; each exceptional tree must either be replaced by six new trees or, if there is insufficient room on the property to meet replacement requirements, the property owner must make a payment in lieu under MIMC 19.10.070(C). In critical areas, exceptional trees can only be removed if they are hazardous.

Developers in Mercer Island, on the other hand, must preserve all exceptional trees with a DBH greater than 24 inches under MIMC 19.10.060(3) and commission an arborist's report to verify that the root system is not negatively impacted. Further protection of trees is granted by means of the development permit application review looking at the preceding five years for tree removal and the permit preventing it for five years after development.

Homeowners in **North Bend** have a categorical exemption in NBMC 19.10.040(B)(5) to remove up to ten trees per year from their property without a permit with only two limitations, trees in a designated native growth easement or within 150 feet of a critical area cannot be removed. As such, the exceptional tree ordinance there is applicable only to developers.

VI. Exceptions and Mitigation

No jurisdiction has a complete ban on the removal of exceptional trees. The various exceptions provided for include reasonable use of property, hazardous trees, access, subdivisions, protection of other exceptional trees, and permit systems. In most instances for which exceptions are made, mitigation is required in the form of planting replacement trees.

This section will not explore cities that do not apply their ordinances to homeowners because those were detailed in Section V above.

A. Exceptions

1. Reasonable Use

When a State eliminates all economically valuable use of land it engages in a “taking” of property and must compensate the land’s owner.^{vi} As such, cities provide exceptions to their bans on removing exceptional trees when preservation would deny any reasonable use of the property.

The first exception for which the **Bainbridge Island** planning director shall approve a request to remove an exceptional tree is that “removal is necessary to enable construction on or reasonable use of the property, and no other alternative is feasible” (BIMC 16.32.030(D)(1)).

Duvall at DMC 14.40.025(A)(4) and **North Bend** at NBMC 19.10.093(E)(1)(d) use the exact same language to say that exceptional trees can be removed in instances where the property owner can show the infeasibility of all on-site alternative designs that would result in less impact to the exceptional trees, including reduction in “size, scope, configuration, or density.”

In cases where “application of [the exceptional tree ordinance] will prevent any reasonable economic use of the owner’s property” **Lake Forest Park**, LFPMC 16.14.100(A) allows the property owner to apply to the planning department to be exempted from the ordinance’s requirements. LFPMC 16.14.100(C) lays out the criteria for receiving an exemption: following the ordinance would “deny all reasonable economic use of the property,” no other reasonable use exists that would have less impact, and the proposed development “is the minimum necessary to allow for reasonable economic use of the property.”

Tacoma grants a reasonable use exception at TMC 13.11.240(B) when application of the code’s preservation standards would “deny all reasonable economic use of the property.” Even under circumstances where no other reasonable economic use exists, subsection (3) requires the development “will be mitigated to the maximum practical extent and result in minimum feasible alteration or impairment of functional characteristics of the site.” In practice, this means the first goal is to avoid impact in critical areas, but where that is impossible, the goal becomes to minimize damage and mitigate what’s done through tree replacement.

Mercer Island, at MIMC 19.10.060(A)(3)(b) is less explicit about the reasoning behind the exception but allows removal of exceptional trees when retaining them would limit the constructable area to less than 85% of the maximum, as defined elsewhere in the Code. **Seattle** utilizes a similar mechanism to allow for the removal of exceptional trees from residential small lots at SMC 25.11.060(A)(1)(a) where the maximum allowable lot coverage cannot be achieved without extending into the tree's protected area and SMC 25.11.060(A)(1)(b) where retention of an exceptional tree would result in part of a house being less than fifteen feet wide, and in lowrise zones at SMC 25.11.070(A)(2) if retention would prevent reaching a certain floor area.

At RMC 20D.80.20-090, **Redmond** lays out the criteria that must be addressed in a property owner's application in order to be allowed to remove exceptional trees. Those criteria, found in subsections (1)(a)(i-ii), are that either special circumstances exist with regard "to the size, shape, topography, location, or surroundings of the subject property" or strict adherence to the ordinance would "jeopardize reasonable use of property."

2. Hazardous, Dead, and Dying Trees

Every city, with one possible exception, allows for exceptional trees to be removed if they are hazardous, dead, or dying.² There is some variation between cities with regard to how the exception is written, whether as part of the definition of an exceptional tree or as a distinct provision, the process for hazardous tree removal, the definition of the term "hazard," and what must be left behind.

At BIMC 16.32.030(D)(3), **Bainbridge Island's** planning director may allow for removal of exceptional trees that are "diseased, or otherwise determined to be a hazardous tree as determined by a qualified professional."

Part of the definition of an exceptional tree in **Duvall**, **Lake Forest Park**, and **North Bend** (see DMC 14.40.120, LFPMC 16.14.030, NBMC 19.10.020(22)(c)) is that the tree must be viable and "not be considered a significant risk in regard to existing utilities and structures as evaluated per the tree risk assessment[.]"

Most cities require that before removing a potentially hazardous tree, the city must provide written authorization (see, for instance, **Bonney Lake** Municipal Code 16.64.040(A); **DuPont** Municipal Code 25.120.030(8); **Duvall** Municipal Code 14.40.025(A)(1) referring to 14.40.110(A); **Seattle** Director's Rule 16-2008; and **Tacoma** Municipal Code 13.11.210(B)(11)) while others like **Woodway** allow immediate removal but require an application for a removal permit after the fact with proof that failure of the tree was likely imminent (Woodway Municipal Code 16.12.130(A) and 16.12.130(D)).

Cities take different approaches to defining what makes a tree hazardous. **Mercer Island** defines the term "hazardous tree" at MIMC 19.16.010 by referring to the rating system of the

² At RMC 20D.80.20-030(1) Redmond provides for the removal of significant trees that are "an immediate threat to public health, safety, or welfare" but at 20D.80.20-070(3)(c) clearly states that "Landmark trees shall not be removed unless an exception has been applied for and granted." None of the exceptions enumerated in RMC 20D.80.20 relate to trees being hazardous.

International Society of Arboricultural Hazard Tree Analysis for Urban Areas. **North Bend**, on the other hand, defines a “hazard tree” at NBMC 19.10.020(26) as a tree with a disease or defect that gives it “a high probability of failure.” **Seattle’s** Director’s Rule talks of allowing qualified professionals to make the determination. **Dupont** does not define the term at all.

In critical areas, **Bonney Lake** at BLMC 16.64.040 and **Tacoma** at TMC 13.11.210(B)(11) require that the cut pieces of the removed hazardous tree be left on site as wildlife habitat.

3. Access

Bainbridge Island will allow for an exceptional tree to be removed upon application under BIMC 16.32.030(D)/(2) if “removal is necessary to fulfill the terms of an easement or covenant recorded prior to the adoption of the” exceptional tree ordinance. The city would not allow for the creation of an easement today that contained exceptional trees, but would instead require finding a reasonable alternative.

Duvall and **North Bend** both grant an exception to remove exceptional trees where necessary to access developments. The provisions, found at DMC 14.40.025(3) and NBMC 19.10.093(E)(c) share language with regard to this exception. Both provide that where there are no other feasible alternatives, exceptional trees can be removed to provide access to private development sites. They both require that alternatives “shall be pursued to the maximum extent feasible.”

Duvall provides for an additional access-related exception at DMC 14.40.025(A)(2) where it is necessary to remove exceptional trees “necessary for public roads and bridges within existing public right of ways and other essential public facilities.” **DuPont**, likewise allows up to 30% of Oregon white oaks and up to 50% of all other exceptional trees to be removed to install a street right of way that is “integral to a neighborhood and cannot reasonably be moved,” at DMC 25.120.030(2).

4. Residential Lot Subdivisions

Bonney Lake at BLMC 16.64.070(D)(2) and **Mercer Island** at MIMC 19.10.060(A)(3)(c) provide for an exception to allow for removing an exceptional tree if retaining it would prevent creating a lot via subdivision, provided that the subdivision is otherwise allowed for in the Code.

5. Permits

Woodway has devised a unique permit system to allow property owners limited control over removing exceptional trees. WMC 16.12.150(E)(4) defines how many trees may be removed from a property each year depending on zoning and also states that exceptional trees can only be removed under an approved Resolution by Agreement or Tree Management Plan, two programs explained in greater detail in WMC 16.12.180 and 16.12.190.

First, the Resolution by Agreement, as described in WMC 16.12.180(A)(3), allows a property owner to enter into an agreement with the Director of Public Works to remove one exceptional tree every five years. While the Director has no discretion whether to enter a Resolution by Agreement with a property owner, in order to remove a single exceptional tree, the property owner must replace it with five trees similar in growth rate and canopy cover that must remain healthy and viable for a period of five years.

The limit of one such tree in a five-year period can only be exceeded by the second exception, the much more burdensome Tree Management Plan, explained at WMC 16.12.190(B). A Tree Management Plan is more burdensome to the property owner because the Director has more discretion to make additional demands on him or her such as requiring more replacement trees that remain healthy and viable for a longer period or altering construction plans to build on a less sensitive area of a lot. Additionally, the Director has the discretion whether to permit the Tree Management Plan at all. In general, most property owners considering a Tree Management Plan as an option to remove more than one exceptional tree rethink it and stick to a Resolution by Agreement that allows one removal per five years.

6. Protecting Other Exceptional Trees

DMC 25.120.040(8) in **DuPont** requires that Douglas firs be removed in some instances to ensure the survival of oaks, to which the ordinance grants special protections.

B. Mitigation

In general, when cities provide exceptions that allow for the removal of exceptional trees, they require replacement and oftentimes the replacement requirements are significant.

Bonney Lake imposes a draconian 9:1 replacement ratio on those who remove exceptional trees, under BLMC 16.64.080(A). BLMC 16.64.040(G) allows for a reduced 4.5:1 replacement ratio if the removed tree was a hazard tree.

Under MIMC 19.10.070, **Mercer Island** requires replacement at a burdensome rate of six new trees for every exceptional tree that is removed.

As detailed above in the discussion about permits, **Woodway** requires five replacement trees that must remain viable for five years under a Resolution by Agreement for removing a single exceptional tree and the Director of Public Works has discretion to demand more replacement trees and a longer viability period under a Tree Management Plan.

Lake Forest Park, at LFCMC 16.14.100(D), and **Duvall**, at DMC 14.40.025(B), both require replacement at a rate of three trees for every exceptional tree removed.

Redmond at RMC 20D.80.20-090(1)(c) requires replacement in accordance with the Tree Replacement provisions found at RMC 20D.80.20-080(1) and (5), namely that all significant trees removed must be replaced at a 1:1 ratio by two-and-one-half-inch caliper deciduous trees or evergreen trees six to eight feet tall.³ If the reasonable use exception grants the property owner the right to retain less than 35% of the standard, RMC 20D.80.20-090(b) requires replanting three replacement trees per exceptional tree removed.

³ Based on the definitions present in the Redmond Municipal Code, all exceptional trees are significant trees. RMC 20A.20.190 defines significant trees as healthy trees with a DBH of six inches or more. RMC 20A.20.120 defines exceptional trees (“landmark trees” in their terms) as a “healthy tree over thirty inches in diameter” or any particularly impressive or unusual tree in terms of “size, shape, age, historical significance or any other trait that epitomizes the character of the species.” As such, exceptional trees are significant trees with greater protections.

Seattle requires at SMC 25.11.090 that every exceptional tree with a DBH over two feet that is removed be replaced by at least one new tree whose size and species must be approved by the City with the expectation that when the tree is mature the canopy will be at least equal to what existed before.

Bainbridge Island requires mitigation at BIMC 16.32.030(E) only when exceptional trees are removed to enable reasonable use of the property. The replanting requirements, found at BIMC 16.32.030(E)(1-2), provide for multiplying the DBH of the removed trees by one-half and planting sufficient replacement trees such that the sum of their combined calipers equals or exceeds that figure. Alternatively, BIMC 16.32.030(F) allows for planting three replacement trees and paying into the Bainbridge Island tree fund \$500 per inch of replacement inch unaccounted for by the replacement trees.

Only a removed street tree must be replaced in **DuPont**, according to DMC 25.120.030(8).

When the removed exceptional trees are hazardous, the replacement requirements differ. Some cities require replacement of hazardous trees (see, for instance, **Duvall** Municipal Code 14.40.110(A)), whereas others may waive the replacement requirement entirely or in specific areas (see, for instance, **Seattle** Municipal Code 25.11.090(B) for an example of the former and **Woodway** Municipal Code 16.12.130(E) for the latter).

VII. Administration

A. Inventories of Exceptional Trees

Very few of the cities who have implemented exceptional tree ordinances maintain inventories or lists of all of the trees in their jurisdictions that meet the criteria for that designation. Most cities only learn about the existence of such trees upon the submission of development plans or tree removal permit applications which require property owners to disclose the trees that would be affected by development or removal. In North Bend, where the exceptional tree ordinance has been on the books since 2018, not a single exceptional tree has been discovered in the submission for property to be developed. Mercer Island keeps track of exceptional trees found in development applications, but there is no formal inventory. Bainbridge Island does not currently maintain an inventory of its exceptional trees but has plans to perhaps create one in the future.

The only cities that do maintain complete inventories of the exceptional trees in their municipalities are Dupont and Seattle.

1. **DuPont** made its initial inventory of exceptional trees about twenty years ago when Weyerhaeuser started its development there but it only tracks exceptional trees on public property and finds out about those on public property like other cities, when residents apply for tree removal permits.

2. **Seattle's** Department of Construction and Inspections includes a team of GIS Analysts who use ARCPro GIS to track all trees on private property in the city with a DBH of six inches or greater. Seattle tracks internally all trees that have been preserved, removed, and planted as part of mitigation and expects to make that information available to the public in the near future.

B. Staff Time

Staff resources are required to administer exceptional tree ordinances in every city that has implemented them. There is a large cost in staff time up front in researching and writing the ordinances. Administrators talked about having to spend time consulting with arborists to determine what tree species to protect and what the appropriate sizes would be. They spent significant amounts of time researching the ordinances other cities had passed before them to determine what would work for them and what would not. The administrator of **Ridgefield's** heritage tree ordinance estimated that it took at least 40 hours of staff time to set up and draft their ordinance, one that, as will be described below in Section XII, has not even been as effective as the drafters had hoped. In **Woodway**, it took three months of full time work to develop and craft the ordinance before taking it to their City Council.

Once the ordinance is up and running, the amount of time can vary. If the ordinance does not change the regulations very much then it will not take much time to administer, but if it does not change the Code much one must wonder why it was enacted. Where the ordinance does change the regulations significantly it can add an hour or more to the duties of staff each week in reviewing development proposals and permit applications.

VIII. Effectiveness

Every city that has implemented an exceptional tree ordinance has done so with similar goals in mind, namely, maintaining and increasing the tree canopy and preserving large trees. Subsidiary goals include preventing clearcutting by developers, increasing home values, and preserving the sylvan northwest characteristics of the region.

As many cities have implemented their exceptional tree ordinances in the last five years it remains too soon to say whether they have been effective in protecting more trees than they were beforehand and it will take further tree canopy analysis to make that determination. Such is the case in **Bonney Lake** and **North Bend**. **Duvall**, likewise, enacted their ordinance too recently to be certain of its success but typical five-acre development sites always turn up exceptional trees and the development plans that have been submitted since it took effect have shown that more trees are being preserved that would not have been previously.

Bainbridge Island is already looking at revisions to its exceptional tree ordinance only three years after implementation so it is likely falling short of the standard of effectiveness for which its original drafters had hoped.

Those cities who maintain that the exceptional tree ordinance has been an effective tool to preserve large trees and increase canopy include **DuPont**, **Lake Forest Park**, **Tacoma**, and **Woodway**.

IX. Development

A. Impact

Most cities report that the exceptional tree ordinances have had little to no negative impacts on development.

Duvall and **Woodway** have seen no negative impact on development. In **Lake Forest Park**, the decision to increase the size threshold for a tree to be protected compared to those used in Seattle prevented the ordinance from having a negative impact on development in the city.⁴ A city arborist in **North Bend** verifies all developers' tree plans to ensure no exceptional trees go unreported but none have yet been recorded on development sites there since its ordinance was implemented in 2018. It is possible that no exceptional trees have appeared on development sites in North Bend because in the wake of the ordinance being implemented developers have begun examining land more closely in advance to build only where there are no protected trees that they must retain.

Mercer Island saw a short-term negative impact on development in the wake of the ordinance's implementation but once developers figured out how to work with the new ordinance, they returned and development has increased over where it was prior to the enactment late in 2017.

Bainbridge Island has not had any slowdown in the submissions of building applications since implementing its exceptional tree ordinance and is unaware of any negative impacts the ordinance could have had on development.

Other cities such as **Redmond** and **Seattle** have not tracked whether the ordinance has impacted the development rate. Development in Redmond has remained strong. Too many other factors influence development in Seattle to say whether the exceptional tree protections have any impact on development, but many developers avoid lots with exceptional trees in low-density zones because they may require the investment of substantial amounts of money only to find out whether they can develop the site as they have planned, suggesting that there may be fewer development sites available than would be without the ordinance.

In **Bonney Lake**, where the exceptional tree ordinance was implemented in 2020, most of the development projects the city is working on were already submitted before enactment so it is too soon to say whether there will be any impacts from the exceptional tree ordinance.

Tacoma acknowledges that exceptional tree protection in biodiversity areas has made development more difficult in some instances such as when subdivisions of existing properties can be prevented when the new lot would not be developable due to the presence of biodiversity areas. Despite the impact on development, this was an intended consequence of the ordinance as the city intended to preserve biodiversity at the expense of some development.

B. Credits

A second aspect to development is that two cities, Bonney Lake and North Bend, give developers extra credit toward the minimum required tree credits for retaining exceptional trees. In **Bonney Lake**, BLMC 16.64.080(C) equates a single retained exceptional tree with four tree replacement credits. **North Bend** bases the credit for retained trees on their DBH and all retained exceptional trees count for 150% of a non-exceptional tree of the same size (NBMC Table 19.10.092-2).

⁴ See Appendix B, Section XVI, to compare size thresholds for protected trees.

X. Penalties

The penalties for illegally removing exceptional trees include replanting requirements and fines with some cities punishing malicious or willful violations more harshly than accidental violations.

A. Mitigation

In **Bonney Lake** the penalty for cutting down an exceptional tree, found in BLMC 16.64.080(A) is to plant nine replacement trees, each with a minimum two-inch caliper. BLMC 16.64.080(J) provides for an in lieu mechanism whereby a violator can pay money to the city's tree fund if they do not have room to plant all of the required replacement trees.

DuPont works with violators to mitigate the harm done by removing a tree but does not have any codified mitigation scheme.

In **Tacoma**, the penalty for removal of exceptional trees in biodiversity areas is mitigation in the form of planting replacement trees.

In **Duvall**, a homeowner who illegally removed an exceptional tree would face only mitigation requirements such as replanting replacement trees.

B. Fines

Unlike homeowners who must only mitigate the harm caused, a developer who removes exceptional trees in **Duvall** is subject to a fine based on an appraisal of the removed tree that is done after the removal.

The penalty for illegally removing an exceptional tree in **Lake Forest Park** is a fine in the amount of the tree's appraised value.

Woodway imposes a \$1,000 fine for illegally removing an exceptional tree, and, if the violation is done knowingly and willfully, it adds a fine not to exceed the appraised value of the tree.

Mercer Island and **North Bend**, as stated above in Section V.B, apply their ordinances primarily to developers only, but both provide stiff penalties to developers who violate the Code. At MIMC 19.10.160(B), Mercer Island provides for up to triple the value of a damaged or removed tree. North Bend has instituted a \$10,000 per violation penalty for removing exceptional trees found on development sites based on NBMC 19.10.140(B) which gives the city arborist discretion to charge for removal of protected trees.

Bainbridge Island imposes a fine of \$25,000 in addition to standard civil penalties for each exceptional tree removed without approval (BIMC 16.32.060(B)).

C. Both Mitigation and a Fine

Redmond penalizes those who illegally remove exceptional trees with both a fine up to \$3,000 and a requirement to replace the removed tree with three new trees (RMC 20D.80.20-130(2)).

SMC 15.11.100(I-J) provide for civil penalties for violations of **Seattle's** Tree Protection Code. SMC 15.11.100(I)(1) sets the fine for removing an exceptional tree at the tree's appraised value and allows for triple damages if the violation is willful or malicious. SMC 15.11.100(J) requires, in addition to the aforementioned fine, restoration of the damaged area to its pre-violation state.

XI. Unintended Consequences

Cities reported a handful of unintended consequences that have arisen related to their exceptional tree ordinances. Some unintended consequences arose from local context and others the way their particular ordinance was written.

In September 2020, wildfires forced parts of **Bonney Lake** to evacuate to safety.^{vii} The city's close proximity to wildfire danger means that protecting trees very close to houses can leave them vulnerable to fire so the ordinance is likely to be reconsidered in the near future with regard to this aspect.

In **Duvall** there may be unintended consequences in the form of

- unnecessary economic harm to developers,
- issues with meeting minimum density requirements, and
- conflicts with critical root zone ordinance requirements.

According to my source at Duvall, developers have been harmed economically in instances when poorly done arborist evaluations have resulted in preservation of trees that should not be classified as exceptional and they consequently lost useable land.

My source at Duvall believes that with regard to density requirements, Duvall's exceptional tree ordinance has pushed developers of subdivision projects to meet only the minimum required, thus preventing achievement of maximum densities allowed by zone.

Finally, exceptional trees can have massive critical root zones and depending on whether Code requirements allow for any activity in that area, it may limit how much land can be developed.

XII. Heritage Tree Protections

Another common protection scheme for large trees is heritage tree protection. Seattle defines a heritage tree as one that it is an exceptional specimen in terms of size, rarity, or beauty, has an association with a significant historical person or event, or is a community landmark.^{viii}

Vancouver utilizes similar criteria for deciding if nominated trees should be designated as heritage trees, as found in Vancouver Municipal Code 20.770.120(B)(2).

Several cities have, or have had, heritage tree programs but they are not as effective for tree preservation as exceptional tree ordinances because the property owners must give consent for the trees on their private property to be designated as heritage trees. This is the case in all of the heritage tree programs examined for this report: Seattle, Bonney Lake, Lake Forest Park, Mercer Island, Ridgefield, and Vancouver. Trees designated as heritage trees acquire protection from removal but the voluntary nature of the programs allows property owners to refuse to add an extra burden and commitment to their land.

Bonney Lake has only a single heritage tree in the entire city and even that is in a public park. Were it not for that one tree, the ordinance would have been eliminated when the Code was revised in 2020. Lake Forest Park no longer administers its heritage tree program because it did not provide any additional protection for trees. Mercer Island abandoned its heritage tree program because no property owners were taking part out of fear that it would have a negative impact on the value of their property.

Of the cities examined for this report who have had heritage tree programs, only Seattle and Vancouver maintain actively growing heritage tree inventories. Seattle has about 250 on private property and grants exceptional tree status to all of its heritage trees so that with the owner's consent they receive the exact same protections that those that qualify as exceptional trees based on the Code get automatically. Each year about a dozen nominations of heritage trees on private property in Seattle fail because the owner refuses to give consent. Vancouver has about 40 heritage trees across the entire city, each nominated by the property owner and now unable to be removed from the inventory. In both cities, heritage tree status adheres to a tree even if ownership of the underlying property changes.

The Heritage Tree program in Ridgefield, enacted in October 2018, provides an example of the weak protections these programs offer.

Ridgefield defines heritage trees in its code at Section 18.840.030 as having one of the following characteristics: a DBH greater than 36 inches; a distinctive size, shape, or location; a distinctive species, age, or exceptional beauty that warrants heritage status; a functional or aesthetic relationship to a natural resource like a stream bank that conveys distinctiveness; or a documented association with a historical figure, property, or significant historical event. RMC 18.840.020 requires the city to maintain an inventory of its exceptional trees and to update the inventory annually.

Anyone can nominate trees to City Council for designation, including the Public Works Department, which nominates trees from sites where development has been proposed, but RMC 18.840.020(C) grants property owners the right to object to the designation. The City Council interprets the ordinance as though it is entirely voluntary on the part of the property owners, and has so far refused to override any of their objections, despite no language in the ordinance giving property owners an absolute right to block trees on their property from being protected. The Council has relied on the subjective nature of many of the criteria, which is different from most of the exceptional tree ordinances that protect trees of a certain size, to reject nominations.

While the initial inventory was a success with 90% of the 40-50 nominated trees receiving heritage status, the City Council did not grant the status to any of the nominated trees at the first annual update because of owner objections.

The program also provides weak protection against developers because rather than providing *per se* protection of large trees, it relies on the City Council to vote on whether to protect trees nominated to it. This creates a loophole that would allow a developer to remove trees that have been nominated for designation as heritage trees before the Council has had a chance to vote on their nomination.

In conclusion, heritage tree programs do not protect trees as well as exceptional tree ordinances because property owners can block the designation. The heritage tree ordinance in Ridgefield was meant to provide strong protection for large trees but nonetheless demonstrates the weakness of this type of program because the City Council there has deferred to property owners rather than tree preservation.

XIII. Enactment

Enactment in Kenmore of an exceptional tree ordinance to protect more big trees will require a City Council vote on an ordinance to make changes to the tree regulations in the Land Use Code found at Title 18 of the Kenmore Municipal Code. The process for such changes would involve a process of approximately six months and require staff resources from the Planning Department, Development Services Department, and the City Attorney. The process would entail a SEPA environmental determination by the Development Services Director, a 60-day notice to the Department of Commerce providing a draft of the new regulations and showing which department is responsible for carrying it out, a public hearing before the Council with a draft of the new regulations available to the public, and finally, the adoption of the ordinance with review by the City Attorney.

XIV. Appendix A: City Facts

| City | County | Population (2021) ^{ix} | Date Ordinance Implemented | Specific Species Protected | Inventory of All Exceptional Trees Maintained |
|-------------------|-----------|---------------------------------|----------------------------|----------------------------|---|
| Bainbridge Island | Kitsap | 26,254 | 2018 | Yes | No |
| Bonney Lake | Pierce | 21,354 | 2020 | No | No |
| DuPont | Pierce | 9,556 | unknown | Yes | Yes |
| Duvall | King | 8,267 | 2018 | Yes | No |
| Kenmore | King | 23,281 | N/A | N/A | N/A |
| Lake Forest Park | King | 12,638 | 2017 | Yes | No |
| Mercer Island | King | 25,918 | 2017 | Yes | No |
| North Bend | King | 8,039 | 2018 | Yes | No |
| Redmond | King | 80,915 | 1998 | No | No |
| Ridgefield | Clark | 10,807 | 2017 | No | Yes |
| Seattle | King | 776,555 | 2001/2009 ⁵ | Yes | Yes |
| Tacoma | Pierce | 221,259 | 2018 | No | No |
| Woodway | Snohomish | 1,393 | 2006 | No | No |

⁵ The ordinance took effect in 2001. The Director's Rule defining which trees are protected took effect in 2009.

XV. Appendix B: Species and Size Threshold Protections by City

| Species⁶ | Seattle⁷ | Bainbridge Island⁸ | DuPont⁹ | Duvall¹⁰ | Lake Forest Park¹¹ | Mercer Island¹² | North Bend¹³ |
|-------------------------------|----------------------------|--------------------------------------|---------------------------|----------------------------|--------------------------------------|-----------------------------------|--------------------------------|
| Sitka Alder | 6" | | | | | | |
| Oregon Ash | 24" | | | | | 24" | |
| Quaking Aspen | 12" | | | | | 12" | |
| Paper Birch | 20" | 30" | | | | 20" | |
| Cascara | 8" | | | | | 8" | |
| Western Red Cedar | 30" | 30" | 30" (45") | 30" | 42" | 30" | 30" |
| Pacific Crabapple | 12" | | | 12" | | 12" | |
| Pacific Dogwood | 6" | | | 6" | | 6" | 12" |
| Douglas Fir | 30" | 40" | 30" (45") | 30" | 42" | 30" | 30" |
| Grand Fir | 24" | 40" | | 24" | 33" | 24" | 24" |
| Black Hawthorn | 6" | | | 6" | | 6" | |
| Western Hemlock | 24" | 30" | 30" (45") | 24" | 36" | 24" | 24" |
| Madrona | 6" | 24" | 24" (30") | | 12" | 6" | |
| Bigleaf Maple | 30" | 36" | 30" (45") | 30" | 42" | 30" | 30" |
| Dwarf or Rocky Mountain Maple | 6" | | | | | 6" | |
| Vine Maple | 8" | | | | | 8" | |
| Oregon White or Garry Oak | 6" | 30" | 24" (30") | | | 6" | |
| Lodgepole Pine | 6" | | | | | 6" | |
| Shore Pine | 12" | | | 12" | | 12" | 12" |

⁶ Trees only protected when in a grove are not included. Non-native species are in italics.

⁷ Protected species found at Director's Rule 16-2008 Table 1.

⁸ Protected species found at Bainbridge Island Municipal Code 16.32.020.

⁹ Protected species found at DuPont Municipal Code 25.10.120.005. The first number is for trees with a single trunk first, the number in parentheses is for multi-trunk trees.

¹⁰ Protected species found at Duvall Municipal Code Table 14.40.120.1.

¹¹ Protected species found at Lake Forest Park Municipal Code 16.14.030 Table 1.

¹² Protected species found at Mercer Island Municipal Code 19.16.010 Exceptional Tree Table.

¹³ Protected species found at North Bend Municipal Code 19.10.020(22) Exceptional Tree Species and Their Threshold Diameters.

| Species | Seattle | Bainbridge Island | DuPont | Duvall | Lake Forest Park | Mercer Island | North Bend |
|------------------------------|---------|-------------------|-----------|--------|------------------|---------------|------------|
| Western White Pine | 24" | | | | 36" | 24" | |
| Western Serviceberry | 6" | | | | | 6" | |
| Silver Maple | | 36" | | | | | |
| Sitka Spruce | 6" | 36" | | 30" | | 6" | 30" |
| Willow (all native species) | 8" | | | | | 8" | |
| Pacific Yew | 6" | | 24" (30") | 6" | | 6" | |
| <i>Orchard Apple</i> | 20" | | | 20" | | 20" | |
| <i>European Ash</i> | 22" | | | | | 22" | |
| <i>Green Ash</i> | 30" | | | | | 30" | |
| <i>Raywood Ash</i> | 24" | | | | | 24" | |
| <i>European Beech</i> | 30" | | | | | 30" | |
| <i>European White Birch</i> | 24" | | | 24" | | 24" | |
| <i>Atlas Cedar</i> | 30" | | | | | 30" | |
| <i>Deodor Cedar</i> | 30" | | | | | 30" | |
| <i>Incense Cedar</i> | 30" | | | 30" | | 30" | |
| <i>Flowering Cherry</i> | 23" | | | 24" | | 23" | |
| <i>Lawson Cypress</i> | 30" | | | | | 30" | |
| <i>Kousa Dogwood</i> | 12" | | | 12" | | 12" | |
| <i>Eastern Dogwood</i> | 12" | | | | | 12" | |
| <i>American Elm</i> | 30" | 30" | | 30" | | 30" | |
| <i>English Elm</i> | 30" | | | 30" | | 30" | |
| <i>Gingko</i> | 24" | | | 24" | | 24" | |
| <i>Common Hawthorn</i> | 16" | | | | | 16" | |
| <i>Washington Hawthorn</i> | 9" | | | | | 9" | |
| <i>European Hornbeam</i> | 16" | | | | | 16" | |
| <i>Common Horse Chestnut</i> | 30" | 40" | | | | | |
| <i>Red Horse Chestnut</i> | 30" | | | | | | |
| <i>Katsura</i> | 30" | | | | | 30" | |
| <i>Littleleaf Linden</i> | 30" | | | | | 30" | |
| <i>Honey Locust</i> | 20" | | | | | 20" | |

| Species | Seattle | Bainbridge Island | DuPont | Duvall | Lake Forest Park | Mercer Island | North Bend |
|--|---------|-------------------|--------|--------|------------------|---------------|------------|
| <i>Southern Magnolia</i> | 16" | | | | | 16" | |
| <i>Paperbark Maple</i> | 12" | | | | | 12" | |
| <i>Japanese Maple</i> | 12" | 12" | | | | 12" | |
| <i>Norway Maple</i> | 30" | | | | | | |
| <i>Red Maple</i> | 25" | | | | | 25" | |
| <i>Sugar Maple</i> | 30" | | | | | 30" | |
| <i>Sycamore Maple</i> | 24" | | | | | 24" | |
| <i>Monkey Puzzle Tree</i> | 22" | 36" | | | | 22" | |
| <i>Mountain-Ash</i> | 29" | | | | | 29" | |
| <i>Pin Oak</i> | 30" | 30" | | | | 30" | |
| <i>Red Oak</i> | 30" | 38" | | | | 30" | |
| <i>Callery Pear</i> | 13" | | | | | 13" | |
| <i>Austrian Black Pine</i> | 24" | | | | | 24" | |
| <i>Ponderosa Pine</i> | 30" | 30" | | | | 30" | |
| <i>Scot's Pine</i> | 24" | | | | | 24" | |
| <i>London Plane</i> | 30" | | | | | 30" | |
| <i>Flowering Plum</i> | 21" | | | | | 21" | |
| <i>Coastal Redwood</i> | 30" | 30" | | | | 30" | |
| <i>Giant Sequoia</i> | 30" | | | 30" | | 30" | 30" |
| <i>Japanese Snowbell</i> | 12" | | | | | 12" | |
| <i>American Sweetgum</i> | 27" | | | | | 27" | |
| <i>Tulip Tree</i> | 30" | | | | | 30" | |
| <i>Willow (all non-native species)</i> | 24" | | | | | 24" | |
| <i>Beech (Fagus grandifolia)</i> | | 36" | | | | | |
| <i>Catalpa</i> | | 36" | | | | | |
| <i>Lombardy Poplar</i> | | 38" | | | | | |
| <i>Black Locust</i> | | 30" | | | | | |
| <i>Monterey Pine</i> | | 30" | | | | | |
| <i>Sycamore</i> | | 36" | | | | | |

| Species | Seattle | Bainbridge Island | DuPont | Duvall | Lake Forest Park | Mercer Island | North Bend |
|-----------------------------|---------|-------------------|--------|--------|------------------|---------------|------------|
| <i>English Walnut</i> | | 30" | | | | | |
| <i>Eastern Black Walnut</i> | | | | 30" | | | |

Cities in the Report but Not in the Chart Because They Do Not Protect Exceptional Trees by Species:

- Bonney Lake defines exceptional trees as those “30 inches or greater at DBH, excluding cottonwood trees (*Populus trichocarpa*), white alder (*Alnus rhombifolia*), and red alder (*Alnus rubra*).” (BLMC 16.60.030(F)(10))
- Redmond defines Landmark Trees as “Any healthy tree over thirty inches in diameter or any tree that is particularly impressive or unusual due to its size, shape, age, historical significance or any other trait that epitomizes the character of the species.” (RMC 20A.20.120)
- Tacoma defines an exceptional tree as “a tree or group of trees that because of its unique historical, ecological, or aesthetic value constitutes an important community resource, and is determined as such by the Director according to standards and procedures promulgated by the Department of Planning and Development.” (TMC 13.11.550(E)(1)(c)(2)) Its Code also says “Conifers and Madrone are considered exceptional trees.” (TMC 13.11.550(E)(1)(c))
- Woodway defines exceptional trees as “a tree that has been determined by the Director to be worthy of long-term retention because of its unique combination of size, species, age, location, and health. All trees, except red alder or species listed as exempt in Section 16.12.050, with a diameter of thirty inches or greater are exceptional trees.” (WMC 16.12.020) The excluded tree species are English laurel, English holly, Leyland cypress, and non-native cultivated fruit trees. (WMC 16.12.050)

XVI. Thanks

Thank you to the people listed below for their assistance in better understanding the exceptional tree ordinances and heritage tree programs they administer. Anything in this report that was not cited to an ordinance came from my discussions with the following people.

- Ashley Adams, City Arborist, Lake Forest Park
- Cathy Beam, Principal Planner, Redmond
- Steve Bennett, Planning Director, Lake Forest Park
- Terry Bryant, Public Works Director, Woodway
- Jamie Burrell, Senior Planner, North Bend
- Troy Davis, Senior Planner, Duvall
- Chanda Emery, Senior Planner, Seattle
- Bryan Kast, Public Works Director, Ridgefield
- John Kenney, City Arborist, Mercer Island
- Barbara Kincaid, Community Development Director, DuPont
- Dylan Marcus, Planner, Bainbridge Island
- Charles Ray, Urban Forester, Vancouver
- Nolan Rundquist, City Arborist, Seattle Department of Transportation
- Lisa Spadoni, Natural Resources Program Supervisor, Tacoma Planning and Development Services
- Jason Sullivan, Planning and Building Supervisor, Bonney Lake

ⁱ Garmon, J. (2014, February 24). *Mature trees are biocarbon heavyweights*.

<https://www.climatesolutions.org/article/1590119179-mature-trees-are-biocarbon-heavyweights>.

ⁱⁱ United States Geological Survey. (2014, January 15). *Large Old Trees Grow Fastest, Storing More Carbon*.

<https://www.usgs.gov/news/large-old-trees-grow-fastest-storing-more-carbon>.

ⁱⁱⁱ Armour, T., Job, M., & Canavan, R. (2012). In *The benefits of large species trees in urban landscapes: A costing, design and management guide* (pp. v-vi). CIRIA.

^{iv} Nowak, D. J., & Greenfield, E. J. (2018). Declining urban and Community tree cover in the United States. *Urban Forestry & Urban Greening*, 32, 32–55. <https://doi.org/10.1016/j.ufug.2018.03.006>

^v Id at 36.

^{vi} Lucas v. South Carolina Coastal Council, 505 US 1003, 1027 (1992)

^{vii} Crowe, M. (2020, September 8). *'Please leave now:' Level 3 fire evacuations for parts of Bonney Lake*.

KING5.com. <https://www.king5.com/article/news/local/wildfire/level-3-fire-evacuations-for-parts-of-bonney-lake-officials-say-please-leave-now/281-abb0e8c0-cb77-4b8c-8160-e554463be09a>.

^{viii} Seattle Department of Transportation. *Heritage Tree Program*. (n.d.).

<http://www.seattle.gov/transportation/projects-and-programs/programs/trees-and-landscaping-program/heritage-tree-program>.

^{ix} *Top 500 Cities in Washington by Population*. Cities in Washington by Population (2021). (n.d.).

<https://worldpopulationreview.com/states/cities/washington>.

18.55.180 Exception – Reasonable use.

A. If the application of this chapter pertaining to *critical areas* will prevent the *applicant* from making any *reasonable use* of the subject property, the *applicant* may apply for an exception pursuant to this section unless the project is located on lands regulated under the Kenmore Shoreline Master Program. Projects on lands regulated under the Kenmore Shoreline Master Program are regulated under the procedures of Chapter [16.75](#) KMC. An application for a reasonable use exception must accompany a *development permit* application through the City's review and decision process.

1. Criteria for Granting. The *city manager* shall grant a *reasonable use* allowance only when all of the following criteria are met:

a. Reasonable Use.

(1) Private Proposals: The *applicant* demonstrates that the application of this chapter will deny all *reasonable use* of the subject property otherwise allowed by applicable law;

(2) New *Public Agency Development Proposals*: The *applicant* demonstrates that the application of this chapter would interfere with a *public agency* proposal to fulfill a duty to serve per federal, State, or local laws; or to provide an essential public facility; or to address a public need or demand for service consistent with an adopted capital facilities plan, system plan, or other *master plan* that has been subject to an alternative *site* evaluation and public review process;

b. The development activities involve the least intrusion into and disruption of the *critical area* necessary to allow a *reasonable use* of the subject property by a private *applicant* or to achieve a *public agency* responsibility consistent with adopted laws, rules, and plans per subsection (A)(1)(a) of this section;

c. The development activities will not cause or result in damage to properties other than the subject property and will not endanger the public health, safety or welfare;

d. The *applicant's* inability to make *reasonable use* of the subject property has not resulted from any of the following:

(1) Prior subdivision or segregation of the subject property, or changes to the boundaries of the subject property through a boundary line adjustment or otherwise; or

(2) Prior actions taken in violation of this chapter or any local, State, or federal law or regulation;

- e. No other *reasonable use* of the property has less impact on the *critical area*;
- f. The inability of the *applicant* to derive *reasonable use* of the property is not the result of actions by the *applicant* after the effective date of the ordinance codified in this chapter, or its predecessor; and
- g. *Mitigation* proposed by the *applicant* is sufficient to protect the *functions and values* of the *critical area* and public health, safety, and welfare concerns consistent with the goals, purposes, objectives, and requirements of this chapter.

2. Appeals. The *applicant* may appeal a decision of the *city manager* on a *reasonable use* allowance application to the *hearing examiner* pursuant to the provisions of the Kenmore Municipal Code.

B. Exception Request and Review Process. An application for a *reasonable use* exception shall be made to the *City* and shall include a *critical areas* report, including *mitigation* plan, if necessary; and any other related project documents, such as permit applications to other agencies, special studies, and environmental documents prepared pursuant to the State Environmental Policy Act (Chapter [19.35](#) KMC).

C. *City Manager* Review. The *city manager* shall review the application. The *city manager* shall approve, approve with conditions, or deny the request based on the proposal's ability to comply with all of the criteria in subsection A of this section.

D. Burden of Proof. The burden of proof shall be on the *applicant* to bring forth evidence in support of the application and to provide sufficient information on which any decision has to be made on the application.

E. Time Limit.

1. Establishment of any development activity authorized pursuant to a *reasonable use* exception shall occur within four years of the effective date of the decision for such *reasonable use* exception. This period may be extended for one additional year by the *city manager* if the *applicant* has submitted the applications necessary to authorize the development activity and has provided written justification for the extension.

2. For the purpose of this subsection, "establishment" shall occur upon the issuance of all local permit(s) needed to begin the development activity; provided, that the improvements authorized by such permits are completed within the time frames of said permits. [Ord. 19-0488 § 2 (Exh. 1); Ord. 12-0334 § 12; Ord. 11-0329 § 3 (Exh. 1).]

EXCEPTIONAL TREE ORDINANCE

“TIER 2” CODE AMENDMENT

Samantha Loyuk, Development Services Director
Garrett Oppenheim, Assistant to the City Manager

RECAP

- September 20, 2021 - a report was presented to Council on exceptional tree ordinances across the State.
- May 16, 2022 - tree regulations, including a draft exceptional tree ordinance, were presented to Council for discussion and direction.
- July 18, 2022 - Council engaged in further discussion and gave direction on tree regulation amendments, including the exceptional tree ordinance.
- October 24, 2022 - staff and Council had a study session on tree regulation amendments, including the exceptional tree ordinance.
- September 11, 2023 - staff presented a new draft exceptional tree ordinance to Council and a public hearing was held two weeks later.

A person wearing yellow gloves is planting a small evergreen tree in a forest. The person is wearing a light-colored shirt and dark pants. The ground is covered with brown leaves and soil. The background is a blurred forest with trees and sunlight filtering through the leaves.

TIER 1 REGULATIONS ADOPTED MARCH 21, 2022

1. Change the definition of “significant tree” so it includes smaller diameter at breast height (d.b.h.) trees.
2. Revise tree retention requirements so certain “nuisance species” (i.e., cottonwood and alder) do not receive credit for retention. This will encourage retention of preferred species that are expected to thrive long term.
3. Codify the tree removal application process for existing single-family residences (code clean up item).
4. Update the removal penalty language for consistency (code clean up item).
5. Have tree removal permits valid for a shorter period of time so replacement trees get into the ground faster.

A person wearing yellow gloves is planting a small evergreen tree in a forest. The person is wearing a light-colored shirt and dark pants. The ground is covered with brown leaves and soil. The background is a blurred forest with trees and sunlight filtering through the leaves.

TIER 2 REGULATIONS PENDING

1. Increase the tree density requirement for new development.
2. Decrease yearly allowances for single-family tree removal.
3. Always require replacement.
4. Preserve all trees not required to be removed for construction. (Gig Harbor)
5. Establish a tree fund for instances where replacement is infeasible ("fee in lieu"); could include tree rebate program for planting trees on single-family lots.
6. Establish an Exceptional Tree program.

A woman with dark hair tied back, wearing a blue button-down shirt, is seen from the side, reaching up to hang a decorative black sign with white scrollwork. The sign is attached to a wall with a string. The background is a blurred interior space with warm lighting and wooden beams.

PUBLIC NOTICE & TRANSPARENCY

Summer 2022 Kenmore Quarterly

August 10, 2023 City Manager Trees Update listserv email

September 25, 2023 1st Public Hearing

- **September 28, 2023 E-News & Town Hall Meeting**

- **September 29, 2023 Kenmore Top Four listserv email**

- **Tonight: 2nd Public Hearing**

WHAT ABOUT HOUSING?

- In 2017, City Council adopted a Housing Strategy Plan. Staff have been implementing strategies since. Some strategies include:
 - Density transfers
 - Manufactured housing community overlay
 - ADU regulations
 - Expanding density bonuses
 - Multifamily Tax Exemption (expanded to TOD)
- The City has also:
 - Adopted school impact fees with exceptions for low-income housing projects (2018)
 - Expedited permit reviews for affordable housing projects (2021)
 - Authorized spending for an affordable housing project on surplus City land (2022)
 - Adopted Comprehensive plan amendments for “Missing Middle” housing near transit corridors (2022)
 - Continued funding ARCH’s Housing Trust Fund for affordable housing projects (ongoing)



EXCEPTIONAL TREE PROGRAM

- The city has protections in place for Significant trees whereby property owners are limited in how many they can remove in a single year.
- The Exceptional tree program goes beyond protections in place for Significant Trees by preventing removal of certain enumerated species when they reach specified diameters at breast height (d.b.h.) and all trees over 48" d.b.h. with the exception of four nuisance species listed in the ordinance.
- Tree species and the 48-inch d.b.h. standard for other trees were selected because of their importance to the local ecosystem, as by virtue of age and size they have become an integral element of the environment.
- The Exceptional tree program would apply to existing lots and new development.
- The tree species that garner protection are **Significant Trees** until they reach substantial sizes, as detailed in the list, at which point they become **Exceptional Trees**. Until they reach that size, they may be removed under the same rules as any other significant tree but once they reach the defined size, they may not be removed or harmed unless an exception is granted (variance).
- This ordinance would preserve more large trees throughout the city, valuable trees native to the Puget Sound lowlands that are fundamental to the local environment.

THE VALUE OF EXCEPTIONAL TREES

- **Reduce 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.**
- **Improve air quality by removing pollutant gases and airborne particles.**
- **Positively affect energy and water conservation by providing shade, lowering temperatures, and reducing net evaporation rates.**
- **Reduce noise pollution by absorbing and deadening excessive and/or unwanted noise and by screening the source of the noise from view.**
- **Provide a wide variety of habitats and ecosystems for birds, mammals, and other wildlife.**

| Tree Type | Size (d.b.h.) |
|-------------------|------------------|
| Bigleaf Maple | 42" |
| Grand fir | 24" |
| Oregon ash | 24" |
| Pacific dogwood | 24" |
| Sitka spruce | 24" |
| Western red cedar | 30 |
| Douglas fir | 30" |
| Madrona | 12" |
| Oregon white oak | 24" |
| Pine (all) | 30" |
| Western Hemlock | 24" |
| Willow (all) | 24" |

PROTECTED SPECIES & SIZES

And any healthy tree with a d.b.h. of 48 inches or greater (except Alder, Black Cottonwood, English Holly, and Leyland Cypress)



EXCEPTIONS TO THE EXCEPTIONAL TREE ORDINANCE



Exceptional trees that have a major defect or disease and a high probability of damaging persons or property may be removed (ISA risk rating of high or extreme).

HAZARD TREES

Where special circumstances exist due to the presence of an exceptional tree that would prevent reasonable use of the property, a variance may be granted to allow removal.

VARIANCES

Where no other alignment is feasible, exceptional trees may be removed to provide or maintain access.

ACCESS

Exceptional trees may be removed when necessary for public roads, facilities, or utilities.

PUBLIC FACILITIES & UTILITIES

FINES

Significant Trees

The penalty for removal of a significant tree shall be assessed a monetary penalty of up to \$2,000 per inch in DBH. In no case may 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.

Existing requirement

Exceptional Trees

The penalty for removal of an exceptional tree shall be a civil penalty of up to \$2,500 per inch in DBH. In no case may the penalty be reduced to an amount less than \$2,500 for each violation found committed. If the violation is found to have been willful and/or malicious, the amount of the penalty may be doubled (not to exceed \$150,000 for each violation) as punitive damages and the violator may be subject to criminal penalties.

RECOMMENDATION:

- Establish an exceptional tree program whereby removal of exceptional trees is prohibited except under very limited and exigent circumstances.

THANK YOU





City Council Agenda Bill City of Kenmore, WA

Subject/Topic:

Discussion of Ordinance No. 23-0584.

For Council Meeting Agenda of: October 16, 2023

Department: Development Services

Prepared by: Reilly Rosbotham, Planner

Proposed Council Action/Motion:

Adoption of Ordinance No. 23-0584 to amend Kenmore Municipal Code (KMC) Sections 18.42.030 and 18.42.135 relating to unattended temporary signs and displays on City-owned property within the public/semi-public zone.

Initial & Date

| | |
|--------------------------------------|-----------------|
| Approved by Department Head: | SL 10/11 |
| Approved by City Attorney: | DR 10/11 |
| Approved by Finance Director: | MM 10/11 |
| Approved by City Manager: | RK 10/11 |

Exhibits/Attachments:

1. **UPDATED** Ordinance No. 23-0584 with highlighted changes
2. Ordinance No. 23-0584 Exhibit A: Amended Code Sections
3. Compiled Agenda Items from October 9, 2023

Summary:

Adoption of Ordinance No. 23-0584 to adopt amendments to KMC 18.42.030 and 18.42.135 – Unattended Temporary Signs and Displays.

On October 9, 2023, City Council held a public hearing on the proposed ordinance and voted to continue the period to receive written comments via email to the City Clerk at awarhol@kenmorewa.gov until 5:00 PM on Sunday, October 15th, 2023. The proposed ordinance was moved to the consent agenda on this day, October 16th.

Information/Background:

The City regulates the time, place, and manner for the posting of temporary and permanent signs, including temporary signs and unattended displays on City-owned property at Chapter 18.42 of the Kenmore Municipal Code (KMC). The City's existing sign code authorizes temporary unattended signs and displays on City-owned property in the Public/Semi-Public zone with a special event permit, temporary use permit, or other permission from the City.

In the past few years, there have been several unattended displays left at City Hall, and in some cases, the unattended temporary displays created clutter and hazardous conditions at City Hall, including broken glass and obstructions in pedestrian areas. Unattended displays have increased burdens on

staff operations by adding time necessary to process, monitor and maintain such temporary unattended displays, which takes time away from regular duties.

The primary functions of Kenmore City Hall are to serve as the central place for City governance and the provision of governmental services. City-owned facilities, such as Kenmore City Hall, need to remain safe, uncluttered, and aesthetically appealing, and functional for City governance and City business activities.

The proposed ordinance (Ex. 1) would prohibit unattended temporary signs and displays on City-owned properties, such as City Hall, while reserving the City's right to place City-owned signs and displays on City-owned property for City governance and business purposes.

The City sent notice of the proposed amendments (Ex. 2) to the Washington State Department of Commerce pursuant to RCW 36.70A.106. On August 31, 2023, the City's Responsible Official issued a Determination of Non-Significance pursuant to the State Environmental Policy Act, in relation to the proposed amendments. On October 9, 2023, the City Council discussed the proposed ordinance (Ex. 1).

Fiscal Consideration:

None.

Council Goal/Budget Being Addressed:

City Council Priority #6 Enhance public safety.

**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 23-0584**

**AN ORDINANCE OF THE CITY OF KENMMORE, WASHINGTON,
AMENDING SECTIONS 18.42.030 AND 18.42.135 OF THE
KENMORE MUNICIPAL CODE RELATING TO UNATTENDED
TEMPORARY SIGNS AND DISPLAYS ON CITY-OWNED PROPERTY
WITHIN THE PUBLIC/SEMI-PUBLIC ZONE; PROVIDING FOR
SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, consistent with the United States Supreme Court’s decision in Reed v. Town of Gilbert, the City regulates the time, place, and manner for the posting of temporary and permanent signs, including temporary signs and unattended displays on City-owned property at Chapter 18.42 of the Kenmore Municipal Code (KMC); and

WHEREAS, the City’s existing sign code authorizes temporary unattended signs and displays on City-owned property in the Public/Semi-Public zone with a special event permit, temporary use permit, or other permission from the City; and

WHEREAS, there have been several unattended displays left at City Hall, and in some cases, the unattended temporary displays created clutter and hazardous conditions at City Hall, including broken glass and obstructions in pedestrian areas; and

WHEREAS, the City Council declares and designates Kenmore City Hall as a limited public forum as its primary function is to serve as the central place for City governance and the provision of governmental services; and

WHEREAS, the City Council desires to ensure that the primary functions of Kenmore City Hall and other City-owned property remain safe and attractive, and desire to reduce operational burdens placed on staff for monitoring and maintenance of unattended signs and displays on City-owned properties; and

WHEREAS, the City Council desires to amend KMC 18.42.030 and KMC 18.42.135 (“Proposed Amendments”) to prohibit unattended temporary signs and displays on City-owned properties, while reserving the right to place City-owned signs and displays on City-owned property for City governance and business purposes; and

WHEREAS, the City Council finds that the Proposed Amendments will promote safety and aesthetics at City Hall and other City-owned property, reduce burdens on staff for facility maintenance and operations by controlling the location, quality, size and maintenance of sign and sign structures, while recognizing free speech rights by regulating signs in a content-neutral manner, and protecting public facilities by encouraging signs that are compatible with existing infrastructure; and

WHEREAS, the City Council finds that the Proposed Amendments meet the criteria found in KMC Section 19.20.090; 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 August 31, 2023, 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, on October 9, 2023, the City Council held a public hearing on the Proposed Amendments, and duly considered the comments and the record on the same; and

WHEREAS, on October 9, 2023, the City Council voted to continue the period to receive written comments via email until 5:00 PM on Sunday, October 15th, 2023; 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 has been guided in the adoption of the Proposed Amendments by the goals of the Growth Management Act, codified at Chap. 36.70A RCW; 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 through a comprehensive system of reasonable, effective, consistent, content-neutral, and nondiscriminatory sign requirements;

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

Section 1. Adoption. 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 Chapters 18.42.030 and 18.42.135 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. Severability. If any section, subsection, sentence, clause, phrase, or word of this Ordinance is for any reason held to be unconstitutional or invalid for any reason, such decision shall not affect the constitutionality or validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause, phrase, or word thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or words be declared unconstitutional.

Section 4. Effective Date. This Ordinance shall take effect and be in force five (5) days after the date of publication of this Ordinance.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON AT A REGULAR MEETING THEREOF THIS 16TH DAY OF OCTOBER, 2023.

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:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO. 23-0584

EXHIBIT A TO ORDINANCE 23-0584

I. CHAPTER 18.42.030 of the Kenmore Municipal Code is amended to read as follows:

18.42.030 Exempt signs.

Except as otherwise provided in this chapter, the following *signs* or displays are exempted from the regulations under this chapter:

A. Historic site markers or plaques, gravestones, and address numbers;

B. *Signs* required by law, including but not limited to:

1. Official or legal notices issued and posted by any *public agency* or court; or

2. Traffic directional or warning *signs*;

C. Plaques, tablets or inscriptions indicating the name of a *building*, date of erection, or other commemorative information, which are an integral part of the *building* structure or are attached flat to the face of the *building*, which are nonilluminated, and which do not exceed four square feet in surface area;

D. *Incidental signs*, which shall not exceed two square feet in surface area; provided, that said size limitation shall not apply to *signs* providing directions, warnings or information when established and maintained by a *public agency*;

E. State or federal flags;

F. Religious symbols;

G. *Repealed by Ord. 21-0523*; and

H. *Signs*, flags or banners installed on City-owned property or in the right-of-way by the *City* for purposes of providing information, directions, or decoration.

II. CHAPTER 18.42.135 of the Kenmore Municipal Code is amended to read as follows:

18.42.135 Signs in the public/semi-public, parks and golf course zones.

Signs in the public/semi-public zone, and the parks zone, are limited as follows:

A. One community bulletin board sign is permitted at properties located within the public/semi-public zones with the property owner's permission, provided the sign conforms with KMC [18.42.070](#);

B. No temporary sign may be placed on properties within the public/semi-public and golf course zones without the property owner's permission. No temporary sign or display may be placed and/or left unattended on City-owned property (not including a City right-of-way) within the public/semi-public zones, except for City-owned signs and City-owned displays for City business purposes., unless in conjunction with an approved special event permit (KMC [8.40.025](#)), temporary use permit (KMC [18.100.100](#)) or other permission from the City;

C. Properties located within the public/semi-public zones are permitted one *sign* per facility entrance, which may be located in the *setback*. Two additional *wall signs* attached directly to the facility are permitted; and

D. *Signs* in the golf course zone shall meet the standards of the nearest adjoining zone to which the *sign* faces.



City Council Agenda Bill City of Kenmore, WA

| <p>Subject/Topic: Discussion of Ordinance No. 23-0584.</p> <p>Proposed Council Action/Motion: Discussion of Ordinance No. 23-0584 to amend Kenmore Municipal Code (KMC) Sections 18.42.030 and 18.42.135 relating to unattended temporary signs and displays on City-owned property within the public/semi-public zone.</p> | <p>For Council Meeting Agenda of: <u>October 9, 2023</u></p> <p>Department: <u>Development Services</u></p> <p>Prepared by: <u>Reilly Rosbotham, Planner</u></p> <table><thead><tr><th></th><th><u>Initial & Date</u></th></tr></thead><tbody><tr><td>Approved by Department Head:</td><td><u>BH 9/14/23</u></td></tr><tr><td>Approved by City Attorney:</td><td><u>DR 9/13/23</u></td></tr><tr><td>Approved by Finance Director:</td><td><u>MM 9/13/23</u></td></tr><tr><td>Approved by City Manager:</td><td><u>RK 9/13/23</u></td></tr></tbody></table> <p>Exhibits/Attachments: 1. Ordinance No. 23-0584 2. Ordinance No. 23-0584 Exhibit A: Amended Code Sections</p> | | <u>Initial & Date</u> | Approved by Department Head: | <u>BH 9/14/23</u> | Approved by City Attorney: | <u>DR 9/13/23</u> | Approved by Finance Director: | <u>MM 9/13/23</u> | Approved by City Manager: | <u>RK 9/13/23</u> |
|--|--|--|---------------------------|-------------------------------------|-------------------|-----------------------------------|-------------------|--------------------------------------|-------------------|----------------------------------|-------------------|
| | <u>Initial & Date</u> | | | | | | | | | | |
| Approved by Department Head: | <u>BH 9/14/23</u> | | | | | | | | | | |
| Approved by City Attorney: | <u>DR 9/13/23</u> | | | | | | | | | | |
| Approved by Finance Director: | <u>MM 9/13/23</u> | | | | | | | | | | |
| Approved by City Manager: | <u>RK 9/13/23</u> | | | | | | | | | | |
| <p>Summary: Discussion of Ordinance No. 23-0584 to adopt amendments to KMC 18.42.030 and 18.42.135 – Unattended Temporary Signs and Displays.</p> | | | | | | | | | | | |
| <p>Information/Background: The City regulates the time, place, and manner for the posting of temporary and permanent signs, including temporary signs and unattended displays on City-owned property at Chapter 18.42 of the Kenmore Municipal Code (KMC). The City's existing sign code authorizes temporary unattended signs and displays on City-owned property in the Public/Semi-Public zone with a special event permit, temporary use permit, or other permission from the City.</p> <p>In the past few years, there have been several unattended displays left at City Hall, and in some cases, the unattended temporary displays created clutter and hazardous conditions at City Hall, including broken glass and obstructions in pedestrian areas. Unattended displays have increased burdens on staff operations by adding time necessary to process, monitor and maintain such temporary unattended displays, which takes time away from regular duties.</p> <p>The primary functions of Kenmore City Hall are to serve as the central place for City governance and the provision of governmental services. City-owned facilities, such as Kenmore City Hall, need to remain safe, uncluttered, and aesthetically appealing, and functional for City governance and City business activities.</p> | | | | | | | | | | | |

The proposed ordinance (Ex. 1) would prohibit unattended temporary signs and displays on City-owned properties, such as City Hall, while reserving the City's right to place City-owned signs and displays on City-owned property for City governance and business purposes.

The City sent notice of the proposed amendments (Ex. 2) to the Washington State Department of Commerce pursuant to RCW 36.70A.106. On August 31, 2023, the City's Responsible Official issued a Determination of Non-Significance pursuant to the State Environmental Policy Act, in relation to the proposed amendments. On September 25, 2023, the City Council will discuss the proposed ordinance (Ex. 1).

Fiscal Consideration:

None.

Council Goal/Budget Being Addressed:

City Council Priority #6 Enhance public safety.

**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 23-0584**

**AN ORDINANCE OF THE CITY OF KENMMORE, WASHINGTON,
AMENDING SECTIONS 18.42.030 AND 18.42.135 OF THE
KENMORE MUNICIPAL CODE RELATING TO UNATTENDED
TEMPORARY SIGNS AND DISPLAYS ON CITY-OWNED PROPERTY
WITHIN THE PUBLIC/SEMI-PUBLIC ZONE; PROVIDING FOR
SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, consistent with the United States Supreme Court’s decision in Reed v. Town of Gilbert, the City regulates the time, place, and manner for the posting of temporary and permanent signs, including temporary signs and unattended displays on City-owned property at Chapter 18.42 of the Kenmore Municipal Code (KMC); and

WHEREAS, the City’s existing sign code authorizes temporary unattended signs and displays on City-owned property in the Public/Semi-Public zone with a special event permit, temporary use permit, or other permission from the City; and

WHEREAS, there have been several unattended displays left at City Hall, and in some cases, the unattended temporary displays created clutter and hazardous conditions at City Hall, including broken glass and obstructions in pedestrian areas; and

WHEREAS, the City Council declares and designates Kenmore City Hall as a limited public forum as its primary function is to serve as the central place for City governance and the provision of governmental services; and

WHEREAS, the City Council desires to ensure that the primary functions of Kenmore City Hall and other City-owned property remain safe and attractive, and desire to reduce operational burdens placed on staff for monitoring and maintenance of unattended signs and displays on City-owned properties; and

WHEREAS, the City Council desires to amend KMC 18.42.030 and KMC 18.42.135 (“Proposed Amendments”) to prohibit unattended temporary signs and displays on City-owned properties, while reserving the right to place City-owned signs and displays on City-owned property for City governance and business purposes; and

WHEREAS, the City Council finds that the Proposed Amendments will promote safety and aesthetics at City Hall and other City-owned property, reduce burdens on staff for facility maintenance and operations by controlling the location, quality, size and maintenance of sign and sign structures, while recognizing free speech rights by regulating signs in a content-neutral manner, and protecting public facilities by encouraging signs that are compatible with existing infrastructure; and

WHEREAS, the City Council finds that the Proposed Amendments meet the criteria found in KMC Section 19.20.090; 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 August 31, 2023, 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, on September 25, 2023, the City Council held a public hearing on the Proposed Amendments, and duly considered the comments and the record on the same; 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 has been guided in the adoption of the Proposed Amendments by the goals of the Growth Management Act, codified at Chap. 36.70A RCW; 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 through a comprehensive system of reasonable, effective, consistent, content-neutral, and nondiscriminatory sign requirements;

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

Section 1. Adoption. 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 Chapters 18.42.030 and 18.42.135 of the Kenmore Municipal Code as set forth in Exhibit A, attached hereto and incorporated by reference as if set forth in full.

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Section 4. Effective Date. This Ordinance shall take effect and be in force five (5) days after the date of publication of this Ordinance.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON AT A REGULAR MEETING THEREOF THIS 9TH DAY OF OCTOBER, 2023.

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:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO. 23-0584

EXHIBIT A TO ORDINANCE 23-0584

I. CHAPTER 18.42.030 of the Kenmore Municipal Code is amended to read as follows:

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A. Historic site markers or plaques, gravestones, and address numbers;

B. *Signs* required by law, including but not limited to:

1. Official or legal notices issued and posted by any *public agency* or court; or

2. Traffic directional or warning *signs*;

C. Plaques, tablets or inscriptions indicating the name of a *building*, date of erection, or other commemorative information, which are an integral part of the *building* structure or are attached flat to the face of the *building*, which are nonilluminated, and which do not exceed four square feet in surface area;

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E. State or federal flags;

F. Religious symbols;

G. *Repealed by Ord. 21-0523*; and

H. *Signs*, flags or banners installed on City-owned property or in the right-of-way by the *City* for purposes of providing information, directions, or decoration.

II. CHAPTER 18.42.135 of the Kenmore Municipal Code is amended to read as follows:

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B. No temporary sign may be placed on properties within the public/semi-public and golf course zones without the property owner's permission. No temporary sign or display may be placed and/or left unattended on City-owned property (not including a City right-of-way) within the public/semi-public zones, except for City-owned signs and City-owned displays for City business purposes., unless in conjunction with an approved special event permit (KMC [8.40.025](#)), temporary use permit (KMC [18.100.100](#)) or other permission from the City;

C. Properties located within the public/semi-public zones are permitted one *sign* per facility entrance, which may be located in the *setback*. Two additional *wall signs* attached directly to the facility are permitted; and

D. *Signs* in the golf course zone shall meet the standards of the nearest adjoining zone to which the *sign* faces.



City Council Agenda Bill City of Kenmore, WA

| | | | | | | | | | | | |
|---|--|--|----------------------------------|-------------------------------------|-------------------|-----------------------------------|-----------|--------------------------------------|-----------|----------------------------------|-------------------|
| Subject/Topic: Presentation of Planning Commission's Recommendations on Comprehensive Plan Amendments – Public Services Element and Utilities Element | For Council Meeting Agenda of: 10/16/23 Department: Community Development Prepared by: Debbie Bent, Community Development Director and Todd Hall, Principal Planner <table><tr><td></td><td><u>Initial & Date</u></td></tr><tr><td>Approved by Department Head:</td><td><u>DB 10/2/23</u></td></tr><tr><td>Approved by City Attorney:</td><td><u>NA</u></td></tr><tr><td>Approved by Finance Director:</td><td><u>NA</u></td></tr><tr><td>Approved by City Manager:</td><td><u>RK 10/6/23</u></td></tr></table> | | <u>Initial & Date</u> | Approved by Department Head: | <u>DB 10/2/23</u> | Approved by City Attorney: | <u>NA</u> | Approved by Finance Director: | <u>NA</u> | Approved by City Manager: | <u>RK 10/6/23</u> |
| | <u>Initial & Date</u> | | | | | | | | | | |
| Approved by Department Head: | <u>DB 10/2/23</u> | | | | | | | | | | |
| Approved by City Attorney: | <u>NA</u> | | | | | | | | | | |
| Approved by Finance Director: | <u>NA</u> | | | | | | | | | | |
| Approved by City Manager: | <u>RK 10/6/23</u> | | | | | | | | | | |
| Proposed Council Action/Motion: No action requested; Information and discussion | Exhibits/Attachments: Attachment 1: Summary of Comprehensive Plan amendments Attachment 2: Public Hearing comments and staff responses Attachment 3: Draft Public Services Element Attachment 4: Draft Utilities Element Attachment 5: SEPA Determination of Nonsignificance Attachment 6: Police Services Report 2022 | | | | | | | | | | |
| Summary: At your October 16 joint meeting with the Planning Commission, the Commission will present their recommendations on the revised Public Services and Utilities Elements of the Comprehensive Plan. A summary of the Comprehensive Plan changes is presented as Attachment 1. Attachment 2 contains an overview of the Planning Commission public hearing comments and staff responses. Attachments 3 & 4 are each of the draft elements. Attachment 5 is the Determination of Nonsignificance under the State Environmental Policy Act (SEPA) review which concludes that no significant adverse environmental impacts (including impacts public services and utilities) are anticipated with the amendments. Attachment 6 is the Polices Services Report from 2022 that was previously shared with City Council and is being shared again at the request of the Planning Commission. | | | | | | | | | | | |
| Information/Background: In January 2023, the City Council assigned to the Planning Commission review of the Comprehensive Plan Public Services and Utilities elements, as part of the State-mandated 2024 Comprehensive Plan | | | | | | | | | | | |

update. The Commission has been working on this project since that time and a brief outline of their work follows:

- January 2023: City Council approved the Annual Docket for the Planning Commission, including the amendments to the Public Services and Utilities elements for the 2024 Comprehensive Plan Update.
- January 2023: Commission reviewed first draft of the Public Services element.
- February 2023: Commission reviewed second draft of the Public Services element and reviewed the first draft of the Utilities element.
- April 2023: Commission reviewed second draft of the Utilities Element and asked for further clarification from PSE.
- June 2023: PSE Municipal Liaison Manager attended the meeting, answering questions and clarifying their regulatory framework, operations in Kenmore, and PSE's goals for transitioning to non-fossil fuel energy sources. The Commission also continued their review of the second draft of the Utilities Element.
- July 2023: Commission reviewed third drafts of both the Public Services and Utilities elements, asking for additional amendments.
- August 2023: Commission held a public hearing for both elements and approved their final recommendations.

Next Steps

On October 16, the City Council will begin their discussion of the two elements. If needed, the City Council meeting on October 23 will also be an opportunity for additional Council review.

Staff is anticipating Council adopt both elements at their November 27, 2023, meeting.

Fiscal Consideration:

The Community Development Department received \$125,000 in grant funds for the Comprehensive Plan update (half in 2022/2023 and half in 2023/2024). The Department has also received grant funding to support the development of other Elements, including Middle Housing.

City Council Priority or Budget Objective Being Addressed:

The following 2023-2024 City Council Priorities are being addressed by the Public Services and Utilities element updates, including Priority 4: "Develop and Implement a Diversity Equity, and Inclusion Policy Program", and; Priority 9: "Foster community engagement and participation."

DRAFT COMPREHENSIVE PLAN AMENDMENTS

SUMMARY OF PROPOSED CHANGES

BACKGROUND

The City is updating its Comprehensive Plan, consistent with requirements of the State Growth Management Act, VISION 2050 (the multicounty planning policies), and the King County Countywide Planning Policies. The overall update deadline mandated by the State is December 2024. Tonight, the Planning Commission will be presenting their recommended amendments to both the Public Services and Utilities elements.

PUBLIC SERVICES ELEMENT

The Public Services Element focuses on the key public services that are provided by the city and other service providers, including municipal services, human services, library services, public safety and emergency services, and education. Public services and facilities are a key determinant in the Kenmore resident's quality of life as well as the capacity of the City to accommodate future development.

Amendments include:

Introduction

- New sub-section recognizing VISION 2050 and its relationship to public services to communities.

Existing Conditions

- Updated Figure PS-1 Public Services and Utilities Map
- Updated summary of City departments and provided services
- Added Mental Health Services to the Family Services, Senior Services, and Youth Services sub-sections, recognizing their importance and availability to Kenmore residents and surrounding communities
- Updated summaries and data in the Library Services, Fire/Emergency Services, and Police Services sub-sections
- New Community Court, Regional Crisis Response Agency, Emergency Management sub-sections
- Updated Northshore School District sub-section
- Updated Figures PS-1 and PS-2, school district maps
- Updated Bastyr University sub-section.

Goals, Objectives, and Policies

- Added policies about the availability of translation and interpreter services for residents, as well as improving outreach with community-based organizations
- Added policies regarding public safety and crisis support services
- Added policies supporting accessibility of equitable human services
- New policy emphasizing the availability and importance of parks and open spaces for Kenmore residents of all ages.

Implementation Strategies

- Newly added implementation strategies focusing on:
 - Guide to human services agencies
 - Translation/interpretation protocols
 - Coordination with area colleges and universities
 - Needs assessment for human services, social services, and mental health services.

UTILITIES ELEMENT

City residents and businesses rely on a number of basic services that help define their quality of life and maintain their health and well-being. The Utilities Element addresses electricity, telecommunications (telephone, cable, internet), and natural gas provision as well as water, wastewater, and solid waste services. The Element also addresses conservation and recycling.

Amendments include:

Introduction

- Updated Purpose sub-section
- New sub-section recognizing VISION 2050 and its relationship to public facilities and utilities
- Updated Countywide Planning Policies sub-section.

Existing Conditions

- Updated general information and statistics to Electricity sub-section based on information provided by PSE
- Added information regarding Clean Electricity Transformation Act (CETA)
- Updated the Electricity Planned Upgrades to System sub-section
- Updated Electricity Energy Conservation Programs sub-section
- Removed Figure U-1 Private Utilities for security purposes
- Updated Natural Gas sub-section
- Updated the Natural Gas Planned Upgrades to System sub-section
- Updated Natural Gas Energy Conservation Programs sub-section
- Updated several details within Local Water and Wastewater sub-sections
- Updated water, wastewater, and unsewered area maps
- Updated solid waste and recycling sub-sections.

Goals, Objectives, and Policies

- Added new policy to coordinate with solid waste providers regarding education on recycling, composting, and sustainable consumption
- Added new policy to evaluate the transition of moving from private to publicly-owned energy provider

- Added new policy encouraging undergrounding of overhead utilities
- Added new policy supporting use of reclaimed water
- Added new Goal and related policies concerning climate risks, renewable energy, and participating in regional and statewide efforts supporting renewable and efficient energy.

Implementation Strategies

- Newly added implementation strategies focusing on:
 - Amending programs, rules, and regulations regarding renewable energy sources, conservation, recycling, composting, sustainable consumption, and zero waste
 - Coordination and partnering with agencies and service providers on efficient services, sustainable consumption, resiliency and protection of natural resources, as well as education to the Kenmore community.

Staff Responses to Public Comments: Public Services Element and Utilities Element

(This matrix contains comments received between June 2022 and August 2023)

| | Commenter | Concern | Staff Response |
|--|------------|--|---|
| | Jon Culver | <ul style="list-style-type: none">Encouraged the City and its residents to strongly considering moving toward moving away from PSE and to form a public utility district, similar to Snohomish PUD or many other examples throughout the county. | <ul style="list-style-type: none">Staff added new policy to Utilities Element to explore possibility of the City transitioning from a private to publicly-owned energy provider |

~~Text~~ = deleted text

Text = new text

PUBLIC SERVICES ELEMENT

INTRODUCTION

The Public Services Element focuses upon ~~citizen~~public participation and communication, efficient municipal services, human services, library services, emergency services, and education, ~~and human services~~. Public services and facilities are a key determinant in the community's quality of life and the capacity of the City to address future development.

Growth Management Act Requirements

A goal of the Growth Management Act (GMA) is to ensure that those public facilities and services necessary to support development are adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards. GMA also encourages development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.

VISION 2050

VISION 2050 recognizes that public services are essential to the day-to-day operation of the region, helping make communities safe, healthy, prosperous, and resilient. Policies in VISION 2050 support equitable access to services for all members of the community.

Countywide Planning Policies

The King County Countywide Planning Policies' overarching goal for public services is that residents have timely and equitable access to the services needed ~~in order~~ to advance public health and safety, protect the environment, and carry out the Regional Growth Strategy. Coordination between jurisdictions and service providers should result in providing residents with a full range of services.

The Countywide Planning Policies also support planning across all jurisdictions and agencies in King County to address community resilience.

EXISTING CONDITIONS/FORECAST OF FUTURE NEEDS

Overview

Multiple agencies and districts provide services in the Kenmore City limits, including a fire district and two school districts. Several governmental buildings that house special district and City functions are located in the City. Governmental facilities are located on **Figure PS-1**. This Element focuses on City services, human services, emergency services, and education. Parks and recreation are more fully addressed in the **Parks, Recreation and Open Space Element**, and water and sewer services are addressed in the **Utilities Element**.

City Services

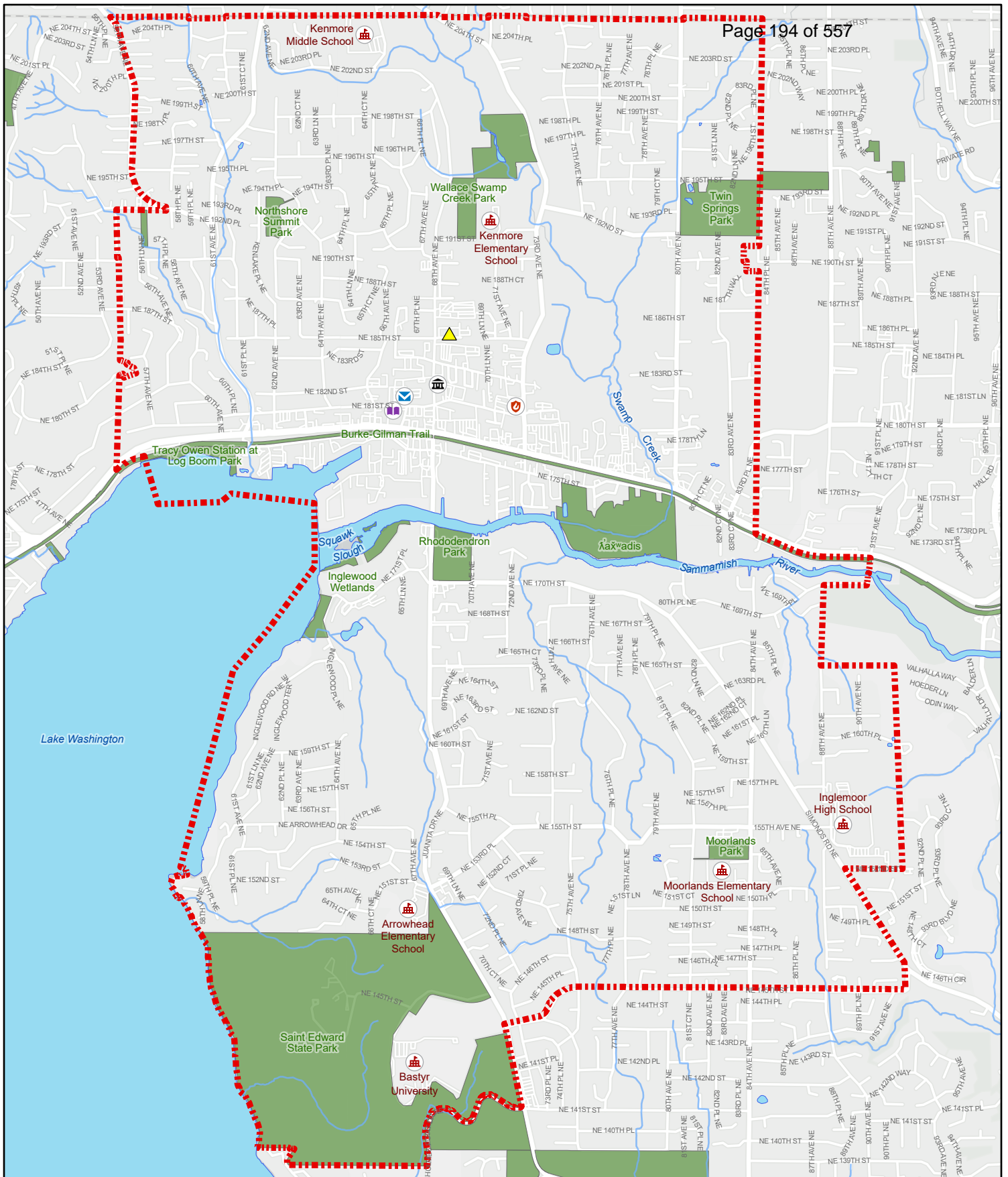
The City of Kenmore has a council-manager form of government. Seven City Council members are elected at large by the registered voters in the City. The City Council elects a Mayor from among the Council members to serve a two-year term as the Chairperson of the Council. The City Council also appoints a City Manager who manages the day-to-day operations of the City.


In addition to the City Manager, there are 30.7549 regular positions as of January 2015 February 2023, organized into five seven departments: City Manager, Public Works, Engineering, Environmental Services, Finance and Administration, Community Development, and Development Services.

City Attorney and all legal and court services are provided on a contract basis. An additional staff member serves under contract as Police Chief, coordinating public safety resources. There are approximately 1.482.00 regular City employees per 1,000 population (assuming the Year 2014 2022 population of 21,370 24,090).

- 1 **Figure PS-1**
- 2 **Public Services and Facilities**
- 3
- 4 **Updated Map**

DRAFT



-  City Hall
-  Library
-  Schools
-  Post Office
-  Fire Station
-  Northshore Utility District
-  Streams
-  Parks
-  City Boundary



City of Kenmore

0 1,250 2,500 5,000 Feet



Map Date: Aug 2023

XIII. A. Planning Commission Recommendation on the Public Services Element...

The City is responsible for the following services:

- General Administration City Manager (general administration): General administration includes all aspects of the finance and City Clerk functions for the City, including cash and investment management, accounting and preparation of quarterly financial reports, the annual financial report, accounts receivable, cashing, general ledger, payroll, records retention, information technology, and human resources. General administration also includes city management functions, including day-to-day direction to, and leadership of, the organization, human resources, franchise negotiations, communications, events and volunteerism, economic development, human services, affordable housing development, City Council policy and administrative support, and government relations. Oversight of the City's public safety and legal assistance contracts (police, court, jail, prosecutor, public defender, City Attorney, animal control) is housed in the City Manager's department as is the City's DEIA (Diversity, Equity, Inclusion, and Accessibility) program. General administration also includes the City Clerk and records management functions for the City.
- Finance and Administration: Finance and Administration handles all aspects of finance, including budget development, cash and investment management, accounting and preparation of quarterly financial reports, the annual financial report, accounts receivable, cashing, general ledger, and payroll. This department also manages information technology.
- Public Safety: Public safety functions include police, jail, prosecuting attorney, public defender, and court services, and animal control, all of which are contracted with King County. The City's emergency management functions are handled in-house in coordination with the Northshore Fire Department and other regional partners.
- Community Development: Community Development functions include developing City Council policy recommendations on such matters as land use regulations and comprehensive planning, and planning and managing the capital improvement program for parks. The City's emergency management functions are handled in-house through Community Development in coordination with the Northshore Emergency Management Coalition (NEMCo) and other regional partners. NEMCo includes the City of Kenmore, Lake Forest Park, the Shoreline Fire Department, and the Northshore Utility District.
- Development Services manages development, and permit review and inspections. Land use permits, right-of-way permits, engineering permits, and commercial and residential building permits are received and issued at City Hall. Development Services also is responsible for code enforcement, including resolution and abatement of code violations.
- Engineering Public Works: Public works Engineering functions include management of the City's transportation capital improvement program, traffic engineering, multimodal traffic monitoring and improvements, managing the six-year transportation improvement program, and Target Zero implementation. Transportation planning and development of the City's road standards also are part of Engineering.
- Public Works: Public Works functions include maintenance of parks, and streets, surface water policy and maintenance of storm water facilities, engineering services, events and volunteerism, recreational programming, and fleet management. Public Works functions also include maintenance of City facilities, including City Hall.

- **Environmental Services:** Environmental Services develops policy recommendations on surface water policy, manages maintenance of stormwater facilities, and has primary responsibility for actions related to the Climate Action Plan. The City's GIS functions are located in Environmental Services.

Most City functions are managed in the 21,000 square foot City Hall building at 18120 68th Avenue NE. At the time of construction, it was anticipated that the building would be adequate to house City functions (not including Public Works operations) for twenty years or more. A new Public Works facility (replacing the temporary use of City property on SR-522) is proposed on NE 202nd Street, and permit review for that facility is anticipated in 2023.

Human Services

Many residents of Kenmore require a broad range of human services to meet their daily needs. These services generally fall into three categories: **family services, senior services, and youth services**. The types of services range from transportation for seniors, to recreational opportunities for teens, to family counseling, to homeless services and mental health services. Generally, the lower the income of the family or individual, the greater is their need for subsidized assistance to make the service affordable.

Services currently provided to Kenmore residents generally are made available through several very strong agencies located outside of the City limits. As a result, the current location of service providers is not convenient to many Kenmore residents in need of the services they offer.

The following pages sections provide a partial inventory of services available in the Kenmore area. Services were selected because of a Kenmore location, a known Kenmore clientele, or because funding has been provided by the City to serve the area.

Family Services (including Mental Health Services)

An array of services is available serving the needs of Kenmore families:

- **Seventeen (17) Childcare providers** in Kenmore have a capacity for approximately 628 children, including daycares, preschools, Champions after-school programs at Arrowhead and Moorlands elementary schools, and a Northshore YMCA after-school program at Kenmore Elementary School.
- **Child Care Resources** Homeless Program, based in Seattle, provides funding for **child care** for homeless children in King County to allow their family the time they need to work on finding housing or a job.
- **The Kenmore Elementary PTA** Social Service Crisis Support program provides crisis support for Kenmore Elementary students, which includes emergency food, clothing, counseling, medical, and transportation costs.
- **The Center for Human Services'** two Family Support Centers provide early learning, youth development, parent education/support and community resources to the residents of North King County. The family centers are located in Bothell and Shoreline, and the agency partners to provide services on-site at churches and low-income housing complexes in Woodinville, Kenmore, Lake Forest Park and Shoreline.

- 1 • **The Northshore YMCA**, located in Bothell, services the Kenmore area. It provides physical
2 fitness programs and parent-child programs at the site in addition to a variety of youth and
3 senior programs. A gym, pool, weight room and meeting rooms are located in its facility. The
4 YMCA offers scholarships for those who are unable to afford services.
- 5 • **Hopelink**, with centers in Kirkland and Shoreline, is the largest provider in the area of services
6 for low and moderate-income families. Its services include a food bank, emergency and
7 transitional housing, employment programs, transportation, utility assistance, and other
8 emergency financial assistance. In 2013, Hopelink opened a food bank in Kenmore through a
9 partnership with Northlake Lutheran Church.
- 10 • **The Kenmore Family Emergency Shelter**, operated by Hopelink ~~and currently undergoing~~
11 ~~remodeling, will provide eleven apartments for emergency shelter for homeless families,~~
12 ~~provides short-term housing for families in crisis on a month-to-month basis.~~
- 13 • **Mary's Place** provides housing, resources, employment services, and community to families
14 in need. Their Kenmore location provides 70 beds for parents and their kids.
15
- 16 • **Crisis Connections (formerly Crisis Clinic) 2-1-1 Community Information Line** provides
17 information and referral services to all King County residents by coaching callers on how best
18 to present their problem, explaining how the social service system works, and empowering
19 callers to find solutions when there are no resources.
- 20 • **The HealthPoint Dental Program**, with a location in Bothell, offers affordable dental services
21 to low income and marginalized communities in suburban King County.
- 22 • **The Health Point Medical Program**, also located in the Bothell center, offers family practice,
23 obstetric, and pediatric medical services with supportive behavioral health and case
24 management programs.
- 25 • **Seattle-King County Public Health** is a provider of basic health services including maternity
26 support services and case management services for young mothers. Services are available
27 through the Northshore Public Health Center in Bothell.
- 28 • **Northshore Youth and Family Services (NYFS)**, located in Bothell, provides ~~drug and alcohol~~
29 ~~prevention programs for youth and mental health programs for individuals and families~~ a full
30 spectrum of mental health counseling and substance use treatment services for individuals,
31 couples, families, and at-risk youth.
- 32 • **Crisis Connections (formerly Crisis Clinic) 24-hour Crisis Line** provides emergency telephone
33 intervention for all King County residents in crisis or emotional distress every day of the year,
34 listening and providing feedback and referrals to other agencies or direct linkage to
35 emergency mental health services as needed.
- 36 • **NAMI Eastside- Mental Health Education and Support Program** provides mental health
37 education, advocacy, and support services. They are aiming to increase capacity to service
38 historically marginalized communities by providing trauma-informed, culturally-attuned
39 support groups.
40

- 1 • **Crisis Response Center**, operated by Connections Health Solutions, is a joint effort of the City
2 of Kenmore and partner cities Bothell, Kirkland, Lake Forest Park and Shoreline, to provide
3 behavioral health care to north and northeast King County residents. The Crisis Response
4 Center, set to open in 2024, will provide a spectrum of care services, from walk-in mental
5 health urgent care to continued stabilization of behavioral health or substance use crises.
- 6 • **Lifewire** (formerly **Eastside Domestic Violence Program**) provides a variety of direct services
7 designed to address the immediate needs of survivors of domestic violence and their children
8 in north and east King County.
- 9 • **Wonderland Developmental Center** in Shoreline serves children with developmental
10 disabilities and their families.
- 11 • **ATWORKatWork!**, based in Bellevue, is a provider of employment training and case
12 management for persons with disabilities.
- 13 • ~~Various Other agencies also provide services to families in Kenmore.~~

15 **Senior Services (Including Mental Health Services)**

16 Services for Kenmore seniors are made available primarily through two area non-profit
17 organizations:

- 18 • **The Northshore Senior Center** is the primary provider of senior services for Kenmore
19 residents. Among the services available are: adult day programs, senior transportation
20 services; health, nutrition and exercise programs; occupational therapy; and an extensive list
21 of outings and social events. The Senior Center provides services at its Bothell location. It
22 also delivers some services at multiple sites throughout the area, including in Kenmore. The
23 Kenmore Senior Center, located at 6910 NE 170th Street in Rhododendron Park, offers a variety
24 of activities (such as social activities, educational programs, and health courses).
- 25 • **The Northshore YMCA** in Bothell is the only other major provider of senior programs. Senior
26 fitness programs and social activities are available.

27 **Youth Services (Including Mental Health Services)**

28 While a wide range of activities is available to Kenmore youth, ~~only a~~ few facilities are actually
29 located in the community:

- 30 • In addition to its teen leadership and Youth in Government programs, the **Northshore YMCA**
31 in Bothell provides teen recreational activities at its pool and gym and at off-site locations.
32 The Drop-In Youth Center program provides a place for teens and tweens to meet friends, play
33 games, and get homework support. They host summer and outdoor leadership camps at
34 Wallace Swamp Creek Park and partner with the City of Kenmore to subsidize swim lessons
35 for 5th to 12th graders living in Kenmore.
- 36 • ~~The Northshore YMCA in Bothell provides teen recreational activities at its pool and gym, and~~
37 ~~events off-site, in addition to its teen leadership and Youth in Government programs. The Drop~~

In Teens program provides a place for teens to meet friends, play games and get homework support. A Late Night program on Saturdays also is available. The Northshore YMCA operates the Hang Time after school program at Kenmore Junior High.

- **Friends of Youth** provides shelter and transitional housing for homeless youth. The Youth Haven Emergency Shelter in Kirkland serves youth ages 11-17 provides 24-hour emergency shelter to youths aged 7-17.
- **Northshore Youth & Family Services** provides counseling out of its Bothell facility and at Cascadia College. It also offers a teen-parenting program for first-time teen moms.
- **The Disability Empowerment Center (formerly Alliance of People with disAbilities)** has offices in Seattle and Redmond where they offer youth programs teach skills to prepare for King County youths aged 14 and up with disabilities, for life as an adult. The programs teach new skills and provide information about community resources to help participants lead successful adult lives.
- **Crisis Clinic Teen Link** is an anonymous help line answered by teen volunteers each evening from 6-10 p.m., providing a confidential, safe place for youth to seek comfort and support.
- **The Kenmore Public Schools** are a major source of in-community services. The schools offer counseling and referral as well as health services.
- **NAMI Eastside's Youth Mental Health Program** partners with families, educators, and other organizations serving youth to share mental health education through presentations and in-depth classes to East King County schools and communities. The Youth Ambassadors Program engages students to become mental health advocates to inspire and support peers within Eastside classrooms.
- **Seattle Children's Hospital** treats youth and teens for anxiety, ADHD, autism, depression, bipolar disorder and other mood disorders, eating disorders, gender-affirming care, prenatal exposure to drugs and alcohol, psychotic disorders, and sleep problems.

The City presently provides funding for human services through awards to individual agencies. The City also participates in an interlocal agreement with Bellevue, Issaquah, Kirkland, Mercer Island, Sammamish, Redmond, and Shoreline to pool a portion of human services funds into single contracts with approved human services programs. The City of Bellevue is the lead administrator of these funds.

Beginning in the 2023-2024 biennium, the City will participate in an interlocal agreement between the King County Regional Homelessness Authority and four other North King County cities—Bothell, Lake Forest Park, Shoreline, and Woodinville—to administer the already approved human services funding for programs that address homelessness.

Library Services

The King County Library System (KCLS) is one of the busiest library systems in the U.S. and includes 48 public libraries throughout King County (excluding those in Seattle). KCLS has served Kenmore since before incorporation. has been providing library service to the Kenmore area since

the 1930s. In 1999 Kenmore residents formally annexed into the library district. Today Kenmore Library is one of fifty community libraries in the KCLS service area.

The Kenmore Library originated in 1957 through the efforts of the Kenmore Elementary School PTA. Opening day was July 21, 1958. The site was a small red barn on 73rd Avenue NE near where Swamp Creek crosses the road. KCLS provided books and services and the community contributed funds and labor. In 1976, the Kenmore Library relocated into a 2,112 sq. ft. modular building at 18138 73rd NE.

In 1976 the Kenmore Library was relocated into a 2,112 sq. ft. modular building at 18138 73rd NE. In July 2011, the library moved again into a new 10,000 square foot library at 6531 Northeast NE 181st Street in Kenmore's downtown. The new facility was funded by a \$172 Million capital bond approved by voters in 2004, and received The new facility was awarded the Civic Design Honor by The American Institute of Architects (AIA), Washington Chapter, in 2012.

In 2013, the Kenmore Library had 332,267 checkouts, compared with Lake Forest Park's 256,136 checkouts and Bothell's 1,168,305 checkouts. KCLS as a whole had more eBooks downloaded in 2013 than any other library system in the country. In 2021, the Kenmore Library loaned over 256,000 digital and hard copy items, compared with Lake Forest Park Library's 255,000 items and Bothell Library's 885,000 items checked out. Across the library system, borrowers downloaded 7.8 Million digital titles in 2021, making KCLS the second highest digital circulating library in the U.S., and number 4 in the world.

Residents in Kenmore also use the Bothell Regional Library, the Lake Forest Park Medium Library, and the Kingsgate Large Library Branches. Kenmore residents enjoy borrowing privileges at all KCLS locations, and access library materials, programs and services via the KCLS web site kcls.org.

Kenmore established a Library Advisory Board in 2007 to serve in an advisory capacity to Kenmore City officials on matters regarding the Kenmore Library. Advisory Board members also act as a liaison between the Kenmore Library, the City of Kenmore, and KCLS. The Library Advisory Board consists of eight voting members who serve three-year terms. All members are appointed by, and serve at the pleasure of, a majority of the Kenmore City Council.

Fire/Emergency Services

Combined King County Fire Protection District No. 16 – Northshore Fire Department and Shoreline Fire Department

The Northshore Fire Department (District) provides fire prevention, fire suppression, and emergency medical services to the Cities of Kenmore and Lake Forest Park. On June 1, 2022, the District initiated a contract for services with the Shoreline Fire Department (SFD). The District still remains as a governing entity, but all operations are now the responsibility of the SFD. The District will continue gathering revenues to transfer to SFD and ensure that the contract is being followed, but all employees except for the District Board Secretary transferred employment to SFD. It operates from two fire stations, Station 51 in Kenmore, and Station 57 in Lake Forest Park.

In total, the Fire District serves over eleven square miles. The estimated population served is approximately 33,000. The State Office of Financial Management (OFM) reports year 2014 population estimates of 21,370 and 12,750 for Kenmore and Lake Forest Park, respectively. The

SFD employs about 188 personnel operating out of five different stations and serving approximately 97,000 people across 24 square miles, including; Shoreline, Woodway, Lake Forest Park, and Kenmore. Additionally, the Shoreline Paramedic program provides advanced life support (ALS) services to Bothell and a portion of Woodinville, serving a population of over 164,000 in an area of approximately 37 square miles. Two fire stations primarily serve the Kenmore area, one in Lake Forest Park and one centrally located in downtown Kenmore at 7220 NE 181st Street. Both fire stations serve the Kenmore area, as well as other parts of the District and adjacent jurisdictions. Station 51 is centrally located within the downtown commercial area of Kenmore at 7220 NE 181st Street.

At the time of this writing, the District employs 48.5 full time employees, 40 of which are uniformed personnel including firefighters, lieutenants, and Battalion Chiefs. The other eight and a half employees make up the Fire Prevention, Training, and Administrative Divisions of the District. At any given time in the District, there is a minimum of nine emergency responders on duty. Out of the nine responders, there is a minimum of six on duty at Station 51 in Kenmore, and three on duty at Station 57 in Lake Forest Park. The proportional distribution of staffing between the two fire stations closely aligns with the number of calls for service and the population served between the two cities. The SFD is a full-service fire department with employees in the following divisions:

- Administration
- Legislative Services (Board of Commissioners)
- Fire Suppression
- Emergency Medical Services/Basic Life Support (EMS/BLS)
- Emergency Medical Services/Basic Life Support (EMS/ALS)
- Fire Prevention
- Community Outreach
- Training
- Fleet and Facilities
- Information Technology (IT) Services

The minimum operational staffing level every day is 33 personnel during the day, dropping to 31 at night. These responders staff 4 engines, 1 ladder truck, 4 aid cars plus an additional day-shift aid car, 1 battalion chief, 3 medic units, and 1 medical services officer. There are a minimum of 5 personnel on duty at Station 51 in Kenmore and five personnel on duty at Station 57 in Lake Forest Park during the day, dropping to 3 at night.

During 2014, out of a total of 3,525 requests for service, the majority of calls received were for medical emergencies—including motor vehicle accidents with or without injury and extrication (2,666 calls = 76%). Another 444 calls (12.5%) pertained to other types of emergency issues, including someone smelling smoke, carbon monoxide incidents, gasoline spills, downed power lines and other hazards (including a few calls for service that were cancelled once District personnel arrived on the scene). Seventy-one fire responses (2%) involved fires in structures, automotive vehicles, public utilities and outside areas. Ninety-one non-emergency requests for assistance (2.5%) involved helping citizens with lock-outs, assisting with patient care, and even addressing minor flooding issues.

In 2022, SFD is forecasting that it will respond to about 3,698 requests for service in the Lake Forest Park/Kenmore area. The majority of calls received are for medical emergencies—including motor vehicle accidents with or without injury (2,589 calls = 70%). The remaining 1,109 calls will

be for other types of emergency issues such as; smell of smoke/carbon monoxide incidents, gasoline spills, downed power lines, cancelled calls, fires in structures/automotive vehicles, assistance with low-acuity patient care, and minor flooding issues. Within this response area in 2022, the overall average response time is 4:37 minutes.

The number of calls for service has increased by 10.3% over the last ten years (3,196 in 2004 and 3,525 in 2014). It is anticipated that the call volume will continue to increase at this relatively stable rate. However, the majority of the increase will be in Kenmore due to its higher rate of projected growth. The number of calls for service typically increases between one and two percent per year, but it is anticipated that the call volume will grow at a higher rate in the near future due to increased growth. The majority of the increase will be in Kenmore due to its higher projected growth rate.

The need for additional staffing is regularly evaluated by the Fire District. As the City grows over time, it is anticipated that additional staffing will be required.

The District's facilities are relatively new and were constructed with consideration of future growth trends taken into consideration. The Kenmore station can accommodate additional response units when the increase in the number of calls for service dictates additional staffing.

Within Kenmore in 2013, the average response times for priority fire or EMS calls for service was 3:42 minutes for areas north of the Sammamish River and 5:53 minutes for areas to the south of the River.

The District has automatic aid agreements with all of its neighboring jurisdictions. These mutually beneficial agreements reduce response times, especially in the fringe areas of a jurisdiction. They also provide additional staffing for labor intensive incidents such as structure fires and incidents involving technical rescues. In 2014, the District received assistance from neighboring agencies 241 times, and provided assistance 621 times. The contract for services with the SFD provides greater staffing levels, depth, and flexibility, allowing for more services to be provided from within the organization.

Police Services

Kenmore contracts with the King County Sheriff's Office (KCSO) for one police chief (sergeant) and 13 police officers, including 12 patrol officers, and a burglary/larceny detective. The City also contracts for various support services, i.e. major crimes, bomb disposal, marine services, etc. Since police services are contracted from the King County Sheriff's Office, all vehicles and equipment are provided by the County in the overall cost of the officers contract. All of the Kenmore officers work out of an office on the second floor of Kenmore City Hall at 18120 68th Avenue NE.

As of 2013/2022, the City had in addition to the 14 commissioned officers, with support staff and specialty unit partial FTEs are provided through the contract with KCSO services equaling 15.97 FTEs, and the level of service was about 75 officers per 1,000 population (including commissioned officers). Support staff and specialty units, such as 911 Call Center staff and patrol supervision, provide for an additional 4.04 FTEs. In all, commissioned officers assigned to Kenmore amount to a level of service of about 0.59 officers per 1,000 population.

To ensure effective communication with all Kenmore residents, the KCSO contracts with translator and interpreter providers. The police force also has officers who are bilingual or multilingual.

Dispatch calls for service between 2008-2017 and 2013-2021 were as follows:

- 2008 – 3,130

- 2010 – 3,287

- 2013 – 3,342

- 2017 – 4,253

- 2019 – 3,964

- 2021 – 3,610

Crimes are divided into Part I and Part II offenses. Part I offenses include criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft, and arson. Part II offenses include all other crimes not considered Part I, such as simple assaults, forgery/counterfeiting, fraud, embezzlement, stolen property, prostitution, sex offenses (except forcible rape or prostitution), drug violations, gambling, offenses against the family and children, driving under the influence, liquor violations, drunkenness, disorderly conduct, etc.

In 2019, KCSO began reporting crime statistics using the National Incident Based Reporting System (NIBRS). This format is required by the federal government, and separates crimes into three categories: Crimes Against Persons, Crimes Against Property, and Crimes Against Society.

In Kenmore, Crimes Against Persons offenses most frequently include assault and domestic violence protection order violations. Crimes Against Property offenses in Kenmore tend to include burglary, theft, fraud, and vandalism. Crimes Against Society is a narrow set of offenses where a crime typically does not involve an individual victim, such as drug or weapon offenses.

In Kenmore, Part I offenses tend to include burglary and larceny cases. Part II offenses in Kenmore tend to include assault, forgery/fraud, vandalism, and driving while under the influence.

When reviewing data by patrol district, sector E-2 in the northeast portion of the City generates more dispatched calls for service than the other patrol districts. Refer to **Figure PS-2** for patrol districts.

In Kenmore as a whole, the crime rate is shown in **Table PS-A**.

TABLE PS-A
KENMORE CRIME RATE STATISTICS PER 1,000 POPULATION

| OFFENSE | 2008 | 20102019 | 20132021 |
|-------------------------|------|----------|----------|
| Part I – Crime Rate | 18 | 21 | 17 |
| Part II – Crime Rate | 33 | 38 | 24 |
| Crimes Against Persons | | 4.0 | 4.0 |
| Crimes Against Property | | 14.6 | 16.2 |
| Crimes Against Society | | 0.4 | 0.3 |

Source: Police Services Data, 20132021.

Police response times between 20082017 and 20132021 are shown in the **Table PS-B**. Response times vary by the priority nature of the call. The variation in Critical Dispatch times is due to a number of factors, such as how many officers are on duty at the time of the call, the time of day the call was received, orand traffic congestion.

Staffing needs are determined through the contracting process. The need for additional staffing for police services will increase as the population grows. Staffing needs are evaluated based on increases in calls for service and response times. Additional support staff and facilities needs will continued to be evaluated based on agency and industry standards.

Facility/equipment repair or renovation needs do not apply since police services are contracted as these items are provided for in the police contract.

Dedicated officers under contract to citiesKenmore officers do not provide service to patrol districts in unincorporated areas. Kenmore has a shared supervision agreement with the City of Shoreline, also a KCSO contract city. Shoreline patrol supervisors oversee Kenmore officers when Kenmore's sole supervisor (the Police Chief), is not on-duty.

TABLE PS-B
POLICE RESPONSE TIMES

| DATE | PRIORITY | AVERAGE RESPONSE TIME |
|--|----------|-----------------------|
| 2008 | X | 4.06 min. |
| | 1 | 7.25 min. |
| | 2 | 10.74 min. |
| 2010 | X | 2.55 min. |
| | 1 | 6.79 min. |
| | 2 | 10.23 min. |
| 2013 | X | 3.64 min. |
| | 1 | 5.57 min. |
| | 2 | 8.13 min. |
| <p>Notes:</p> <p>Priority X Critical Dispatch – In progress events that pose obvious danger to life</p> <p>Priority 1 Immediate Dispatch – Events requiring immediate police action</p> <p>Priority 2 Prompt Dispatch – Less critical situations that may escalate</p> <p>Note: The variation in Critical Dispatch times is due to factors such as staffing available, number of calls received, number of months included in assessment, etc.</p> | | |

Source: Police Services Data, 2013.

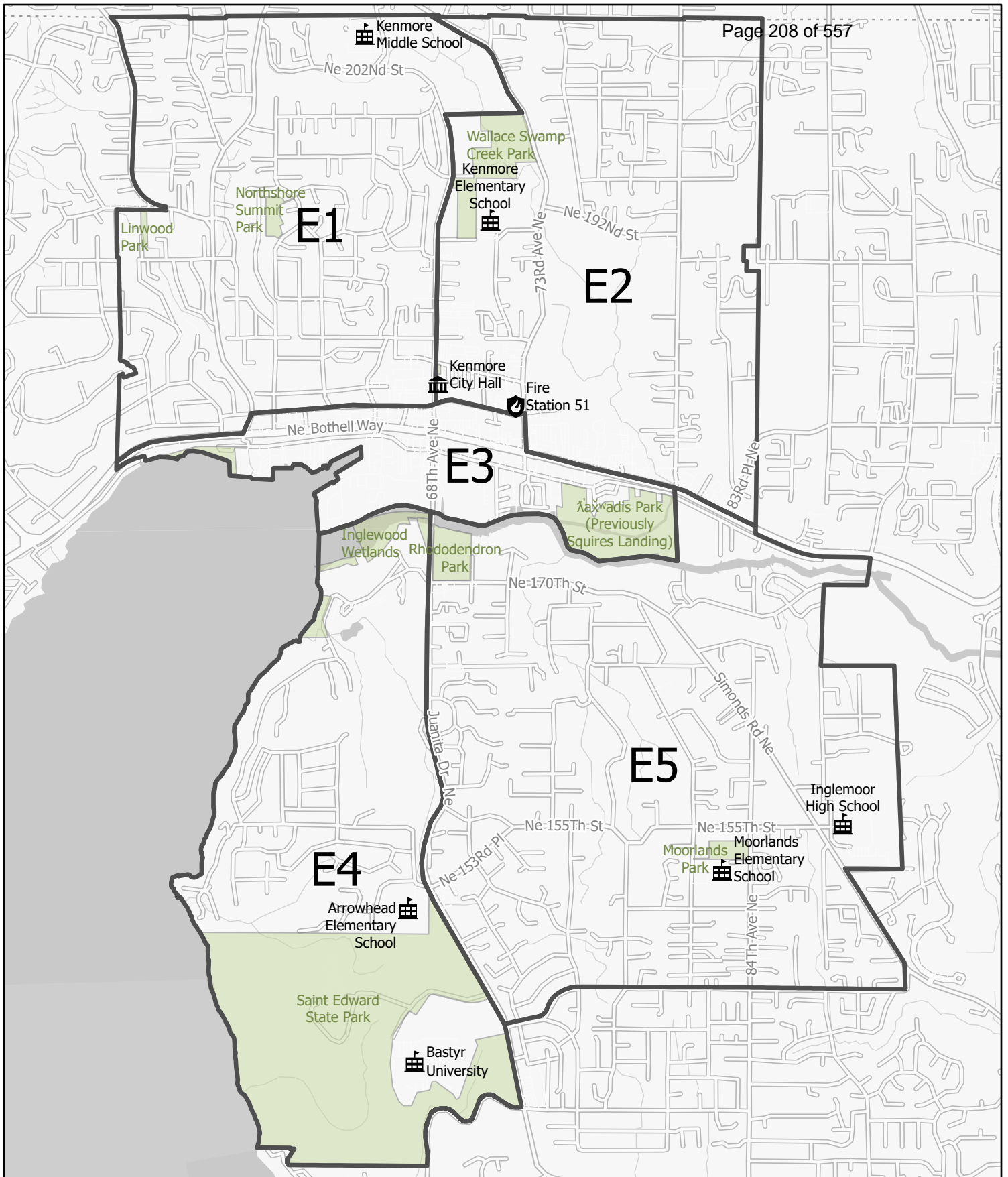
TABLE PS-B
POLICE RESPONSE TIMES

| DATE | PRIORITY | AVERAGE RESPONSE TIME |
|--|-----------------|------------------------------|
| 2017 | X | 3.36 min. |
| | 1 | 6.53 min. |
| | 2 | 8.23 min. |
| 2019 | X | 2.95 min. |
| | 1 | 6.68 min. |
| | 2 | 8.78 min. |
| 2021 | X | 3.28 min. |
| | 1 | 7.46 min. |
| | 2 | 8.95 min. |
| Notes: Priority X Critical Dispatch – In progress events that pose obvious danger to life Priority 1 Immediate Dispatch – Events requiring immediate police action Priority 2 Prompt Dispatch – Less critical situations that may escalate Note: The variation in Critical Dispatch times is due to factors such as staffing availability, number of calls received, etc. | | |

Source: Police Services Data, 2021.

- 1 **Figure PS – 2**
- 2 **Patrol Districts**
- 3
- 4 **Updated map**

DRAFT



- City Hall
- Fire Station
- School
- Police Patrol District
- Park



0 1,250 2,500 5,000 Feet

City of Kenmore Patrol Districts



Map Date: Aug 2023

Community Court

In 2023, the City of Kenmore will join the City of Shoreline's Community Court. A community court is an alternative problem-solving court. It differs from traditional court by identifying and addressing the underlying challenges of court participants that may contribute to further criminal activity. Its goal is to build stronger and safer neighborhoods and reduce recidivism through a rehabilitative approach.

A community resource center is an integral component of community court, and it is open to all members of the public in addition to community court participants. Kenmore residents are welcome to visit Shoreline's community resource center to find out about services in the area (education, job training, legal, recovery, mental health, etc.).

Regional Crisis Response Agency (RCR)

In 2022, Kenmore partnered with the Cities of Bothell, Kirkland, Lake Forest Park and Shoreline to form a new entity called the Regional Crisis Response Agency (RCR). The new RCR program offers seven day a week crisis response coverage to strengthen community/police partnerships, increase the connection of at-risk individuals with effective behavioral health services and treatments, enhance community and first responder safety by reducing the potential for police use of physical force, and reduce repeat calls for service. Police and mental health "navigators" respond together to incidents involving persons in crisis with underlying behavioral health conditions. The new entity should be operating by the second quarter of 2023.

Emergency Management

Kenmore partners with Lake Forest Park, the Shoreline Fire Department, and the Northshore Utility District for the City's emergency management services through the Northshore Emergency Management Coalition (NEMCo). The City's Comprehensive Emergency Management Plan (CEMP) provides a framework for organizational activities during disaster operations, focusing on minimizing the effects of the disaster and facilitating recovery. NEMCo's focus is to engage the "whole community" to prevent, protect against, mitigate, respond to, and recover from all types of emergencies and disasters through education and volunteer coordination. NEMCo provides a number of emergency preparedness training opportunities throughout the year for those interested in volunteering or for those who just want to be better prepared at home. The City also joins King County in adopting a hazard mitigation plan to assess natural and human-caused hazards and identify mitigating measures to address those hazards.

Public Schools

The Northshore School District primarily serves seven jurisdictions: King County, Snohomish County, the City of Bothell, the City of Brier, the City of Kenmore, the City of Kirkland, and the City of Woodinville. The District boundaries are shown in **Figure PS-3**.

Lake Washington School District serves King County and the Cities of Kirkland and Redmond. The northern boundary of this District bisects St. Edward State Park in Kenmore. Refer to **Figure PS-4**. As there is no residential population living with school-age children in this area, **no services**

are provided in Kenmore and no additional information on the Lake Washington School District is included in the Element. The Northshore School District is addressed below.

Northshore School District

Five schools are located within Kenmore City limits, including three elementary schools, one junior high/middle school and one high school:

- Arrowhead Elementary
- Kenmore Elementary
- Moorlands Elementary
- Kenmore Junior High/Middle School
- Inglemoor High School

Schools in the immediate vicinity of the City include Sorenson Early Childhood Center, Westhill, Lockwood, and Shelton View Elementaries; Canyon Park and Northshore Junior High/Middle Schools; and Bothell and Innovation Lab High Schools; and Northshore Family Partnerships (K-9) and Northshore Networks (K-12). These nearby schools serve a portion of Kenmore residents. Northshore School District counts home school students in the District through enrollment in Northshore Family Partnerships (NFP) and by tracking families' submittal of a Declaration of Intent to home school. Those submitting a Declaration do not participate in NFP. In 2022-2023, 209 students in the District participated in NFP; 417 families submitted a Declaration of Intent to Home School.

Attendance boundaries for the high schools show that the greater part of Kenmore is within the Inglemoor High School attendance boundaries. However, students on the northeast side of Kenmore, and those east of 82nd Avenue NE, 83rd Avenue NE, and portions of 80th Avenue NE, are within the Bothell High School attendance boundaries.

The Northshore School District will open a new high school, North Creek, in north Bothell off 35th Avenue between 188th and 192nd streets in Snohomish County and implement grade reconfiguration (move to K-5 elementary, 6-8 middle and 9-12 high schools) in the fall of 2017 to provide greater academic and other opportunities for students. Boundary adjustments will also be made in fall 2017 to create a service area and feeder pattern for North Creek High School and to help balance districtwide enrollment.

School Classroom Size, Capacities, and Deficiencies

The Northshore School District establishes its level of service by defining class size goals. Refer to Table PS-C. The base standard for elementary schools is 24 students per classroom. For middle and high schools, the base standard is 26 students per classroom. The student capacity of a school is determined by the classroom size goal as well as the building area.

TABLE PS-C NORTHSHORE SCHOOL DISTRICT STANDARD OF SERVICE

| CLASSROOM TYPE | AVERAGE STUDENTS PER CLASSROOM |
|--|--------------------------------|
| ELEMENTARY (K-6) | |
| Kindergarten | 22 |
| Regular, alternative, EAP | 24 |
| Special education, mid-level | 12 |
| Special education, functional skills & academics | 8 |
| Integrated regular & special education | 21 |
| JUNIOR HIGH (7-9) | |
| Regular, alternative | 27 |
| Special education, mid-level | 12 |
| Special education, functional skills & academics | 8 |
| SENIOR HIGH (10-12) | |
| Regular, alternative | 27 |
| Special education, mid-level | 12 |
| Special education, functional skills & academics | 8 |
| Vocational education | 27 |

Source: 2016 Capital Facilities Plan, Northshore School District 417

The design total instructional capacity and scheduled capacity of the schools within Kenmore and outside of Kenmore, which serve Kenmore residents, are shown in **Table PS-DC**. To provide planning time and space for teacher preparation, and meet required instructional needs, some facilities will only support a design capacity utilization of 85%. Scheduled capacity reflects the specific programs that take place in each room.

Capacity information includes portables at the school. To optimize instructional program flexibility and maximum service levels in the most cost-effective way possible, the District maintains 10-15% of its total design capacity in portables.

TABLE PS-DC
NORTHSHORE – SCHOOL STUDENT CAPACITIES AND ENROLLMENT

| SCHOOL | DESIGN TOTAL INSTRUCTIONAL CAPACITY | 2016 SCHEDULED CAPACITY ¹ | 2016 DECEMBER 2022 ENROLLMENT (FTEs) | % UTILIZED SCHEDULED INSTRUCTIONAL CAPACITY |
|----------------------------------|-------------------------------------|--------------------------------------|--------------------------------------|---|
| ELEMENTARY | | | | |
| Arrowhead | 597402 | 453 | 423276 | 9369% |
| Kenmore | 646474 | 571 | 561379 | 9880% |
| Lockwood | 669640 | 561 | 612586 | 11092% |
| Moorlands | 765784 | 704 | 787625 | 11280% |
| Shelton View | 574474 | 503 | 527464 | 10598% |
| Westhill | 598496 | 527 | 493398 | 9480% |
| JUNIOR HIGH MIDDLE SCHOOL | | | | |
| Canyon Park | 1,258988 | 1,063 | 809887 | 7690% |

| | | | | |
|---------------------------|-----------|-------|-----------|--------|
| Kenmore | 1,054,822 | 940 | 623,715 | 6687% |
| Northshore | 1,195,966 | 1,066 | 737,822 | 6985% |
| SENIOR-HIGH SCHOOL | | | | |
| Inglemoor | 2,125,149 | 1,873 | 1,350,141 | 7295% |
| Bothell | 2,251,151 | 1,960 | 1,638,160 | 84106% |

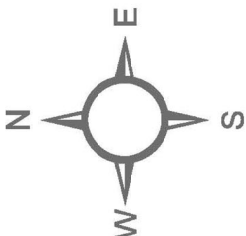
⁴Sources: 2016-2022 Capital Facilities Plan, Northshore School District 417. Reflects the different types of school spaces (classrooms, gym, music room, etc.) and programmatic requirements that may limit number of students per class and <https://resources.finalsite.net/images/v1671061195/nsdorg/nrzqgjwwsygphsj40eep/Enrollment-December2022.pdf>

- 1 **Figure PS-3**
- 2 **Northshore School District**
- 3
- 4 **Updated Map**
- 5

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Northshore
School District

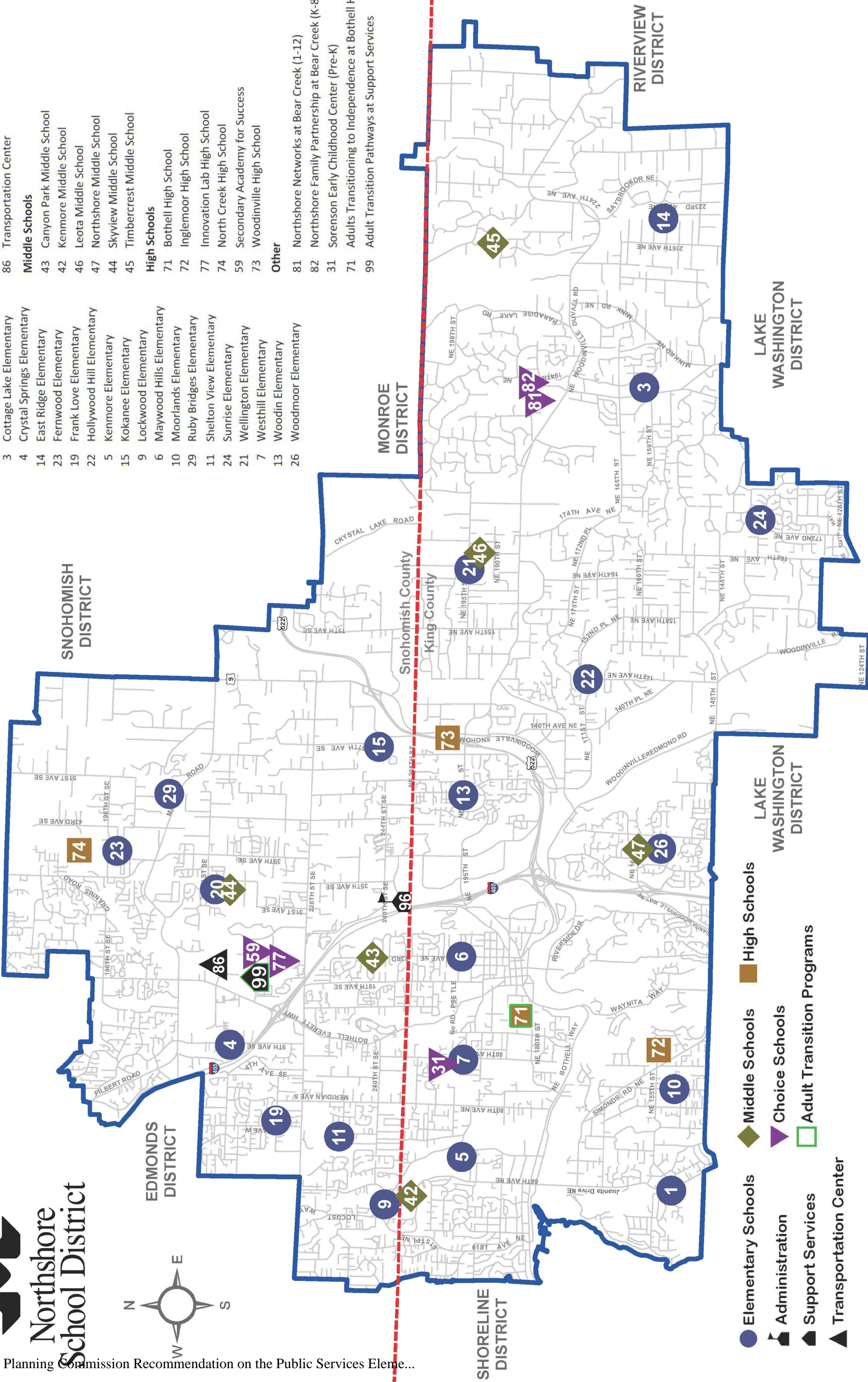


- Elementary Schools**
- 1 Arrowhead Elementary
 - 20 Canyon Creek Elementary
 - 3 Cottage Lake Elementary
 - 4 Crystal Springs Elementary
 - 14 East Ridge Elementary
 - 23 Fernwood Elementary
 - 19 Frank Love Elementary
 - 22 Hollywood Hill Elementary
 - 5 Kenmore Elementary
 - 15 Kokanee Elementary
 - 9 Lockwood Elementary
 - 6 Maywood Hills Elementary
 - 10 Moorlands Elementary
 - 29 Ruby Bridges Elementary
 - 11 Shelton View Elementary
 - 24 Sunrise Elementary
 - 21 Wellington Elementary
 - 7 Westhill Elementary
 - 13 Woodin Elementary
 - 26 Woodmoor Elementary

- Administrative/Resources**
- 96 Administration Building
 - 99 Support Services
 - 86 Transportation Center

- Middle Schools**
- 43 Canyon Park Middle School
 - 42 Kenmore Middle School
 - 46 Leota Middle School
 - 47 Northshore Middle School
 - 44 Skyview Middle School
 - 45 Timbercrest Middle School

- High Schools**
- 71 Bothell High School
 - 72 Inglemoor High School
 - 77 Innovation Lab High School
 - 74 North Creek High School
 - 59 Secondary Academy for Success
 - 73 Woodinville High School
- Other**
- 81 Northshore Networks at Bear Creek (1-12)
 - 82 Northshore Family Partnership at Bear Creek (K-8)
 - 31 Sorenson Early Childhood Center (Pre-K)
 - 71 Adults Transitioning to Independence at Bothell HS
 - 99 Adult Transition Pathways at Support Services



- Elementary Schools
- ◆ Middle Schools
- High Schools
- 🏢 Administration
- 🏠 Support Services
- ▲ Transportation Center
- ▲ Choice Schools
- Adult Transition Programs

- 1 **Figure PS-4**
- 2 **Lake Washington School District**
- 3 **Updated Map**

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XIII. A. Planning Commission Recommendation on the Public Services Eleme...



Future Growth

To determine planned improvements, the District projects student enrollment at the elementary, junior and senior high levels. Increases in enrollment at the elementary level continue to drive capacity challenges, particularly in the north half of the district (Northshore School District 417, 2014 Capital Facilities Plan). Projected enrollment in 2025 is 22,798 FTE, compared with a projected enrollment of 19,753 FTE in 2015. According to the School District, growth continues to outpace school capacity and has fully exhausted capacity increases from relocating building programs, portable additions, grade reconfiguration, and boundary changes. Growth has been concentrated in northern, central, and southern portions of the District and is accelerating at the secondary level.

A \$425 million 2022 capital bond approved by voters includes eight new projects to add permanent capacity across the District at all grade levels. Improvements planned for schools in the District that may impact Kenmore include:

- Construction of the new North Creek comprehensive high school;
- Construction of a new elementary school in the north end of the district;
- Improvements to existing District facilities including but not limited to mechanical systems, flooring, building controls, roofing, boilers, circulation, security, casework and seismic upgrades;
- Improvements to District facilities to meet current ADA requirements;
- Energy efficiency improvements; and
- Upgrades to playfields and gymnasiums, including tracks, tennis courts, athletic fields, and artificial turf.
- The Inglemoor High School modernization project that proposes replacing the 6 portables on site with permanent classrooms and adding 10 additional permanent classrooms. Also proposed are a new athletic support space, a new commons, and a new main office complex to support increased capacity. Part 1 completion is estimated in 2026.
- The Kenmore Elementary School modernization project that proposes replacing 9 portables with permanent classrooms and adding 2 additional permanent classrooms. Also proposed are a new gym, commons, main office complex, a fully inclusive playground, and improved site circulation to support increased capacity. Estimated completion is 2025.

Impact Fees

Impact fees are calculated based upon the District's cost per dwelling unit and from new development can be used to purchase land for school sites, make site improvements, construct schools and purchase/install temporary facilities (portables).

Northshore School District updated its student-generation factor for both single family and multi-family and townhome units in early 2022. The townhome generation factor was new with the 2022 update. The District's student-generation rate for multi-family dwelling units is much lower than for single-family homes. The student-generation rate, when isolated for townhomes only, shows that more students are residing in those units than in traditional multi-family units.

Along with the opening of North Creek High School and grade reconfiguration, the District is making several boundary line adjustments in 2017 to increase District-wide facility utilization and accommodate planned growth. They also have identified the need for a new elementary school in the northern part of the District.

Bastyr University

Bastyr University is located along Juanita Drive on privately owned property adjacent to St. Edward State Park. The University was founded in 1978 in Seattle by practicing naturopathic physicians and moved to its location in Kenmore in 1996. In 2012, the University opened a second campus in San Diego, California.

The University is a leading institution of science-based natural medicine and is the largest university for the natural health arts and sciences fields in the U.S. The University offers 18 baccalaureate, masters and doctoral degree programs, along with two certificate programs, in the following. Areas of study include:

- Naturopathic Medicine
- Nutrition
- Acupuncture and Oriental Medicine
- Exercise Science
- Counseling Psychology
- Health Psychology
- Herbal Sciences
- Holistic Landscape Design
- Integrated Human Biology
- Midwifery
- Ayurvedic Sciences
- Maternal-Child Health Systems
- Public Health

Bastyr University also provides a number of other services and benefits to Kenmore residents as well as the greater Seattle community. The Bastyr Center for Natural Health, located in Seattle, provides full services in acupuncture, counseling, naturopathic medicine, and nutrition. The University also offers continuing education courses for both health care professionals and the general public.

In 2013/20142022, the University estimated an enrollment of over 1,123742 students over the two campuses, with 487 students in Kenmore. There is a full-time faculty of 76, part-time adjunct faculty totaling 189, and 8 research faculty. The average student to faculty ratio is 9:1.

The University has a ten-year Master Plan, approved by the City, which sets out future enrollment projections and proposed development. The Master Plan approval extends through December 31, 20202025.

GOALS, OBJECTIVES, AND POLICIES

Following are the public services goals, objectives and policies.

GOAL PS-1. ENSURE THAT CITY GOVERNMENT REMAINS OPEN AND RESPONSIVE TO ITS INFORMED CITIZENRY COMMUNITY.

OBJECTIVE PS-1.1 Strengthen communication engagement between government and the people.

Policy PS-1.1.1 Strive for communication with citizens residents, business owners, property owners, and others by:

- Providing a newsletters to the general public and working with local news-papers to provide information about the City, public meetings, plans, programs, policies, and regulations.
- Using signage, as appropriate, to alert citizens the community to City meetings and events.
- Using the City web site and social media to provide information about the City, its elected officials, public meetings, plans, programs, policies and regulations.
- Using other methods of communication, such as focus groups, advisory committees, and consultations to inform the community, business, and development community about City plans, programs, policies, and regulations.
- Coordinating with public and private schools to involve youth in the City's plans and programs, such as park and recreation plans, volunteer programs, and other aspects of City plans and programs that would benefit from youth involvement.

Policy PS-1.1.2 Prior to action on City plans and regulations, seek and integrate public input through public workshops, meetings, and hearings.

Policy PS-1.1.3 Support community engagement techniques that will encourage a diversity of voices, including those that have historically been underrepresented.

Policy PS-1.1.4 Provide translation and interpretation services whenever possible to involve community members who do not speak English. Use transcreation when possible.

OBJECTIVE PS-1.2 Actively seek public involvement.

Policy PS-1.2.1 Encourage City staff and elected officials to regularly attend civic and community organization meetings.

Policy PS-1.2.2 Seek broad representation on boards, commissions, and advisory groups.

Policy PS-1.2.3 Work with civic organizations to educate the general public on the responsibilities of government and their participation.

Policy PS-1.2.4 Establish ongoing communications with community-based organizations representing constituencies whose voices are not regularly heard.

OBJECTIVE PS-1.3 Encourage and facilitate charitable giving, community service and volunteerism.

Policy PS-1.3.1 Provide for recruiting, training, organization, and recognition of volunteers within the community to address appropriate public needs.

GOAL PS-2. PROVIDE EFFICIENT MUNICIPAL SERVICES THAT MEET THE NEEDS OF THE COMMUNITY.

OBJECTIVE PS-2.1 When appropriate, contract with the County, other cities, public agencies and private providers for the cost-efficient delivery of quality municipal services.

Policy PS-2.1.1 Establish clear level of service standards, and regularly evaluate alternatives for the cost-effective delivery of services.

Policy PS-2.1.2 On a regular basis, evaluate contracts for the delivery of service.

Policy PS-2.1.3 Ensure the availability of County services in proportion to the City's financial contributions.

OBJECTIVE PS-2.2 Provide sufficient resources, staffing, and procedures to provide quality City-managed services to the community.

Policy PS-2.2.1 ~~Prepare an annual report on~~ **Annually review** the achievement of Comprehensive Plan goals, objectives and policies, as well as progress towards implementing functional and capital facility plans. Determine through the budget review process if resources and staffing are sufficient to meet desired outcomes.

OBJECTIVE PS-2.3 Develop and implement permit processes that are timely, predictable, and fair to all affected parties.

Policy PS-2.3.1 Review development regulations to ensure they are necessary and directly relate to implementation of the Comprehensive Plan and other State and Federal mandates. Eliminate duplicative and unnecessary regulations.

Policy PS-2.3.2 Provide procedures to process permits in a timely fashion.

Policy PS-2.3.3 Implement uniform application, public notice, permit review, and appeal procedures.

Policy PS-2.3.4 Strive to involve the public in the permit process such that their comments may be heard and considered:

- a. Provide public notice of major development proposals;
- b. Encourage, and facilitate where possible, early communication between developers and neighbors about the project and its impacts; and,
- c. Educate the citizenspublic about development rules and help them effectively participate in the development and land use regulation process. Reports and documents should be made available in advance and available on the City's website, at City Hall, the library, and other appropriate locations. Translation and interpretation services should be provided whenever possible.

GOAL PS-3. SUPPORT AND PROVIDE A HIGH LEVEL OF POLICE PROTECTION, FIRE SUPPRESSION, AND EMERGENCY SERVICES.

OBJECTIVE PS-3.1 Provide and maintain a police system sufficient to meet the community's public safety needs.

Policy PS-3.1.1 Provide community crime education programs. Provide or encourage those programs or activities that stimulate neighborhood cohesiveness such as Neighborhood Watch programs, community clubs, and others.

Policy PS-3.1.2 Support youth participation in the King County Explorer Program.

Policy PS-3.1.3 Include "Crime Prevention through Environmental Design" components in site design guidelines for new development as discussed in the Land Use Element.

Policy PS-3.1.34 Enhance the public safety system by providing support services to persons in crisis with underlying behavioral health conditions during incident response.

OBJECTIVE PS-3.2 Support the fire service provider in its efforts to provide a Fire Prevention, Fire Suppression and Emergency Medical Services response system sufficient to meet the community's public safety needs.

Policy PS-3.2.1 Continue to coordinate review of development plans with the Northshore Fire Department and the Northshore Utility District to ensure Uniform Fire Code and fire flow requirements are met.

Policy PS-3.2.2 Continue to coordinate efforts to maintain an effective fire code inspection program with the Northshore Fire Department, to ensure that all commercial, multifamily, and public facilities developments provide safe environments for citizensthe public to live, work and visit.

OBJECTIVE PS-3.3 In coordination with surrounding jurisdictions and special districts, Establish an effective emergency management office and system.

Policy PS-3.3.1 Establish emergency management procedures for the City in consultation with the Northshore Utility District, the Northshore Fire Department, adjacent jurisdictions, King County, Snohomish County, and the State.

Policy PS-3.3.2 Participate in regional emergency management programs.

Policy PS-3.3.3 Work with the community to educate ~~citizens~~ **the public** about emergency preparedness and encourage ~~citizens~~ **community members** to be prepared for natural disasters.

GOAL PS-4. SUPPORT THE PROVISION OF QUALITY EDUCATIONAL OPPORTUNITIES TO THE KENMORE COMMUNITY.

OBJECTIVE PS-4.1 Support public and private education providers in providing the best education for members of the community.

~~Policy PS-4.1.1 Inventory public and private education facilities.~~

Policy PS-4.1.21 Coordinate and communicate with the appropriate school districts on issues of mutual interest including, school facility location/expansion, impacts of new development, impacts of school facilities and activities on the community, parks and recreation programs, population and growth projections, and school involvement in the community.

OBJECTIVE PS-4.2 Encourage diverse and continuing education opportunities.

~~Policy PS-4.2.1 Inventory public and private education programs that serve Kenmore.~~

Policy PS-4.2.21 Recognize Bastyr University as an important institution providing higher education in the region. Establish regular communication with the University regarding traffic and circulation, parks and recreation, and other areas of community concern.

Policy PS-4.2.32 Support continuing education programs offered by the University of Washington — ~~Bothell campus~~ **campuses**, Bastyr University, Shoreline Community College, and Cascadia College, ~~the King County Library System~~, and other providers.

OBJECTIVE PS-4.3 Provide adequate library services in the community.

Policy PS-4.3.1 In partnership with the King County Library System, encourage increased local library services to the Kenmore community.

GOAL PS-5. SUPPORT THE PROVISION OF **EQUITABLE, EFFECTIVE AND ACCESSIBLE** HUMAN SERVICES THAT ADDRESS COMMUNITY **CONCERNS** **NEEDS**

OBJECTIVE PS-5.1 ~~Coordinate~~ **Collaborate with existing human service providers to ~~make the most effective use of resources committed to~~ **provide a robust network of human services including those for families, seniors, and youth, health, etc.** in the Kenmore community.**

Policy PS-5.1.1 Increase coordination among providers of services with the aim of expanding services to Kenmore residents. Work with the talent base already available in the service provider community to develop comprehensive approaches to meet the needs of residents. Consider the following roles for active City involvement:

a. Convene meeting(s) of providers serving Kenmore to develop plans for increased or more focused services in Kenmore.

b. Encourage service providers to offer services, classes, outreach materials, and information in multiple formats and languages.

c. Improve community information on services available to Kenmore residents. City Hall should continue to be a central source for information on services available to Kenmore residents.

OBJECTIVE PS-5.2 Make health and human services more accessible to the Kenmore community.

Policy PS-5.2.1 Help make health and human services more accessible and less subject to the barriers of inadequate transportation and facilities space. Consider the following roles for active City participation:

a. Facilitating improved transportation services for Kenmore residents. The City should meetwork with Metro transportation services and Sound Transit staff to develop increased transit service within Kenmore and routes between Kenmore and neighboring communities.

b. Supporting partnerships between schools and local service agencies for space to operate youth programs and services at school sites.

Policy PS-5.2.2 Support the efforts of the Kenmore Senior Program, and the Northshore Senior Center, including the Kenmore Senior Center, to provide a variety of recreational, social, educational, and wellness programs to the Kenmore Community.

Policy PS-5.2.3 Help prevent obesity through programs that m~~Make~~ Kenmore a healthy place to live, learn and thrive by providing parks and open space for active and passive recreation, protecting air and water quality, supporting opportunities to walk and bicycle, and organizing community events that celebrate all ages, abilities, and cultural backgrounds.

OBJECTIVE PS-5.3 Recognize the City's limited resources by applying municipal funds to fill gaps in services or to leverage federal, state or regional funding received.

Policy PS-5.3.1 Encourage agencies and human services providers to update information on community needs and available services, with recommendations on how providers might reduce or eliminate gaps in service for Kenmore residents.

Policy PS-5.3.2 Utilize Federal, and State and County funding, or other grant funding, to help expand programs to fill gaps in services.

IMPLEMENTATION STRATEGIES`

These Public Services policies would require new or increased commitments of City resources to prepare new regulations, review/amend existing regulations, create educational or incentive programs, or coordinate with adjacent jurisdictions.

New programs, rules, or regulations would be needed to address:

- Preparation of an annual report on the status of Comprehensive Plan goals, objectives, and policies, and implementing plans
- Inventorying educational facilities and programs serving Kenmore.
- Encouraging agencies and human services providers to update information on community needs and available services, with recommendations on how providers might reduce or eliminate gaps in service for Kenmore residents.
- Development of a guide to human services agencies serving Kenmore, including contact information.
- Development of a recreational guide to promote locations and opportunities for physical activity.
- Development of a translation/interpretation protocol for City projects and programs.

Additional or continuing efforts would need to be made to coordinate with adjacent jurisdictions or participate in regional programs, including:

- Coordinate with the combined Northshore Fire Department/Shoreline Fire Department in their development review and inspection programs
- Participate in regional emergency management systems
- Coordinate with school districts, and Bastyr University, University of Washington-Bothell, and Cascadia College.
- Coordinate with the Library District
- Facilitate meeting(s), coordinate and partner with human service providers
- Conduct a needs assessment to evaluate the demand for human services, social services and mental health services and what services are available or essential to support the daily needs of Kenmore residents

REFERENCES

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4 Planner.

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9 from ~~Shoreline Fire Department~~ Fire Chief ~~Jim Torpin~~Matt Cowan to Lauri Anderson,
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12 **Northshore School District 417 (~~2013~~2022). ~~2016~~2022 Capital Facilities Plan, Bothell, WA.**

13 Northshore School District 417 (~~April 2015~~December 2022). Personal communications from
14 ~~Leanna Albrecht~~Dawn Mark, ~~Communications Director~~Director of Facilities Planning and
15 ~~Enrollment~~, to Lauri Anderson, ~~Senior~~Principal Planner.

16 Northshore School District website: <http://www.new.nsd.org/site/default.aspx?PageID=1>
17 <https://www.nsd.org>.

Text = deleted text

Text = new text

UTILITIES ELEMENT

INTRODUCTION

Purpose

City residents rely on a number of basic services that help define their quality of life and maintain their health and well being. Water supply and sewage and solid waste disposal systems and the delivery of natural gas, electricity, and telecommunication services are considered “utilities.” These services are often taken for granted, yet without coordination and conscientious planning for future growth, service may be interrupted, inadequate, or prohibitively expensive. The Utilities Element addresses electricity, telecommunications (telephone, cable, internet), and natural gas provision as well as water, wastewater, and solid waste services. The Element also addresses conservation and recycling.

The utilities element is consistent with and supports other elements of the Comprehensive Plan. For example, by setting goals, policies and objectives for the provision of efficient and sustainable utilities to serve existing development and anticipated growth identified in the Land Use element. The importance of infrastructure efficiency and reliability, a focus on conservation, the reduction of fossil fuels and greenhouse gas emissions, and a shift to renewable energy sources is a focus of this element. The Utilities Element is consistent with the Climate Action Element for improving infrastructure resiliency to climate impacts for improving climate resiliency to climate impacts and reducing greenhouse gas emissions.

Growth Management Act Requirements

The Growth Management Act (GMA) has the goal of ensuring that those public facilities and services necessary to support development shall be adequate to serve the development at the time development is available for occupancy and use without decreasing current service levels below locally established minimum standards. A Utilities Element is required to address the general location, proposed location and capacity of existing and proposed utilities, including electrical lines, telecommunication lines, and natural gas lines.

VISION 2050

The overall vision in the multicounty planning policies (VISION 2050) is that public facilities and services will support the region’s growing communities in a coordinated, fair, efficient, and cost-effective manner. VISION 2050 emphasizes conservation measures and the use of renewable energy resources. Planning for the provision of telecommunication infrastructure to provide access to residents and businesses in all communities, especially underserved areas, also is emphasized.

Countywide Planning Policies

The King County Countywide Planning Policies (CPPs) include general policies to ensure adequate infrastructure for planned development within the King County Urban Growth Boundary. Growth is to be directed to centers and urbanized areas with existing infrastructure capacity.

CPP policies focus on providing utilities in an efficient and cost-effective manner. They support water conservation as a means to reduce future need, along with recycling and reuse of solid waste. The CPPs encourage investment in low-carbon, renewable, and alternative energy resources to help meet the County's long-term energy needs, reduce environmental impacts associated with traditional energy supplies, and increase community sustainability.

As in VISION 2050, the CPPs support equitable provision of telecommunication infrastructure and affordable, convenient, and reliable broadband internet access to businesses, and to households of all income levels, with a focus on underserved areas.

EXISTING CONDITIONS/FORECAST OF FUTURE NEEDS

Electricity

Puget Sound Energy (PSE) is a private utility providing electric and natural gas service to homes and businesses in the Puget Sound region and portions of Eastern Washington, covering 10 counties and approximately 6,000 square miles. PSE provides electrical power to more than 1.2 million electric customers throughout 8 counties. Within the City of Kenmore, PSE serves approximately 9,468,16,779 metered customers.

Existing Distribution System

To provide the City of Kenmore with electricity, PSE builds, operates, and maintains an extensive integrated electric system consisting of generating plants, transmission lines, substations, switching stations, sub-systems, overhead and underground distribution systems, attachments, appurtenances, and metering systems.

PSE generates approximately 46 percent of the electricity for its customers from its own generation plants—hydro, gas, coal, thermal, solar and wind. PSE currently has about 3,0003,500 megawatts of power-generating capacity, and purchases the rest of its power supply from a variety of other utilities, independent power producers and energy marketers across the western United States and Canada. In 2022, PSE provided 3,794,770 MWh of renewable energy produced from wind and hydropower facilities.

The PSE electric transmission facilities in City of Kenmore are important components of the electric energy delivery grid serving the city and Puget Sound region. As electricity reaches the City, the voltage is reduced and redistributed through lower-voltage transmission lines, distribution substations, overhead and underground distribution lines, smaller transformers, and to individual meters. PSE operates and maintains approximately 5.8 miles of 115 kilovolt (kV) high-voltage transmission lines, 1 switching station, 2 substations, 5366 miles of overhead and

48 miles of underground 12kV distribution lines in Kenmore. **Figure U-1** shows the locations of existing primary electric transmission lines and substations within the City.

Regulatory Environment

PSE's operations and rates are governed by the Washington Utilities and Transportation Commission (WUTC). PSE electric utility operations and standards are further governed by the Federal Energy Regulatory Commission (FERC), the National Electric Reliability Corporation (NERC), and the Western Electricity Coordinating Council (WECC). These respective agencies monitor, assess and enforce compliance and reliability standards for PSE. The residents of Kenmore and the region rely on the coordinated effort between PSE and the City for the adoption and enforcement of ordinances and/or codes to protect transmission and distribution line capacity and support federal and state compliance of safe, reliable, and environmentally sound operation of PSE's electric facilities. Routine utility maintenance work, including vegetation management, is required to maintain compliance with FERC, NERC, and WECC regulations.

Additionally, the Clean Electricity Transformation Act (CETA) became law in Washington State in 2019. CETA requires PSE to provide electricity free of greenhouse gas emissions by 2045. The UTC and Washington Department of Commerce (WDOC) adopted CETA implementation rules that require utilities to develop four-year plans known as Clean Energy Implementation Plans (CEIP) to outline plans for clean energy investments, equitable distribution of customer benefits, and 100% clean energy by 2045. The first CEIP covers the time period of 2022-2025 and was filed with the UTC on December 17, 2021. It includes programs and investments such as expanding energy efficiency efforts, deploying new technologies, installing localized sources of clean energy, and investing in renewable energy.

Planned Upgrades to System

In order for PSE to meet regulatory requirements, it updates and files an Integrated Resource Plan (IRP) with the WUTC every two years. The IRP presents a long-term forecast of the lowest reasonable cost combination of resources necessary to meet the needs of PSE's customers to provide dependable and cost effective service over the next 20 years. The current plan, which was filed in May of 2013, details both the energy supply and transmission resources needed to reliably meet customers' wintertime, peak-hour electric demand over the next 20 years. The plan, which will be updated in the fall of 2015, forecasted that PSE would have to acquire approximately 4,900 megawatts of new power supply capacity by 2033. This resource need is driven mainly by expiring purchased-power contracts and expected population and economic growth in the Puget Sound region. The IRP suggests that roughly more than half of the utility's long-term electric resource need can be met by energy efficiency and the renewal of transmission contracts. This reduces the need down to 2,200 MW by 2033. The IRP states that the rest of PSE's gap in long-term power resources is likely to be met most economically with added natural gas-fired resources. Puget Sound Energy plans years in advance to ensure the supply and infrastructure necessary to deliver clean, safe and reliable energy. An IRP is a 20-plus year view of PSE's energy resource needs, which is developed through a planning process that evaluates how a range of potential future outcomes could affect PSE's ability to meet customers' electric and natural gas supply needs. The analysis considers policies, costs, economic conditions, physical energy systems, and future resource procurement. PSE's latest IRP was filed with the UTC on April 1, 2021 and is the foundation for PSE's first Clean Energy Implementation Plan (CEIP).

Comprehensive Plan

As part of its planning for the future, PSE must maintain compliance with the Washington Energy Independence Act (I-937). This voter-approved law requires utilities to provide 15 percent of their customers' electricity from renewable sources by 2020. PSE today is the top utility producer of renewable energy in the Northwest, with 773 megawatts of generating capacity from its three large wind farms in Washington.

PSE will be systematically deploying smart grid technology at each level of infrastructure to enhance and automate monitoring, analysis, control and communications capabilities along its entire grid. Smart grid technologies can impact the electricity delivery chain from a power generating facility all the way to the end-use application of electrical energy inside a residence or place of business. The ultimate goals of smart grid are to enable PSE to offer more reliable and efficient energy service, and to provide customers with more control over their energy usage.

~~PSE's Renewable Energy Advantage Program (REAP) voluntarily encourages the growth of renewable electricity production in its service area in support of WAC 458-20-273 through payments to the customer for energy produced. Currently, there are approximately 3,000 small customer-owned generation facilities. The generation facilities are interconnected with PSE's electrical distribution system. Dependent upon a customer's consumption, surplus energy can be exported onto the grid. The vast majority of these renewable systems are solar panel installations. Although this provides a modest portion of PSE's electrical supply portfolio, the number of customer-owned installations continues to increase every year. This voluntary set of rules allows Washington state utilities the option of participating in an incentive program for eligible customers who use solar PV, wind or anaerobic digesters to generate their own electricity. The incentives are available to individuals and businesses within the City. There are 29 small customer-owned generation facilities in Kenmore, one of which is at Kenmore City Hall. PSE's Customer Connected Solar Program provides information and resources to learn more about installing solar on a property and how to apply for interconnection and net metering with PSE. Net Metering, defined by PSE Rate Schedule 150, allows customer-generators to offset some or all of their electricity consumption with solar energy generation on an annual basis. Although this provides a modest portion of PSE's electrical supply portfolio, the number of customer-owned connections continues to increase every year. Currently, there are over 16,000 net metered solar customers in PSE's service territory. There are 128 net metered customers in Kenmore, one of which is Kenmore City Hall.~~

Specific transmission and substation construction that is anticipated in Kenmore in the next 10 years includes ~~reconstruction-reconductoring~~ of the existing Moorlands-Vitulli Inglewood transmission line that was built in the 1940s between the Moorlands ~~and Inglewood~~ substations in Kenmore ~~and the Vitulli substation in Bothell~~. This ~~five~~1.66-mile long line brings power to customers in Kenmore ~~and Bothell~~ and is approaching its capacity limits, making it at risk of overloading during periods of high energy usage—putting customers at risk for power outages. The transmission line ~~is scheduled for reconstruction in 2015~~reconductoring is currently planned to go to construction in 2031. The new line, generally running along NE 195th Street84th Avenue NE, will include a high capacity conductor, new poles, and associated equipment.

Two proposed substations (Spruce and Chickadee) may also serve Kenmore in the future, but are not proposed for construction within the next 10 years. Two new transmission lines between Sammamish, Moorlands and Seattle City Light facilities may also serve Kenmore in the future, but are not proposed for construction within the next 10 years.

Conversion to Underground Service

The cost of undergrounding of electric facilities is regulated by the Washington Utilities and Transportation Commission (WUTC). Underground installations by PSE must be done in accord with the rates and tariffs on file with the WUTC.

Undergrounding may be two to four times the cost of installing overhead lines, plus the cost of trenching and hard surface restoration. The latter may result in costs up to 10 times the amount of overhead line installation. In addition, there are costs to the customer, particularly affecting commercial customers, for installing lines from the transformer to the meter at the building.

Challenges to undergrounding include environmental constraints such as wetlands and buffers, as well as the need for easements when large pad-mounted equipment such as transformers and switches cannot be accommodated in the right-of-way.

Energy Conservation Programs

Under the Energy Independence Act (EIA), utilities must pursue all conservation that is cost effective, reliable and feasible. PSE identifies the conservation potential over a 10-year period and sets two-year targets. For more than three decades PSE's energy efficiency programs have been the foundation of PSE's cost-effective energy resources, and this will continue. Energy conservation reduces the rate at which new facilities need to be built or upgraded. These programs include a wide variety of measures that result in a smaller amount of energy being used to do a given amount of work. Programs include retrofitting heating, ventilation and air conditioning (HVAC) systems, building weatherization, lighting upgrades and appliance upgrades.

PSE currently has several energy conservation programs for residential, commercial, and industrial customers. While these programs may change from year-to-year, current programs range from technical assistance and information to referrals and financial assistance. PSE maintains an "Energy Efficiency Hotline" to help direct customers to the various conservation programs. PSE has Energy Advisors to help direct customers to the various conservation programs currently available. For residential customers PSE offers a free, do-it-yourself home energy audit/assessment as well as several free informational brochures on the various rebate and incentive programs. PSE also provides weatherization assistance for low-income customers.

Policy on Electric and Magnetic Fields

Electric and magnetic fields exist in nature as well as around all types of electrical devices. The electric and magnetic fields around all electrical appliances and power lines fall within the extremely low frequency (ELF) range. For several years, scientists reflecting a broad range of scientific disciplines have considered the question of whether EMF presents a hazard to human health. The scientific consensus, according to PSE, is that current evidence does not confirm the existence of any health consequences from exposure to low level EMF. PSE's policy statement says that Puget Sound Energy has and will continue to:

- Follow all applicable laws and regulations governing the installation of electrical facilities

Comprehensive Plan

- 1 • ~~Remain informed about important developments in EMF research.~~
- 2 • ~~Share accurate and objective information about EMF with customers.~~
- 3

DRAFT

- 1 **Figure U-1**
- 2 **Private Utilities**
- 3 **Eliminated this figure for security reasons**

DRAFT

Natural Gas

Natural gas utility service for the City of Kenmore also is provided by Puget Sound Energy (PSE). Currently, PSE provides natural gas to more than 770,000 customers, throughout 6 counties, covering an approximately 2,900 square-mile area. Within the City of Kenmore, PSE serves 5,612,303 metered customers.

Existing Distribution System

PSE controls its gas-supply costs by acquiring gas, under contract, from a variety of gas producers and suppliers across the western United States and Canada. PSE purchases 100 percent of its natural-gas supplies needed to serve its customers. About half a majority of the natural gas is obtained from producers and marketers in British Columbia and Alberta, and the rest comes from Rocky Mountain States. All the gas PSE acquires is transported into PSE's service area through large interstate pipelines owned and operated by Williams Northwest Pipeline. PSE buys and stores significant amounts of natural gas during the summer months, when wholesale gas prices and customer demand are low, and stores it either in the pipes themselves (via increased pressure) or in large underground facilities. PSE then withdraws the natural gas can then use reserves in winter when customer usage is highest, ensuring that a reliable and affordable supply of gas is available.

To provide the City of Kenmore and adjacent communities with natural gas, PSE builds, operates, and maintains an extensive system consisting of transmission and distribution natural gas mains, odorizing stations, pressure regulation stations, heaters, corrosion protection systems, above ground appurtenances, and metering systems. When PSE takes possession of the gas from its supplier, it is distributed to customers through more than 21,000 miles of PSE-owned natural gas mains and service lines. PSE-owned natural gas mains and service lines. Currently within the City of Kenmore PSE operates and maintains: 16 miles of high pressure main, 6 District Regulators, and 97 miles of intermediate pressure main.

PSE receives natural gas transported by Williams Northwest Pipeline's 36" and 30" high pressure transmission mains at pressures ranging from 500 PSIG to 960 PSIG. The custody change and measurement of the natural gas occurs at locations known as Gate Stations. PSE currently has 39 such locations throughout its service territory. This is also typically where the gas is injected with the odorant mercaptan. Since natural gas is naturally odorless, this odorant is used so that leaks can be detected. The Gate Station is not only a place of custody transfer and measurement but is also a common location of pressure reduction through the use of "pressure regulators". Due to state requirements, the pressure is most commonly reduced to levels at or below 250 PSIG. This reduced pressure gas continues throughout PSE's high pressure supply system in steel mains ranging in diameter of 2" to 20" until it reaches various other pressure reducing locations. PSE currently has 755 pressure regulating stations throughout its service territory. These locations consist of Limiting Stations, Heaters, District Regulators, and/or high pressure Meter Set Assemblies.

The most common of these is the intermediate pressure District Regulator. It is at these locations that pressures are reduced to the most common levels ranging from 25 PSIG to 60 PSIG. This reduced pressure gas continues throughout PSE's intermediate pressure distribution system in mains of various materials consisting of polyethylene and wrapped steel that range in diameters

from 1-1/4" to 8" (and in a few cases, larger pipe). The gas flows through the intermediate pressure system until it reaches either a low pressure District Regulator or a customer's Meter Set Assembly.

In 2021, PSE launched a Renewable Natural Gas (RNG) program in which more than 4,700 customers lowered their carbon footprint by replacing a portion of their conventional natural gas usage with renewable natural gas. The renewable natural gas offered to customers is made from gas captured at a landfill - not from fossil fuels. Since launching RNG, PSE sold more than 92,000 therms of this cleaner alternative.

To safeguard against excessive pressures throughout the supply and distribution systems due to regulator failure, over-pressure protection is installed. This over-pressure protection will release gas to the atmosphere, enact secondary regulation, or completely shut off the supply of gas. To safeguard steel main against corrosion, PSE builds, operates, and maintains corrosion control mitigation systems to prevent damaged pipe as a result of corrosion.

Currently within the City of Kenmore PSE operates and maintains: 6 miles of high pressure main, 5 District Regulators, 79 miles of intermediate and low pressure main, and approximately 87 miles of service lines. **Figure U-1** shows the locations of existing primary natural gas transmission lines within the City.

Regulatory Environment

PSE's operations and rates are governed by the Washington Utilities and Transportation Commission (WUTC). PSE natural gas utility operations and standards are further regulated by the U.S. Department of Transportation (DOT), including the Pipeline and Hazardous Materials Administration (PHMSA). PHMSA's Pipeline Safety Enforcement Program is designed to monitor and enforce compliance with pipeline safety regulations. This includes confirmation that operators are meeting expectations for safe, reliable, and environmentally sound operation of PSE's pipeline infrastructure. PHMSA and the WUTC update pipeline standards and regulations on an ongoing basis to assure the utmost compliance with standards to ensure public safety. The residents within Kenmore rely on the coordinated effort between PSE and the City for the adoption and enforcement of ordinances and/or codes to support on the safe, reliable, and environmentally sound construction, operation and maintenance of PSE's natural gas facilities.

Planned Upgrades to System

Puget Sound Energy plans years in advance to ensure the supply and infrastructure necessary to deliver clean, safe and reliable energy. An IRP is a 20-plus year view of PSE's energy resource needs, which is developed through a planning process that evaluates how a range of potential future outcomes could affect PSE's ability to meet customers' electric and natural gas supply needs. The analysis considers policies, costs, economic conditions, physical energy systems, and future resource procurement. PSE's latest IRP was filed with the UTC on April 1, 2021 and is the foundation for PSE's first Clean Energy Implementation Plan (CEIP).

The Integrated Resource Plan (IRP), filed with the WUTC every two years, identifies methods to provide dependable and cost effective natural gas service that address the needs of retail natural gas customers. Natural gas sales resource need is driven by design peak day demand. The

Comprehensive Plan

current design standard ensures that supply is planned to meet firm loads on a 13-degree design peak day, which corresponds to a 52 Heating Degree Day (HDD). Currently, PSE's supply/capacity is approximately 970 MDth/Day at peak. This figure will be updated in the fall of 2015. The IRP suggests the use of liquefied natural gas (LNG) for peak day supply and to support the needs of emerging local maritime traffic and truck transport transportation markets.

To meet regional and City natural gas demand, PSE's delivery system is modified every year to address new or existing customer growth, load changes that require system reinforcement, rights-of-way improvements, and pipeline integrity issues. Ongoing system integrity work in Kenmore may include the replacement of DuPont manufactured polyethylene main and service piping and certain qualified steel wrapped intermediate pressure main and service piping. Ongoing pipe investigations throughout the city will determine the exact location of any DuPont pipe and qualified steel wrapped pipe to be replaced. In addition, ongoing investigation will determine locations where gas lines may have been cross bored through sewer lines, necessitating subsequent repairs. PSE also utilizes corrosion control mitigation systems to prevent pipe damage as well as annual monitoring schedules of those systems.

Energy Conservation Programs

Under the Energy Independence Act (EIA), utilities must pursue all conservation that is cost effective, reliable and feasible. PSE identifies the conservation potential over a 10-year period and sets two-year targets. For more than three decades PSE's energy efficiency programs have been the foundation of PSE's cost-effective energy resources, and this will continue. Energy conservation reduces the rate at which new facilities need to be built or upgraded. These programs include a wide variety of measures that result in a smaller amount of energy being used to do a given amount of work. Programs include retrofitting heating, ventilation and air conditioning (HVAC) systems, building weatherization, lighting upgrades and appliance upgrades.

PSE currently has several energy conservation programs for residential, commercial, and industrial customers. While these programs may change from year-to-year, current programs range from technical assistance and information to referrals and financial assistance. PSE maintains an "Energy Efficiency Hotline" PSE has Energy Advisors to help direct customers to the various conservation programs currently available. For residential customers PSE offers a free, do-it-yourself home energy audit/assessment as well as several free informational brochures on the various rebate and incentive programs. PSE also provides weatherization assistance for low-income customers.

Hazardous Liquid Pipelines

According to the Northshore Fire Department/District/Shoreline Fire Department, there are no hazardous liquid transmission pipelines located in Kenmore.

Telecommunications

Telecommunications services are regulated by several entities, including the Federal Communications Commission and the Washington Utilities and Transportation Commission. As

Comprehensive Plan

these telecommunication entities frequently merge and often provide overlapping services, analysis of service by individual carrier is difficult.

Telephone

Telephone service is provided within the city by a number of providers—both landline and cellular. Carriers include New Cingular Wireless (formerly AT&T) and Verizon.

Cable

Cable service is provided within the city by Comcast and other providers, including Frontier and Wave. The City's franchise agreement with Comcast provides free cable service to City Hall, the Northshore Fire District headquarters, the Library, Northshore Utility District headquarters, Fire Station 54, the Police Precinct, and schools.

Internet

Internet services within the city also are provided by a number of private carriers, including Comcast and Ziply.

Local Water Service

The Northshore Utility District (NUD) provides public water service to the entire City of Kenmore. As of December 31, 2014, 2022, approximately 6,819,836 NUD water service connections were located in the City of Kenmore—31.32% of the District's total of 24,653. NUD is organized as a special purpose district that has the authority to operate under Title 57 of the Revised Code of Washington (RCW).

The District owns and operates a water distribution and storage system. All water is purchased from Seattle Public Utilities (SPU) through connections to the Tolt Pipelines No. 1 and 2, and the Tolt Eastside Supply Line. The district has an additional connection to SPU at the Maple Leaf pipeline, used only in emergency situations. SPU is responsible for water quality treatment. The current water supply contract with SPU expires in 2062.

The current Comprehensive Water System Plan for the District was completed in 2009. This plan evaluates the existing system and its ability to meet anticipated requirements for water source, quality, transmission storage, and distribution for a twenty-year period (2006-2026-2016-2035) in accordance with the Growth Management Act. District population estimates for the planning period are based on the 2000-2014 Transportation Analysis Zone (TAZ) projections provided by the Puget Sound Regional Council and Utility District staff determinations.

According to the Plan, the District has sufficient capacity in its existing storage and distribution system to meet growth needs to the 2026-2035 planning horizon and beyond. The SPU contract water supply is sufficient to provide adequate water to the District to at least the year 2025 buildout, with the Plan indicating that average day and peak season demands at buildout are below the SPU supply contract amount. And although the Plan indicates that average day and peak season demands at build out exceed the SPU supply contract amount, the shortfall is

Comprehensive Plan

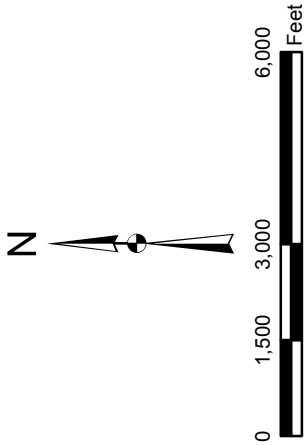
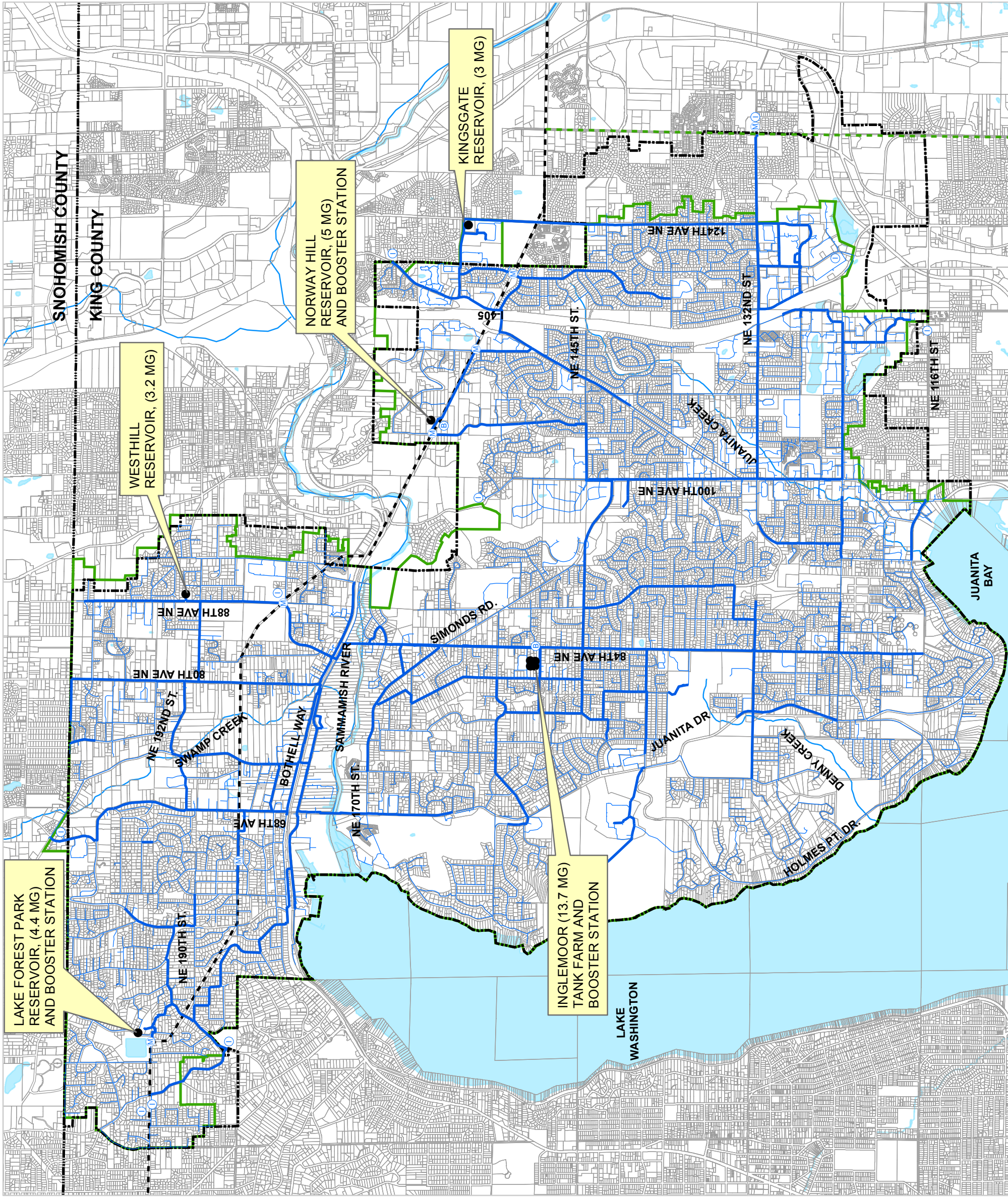
minimal, and may ultimately be eliminated as conservation measures and water-use habits continue to reduce demand. In addition, reclaimed water projects may introduce new cost-effective supply options. As a member of the Snohomish River Regional Water Authority, NUD holds a water right for the Snohomish River but is not currently withdrawing water under this water right. Although NUD has drilled a groundwater well in west Bothell, no water right was granted by the State and groundwater is not considered to be a viable water supply option for the district.

The 20092017 plan includes a \$134.5 million six-year Capital Improvement Plan and a \$1917.9 million 10-year plan. Projects include water supply source development, improvements to the distribution system, metering and telemetry improvements, and emergency preparedness. The majority of these projects constitute ongoing upgrades to the system.

The Northshore Utility District's 20092017 Water System Comprehensive Plan should be referred to directly for detailed information about the District and its facilities. Figure U-21 shows existing water mains and reservoirs in the City of Kenmore.

- 1
- 2 **Figure U-2U-1**
- 3 **Water Lines**
- 4
- 5 **Updated map**

DRAFT



- LEGEND:**
- RETAIL SERVICE AREA (INCLUDING RETAIL SERVICE AREA BY AGREEMENT)
 - CORPORATE BOUNDARY
 - COUNTY LINE
 - WATER MAINS UNDER 12-INCH DIAMETER
 - WATER MAINS 12-INCH DIAMETER & LARGER
 - SPU TOLT RIVER PIPELINES
 - SPU TESSL LINE
 - MASTER METER
 - RESERVOIR
 - INTERTIE LOCATIONS
 - BOOSTER STATIONS



WATER SYSTEM PLAN

FIGURE 1-2
WATER SYSTEM BASEMAP



Regional Water Service

The Seattle Public Utilities Tolt Pipelines No. 1 and 2 cross the city of Kenmore from east to west, primarily along the NE 185th Street alignment. At 61st Avenue NE the pipeline alignment turns in a northwest direction to the western City boundary.

Several taps into the Tolt Pipeline exist within the city to provide service through Northshore Utility District.

Local Wastewater Service

The Northshore Utility District (NUD) provides public sewer service to the entire City of Kenmore. As of December 31, 2014, 28,202, 6,211, 342 of NUD's 21,232, 24,513 sewer service connections, or 30%, were in Kenmore. The district is organized as a special purpose district that has the authority to operate under Title 57 of the Revised Code of Washington (RCW).

The District owns and operates a wastewater collection system consisting of collection sewers, trunk sewers, lift stations, and force mains. Wastewater treatment is provided by King County Department of Natural Resources, Wastewater Treatment Division at the South Treatment Plant in Renton, and at West Point Treatment Plant in Seattle, and at Brightwater Treatment Plant in Woodinville. The wastewater agreement with the County extends to 2036.

The current Comprehensive Wastewater System Plan for the District was completed in 2009, and an updated Capital Improvement Plan was adopted in 2018. In addition, the District has recently started the process to update the overall comprehensive plan with completion anticipated for 2024. The 2009 plan evaluates the existing collection system and identifies improvements needed to meet the needs of current and future sewer customers in light of changing regulatory requirements, population growth, development trends, and aging facilities for the time frame of 2006-2026. District population estimates for the planning period are based on the Transportation Analysis Zone (TAZ) projections provided by the Puget Sound Regional Council and Utility District staff determinations.

The Plan includes a policy of providing public sewer service to areas within its sewer service area. NUD published a Sewer System Buildout Catalog in 2006, with the goal to provide sewer service to the majority of parcels served by on-site septic systems within 8 years. As of December 31, 2014, 877 parcels within the District were there are approximately 265 parcels within the City of Kenmore that are served by on-site septic systems. Of those 877 parcels, 550 have district sewer service available but have not yet connected.

The 2009 2018 Capital Improvement Plan recommends projects for the 2006-2026 2018-2027 time frame that include construction of new and supporting facilities, and upgrades as well as other improvements that will increase system efficiency. The plan includes a \$2930 million ten-year capital improvement plan.

The Northshore Utility District's 2009 Wastewater Comprehensive Plan should be referred to directly for detailed information about the District and its facilities. Figure U-32 shows the existing District boundary and sewer service area, with some Kenmore facilities. Currently unsewered areas. Parcels that are currently on septic systems are shown on Figure U-43.

Regional Wastewater Facilities

King County Department of Natural Resources, Wastewater Treatment Division operates regional facilities within Kenmore. These include the Kenmore Pump Station/Logboom Regulator System, Swamp Creek Trunk, Swamp Creek Connector, and Kenmore Interceptor. Under normal operation, flow from the northern portions of the City in the 36-inch Swamp Creek Trunk is diverted at NE 192nd Street through the Swamp Creek Connector to the Brightwater Treatment Plant. Flows south of this diversion (and NE 192nd Street), enter the 72-inch Kenmore Interceptor and are conveyed to the Kenmore Pump Station. The Kenmore Pump Station/Logboom Regulator System controls flows in the Kenmore Interceptor Lakeline, a 48-inch diameter, five-mile long pipeline constructed in Lake Washington between Kenmore and Matthew's Beach. This system conveys sewage from King County's North Service Area the Kenmore area to Matthews Beach Pump Station and from there to the West Point Treatment Plant. The Kenmore Interceptor is a 72-inch diameter sewer within Kenmore that enters the city from the east.

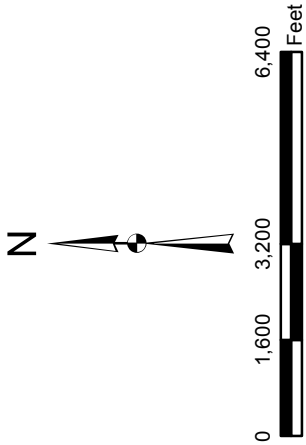
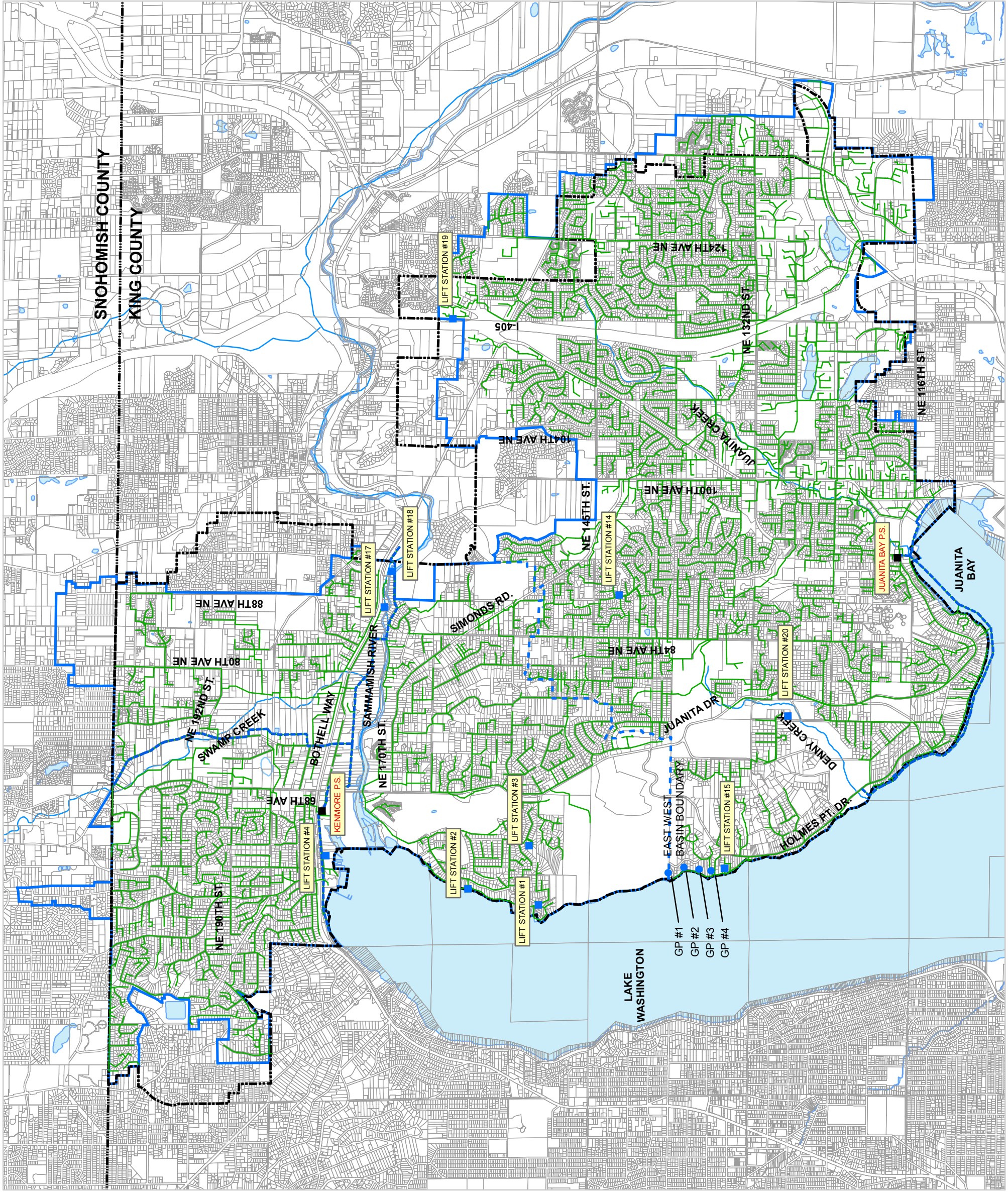
The Swamp Creek Trunk is a 36-inch pipeline conveying sewage from the Swamp Creek basin to the Kenmore Pump Station. This facility serves the Swamp Creek Basin in King County as well as the Snohomish County Service Area. Currently, flows from the Swamp Creek Basin are conveyed from the Alderwood Sewer District's 36-inch trunk at the county line through an 18-inch Northshore Utility District main to NE 192nd Street, where the Swamp Creek Trunk currently ends.

The 2014 Comprehensive Review of the Regional Wastewater Service Plan (originally adopted in 1999) states that, with the operation of the new Brightwater treatment facility, there is sufficient treatment plant capacity for the region until the 2030s. It is expected that NUD's wastewater will continue to receive treatment at the Renton plant and at West Point in Seattle, but that some wastewater treatment service may be transferred to Brightwater in the future. Through King County Wastewater Treatment Division planning programs and implemented projects as well as the Agreement for Sewage Disposal between King County and its component agencies, the necessary provisions are in place for treatment through the Comprehensive Plan's planning horizon.

Figure U-3U-2
Wastewater Lines

Updated map

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- LEGEND:**
- SEWER SERVICE STUDY AREA BOUNDARY
 - CORPORATE BOUNDARY
 - GRINDER PUMPS
 - LIFT STATIONS
 - KCDNR LIFT STATIONS
 - SEWER MAINS
 - KCDNR INTERCEPTOR
 - COUNTY LINE
 - EAST WEST BASIN BOUNDARY
- SOURCE: KING COUNTY GIS



WATER SYSTEM PLAN

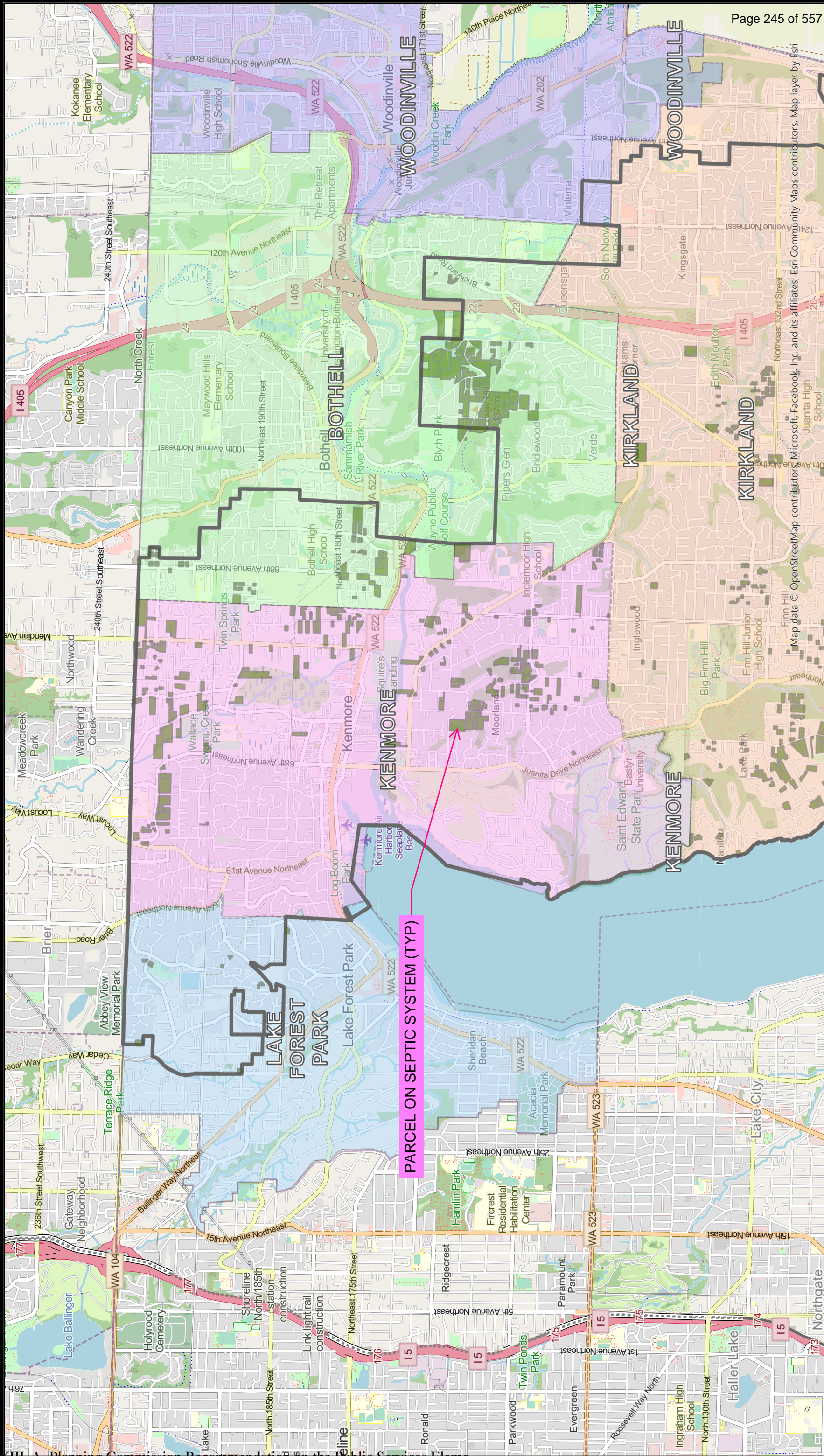
FIGURE 3-6
WASTEWATER SYSTEM



Figure U-4U-3
Unsewered Areas

Updated map

DRAFT



Parcels on Septic System

1:36,000 1 inch = 3,000



Disclaimer:

Maps and information provided herein represent general geospatial information. The maps are not to be used as a substitute for site surveys or advice from a licensed professional. The information provided is "AS IS" and "WITH ALL FAULTS". The District disclaims all warranties, express or implied, related to accuracy, warranties of content and reliability of the information included. The District disclaims all liability and damages arising from the specific use, or misuse of the maps or information contained or referenced. The District reserves the right to change parameters and content without notice.

Northshore Utility District

6830 NE 185th St, Kenmore, WA 98028 (425) 398-4400

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NUD NAV

Solid Waste

Coordination of Service

The King County Department of Natural Resources and Parks, Solid Waste Division, operates King County's transfer and disposal system comprised of a regional landfill, eight transfer stations, and two rural drop boxes for residential and non-residential self-haul customers and commercial haulers. Kenmore has an interlocal agreement with King County that guarantees the tonnage and associated revenue to allow the Solid Waste Division to operate the system through 2040.

Unincorporated areas of King County are served by private garbage collection companies which receive oversight through the Washington State Utilities and Transportation Commission (WUTC). When an area incorporates, it has the option to establish a franchise with a private hauler but is not required to do so. If a local jurisdiction enters into a franchise, the franchise regulations would supersede state regulations and the private hauler is no longer regulated by the State. The City of Kenmore has elected to allow the state to continue to regulate the private hauler serving the City. The City has no immediate plans to establish a franchise, but may wish to establish one at some point in the future. Republic Services is the garbage/recycling service provider to Kenmore.

General Waste Collection

Republic Services collects residential and commercial solid waste and recycling on a weekly basis in the City of Kenmore. In 2013, Republic served 5,565 residential customers and 437 commercial customers. As of January 2023, the following services were provided:

| | | | |
|--------------------|---------------------|---------------------|---------------------|
| Commercial | 176 Garbage | 21 Compost | 117 Recycle |
| Multifamily | 89 Garbage | 11 Compost | 91 Recycle |
| Residential | 6259 Garbage | 4469 Compost | 6269 Recycle |

General Waste Collection

The company collects solid waste on a weekly basis and then hauls garbage to the King County Houghton Transfer Station in Kirkland. Except for construction debris, which is recycled, refuse at the transfer station is trucked to the Cedar Hills Landfill.

The 2006 Solid Waste Transfer and Waste Export System Plan identifies the need for a new "Northeast Lake Washington" transfer station in the northeast part of King County. King County presently is reviewing this plan to determine whether in fact a new transfer station is needed. The County currently is in the site selection and planning phase of a new recycling and transfer station (RTS). This new RTS could replace the Houghton Transfer Station and is currently referred to as NERT (Northeast Recycling and Transfer Station).

It is expected that the Cedar Hills Landfill will be operational through 2030 to around 2040 based on current tonnage forecasts and 70% recycling goal. The Draft 2013/2019 Comprehensive Solid Waste Management Plan explores the concept of using emerging other technologies for waste disposal, rather than pursuit of additional landfill space once Cedar Hills is no longer operational.

The County has recently selected a consultant and is working with them and other stakeholders to analyze which long-term disposal option is best to replace the Cedar Hills Regional Landfill once it is full.

Recycling

In Kenmore, recycling collection services are provided to single-family and multi-family residences, as well as to commercial customers with individual agreements. Kenmore has a 57% recycling rate—well above the national average residential recycling rate of 30%. Commercial recycling and composting are not mandatory; however, a new Organics Management Law will require organics composting starting in 2024.

Recycling material is collected curbside every other week and taken to Republic Services Recycling in south Seattle. Yard waste also is collected every other week at curbside and taken to Cedar Grove Compost where it is composted then sold for use in gardens and flower beds.

Totals from 2022 annual data (averaged) show the following diversion percentages:

| | |
|-------------|--------|
| Residential | 51.27% |
| Commercial | 19.75% |
| Multifamily | 26.41% |

GOALS, OBJECTIVES, AND POLICIES

Following are the utility goals, objectives and policies.

GOAL U-1. ENSURE THAT ALL HOUSEHOLDS ARE SERVED OR CAN BE SERVED BY WATER AND SANITARY SEWER UTILITIES AT ACCEPTED SERVICE LEVELS.

- OBJECTIVE U-1.1** Coordinate with the Northshore Utility District, the King County Department of Natural Resources Wastewater Treatment Division, and the City of Seattle to ensure that sufficient sanitary sewer infrastructure and treatment, water supply, infrastructure, and fire flow are available or can be provided to all areas of the community to meet existing and future needs and to protect environmental quality.
- Policy U-1.1.1 Ensure City regulations allow for improvements and additions to water and sewer facilities as needed to accommodate growth and provide reliable service.
 - Policy U-1.1.2 Furnish regular updates of population, employment and development projections to the Northshore Utility District, King County and the City of Seattle in order to ensure appropriate services will be available as needed.
 - Policy U-1.1.3 Coordinate with the Northshore Utility District in the amendment and implementation of its Water System Plan and Wastewater System Plan in order to achieve shared goals and objectives of providing reliable, service to Kenmore citywide, and to ensure consistency with City's Comprehensive Plan.
 - Policy U-1.1.4 Coordinate with the Northshore Utility District and **combined** Northshore Fire District 16/**Shoreline Fire Department** to ensure adequate fire flow in all areas of the City.
 - Policy U-1.1.5 If an areawide water or sewer deficiency is identified, ensure that the applicable service providers remedy the deficiency through capital improvement programs and long-term funding strategies. If financing and level of service remedies cannot solve the deficiency, the City may change zoning to address the problem.
 - Policy U-1.1.6 Coordinate with the appropriate service providers to ensure water system plans include aggressive conservation and re-use measures, as well as development of new sources to support planned land uses with reliable service at minimum cost.
 - Policy U-1.1.7 In partnership with the City of Seattle, identify appropriate shared uses along the Tolt Pipeline in consideration of environmental features.
 - Policy U-1.1.8 Through memorandums of understanding or other methods, ensure the implementation of the County's Regional Wastewater Service Plan results

Comprehensive Plan

in full mitigation of siting, construction, and operational impacts of new or expanded facilities in Kenmore.

- Policy U-1.1.9 To address ground and surface water quality, ensure Northshore Utility District sewer plans require hook-ups to the sanitary sewer system in the case of septic system failures when reasonably available. Work with the Northshore Utility District to determine the circumstances under which hook-up would be appropriate. Determine if funding sources are available in the case of economic hardship.
- Policy U-1.1.10 Ensure new development is served by the public sanitary sewer system.
- Policy U-1.11 Ensure that the implementation of the County's Regional Wastewater Service Plan and the Northshore Utility District's Wastewater System Plan minimizes failures, overflows, and contamination affecting the City's surface waters.

GOAL U-2. PROVIDE SOLID WASTE COLLECTION AND DISPOSAL SERVICES TO THE COMMUNITY CONSISTENT WITH SOLID WASTE MANAGEMENT PLANS.

OBJECTIVE U-2.1 Monitor the delivery of solid waste services provided by King County and waste handlers to ensure appropriate service levels are provided at a reasonable cost.

- Policy U-2.1.1 Support the planning of solid waste services, and the provision of disposal capacity on a regional basis.
- Policy U-2.1.2 Monitor the levels of solid waste service and costs currently provided to the Kenmore community through the Washington State Utilities and Transportation Commission's oversight of the local private hauler.
- Policy U-2.1.3 Coordinate with current service providers to ensure that waste pick-up and curb-side recycling services are reliable and provided regularly and consistently.
- Policy U-2.1.4 Coordinate with service providers to educate citizens the Kenmore community about safe hazardous waste disposal.
- Policy U-2.1.5 Coordinate with service providers to pProvide educational materials to the Kenmore public community which inform that waste burning is prohibited and identify appropriate solid waste services that are available.

Policy U-2.1.5 Coordinate with service providers to educate the community about opportunities for increasing recycling, composting, sustainable consumption and zero waste.

GOAL U-3. ENSURE THAT PRIVATELY PROVIDED UTILITIES, INCLUDING ELECTRICITY, NATURAL GAS, CABLE TELEVISION, AND OTHER

TELECOMMUNICATIONS, ARE AVAILABLE OR CAN BE PROVIDED TO SERVE THE COMMUNITY.

OBJECTIVE U-3.1 Ensure utility providers make improvements and additions to improve service and accommodate growth in a timely manner.

Policy U-3.1.1 Ensure City regulations allow for improvements and additions to electric, natural gas, cable television, and telecommunication facilities as needed to accommodate growth, provide reliable and efficient service, and support economic development.

Policy U-3.1.2 Furnish regular updates of population, employment, and development projections to private utilities and service providers in order to ensure appropriate services will be available as needed.

Policy U-3.1.3 Require franchise agreements where necessary for private utility use of the City rights-of-ways.

Policy U-3.1.4 Whenever possible, ensure that franchise agreements support the provision of excellent and efficient utility service to Kenmore customers.

Policy U-3.1.5 Coordinate with other jurisdictions in the implementation of multi-jurisdictional electric facility additions and improvements.

Policy U-3.1.6 Support the transition from the availability and efficient use of natural gas to the use of green and renewable energy sources.

Policy U-3.1.7 Evaluate the advantage of transitioning from a private to publicly-owned energy provider.

Policy U-3.1.78 Encourage state of the art telecommunication services to mitigate the transportation impacts of development and growth through such means as telecommuting and videoconferencing.

Policy U-3.1.89 Support cable television services that meet the cable-related needs and interests of all segments of the Kenmore community, taking into account the cost of meeting such needs and interests. Encourage the completion of the "universal line up" where the region will be able to receive the same channels and programming.

Policy U-3.1.910 Support the relocation of utility poles to protect the public safety and to further the Comprehensive Plan goals and realization of the Vision Statement.

OBJECTIVE U-3.2 Coordinate the timing and location of utilities to minimize cost and disruption.

Policy U-3.2.1 Strive to notify private utilities and service providers of construction work in the public rights-of-way which may affect their equipment. Encourage

Comprehensive Plan

coordination of public and private utility trenching activities for new construction and maintenance and repair of existing roads.

Policy U-3.2.2 Promote when reasonably feasible, co-location of new public and private utility distribution facilities in shared trenches and coordination of construction timing to minimize construction-related disruptions to the public and reduce the cost to the public of utility delivery.

Policy U-3.2.3 Encourage use of the Utility Notification Center ("Call Before You Dig") prior to site construction or development,

OBJECTIVE U-3.3 Facilitate the provision of reliable utility service in a way that minimizes environmental and safety impacts while allowing for a fair and reasonable price for the utility's product.

~~Policy U-3.3.1 Review periodically, the state of scientific research on electromagnetic fields (EMF), and make changes to policies if the situation warrants.~~

Policy U-3.3.12 Require utilities to define alternative routes to avoid impacts to environmentally sensitive areas where possible.

OBJECTIVE U-3.4 Encourage undergrounding of overhead utilities and co-location of utilities to reduce aesthetic impacts, minimize the need for pruning of trees and shrubs, and reduce power loss during severe weather events.

Policy U-3.4.1 To the extent feasible, require underground utility networks in new developments in the City.

Policy U-3.4.2 Where undergrounding is not presently feasible, require developers to ~~install empty conduit or~~ take other measures to facilitate future undergrounding of aerial utilities.

Policy U-3.4.3 ~~Where significant work in existing rights-of-way will occur, investigate with service providers the possibility of buried lines where existing overhead lines are presently located and encourage them to underground if feasible.~~

Wherever practical and feasible, encourage undergrounding of existing overhead utilities when significant work occurs in the right-of-way.

Policy U-3.4.4 Consider creating a funding mechanism for undergrounding of utilities on a continuing basis in developed areas.

Policy U-3.4.5 Minimize impacts of personal wireless services, telecommunication facilities, and towers on adjacent land uses through careful siting and design.

Policy U-3.4.6 Require communication facilities and poles, including cell or radio towers, to consider existing sites and co-locating prior to establishing new sites.

Comprehensive Plan

Policy U-3.4.7 Consider view corridors and aesthetics when reviewing utility pole or facility placement. Require undergrounding of utilities unless unfeasible or unreasonably costly.

DRAFT

GOAL U-4. ENCOURAGE RESOURCE AND ENERGY CONSERVATION.

OBJECTIVE U-4.1 Promote and support water conservation efforts.

Policy U-4.1.1 Support water conservation programs of the Northshore Utility District for residential, commercial and industrial users.

Policy U-4.1.2 ~~Consider~~ **Consider and Implement** water conservation principles when constructing, maintaining and improving City facilities and parks.

Policy U-4.1.3 Promote the use of water conservation features in the design or rehabilitation of residential structures.

Policy U-4.1.4 Support the installation of utility infrastructure to encourage the use of reclaimed water for irrigation.

~~Policy U-4.1.4 Work with the Northshore Utility District to address the feasibility of using reclaimed water from the Brightwater plant for irrigation.~~

OBJECTIVE U-4.2 Encourage increased solid waste reduction and recycling.

Policy U-4.2.1 Support King County and waste-hauler programs for increased waste reduction, composting and recycling in accordance with the adopted King County Solid Waste Management Plan, and with any future City solid waste plans.

OBJECTIVE U-4.3 Promote and support energy conservation.

Policy U-4.3.1 Continue to enforce State Energy Code requirements.

Policy U-4.3.2 Review and update codes as necessary regarding solar energy and other alternative energy sources.

Policy U-4.3.3 Establish standards for street widths, parking lots, and landscaping to moderate temperature, provide shade, and minimize impervious surfaces.

Policy U-4.3.4 Promote higher density and infill developments that are located near major transportation and transit links.

Policy U-4.3.5 Encourage the rehabilitation of existing buildings as an alternative to demolition, where appropriate, to encourage the conservation of energy, building materials, and historic preservation.

GOAL U-5 CONSIDER CLIMATE RISKS IN THE PLANNING AND OPERATIONS TO ENSURE IMPLEMENTATION OF RENEWABLE AND EFFICIENT ENERGY INFRASTRUCTURE

OBJECTIVE U-5.1 Promote renewable and efficient energy methods.

Comprehensive Plan

- Policy U-5.1.1** Kenmore, as a regional leader in sustainability, should continue to lead by example by reducing the City's carbon footprint. By reducing the City's output of greenhouse gases, this will help decrease the impacts of climate change and support the vision of a sustainable, resilient, inclusive, and healthy community.
- Policy U-5.1.2** The City should consider enrolling into Puget Sound Energy's Green Power program or similar program with a contracted energy provider which ensures that a portion of Kenmore's municipal electricity use is matched with clean renewable energy resources from the Northwest.
- Policy U-5.1.3** Promote installation of solar panels, heat pumps, or other renewable or energy efficient methods to further reduce greenhouse gas emissions reduction targets as identified in the City's Climate Action Plan (CAP).
- Policy U-5.1.4** The City should continue to replace its vehicle fleet with hybrid and electric vehicles to boost fuel efficiency and increase the number of electric charging stations at public facilities.
- Policy U-5.1.5** Update city codes and permitting processes to streamline installation of renewable energy infrastructure.
- Policy U-5.1.6** Conduct community education and outreach on renewable energies and their short- and long-term benefits.
- OBJECTIVE U.5.2** **Participate in regional efforts to increase renewable energy, both locally and at the state level.**
- Policy U-5.2.1** Continue the partnership with King County Cities Climate Collaboration (K4C) to leverage the City's resources and partnerships to coordinate with and enhance local government climate and sustainability efforts.
- Policy U-5.2.2** Kenmore should build on existing state renewable energy commitments including the Washington State Renewable Portfolio Standard to partner with utilities, including contracted energy providers and other stakeholders on a Countywide commitment to renewable energy resources, including meeting energy demand through energy efficiency improvements and phasing out fossil fuel.
- Policy U-5.2.3** Collaborate with and encourage contracted energy providers to provide clean and renewable energy that meets the needs of existing and future development, and provides sustainable, highly reliable and energy efficient service for Kenmore residents and businesses.
- Policy U-5.2.4** Promote small-to-large-scale renewable energy production facilities within the City. This may include solar energy, wind turbines, or hydroelectric.

Policy U-5.2.5 Participate in regional efforts that support the development of new and/or amended regulations to ensure the efficient and safe location of battery storage facilities.

IMPLEMENTATION STRATEGIES

The Utilities Element policies require commitments of City resources to prepare new regulations, review/amend existing regulations, create educational or incentive programs, or coordinate with adjacent jurisdictions, agencies and service providers.

New or amended programs, rules, or regulations may be needed to address:

- New or amended programs, rules, or regulations may be needed to address alternative and renewable energy sources, such as solar, or wind and/or thermal.
- New or amended programs, rules, or regulations may be needed to address increased conservation, recycling, composting, sustainable consumption, and zero waste
- Continue to review existing programs, rules and regulations to ensure they meet adopted policies.
- Coordinate and partner with agencies and service providers to ensure provision of efficient services, sustainable consumption, resiliency and protection of natural resources.
- Coordinate and partner with agencies and service providers to provide educational materials to the Kenmore community about agency and provider services and programs.
- A review of existing programs, rules and regulations is needed to ensure they meet the policies and, including:
 - Coordination of utility construction and relocation of poles in the right-of-way
 - Updated communication facility regulations addressing co-location, alternate siting, and view corridors
 - Energy code requirements
 - Street tree and landscaping requirements
 - Street and parking area standards.

Additional and/or continuing efforts would need to be made to coordinate with adjacent jurisdictions, service providers and agencies or participate in regional programs, including to promote:

Comprehensive Plan

- Coordination with the Northshore Utility District, City of Seattle, and King County regarding water and wastewater services
- Coordination with private utilities including Puget Sound Energy and telecommunications carriers
- Coordination with the County and franchisees regarding solid waste and recycling services and programs.
- Cross promotion of agency activities and programs in support of recycling and conservation.

City business may be conducted in a manner that leads by example through activities such as:

- Use of water-conserving fixtures in City facilities
- Use of alternative energy sources
- City recycling programs
- Native plantings in parks to reduce irrigation needs

REFERENCES

2014 Comprehensive Review of the Regional Wastewater Service Plan, Seattle, WA.

King County Solid Waste Division, Department of Natural Resources and Parks (2013). Draft 2013 Comprehensive Solid Waste Management Plan, Seattle, WA.

King County Solid Waste Division, Department of Natural Resources and Parks (December 2014/January 2023). Personal communication from Thea Severn/Brian Halverson, Manager of Planning and Communication Section/Strategic Planning Manager, to Lauri Anderson, Senior/Principal Planner.

King County Wastewater Treatment Division, Department of Natural Resources and Parks (January 2023). Personal communication from Nicole L. Smith, Water Quality Planner/Project Manager, to Lauri Anderson, Principal Planner.

King County Solid Waste Division, Department of Natural Resources and Parks (May 2014). 2013 Solid Waste Division Annual Report, Seattle, WA.

King County Solid Waste Division, Department of Natural Resources and Parks (September 2006). Solid Waste Transfer and Waste Export System Plan, Seattle, WA.

Northshore Fire District (December 2014/January 2023). Personal communication from Jeff La Flam, Fire Marshal/Matt Cowan, Fire Chief, Shoreline Fire Department, to Lauri Anderson, Senior/Principal Planner.

Northshore Utility District (December 2014/January 2023). Personal communication from Dave Kaiser/Stephen Dennehy, Engineering Manager/Director, to Lauri Anderson, Senior/Principal Planner.

Northshore Utility District (2009). Wastewater System Plan. Prepared by Gray and Osborne, Inc., Seattle, WA.

Northshore Utility District (2009). Water System Plan. Prepared by and Osborne, Inc., Seattle, WA.

Puget Sound Energy (April 2015/January 2023). Personal communications from David Matulich/Patrick Robinson, Municipal Liaison Manager— Snohomish County & Northern King County, to Lauri Anderson, Principal Planner.

Republic Services (December 2014). Personal communications from Janet Prichard, Municipal Manager, to Lauri Anderson, Senior Planner.



City of Kenmore, Washington

WAC 197-11-970 SEPA DETERMINATION OF NONSIGNIFICANCE (DNS)

FILE No.: SEPA23-0038

Project Name: 2023 Comprehensive Plan Amendments – Public Services & Utilities Elements

Description of proposal: Proposed amendments to the Kenmore Comprehensive Plan include amendments to the Public Services Element and Utilities Element. The SEPA Checklist contains the proposed comprehensive plan changes (Attachments 1 and 2). The SEPA Checklist and all attachments and are available at Kenmore City Hall upon request and online at www.kenmorewa.gov.

Applicant: City of Kenmore
Community Development Department
18120 68th Avenue NE
Kenmore, WA 98028

Applicant Contact: Todd Hall, Principal Planner
425-398-8900 THall@kenmorewa.gov

Type of Action: Non-project Action

Lead Agency: City of Kenmore – Development Services Department

SEPA Official: Samantha Loyuk, Development Services Director

DATE: July 26, 2023

As Lead Agency, the City of Kenmore has determined that the above-referenced non-project action does not have a probable significant adverse impact on the environment. The lead agency has determined that the requirements for environmental analysis, protection, and mitigation measures have been adequately addressed in the development regulations and comprehensive plan adopted under chapter 36.70A RCW, provided by RCW 43.21C.240 and WAC 197-11-158. Our agency will not require any additional mitigation measures under SEPA. An environmental impact statement (EIS) will not be required under RCW 43.21C.030(2)(c). This decision was made after

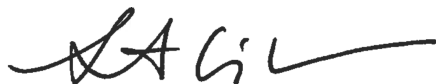
18120 68th Avenue NE Kenmore, WA 98028

Office: (425) 398-8900 · cityhall@kenmorewa.gov · www.kenmorewa.gov

reviewing a completed environmental checklist and other information on file with the lead agency. This information is available to the public upon request.

This DNS is issued under WAC 197-11-340. The lead agency will not act on this proposal for 14 days from the issuance date.

July 26, 2023:



RESPONSIBLE SEPA OFFICIAL

Samantha Loyuk, Development Services Director
City of Kenmore
18120 68th Avenue NE
Kenmore, WA 98028
425-398-8900 x6162
SLoyuk@kenmorewa.gov

COMMENTS AND APPEALS:

Comments must be submitted no later than **August 9, 2023** per WAC 197-11-340(2)(a) and KMC 19.35.100. A non-project DNS is not subject to administrative appeal per Section 19.35.160 of the City's adopted Environmental Procedures.



CITY OF KENMORE

2022 POLICE SERVICE REPORT

WITH ANNUAL HIGHLIGHTS & STATISTICS

Provided for the Residents by:

Police Chief Brandon Moen, City of Kenmore Police Department
18120 68th Ave NE
Kenmore, WA 98028
(206) 477-7455
brandon.moen@kingcounty.gov

City of Kenmore Administration

| | |
|-----------------|---|
| MAYOR | Nigel Herbig |
| DEPUTY MAYOR | Melanie O’Cain |
| COUNCIL MEMBERS | Angela Kugler Corina Pfeil Joe Marshall Debra Srebnik David Baker |
| CITY MANAGER | Rob Karlinsey |
| CHIEF OF POLICE | Brandon Moen |

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From Your Police Chief

April 2023

Dear Kenmore Community:

This report is intended to summarize our efforts in 2022 to provide high quality police services to the members of the Kenmore community, as well as provide statistics and information that displays the result of our work and commitment to you. The Kenmore Police Department currently consists of 14 commissioned Officers, 12 of which are assigned to patrol. In 2022 we responded to over 3,300 calls for service, and initiated in excess of 6,200 contacts.



I am proud of the work done by the Kenmore Police Department, as they continue to face many challenges and obstacles in our region and in the law enforcement profession. The contracting partnership with the King County Sheriff's Office (KCSO) continues to serve Kenmore well, and acts as a stable resource during challenging times. KCSO continues to provide advanced training well in excess of industry standards and requirements. We have officers actively working 24/7, dedicated to being responsive to the needs of the community. We are engaging with the community in local events, in our schools, and in a collaborative approach to address crime trends. We also have made a concerted effort to communicate with the public about major and noteworthy incidents, along with weekly response statistics on what is happening in the Kenmore community.

Kenmore is a vibrant community, and we strive to create a safe environment where you will continue to love where you live. We want you to not only be safe, but feel safe. Our goal is for our residents and visitors to go about living their lives without fear of being the victim of a crime.

Kenmore Officers received a number of commendations and awards in 2022. Among them, Officer Helmer was selected by his peers as Kenmore's Officer of the Year for his constant reliability and dedication to Kenmore and his co-workers. Kenmore's staff consists of Officers from a variety of backgrounds and life experience, and includes some employees that have specifically served Kenmore for over 20 years.

KCSO is currently introducing the body worn camera system with the department's special operations division, with plans for all patrol Officers to be equipped with a body worn camera hopefully by the end of the year.

Kenmore was once again recognized by *Safewise* as one of Washington's safest cities, ranking as the 7th safest city in Washington in their annual safest city rankings. This is a testament of the hard work of the Officers, city staff, community members, and residents, and their dedication to working together to make Kenmore a safe environment for all.

Some of our current programs to serve you include:

--RADAR and RCR

(Response Awareness, De-escalation, and Referral) and (Regional Crisis Response)

Kenmore has been a member of the North Sound RADAR program with our adjoining cities for several years. This program has a Mental Health Professional (Navigator) riding with a Kenmore Officer on select days. The Navigator and RADAR Officer conduct outreach to community members that have been referred to the program by patrol Officers as potentially being in need of behavioral health or drug dependency resources. The program is now adapting into an expanded program called RCR (Regional

Crisis Response) in which Navigators will be available far more often, and eventually will have the ability to respond to certain types of calls without a Police Officer present. Kenmore's involvement in the new RCR program was made possible by an investment in the program by the Kenmore City Council in the latest budget process.

--Prescription Drug Drop Box

Located in the City Hall Lobby (18120 68 Ave NE), the drop box is a secure, environmentally sound way to dispose of unneeded medications (no fluids, needles or inhalers). You can drop-off your unneeded prescriptions during business hours.

--Locking Prescription Drug Bag Giveaway

Through a partnership with the Washington State Healthcare Alliance, Kenmore Police has made available free locking prescription drug bags to the public. They are available at City Hall, and are intended to keep prescription drugs out of the hands of other family members. A free bag can be picked up at the front of City Hall during business hours.

--Gun Cable Lock Giveaway

Also available at the front desk of City Hall are free gun cable locks. Storing firearms locked up is the best way to prevent kids from getting hurt with firearms, youth and adults in crisis from using a family firearm, and to prevent firearms from being stolen and misused by others. Thanks to Project ChildSafe, Kenmore residents can pick up their free lock during business hours in the lobby.

--Safe Place Program

In 2021, Kenmore Police implemented the *Safe Place* program, which is a partnership between the police, businesses, schools, and community organizations. As part of the program, businesses or groups agree to post a widely recognized decal on their doors that designate their location as a safe place for hate crime victims to call for police and wait for them to arrive. This program is designed to encourage the victims to report these crimes to police, and to reaffirm Kenmore's position as an inclusive and welcoming city to all.

--House Check Program

We offer a house check program that is available to all Kenmore residents planning to be out of town for one week or longer. While you are away, a Kenmore Police Officer or Volunteer will check the exterior of your home to ensure it is secure. The house check forms are available on the City of Kenmore's webpage: www.kenmorewa.gov.

--Online Reporting

You can file on-line reports for non-emergency incidents, the most common being the reporting of abandoned vehicles, or on-going traffic complaints. Go to www.reporttosheriff.org and file an online report when it meets the criteria outlined on the website. Of course, for emergencies dial 911. For non-emergent situations that require officer contact, you can call the non-emergency line at 206/296-3311.

In 2022, we have seen a reduction in some crime categories, while there were increases in others. Enclosed in this report you will see the specific crimes statistics that summarize the crimes encountered by Kenmore residents, and that Kenmore Police Officers work to prevent. We will continue to look for the best practices in our industry to reduce crime and the fear of crime in Kenmore. We also will strive to keep you informed of what is happening in your community, specifically using social media platforms (Facebook, Twitter, NextDoor). Our ability to keep Kenmore safe is directly impacted by our ability to engage the community and be partners in public safety together.

Sincerely,
Brandon Moen
Chief of Police

Kenmore Police Department and King County Sheriff's Office Mission, Goals, and Core Values

Mission

The King County Sheriff's Office is a trusted partner in fighting crime and improving the quality of life for our residents and guests.

Vision

The King County Sheriff's Office is a highly effective and respected law enforcement agency and criminal justice partner, both trusted and supported, helping King County to be the safest county in America.

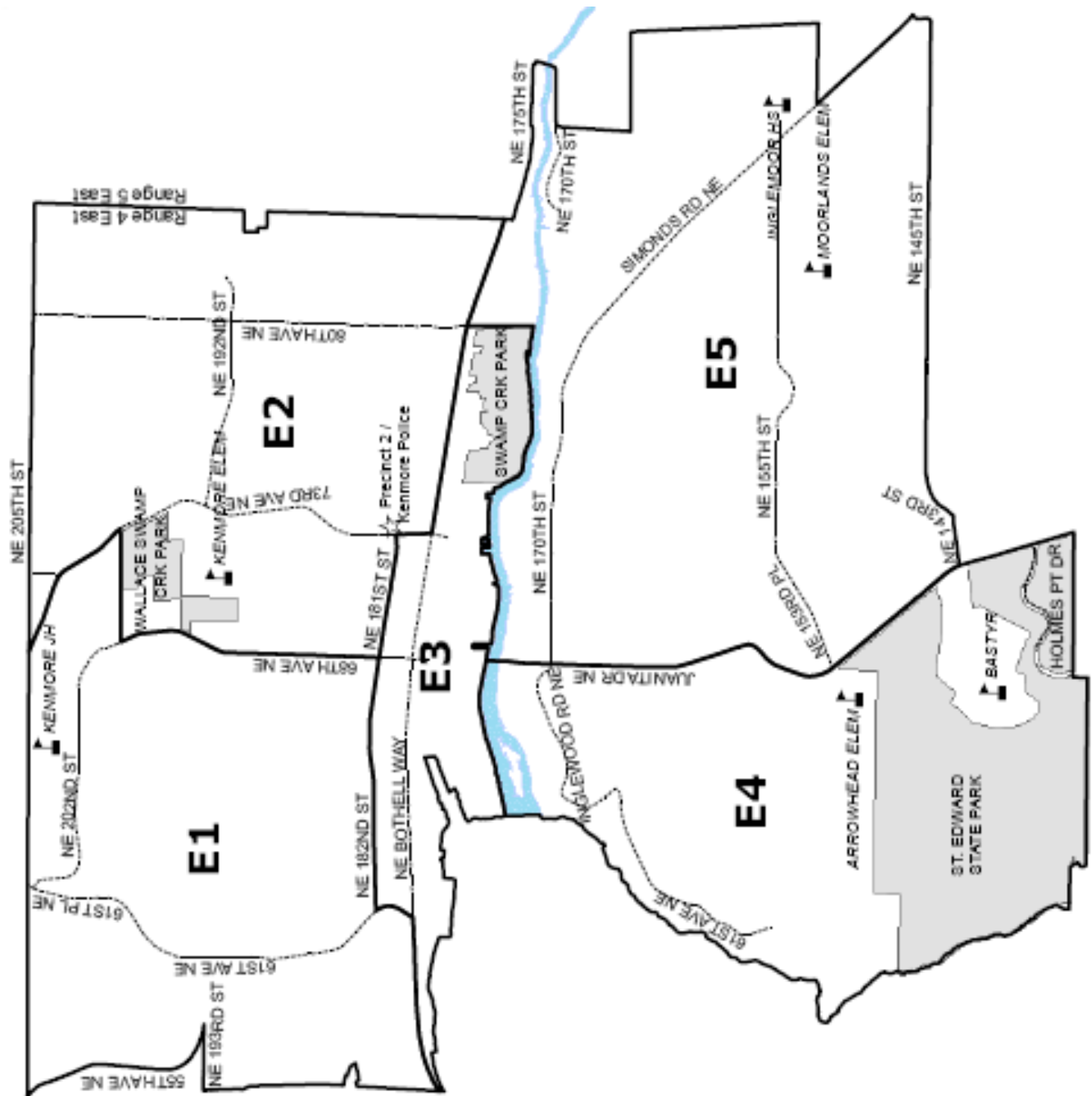
Goals

Through community engagement and collaboration we will:

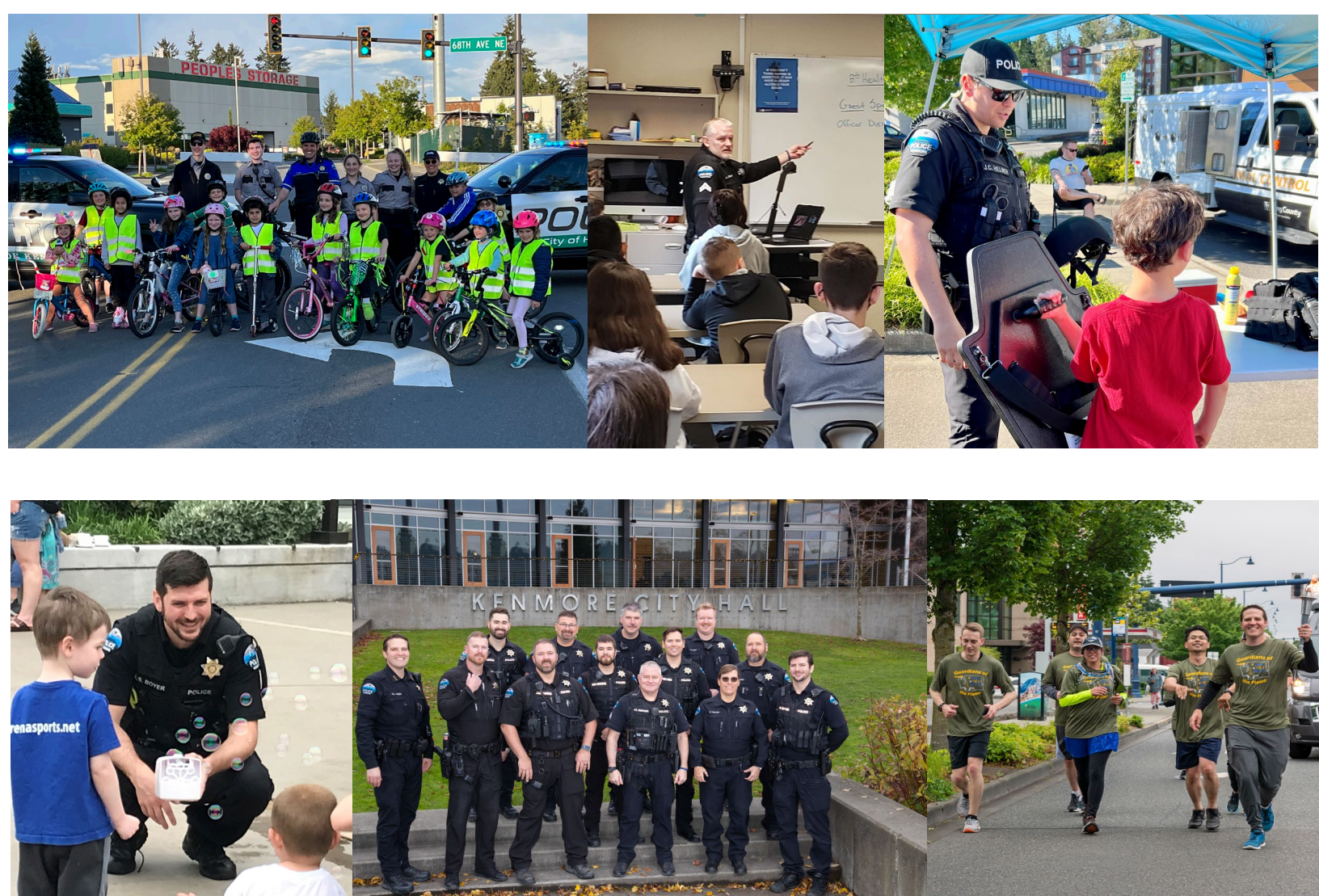
- Develop and sustain public trust and support while reducing crime and improving the community's sense of safety.
- Improve traffic safety by reducing impaired and unsafe driving behaviors and traffic collisions.
- Recruit, hire, train and promote the best people to provide high quality, professional and responsive services.
- Provide facilities, equipment, and technology, systems and processes that support achievement of our mission.
- Provide for the safety, health and wellness of members of the King County Sheriff's Office.



City of Kenmore Patrol Districts Map

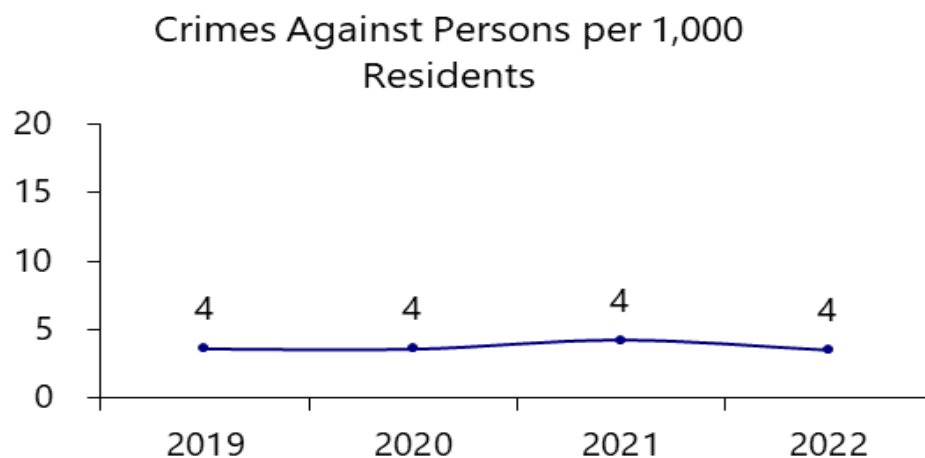
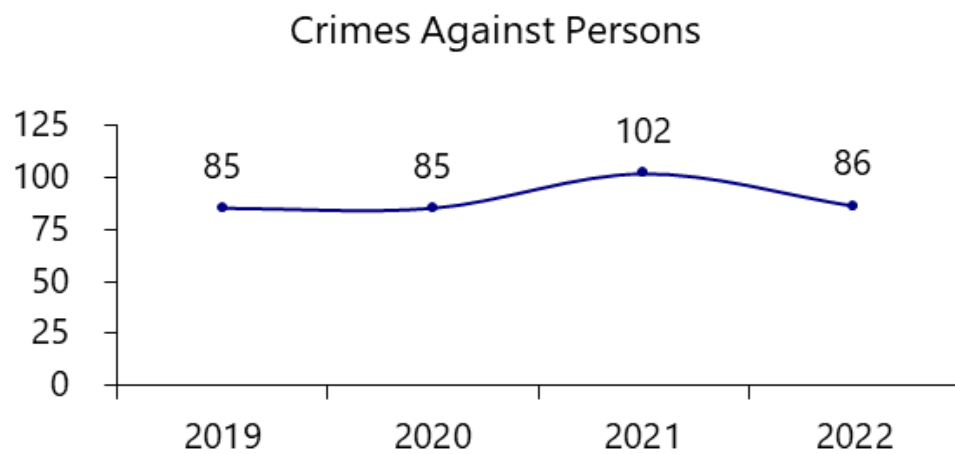


City of Kenmore 2022 Police Service Report: *Highlights Section*

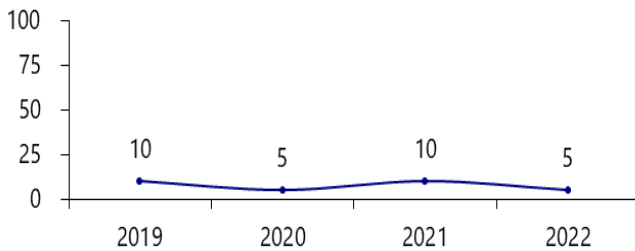


Crimes Against Persons

NIBRS offenses fall under three categories: Crimes Against Persons, Crimes Against Property, and Crimes Against Society. Crimes Against Persons offenses include murder and non-negligent homicide, negligent manslaughter, human trafficking for commercial sex acts and involuntary servitude, assault, kidnapping (custodial interference excluded), and sex offenses (e.g. rape, sexual assault, child molestation and related). These are defined as crimes against persons because the victims are always individuals. Some offenses related to pornography/obscene material are a NIBRS Crimes Against Society, but are included in this report under sex offenses for simplicity. The following are Kenmore's Crimes Against Persons.

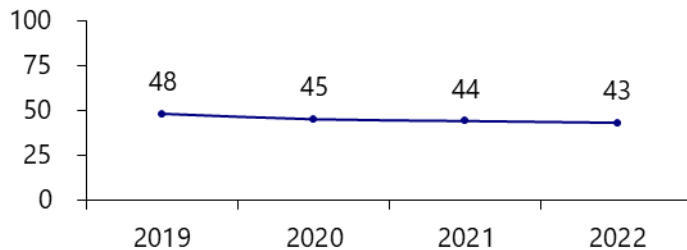


Aggravated Assault Offenses

Aggravated Assault Offenses

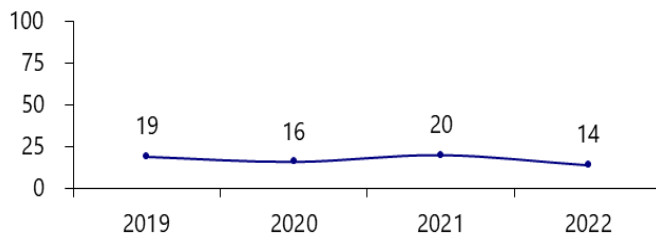
An unlawful attack by one person upon another wherein the offender uses a weapon or displays it in a threatening manner, or the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness. This also includes assault with disease (as in cases when the offender is aware that he/she is infected with a deadly disease and deliberately attempts to inflict the disease by biting, spitting, etc.).

Simple Assault Offenses

Simple Assault Offenses

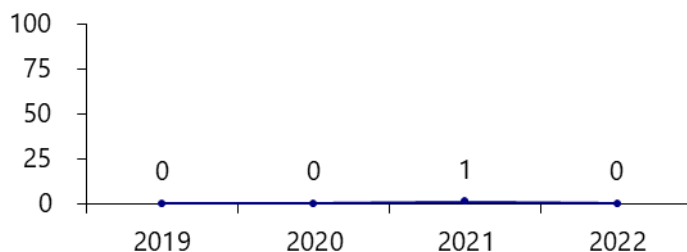
An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

Intimidation Offenses

Intimidation Offenses

To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

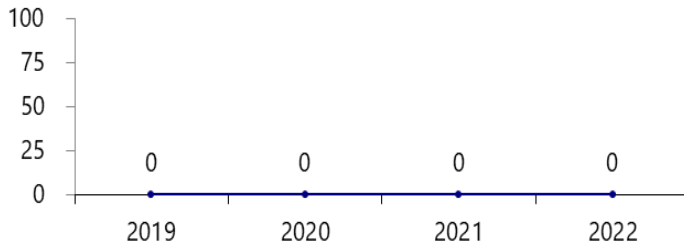
Homicide Offenses

Homicide Offenses

The killing of one human being by another. Includes murder and non-negligent manslaughter, negligent manslaughter, and justifiable homicide.

**All offense definitions are per the FBI NIBRS library.
<https://ucr.fbi.gov/nibrs/2012/resources/nibrs-offense-definitions>*

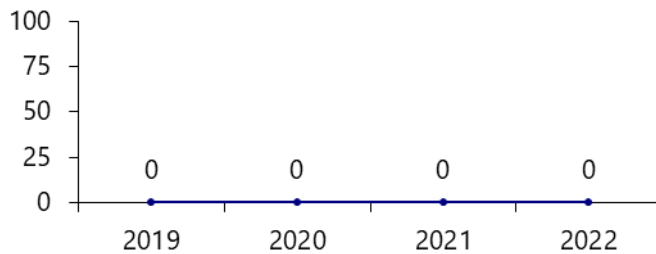
Human Trafficking Offenses

Human Trafficking Offenses

Commercial Sex Acts – Inducing a person by force, fraud, or coercion to participate in commercial sex acts, or in which the person induced to perform such act(s) has not attained 18 years of age.

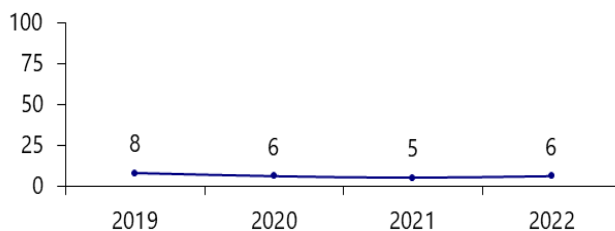
Involuntary Servitude – The obtaining of a person(s) through recruitment, harboring, transportation, or provision, and subjecting such persons by force, fraud, or coercion into voluntary servitude, peonage, debt bondage, or slavery (not be include commercial sex acts.)

Kidnapping

Kidnapping

Kidnapping or abduction is the unlawful seizure, transportation and/or detention of a person against his/her will or a minor without the consent of a legal guardian or parent.

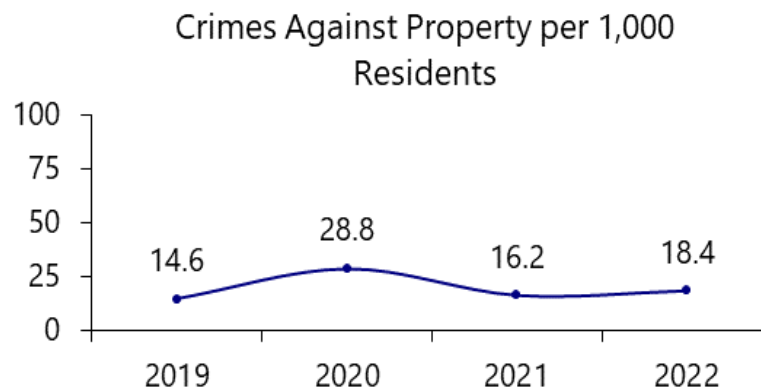
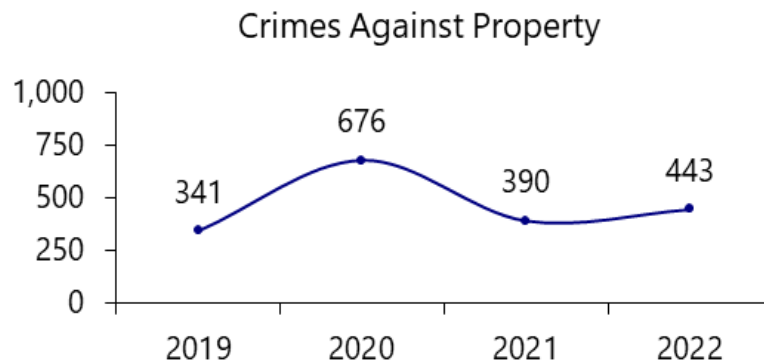
Sex Offenses

Sex Offenses

Includes forcible (any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent), and non-forcible (unlawful, non-forcible sexual intercourse). Excludes prostitution offenses.

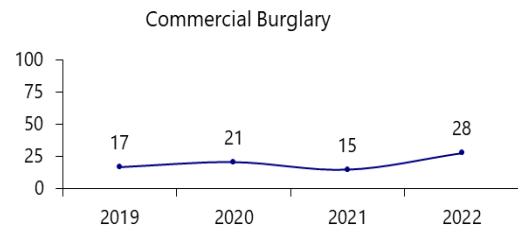
Crimes Against Property

The object of Crimes Against Property is to obtain (or destroy) money, property, or some other benefit. Burglary, fraud, vandalism, robbery, motor vehicle theft, and all kinds of larceny all fall into this category. **Of note, the spike in 2020 crimes against property include the large influx of unemployment fraud cases that were reported throughout the State of Washington, including Kenmore.**

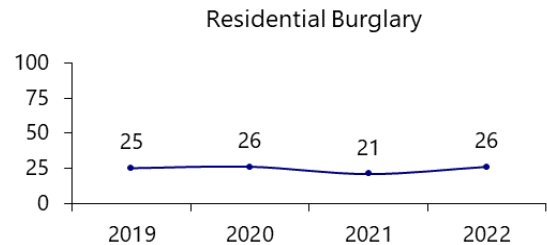


Commercial Burglary

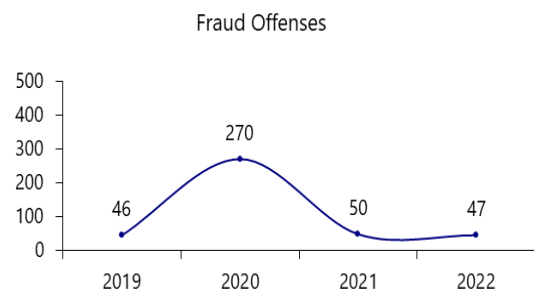
The unlawful entry into a commercial building or other structure with the intent to commit a felony or a theft.

Residential Burglary

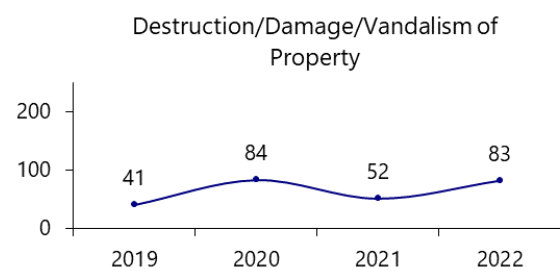
The unlawful entry into a residential building or other structure with the intent to commit a felony or a theft.

Fraud Offenses

The intentional perversion of the truth for the purpose of inducing another person, or other entity, in reliance upon it to part with something of value or to surrender a legal right. Excludes counterfeiting, forgery and bad checks. **Of note, the spike in 2020 fraud offenses includes the large influx of unemployment fraud cases that were reported throughout the State of Washington, including Kenmore.**

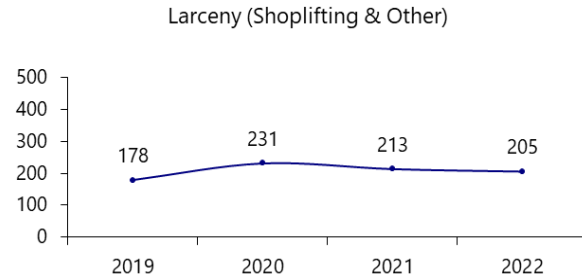
Destruction / Damage / Vandalism of Property Offenses

To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it. Excludes arson.

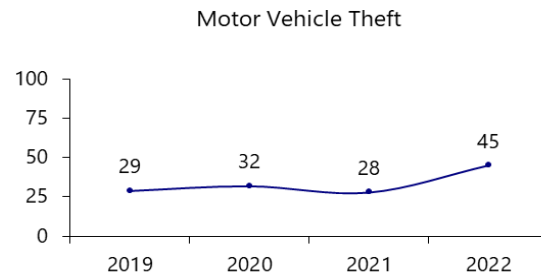


Larceny (Shoplifting & Other)

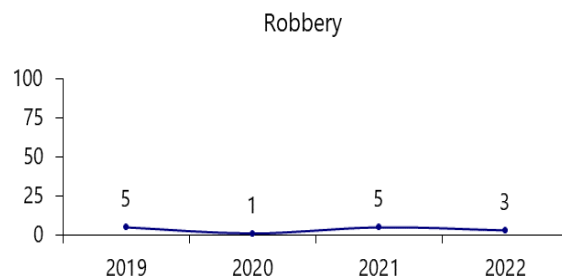
The unlawful taking, carrying, leading, or riding away of property from the possession, or constructive possession, of another person.

Motor Vehicle Theft

The theft of a motor vehicle.

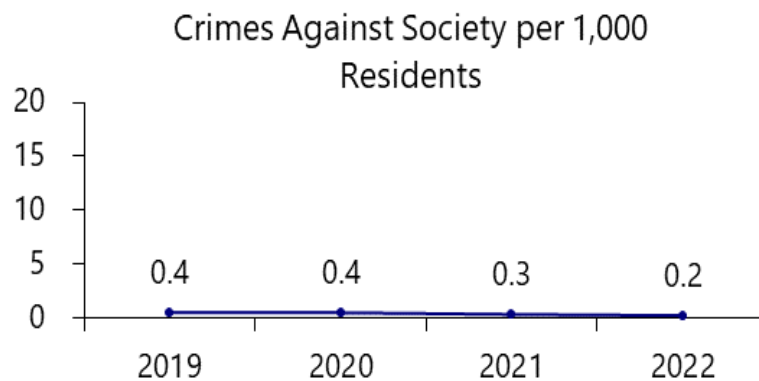
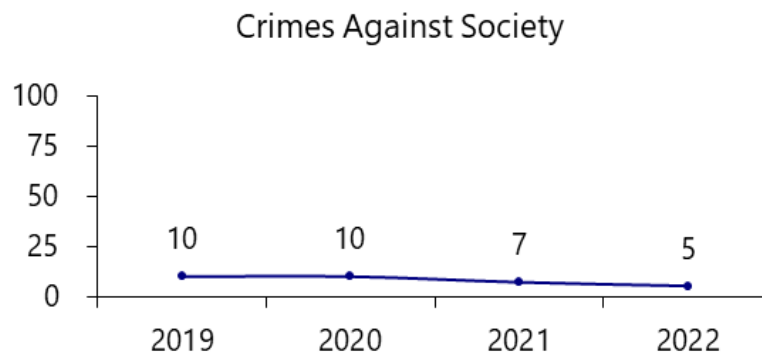
Robbery

The taking, or attempting to take, anything of value under confrontational circumstances from the control, custody, or care of another person by force or threat of force or violence and/or by putting the victim in fear of immediate harm.



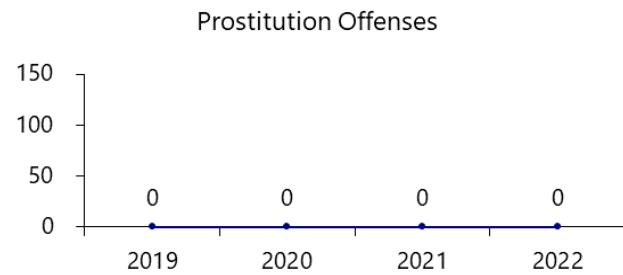
Crimes Against Society

Crimes against society are offenses against society's prohibition against engaging in certain types of activity and typically do not have individual victims. Relevant offenses in this category include illegal drug activity, prostitution-related offenses, and weapon law violations.

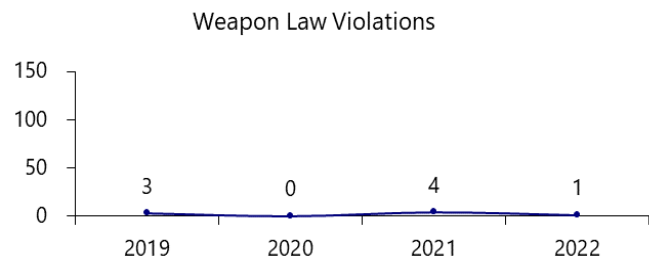


Prostitution Offenses

To unlawfully engage in or promote sexual activities for anything of value.

Weapon Law Offenses

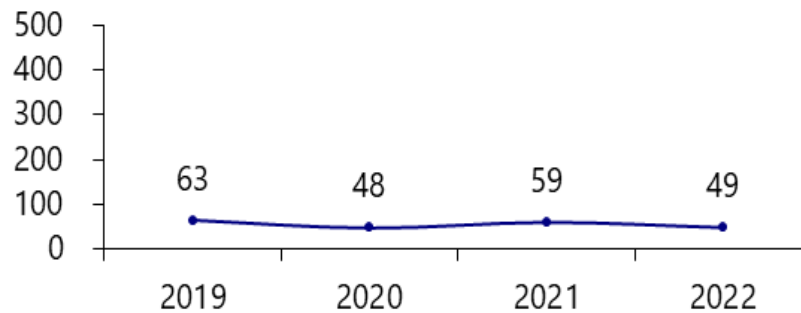
The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.



Total Domestic Violence Cases

Domestic Violence is a subcategory to other offenses that occurs when the offense is committed by one family or household member against another. Family or household members are spouses, former spouse, persons related by blood or marriage, persons who have a child in common, former/current roommates, persons who have or had a dating relationship, and persons who have a biological or legal parent-child relationships, including stepparents and stepchildren and grandparent and grandchildren. In some cases, the age of the victim or suspect may determine whether or not the legal definition above is met. For the purposes of this report, cases in this jurisdiction or investigated by this jurisdiction's police that have at least one domestic violence offense associated are counted.

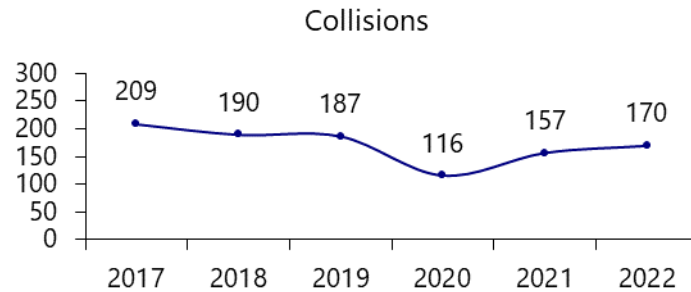
Total Domestic Violence Cases



All Auto & Traffic

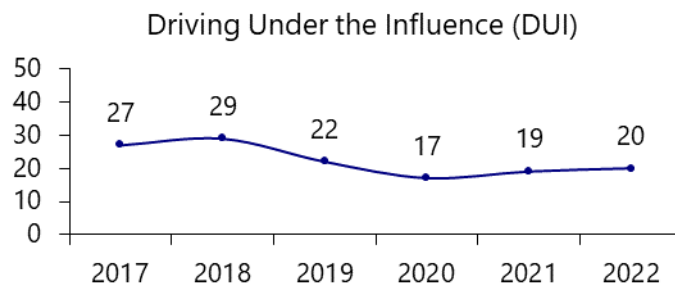
Traffic Collisions

Collision information includes reports for injury, non-injury, and fatality collisions. Driving under the influence (DUI) collisions and hit-and-runs are excluded from this category.



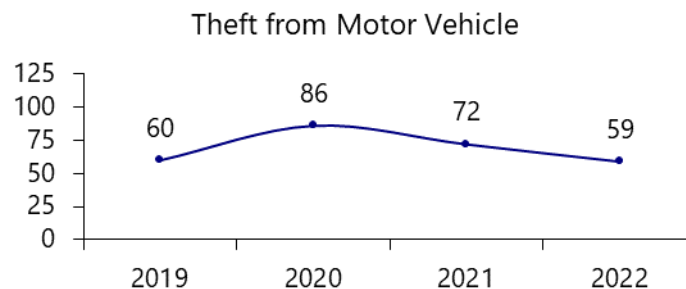
Driving Under the Influence (DUI) Offense

Driving or operating a motor vehicle or common carrier while mentally or physically impaired as the result of consuming an alcoholic beverage or using a drug or narcotic.



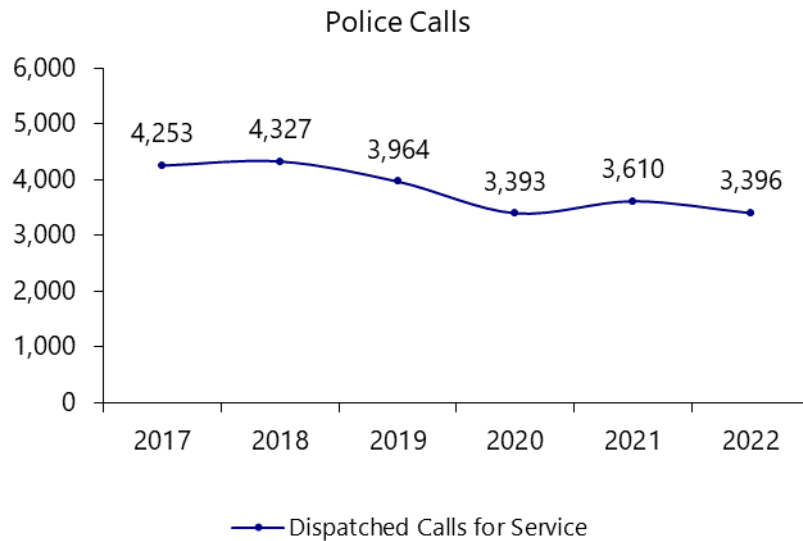
Theft from a Motor Vehicle

This is a subcategory of Larceny. Represents theft of articles from a motor vehicle, whether locked or unlocked. Excludes theft of motor vehicle parts or accessories.



Calls for Police Assistance

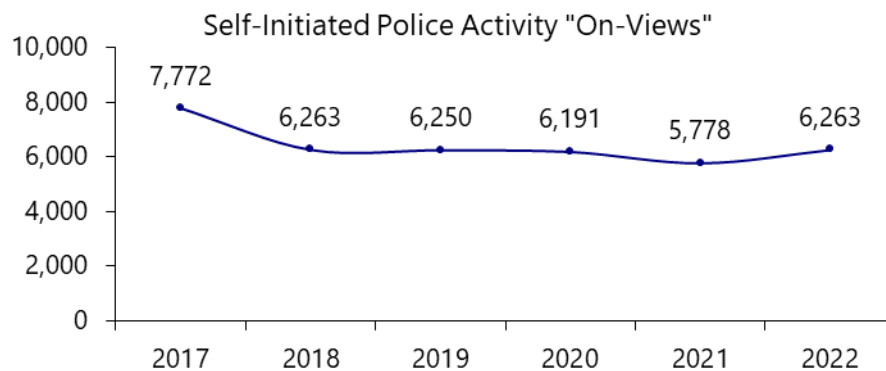
The public receives police assistance in a variety of ways. Residents can call the Emergency 911 Communications Center to have one or more officers dispatched to the field, called a “dispatched call for service” (DCFS). Or, for lesser incidents, residents can also file a report over the phone, called alternate call handling (ACH). Following are the numbers of dispatched calls for service (DCFS) and alternative call handling (ACH) incidents reported.



Source: KCSO computer aided dispatch (CAD) system

Police On-Views

Another way police fight crime is to self-initiate a response to an incident they observe. These responses are initiated by officers themselves, rather than the dispatch center, and are called “on-views.”



Source: KCSO computer aided dispatch (CAD) system



Dispatched Calls For Service (DCFS): The number of DCFS shown here includes calls that are verified to take place inside the city limits and that are charged to the city as part of its police contract. Total DCFS counts, as shown in the Police Service Data section, may be slightly higher (usually less than 5 percent higher).

Response Times to High Priority Calls

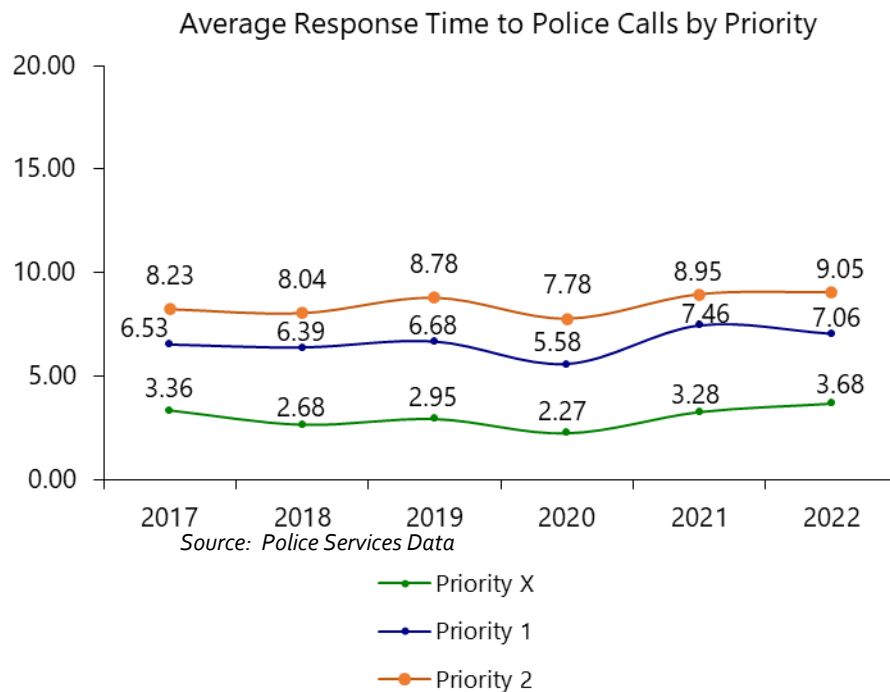
When calls for police assistance are received by the Emergency 911 Communications Center, they are entered into the Computer Aided Dispatch (CAD) system and given a "priority" based on the criteria described below. If the call receiver is in doubt as to the appropriate priority, the call is assigned the higher of the two priority designators in question.

"Priority X" designates critical dispatches. These are incidents that pose an obvious danger to the life of an officer or citizen. It is used for felony crimes in-progress where the possibility of confrontation between a victim and suspect exists. Examples include shootings, stabbings, robberies or burglaries.

"Priority 1" designates immediate dispatches. These are calls that require immediate police action. Examples include silent alarms, injury traffic accidents, in-progress crimes or crimes so recent that the suspect may still be in the immediate area.

"Priority 2" designates prompt dispatches. These are calls that could escalate to a more serious degree if not policed quickly. Examples include verbal disturbances and blocking traffic accidents.

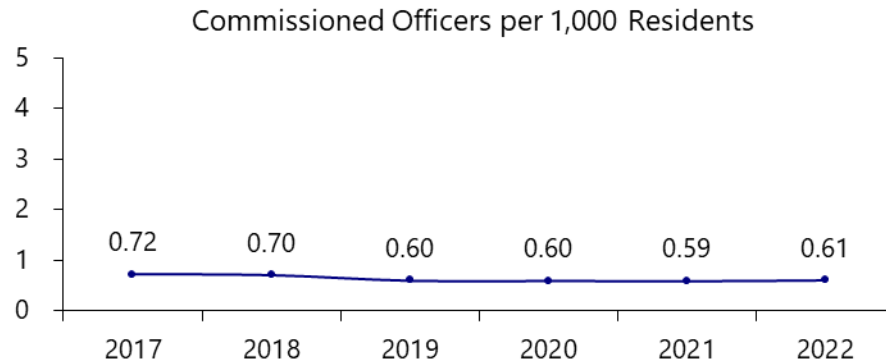
Following are the City of Kenmore's Police response times for the above priority calls. Response times include all time from the receipt of a phone call to the moment an officer arrives at the location of the incident.



Computer Aided Dispatch (CAD): A computerized communication system used by emergency response agencies for dispatching and tracking calls for emergency assistance.

Commissioned Officers per 1,000 Residents

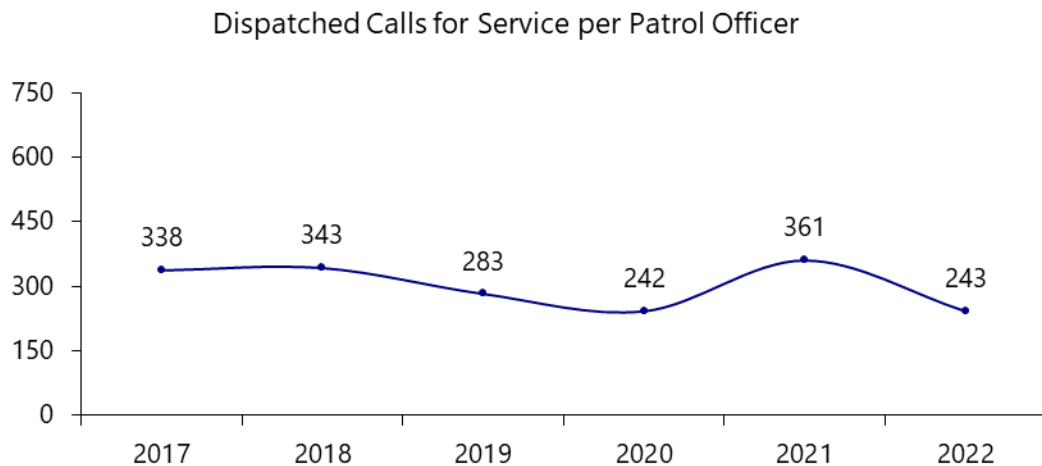
Commissioned officers per 1,000 residents shows how many commissioned police officers are employed by Kenmore for every 1,000 residents. This number includes commissioned officers who work in supervisory or other non-patrol related positions as well as special services officers who work part-time for the city. It does not include professional (i.e. non-commissioned) support staff.



Source: KCSO Contracts Unit

Dispatched Calls for Service (DCFS) per Patrol Officer

Dispatched calls for service (DCFS) per patrol officer is the average number of dispatched calls one patrol officer responds to within a year. This number uses only dispatched calls Kenmore pays for and does not include the number of responses an officer initiates (such as witnessing and responding to traffic violations, called "on views"). Also, the numbers below are *patrol only* and exclude non-patrol commissioned officers (such as supervisors or special duty officers/detectives).



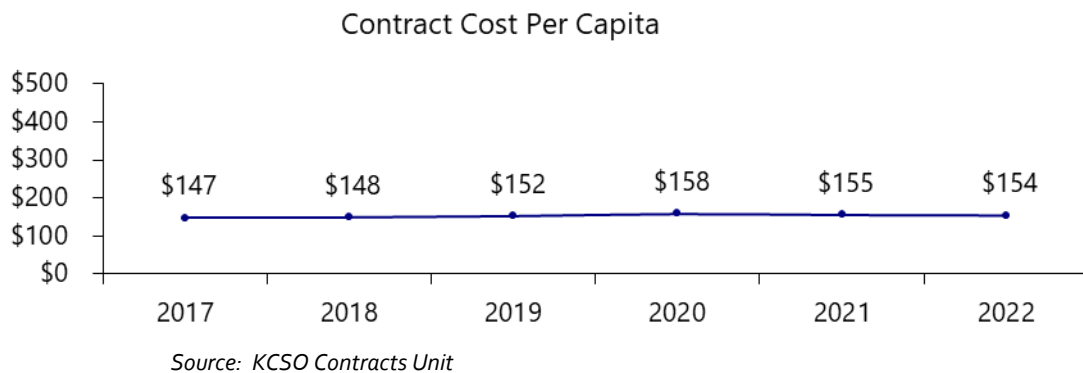
Source: KCSO Contracts Unit

Costs of Police Services per Capita

The City of Kenmore contracts with the King County Sheriff's Office (KCSO) for police services. Among other benefits, contracting for services from a larger law enforcement agency allows for cost savings through "economies of scale." Specific economies of scale provided through the contract with KCSO include:

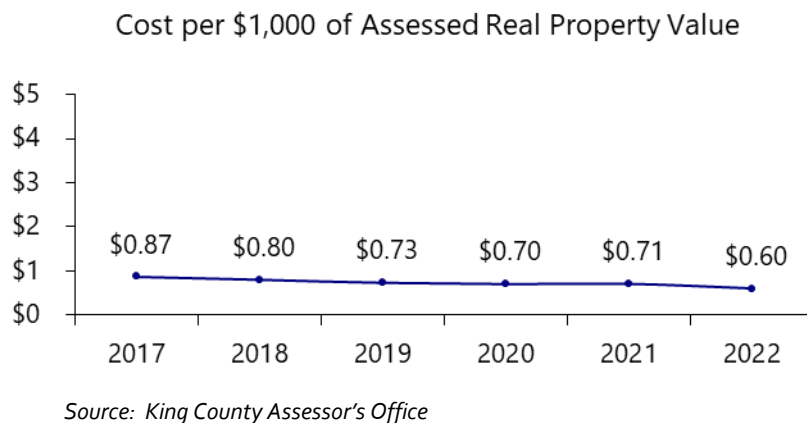
- Mutual aid agreements with other law enforcement agencies in Washington State
- A large pool of officers if back-up help is necessary
- Coverage if city officers are away
- Expertise of specialized units to assist officers
- More experienced officers to select from for city staffing
- Cost sharing throughout the department to keep city costs down
- Patrol supervision and precinct services provided by our contract city partner, Shoreline Police

Costs for police services vary depending on a city's resources and the level and type of police services the community wants. The City of Kenmore may have additional funds or expenditures for special projects or programs as part of the city's law enforcement budget. These additional costs are not reflected in the contract cost per capita, which shows the contract cost for police services divided by Kenmore's population.



Cost per \$1,000 of Assessed Real Property Value

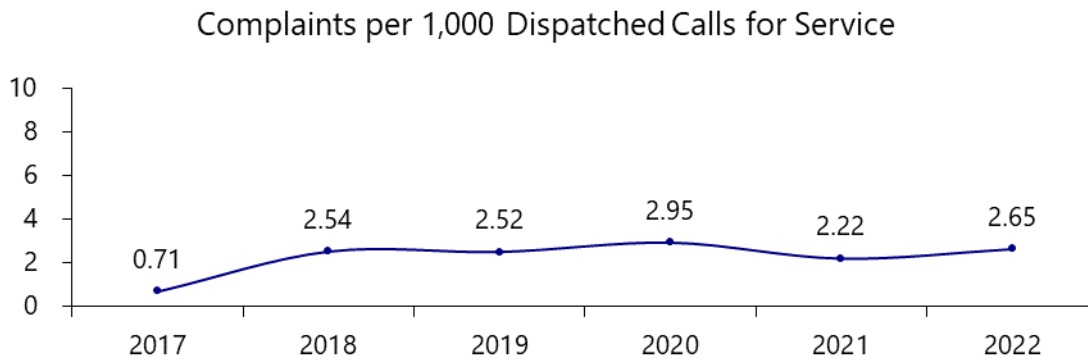
Cost per \$1,000 of assessed real property value shows Kenmore's contract cost in relationship to the property values of Kenmore.



Complaints against Officers

Complaints against city police officers can originate from the public or internal police department personnel. All complaints are accepted and reviewed. When a complaint is made, the King County Sheriff's Office Internal Investigations Unit (IIU) will review the complaint. While serious complaints are investigated by IIU, the majority of complaints are far less serious and are handled at the worksites by supervisors. The following are the preliminary number of internal and external complaints that were investigated for city officers. Please note that these numbers are preliminary counts; final numbers will be published in the IIU Annual Report, released each spring. The data shown is inclusive of all complaints received, regardless if the involved employee(s) was exonerated.

| | 2018 | 2019 | 2020 | 2021 | 2022 |
|--|-------|-------|-------|-------|-------|
| Number of Complaints | 11 | 10 | 10 | 8 | 9 |
| Number of Dispatched Calls for Service | 4,327 | 3,964 | 3,393 | 3,610 | 3,396 |



Source: KCSO Internal Investigations Unit

City of Kenmore 2022 Police Service Report: *Statistics Section*



2022 Annual Crime Statistics

Crimes Against Persons

| Crime Classification | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Total |
|----------------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|
| Aggravated Assault Offenses | | | | | 1 | | | 1 | | 2 | 1 | | 5 |
| Simple Assault | 1 | 5 | 2 | 3 | 4 | 1 | 7 | 2 | 6 | 4 | 7 | 1 | 43 |
| Intimidation Offenses | | | | | 2 | 1 | 2 | 4 | 2 | | 2 | 1 | 14 |
| Homicide Offenses | | | | | | | | | | | | | |
| Human Trafficking Offenses | | | | | | | | | | | | | |
| Kidnapping | | | | | | | | | | | | | |
| Sex Offenses | | 1 | 2 | | | | | 2 | | | 1 | | 6 |
| Violation of NC/Protection Order | 2 | 2 | 3 | 2 | 2 | | 1 | | 3 | 1 | | 2 | 18 |
| Total | 3 | 8 | 7 | 5 | 9 | 2 | 10 | 9 | 11 | 7 | 11 | 4 | 86 |

Crimes Against Property

| Crime Classification | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Total |
|------------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|
| Commercial Burglary | 8 | 6 | | 1 | 2 | 1 | 1 | 1 | 1 | 1 | 2 | 4 | 28 |
| Residential Burglary | | 3 | 1 | 1 | 1 | 2 | 2 | 6 | 5 | 1 | 3 | 1 | 26 |
| Fraud Offenses | 3 | 2 | 3 | 5 | 3 | 4 | 3 | 5 | 4 | 1 | 8 | 6 | 47 |
| Vandalism | 2 | 11 | 10 | 4 | 10 | 11 | 8 | 3 | 8 | 5 | 9 | 2 | 83 |
| Larceny | 24 | 19 | 24 | 22 | 13 | 12 | 7 | 19 | 16 | 17 | 11 | 21 | 205 |
| Auto Theft | 10 | 2 | 4 | 3 | 4 | 5 | 1 | 6 | 3 | 3 | 2 | 2 | 45 |
| Robbery | | | 1 | | | | 1 | 1 | | | | | 3 |
| Other Crime Against Property | | 1 | 1 | 1 | 1 | | 2 | | | | | | 6 |
| Total | 47 | 44 | 44 | 37 | 34 | 35 | 25 | 41 | 37 | 28 | 35 | 36 | 443 |

Crimes Against Society

| Crime Classification | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Total |
|-----------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|
| Drug Offenses | | | | 1 | | | | | | | | | 1 |
| Prostitution Offenses | | | | | | | | | | | | | |
| Weapon Law Violations | | | | | | | | | | | | 1 | 1 |
| Other Crime Against Society | | | 1 | | 1 | | | | | | | 1 | 3 |
| Total | | | 1 | 1 | 1 | | | | | | | 2 | 5 |

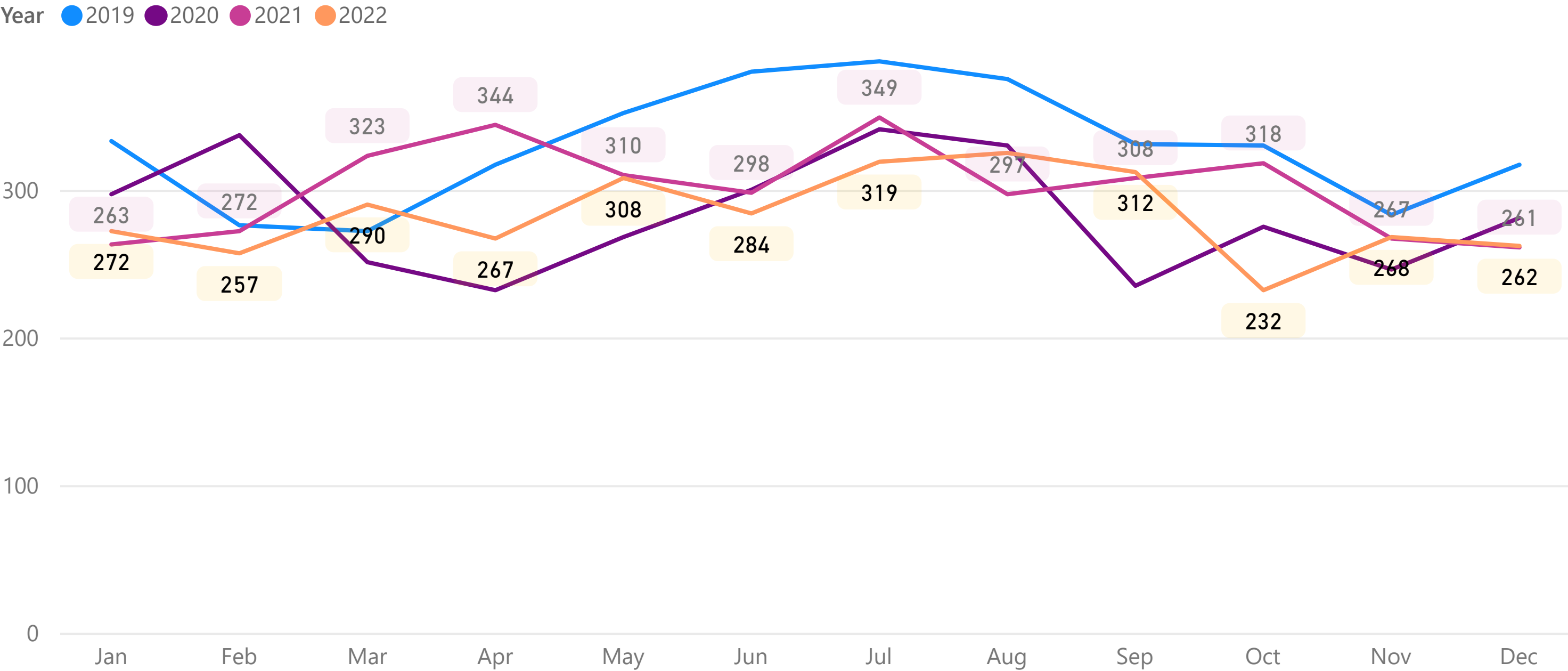
Domestic Violence by Month

| Contract | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Total |
|----------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|
| Kenmore | 3 | 4 | 4 | 3 | 4 | 0 | 4 | 2 | 10 | 5 | 6 | 4 | 49 |
| Total | 3 | 4 | 4 | 3 | 4 | 0 | 4 | 2 | 10 | 5 | 6 | 4 | 49 |

2022 DCFS

| Quarter | | 1Q | | | | 2Q | | | | 3Q | | | | 4Q | | | | Total |
|----------|-----|-----|-----|-------|-----|-----|-----|-------|-----|-----|-----|-------|-----|-----|-----|-------|--|-------|
| District | Jan | Feb | Mar | Total | Apr | May | Jun | Total | Jul | Aug | Sep | Total | Oct | Nov | Dec | Total | | |
| E1 | 55 | 59 | 46 | 160 | 42 | 59 | 53 | 154 | 58 | 58 | 62 | 178 | 53 | 53 | 39 | 145 | | 637 |
| E2 | 72 | 75 | 107 | 254 | 102 | 93 | 105 | 300 | 82 | 119 | 99 | 300 | 61 | 79 | 80 | 220 | | 1074 |
| E3 | 81 | 73 | 78 | 232 | 63 | 70 | 62 | 195 | 85 | 68 | 71 | 224 | 65 | 74 | 83 | 222 | | 873 |
| E4 | 22 | 12 | 11 | 45 | 12 | 23 | 14 | 49 | 34 | 20 | 23 | 77 | 9 | 20 | 13 | 42 | | 213 |
| E5 | 42 | 38 | 48 | 128 | 48 | 63 | 50 | 161 | 60 | 60 | 57 | 177 | 44 | 42 | 47 | 133 | | 599 |
| Total | 272 | 257 | 290 | 819 | 267 | 308 | 284 | 859 | 319 | 325 | 312 | 956 | 232 | 268 | 262 | 762 | | 3396 |

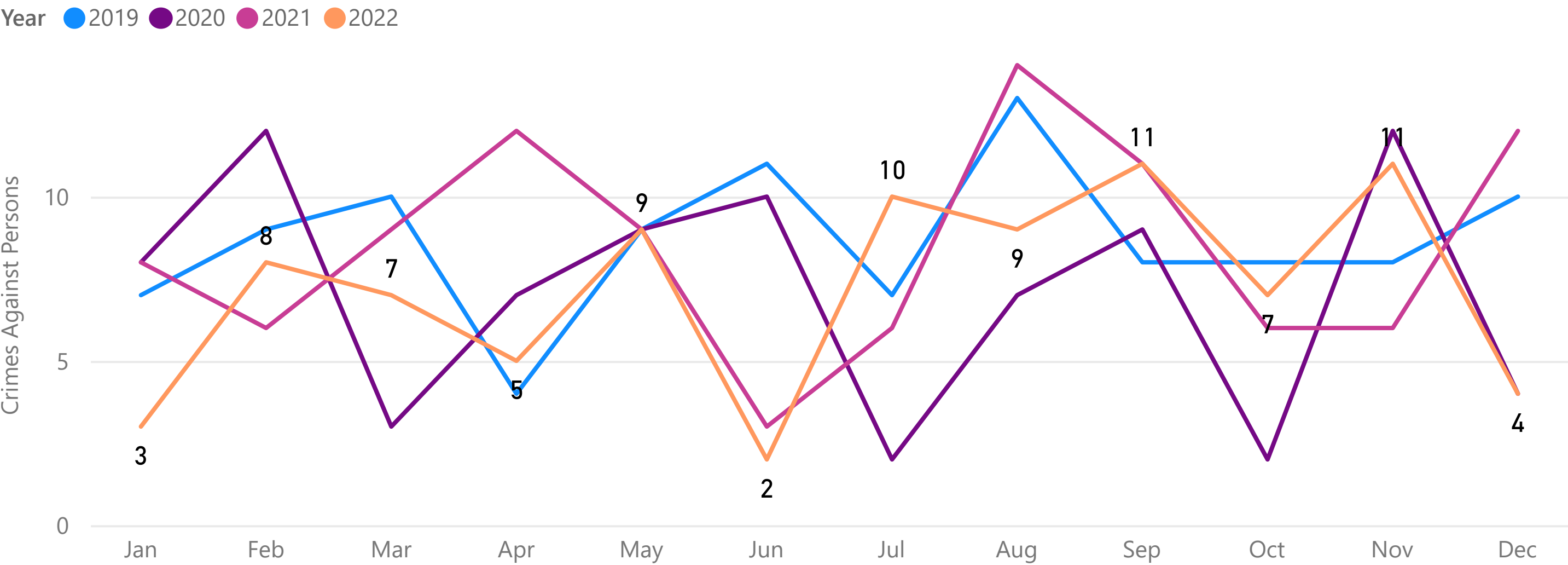
DCFS Four Year Comparison



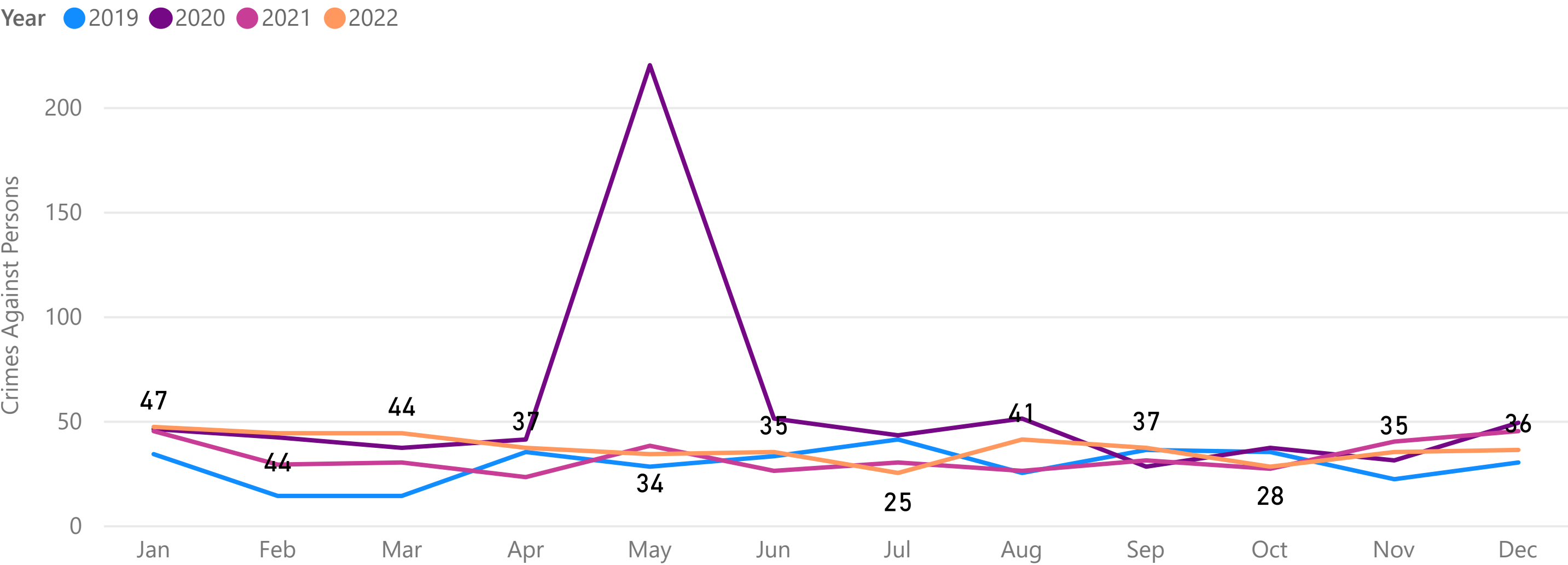
Average Response Time

| Quarter | | 1Q | | | | 2Q | | | | 3Q | | | | 4Q | | | | Total |
|----------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|--|-------|
| Priority | Jan | Feb | Mar | Total | Apr | May | Jun | Total | Jul | Aug | Sep | Total | Oct | Nov | Dec | Total | | |
| X | 3.52 | | 2.08 | 2.80 | 2.92 | 0.82 | 2.32 | 2.02 | 2.67 | | 4.06 | 3.83 | 4.72 | | 8.50 | 6.61 | | 3.68 |
| 1 | 7.99 | 7.35 | 6.72 | 7.36 | 5.47 | 8.17 | 6.01 | 6.69 | 9.83 | 7.66 | 5.95 | 7.36 | 5.92 | 6.29 | 8.02 | 6.83 | | 7.06 |
| 2 | 8.88 | 8.79 | 7.76 | 8.44 | 8.20 | 7.55 | 8.14 | 7.96 | 8.93 | 6.95 | 20.36 | 11.41 | 7.21 | 9.23 | 8.01 | 8.14 | | 9.05 |
| 3 | 21.88 | 20.16 | 17.73 | 19.89 | 22.89 | 18.64 | 16.13 | 19.15 | 17.38 | 17.20 | 16.52 | 17.02 | 17.03 | 23.77 | 14.48 | 18.43 | | 18.59 |
| Total | 17.19 | 15.46 | 13.80 | 15.44 | 17.16 | 14.84 | 13.03 | 15.00 | 14.22 | 13.49 | 15.73 | 14.50 | 12.09 | 17.03 | 11.76 | 13.66 | | 14.67 |

Crimes Against Persons



Crimes Against Property



Larceny by Type

| Larceny Category | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Total |
|--|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|
| Pocket-picking | | | | | | | | | | | | | |
| Purse-snatching | | 1 | | | | 1 | | | | | | 1 | 3 |
| Shoplifting | | | | 2 | | | 2 | | | 1 | | | 5 |
| Theft From Building | 1 | 2 | | 3 | 1 | 1 | 2 | | 1 | | 1 | 2 | 14 |
| Theft From Coin-Operated Machine/Device | | | | | | | | 1 | | | | | 1 |
| Theft From Motor Vehicle | 6 | 5 | 7 | 1 | 6 | 3 | 1 | 11 | 5 | 7 | 5 | 2 | 59 |
| Theft of Motor Vehicle Parts/Accessories | 10 | 3 | 11 | 8 | 4 | 3 | 1 | 3 | 3 | 4 | 1 | 5 | 56 |
| All Other Larceny | 7 | 8 | 6 | 8 | 2 | 4 | 1 | 4 | 7 | 5 | 4 | 11 | 67 |
| Total | 24 | 19 | 24 | 22 | 13 | 12 | 7 | 19 | 16 | 17 | 11 | 21 | 205 |

Year to date vs. same period last year

Crimes Against Persons

| Crime Classification | 2021 | 2022 | % Difference |
|----------------------------------|------|------|--------------|
| ▲ | | | |
| Aggravated Assault Offenses | 10 | 5 | -50.00% |
| Simple Assault | 44 | 43 | -2.27% |
| Intimidation Offenses | 20 | 14 | -30.00% |
| Homicide Offenses | 1 | | |
| Human Trafficking Offenses | 0 | | |
| Kidnapping | 0 | | |
| Sex Offenses | 5 | 6 | 20.00% |
| Violation of NC/Protection Order | 22 | 18 | -18.18% |
| Total | 102 | 86 | -15.69% |

Crimes Against Property

| Crime Classification | 2021 | 2022 | % Difference |
|------------------------------|------|------|--------------|
| ▲ | | | |
| Commercial Burglary | 15 | 28 | 86.67% |
| Residential Burglary | 21 | 26 | 23.81% |
| Fraud Offenses | 50 | 47 | -6.00% |
| Vandalism | 52 | 83 | 59.62% |
| Larceny | 213 | 205 | -3.76% |
| Auto Theft | 28 | 45 | 60.71% |
| Robbery | 5 | 3 | -40.00% |
| Other Crime Against Property | 6 | 6 | 0.00% |
| Total | 390 | 443 | 13.59% |

Crimes Against Society

| Crime Classification | 2021 | 2022 | % Difference |
|-----------------------------|------|------|--------------|
| ▲ | | | |
| Drug Offenses | 1 | 1 | 0.00% |
| Prostitution Offenses | 0 | | |
| Weapon Law Violations | 4 | 1 | -75.00% |
| Other Crime Against Society | 2 | 3 | 50.00% |
| Total | 7 | 5 | -28.57% |

Arrests by NIBRS Category

| Arrest Category ▲ | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Total |
|--|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|
| Assault Offenses | 1 | 3 | 1 | 2 | 4 | | 2 | 1 | 6 | 5 | 6 | 1 | 32 |
| Burglary | 1 | | | | | | | | | | | | 1 |
| Destruction/Damage/Vandalism | | | | | | 2 | | | 1 | | | 1 | 4 |
| Disorderly Conduct | | | 1 | | | | | | | | | | 1 |
| Driving Under the Influence | 2 | 1 | 2 | 1 | 3 | 1 | 3 | 1 | 1 | 2 | 1 | 2 | 20 |
| Larceny/Theft Offenses | 3 | | | | 1 | | 1 | 1 | | 2 | | 1 | 9 |
| Pornography/Obscene Material | | | | | | | | | | | | 1 | 1 |
| Stolen Property Offenses | | | | | | | | 2 | | | | | 2 |
| Trespass | 1 | | 1 | | 1 | | | | 1 | | | | 4 |
| Violation of No Contact Orders | 1 | 2 | 2 | 3 | 2 | | 1 | | 1 | | | 2 | 14 |
| Weapon Law Violations | | | | | | | | | | | | 1 | 1 |
| All Other Offenses | | 1 | 2 | 1 | 1 | 3 | 2 | | 3 | 2 | | 4 | 19 |
| Not Reportable to NIBRS (Traffic/Warrants) | 3 | | | | 1 | 3 | 1 | 1 | 3 | 3 | | | 15 |
| Total | 12 | 7 | 9 | 7 | 13 | 9 | 10 | 6 | 16 | 14 | 7 | 13 | 123 |

Arrests by Age Category

| Category | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Total |
|----------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|
| Adult | 11 | 7 | 9 | 7 | 13 | 7 | 10 | 6 | 12 | 13 | 5 | 12 | 112 |
| Juvenile | 1 | | | | | 2 | | | 4 | 1 | 2 | 1 | 11 |
| Total | 12 | 7 | 9 | 7 | 13 | 9 | 10 | 6 | 16 | 14 | 7 | 13 | 123 |



KENMORE 2044

PUBLIC SERVICES ELEMENT AND UTILITIES ELEMENT

October 16, 2023

Public Services Element - Purpose

The Public Services Element focuses on:

- Public participation and communication
- Efficient municipal services and human services
- Library services
- Emergency services
- Education

These are all key determinants in the community's quality of life.

Public Services Element - Amendments

- In 2022, partnership with Bothell, Kirkland, Lake Forest Park and Shoreline forming the Regional Crisis Response Agency (RCR)- (Connections Health Solutions)
- A focus on mental health and options for assistance added to the Element (i.e., Mobile Integrated Health)
- Added emphasis on providing translation and interpretation services
- Goal of establishing ongoing communications with community-based organizations representing constituencies whose voices are not regularly heard.

Utilities Element - Purpose

The Utilities Element addresses:

- Electricity and natural gas
- Telecommunications (telephone, cable, internet)
- Water, wastewater, and solid waste services
- Conservation and recycling

Utilities Element - Amendments

- Kenmore – leader in sustainability – lead by example by reducing City's carbon footprint
- Encourage participation in regional efforts to increase renewable energy and updating codes and permitting processes
- Evaluate the advantage of transitioning from a private to publicly-owned energy provider
- Support the development of efficient and safe location of battery storage facilities
- Encourage undergrounding of existing overhead facilities when significant work occurs in the right-of-way.

Process

- The Public Service and Utilities Elements were originally presented to the Planning Commission on February 21, 2023.
- Their questions and comments were addressed on April 4, 2023 and June 6, 2023.
- On July 18, 2023, the Commissioners reviewed revised elements again. On August 15, 2023, Planning Commission held Public Hearing.
- Both Elements reviewed by Department of Commerce, PSRC, and Ecology (SEPA). No comments were received.

Planning Commission Recommendations

Kenmorewa.gov
Todd Hall
thall@kenmorewa.gov



KENMORE 2044





City Council Agenda Bill City of Kenmore, WA

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|--|--|-------------------------------------|----------------------------------|-----------------------------------|--------------------------|--------------------------------------|--------------------------|----------------------------------|--------------------------|--|--------------------------|
| <p>Subject/Topic: Adoption of Ordinance No. 23-0577 (Kenmore Property Maintenance Code).</p> <p>Proposed Council Action/Motion: Public Hearing and adoption of Ordinance No. 23-0577 to repeal 1997 property maintenance codes and replace them with a new Kenmore Property Maintenance Code (KPMC) based on the 2021 International Property Maintenance Code.</p> | <p>For Council Meeting Agenda of: <u>October 16, 2023</u></p> <p>Department: <u>Development Services</u></p> <p>Prepared by: <u>Samantha Loyuk, Development Services Director and Bridgit Baker, Code Enforcement Officer.</u></p> <table border="0" style="width: 100%;"> <tr> <td style="width: 70%;">Approved by Department Head:</td><td style="width: 30%; text-align: right;"><u>Initial & Date</u></td></tr> <tr> <td>Approved by City Attorney:</td><td style="text-align: right;"><u>SL 10/3/23</u></td></tr> <tr> <td>Approved by Finance Director:</td><td style="text-align: right;"><u>DR 10/3/23</u></td></tr> <tr> <td>Approved by City Manager:</td><td style="text-align: right;"><u>MM 10/6/23</u></td></tr> <tr> <td></td><td style="text-align: right;"><u>RK 10/6/23</u></td></tr> </table> <p>Exhibits/Attachments:</p> <ol style="list-style-type: none"> 1. Ordinance no. 23-0577 2. Ordinance no. 23-0577 Exhibit A: Amended Code Sections | Approved by Department Head: | <u>Initial & Date</u> | Approved by City Attorney: | <u>SL 10/3/23</u> | Approved by Finance Director: | <u>DR 10/3/23</u> | Approved by City Manager: | <u>MM 10/6/23</u> | | <u>RK 10/6/23</u> |
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| | <u>RK 10/6/23</u> | | | | | | | | | | |
| <p>Summary:</p> <p>Public hearing and adoption of Ordinance No. 23-0577 to adopt a new Kenmore Property Maintenance Code (KPMC). If the City Council adopts this proposed ordinance this evening, 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 the publication.</p> | | | | | | | | | | | |
| <p>Information/Background:</p> <p>On January 9, 2023, and May 15, 2023, Development Services staff presented information to City Council on code enforcement processes, cases, challenges, resources, and proposed code changes. The proposed ordinance (Exhibit A) adopts the 2021 International Property Maintenance Code (IPMC), with amendments and repeals the 1997 Uniform Housing Code, 1997 Uniform Code for the Abatement of Dangerous Buildings and KMC 8.35 Public Nuisances. The new code will be adopted not by reference, but instead by adding it directly to the Kenmore Municipal Code (KMC). Doing so increases access to the code for the community and creates a Kenmore Property Maintenance Code (KPMC).</p> <p>The new KPMC will accomplish the following:</p> <ol style="list-style-type: none"> (1) The KPMC will be easier to understand and enforce. (2) The KPMC is focused on public safety and sanitation. (3) The KPMC addresses rodent harborage. | | | | | | | | | | | |

- (4) The KPMC clearly prohibits accumulation of garbage in exterior and interior areas (sometimes called “hoarding”).
- (5) The KPMC provides safety requirements for boarding and securing vacant structures.
- (6) The KPMC limits boarding of structures to 6 months (to help reduce the accumulation of dilapidated buildings in the community and vagrant occupancy).
- (7) The KPMC requires vacant land and structures to be secured in a clean, safe, and sanitary condition.
- (8) The KPMC requires development sites to be secured in a clean, safe, and sanitary condition.
- (9) The KPMC provides clear requirements for owners to restore areas damaged by graffiti.
- (10) The KPMC aligns with the current ICC codes that have already been adopted by the City.
- (11) The KPMC creates a centralized location combining three code sections into one.
- (12) The KPMC honors Diversity, Equity, Inclusion, and Accessibility (DEIA) values by including a new section specific to DEIA.

The new KPMC does not include:

- (1) Mandatory garbage service by Republic Services is not included in the KPMC. The KPMC includes new (and stronger) language on garbage disposal requirements and limitations of garbage accumulation (i.e., hoarding); see code section KMC 15.40.308. Staff believe this section is adequate for enforcement.
- (2) New requirements/limitations on large storage containers (e.g., cargo or shipping containers used for storage) are not included in the KPMC. Existing size limitations of 120 square feet or greater in KMC 8.35.010.A.5 remain unchanged.

Fiscal Consideration:

Adoption of new or amended codes typically result in the need for staff training, new/revised forms, and increased staff time spent on applying and learning new regulations.

Council Goal/Budget Being Addressed:

City Council Priority #6: Enhance public safety.

**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 23-0577**

AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON, ADDING A NEW CHAPTER 15.40 TO THE KENMORE MUNICIPAL CODE ENTITLED, THE KENMORE PROPERTY MAINTENANCE CODE; REPEALING CHAPTER 8.35, PUBLIC NUISANCES, OF THE KENMORE MUNICIPAL CODE; REPEALING SECTIONS 15.20.135, 15.20.140, 15.20.145, 15.20.150 AND 15.20.155 OF THE KENMORE MUNICIPAL CODE RELATING TO THE 1997 UNIFORM HOUSING CODE; REPEALING SECTIONS 15.20.200, 15.20.205, 15.20.210, 15.20.215 AND 15.20.220 OF THE KENMORE MUNICIPAL CODE RELATING TO THE 1997 UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS WHICH ARE SUPERCEDED BY THE NEW CHAPTER 15.40; AMENDING SECTIONS 15.05.015, 15.30.025 AND 15.30.605 OF THE KENMORE MUNICIPAL CODE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City is required to enforce the 2018 International Building Codes as adopted by the State Building Code Council becoming effective on February 1, 2021.

WHEREAS, the regulations related to the maintenance of buildings are currently found in the 1997 Uniform Housing Code and the 1997 Uniform Code for the Abatement of Dangerous Buildings as adopted in Chapter 15.20 of the Kenmore Municipal Code; and

WHEREAS, these older codes are no longer published and have been superseded by the International Property Maintenance Code which is harmonized with the City's International Construction Codes; and

WHEREAS, the City has amended the 2021 International Property Maintenance to better reflect the needs of the City and named it the Kenmore Property Maintenance Code; and

WHEREAS, the City Council has elected to replace the discontinued 1997 Uniform Housing Code and the 1997 Uniform Code for the Abatement of Dangerous Buildings with the Kenmore Property Maintenance Code which is based on the 2021 International Property Maintenance Code; and

WHEREAS, to avoid conflict and redundancy the City has incorporated the provisions of Chapter 8.35 of the Kenmore Municipal Code into the new Kenmore Property Maintenance Code.

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

Section 1. Adoption. The City Council adopts a new Chapter 15.40 of the Kenmore Municipal Code, entitled the Kenmore Property Maintenance Code, to read as set forth on **Exhibit A** to this Ordinance, attached hereto and incorporated herein by this reference.

Section 2. Repealed Chapter. Chapter 8.35 of the Kenmore Municipal Code, entitled Public Nuisances, is hereby repealed and replaced by a new Chapter 15.40 as set forth on **Exhibit A** to this Ordinance.

Section 3. Repealed Sections. Sections 15.20.135, 15.20.140, 15.20.145, 15.20.150 and 15.20.155 of the Kenmore Municipal Code relating to the adoption and amendment of the 1997 Uniform Housing Code are hereby repealed and replaced by a new Chapter 15.40 as set forth on **Exhibit A** to this Ordinance.

Section 4. Repealed Sections. Sections 15.20.200, 15.20.205, 15.20.210, 15.20.215 and 15.20.220 of the Kenmore Municipal Code relating to the adoption and amendment of the 1997 Uniform Code for the Abatement of Dangerous Buildings are hereby repealed and replaced by a new Chapter 15.40 as set forth on **Exhibit A** to this Ordinance.

Section 5. Amendment Sections. Sections 15.05.015, 15.30.025 and 15.30.605 of the Kenmore Municipal Code are hereby amended and replaced to read as set forth on **Exhibit A** to this Ordinance, attached hereto and incorporated herein by this reference.

Section 6. Severability. If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be unconstitutional or invalid for any reason, such decision shall not affect the constitutionality or validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause, phrase or word thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or words be declared unconstitutional.

Section 7. Effective Date. This Ordinance shall take effect and be in force five (5) days after the date of publication of this Ordinance.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON AT A REGULAR MEETING THEREOF THIS 16TH DAY OF OCTOBER, 2023.

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:

PUBLISHED:

EFFECTIVE DATE:

ORDINANCE NO. 23-0577

Chapter 8.35
PUBLIC NUISANCES

8.35.010 Unlawful public nuisances declared.

It shall be a public nuisance for any person owning, occupying, leasing or having charge or possession of any property in the City to maintain or allow to be maintained on such property where visible from a public street, right of way, Lake Washington, Sammamish River, or public/private ingress/egress easement any of the following conditions:

A. Public Nuisances.

1. The accumulation of weeds contained in the then current King County Noxious Weeds List or contained within then current Chapter 16.750 WAC, Noxious Weed List Classes A, B, C.
2. Neglected or improperly maintained landscaping, including but not limited to dead, debris laden, weed infested or overgrown vegetation, such as trees, shrubs, hedges, grass and ground covers, or vegetation dying as a result of physical damage, disease, insect infestation or lack of water. For purposes of this subsection, a lawn area shall be deemed overgrown if 50 percent or more of its area exceeds 12 inches in height.
3. Any vegetation that is growing rampant and unmaintained so as to provide unsightly, unsanitary and/or unsafe conditions, is destructive to other vegetation, that blocks public rights of way as described in KMC 12.70.040, that blocks the sight lines within the public rights of way, or that impacts or threatens to impact public utilities.
4. Except when placed there for removal for a period of less than 14 days, the exterior accumulation of broken, abandoned or discarded furniture or other household equipment or fixtures, packing boxes, lumber, junk, trash, rubbish or other materials or debris. Prohibited actions include the dumping, spillage or storage of solids or liquids, which may negatively impact the visual or olfactory nature of the area.
5. Storage or maintenance in a residential zone of any metal storage bin or container with a horizontal surface area of 120 square feet or greater (10 by 12).
6. Open storage of rubbish or junk including, but not limited to, refuse, garbage, scrap metal or lumber, concrete, asphalt, tin cans, tires and piles of earth, not including compost bins.
7. Combustible material likely to become easily ignited or debris resulting from any fire and which constitutes a fire hazard, as defined in the fire code as adopted by the City pursuant to KMC 15.10.010.
8. Abandoned vehicles, wrecked, dismantled or inoperative vehicles or remnant parts thereof.
9. The exterior storage or maintenance of parts or machinery of any type or description unless specifically authorized by a City license or permit; building materials or merchandise unless specifically authorized by use permit; or construction equipment except while excavation, construction, or demolition operations covered by an active building permit or other City permit are in progress on the subject or adjoining property.

10. The exterior storage of used tires in a manner that allows accumulation of water that may create a health hazard.

B. Unsafe Structures or Buildings.

1. Buildings, fences or other structures which are cracked, broken, leaning, fallen, decayed, deteriorated or defaced or in any condition that poses a life/safety hazard or attractive nuisance to children.

2. Any condition constituting a “substandard building” as defined in the adopted codes referenced in Chapter 15.20 KMC.

C. Vehicles, Boats, Trailers or Other Mobile Equipment Storage Which Presents Potential Public Health, Safety or Fire Hazards.

1. The parking or storage of any vehicle, boat, trailer, camper, motor home, or other mobile equipment, whether or not motorized, or portions or parts and components thereof, on property used or zoned for residential purposes, if:

a. Located on any front lawn or front yard; or

b. Located in any side or rear yard so as to prevent a three foot wide continuous fire access way from the front of the property.

D. Right of Way or Public Property Encroachment. Obstruction or encroachment upon any public property, including but not limited to any public street, sidewalk, highway, right of way, park or building, without prior City consent. Such obstructions or encroachments include but are not limited to overgrown trees and shrubs, building materials, merchandise or other personal property and buildings or portions of buildings or structures, fences or retaining walls protruding onto public property.

E. Other Nuisances.

1. Land, as a result of grading operations, excavation or fill, causes erosion, subsidence, or surface water drainage problems of such magnitude as to be injurious to the public health, safety, and welfare or to public properties or rights of way.

2. Maintenance of any substance which because of its quantity, concentration or physical, chemical or infectious characteristics may either cause, or substantially contribute to, an increase in mortality or serious illness or pose a significant present or potential hazard to human health or the environment if improperly managed.

3. The existence of any property condition which is unlawful or declared to be a public nuisance pursuant to any other provision of the Kenmore Municipal Code or the Revised Code of Washington (RCW) or the Washington Administrative Code (WAC). This subsection shall be construed to place an affirmative duty on property owners and occupants to maintain their property in conformity with all applicable codes. Each day that any condition which constitutes a public nuisance continues shall be deemed to be a separate violation of this chapter.

8.35.020 Definitions.

“Graffiti” means any unauthorized inscription, word, figure or design that is written, marked, etched, scratched or drawn or painted on any real or personal property regardless of its content or nature of the material used in the commission of the act.

“Junk” shall mean any cast off, damaged, discarded, obsolete, salvaged, scrapped, unusable, worn out or wrecked object, thing or material, including tires.

“Property” shall mean any real property or lot or parcel of land, including any alley, sidewalk or parkway abutting such lot or parcel of land.

“Substandard building” shall mean any building or portion thereof that is determined to be an unsafe building in accordance with the adopted codes referenced in Chapter 15.20 KMC, or any building or portion thereof, including any dwelling unit, guest room or suite of rooms, or the premises on which the same is located, in which there exists any of the conditions referenced in this section to an extent that endangers life, limb, health, property, safety or welfare of the public or the occupants thereof, shall be deemed and hereby are declared to be substandard.

8.35.030 Enforcement and violations.

Violations of this chapter shall be processed pursuant to Chapter 1.20 KMC as now in effect, or as may be subsequently amended.

Chapter 15.05

GENERAL PROVISIONS

15.05.015 Copies of codes on file.

12. 1997 Uniform Housing Code, published by the International Conference of Building Officials;

13. 1997 Uniform Code for the Abatement of Dangerous Buildings, published by the International Conference of Building Officials;

Chapter 15.20 BUILDING CODES

15.20.135 1997 Uniform Housing Code adopted

The Uniform Housing Code issued by the International Conference of Building Officials, 1997 Edition, together with amendments and/or additions thereto, is adopted in its entirety by this reference as the housing code for the City except that references to the uniform codes shall be replaced with the appropriate technical codes and sections as adopted by the City.

15.20.140 UHC Section 203, Appeals—Amended.

Section 203 of the Uniform Housing Code is hereby amended to read:

SECTION 203—APPEALS

Appeals of orders, decisions or determinations made by the building official shall be made to the hearing examiner in accordance with the requirements and process of Chapter 19.30 KMC. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder has been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better solution is proposed. The hearing examiner shall have not authority relative to interpretation of the administrative provisions of this code nor shall the hearing examiner be empowered to waive requirements of either this code or the technical codes which are the codes, appendices and referenced code standards adopted by the city.

15.20.145 UHC Section 1201.2, Processing of Appeals—Amended.

Section 1201.2 of the Uniform Housing Code is hereby amended to read:

1201.2 Processing of Appeal. Appeals of orders, decisions or determinations made by the building official shall be made to the hearing examiner in accordance with the requirements and process of Chapter 19.30 KMC.

15.20.150 UHC Section 1201.3 deleted.

Section 1201.3 of the Uniform Housing Code is deleted.

15.20.155 UHC Chapter 13 deleted.

Chapter 13, “Rules for Conduct of Hearing Appeals,” of the Uniform Housing Code is deleted.

15.20.200 Uniform Code for the Abatement of Dangerous Buildings adopted.

The Uniform Code for the Abatement of Dangerous Buildings, issued by the International Conference of Building Officials, 1997 Edition, together with amendments and/or additions thereto, is adopted in its entirety, by this reference as if fully set forth herein as the dangerous buildings code for the City, except that references to the uniform codes shall be replaced with the appropriate technical codes and sections as adopted by this City.

15.20.205 UCADB Section 205, Appeals, amended.

Section 205 of the Uniform Code for the Abatement of Dangerous Buildings is amended to read:

SECTION 205 — APPEALS

Appeals of orders, decisions or determinations made by the building official shall be made to the hearing examiner in accordance with the requirements and process of Chapter 19.30 KMC. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder has been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better solution is proposed. The hearing examiner shall have not authority relative to interpretation of the administrative provisions of this code nor shall the hearing examiner be empowered to waive requirements of either this code or the technical codes which are the codes, appendices and referenced code standards adopted by the city.

15.20.210 UCADB Section 501.2, Processing of Appeals, amended.

Section 501.2 of the Uniform Code for the Abatement of Dangerous Buildings is amended to read:

501.2 Processing of Appeal. Appeals of orders, decisions or determinations made by the building official shall be made to the hearing examiner in accordance with the requirements and process of Chapter 19.30 KMC.

15.20.215 UCADB Section 501.3 deleted.

Section 501.3 of the Uniform Code for the Abatement of Dangerous Buildings is deleted.

15.20.220 UCADB Chapter 6 deleted.

Chapter 6, “Procedures for Conduct of Hearing Appeals,” of the Uniform Code for the Abatement of Dangerous Buildings is deleted.

Chapter 15.30

CONSTRUCTION ADMINISTRATIVE CODE*

15.30.025 Definitions.

D. “Dangerous building code” means the 1997 Uniform Code for the Abatement of Dangerous Buildings promulgated by the International Council of Building Officials as adopted by the City.

ED. “Energy code” means the Washington State Energy Code promulgated by the Washington State Building Code Council as adopted by the City.

F. “Housing code” means the 1997 Uniform Housing Code promulgated by the International Council of Building Officials as adopted by the City.

GE. “IBC” means the latest edition of the International Building Code promulgated by the International Code Council as adopted by this City.

HE. “IEBC” means the latest edition of the International Existing Building Code promulgated by the International Code Council as adopted by this City.

IG. “IMC” means the latest edition of the International Mechanical Code promulgated by the International Code Council as adopted by this City.

IH. “IRC” means the latest edition of the International Residential Code for One- and Two-Family Dwellings promulgated by the International Code Council as adopted by this City.

KI. “ISPSC” means the latest edition of the International Swimming Pool and Spa Code promulgated by the International Code Council as adopted by this City.

J. “KPMC” means Kenmore Property Maintenance Code.

LK. “Minor field change” means a change to an approved plan that does not change the building use, area, height, or location on a lot and does not affect the means of egress, accessibility, or structural design and does not add plumbing or mechanical fixtures or appliances.

ML. “NEC” means the latest edition of the National Electrical Code promulgated by the National Fire Protection Association as adopted by this City.

NM. “Occupancy” means the purpose for which a building, or part thereof, is used or intended to be used.

ON. “Shall,” as used in this chapter, is mandatory.

PO. “Temporary growing structure” means a structure that has the sides and roof covered with polyethylene, polyvinyl, or similar flexible synthetic material and is used to provide plants with either frost protection or increased heat retention.

QP. “Temporary worker housing” means a place, area, or piece of land where sleeping places or housing sites are provided by an employer for his or her employees or by another person, including a temporary worker housing operator who is providing such accommodations for employees, for temporary, seasonal occupancy, and includes “labor camps” under RCW 70.54.110.

RQ. “UPC” means the latest edition of the Uniform Plumbing Code promulgated by the International Association of Plumbing and Mechanical Officials as adopted by this City.

SR. “Valuation” or “value,” as applied to a building or building service equipment, means and shall be the estimated cost to replace the building and its building service equipment in kind, based on current replacement costs. It shall also include the contractor’s overhead and profit.

Article XVI. Unsafe Structures and Equipment

15.30.605 General.

Structures or existing equipment that are or hereafter become unsafe, unsanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in the 1997 Edition of the Uniform Code for the Abatement of Dangerous Buildings or the 1997 Edition of the Uniform Housing Code Kenmore Property Maintenance Code (KMC 15.40). A vacant structure that is not secured against entry shall be deemed unsafe.

Chapter 15.40

KENMORE PROPERTY MAINTENANCE CODE

ARTICLE I--SCOPE AND ADMINISTRATION

15.40.101 Scope and General Requirements.

A. Title. These regulations shall be known as the Kenmore Property Maintenance Code, hereinafter referred to as "this code" or “KPMC.”

B. Scope. The provisions of this code shall apply to all existing residential and nonresidential *structures* and all existing *premises* and constitute minimum requirements and standards for *premises*, *structures*, equipment and facilities for light, *ventilation*, space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitation and maintenance; the responsibility of *owners*, an *owner’s* authorized agent, *operators* and *occupants*; the *occupancy* of existing *structures* and *premises*, and for administration, enforcement and penalties.

C. Purpose. The purpose of this code is to establish minimum requirements to provide a reasonable level of health, safety, *property* protection and general welfare insofar as they are affected by the continued *occupancy* and/or maintenance of *structures* and *premises*. Existing *structures* and *premises* that do not comply with these provisions shall be altered or repaired to provide a reasonable minimum level of health, safety and general welfare as required herein.

D. Diversity, Equity, Inclusion, and Accessibility (DEIA). Implementation of the KPMC reflects DEIA values by approaching enforcement holistically through a lens of compassion and equity. With the intent of helping all people love where they live, the KPMC promotes voluntary compliance and community-based services to assist vulnerable populations.

E. Severability. If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

15.40.102 Applicability.

A. General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

B. Maintenance. Equipment, systems, devices, safeguards and maintenance required by this code or a previous regulation or code under which the building, *structure* or *premises* was constructed, altered or repaired shall be maintained in good condition and working order. No *owner*, *owner's* authorized agent, *operator* or *occupant* shall cause any service, facility, equipment or utility that is required under this chapter to be removed from, shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing *structures*. Except as otherwise specified herein, the *owner* or the *owner's* authorized agent shall be responsible for the maintenance of buildings, *structures* and *premises*.

C. Application of Other Codes. Repairs, additions or alterations to a *structure*, or changes of *occupancy*, shall be done in accordance with the procedures and provisions of this code.

D. Existing Remedies. The provisions in this code shall not be construed to abolish or impair existing remedies of the *jurisdiction* or its officers or agencies relating to the removal or demolition of any *structure* that is dangerous, unsafe and insanitary.

E. Workmanship. Repairs, maintenance work, alterations or installations that are caused directly or indirectly by the enforcement of this code shall be executed and installed in a *workmanlike* manner and installed in accordance with the manufacturer's installation instructions.

F. Structural analysis. Where structural analysis is used to determine if an unsafe structural condition exists, the analysis shall be permitted to use nominal strengths, nominal loads, load effects, required strengths and limit states in accordance with the requirements under which the *structure* was constructed or in accordance with any subsequent requirement.

G. Historic Buildings. The provisions of this code shall not be mandatory for existing buildings or *structures* designated as *historic buildings*, as defined in the International Existing Building Code, where such buildings or *structures* are judged by the *code official* to be safe and in the public interest of health, safety and welfare.

H. Referenced Codes and Standards. The codes and standards referenced in this code and amended by the State and the City are considered part of the requirements of this code to the

prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall apply.

1. Conflicts. Where conflicts occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

2. Provisions in Referenced Codes and Standards. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

I. Requirements Not Covered by Code. Requirements necessary for the strength, stability or proper operation of an existing fixture, *structure* or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the *code official*.

J. Application of References. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

K. Other Laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

15.40.103 Code compliance agency

A. Appointment. The *code official* shall be appointed by the *City Manager*.

B. Deputies. In accordance with the prescribed procedures of this *jurisdiction* and with the concurrence of the appointing authority, the *code official* shall have the authority to appoint a deputy(s), other related technical officers, inspectors and other employees. Such employees shall have powers as delegated by the *code official*.

15.40.104 Fees

A. Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as established by the applicable governing authority.

B. Refunds. The *code official* is authorized to establish a refund policy.

15.40.105 Duties and powers of the code official.

A. General. The *code official* is hereby authorized and directed to enforce the provisions of this code. The *code official* shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

B. Inspections. The *code official* is authorized to make all of the required inspections or accept reports of inspection by *approved* agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such *approved* agency or by the responsible individual. The *code official* is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

C. Right of Entry. Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the *code official* has reasonable cause to believe that there exists in a *structure* or upon a *premises* a condition in violation of this code, the *code official* is authorized to enter the *structure* or *premises* at reasonable times to inspect or perform the duties imposed by this code; provided, that if such *structure* or *premises* is occupied the *code official* shall present credentials to the *occupant* and request entry. If such *structure* or *premises* is unoccupied, the *code official* shall first make a reasonable effort to locate the *owner*, *owner's* authorized agent, or other *person* having charge or control of the *structure* or *premises* and request entry. If entry is refused, entry shall be pursuant to a warrant or other remedy provided by law unless a public safety emergency justifies entry without a warrant or other lawful remedy.

D. Identification. The *code official* shall carry proper identification when inspecting *structures* or *premises* in the performance of duties under this code.

E. Notices and Orders. The *code official* shall issue all necessary notices or orders to ensure compliance with this code.

F. Department Records. The *code official* shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records for the period required for retention of public records.

G. Liability. The *code official*, no provision or term used in this chapter is intended to impose any duty upon the *City* or any of its officers or employees which would subject them to damages in a civil action.

1. The procedures set forth in Chapter 2.50 *KMC*, "Indemnification of Employees and Appointed and Elected City Officials" shall apply to the defense of claims of liability arising from acts or omissions of officials or employees charged with the enforcement of this Chapter 15.40 *KMC*.

15.40.106 Approval.

A. Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the *code official* shall have the authority to grant modifications for individual cases upon application of the *owner* or *owner's* authorized agent, provided the *code official* shall first find that special individual reason makes the strict letter of this code impractical, the modification is in compliance with the intent and purpose of this code, and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

B. Alternative Materials, Design and Methods of Construction and Equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code; provided, that any such alternative has been *approved*. An alternative material, design or method of construction shall be *approved* where the *code official* finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not *approved*, the *code official* shall respond in writing, stating the reasons why the alternative was not *approved*.

C. Required Testing. Whenever there is insufficient evidence of compliance with the provisions of this code or evidence that a material or method does not conform to the

requirements of this code, or in order to substantiate claims for alternative materials or methods, the *code official* shall have the authority to require tests to be made as evidence of compliance at no expense to the *jurisdiction*.

1. Test Methods. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the *code official* shall be permitted to approve appropriate testing procedures performed by an *approved agency*.

2. Test Reports. Reports of tests shall be retained by the *code official* for the period required for retention of public records.

D. Used Material and Equipment. The use of used materials that meet the requirements of this code for new materials is permitted. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested where necessary, placed in good and proper working condition and *approved* by the *code official*.

E. Approved Materials and Equipment. Materials, equipment and devices *approved* by the *code official* shall be constructed and installed in accordance with such approval.

F. Research Reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from *approved sources*.

15.40.107 Means of appeal.

Any *person* directly affected by a decision of the *code official*, or a notice or order issued under this code shall have the right to appeal as set forth in Chapter 1.20 of the *KMC*.

15.40.108 Hearing Examiner.

All references to the Board of Appeals shall be deemed to refer to the City of Kenmore Hearing Examiner

15.40.109 Violations.

A. Unlawful acts. It shall be unlawful for a *person* to be in conflict with or in violation of any of the provisions of this code.

B. Notice of violation. For civil violations, the *code official* shall serve a notice of violation or order in accordance with Chapter 1.20 of the *KMC*.

C. Prosecution of violation. Any *person* failing to comply with a notice of violation or order served in accordance with Section 15.40.111.D shall be deemed guilty of a misdemeanor or civil infraction as determined by the City, and the violation shall be deemed a *strict liability offense*. If the notice of violation is not complied with, the *code official* shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful *occupancy* of the *structure* in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having *jurisdiction* on such *premises* shall be charged against the real estate upon which the *structure* is located and shall be a lien upon such real estate.

D. Violation penalties. Any *person* who violates a provision of this code, or fails to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

F. Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the legal officer of the *jurisdiction* from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal *occupancy* of a building, *structure* or *premises*, or to stop an illegal act, conduct, business or utilization of the building, *structure* or *premises*.

15.40.110 Stop work order. Stop work orders shall be issued per Chapter 15.30 of the *KMC*.

15.40.111 Unsafe structures and equipment.

A. General. When a *structure* or equipment is found by the *code official* to be unsafe, or when a *structure* is found unfit for human *occupancy*, or is found unlawful, the *code official* is authorized to *condemn* such *structure* pursuant to the provisions of this code.

1. Unsafe Structures. An unsafe *structure* is one that is found to be dangerous to the life, health, *property* or safety of the public or the *occupants* of the *structure* by not providing minimum safeguards to protect or warn *occupants* in the event of fire, or because such *structure* contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation that partial or complete collapse is possible.

2. Unsafe Equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the *premises* or within the *structure* which is in such disrepair or condition that such equipment is a hazard to life, health, *property* or safety of the public or *occupants* of the *premises* or *structure*.

3. Structure Unfit for Human Occupancy. A *structure* is unfit for human *occupancy* whenever the *code official* finds that such *structure* is unsafe, unlawful or, because of the degree to which the *structure* is in disrepair or lacks maintenance, is unsanitary, vermin- or rat-infested, contains filth and contamination, or lacks *ventilation*, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the *structure* constitutes a hazard to the *occupants* of the *structure* or to the public.

4. Unlawful Structure. An unlawful *structure* is one found in whole or in part to be occupied by more *persons* than permitted under this code, or that was erected, altered or occupied contrary to law.

5. Dangerous Structure or Premises. For the purpose of this code, any *structure* or *premises* that has any or all of the conditions or defects described below shall be considered dangerous:

a. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the *approved* building or fire code of the *jurisdiction* as related to the requirements for existing buildings.

b. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.

c. Any portion of a building, *structure* or appurtenance that has been damaged by fire, earthquake, wind, flood, *deterioration*, *neglect*, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.

d. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof, that is not of sufficient strength or stability, or is not so *anchored*, attached or fastened in place, so as to be capable of resisting natural or artificial loads of one and one-half times the original designed value.

e. The building or *structure*, or part of the building or *structure*, because of dilapidation, *deterioration*, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or *structure* is likely to fail or give way.

f. The building or *structure*, or any portion thereof, is clearly unsafe for its use and *occupancy*.

g. The building or *structure* is *neglected*, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or *structure* to their danger, becomes a harbor for vagrants, criminals or immoral *persons*, or enables *persons* to resort to the building or *structure* for committing a nuisance or an unlawful act.

h. Any building or *structure* that has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or *structure* provided by the *approved* building or fire code of the *jurisdiction*, or of any law or ordinance to such an extent as to present either a substantial risk of fire or building collapse or any other threat to life and safety.

i. A building or *structure*, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, *ventilation*, mechanical or plumbing system, or otherwise, is determined by the *code official* to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

j. Any building or *structure*, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the *code official* to be a threat to life or health.

k. Any portion of a building remains on a site after the demolition or destruction of the building or *structure* or whenever any building or *structure* is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

6. Drug Properties and Structures. It is hereby declared that any building, *structure* and/or associated *property* wherein or upon which the manufacture, distribution, production or storage of illegal drugs or the precursors to create illegal drugs has taken place in a manner which could endanger the public, such building, *structure* and/or associated *property* is not only a dangerous *property* but is also of a classification of *property* calling for the special procedures set forth in this section. The *code official* is authorized to abate such dangerous buildings, *structures* and/or

associated properties in accordance with the dangerous building procedures set forth in such code, with the following modifications:

- a. Due to public safety hazard in drug-production facilities, the utilities shall be disconnected;
- b. Building(s) and *structures* will be inspected to determine compliance with all City ordinances and codes;
- c. Building(s) and any entry gates to the *property* will be secured against entry. No reconnection of utilities or reoccupancy of the building(s), *structures* or *property* shall be allowed until all violations have been remedied and all dangerous conditions abated to the satisfaction of the *code official* and a notice of release for reoccupancy has been received from the King County Department of Public Health.

B. Closing of Vacant Structures. If the *structure* is vacant and unfit for human habitation and *occupancy*, and is not in danger of structural collapse, the *code official* is authorized to post a placard of condemnation on the *premises* and order the *structure* closed up so as not to be an attractive nuisance. Upon failure of the *owner* or *owner's* authorized agent to close up the *premises* within the time specified in the order, the *code official* shall cause the *premises* to be closed and secured through any available public agency or by contract or arrangement by private *persons* and the cost thereof shall be charged against the real estate upon which the *structure* is located and shall be a lien upon such real estate and may be collected by any other legal resource.

1. Authority to Disconnect Service Utilities. The *code official* shall have the authority to authorize disconnection of utility service to the building, *structure* or system regulated by this code and the referenced codes and standards set forth in Section 15.40.102(H) in case of emergency when necessary to eliminate an immediate hazard to life or *property* or when such utility connection has been made without approval. The *code official* shall notify the serving utility and, whenever possible, the *owner* or *owner's* authorized agent and *occupant* of the building, *structure* or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the *owner*, *owner's* authorized agent or *occupant* of the building, *structure* or service system shall be notified in writing as soon as practical thereafter.

2. Standards for Securing Buildings. To secure a building, all doors, window openings, or other openings on floors accessible from grade shall be closed and locked or shuttered to prevent third-party entry. If openings are damaged so they cannot be secured using normal building amenities, they shall be secured by covering with seven-sixteenths-inch minimum thickness structural panel cut to fit over the building opening and secured with No. 10 wood screws with fender washers. The screws shall penetrate the wood framing by a minimum of one and one-quarter inches and the screws shall be spaced around the perimeter of the opening at no less than twelve inches on center.

C. Record. The *code official* shall have authority to cause a report to be filed on an unsafe condition. The report shall state the *occupancy* of the *structure* and the nature of the unsafe condition.

D. Notice. Whenever the *code official* determines that there has been a civil violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Chapter 1.20 of the *KMC*.

E. Unauthorized tampering. Signs, tags or seals posted or affixed by the *code official* shall not be mutilated, destroyed or tampered with, or removed without authorization from the *code official*.

F. Transfer of Ownership. It shall be unlawful for the *owner* of any *dwelling unit* or *structure* who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such *dwelling unit* or *structure* to another until the provisions of the compliance order or notice of violation have been complied with, or until such *owner* or *owner's* authorized agent shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the *code official* and shall furnish to the *code official* a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

G. Placarding. Upon failure of the *owner*, *owner's* authorized agent or *person* responsible to comply with the notice provisions within the time given, the *code official* is authorized to post on the *premises* or on defective equipment a placard bearing the word(s) "Restricted Use" or "Condemned" or "Unsafe" or similar language and a statement of the penalties provided for occupying the *premises*, operating the equipment or removing the placard. Such notice shall be posted in a conspicuous place in or about the *structure* affected by such notice. If the notice pertains to equipment, it shall be placed on the *condemned* equipment.

1. Placard Removal. The *code official* shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any *person* who defaces or removes a condemnation placard without the approval of the *code official* shall be subject to the penalties provided by this code.

H. Prohibited Occupancy. Any occupied *structure condemned* and placarded by the *code official* shall be vacated as ordered by the *code official*. Any *person* who shall occupy a placarded *premises* or shall operate placarded equipment, and any *owner*, *owner's* authorized agent who shall let anyone occupy a placarded *premises* or operate placarded equipment, shall be liable for the penalties provided by this code.

I. Restoration or abatement. The *structure* or equipment determined to be unsafe by the *code official* is permitted to be restored to a safe condition. The *owner*, *owner's* authorized agent, *operator* or *occupant* of a building, *premises* or equipment deemed unsafe by the *code official* shall abate or cause to be abated or corrected such unsafe conditions, either by repair, rehabilitation, demolition or other *approved* corrective action. To the extent that repairs, alterations, or additions are made or a change of *occupancy* occurs during the restoration of the *structure*, such repairs, alterations, additions, or change of *occupancy* shall comply with the requirements of the International Existing Building Code.

15.40.112 Emergency measures.

A. Imminent Danger. When, in the opinion of the *code official*, there is *imminent danger* of failure or collapse of a building or *structure* that endangers life, or when any *structure* or part of a *structure* has fallen and life is endangered by the occupation of the *structure*, or when there is actual or potential danger to the building *occupants* or those in the proximity of any *structure* because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the *code official* is hereby authorized and empowered to order and require the *occupants* to vacate the *premises*

forthwith. The *code official* is authorized to cause to be posted at each entrance to such *structure* a notice reading as follows: "This *Structure* Is Unsafe and Its *Occupancy* Has Been Prohibited by the *Code Official*." It shall be unlawful for any *person* to enter such *structure* except for the purpose of securing the *structure*, making the required repairs, removing the hazardous condition or of demolishing the same.

B. Temporary Safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the *code official*, there is *imminent danger* due to an unsafe condition, the *code official* is authorized to order the necessary work to be done, including the boarding up of openings, to render such *structure* temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the *code official* deems necessary to meet such emergency.

C. Closing Streets. When necessary for public safety, the *code official* is authorized to temporarily close *structures* and close, or order the authority having *jurisdiction* to close, sidewalks, streets, *public ways* and places adjacent to unsafe *structures*, and prohibit the same from being utilized.

D. Emergency Repairs. For the purposes of this section, the *code official* is authorized to employ the necessary labor and materials to perform the required work as expeditiously as possible.

E. Costs of Emergency Repairs. Costs incurred by the City in the performance of emergency work shall be paid by the *owner* of the *premises*. The legal counsel of the *jurisdiction* is authorized to institute appropriate action against the *owner* of the *premises* or *owner's* authorized agent where the unsafe *structure* is or was located for the recovery of such costs.

F. Hearing. Any *person* ordered to take emergency measures shall comply with such order forthwith. Any affected *person* shall thereafter, upon appeal directed to the hearing examiner, be afforded a hearing as set forth in Chapter 1.20 of the *KMC*.

15.40.113 Demolition.

A. General. The *code official* is authorized to order the *owner* or *owner's* authorized agent of any *premises* upon which is located any *structure*, which in the *code official's* or *owner's* authorized agent's judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or *occupancy*, and such that it is unreasonable to repair the *structure*, to demolish and remove such *structure*; or if such *structure* is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the *owner's* option; or where there has been a cessation of normal construction of any *structure* for a period of more than two years, the *code official* is authorized to order the *owner* or *owner's* authorized agent to demolish and remove such *structure*, or board up until future repair. Boarding the building up for future repair shall not extend beyond six months, unless *approved* by the *code official*.

B. Notices and Orders. Notices and orders shall comply with Chapter 1.20 of the *KMC*.

C. Failure to Comply. If the *owner* of a *premises* or *owner's* authorized agent fails to comply with a demolition order within the time prescribed, the *code official* is authorized to cause the *structure* to be demolished and removed, either through an available public agency or by contract or arrangement with private *persons*, and the cost of such demolition and removal shall be charged against the real estate upon which the *structure* is located and shall be a lien upon such real estate.

D. **Salvage Materials.** When any *structure* has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the *person* who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

15.40.114 Unlawful public nuisances declared.

A. It shall be a public nuisance for any *person* owning, occupying, leasing, or having charge or possession of any *property* in the City to maintain or allow to be maintained on such *property* where visible from a *public way*, *right-of-way*, Lake Washington, Sammamish River, or public/private ingress/egress *easement* any conditions prohibited in the following *KMC* sections:

1. *KMC* 15.40.302.D.2.a;
2. *KMC* 15.40.302.D.2.b;
3. *KMC* 15.40.302.D.2.c;
4. *KMC* 15.40.302.D.2.d;
5. *KMC* 15.40.302.E
6. *KMC* 15.40.302.F
7. *KMC* 15.40.302.G.1;
8. *KMC* 15.40.302.G.2;
9. *KMC* 15.40.302.H.1.a;
10. *KMC* 15.40.302.H.1.b;
11. *KMC* 15.40.302.H.1.c;
12. *KMC* 15.40.302.I;
13. *KMC* 15.40.302.J;
14. *KMC* 15.40.302.K;
15. *KMC* 15.40.302.L;
16. *KMC* 15.40.302.M;
17. *KMC* 15.40.302.N;
18. *KMC* 15.40.302.O;
19. *KMC* 15.40.302.P;
20. *KMC* 15.40.302.Q
21. *KMC* 15.40.302.R;
22. *KMC* 15.40.302 S; and
23. *KMC* 15.40.111

B. The existence of any *property* condition which is unlawful and/or declared to be a public nuisance pursuant to the *KMC*, the Revised Code of Washington (RCW) or the Washington Administrative Code (WAC) is prohibited. This subsection shall be construed to place an affirmative duty on *property owners* and *occupants* to maintain their *property* in conformity with all applicable codes.

C. Violations of this section are enforced by the *code official* and processed pursuant to Chapter 1.20 *KMC* as now in effect, or as may be subsequently amended.

ARTICLE II--DEFINITIONS

15.40.201 General.

A. Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

B. Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

C. Terms Defined in Other Codes. Where terms are not defined in this code and are defined in the International Building Code, International Existing Building Code, International Residential Code, International Fire Code, Uniform Plumbing Code, International Mechanical Code or NFPA 70, such terms shall have the meanings ascribed to them as stated in those codes.

Exception: When used within this code, the terms unsafe and dangerous shall have only the meanings ascribed to them in this code and shall not have the meanings ascribed to them by the International Existing Building Code.

D. Terms Not Defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

E. Parts. Whenever the words "*dwelling unit*," "*dwelling*," "*premises*," "*building*," "*rooming house*," "*rooming unit*," "*housekeeping unit*" and "*story*" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."

15.40.202 General Definitions.

For purposes of this chapter, the following definitions shall apply:

A. "Anchored" means secured in a manner that provides positive connection.

B. "Approved" means acceptable to the *code official*.

C. "Basement" means that portion of a building which is partly or completely below grade.

D. "Bathroom" means a room containing plumbing fixtures including a bathtub or shower.

E. "Bedroom" means any room or space used or intended to be used for sleeping purposes in either a dwelling or *sleeping unit*.

F. "City Manager" means the City of Kenmore *City Manager* or his or her designee(s).

G. "Code Official" means the official who is charged with the administration and enforcement of this code or portion of this code, or any duly authorized representative of the *City Manager*.

H. "Condemn" means to adjudge unfit for *occupancy*.

I. "Cost of such demolition or emergency repairs" means the actual costs of the demolition or repair of the *structure* less revenues obtained if salvage was conducted prior to demolition or repair. Costs shall include, but not be limited to, expenses incurred or necessitated related to demolition or emergency repairs, such as asbestos survey and abatement if necessary; costs of inspectors, testing agencies or experts retained relative to the demolition or emergency repairs; costs of testing; surveys for other materials that are controlled or regulated from being dumped in a landfill; title searches; mailing(s); postings; recording; and attorney fees

expended for recovering of the cost of emergency repairs or to obtain or enforce an order of demolition made by the *code official*, the governing body or board of appeals.

J. "Detached" means when a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

K. "Deterioration" means to weaken, disintegrate, corrode, rust or decay and lose effectiveness.

L. "Dwelling unit" means a single unit providing complete, independent living facilities for one or more *persons*, including permanent provisions for living, sleeping, eating, cooking and sanitation.

M. "Easement" means that portion of land or *property* reserved for present or future use by a *person* or agency other than the legal fee *owner(s)* of the *property*. The *easement* shall be permitted to be for use under, on or above said lot or lots.

N. "Emergency escape and rescue opening" means an operable exterior window, door or other similar device that provides for a means of escape and access for rescue in the event of an emergency.

O. "Exterior property" means the open space on the *premises* and on adjoining *property* under the control of *owners* or *operators* of such *premises*.

P. "Garbage" means the animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Q. "Graffiti" means unauthorized inscription, word, figure or design that is written, marked, etched, scratched or drawn or painted on any real or personal *property* regardless of its content or nature of the material used in the commission of the act.

R. "Guard" means a building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

S. "Habitable space" means space in a *structure* for living, sleeping, eating or cooking. *Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas* are not considered *habitable spaces*.

T. "Historic building" means any building or *structure* that is listed in the State or National Register of Historic Places; designated as a historic *property* under local or state designation law or survey; certified as a contributing resource within a National Register listed or locally designated historic district; or with an opinion or certification that the *property* is eligible to be listed on the National or State Register of Historic Places either individually or as a contributing building to a historic district by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places.

U. "Housekeeping unit" means a room or group of rooms forming a single *habitable space* equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

V. "Imminent danger" means a condition which could cause serious or life-threatening injury or death at any time.

W. "Infestation" means the presence, within or contiguous to a *structure* or *premises*, of insects, rats, vermin or other pests.

X. "Inoperative vehicle" means a vehicle which cannot be driven upon the public streets for reasons including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

Y. "Junk" means old or scrap copper; brass; rope; rags; batteries; paper; trash; rubber; debris; wastes; machinery; scrap wood; *junked*, dismantled or wrecked automobiles, or parts thereof; iron; steel; and other old or scrap ferrous or nonferrous material.

Z. "Jurisdiction" means the "City".

AA. "Labeled" means equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, *approved* agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above *labeled* items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

BB. "KMC" means the Kenmore Municipal Code.

CC. "Let for occupancy" or "let" means to permit, provide or offer possession or *occupancy* of a dwelling, *dwelling unit*, *rooming unit*, building, *premises* or *structure* by a *person* who is or is not the legal *owner* of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

DD. "Neglect" means the lack of proper maintenance for a building or *structure*.

EE. "Occupancy" means the purpose for which a building or portion thereof is utilized or occupied.

FF. "Occupant" means any individual living or sleeping in a building or having possession of a space within a building.

GG. "Openable area" means that part of a window, skylight or door which is available for unobstructed *ventilation* and which opens directly to the outdoors.

HH. "Operator" means any *person* who has charge, care or control of a *structure* or *premises* which is *let* or offered for *occupancy*.

II. "Owner" means any *person*, agent, *operator*, firm or corporation having a legal or equitable interest in the *property*; or recorded in the official records of the state, county or municipality as holding title to the *property*; or otherwise having control of the *property*, including the guardian of the estate of any such *person*, and the executor or administrator of the estate of such *person* if ordered to take possession of real *property* by a court.

JJ. "Person" means an individual, corporation, partnership or any other group acting as a unit.

KK. "Pest elimination" means the control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other *approved pest elimination* methods.

LL. "Premises" means a lot, plot or parcel of land, tract, *easement* or *public way*, including any *structures* thereon.

MM. "Property" shall mean any real *property* or lot or parcel of land, tract, including any alley, sidewalk or parkway abutting such lot or parcel of land.

NN. "Public way" means any street, alley or other parcel of land that: is open to the outside air; leads to a street; has been deeded, dedicated or otherwise permanently appropriated to the public for public use; and has a clear width and height of not less than ten (10) feet.

OO. "Right-of-way" means land and the space above and below, *property* or *property* interest, such as a *right-of-way* use *easement*, as well as bridges, trestles, or other *structures*, dedicated to, or otherwise acquired by the City of Kenmore for public motor vehicle, pedestrian, bicycle, or other nonmotorized transportation purposes, including, but not limited to, roads and trails, whether or not opened, improved or maintained for public transportation purposes.

PP. "Rooming house" means a building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

QQ. "Rooming unit" means any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

RR. "Rubbish" means combustible and noncombustible waste materials, except *garbage*; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, *yard* trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

SS. "Sleeping unit" means a room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a *dwelling unit* are not *sleeping units*.

TT. "Strict liability offense" means an offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

UU. "Structure" means that which is built or constructed.

VV. "Substandard building" shall mean any building or portion thereof that is determined to be an unsafe building pursuant to this Chapter, or any building or portion thereof, including any *dwelling unit*, guest room or suite of rooms, or the *premises* on which the same is located, in which there exists any of the conditions referenced in *KMC 15.40.114*, which endangers life, limb, health, *property*, safety or welfare of the public or the *occupants* thereof, shall be deemed and hereby are declared to be substandard.

WW. "Tenant" means a *person*, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

XX. "Toilet room" means a room containing a water closet or urinal but not a bathtub or shower.

YY. "Ultimate deformation" means the deformation at which failure occurs and which shall be deemed to occur if the sustainable load reduces to eighty percent or less of the maximum strength.

ZZ. "Ventilation" means the natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

AAA. "Workmanlike" means executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

BBB. "Yard" means an open space on the same lot with a *structure*.

ARTICLE III--GENERAL REQUIREMENTS

15.40.301 General.

A. Scope. The provisions of this article shall govern the minimum conditions and the responsibilities of *persons* for maintenance of *structures*, equipment and *exterior property*.

B. Responsibility. The *owner* of the *premises* shall maintain the *structures* and *exterior property* in compliance with these requirements, except as otherwise provided for in this code. A *person* shall not occupy as *owner-occupant* or permit another *person* to occupy *premises* that are not in a sanitary and safe condition and that do not comply with the requirements of this article. *Occupants* of a *dwelling unit*, *rooming unit* or *housekeeping unit* are responsible for keeping in a clean, sanitary and safe condition that part of the *dwelling unit*, *rooming unit*, *housekeeping unit* or *premises* which they occupy and control.

C. Vacant Structures and Land. Vacant *structures* and *premises* thereof or vacant land shall be maintained in a clean, safe, secure, and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

15.40.302 Exterior property areas.

A. Sanitation. *Exterior property* and *premises* shall be maintained in a clean, safe and sanitary condition. The *occupant* shall keep the *exterior property* that such *occupant* occupies or controls in a clean and sanitary condition.

Examples of prohibited actions include but are not limited to accumulation of *junk*, *rubbish*, new or used tires, auto parts, construction equipment, appliances, etc.

B. Grading and Drainage. *Premises* shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any *structure* located thereon.

Examples of prohibited actions include but are not limited to stockpiling materials (soil, gravel, sand, *yard debris*, etc.), large holes that accumulate or hold water, uncovered and/or unmaintained swimming pools, etc.

Exception: *Approved* retention areas, reservoirs, or similar areas.

C. Sidewalks and Driveways. Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions. It shall be the responsibility of the *owner of property* abutting upon a public sidewalk to maintain the sidewalk at all times in a safe condition, free of any and all obstructions or defects as described in Chapter 12.70 of the *KMC*.

D. Control of Overgrown Vegetation. Overgrown vegetation shall comply with subsections (D)(1) and (D)(2) of this section.

1. Removal of Overhanging Vegetation and Fire Hazards.

a. The *owner* of any *property* in the City shall remove or destroy, in a manner permitted by law, all vegetation growing or which has grown and died or debris upon *property* owned or occupied by them that is a fire hazard or a menace to public health, safety, or welfare. Such work, when proposed in a critical area or its buffer, requires prior approval from the City. Prior authorization is also required from the City to the extent removal of trees is required.

2. Weeds, Grass Neglected or Improperly Maintained Landscaping.

a. *Premises* and *exterior property* shall be maintained free from weeds and grass in excess of twelve inches.

b. The accumulation of weeds on *premises* or *property* contained in the current King County Noxious Weeds List or contained within current Chapter 16-750 WAC, Noxious Weed List Classes A, B, C shall be prohibited.

c. *Neglected* or improperly maintained landscaping, including but not limited to dead, debris-laden, weed-infested or overgrown vegetation, such as trees, shrubs, hedges, grass and ground covers, or vegetation dying as a result of physical damage, disease, insect *infestation*, lack of water, or other factors is prohibited.

d. Any vegetation that is growing rampant and unmaintained so as to provide unsightly, unsanitary and/or unsafe conditions, is destructive to other vegetation, that blocks public *rights-of-way* as described in Chapter 12.70 of the *KMC*, that blocks the sight lines within the public *rights-of-way*, or that impacts or threatens to impact public utilities is prohibited.

Upon failure to comply with this section, any duly authorized employee of the *jurisdiction* or contractor hired by the *jurisdiction* shall be authorized to enter upon the *property* in violation and cut and destroy the *neglected* or improperly maintained landscaping, weeds or grass growing thereon that are over twelve inches tall, and the costs of such removal shall be paid by the *owner* or agent responsible for the *property*; provided, however, that such entry and removal shall be pursuant to a warrant or other remedy provided by law unless a public safety emergency justifies entry without a warrant or other lawful remedy.

E. Rodent Harborage. *Structures* and *exterior property* shall be kept free from rodent harborage and *infestation*. Where rodents are found, they shall be promptly exterminated by *approved* processes that will not be injurious to human health. After *pest elimination*, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

F. Exhaust Vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private *property* or that of another *tenant*.

G. Accessory Structures.

1. Accessory *structures*, including *detached* garages, outbuildings, fences and walls, shall be maintained structurally sound and in good repair.

2. Storage or maintenance in a residential zone of any metal storage bin or container with a horizontal surface area of 120 square feet or greater is prohibited, unless otherwise permitted by the City (e.g., special use permit, temporary use permit, etc.).

H. Vehicles, Boats, Trailers or Other Mobile Equipment Storage Which Presents Potential Public Health, Safety or Fire Hazards are prohibited.

1. The parking or storage of any vehicle, boat, trailer, camper, motor home, or other mobile equipment, whether or not motorized, or portions or parts and components thereof, on *property* used or zoned for residential purposes are prohibited, if:

a. Located on any front lawn or front *yard*; or

b. Located in any side or rear *yard* so as to prevent a three-foot-wide continuous fire access way from the front of the *property*.

c. Projecting into *right-of-way*.

I. Abandoned Vehicles. Except as provided for in Chapter 8.25 of the *KMC*, abandoned vehicles, wrecked, dismantled or *inoperative vehicles* or remnant parts thereof are prohibited.

J. Defacement of Property. No *person* shall willfully or wantonly damage, mutilate or deface any exterior surface of any *structure* or building on any private or public *property* by placing thereon any marking, carving or *graffiti*. It shall be the responsibility of the *owner* to restore said surface to an *approved* state of maintenance and repair.

K. Except when placed there for removal for a period of less than 7 days, the exterior accumulation of broken, abandoned or discarded furniture or other household equipment or fixtures, packing boxes, lumber, *junk*, trash, *rubbish* or other materials or debris is prohibited. Prohibited actions include the dumping, spillage or storage of solids or liquids, which may negatively impact the visual or olfactory nature of the area.

L. Open storage of *rubbish* or *junk* including, but not limited to, refuse, *garbage*, scrap metal or lumber, concrete, asphalt, tin cans, tires and piles of earth, not including compost bins shall be prohibited.

M. Combustible material likely to become easily ignited or debris resulting from any fire and which constitutes a fire hazard, as defined in the fire code as adopted by the City pursuant to Chapter 15.10 of the *KMC* shall be prohibited.

N. The exterior storage or maintenance of parts or machinery of any type or description unless specifically authorized by a City license or permit; building materials or merchandise unless specifically authorized by use permit; or construction equipment except while excavation, construction, or demolition operations covered by an active building permit or other City permit are in progress on the subject or adjoining *property* shall be prohibited.

O. The exterior storage of new or used tires in a manner that allows accumulation of water that may create a health hazard.

P. Right-of-Way or Public Property Encroachment. Obstruction or encroachment upon any public *property*, including but not limited to any public street, sidewalk, highway, *right-of-way*, park or building, without prior City consent is prohibited. Such obstructions or

encroachments include but are not limited to overgrown trees and shrubs, building materials, merchandise or other personal *property* and buildings or portions of buildings or *structures*, fences or retaining walls protruding onto public *property*.

Q. Land, as a result of grading operations, excavation or fill, causes erosion, subsidence, or surface water drainage problems of such magnitude as to be injurious to the public health, safety, and welfare or to public properties or *rights-of-way*.

R. Maintenance of any substance which because of its quantity, concentration or physical, chemical or infectious characteristics may either cause, or substantially contribute to, an increase in mortality or serious illness or pose a significant present or potential hazard to human health or the environment if improperly managed.

S. The existence of any *property* condition which is unlawful or declared to be a public nuisance pursuant to any other provision of the KMC or the Revised Code of Washington (RCW) or the Washington Administrative Code (WAC). This subsection shall be construed to place an affirmative duty on *property owners* and *occupants* to maintain their *property* in conformity with all applicable codes.

15.40.303 Swimming pools, spas, and hot tubs.

A. Swimming Pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

B. Enclosures. Private swimming pools, hot tubs and spas, containing water more than twenty-four inches in depth shall be completely surrounded by a fence or barrier not less than forty-eight inches in height above the finished ground level measured on the side of the barrier away from the pool. Openings in the barrier shall not allow passage of a 4-inch-diameter sphere. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than fifty-four inches above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of six inches from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F1346 and swimming pools equipped with a powered safety cover that complies with ASTM F1346, in compliance with the International Swimming Pool and Spa Code, shall be exempt from the provisions of this section.

15.40.304 Exterior structure.

A. General. The exterior of a *structure* shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

1. Unsafe Conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:

a. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;

b. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations, is not capable of resisting all nominal loads or load effects;

- c. *Structures* or components thereof that have reached their limit state;
- d. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather-resistant or watertight;
- e. Structural members that have evidence of *deterioration* or that are not capable of safely supporting all nominal loads and load effects;
- f. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
- g. Exterior walls that are not *anchored* to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
- h. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of *deterioration* or fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;
- i. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of *deterioration* or fatigue, are not properly *anchored* or are incapable of supporting all nominal loads and resisting all load effects;
- j. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;
- k. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;
- l. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including *guards* and handrails, are not structurally sound, not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects; or
- m. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly *anchored*, or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

- i. Where substantiated otherwise by an *approved* method.

ii. Demolition of unsafe conditions shall be permitted where *approved* by the *code official*.

B. Protective Treatment. All exterior surfaces, including but not limited to doors, door and window frames, cornices, porches, trim, and balconies, shall be maintained in good condition or in a manner that does not create a public nuisance.

C. Premises Identification. Buildings shall have *approved* address numbers placed in a position to be plainly legible and visible from the street or road fronting the *property*. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be not less than four inches (one hundred two millimeters) high with a minimum stroke width of one-half inch.

Exception: Buildings constructed under the International Residential Code, prior to July 1, 2010, are permitted to have the address number size be a minimum of three inches high.

D. Structural Members. Structural members shall be maintained free from *deterioration*, and shall be capable of safely supporting the imposed dead and live loads.

E. Foundation Walls. Foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

F. Exterior Walls. Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent *deterioration*.

G. Roofs and Drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or *deterioration* in the walls or interior portion of the *structure*. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged directly onto any other private *property*, public *right-of-way* or in a manner that creates a public nuisance.

H. Decorative Features. Cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

I. Overhang Extensions. Overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly *anchored* so as to be kept in a sound condition. Where required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

J. Stairways, Decks, Porches and Balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

K. Chimneys and Towers. Chimneys, cooling towers, smokestacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. Exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

L. Handrails and Guards. Every handrail and *guard* shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

M. Window, Skylight and Door Frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

1. Glazing. Glazing materials shall be maintained free from cracks and holes.

2. Openable Windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

N. Doors. Exterior doors, door assemblies, *operator* systems if provided and hardware shall be maintained in good condition. Locks at all entrances to *dwelling units* and *sleeping units* shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 15.40.702(C).

15.40.305 Interior structure.

A. General. The interior of a *structure* and equipment therein shall be maintained in good repair, structurally sound, and in a sanitary condition. *Occupants* shall keep that part of the *structure* that they occupy or control in a clean and sanitary condition. Every *owner* of a *structure* containing a *rooming house*, *housekeeping units*, a hotel, a dormitory, two or more *dwelling units* or two or more nonresidential *occupancies* shall maintain, in a clean and sanitary condition, the shared or public areas of the *structure* and *exterior property*.

1. Unsafe Conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:

- a. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;

- b. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations, is not capable of resisting all nominal loads or load effects;

- c. *Structures* or components thereof that have reached their limit state;

- d. Structural members are incapable of supporting nominal loads and load effects;

- e. Stairs, landings, balconies and all similar walking surfaces, including *guards* and handrails, are not structurally sound, not properly *anchored* or are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;

- f. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

- i. Where substantiated otherwise by an *approved* method.

ii. Demolition of unsafe conditions shall be permitted when *approved* by the *code official*.

B. Structural Members. Structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

C. Interior Surfaces. Interior surfaces, including windows and doors, shall be maintained in good, clean, and sanitary condition. A safe, continuous, and unobstructed path of travel shall be provided from any point in a building or *structure* to the *public way*. Means of egress shall comply with the International Fire Code.

D. Stairs and Walking Surfaces. Every stair, ramp, landing, balcony, porch or other walking surface shall be maintained in sound condition and good repair.

E. Handrails and Guards. Every handrail and *guard* shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

F. Adequate Light, Ventilation, Sanitation and Occupancy. Adequate light, *ventilation*, sanitation and *occupancy* shall be provided, maintained and in compliance with the code in effect at the time of construction.

15.40.306 Component serviceability.

General. The components of a *structure* and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

A. Unsafe Conditions. Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:

1. Soils that have been subjected to any of the following conditions:

- a. Collapse of footing or foundation system;
- b. Damage to footing, foundation, concrete or other structural element due to soil expansion;
- c. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil;
- d. Inadequate soil as determined by a geotechnical investigation;
- e. Where the allowable bearing capacity of the soil is in doubt; or
- f. Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.

2. Concrete that has been subjected to any of the following conditions:

- a. *Deterioration*;
- b. *Ultimate deformation*;
- c. Fractures;

- d. Fissures;
- e. Spalling;
- f. Exposed reinforcement; or
- g. *Detached*, dislodged or failing connections.

3. Aluminum that has been subjected to any of the following conditions:

- a. *Deterioration*;
- b. Corrosion;
- c. Elastic deformation;
- d. *Ultimate deformation*;
- e. Stress or strain cracks;
- f. Joint fatigue; or
- g. *Detached*, dislodged or failing connections.

4. Masonry that has been subjected to any of the following conditions:

- a. *Deterioration*;
- b. *Ultimate deformation*;
- c. Fractures in masonry or mortar joints;
- d. Fissures in masonry or mortar joints;
- e. Spalling;
- f. Exposed reinforcement; or
- g. *Detached*, dislodged or failing connections.

5. Steel that has been subjected to any of the following conditions:

- a. *Deterioration*;
- b. Elastic deformation;
- c. *Ultimate deformation*;
- d. Metal fatigue; or
- e. *Detached*, dislodged or failing connections.

6. Wood that has been subjected to any of the following conditions:

- a. *Ultimate deformation*;
- b. *Deterioration*;
- c. Damage from insects, rodents and other vermin;
- d. Fire damage beyond charring;
- e. Significant splits and checks;
- f. Horizontal shear cracks;
- g. Vertical shear cracks;
- h. Inadequate support;
- i. *Detached*, dislodged or failing connections; or
- j. Excessive cutting and notching.

Exceptions:

- a. Where substantiated otherwise by an *approved* method.
- b. Demolition of unsafe conditions shall be permitted where *approved* by the *code official*.

15.40.307 Handrails and guardrails.

A. General. Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface that is more than thirty inches above the floor or grade below shall have *guards*. *Guards* and handrails in disrepair shall be repaired or replaced to comply with the current adopted International Building Code or the International Existing Building Code as required for existing buildings.

15.40.308 Rubbish and garbage.

A. Accumulation of Rubbish or Garbage. *Exterior property* and *premises*, and the interior of every *structure*, shall be free from accumulation of *rubbish* or *garbage*.

B. Disposal of Rubbish. Every *occupant* of a *structure* shall dispose of all *rubbish* in a clean and sanitary manner by placing such *rubbish* in *approved* containers.

- 1. Refrigerators. Refrigerators and similar equipment/appliances not in operation shall not be discarded, abandoned, or otherwise stored on *premises*.

C. Disposal of Garbage. Every *occupant* of a *structure* shall dispose of *garbage* in a clean and sanitary manner by placing such *garbage* in an *approved garbage* disposal facility or *approved garbage* containers.

15.40.309 Pest elimination.

A. Infestation. *Structures* shall be kept free from insect and rodent *infestation*. *Structures* in which insects or rodents are found shall be promptly exterminated by *approved* processes

that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

B. Owner. The *owner* of any *structure* shall be responsible for extermination within the *structure* prior to renting or leasing the *structure*.

C. Single Occupant. The *occupant* of a one-family dwelling or of a single-tenant nonresidential *structure* shall be responsible for extermination on the *premises*.

D. Multiple Occupancy. The *owner* of a *structure* containing two or more *dwelling units*, a multiple *occupancy*, a *rooming house* or a nonresidential *structure* shall be responsible for extermination in the public or shared areas of the *structure* and *exterior property*. If *infestation* is caused by failure of an *occupant* to prevent such *infestation* in the area occupied, the *occupant* and *owner* shall be responsible for extermination.

E. Occupant. The *occupant* of any *structure* shall be responsible for the continued rodent-free and pest-free condition of the *structure*.

Exception: Where the *infestations* are caused by defects in the *structure*, the *owner* shall be responsible for extermination.

F. Affected Properties. Where adjacent properties are affected by rodent harborage and/or *infestation*, the City may, in its sole discretion, abate the *infestation* to preserve the health and safety of the neighborhood. The costs of any abatement action taken by the City shall be charged to the *property owner* in the same manner as set forth in *KMC* 1.20.230 and/or *KMC* 1.20.200. If the *owner* fails to pay the City's cost to abate, the cost shall be a lien against the *property* which is the source of the rodent harborage and/or *infestation* and may be collected by the City under any enforcement and penalty provisions of Chapter 1.20 *KMC*.

ARTICLE IV--LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

15.40.401 General.

A. Scope. The provisions of this article shall govern the minimum conditions and standards for light, *ventilation* and space for occupying a *structure*.

B. Responsibility. The *owner* of the *structure* shall provide and maintain light, *ventilation* and space conditions in compliance with the code that the structure was permitted under. A *person* shall not occupy as *owner-occupant*, or permit another *person* to occupy, any *premises* that does not comply.

C. Alternative Devices. In lieu of the means for natural light and *ventilation* herein prescribed, artificial light or mechanical *ventilation* complying with the International Building Code or International Residential Code shall be permitted.

15.40.402 Light.

Habitable Rooms. Adequate and sufficient light, either natural or artificial, shall be provided, maintained and in compliance with the code in effect at the time of construction for all habitable rooms.

15.40.403 Ventilation.

Habitable Rooms and Other Spaces. Adequate and sufficient *ventilation*, shall be provided, maintained and in compliance with the code in effect at the time of construction for all habitable rooms and other spaces.

15.40.404 Occupancy limitations.

A. Minimum Ceiling Heights. *Habitable spaces* and *habitable basement* areas shall have a clear ceiling height of not less than seven feet.

B. Bedroom Requirements. Every *bedroom* shall have at least one operable window or door *approved* for emergency escape or rescue which shall open directly into a public street, public alley, *yard* or exit court. The units shall be operable from the inside to provide a full clear opening without the use of separate tools.

All escape or rescue windows shall have a minimum net clear openable area of 5.7 square feet. The minimum net clear openable height dimension shall be 24 inches. The minimum net clear openable width dimension shall be 20 inches. When windows are provided as a means of escape or rescue, they shall have a finished sill height not more than 44 inches above the floor.

Exception: *basement rooms*

C. Access from Bedrooms. *Bedrooms* shall not constitute the only means of access to other *bedrooms* or *habitable spaces* and shall not serve as the only means of egress from other *habitable spaces*.

Exception: Units that contain fewer than two *bedrooms*.

D. Overcrowding: The number of *persons* occupying a *dwelling unit* shall not create conditions that, in the opinion of the *code official*, endanger the life, health, safety or welfare of the *occupants*.

ARTICLE V--PLUMBING FACILITIES AND FIXTURE REQUIREMENTS**15.40.501 General.**

A. Scope. The provisions of this article shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

B. Responsibility. The *owner* of the *structure* shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A *person* shall not occupy as *owner-occupant* or permit another *person* to occupy any *structure* or *premises* which does not comply with the requirements of this article.

15.40.502 Required facilities.

A. Dwelling Units. Every *dwelling unit* shall contain its own bathtub or shower, lavatory, water closet and kitchen sink that shall be maintained in a sanitary, safe working condition.

B. Hotels, Motels, and Temporary Lodging. Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten *occupants*.

C. Public Toilet Facilities. Public toilet facilities shall be maintained in a safe, sanitary and working condition in accordance the Uniform Plumbing Code. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during *occupancy* of the *premises*.

15.40.503 Toilet rooms.

A. Privacy. *Toilet rooms* and *bathrooms* shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking

device shall be provided for all common or shared *bathrooms* and *toilet rooms* in a multiple dwelling.

B. Location. *Toilet rooms* and *bathrooms* serving hotel units, *rooming units*, dormitory units or *housekeeping units* shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

C. Floor Surface. In other than *dwelling units*, every *toilet room* floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

15.40.504 Plumbing systems and fixtures.

A. General. Plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. Plumbing shall be maintained in a safe, sanitary and functional condition.

B. Plumbing System Hazards. Where it is found that a plumbing system in a *structure* constitutes a hazard to the *occupants* or the *structure* by reason of inadequate service, inadequate venting, cross connection, back siphonage, improper installation, *deterioration* or damage or for similar reasons, the *code official* is authorized to require the defects to be corrected to eliminate the hazard.

15.40.505 Water system.

A. General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an *approved* private water system. Kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the Uniform Plumbing Code.

B. Contamination. The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place shall be protected by an *approved* atmospheric-type vacuum breaker or an *approved* permanently attached hose connection vacuum breaker.

C. Supply. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

D. Water Heating Facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than one hundred ten degrees Fahrenheit. A gas burning water heater shall not be located in any *bathroom*, *toilet room*, *bedroom* or other occupied room normally kept closed, unless adequate combustion air is provided. An *approved* combination temperature and pressure relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

E. Nonpotable Water Reuse Systems. Nonpotable water reuse systems and rainwater collection and conveyance systems shall be maintained in a safe and sanitary condition. Where such systems are not properly maintained, the systems shall be repaired to provide for safe and sanitary conditions, or the system shall be abandoned in accordance with subsection (E)(1) of this section.

1. Abandonment of Systems. Where a nonpotable water reuse system or a rainwater collection and distribution system is not maintained or the *owner* ceases use of the system, the system shall be abandoned in accordance with the 2021 Uniform Plumbing Code.

15.40.506 Sanitary drainage system.

A. General. Plumbing fixtures shall be properly connected to either a public sewer system or to an *approved* private sewage disposal system.

B. Maintenance. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

C. Grease Interceptors. Grease interceptors and automatic grease removal devices shall be maintained in accordance with this code and the manufacturer's installation instructions. Grease interceptors and automatic grease removal devices shall be regularly serviced and cleaned to prevent the discharge of oil, grease, and other substances harmful or hazardous to the building drainage system, the public sewer, the private sewage disposal system or the sewage treatment plant or processes. All records of maintenance, cleaning and repairs shall be available for inspection by the *code official*.

15.40.507 Storm drainage.

A. General. Drainage of roofs and paved areas, *yards* and courts, and other open areas on the *premises* shall be discharged in a manner consistent with the requirements of Title 13 of the *KMC* and shall not be discharged in a manner that creates a public nuisance.

B. Private Property Drainage. Drainage from roof, paved areas, *yards*, or courts shall not be intentionally discharged directly onto any other private *property* or public *rights-of-way* in a manner that creates a public nuisance.

ARTICLE VI--MECHANICAL AND ELECTRICAL REQUIREMENTS

15.40.601 General.

A. Scope. The provisions of this article shall govern the minimum mechanical and electrical facilities and equipment to be provided.

B. Responsibility. The *owner* of the *structure* shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A *person* shall not occupy as *owner-occupant* or permit another *person* to occupy any *premises* that does not comply with the requirements of this article.

15.40.602 Heating facilities.

A. Facilities Required. Heating facilities shall be provided in *structures* as required by this section.

B. Residential Occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68 degrees Fahrenheit in all habitable rooms, *bathrooms* and *toilet rooms*. Cooking appliances shall not be used, nor shall portable unvented fuel-burning space heaters be used, to provide space heating to meet the requirements of this section. The installation of one or more portable space heaters shall not be used to achieve compliance with this section.

C. Heat Supply. Every *owner* and *operator* of any building who rents, leases or *lets* one or more *dwelling units* or *sleeping units* on terms, either expressed or implied, to furnish heat to

the *occupants* thereof shall supply heat to maintain a temperature of not less than sixty-eight degrees Fahrenheit in all habitable rooms, *bathrooms* and *toilet rooms*.

D. Room Temperature Measurement. The required room temperatures shall be measured three feet above the floor near the center of the room and two feet inward from the center of each exterior wall.

15.40.603 Mechanical equipment.

A. Mechanical Equipment and Appliances. Mechanical equipment, appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

B. Removal of Combustion Products. Fuel-burning equipment and appliances shall be connected to an *approved* chimney or vent.

Exception: Fuel-burning equipment and appliances that are *labeled* for unvented operation.

C. Clearances. Required clearances to combustible materials shall be maintained.

D. Safety Controls. Safety controls for fuel-burning equipment shall be maintained in effective operation.

E. Combustion Air. A supply of air for complete combustion of the fuel and for *ventilation* of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

F. Energy Conservation Devices. Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom shall not be installed unless *labeled* for such purpose and the installation is specifically *approved*.

15.40.604 Electrical facilities.

A. Facilities Required. Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 15.40.605.

B. Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the electrical code. *Dwelling units* shall be served by what the code required at the time of permit.

C. Electrical System Hazards. Where it is found that the electrical system in a *structure* constitutes a hazard to the *occupants* or the *structure* by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, *deterioration* or damage, or for similar reasons, the *code official* is authorized to require the defects to be corrected in compliance with the latest edition of the state adopted electrical code.

15.40.605 Electrical equipment.

A. Installation. Electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and *approved* manner.

B. Receptacles. Every *habitable space* in a dwelling shall contain not less than two separate and remote receptacle outlets. Every laundry area shall contain not less than one grounding-type receptacle or a receptacle with a ground fault circuit interrupter. Every

bathroom shall contain not less than one receptacle. Any new *bathroom* receptacle outlet shall have ground fault circuit interrupter protection. All receptacle outlets shall have the appropriate faceplate cover for the location.

C. Luminaires. Every public hall, interior stairway, *toilet room*, kitchen, *bathroom*, laundry room, boiler room and furnace room shall contain not less than one electric luminaire. Pool and spa luminaires over 15 volts shall have ground fault circuit interrupter protection.

D. Wiring. Flexible cords shall not be used for permanent wiring, or for running through doors, windows, or cabinets, or concealed within walls, floors, or ceilings.

15.40.606 Elevators, escalators, and dumbwaiters.

A. General. Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, be available for public inspection in the office of the Building *Operator* or be posted in a publicly conspicuous location *approved* by the *code official*. The inspection and tests shall be performed at not less than the periodic intervals listed in ASME A17.1, Appendix N, except where otherwise specified by the Washington State Department of Labor and Industries.

B. Elevators. In buildings equipped with passenger elevators, not less than one elevator shall be maintained in operation at all times when the building is occupied.

Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

15.40.607 Duct systems.

A. General. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

ARTICLE VII--FIRE SAFETY REQUIREMENTS

15.40.701 General.

A. Scope. The provisions of this article shall govern the minimum conditions and standards for fire safety relating to *structures* and exterior *premises*, including fire safety facilities and equipment to be provided.

B. Responsibility. The *owner* of the *premises* shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A *person* shall not occupy as *owner-occupant* or permit another *person* to occupy any *premises* that do not comply with the requirements of this article.

15.40.702 Means of egress.

A. General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or *structure* to the *public way*. Means of egress shall comply with the International Fire Code.

B. Aisles. The required width of aisles in accordance with International Fire Code shall be unobstructed.

C. Locked Doors. Means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to International Building Code.

D. Emergency Escape and Rescue Openings. Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following:

1. Required *emergency escape and rescue openings* shall be operational from the inside of the room without the use of keys or tools.

2. Bars, grilles, grates or similar devices are permitted to be placed over *emergency escape and rescue openings*, provided the minimum net clear opening size complies with the code that was in effect at the time of construction and the unit is equipped with smoke alarms installed in accordance with the International Building Code. Such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

15.40.703 Fire-resistance ratings.

A. Fire-Resistance-Rated Assemblies. The provisions of this chapter shall govern maintenance of the materials, systems and assemblies used for structural fire resistance and fire-resistance-rated construction separation of adjacent spaces to safeguard against the spread of fire and smoke within a building and the spread of fire to or from buildings.

B. Unsafe Conditions. Where any components are not maintained and do not function as intended or do not have the fire resistance required by the code under which the building was constructed or altered, such components or portions thereof shall be deemed unsafe conditions in accordance with the applicable section of the International Fire Code. Components or portions thereof determined to be unsafe shall be repaired or replaced to conform to that code under which the building was constructed or altered. Where the condition of components is such that any building, *structure* or portion thereof presents an *imminent danger* to the *occupants* of the building, *structure* or portion thereof, the fire *code official* shall act in accordance with the applicable section of the International Fire Code.

C. Maintenance. The required fire-resistance rating of fire-resistance-rated construction, including walls, firestops, shaft enclosures, partitions, smoke barriers, floors, fire-resistive coatings and sprayed fire-resistant materials applied to structural members and joint systems, shall be maintained. Such elements shall be visually inspected annually by the *owner* and repaired, restored or replaced where damaged, altered, breached or penetrated. Records of inspections and repairs shall be maintained. Where concealed, such elements shall not be required to be visually inspected by the *owner* unless the concealed space is accessible by the removal or movement of a panel, access door, ceiling tile or entry to the space. Openings made therein for the passage of pipes, electrical conduit, wires, ducts, air transfer and any other reason shall be protected with *approved* methods capable of resisting the passage of smoke and fire. Openings through fire-resistance-rated assemblies shall be protected by self- or automatic-closing doors of *approved* construction meeting the fire protection requirements for the assembly.

1. Fire Blocking and Draft Stopping. Required fire blocking and draft stopping in combustible concealed spaces shall be maintained to provide continuity and integrity of the construction.

2. Smoke Barriers and Smoke Partitions. Required smoke barriers and smoke partitions shall be maintained to prevent the passage of smoke. Openings protected with *approved* smoke barrier doors or smoke dampers shall be maintained in accordance with NFPA 105.

3. Fire Walls, Fire Barriers, and Fire Partitions. Required fire walls, fire barriers and fire partitions shall be maintained to prevent the passage of fire. Openings protected with *approved* doors or fire dampers shall be maintained in accordance with NFPA 80.

D. Opening Protectives. Opening protectives shall be maintained in an operative condition in accordance with NFPA 80. The application of field-applied labels associated with the maintenance of opening protectives shall follow the requirements of the *approved* third-party certification organization accredited for listing the opening protective. Fire doors and smoke barrier doors shall not be blocked or obstructed, or otherwise made inoperable. Fusible links shall be replaced whenever fused or damaged. Fire door assemblies shall not be modified.

1. Signs. Where required by the *code official*, a sign shall be permanently displayed on or near each fire door in letters not less than one inch high to read as follows:

a. For doors designed to be kept normally open: "FIRE DOOR--DO NOT BLOCK." Where the *code official* is aware of a language barrier, a translation may be required in addition to English (e.g., Spanish, Russian, Braille).

b. For doors designed to be kept normally closed: "FIRE DOOR--KEEP CLOSED." Where the *code official* is aware of a language barrier, a translation may be required in addition to English (e.g., Spanish, Russian, Braille).

2. Hold-Open Devices and Closers. Hold-open devices and automatic door closers shall be maintained. During the period that such a device is out of service for repairs, the door it operates shall remain in the closed position.

3. Door Operation. Swinging fire doors shall close from the full-open position and latch automatically. The door closer shall exert enough force to close and latch the door from any partially open position.

E. Ceilings. The hanging and displaying of salable goods and other decorative materials from acoustical ceiling systems that are part of a fire-resistance-rated horizontal assembly shall be prohibited.

F. Testing. Horizontal and vertical sliding and rolling fire doors shall be inspected and tested annually to confirm operation and full closure. Records of inspections and testing shall be maintained.

G. Vertical Shafts. Interior vertical shafts, including stairways, elevator hoistways and service and utility shafts, which connect two or more stories of a building shall be enclosed or protected as required in Chapter 11 of the International Fire Code. New floor openings in existing buildings shall comply with the International Building Code.

H. Opening Protective Closers. Where openings are required to be protected, opening protectives shall be maintained self-closing or automatic-closing by smoke detection. Existing fusible-link-type automatic door-closing devices shall be replaced if the fusible link rating exceeds one hundred thirty-five degrees Fahrenheit.

15.40.704 Fire protection systems.

A. Inspection, Testing and Maintenance. Fire protection and life safety systems shall be maintained in accordance with the International Fire Code in an operative condition at all times, and shall be replaced or repaired where defective.

1. Fire Protection and Life Safety Systems. Fire protection and life safety systems shall be installed, repaired, operated and maintained in accordance with this code the International Fire Code and the International Building Code.

2. Required Fire Protection and life Safety Systems. Fire protection and life safety systems required by this code, the International Fire Code or the International Building Code shall be installed, repaired, operated, tested and maintained in accordance with this code. A fire protection and life safety system for which a design option, exception or reduction to the provisions of this code, the International Fire Code or the International Building Code has been granted shall be considered to be a required system.

3. Fire Protection Systems. Fire protection systems shall be inspected, maintained and tested in accordance with the following International Fire Code requirements:

- a. Automatic sprinkler systems, see Section 903.5.
- b. Automatic fire-extinguishing systems protecting commercial cooking systems, see Section 904.12.5.
- c. Automatic water mist extinguishing systems, see Section 904.11.
- d. Carbon dioxide extinguishing systems, see Section 904.8.
- e. Carbon monoxide alarms and carbon monoxide detection systems, see Section 915.6.
- f. Clean-agent extinguishing systems, see Section 904.10.
- g. Dry-chemical extinguishing systems, see Section 904.6.
- h. Fire alarm and fire detection systems, see Section 907.8.
- i. Fire Department connections, see Sections 912.4 and 912.7.
- j. Fire pumps, see Section 913.5.
- k. Foam extinguishing systems, see Section 904.7.
- l. Halon extinguishing systems, see Section 904.9.
- m. Single- and multiple-station smoke alarms, see Section 907.10.
- n. Smoke and heat vents and mechanical smoke removal systems, see Section 910.5.
- o. Smoke control systems, see Section 909.20.
- p. Wet-chemical extinguishing systems, see Section 904.5.

B. Standards. Fire protection systems shall be inspected, tested and maintained in accordance with the referenced standards listed in Table 704.2 and as required in this section.

Table 704.2**FIRE PROTECTION SYSTEM MAINTENANCE STANDARDS**

| SYSTEM | STANDARD |
|--|-----------|
| Portable fire extinguishers | NFPA 10 |
| Carbon dioxide fire-extinguishing system | NFPA 12 |
| Halon 1301 fire-extinguishing systems | NFPA 12A |
| Dry-chemical extinguishing systems | NFPA 17 |
| Wet-chemical extinguishing systems | NFPA 17A |
| Water-based fire protection systems | NFPA 25 |
| Fire alarm systems | NFPA 72 |
| Smoke and heat vents | NFPA 204 |
| Water-mist systems | NFPA 750 |
| Clean-agent extinguishing systems | NFPA 2001 |

1. Records. Records shall be maintained of all system inspections, tests and maintenance required by the referenced standards.
2. Records Information. Initial records shall include the: name of the installation contractor; type of components installed; manufacturer of the components; location and number of components installed per floor; and manufacturers' operation and maintenance instruction manuals. Such records shall be maintained for the life of the installation.

C. Systems Out of Service. Where a fire protection system is out of service, the fire department and the fire code official shall be notified immediately and, where required by the fire code official, the building shall either be evacuated or an *approved* fire watch shall be provided for all *occupants* left unprotected by the shutdown until the fire protection system has been returned to service. Where utilized, fire watches shall be provided with at least one means for notification of the fire department and their only duty shall be to perform constant patrols of the protected *premises* and keep watch for fires. Actions shall be taken in accordance with Section 901 of the International Fire Code to bring the systems back in service.

Exception: Exception: Facilities with an *approved* notification and impairment management program. The notification and impairment program for water-based fire protection systems shall comply with NFPA 25.

1. Emergency Impairments. Where unplanned impairments of fire protection systems occur, appropriate emergency action shall be taken to minimize potential injury and damage. The impairment coordinator shall implement the steps outlined in Section 901.7.4 of the International Fire Code.

D. Removal of or Tampering with Equipment. It shall be unlawful for any *person* to remove, tamper with or otherwise disturb any fire protection or life safety system required by this code except for the purposes of extinguishing fire, training, recharging or making necessary repairs.

1. Removal of or Tampering with Appurtenances. Locks, gates, doors, barricades, chains, enclosures, signs, tags and seals that have been installed by or at the direction of the Fire Code Official shall not be removed, unlocked, destroyed or tampered with in any manner.

2. Removal of Existing Occupant-Use Hose Lines. The Fire Code Official is authorized to permit the removal of existing *occupant*-use hose lines where all of the following apply:

- a. The installation is not required by the International Fire Code or the International Building Code.
- b. The hose line would not be utilized by trained personnel or the Fire Department.
- c. The remaining outlets are compatible with local Fire Department fittings.

3. Termination of Monitoring Service. For fire alarm systems required to be monitored by the International Fire Code, notice shall be made to the Fire Code Official whenever alarm monitoring services are terminated. Notice shall be made in writing by the provider of the monitoring service being terminated.

E. Fire Department Connection. Where the Fire Department connection is not visible to approaching fire apparatus, the Fire Department connection shall be indicated by an *approved* sign mounted on the street front or on the side of the building. Such sign shall have the letters "FDC" not less than six inches high and words in letters not less than two inches high or an arrow to indicate the location. Such signs shall be subject to the approval of the Fire Code Official.

1. Fire Department Connection Access. Ready access to Fire Department connections shall be maintained at all times and without obstruction by fences, bushes, trees, walls or any other fixed or movable object. Access to Fire Department connections shall be *approved* by the Fire Code Official.

Exception: Fences, where provided with an access gate equipped with a sign complying with the legend requirements of Section 912.5 of the International Fire Code and a means of emergency operation. The gate and the means of emergency operation shall be *approved* by the Fire Code Official and maintained operational at all times.

2. Clear Space Around Connections. A working space of not less than thirty-six inches in width, thirty-six inches in depth and seventy-eight inches in height shall be provided and maintained in front of and to the sides of wall-mounted Fire Department connections and around the circumference of free-standing Fire Department connections, except as otherwise required or *approved* by the Fire Code Official.

F. Single- and Multiple-Station Smoke Alarms. Single- and multiple-station smoke alarms shall be installed in existing Group I-1 and R *occupancies* in accordance with subsections (F)(1) through (F)(3) of this section.

1. Where Required. Existing Group I-1 and R *occupancies* shall be provided with single-station smoke alarms in accordance with subsections (F)(1)(a) through (F)(1)(d) of this section. Interconnection and power sources shall be in accordance with subsections (F)(2) and (F)(3) of this section.

- a. Exceptions:

i. Where the code that was in effect at the time of construction required smoke alarms and smoke alarms complying with those requirements are already provided.

ii. Where smoke alarms have been installed in *occupancies* and dwellings that were not required to have them at the time of construction, additional smoke alarms shall not be required; provided, that the existing smoke alarms comply with requirements that were in effect at the time of installation.

iii. Where smoke detectors connected to a fire alarm system have been installed as a substitute for smoke alarms.

b. Group R-1. Single or multiple-station smoke alarms shall be installed in all of the following locations in Group R-1:

i. In sleeping areas.

ii. In every room in the path of the means of egress from the sleeping area to the door leading from the *sleeping unit*.

iii. In each story within the *sleeping unit*, including *basements*. For *sleeping units* with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level; provided, that the lower level is less than one full story below the upper level.

c. Groups R-2, R-3, R-4 and I-1. Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and I-1 regardless of *occupant* load at all of the following locations:

i. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of *bedrooms*.

ii. In each room used for sleeping purposes.

iii. In each story within a *dwelling unit*, including *basements* but not including crawl spaces and uninhabitable attics. In dwellings or *dwelling units* with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level; provided, that the lower level is less than one full story below the upper level.

d. Installation Near Cooking Appliances. Smoke alarms shall be installed according to manufacturer's recommendations.

e. Installation Near *Bathrooms*. Smoke alarms shall be installed not less than three feet horizontally from the door or opening of a *bathroom* that contains a bathtub or shower unless this would prevent placement of a smoke alarm required by subsection (F)(1)(a) or (F)(1)(b) of this section.

2. Interconnection. Where more than one smoke alarm is required to be installed within an individual dwelling or *sleeping unit*, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the

alarms in the individual unit. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. The alarm shall be clearly audible in all *bedrooms* over background noise levels with all intervening doors closed.

Exceptions:

a. Interconnection is not required in buildings that are not undergoing alterations, repairs or construction of any kind.

b. Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the *structure*, unless there is an attic, crawl space or *basement* available that could provide access for interconnection without the removal of interior finishes.

3. **Power Source.** Single-station smoke alarms shall receive their primary power from the building wiring; provided, that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms with integral strobes that are not equipped with battery backup shall be connected to an emergency electrical system. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

Exceptions:

a. Smoke alarms are permitted to be solely battery operated in existing buildings where construction is not taking place.

b. Smoke alarms are permitted to be solely battery operated in buildings that are not served from a commercial power source.

c. Smoke alarms are permitted to be solely battery operated in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior walls or ceiling finishes exposing the *structure*, unless there is an attic, crawl space or *basement* available that could provide access for building wiring without the removal of interior finishes.

4. **Smoke Detection System.** Smoke detectors listed in accordance with UL 268 and provided as part of the building's fire alarm system shall be an acceptable alternative to single- and multiple-station smoke alarms and shall comply with the following:

a. The fire alarm system shall comply with all applicable requirements in Section 907 of the International Fire Code.

b. Activation of a smoke detector in a dwelling or *sleeping unit* shall initiate alarm notification in the dwelling or *sleeping unit* in accordance with Section 907.5.2 of the International Fire Code.

c. Activation of a smoke detector in a dwelling or *sleeping unit* shall not activate alarm notification appliances outside of the dwelling or *sleeping unit*; provided, that a supervisory signal is generated and monitored in accordance with Section 907.6.6 of the International Fire Code.

G. Single- and Multiple-Station Smoke Alarms. Single- and multiple-station smoke alarms shall be tested and maintained in accordance with the manufacturer's instructions. Smoke alarms that do not function shall be replaced. Smoke alarms installed in one- and two-family dwellings shall be replaced not more than ten years from the date of manufacture marked on the unit, or shall be replaced if the date of manufacture cannot be determined.

15.40.705 Carbon monoxide alarms and detection.

A. General. Carbon monoxide alarms shall be installed in dwellings in accordance with the International Fire Code, except that alarms in dwellings covered by the International Residential Code shall be installed in accordance with Section R315 of that code.

B. Carbon Monoxide Alarms and Detectors. Carbon monoxide alarms and carbon monoxide detection systems shall be maintained in accordance with NFPA 720. Carbon monoxide alarms and carbon monoxide detectors that become inoperable or begin producing end-of-life signals shall be replaced.



City Council Agenda Bill City of Kenmore, WA

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|--|--|-------------------------------------|----------------------------------|-----------------------------------|--------------------------|--------------------------------------|--------------------------|----------------------------------|--------------------------|----------------------------------|--------------------------|
| <p>Subject/Topic: Adoption of Ordinance No. 23-0577 (Kenmore Property Maintenance Code).</p> <p>Proposed Council Action/Motion: Public Hearing and adoption of Ordinance No. 23-0577 to repeal 1997 property maintenance codes and replace them with a new Kenmore Property Maintenance Code (KPMC) based on the 2021 International Property Maintenance Code.</p> | <p>For Council Meeting Agenda of: <u>October 16, 2023</u></p> <p>Department: <u>Development Services</u></p> <p>Prepared by: <u>Samantha Loyuk, Development Services Director and Bridgit Baker, Code Enforcement Officer.</u></p> <table border="0" style="width: 100%;"> <tr> <td style="width: 70%;">Approved by Department Head:</td><td style="width: 30%; text-align: right;"><u>Initial & Date</u></td></tr> <tr> <td>Approved by City Attorney:</td><td style="text-align: right;"><u>SL 10/3/23</u></td></tr> <tr> <td>Approved by Finance Director:</td><td style="text-align: right;"><u>DR 10/3/23</u></td></tr> <tr> <td>Approved by City Manager:</td><td style="text-align: right;"><u>MM 10/6/23</u></td></tr> <tr> <td>Approved by City Manager:</td><td style="text-align: right;"><u>RK 10/6/23</u></td></tr> </table> <p>Exhibits/Attachments:</p> <ol style="list-style-type: none"> 1. Ordinance no. 23-0577 2. Ordinance no. 23-0577 Exhibit A: Amended Code Sections | Approved by Department Head: | <u>Initial & Date</u> | Approved by City Attorney: | <u>SL 10/3/23</u> | Approved by Finance Director: | <u>DR 10/3/23</u> | Approved by City Manager: | <u>MM 10/6/23</u> | Approved by City Manager: | <u>RK 10/6/23</u> |
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| Approved by City Manager: | <u>RK 10/6/23</u> | | | | | | | | | | |
| <p>Summary:</p> <p>Public hearing and adoption of Ordinance No. 23-0577 to adopt a new Kenmore Property Maintenance Code (KPMC). If the City Council adopts this proposed ordinance this evening, 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 the publication.</p> | | | | | | | | | | | |
| <p>Information/Background:</p> <p>On January 9, 2023, and May 15, 2023, Development Services staff presented information to City Council on code enforcement processes, cases, challenges, resources, and proposed code changes. The proposed ordinance (Exhibit A) adopts the 2021 International Property Maintenance Code (IPMC), with amendments and repeals the 1997 Uniform Housing Code, 1997 Uniform Code for the Abatement of Dangerous Buildings and KMC 8.35 Public Nuisances. The new code will be adopted not by reference, but instead by adding it directly to the Kenmore Municipal Code (KMC). Doing so increases access to the code for the community and creates a Kenmore Property Maintenance Code (KPMC).</p> <p>The new KPMC will accomplish the following:</p> <ol style="list-style-type: none"> (1) The KPMC will be easier to understand and enforce. (2) The KPMC is focused on public safety and sanitation. (3) The KPMC addresses rodent harborage. | | | | | | | | | | | |

- (4) The KPMC clearly prohibits accumulation of garbage in exterior and interior areas (sometimes called “hoarding”).
- (5) The KPMC provides safety requirements for boarding and securing vacant structures.
- (6) The KPMC limits boarding of structures to 6 months (to help reduce the accumulation of dilapidated buildings in the community and vagrant occupancy).
- (7) The KPMC requires vacant land and structures to be secured in a clean, safe, and sanitary condition.
- (8) The KPMC requires development sites to be secured in a clean, safe, and sanitary condition.
- (9) The KPMC provides clear requirements for owners to restore areas damaged by graffiti.
- (10) The KPMC aligns with the current ICC codes that have already been adopted by the City.
- (11) The KPMC creates a centralized location combining three code sections into one.
- (12) The KPMC honors Diversity, Equity, Inclusion, and Accessibility (DEIA) values by including a new section specific to DEIA.

The new KPMC does not include:

- (1) Mandatory garbage service by Republic Services is not included in the KPMC. The KPMC includes new (and stronger) language on garbage disposal requirements and limitations of garbage accumulation (i.e., hoarding); see code section KMC 15.40.308. Staff believe this section is adequate for enforcement.
- (2) New requirements/limitations on large storage containers (e.g., cargo or shipping containers used for storage) are not included in the KPMC. Existing size limitations of 120 square feet or greater in KMC 8.35.010.A.5 remain unchanged.

Fiscal Consideration:

Adoption of new or amended codes typically result in the need for staff training, new/revised forms, and increased staff time spent on applying and learning new regulations.

Council Goal/Budget Being Addressed:

City Council Priority #6: Enhance public safety.

**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 23-0577**

AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON, ADDING A NEW CHAPTER 15.40 TO THE KENMORE MUNICIPAL CODE ENTITLED, THE KENMORE PROPERTY MAINTENANCE CODE; REPEALING CHAPTER 8.35, PUBLIC NUISANCES, OF THE KENMORE MUNICIPAL CODE; REPEALING SECTIONS 15.20.135, 15.20.140, 15.20.145, 15.20.150 AND 15.20.155 OF THE KENMORE MUNICIPAL CODE RELATING TO THE 1997 UNIFORM HOUSING CODE; REPEALING SECTIONS 15.20.200, 15.20.205, 15.20.210, 15.20.215 AND 15.20.220 OF THE KENMORE MUNICIPAL CODE RELATING TO THE 1997 UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS WHICH ARE SUPERCEDED BY THE NEW CHAPTER 15.40; AMENDING SECTIONS 15.05.015, 15.30.025 AND 15.30.605 OF THE KENMORE MUNICIPAL CODE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City is required to enforce the 2018 International Building Codes as adopted by the State Building Code Council becoming effective on February 1, 2021.

WHEREAS, the regulations related to the maintenance of buildings are currently found in the 1997 Uniform Housing Code and the 1997 Uniform Code for the Abatement of Dangerous Buildings as adopted in Chapter 15.20 of the Kenmore Municipal Code; and

WHEREAS, these older codes are no longer published and have been superseded by the International Property Maintenance Code which is harmonized with the City's International Construction Codes; and

WHEREAS, the City has amended the 2021 International Property Maintenance to better reflect the needs of the City and named it the Kenmore Property Maintenance Code; and

WHEREAS, the City Council has elected to replace the discontinued 1997 Uniform Housing Code and the 1997 Uniform Code for the Abatement of Dangerous Buildings with the Kenmore Property Maintenance Code which is based on the 2021 International Property Maintenance Code; and

WHEREAS, to avoid conflict and redundancy the City has incorporated the provisions of Chapter 8.35 of the Kenmore Municipal Code into the new Kenmore Property Maintenance Code.

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

Section 1. Adoption. The City Council adopts a new Chapter 15.40 of the Kenmore Municipal Code, entitled the Kenmore Property Maintenance Code, to read as set forth on **Exhibit A** to this Ordinance, attached hereto and incorporated herein by this reference.

Section 2. Repealed Chapter. Chapter 8.35 of the Kenmore Municipal Code, entitled Public Nuisances, is hereby repealed and replaced by a new Chapter 15.40 as set forth on **Exhibit A** to this Ordinance.

Section 3. Repealed Sections. Sections 15.20.135, 15.20.140, 15.20.145, 15.20.150 and 15.20.155 of the Kenmore Municipal Code relating to the adoption and amendment of the 1997 Uniform Housing Code are hereby repealed and replaced by a new Chapter 15.40 as set forth on **Exhibit A** to this Ordinance.

Section 4. Repealed Sections. Sections 15.20.200, 15.20.205, 15.20.210, 15.20.215 and 15.20.220 of the Kenmore Municipal Code relating to the adoption and amendment of the 1997 Uniform Code for the Abatement of Dangerous Buildings are hereby repealed and replaced by a new Chapter 15.40 as set forth on **Exhibit A** to this Ordinance.

Section 5. Amendment Sections. Sections 15.05.015, 15.30.025 and 15.30.605 of the Kenmore Municipal Code are hereby amended and replaced to read as set forth on **Exhibit A** to this Ordinance, attached hereto and incorporated herein by this reference.

Section 6. Severability. If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be unconstitutional or invalid for any reason, such decision shall not affect the constitutionality or validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause, phrase or word thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or words be declared unconstitutional.

Section 7. Effective Date. This Ordinance shall take effect and be in force five (5) days after the date of publication of this Ordinance.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON AT A REGULAR MEETING THEREOF THIS 16TH DAY OF OCTOBER, 2023.

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:

PUBLISHED:

EFFECTIVE DATE:

ORDINANCE NO. 23-0577

Chapter 8.35
PUBLIC NUISANCES

8.35.010 Unlawful public nuisances declared.

It shall be a public nuisance for any person owning, occupying, leasing or having charge or possession of any property in the City to maintain or allow to be maintained on such property where visible from a public street, right of way, Lake Washington, Sammamish River, or public/private ingress/egress easement any of the following conditions:

A. Public Nuisances.

1. The accumulation of weeds contained in the then current King County Noxious Weeds List or contained within then current Chapter 16.750 WAC, Noxious Weed List Classes A, B, C.
2. Neglected or improperly maintained landscaping, including but not limited to dead, debris laden, weed infested or overgrown vegetation, such as trees, shrubs, hedges, grass and ground covers, or vegetation dying as a result of physical damage, disease, insect infestation or lack of water. For purposes of this subsection, a lawn area shall be deemed overgrown if 50 percent or more of its area exceeds 12 inches in height.
3. Any vegetation that is growing rampant and unmaintained so as to provide unsightly, unsanitary and/or unsafe conditions, is destructive to other vegetation, that blocks public rights of way as described in KMC 12.70.040, that blocks the sight lines within the public rights of way, or that impacts or threatens to impact public utilities.
4. Except when placed there for removal for a period of less than 14 days, the exterior accumulation of broken, abandoned or discarded furniture or other household equipment or fixtures, packing boxes, lumber, junk, trash, rubbish or other materials or debris. Prohibited actions include the dumping, spillage or storage of solids or liquids, which may negatively impact the visual or olfactory nature of the area.
5. Storage or maintenance in a residential zone of any metal storage bin or container with a horizontal surface area of 120 square feet or greater (10 by 12).
6. Open storage of rubbish or junk including, but not limited to, refuse, garbage, scrap metal or lumber, concrete, asphalt, tin cans, tires and piles of earth, not including compost bins.
7. Combustible material likely to become easily ignited or debris resulting from any fire and which constitutes a fire hazard, as defined in the fire code as adopted by the City pursuant to KMC 15.10.010.
8. Abandoned vehicles, wrecked, dismantled or inoperative vehicles or remnant parts thereof.
9. The exterior storage or maintenance of parts or machinery of any type or description unless specifically authorized by a City license or permit; building materials or merchandise unless specifically authorized by use permit; or construction equipment except while excavation, construction, or demolition operations covered by an active building permit or other City permit are in progress on the subject or adjoining property.

10. The exterior storage of used tires in a manner that allows accumulation of water that may create a health hazard.

B. Unsafe Structures or Buildings.

1. Buildings, fences or other structures which are cracked, broken, leaning, fallen, decayed, deteriorated or defaced or in any condition that poses a life/safety hazard or attractive nuisance to children.

2. Any condition constituting a “substandard building” as defined in the adopted codes referenced in Chapter 15.20 KMC.

C. Vehicles, Boats, Trailers or Other Mobile Equipment Storage Which Presents Potential Public Health, Safety or Fire Hazards.

1. The parking or storage of any vehicle, boat, trailer, camper, motor home, or other mobile equipment, whether or not motorized, or portions or parts and components thereof, on property used or zoned for residential purposes, if:

a. Located on any front lawn or front yard; or

b. Located in any side or rear yard so as to prevent a three foot wide continuous fire access way from the front of the property.

D. Right of Way or Public Property Encroachment. Obstruction or encroachment upon any public property, including but not limited to any public street, sidewalk, highway, right of way, park or building, without prior City consent. Such obstructions or encroachments include but are not limited to overgrown trees and shrubs, building materials, merchandise or other personal property and buildings or portions of buildings or structures, fences or retaining walls protruding onto public property.

E. Other Nuisances.

1. Land, as a result of grading operations, excavation or fill, causes erosion, subsidence, or surface water drainage problems of such magnitude as to be injurious to the public health, safety, and welfare or to public properties or rights of way.

2. Maintenance of any substance which because of its quantity, concentration or physical, chemical or infectious characteristics may either cause, or substantially contribute to, an increase in mortality or serious illness or pose a significant present or potential hazard to human health or the environment if improperly managed.

3. The existence of any property condition which is unlawful or declared to be a public nuisance pursuant to any other provision of the Kenmore Municipal Code or the Revised Code of Washington (RCW) or the Washington Administrative Code (WAC). This subsection shall be construed to place an affirmative duty on property owners and occupants to maintain their property in conformity with all applicable codes. Each day that any condition which constitutes a public nuisance continues shall be deemed to be a separate violation of this chapter.

8.35.020 Definitions.

“Graffiti” means any unauthorized inscription, word, figure or design that is written, marked, etched, scratched or drawn or painted on any real or personal property regardless of its content or nature of the material used in the commission of the act.

“Junk” shall mean any cast off, damaged, discarded, obsolete, salvaged, scrapped, unusable, worn out or wrecked object, thing or material, including tires.

“Property” shall mean any real property or lot or parcel of land, including any alley, sidewalk or parkway abutting such lot or parcel of land.

“Substandard building” shall mean any building or portion thereof that is determined to be an unsafe building in accordance with the adopted codes referenced in Chapter 15.20 KMC, or any building or portion thereof, including any dwelling unit, guest room or suite of rooms, or the premises on which the same is located, in which there exists any of the conditions referenced in this section to an extent that endangers life, limb, health, property, safety or welfare of the public or the occupants thereof, shall be deemed and hereby are declared to be substandard.

8.35.030 Enforcement and violations.

Violations of this chapter shall be processed pursuant to Chapter 1.20 KMC as now in effect, or as may be subsequently amended.

Chapter 15.05

GENERAL PROVISIONS

15.05.015 Copies of codes on file.

12. 1997 Uniform Housing Code, published by the International Conference of Building Officials;

13. 1997 Uniform Code for the Abatement of Dangerous Buildings, published by the International Conference of Building Officials;

Chapter 15.20 BUILDING CODES

15.20.135 1997 Uniform Housing Code adopted

The Uniform Housing Code issued by the International Conference of Building Officials, 1997 Edition, together with amendments and/or additions thereto, is adopted in its entirety by this reference as the housing code for the City except that references to the uniform codes shall be replaced with the appropriate technical codes and sections as adopted by the City.

15.20.140 UHC Section 203, Appeals—Amended.

Section 203 of the Uniform Housing Code is hereby amended to read:

SECTION 203—APPEALS

Appeals of orders, decisions or determinations made by the building official shall be made to the hearing examiner in accordance with the requirements and process of Chapter 19.30 KMC. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder has been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better solution is proposed. The hearing examiner shall have not authority relative to interpretation of the administrative provisions of this code nor shall the hearing examiner be empowered to waive requirements of either this code or the technical codes which are the codes, appendices and referenced code standards adopted by the city.

15.20.145 UHC Section 1201.2, Processing of Appeals—Amended.

Section 1201.2 of the Uniform Housing Code is hereby amended to read:

1201.2 Processing of Appeal. Appeals of orders, decisions or determinations made by the building official shall be made to the hearing examiner in accordance with the requirements and process of Chapter 19.30 KMC.

15.20.150 UHC Section 1201.3 deleted.

Section 1201.3 of the Uniform Housing Code is deleted.

15.20.155 UHC Chapter 13 deleted.

Chapter 13, “Rules for Conduct of Hearing Appeals,” of the Uniform Housing Code is deleted.

15.20.200 Uniform Code for the Abatement of Dangerous Buildings adopted.

The Uniform Code for the Abatement of Dangerous Buildings, issued by the International Conference of Building Officials, 1997 Edition, together with amendments and/or additions thereto, is adopted in its entirety, by this reference as if fully set forth herein as the dangerous buildings code for the City, except that references to the uniform codes shall be replaced with the appropriate technical codes and sections as adopted by this City.

15.20.205 UCADB Section 205, Appeals, amended.

Section 205 of the Uniform Code for the Abatement of Dangerous Buildings is amended to read:

SECTION 205 — APPEALS

Appeals of orders, decisions or determinations made by the building official shall be made to the hearing examiner in accordance with the requirements and process of Chapter 19.30 KMC. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder has been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better solution is proposed. The hearing examiner shall have not authority relative to interpretation of the administrative provisions of this code nor shall the hearing examiner be empowered to waive requirements of either this code or the technical codes which are the codes, appendices and referenced code standards adopted by the city.

15.20.210 UCADB Section 501.2, Processing of Appeals, amended.

Section 501.2 of the Uniform Code for the Abatement of Dangerous Buildings is amended to read:

501.2 Processing of Appeal. Appeals of orders, decisions or determinations made by the building official shall be made to the hearing examiner in accordance with the requirements and process of Chapter 19.30 KMC.

15.20.215 UCADB Section 501.3 deleted.

Section 501.3 of the Uniform Code for the Abatement of Dangerous Buildings is deleted.

15.20.220 UCADB Chapter 6 deleted.

Chapter 6, “Procedures for Conduct of Hearing Appeals,” of the Uniform Code for the Abatement of Dangerous Buildings is deleted.

Chapter 15.30

CONSTRUCTION ADMINISTRATIVE CODE*

15.30.025 Definitions.

D. “Dangerous building code” means the 1997 Uniform Code for the Abatement of Dangerous Buildings promulgated by the International Council of Building Officials as adopted by the City.

ED. “Energy code” means the Washington State Energy Code promulgated by the Washington State Building Code Council as adopted by the City.

F. “Housing code” means the 1997 Uniform Housing Code promulgated by the International Council of Building Officials as adopted by the City.

GE. “IBC” means the latest edition of the International Building Code promulgated by the International Code Council as adopted by this City.

HE. “IEBC” means the latest edition of the International Existing Building Code promulgated by the International Code Council as adopted by this City.

IG. “IMC” means the latest edition of the International Mechanical Code promulgated by the International Code Council as adopted by this City.

IH. “IRC” means the latest edition of the International Residential Code for One- and Two-Family Dwellings promulgated by the International Code Council as adopted by this City.

KI. “ISPSC” means the latest edition of the International Swimming Pool and Spa Code promulgated by the International Code Council as adopted by this City.

J. “KPMC” means Kenmore Property Maintenance Code.

LK. “Minor field change” means a change to an approved plan that does not change the building use, area, height, or location on a lot and does not affect the means of egress, accessibility, or structural design and does not add plumbing or mechanical fixtures or appliances.

ML. “NEC” means the latest edition of the National Electrical Code promulgated by the National Fire Protection Association as adopted by this City.

NM. “Occupancy” means the purpose for which a building, or part thereof, is used or intended to be used.

ON. “Shall,” as used in this chapter, is mandatory.

PO. “Temporary growing structure” means a structure that has the sides and roof covered with polyethylene, polyvinyl, or similar flexible synthetic material and is used to provide plants with either frost protection or increased heat retention.

QP. “Temporary worker housing” means a place, area, or piece of land where sleeping places or housing sites are provided by an employer for his or her employees or by another person, including a temporary worker housing operator who is providing such accommodations for employees, for temporary, seasonal occupancy, and includes “labor camps” under RCW 70.54.110.

RQ. “UPC” means the latest edition of the Uniform Plumbing Code promulgated by the International Association of Plumbing and Mechanical Officials as adopted by this City.

SR. “Valuation” or “value,” as applied to a building or building service equipment, means and shall be the estimated cost to replace the building and its building service equipment in kind, based on current replacement costs. It shall also include the contractor’s overhead and profit.

Article XVI. Unsafe Structures and Equipment

15.30.605 General.

Structures or existing equipment that are or hereafter become unsafe, unsanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in the 1997 Edition of the Uniform Code for the Abatement of Dangerous Buildings or the 1997 Edition of the Uniform Housing Code Kenmore Property Maintenance Code (KMC 15.40). A vacant structure that is not secured against entry shall be deemed unsafe.

Chapter 15.40

KENMORE PROPERTY MAINTENANCE CODE

ARTICLE I--SCOPE AND ADMINISTRATION

15.40.101 Scope and General Requirements.

A. Title. These regulations shall be known as the Kenmore Property Maintenance Code, hereinafter referred to as "this code" or “KPMC.”

B. Scope. The provisions of this code shall apply to all existing residential and nonresidential *structures* and all existing *premises* and constitute minimum requirements and standards for *premises*, *structures*, equipment and facilities for light, *ventilation*, space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitation and maintenance; the responsibility of *owners*, an *owner’s* authorized agent, *operators* and *occupants*; the *occupancy* of existing *structures* and *premises*, and for administration, enforcement and penalties.

C. Purpose. The purpose of this code is to establish minimum requirements to provide a reasonable level of health, safety, *property* protection and general welfare insofar as they are affected by the continued *occupancy* and/or maintenance of *structures* and *premises*. Existing *structures* and *premises* that do not comply with these provisions shall be altered or repaired to provide a reasonable minimum level of health, safety and general welfare as required herein.

D. Diversity, Equity, Inclusion, and Accessibility (DEIA). Implementation of the KPMC reflects DEIA values by approaching enforcement holistically through a lens of compassion and equity. With the intent of helping all people love where they live, the KPMC promotes voluntary compliance and community-based services to assist vulnerable populations.

E. Severability. If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

15.40.102 Applicability.

A. General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

B. Maintenance. Equipment, systems, devices, safeguards and maintenance required by this code or a previous regulation or code under which the building, *structure* or *premises* was constructed, altered or repaired shall be maintained in good condition and working order. No *owner*, *owner's* authorized agent, *operator* or *occupant* shall cause any service, facility, equipment or utility that is required under this chapter to be removed from, shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing *structures*. Except as otherwise specified herein, the *owner* or the *owner's* authorized agent shall be responsible for the maintenance of buildings, *structures* and *premises*.

C. Application of Other Codes. Repairs, additions or alterations to a *structure*, or changes of *occupancy*, shall be done in accordance with the procedures and provisions of this code.

D. Existing Remedies. The provisions in this code shall not be construed to abolish or impair existing remedies of the *jurisdiction* or its officers or agencies relating to the removal or demolition of any *structure* that is dangerous, unsafe and insanitary.

E. Workmanship. Repairs, maintenance work, alterations or installations that are caused directly or indirectly by the enforcement of this code shall be executed and installed in a *workmanlike* manner and installed in accordance with the manufacturer's installation instructions.

F. Structural analysis. Where structural analysis is used to determine if an unsafe structural condition exists, the analysis shall be permitted to use nominal strengths, nominal loads, load effects, required strengths and limit states in accordance with the requirements under which the *structure* was constructed or in accordance with any subsequent requirement.

G. Historic Buildings. The provisions of this code shall not be mandatory for existing buildings or *structures* designated as *historic buildings*, as defined in the International Existing Building Code, where such buildings or *structures* are judged by the *code official* to be safe and in the public interest of health, safety and welfare.

H. Referenced Codes and Standards. The codes and standards referenced in this code and amended by the State and the City are considered part of the requirements of this code to the

prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall apply.

1. Conflicts. Where conflicts occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

2. Provisions in Referenced Codes and Standards. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

I. Requirements Not Covered by Code. Requirements necessary for the strength, stability or proper operation of an existing fixture, *structure* or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the *code official*.

J. Application of References. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

K. Other Laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

15.40.103 Code compliance agency

A. Appointment. The *code official* shall be appointed by the *City Manager*.

B. Deputies. In accordance with the prescribed procedures of this *jurisdiction* and with the concurrence of the appointing authority, the *code official* shall have the authority to appoint a deputy(s), other related technical officers, inspectors and other employees. Such employees shall have powers as delegated by the *code official*.

15.40.104 Fees

A. Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as established by the applicable governing authority.

B. Refunds. The *code official* is authorized to establish a refund policy.

15.40.105 Duties and powers of the code official.

A. General. The *code official* is hereby authorized and directed to enforce the provisions of this code. The *code official* shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

B. Inspections. The *code official* is authorized to make all of the required inspections or accept reports of inspection by *approved* agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such *approved* agency or by the responsible individual. The *code official* is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

C. Right of Entry. Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the *code official* has reasonable cause to believe that there exists in a *structure* or upon a *premises* a condition in violation of this code, the *code official* is authorized to enter the *structure* or *premises* at reasonable times to inspect or perform the duties imposed by this code; provided, that if such *structure* or *premises* is occupied the *code official* shall present credentials to the *occupant* and request entry. If such *structure* or *premises* is unoccupied, the *code official* shall first make a reasonable effort to locate the *owner*, *owner's* authorized agent, or other *person* having charge or control of the *structure* or *premises* and request entry. If entry is refused, entry shall be pursuant to a warrant or other remedy provided by law unless a public safety emergency justifies entry without a warrant or other lawful remedy.

D. Identification. The *code official* shall carry proper identification when inspecting *structures* or *premises* in the performance of duties under this code.

E. Notices and Orders. The *code official* shall issue all necessary notices or orders to ensure compliance with this code.

F. Department Records. The *code official* shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records for the period required for retention of public records.

G. Liability. The *code official*, no provision or term used in this chapter is intended to impose any duty upon the *City* or any of its officers or employees which would subject them to damages in a civil action.

1. The procedures set forth in Chapter 2.50 *KMC*, "Indemnification of Employees and Appointed and Elected City Officials" shall apply to the defense of claims of liability arising from acts or omissions of officials or employees charged with the enforcement of this Chapter 15.40 *KMC*.

15.40.106 Approval.

A. Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the *code official* shall have the authority to grant modifications for individual cases upon application of the *owner* or *owner's* authorized agent, provided the *code official* shall first find that special individual reason makes the strict letter of this code impractical, the modification is in compliance with the intent and purpose of this code, and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

B. Alternative Materials, Design and Methods of Construction and Equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code; provided, that any such alternative has been *approved*. An alternative material, design or method of construction shall be *approved* where the *code official* finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not *approved*, the *code official* shall respond in writing, stating the reasons why the alternative was not *approved*.

C. Required Testing. Whenever there is insufficient evidence of compliance with the provisions of this code or evidence that a material or method does not conform to the

requirements of this code, or in order to substantiate claims for alternative materials or methods, the *code official* shall have the authority to require tests to be made as evidence of compliance at no expense to the *jurisdiction*.

1. Test Methods. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the *code official* shall be permitted to approve appropriate testing procedures performed by an *approved agency*.

2. Test Reports. Reports of tests shall be retained by the *code official* for the period required for retention of public records.

D. Used Material and Equipment. The use of used materials that meet the requirements of this code for new materials is permitted. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested where necessary, placed in good and proper working condition and *approved* by the *code official*.

E. Approved Materials and Equipment. Materials, equipment and devices *approved* by the *code official* shall be constructed and installed in accordance with such approval.

F. Research Reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from *approved sources*.

15.40.107 Means of appeal.

Any *person* directly affected by a decision of the *code official*, or a notice or order issued under this code shall have the right to appeal as set forth in Chapter 1.20 of the *KMC*.

15.40.108 Hearing Examiner.

All references to the Board of Appeals shall be deemed to refer to the City of Kenmore Hearing Examiner

15.40.109 Violations.

A. Unlawful acts. It shall be unlawful for a *person* to be in conflict with or in violation of any of the provisions of this code.

B. Notice of violation. For civil violations, the *code official* shall serve a notice of violation or order in accordance with Chapter 1.20 of the *KMC*.

C. Prosecution of violation. Any *person* failing to comply with a notice of violation or order served in accordance with Section 15.40.111.D shall be deemed guilty of a misdemeanor or civil infraction as determined by the City, and the violation shall be deemed a *strict liability offense*. If the notice of violation is not complied with, the *code official* shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful *occupancy* of the *structure* in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having *jurisdiction* on such *premises* shall be charged against the real estate upon which the *structure* is located and shall be a lien upon such real estate.

D. Violation penalties. Any *person* who violates a provision of this code, or fails to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

F. Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the legal officer of the *jurisdiction* from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal *occupancy* of a building, *structure* or *premises*, or to stop an illegal act, conduct, business or utilization of the building, *structure* or *premises*.

15.40.110 Stop work order. Stop work orders shall be issued per Chapter 15.30 of the *KMC*.

15.40.111 Unsafe structures and equipment.

A. General. When a *structure* or equipment is found by the *code official* to be unsafe, or when a *structure* is found unfit for human *occupancy*, or is found unlawful, the *code official* is authorized to *condemn* such *structure* pursuant to the provisions of this code.

1. Unsafe Structures. An unsafe *structure* is one that is found to be dangerous to the life, health, *property* or safety of the public or the *occupants* of the *structure* by not providing minimum safeguards to protect or warn *occupants* in the event of fire, or because such *structure* contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation that partial or complete collapse is possible.

2. Unsafe Equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the *premises* or within the *structure* which is in such disrepair or condition that such equipment is a hazard to life, health, *property* or safety of the public or *occupants* of the *premises* or *structure*.

3. Structure Unfit for Human Occupancy. A *structure* is unfit for human *occupancy* whenever the *code official* finds that such *structure* is unsafe, unlawful or, because of the degree to which the *structure* is in disrepair or lacks maintenance, is unsanitary, vermin- or rat-infested, contains filth and contamination, or lacks *ventilation*, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the *structure* constitutes a hazard to the *occupants* of the *structure* or to the public.

4. Unlawful Structure. An unlawful *structure* is one found in whole or in part to be occupied by more *persons* than permitted under this code, or that was erected, altered or occupied contrary to law.

5. Dangerous Structure or Premises. For the purpose of this code, any *structure* or *premises* that has any or all of the conditions or defects described below shall be considered dangerous:

a. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the *approved* building or fire code of the *jurisdiction* as related to the requirements for existing buildings.

b. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.

c. Any portion of a building, *structure* or appurtenance that has been damaged by fire, earthquake, wind, flood, *deterioration*, *neglect*, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.

d. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof, that is not of sufficient strength or stability, or is not so *anchored*, attached or fastened in place, so as to be capable of resisting natural or artificial loads of one and one-half times the original designed value.

e. The building or *structure*, or part of the building or *structure*, because of dilapidation, *deterioration*, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or *structure* is likely to fail or give way.

f. The building or *structure*, or any portion thereof, is clearly unsafe for its use and *occupancy*.

g. The building or *structure* is *neglected*, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or *structure* to their danger, becomes a harbor for vagrants, criminals or immoral *persons*, or enables *persons* to resort to the building or *structure* for committing a nuisance or an unlawful act.

h. Any building or *structure* that has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or *structure* provided by the *approved* building or fire code of the *jurisdiction*, or of any law or ordinance to such an extent as to present either a substantial risk of fire or building collapse or any other threat to life and safety.

i. A building or *structure*, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, *ventilation*, mechanical or plumbing system, or otherwise, is determined by the *code official* to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

j. Any building or *structure*, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the *code official* to be a threat to life or health.

k. Any portion of a building remains on a site after the demolition or destruction of the building or *structure* or whenever any building or *structure* is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

6. Drug Properties and Structures. It is hereby declared that any building, *structure* and/or associated *property* wherein or upon which the manufacture, distribution, production or storage of illegal drugs or the precursors to create illegal drugs has taken place in a manner which could endanger the public, such building, *structure* and/or associated *property* is not only a dangerous *property* but is also of a classification of *property* calling for the special procedures set forth in this section. The *code official* is authorized to abate such dangerous buildings, *structures* and/or

associated properties in accordance with the dangerous building procedures set forth in such code, with the following modifications:

a. Due to public safety hazard in drug-production facilities, the utilities shall be disconnected;

b. Building(s) and *structures* will be inspected to determine compliance with all City ordinances and codes;

c. Building(s) and any entry gates to the *property* will be secured against entry. No reconnection of utilities or reoccupancy of the building(s), *structures* or *property* shall be allowed until all violations have been remedied and all dangerous conditions abated to the satisfaction of the *code official* and a notice of release for reoccupancy has been received from the King County Department of Public Health.

B. Closing of Vacant Structures. If the *structure* is vacant and unfit for human habitation and *occupancy*, and is not in danger of structural collapse, the *code official* is authorized to post a placard of condemnation on the *premises* and order the *structure* closed up so as not to be an attractive nuisance. Upon failure of the *owner* or *owner's* authorized agent to close up the *premises* within the time specified in the order, the *code official* shall cause the *premises* to be closed and secured through any available public agency or by contract or arrangement by private *persons* and the cost thereof shall be charged against the real estate upon which the *structure* is located and shall be a lien upon such real estate and may be collected by any other legal resource.

1. Authority to Disconnect Service Utilities. The *code official* shall have the authority to authorize disconnection of utility service to the building, *structure* or system regulated by this code and the referenced codes and standards set forth in Section 15.40.102(H) in case of emergency when necessary to eliminate an immediate hazard to life or *property* or when such utility connection has been made without approval. The *code official* shall notify the serving utility and, whenever possible, the *owner* or *owner's* authorized agent and *occupant* of the building, *structure* or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the *owner*, *owner's* authorized agent or *occupant* of the building, *structure* or service system shall be notified in writing as soon as practical thereafter.

2. Standards for Securing Buildings. To secure a building, all doors, window openings, or other openings on floors accessible from grade shall be closed and locked or shuttered to prevent third-party entry. If openings are damaged so they cannot be secured using normal building amenities, they shall be secured by covering with seven-sixteenths-inch minimum thickness structural panel cut to fit over the building opening and secured with No. 10 wood screws with fender washers. The screws shall penetrate the wood framing by a minimum of one and one-quarter inches and the screws shall be spaced around the perimeter of the opening at no less than twelve inches on center.

C. Record. The *code official* shall have authority to cause a report to be filed on an unsafe condition. The report shall state the *occupancy* of the *structure* and the nature of the unsafe condition.

D. Notice. Whenever the *code official* determines that there has been a civil violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Chapter 1.20 of the *KMC*.

E. Unauthorized tampering. Signs, tags or seals posted or affixed by the *code official* shall not be mutilated, destroyed or tampered with, or removed without authorization from the *code official*.

F. Transfer of Ownership. It shall be unlawful for the *owner* of any *dwelling unit* or *structure* who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such *dwelling unit* or *structure* to another until the provisions of the compliance order or notice of violation have been complied with, or until such *owner* or *owner's* authorized agent shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the *code official* and shall furnish to the *code official* a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

G. Placarding. Upon failure of the *owner*, *owner's* authorized agent or *person* responsible to comply with the notice provisions within the time given, the *code official* is authorized to post on the *premises* or on defective equipment a placard bearing the word(s) "Restricted Use" or "Condemned" or "Unsafe" or similar language and a statement of the penalties provided for occupying the *premises*, operating the equipment or removing the placard. Such notice shall be posted in a conspicuous place in or about the *structure* affected by such notice. If the notice pertains to equipment, it shall be placed on the *condemned* equipment.

1. Placard Removal. The *code official* shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any *person* who defaces or removes a condemnation placard without the approval of the *code official* shall be subject to the penalties provided by this code.

H. Prohibited Occupancy. Any occupied *structure condemned* and placarded by the *code official* shall be vacated as ordered by the *code official*. Any *person* who shall occupy a placarded *premises* or shall operate placarded equipment, and any *owner*, *owner's* authorized agent who shall let anyone occupy a placarded *premises* or operate placarded equipment, shall be liable for the penalties provided by this code.

I. Restoration or abatement. The *structure* or equipment determined to be unsafe by the *code official* is permitted to be restored to a safe condition. The *owner*, *owner's* authorized agent, *operator* or *occupant* of a building, *premises* or equipment deemed unsafe by the *code official* shall abate or cause to be abated or corrected such unsafe conditions, either by repair, rehabilitation, demolition or other *approved* corrective action. To the extent that repairs, alterations, or additions are made or a change of *occupancy* occurs during the restoration of the *structure*, such repairs, alterations, additions, or change of *occupancy* shall comply with the requirements of the International Existing Building Code.

15.40.112 Emergency measures.

A. Imminent Danger. When, in the opinion of the *code official*, there is *imminent danger* of failure or collapse of a building or *structure* that endangers life, or when any *structure* or part of a *structure* has fallen and life is endangered by the occupation of the *structure*, or when there is actual or potential danger to the building *occupants* or those in the proximity of any *structure* because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the *code official* is hereby authorized and empowered to order and require the *occupants* to vacate the *premises*

forthwith. The *code official* is authorized to cause to be posted at each entrance to such *structure* a notice reading as follows: "This *Structure* Is Unsafe and Its *Occupancy* Has Been Prohibited by the *Code Official*." It shall be unlawful for any *person* to enter such *structure* except for the purpose of securing the *structure*, making the required repairs, removing the hazardous condition or of demolishing the same.

B. Temporary Safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the *code official*, there is *imminent danger* due to an unsafe condition, the *code official* is authorized to order the necessary work to be done, including the boarding up of openings, to render such *structure* temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the *code official* deems necessary to meet such emergency.

C. Closing Streets. When necessary for public safety, the *code official* is authorized to temporarily close *structures* and close, or order the authority having *jurisdiction* to close, sidewalks, streets, *public ways* and places adjacent to unsafe *structures*, and prohibit the same from being utilized.

D. Emergency Repairs. For the purposes of this section, the *code official* is authorized to employ the necessary labor and materials to perform the required work as expeditiously as possible.

E. Costs of Emergency Repairs. Costs incurred by the City in the performance of emergency work shall be paid by the *owner* of the *premises*. The legal counsel of the *jurisdiction* is authorized to institute appropriate action against the *owner* of the *premises* or *owner's* authorized agent where the unsafe *structure* is or was located for the recovery of such costs.

F. Hearing. Any *person* ordered to take emergency measures shall comply with such order forthwith. Any affected *person* shall thereafter, upon appeal directed to the hearing examiner, be afforded a hearing as set forth in Chapter 1.20 of the *KMC*.

15.40.113 Demolition.

A. General. The *code official* is authorized to order the *owner* or *owner's* authorized agent of any *premises* upon which is located any *structure*, which in the *code official's* or *owner's* authorized agent's judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or *occupancy*, and such that it is unreasonable to repair the *structure*, to demolish and remove such *structure*; or if such *structure* is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the *owner's* option; or where there has been a cessation of normal construction of any *structure* for a period of more than two years, the *code official* is authorized to order the *owner* or *owner's* authorized agent to demolish and remove such *structure*, or board up until future repair. Boarding the building up for future repair shall not extend beyond six months, unless *approved* by the *code official*.

B. Notices and Orders. Notices and orders shall comply with Chapter 1.20 of the *KMC*.

C. Failure to Comply. If the *owner* of a *premises* or *owner's* authorized agent fails to comply with a demolition order within the time prescribed, the *code official* is authorized to cause the *structure* to be demolished and removed, either through an available public agency or by contract or arrangement with private *persons*, and the cost of such demolition and removal shall be charged against the real estate upon which the *structure* is located and shall be a lien upon such real estate.

D. **Salvage Materials.** When any *structure* has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the *person* who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

15.40.114 Unlawful public nuisances declared.

A. It shall be a public nuisance for any *person* owning, occupying, leasing, or having charge or possession of any *property* in the City to maintain or allow to be maintained on such *property* where visible from a *public way*, *right-of-way*, Lake Washington, Sammamish River, or public/private ingress/egress *easement* any conditions prohibited in the following *KMC* sections:

1. *KMC* 15.40.302.D.2.a;
2. *KMC* 15.40.302.D.2.b;
3. *KMC* 15.40.302.D.2.c;
4. *KMC* 15.40.302.D.2.d;
5. *KMC* 15.40.302.E
6. *KMC* 15.40.302.F
7. *KMC* 15.40.302.G.1;
8. *KMC* 15.40.302.G.2;
9. *KMC* 15.40.302.H.1.a;
10. *KMC* 15.40.302.H.1.b;
11. *KMC* 15.40.302.H.1.c;
12. *KMC* 15.40.302.I;
13. *KMC* 15.40.302.J;
14. *KMC* 15.40.302.K;
15. *KMC* 15.40.302.L;
16. *KMC* 15.40.302.M;
17. *KMC* 15.40.302.N;
18. *KMC* 15.40.302.O;
19. *KMC* 15.40.302.P;
20. *KMC* 15.40.302.Q
21. *KMC* 15.40.302.R;
22. *KMC* 15.40.302 S; and
23. *KMC* 15.40.111

B. The existence of any *property* condition which is unlawful and/or declared to be a public nuisance pursuant to the *KMC*, the Revised Code of Washington (RCW) or the Washington Administrative Code (WAC) is prohibited. This subsection shall be construed to place an affirmative duty on *property owners* and *occupants* to maintain their *property* in conformity with all applicable codes.

C. Violations of this section are enforced by the *code official* and processed pursuant to Chapter 1.20 *KMC* as now in effect, or as may be subsequently amended.

ARTICLE II--DEFINITIONS

15.40.201 General.

A. Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

B. Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

C. Terms Defined in Other Codes. Where terms are not defined in this code and are defined in the International Building Code, International Existing Building Code, International Residential Code, International Fire Code, Uniform Plumbing Code, International Mechanical Code or NFPA 70, such terms shall have the meanings ascribed to them as stated in those codes.

Exception: When used within this code, the terms unsafe and dangerous shall have only the meanings ascribed to them in this code and shall not have the meanings ascribed to them by the International Existing Building Code.

D. Terms Not Defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

E. Parts. Whenever the words "*dwelling unit*," "*dwelling*," "*premises*," "*building*," "*rooming house*," "*rooming unit*," "*housekeeping unit*" and "*story*" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."

15.40.202 General Definitions.

For purposes of this chapter, the following definitions shall apply:

A. "Anchored" means secured in a manner that provides positive connection.

B. "Approved" means acceptable to the *code official*.

C. "Basement" means that portion of a building which is partly or completely below grade.

D. "Bathroom" means a room containing plumbing fixtures including a bathtub or shower.

E. "Bedroom" means any room or space used or intended to be used for sleeping purposes in either a dwelling or *sleeping unit*.

F. "City Manager" means the City of Kenmore *City Manager* or his or her designee(s).

G. "Code Official" means the official who is charged with the administration and enforcement of this code or portion of this code, or any duly authorized representative of the *City Manager*.

H. "Condemn" means to adjudge unfit for *occupancy*.

I. "Cost of such demolition or emergency repairs" means the actual costs of the demolition or repair of the *structure* less revenues obtained if salvage was conducted prior to demolition or repair. Costs shall include, but not be limited to, expenses incurred or necessitated related to demolition or emergency repairs, such as asbestos survey and abatement if necessary; costs of inspectors, testing agencies or experts retained relative to the demolition or emergency repairs; costs of testing; surveys for other materials that are controlled or regulated from being dumped in a landfill; title searches; mailing(s); postings; recording; and attorney fees

expended for recovering of the cost of emergency repairs or to obtain or enforce an order of demolition made by the *code official*, the governing body or board of appeals.

J. "Detached" means when a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

K. "Deterioration" means to weaken, disintegrate, corrode, rust or decay and lose effectiveness.

L. "Dwelling unit" means a single unit providing complete, independent living facilities for one or more *persons*, including permanent provisions for living, sleeping, eating, cooking and sanitation.

M. "Easement" means that portion of land or *property* reserved for present or future use by a *person* or agency other than the legal fee *owner(s)* of the *property*. The *easement* shall be permitted to be for use under, on or above said lot or lots.

N. "Emergency escape and rescue opening" means an operable exterior window, door or other similar device that provides for a means of escape and access for rescue in the event of an emergency.

O. "Exterior property" means the open space on the *premises* and on adjoining *property* under the control of *owners* or *operators* of such *premises*.

P. "Garbage" means the animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Q. "Graffiti" means unauthorized inscription, word, figure or design that is written, marked, etched, scratched or drawn or painted on any real or personal *property* regardless of its content or nature of the material used in the commission of the act.

R. "Guard" means a building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

S. "Habitable space" means space in a *structure* for living, sleeping, eating or cooking. *Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas* are not considered *habitable spaces*.

T. "Historic building" means any building or *structure* that is listed in the State or National Register of Historic Places; designated as a historic *property* under local or state designation law or survey; certified as a contributing resource within a National Register listed or locally designated historic district; or with an opinion or certification that the *property* is eligible to be listed on the National or State Register of Historic Places either individually or as a contributing building to a historic district by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places.

U. "Housekeeping unit" means a room or group of rooms forming a single *habitable space* equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

V. "Imminent danger" means a condition which could cause serious or life-threatening injury or death at any time.

W. "Infestation" means the presence, within or contiguous to a *structure* or *premises*, of insects, rats, vermin or other pests.

X. "Inoperative vehicle" means a vehicle which cannot be driven upon the public streets for reasons including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

Y. "Junk" means old or scrap copper; brass; rope; rags; batteries; paper; trash; rubber; debris; wastes; machinery; scrap wood; *junked*, dismantled or wrecked automobiles, or parts thereof; iron; steel; and other old or scrap ferrous or nonferrous material.

Z. "Jurisdiction" means the "City".

AA. "Labeled" means equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, *approved* agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above *labeled* items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

BB. "KMC" means the Kenmore Municipal Code.

CC. "Let for occupancy" or "let" means to permit, provide or offer possession or *occupancy* of a dwelling, *dwelling unit*, *rooming unit*, building, *premises* or *structure* by a *person* who is or is not the legal *owner* of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

DD. "Neglect" means the lack of proper maintenance for a building or *structure*.

EE. "Occupancy" means the purpose for which a building or portion thereof is utilized or occupied.

FF. "Occupant" means any individual living or sleeping in a building or having possession of a space within a building.

GG. "Openable area" means that part of a window, skylight or door which is available for unobstructed *ventilation* and which opens directly to the outdoors.

HH. "Operator" means any *person* who has charge, care or control of a *structure* or *premises* which is *let* or offered for *occupancy*.

II. "Owner" means any *person*, agent, *operator*, firm or corporation having a legal or equitable interest in the *property*; or recorded in the official records of the state, county or municipality as holding title to the *property*; or otherwise having control of the *property*, including the guardian of the estate of any such *person*, and the executor or administrator of the estate of such *person* if ordered to take possession of real *property* by a court.

JJ. "Person" means an individual, corporation, partnership or any other group acting as a unit.

KK. "Pest elimination" means the control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other *approved pest elimination* methods.

LL. "Premises" means a lot, plot or parcel of land, tract, *easement* or *public way*, including any *structures* thereon.

MM. "Property" shall mean any real *property* or lot or parcel of land, tract, including any alley, sidewalk or parkway abutting such lot or parcel of land.

NN. "Public way" means any street, alley or other parcel of land that: is open to the outside air; leads to a street; has been deeded, dedicated or otherwise permanently appropriated to the public for public use; and has a clear width and height of not less than ten (10) feet.

OO. "Right-of-way" means land and the space above and below, *property* or *property* interest, such as a *right-of-way* use *easement*, as well as bridges, trestles, or other *structures*, dedicated to, or otherwise acquired by the City of Kenmore for public motor vehicle, pedestrian, bicycle, or other nonmotorized transportation purposes, including, but not limited to, roads and trails, whether or not opened, improved or maintained for public transportation purposes.

PP. "Rooming house" means a building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

QQ. "Rooming unit" means any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

RR. "Rubbish" means combustible and noncombustible waste materials, except *garbage*; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, *yard* trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

SS. "Sleeping unit" means a room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a *dwelling unit* are not *sleeping units*.

TT. "Strict liability offense" means an offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

UU. "Structure" means that which is built or constructed.

VV. "Substandard building" shall mean any building or portion thereof that is determined to be an unsafe building pursuant to this Chapter, or any building or portion thereof, including any *dwelling unit*, guest room or suite of rooms, or the *premises* on which the same is located, in which there exists any of the conditions referenced in *KMC* 15.40.114, which endangers life, limb, health, *property*, safety or welfare of the public or the *occupants* thereof, shall be deemed and hereby are declared to be substandard.

WW. "Tenant" means a *person*, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

XX. "Toilet room" means a room containing a water closet or urinal but not a bathtub or shower.

YY. "Ultimate deformation" means the deformation at which failure occurs and which shall be deemed to occur if the sustainable load reduces to eighty percent or less of the maximum strength.

ZZ. "Ventilation" means the natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

AAA. "Workmanlike" means executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

BBB. "Yard" means an open space on the same lot with a *structure*.

ARTICLE III--GENERAL REQUIREMENTS

15.40.301 General.

A. Scope. The provisions of this article shall govern the minimum conditions and the responsibilities of *persons* for maintenance of *structures*, equipment and *exterior property*.

B. Responsibility. The *owner* of the *premises* shall maintain the *structures* and *exterior property* in compliance with these requirements, except as otherwise provided for in this code. A *person* shall not occupy as *owner-occupant* or permit another *person* to occupy *premises* that are not in a sanitary and safe condition and that do not comply with the requirements of this article. *Occupants* of a *dwelling unit*, *rooming unit* or *housekeeping unit* are responsible for keeping in a clean, sanitary and safe condition that part of the *dwelling unit*, *rooming unit*, *housekeeping unit* or *premises* which they occupy and control.

C. Vacant Structures and Land. Vacant *structures* and *premises* thereof or vacant land shall be maintained in a clean, safe, secure, and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

15.40.302 Exterior property areas.

A. Sanitation. *Exterior property* and *premises* shall be maintained in a clean, safe and sanitary condition. The *occupant* shall keep the *exterior property* that such *occupant* occupies or controls in a clean and sanitary condition.

Examples of prohibited actions include but are not limited to accumulation of *junk*, *rubbish*, new or used tires, auto parts, construction equipment, appliances, etc.

B. Grading and Drainage. *Premises* shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any *structure* located thereon.

Examples of prohibited actions include but are not limited to stockpiling materials (soil, gravel, sand, *yard debris*, etc.), large holes that accumulate or hold water, uncovered and/or unmaintained swimming pools, etc.

Exception: *Approved* retention areas, reservoirs, or similar areas.

C. Sidewalks and Driveways. Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions. It shall be the responsibility of the *owner of property* abutting upon a public sidewalk to maintain the sidewalk at all times in a safe condition, free of any and all obstructions or defects as described in Chapter 12.70 of the *KMC*.

D. Control of Overgrown Vegetation. Overgrown vegetation shall comply with subsections (D)(1) and (D)(2) of this section.

1. Removal of Overhanging Vegetation and Fire Hazards.

a. The *owner* of any *property* in the City shall remove or destroy, in a manner permitted by law, all vegetation growing or which has grown and died or debris upon *property* owned or occupied by them that is a fire hazard or a menace to public health, safety, or welfare. Such work, when proposed in a critical area or its buffer, requires prior approval from the City. Prior authorization is also required from the City to the extent removal of trees is required.

2. Weeds, Grass Neglected or Improperly Maintained Landscaping.

a. *Premises* and *exterior property* shall be maintained free from weeds and grass in excess of twelve inches.

b. The accumulation of weeds on *premises* or *property* contained in the current King County Noxious Weeds List or contained within current Chapter 16-750 WAC, Noxious Weed List Classes A, B, C shall be prohibited.

c. *Neglected* or improperly maintained landscaping, including but not limited to dead, debris-laden, weed-infested or overgrown vegetation, such as trees, shrubs, hedges, grass and ground covers, or vegetation dying as a result of physical damage, disease, insect *infestation*, lack of water, or other factors is prohibited.

d. Any vegetation that is growing rampant and unmaintained so as to provide unsightly, unsanitary and/or unsafe conditions, is destructive to other vegetation, that blocks public *rights-of-way* as described in Chapter 12.70 of the *KMC*, that blocks the sight lines within the public *rights-of-way*, or that impacts or threatens to impact public utilities is prohibited.

Upon failure to comply with this section, any duly authorized employee of the *jurisdiction* or contractor hired by the *jurisdiction* shall be authorized to enter upon the *property* in violation and cut and destroy the *neglected* or improperly maintained landscaping, weeds or grass growing thereon that are over twelve inches tall, and the costs of such removal shall be paid by the *owner* or agent responsible for the *property*; provided, however, that such entry and removal shall be pursuant to a warrant or other remedy provided by law unless a public safety emergency justifies entry without a warrant or other lawful remedy.

E. Rodent Harborage. *Structures* and *exterior property* shall be kept free from rodent harborage and *infestation*. Where rodents are found, they shall be promptly exterminated by *approved* processes that will not be injurious to human health. After *pest elimination*, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

F. Exhaust Vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private *property* or that of another *tenant*.

G. Accessory Structures.

1. Accessory *structures*, including *detached* garages, outbuildings, fences and walls, shall be maintained structurally sound and in good repair.

2. Storage or maintenance in a residential zone of any metal storage bin or container with a horizontal surface area of 120 square feet or greater is prohibited, unless otherwise permitted by the City (e.g., special use permit, temporary use permit, etc.).

H. Vehicles, Boats, Trailers or Other Mobile Equipment Storage Which Presents Potential Public Health, Safety or Fire Hazards are prohibited.

1. The parking or storage of any vehicle, boat, trailer, camper, motor home, or other mobile equipment, whether or not motorized, or portions or parts and components thereof, on *property* used or zoned for residential purposes are prohibited, if:

a. Located on any front lawn or front *yard*; or

b. Located in any side or rear *yard* so as to prevent a three-foot-wide continuous fire access way from the front of the *property*.

c. Projecting into *right-of-way*.

I. Abandoned Vehicles. Except as provided for in Chapter 8.25 of the *KMC*, abandoned vehicles, wrecked, dismantled or *inoperative vehicles* or remnant parts thereof are prohibited.

J. Defacement of Property. No *person* shall willfully or wantonly damage, mutilate or deface any exterior surface of any *structure* or building on any private or public *property* by placing thereon any marking, carving or *graffiti*. It shall be the responsibility of the *owner* to restore said surface to an *approved* state of maintenance and repair.

K. Except when placed there for removal for a period of less than 7 days, the exterior accumulation of broken, abandoned or discarded furniture or other household equipment or fixtures, packing boxes, lumber, *junk*, trash, *rubbish* or other materials or debris is prohibited. Prohibited actions include the dumping, spillage or storage of solids or liquids, which may negatively impact the visual or olfactory nature of the area.

L. Open storage of *rubbish* or *junk* including, but not limited to, refuse, *garbage*, scrap metal or lumber, concrete, asphalt, tin cans, tires and piles of earth, not including compost bins shall be prohibited.

M. Combustible material likely to become easily ignited or debris resulting from any fire and which constitutes a fire hazard, as defined in the fire code as adopted by the City pursuant to Chapter 15.10 of the *KMC* shall be prohibited.

N. The exterior storage or maintenance of parts or machinery of any type or description unless specifically authorized by a City license or permit; building materials or merchandise unless specifically authorized by use permit; or construction equipment except while excavation, construction, or demolition operations covered by an active building permit or other City permit are in progress on the subject or adjoining *property* shall be prohibited.

O. The exterior storage of new or used tires in a manner that allows accumulation of water that may create a health hazard.

P. Right-of-Way or Public Property Encroachment. Obstruction or encroachment upon any public *property*, including but not limited to any public street, sidewalk, highway, *right-of-way*, park or building, without prior City consent is prohibited. Such obstructions or

encroachments include but are not limited to overgrown trees and shrubs, building materials, merchandise or other personal *property* and buildings or portions of buildings or *structures*, fences or retaining walls protruding onto public *property*.

Q. Land, as a result of grading operations, excavation or fill, causes erosion, subsidence, or surface water drainage problems of such magnitude as to be injurious to the public health, safety, and welfare or to public properties or *rights-of-way*.

R. Maintenance of any substance which because of its quantity, concentration or physical, chemical or infectious characteristics may either cause, or substantially contribute to, an increase in mortality or serious illness or pose a significant present or potential hazard to human health or the environment if improperly managed.

S. The existence of any *property* condition which is unlawful or declared to be a public nuisance pursuant to any other provision of the KMC or the Revised Code of Washington (RCW) or the Washington Administrative Code (WAC). This subsection shall be construed to place an affirmative duty on *property owners* and *occupants* to maintain their *property* in conformity with all applicable codes.

15.40.303 Swimming pools, spas, and hot tubs.

A. Swimming Pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

B. Enclosures. Private swimming pools, hot tubs and spas, containing water more than twenty-four inches in depth shall be completely surrounded by a fence or barrier not less than forty-eight inches in height above the finished ground level measured on the side of the barrier away from the pool. Openings in the barrier shall not allow passage of a 4-inch-diameter sphere. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than fifty-four inches above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of six inches from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F1346 and swimming pools equipped with a powered safety cover that complies with ASTM F1346, in compliance with the International Swimming Pool and Spa Code, shall be exempt from the provisions of this section.

15.40.304 Exterior structure.

A. General. The exterior of a *structure* shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

1. Unsafe Conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:

a. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;

b. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations, is not capable of resisting all nominal loads or load effects;

- c. Structures or components thereof that have reached their limit state;
- d. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather-resistant or watertight;
- e. Structural members that have evidence of *deterioration* or that are not capable of safely supporting all nominal loads and load effects;
- f. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
- g. Exterior walls that are not *anchored* to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
- h. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of *deterioration* or fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;
- i. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of *deterioration* or fatigue, are not properly *anchored* or are incapable of supporting all nominal loads and resisting all load effects;
- j. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;
- k. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;
- l. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including *guards* and handrails, are not structurally sound, not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects; or
- m. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly *anchored*, or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

- i. Where substantiated otherwise by an *approved* method.

ii. Demolition of unsafe conditions shall be permitted where *approved* by the *code official*.

B. Protective Treatment. All exterior surfaces, including but not limited to doors, door and window frames, cornices, porches, trim, and balconies, shall be maintained in good condition or in a manner that does not create a public nuisance.

C. Premises Identification. Buildings shall have *approved* address numbers placed in a position to be plainly legible and visible from the street or road fronting the *property*. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be not less than four inches (one hundred two millimeters) high with a minimum stroke width of one-half inch.

Exception: Buildings constructed under the International Residential Code, prior to July 1, 2010, are permitted to have the address number size be a minimum of three inches high.

D. Structural Members. Structural members shall be maintained free from *deterioration*, and shall be capable of safely supporting the imposed dead and live loads.

E. Foundation Walls. Foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

F. Exterior Walls. Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent *deterioration*.

G. Roofs and Drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or *deterioration* in the walls or interior portion of the *structure*. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged directly onto any other private *property*, public *right-of-way* or in a manner that creates a public nuisance.

H. Decorative Features. Cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

I. Overhang Extensions. Overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly *anchored* so as to be kept in a sound condition. Where required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

J. Stairways, Decks, Porches and Balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

K. Chimneys and Towers. Chimneys, cooling towers, smokestacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. Exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

L. Handrails and Guards. Every handrail and *guard* shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

M. Window, Skylight and Door Frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

1. Glazing. Glazing materials shall be maintained free from cracks and holes.

2. Openable Windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

N. Doors. Exterior doors, door assemblies, *operator* systems if provided and hardware shall be maintained in good condition. Locks at all entrances to *dwelling units* and *sleeping units* shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 15.40.702(C).

15.40.305 Interior structure.

A. General. The interior of a *structure* and equipment therein shall be maintained in good repair, structurally sound, and in a sanitary condition. *Occupants* shall keep that part of the *structure* that they occupy or control in a clean and sanitary condition. Every *owner* of a *structure* containing a *rooming house*, *housekeeping units*, a hotel, a dormitory, two or more *dwelling units* or two or more nonresidential *occupancies* shall maintain, in a clean and sanitary condition, the shared or public areas of the *structure* and *exterior property*.

1. Unsafe Conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:

- a. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;

- b. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations, is not capable of resisting all nominal loads or load effects;

- c. *Structures* or components thereof that have reached their limit state;

- d. Structural members are incapable of supporting nominal loads and load effects;

- e. Stairs, landings, balconies and all similar walking surfaces, including *guards* and handrails, are not structurally sound, not properly *anchored* or are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;

- f. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

- i. Where substantiated otherwise by an *approved* method.

ii. Demolition of unsafe conditions shall be permitted when *approved* by the *code official*.

B. Structural Members. Structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

C. Interior Surfaces. Interior surfaces, including windows and doors, shall be maintained in good, clean, and sanitary condition. A safe, continuous, and unobstructed path of travel shall be provided from any point in a building or *structure* to the *public way*. Means of egress shall comply with the International Fire Code.

D. Stairs and Walking Surfaces. Every stair, ramp, landing, balcony, porch or other walking surface shall be maintained in sound condition and good repair.

E. Handrails and Guards. Every handrail and *guard* shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

F. Adequate Light, Ventilation, Sanitation and Occupancy. Adequate light, *ventilation*, sanitation and *occupancy* shall be provided, maintained and in compliance with the code in effect at the time of construction.

15.40.306 Component serviceability.

General. The components of a *structure* and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

A. Unsafe Conditions. Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:

1. Soils that have been subjected to any of the following conditions:

- a. Collapse of footing or foundation system;
- b. Damage to footing, foundation, concrete or other structural element due to soil expansion;
- c. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil;
- d. Inadequate soil as determined by a geotechnical investigation;
- e. Where the allowable bearing capacity of the soil is in doubt; or
- f. Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.

2. Concrete that has been subjected to any of the following conditions:

- a. *Deterioration*;
- b. *Ultimate deformation*;
- c. Fractures;

- d. Fissures;
- e. Spalling;
- f. Exposed reinforcement; or
- g. *Detached*, dislodged or failing connections.

3. Aluminum that has been subjected to any of the following conditions:

- a. *Deterioration*;
- b. Corrosion;
- c. Elastic deformation;
- d. *Ultimate deformation*;
- e. Stress or strain cracks;
- f. Joint fatigue; or
- g. *Detached*, dislodged or failing connections.

4. Masonry that has been subjected to any of the following conditions:

- a. *Deterioration*;
- b. *Ultimate deformation*;
- c. Fractures in masonry or mortar joints;
- d. Fissures in masonry or mortar joints;
- e. Spalling;
- f. Exposed reinforcement; or
- g. *Detached*, dislodged or failing connections.

5. Steel that has been subjected to any of the following conditions:

- a. *Deterioration*;
- b. Elastic deformation;
- c. *Ultimate deformation*;
- d. Metal fatigue; or
- e. *Detached*, dislodged or failing connections.

6. Wood that has been subjected to any of the following conditions:

- a. *Ultimate deformation*;
- b. *Deterioration*;
- c. Damage from insects, rodents and other vermin;
- d. Fire damage beyond charring;
- e. Significant splits and checks;
- f. Horizontal shear cracks;
- g. Vertical shear cracks;
- h. Inadequate support;
- i. *Detached*, dislodged or failing connections; or
- j. Excessive cutting and notching.

Exceptions:

- a. Where substantiated otherwise by an *approved* method.
- b. Demolition of unsafe conditions shall be permitted where *approved* by the *code official*.

15.40.307 Handrails and guardrails.

A. General. Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface that is more than thirty inches above the floor or grade below shall have *guards*. *Guards* and handrails in disrepair shall be repaired or replaced to comply with the current adopted International Building Code or the International Existing Building Code as required for existing buildings.

15.40.308 Rubbish and garbage.

A. Accumulation of Rubbish or Garbage. *Exterior property* and *premises*, and the interior of every *structure*, shall be free from accumulation of *rubbish* or *garbage*.

B. Disposal of Rubbish. Every *occupant* of a *structure* shall dispose of all *rubbish* in a clean and sanitary manner by placing such *rubbish* in *approved* containers.

1. Refrigerators. Refrigerators and similar equipment/appliances not in operation shall not be discarded, abandoned, or otherwise stored on *premises*.

C. Disposal of Garbage. Every *occupant* of a *structure* shall dispose of *garbage* in a clean and sanitary manner by placing such *garbage* in an *approved garbage* disposal facility or *approved garbage* containers.

15.40.309 Pest elimination.

A. Infestation. *Structures* shall be kept free from insect and rodent *infestation*. *Structures* in which insects or rodents are found shall be promptly exterminated by *approved* processes

that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

B. Owner. The *owner* of any *structure* shall be responsible for extermination within the *structure* prior to renting or leasing the *structure*.

C. Single Occupant. The *occupant* of a one-family dwelling or of a single-tenant nonresidential *structure* shall be responsible for extermination on the *premises*.

D. Multiple Occupancy. The *owner* of a *structure* containing two or more *dwelling units*, a multiple *occupancy*, a *rooming house* or a nonresidential *structure* shall be responsible for extermination in the public or shared areas of the *structure* and *exterior property*. If *infestation* is caused by failure of an *occupant* to prevent such *infestation* in the area occupied, the *occupant* and *owner* shall be responsible for extermination.

E. Occupant. The *occupant* of any *structure* shall be responsible for the continued rodent-free and pest-free condition of the *structure*.

Exception: Where the *infestations* are caused by defects in the *structure*, the *owner* shall be responsible for extermination.

F. Affected Properties. Where adjacent properties are affected by rodent harborage and/or *infestation*, the City may, in its sole discretion, abate the *infestation* to preserve the health and safety of the neighborhood. The costs of any abatement action taken by the City shall be charged to the *property owner* in the same manner as set forth in *KMC* 1.20.230 and/or *KMC* 1.20.200. If the *owner* fails to pay the City's cost to abate, the cost shall be a lien against the *property* which is the source of the rodent harborage and/or *infestation* and may be collected by the City under any enforcement and penalty provisions of Chapter 1.20 *KMC*.

ARTICLE IV--LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

15.40.401 General.

A. Scope. The provisions of this article shall govern the minimum conditions and standards for light, *ventilation* and space for occupying a *structure*.

B. Responsibility. The *owner* of the *structure* shall provide and maintain light, *ventilation* and space conditions in compliance with the code that the structure was permitted under. A *person* shall not occupy as *owner-occupant*, or permit another *person* to occupy, any *premises* that does not comply.

C. Alternative Devices. In lieu of the means for natural light and *ventilation* herein prescribed, artificial light or mechanical *ventilation* complying with the International Building Code or International Residential Code shall be permitted.

15.40.402 Light.

Habitable Rooms. Adequate and sufficient light, either natural or artificial, shall be provided, maintained and in compliance with the code in effect at the time of construction for all habitable rooms.

15.40.403 Ventilation.

Habitable Rooms and Other Spaces. Adequate and sufficient *ventilation*, shall be provided, maintained and in compliance with the code in effect at the time of construction for all habitable rooms and other spaces.

15.40.404 Occupancy limitations.

A. Minimum Ceiling Heights. *Habitable spaces* and *habitable basement* areas shall have a clear ceiling height of not less than seven feet.

B. Bedroom Requirements. Every *bedroom* shall have at least one operable window or door *approved* for emergency escape or rescue which shall open directly into a public street, public alley, *yard* or exit court. The units shall be operable from the inside to provide a full clear opening without the use of separate tools.

All escape or rescue windows shall have a minimum net clear openable area of 5.7 square feet. The minimum net clear openable height dimension shall be 24 inches. The minimum net clear openable width dimension shall be 20 inches. When windows are provided as a means of escape or rescue, they shall have a finished sill height not more than 44 inches above the floor.

Exception: *basement rooms*

C. Access from Bedrooms. *Bedrooms* shall not constitute the only means of access to other *bedrooms* or *habitable spaces* and shall not serve as the only means of egress from other *habitable spaces*.

Exception: Units that contain fewer than two *bedrooms*.

D. Overcrowding: The number of *persons* occupying a *dwelling unit* shall not create conditions that, in the opinion of the *code official*, endanger the life, health, safety or welfare of the *occupants*.

ARTICLE V--PLUMBING FACILITIES AND FIXTURE REQUIREMENTS**15.40.501 General.**

A. Scope. The provisions of this article shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

B. Responsibility. The *owner* of the *structure* shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A *person* shall not occupy as *owner-occupant* or permit another *person* to occupy any *structure* or *premises* which does not comply with the requirements of this article.

15.40.502 Required facilities.

A. Dwelling Units. Every *dwelling unit* shall contain its own bathtub or shower, lavatory, water closet and kitchen sink that shall be maintained in a sanitary, safe working condition.

B. Hotels, Motels, and Temporary Lodging. Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten *occupants*.

C. Public Toilet Facilities. Public toilet facilities shall be maintained in a safe, sanitary and working condition in accordance the Uniform Plumbing Code. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during *occupancy* of the *premises*.

15.40.503 Toilet rooms.

A. Privacy. *Toilet rooms* and *bathrooms* shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking

device shall be provided for all common or shared *bathrooms* and *toilet rooms* in a multiple dwelling.

B. Location. *Toilet rooms* and *bathrooms* serving hotel units, *rooming units*, dormitory units or *housekeeping units* shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

C. Floor Surface. In other than *dwelling units*, every *toilet room* floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

15.40.504 Plumbing systems and fixtures.

A. General. Plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. Plumbing shall be maintained in a safe, sanitary and functional condition.

B. Plumbing System Hazards. Where it is found that a plumbing system in a *structure* constitutes a hazard to the *occupants* or the *structure* by reason of inadequate service, inadequate venting, cross connection, back siphonage, improper installation, *deterioration* or damage or for similar reasons, the *code official* is authorized to require the defects to be corrected to eliminate the hazard.

15.40.505 Water system.

A. General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an *approved* private water system. Kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the Uniform Plumbing Code.

B. Contamination. The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place shall be protected by an *approved* atmospheric-type vacuum breaker or an *approved* permanently attached hose connection vacuum breaker.

C. Supply. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

D. Water Heating Facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than one hundred ten degrees Fahrenheit. A gas burning water heater shall not be located in any *bathroom*, *toilet room*, *bedroom* or other occupied room normally kept closed, unless adequate combustion air is provided. An *approved* combination temperature and pressure relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

E. Nonpotable Water Reuse Systems. Nonpotable water reuse systems and rainwater collection and conveyance systems shall be maintained in a safe and sanitary condition. Where such systems are not properly maintained, the systems shall be repaired to provide for safe and sanitary conditions, or the system shall be abandoned in accordance with subsection (E)(1) of this section.

1. Abandonment of Systems. Where a nonpotable water reuse system or a rainwater collection and distribution system is not maintained or the *owner* ceases use of the system, the system shall be abandoned in accordance with the 2021 Uniform Plumbing Code.

15.40.506 Sanitary drainage system.

A. General. Plumbing fixtures shall be properly connected to either a public sewer system or to an *approved* private sewage disposal system.

B. Maintenance. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

C. Grease Interceptors. Grease interceptors and automatic grease removal devices shall be maintained in accordance with this code and the manufacturer's installation instructions. Grease interceptors and automatic grease removal devices shall be regularly serviced and cleaned to prevent the discharge of oil, grease, and other substances harmful or hazardous to the building drainage system, the public sewer, the private sewage disposal system or the sewage treatment plant or processes. All records of maintenance, cleaning and repairs shall be available for inspection by the *code official*.

15.40.507 Storm drainage.

A. General. Drainage of roofs and paved areas, *yards* and courts, and other open areas on the *premises* shall be discharged in a manner consistent with the requirements of Title 13 of the *KMC* and shall not be discharged in a manner that creates a public nuisance.

B. Private Property Drainage. Drainage from roof, paved areas, *yards*, or courts shall not be intentionally discharged directly onto any other private *property* or public *rights-of-way* in a manner that creates a public nuisance.

ARTICLE VI--MECHANICAL AND ELECTRICAL REQUIREMENTS

15.40.601 General.

A. Scope. The provisions of this article shall govern the minimum mechanical and electrical facilities and equipment to be provided.

B. Responsibility. The *owner* of the *structure* shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A *person* shall not occupy as *owner-occupant* or permit another *person* to occupy any *premises* that does not comply with the requirements of this article.

15.40.602 Heating facilities.

A. Facilities Required. Heating facilities shall be provided in *structures* as required by this section.

B. Residential Occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68 degrees Fahrenheit in all habitable rooms, *bathrooms* and *toilet rooms*. Cooking appliances shall not be used, nor shall portable unvented fuel-burning space heaters be used, to provide space heating to meet the requirements of this section. The installation of one or more portable space heaters shall not be used to achieve compliance with this section.

C. Heat Supply. Every *owner* and *operator* of any building who rents, leases or *lets* one or more *dwelling units* or *sleeping units* on terms, either expressed or implied, to furnish heat to

the *occupants* thereof shall supply heat to maintain a temperature of not less than sixty-eight degrees Fahrenheit in all habitable rooms, *bathrooms* and *toilet rooms*.

D. Room Temperature Measurement. The required room temperatures shall be measured three feet above the floor near the center of the room and two feet inward from the center of each exterior wall.

15.40.603 Mechanical equipment.

A. Mechanical Equipment and Appliances. Mechanical equipment, appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

B. Removal of Combustion Products. Fuel-burning equipment and appliances shall be connected to an *approved* chimney or vent.

Exception: Fuel-burning equipment and appliances that are *labeled* for unvented operation.

C. Clearances. Required clearances to combustible materials shall be maintained.

D. Safety Controls. Safety controls for fuel-burning equipment shall be maintained in effective operation.

E. Combustion Air. A supply of air for complete combustion of the fuel and for *ventilation* of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

F. Energy Conservation Devices. Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom shall not be installed unless *labeled* for such purpose and the installation is specifically *approved*.

15.40.604 Electrical facilities.

A. Facilities Required. Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 15.40.605.

B. Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the electrical code. *Dwelling units* shall be served by what the code required at the time of permit.

C. Electrical System Hazards. Where it is found that the electrical system in a *structure* constitutes a hazard to the *occupants* or the *structure* by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, *deterioration* or damage, or for similar reasons, the *code official* is authorized to require the defects to be corrected in compliance with the latest edition of the state adopted electrical code.

15.40.605 Electrical equipment.

A. Installation. Electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and *approved* manner.

B. Receptacles. Every *habitable space* in a dwelling shall contain not less than two separate and remote receptacle outlets. Every laundry area shall contain not less than one grounding-type receptacle or a receptacle with a ground fault circuit interrupter. Every

bathroom shall contain not less than one receptacle. Any new *bathroom* receptacle outlet shall have ground fault circuit interrupter protection. All receptacle outlets shall have the appropriate faceplate cover for the location.

C. Luminaires. Every public hall, interior stairway, *toilet room*, kitchen, *bathroom*, laundry room, boiler room and furnace room shall contain not less than one electric luminaire. Pool and spa luminaires over 15 volts shall have ground fault circuit interrupter protection.

D. Wiring. Flexible cords shall not be used for permanent wiring, or for running through doors, windows, or cabinets, or concealed within walls, floors, or ceilings.

15.40.606 Elevators, escalators, and dumbwaiters.

A. General. Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, be available for public inspection in the office of the Building *Operator* or be posted in a publicly conspicuous location *approved* by the *code official*. The inspection and tests shall be performed at not less than the periodic intervals listed in ASME A17.1, Appendix N, except where otherwise specified by the Washington State Department of Labor and Industries.

B. Elevators. In buildings equipped with passenger elevators, not less than one elevator shall be maintained in operation at all times when the building is occupied.

Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

15.40.607 Duct systems.

A. General. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

ARTICLE VII--FIRE SAFETY REQUIREMENTS

15.40.701 General.

A. Scope. The provisions of this article shall govern the minimum conditions and standards for fire safety relating to *structures* and exterior *premises*, including fire safety facilities and equipment to be provided.

B. Responsibility. The *owner* of the *premises* shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A *person* shall not occupy as *owner-occupant* or permit another *person* to occupy any *premises* that do not comply with the requirements of this article.

15.40.702 Means of egress.

A. General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or *structure* to the *public way*. Means of egress shall comply with the International Fire Code.

B. Aisles. The required width of aisles in accordance with International Fire Code shall be unobstructed.

C. Locked Doors. Means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to International Building Code.

D. Emergency Escape and Rescue Openings. Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following:

1. Required *emergency escape and rescue openings* shall be operational from the inside of the room without the use of keys or tools.

2. Bars, grilles, grates or similar devices are permitted to be placed over *emergency escape and rescue openings*, provided the minimum net clear opening size complies with the code that was in effect at the time of construction and the unit is equipped with smoke alarms installed in accordance with the International Building Code. Such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

15.40.703 Fire-resistance ratings.

A. Fire-Resistance-Rated Assemblies. The provisions of this chapter shall govern maintenance of the materials, systems and assemblies used for structural fire resistance and fire-resistance-rated construction separation of adjacent spaces to safeguard against the spread of fire and smoke within a building and the spread of fire to or from buildings.

B. Unsafe Conditions. Where any components are not maintained and do not function as intended or do not have the fire resistance required by the code under which the building was constructed or altered, such components or portions thereof shall be deemed unsafe conditions in accordance with the applicable section of the International Fire Code. Components or portions thereof determined to be unsafe shall be repaired or replaced to conform to that code under which the building was constructed or altered. Where the condition of components is such that any building, *structure* or portion thereof presents an *imminent danger* to the *occupants* of the building, *structure* or portion thereof, the fire *code official* shall act in accordance with the applicable section of the International Fire Code.

C. Maintenance. The required fire-resistance rating of fire-resistance-rated construction, including walls, firestops, shaft enclosures, partitions, smoke barriers, floors, fire-resistive coatings and sprayed fire-resistant materials applied to structural members and joint systems, shall be maintained. Such elements shall be visually inspected annually by the *owner* and repaired, restored or replaced where damaged, altered, breached or penetrated. Records of inspections and repairs shall be maintained. Where concealed, such elements shall not be required to be visually inspected by the *owner* unless the concealed space is accessible by the removal or movement of a panel, access door, ceiling tile or entry to the space. Openings made therein for the passage of pipes, electrical conduit, wires, ducts, air transfer and any other reason shall be protected with *approved* methods capable of resisting the passage of smoke and fire. Openings through fire-resistance-rated assemblies shall be protected by self- or automatic-closing doors of *approved* construction meeting the fire protection requirements for the assembly.

1. Fire Blocking and Draft Stopping. Required fire blocking and draft stopping in combustible concealed spaces shall be maintained to provide continuity and integrity of the construction.

2. Smoke Barriers and Smoke Partitions. Required smoke barriers and smoke partitions shall be maintained to prevent the passage of smoke. Openings protected with *approved* smoke barrier doors or smoke dampers shall be maintained in accordance with NFPA 105.

3. Fire Walls, Fire Barriers, and Fire Partitions. Required fire walls, fire barriers and fire partitions shall be maintained to prevent the passage of fire. Openings protected with *approved* doors or fire dampers shall be maintained in accordance with NFPA 80.

D. Opening Protectives. Opening protectives shall be maintained in an operative condition in accordance with NFPA 80. The application of field-applied labels associated with the maintenance of opening protectives shall follow the requirements of the *approved* third-party certification organization accredited for listing the opening protective. Fire doors and smoke barrier doors shall not be blocked or obstructed, or otherwise made inoperable. Fusible links shall be replaced whenever fused or damaged. Fire door assemblies shall not be modified.

1. Signs. Where required by the *code official*, a sign shall be permanently displayed on or near each fire door in letters not less than one inch high to read as follows:

a. For doors designed to be kept normally open: "FIRE DOOR--DO NOT BLOCK." Where the *code official* is aware of a language barrier, a translation may be required in addition to English (e.g., Spanish, Russian, Braille).

b. For doors designed to be kept normally closed: "FIRE DOOR--KEEP CLOSED." Where the *code official* is aware of a language barrier, a translation may be required in addition to English (e.g., Spanish, Russian, Braille).

2. Hold-Open Devices and Closers. Hold-open devices and automatic door closers shall be maintained. During the period that such a device is out of service for repairs, the door it operates shall remain in the closed position.

3. Door Operation. Swinging fire doors shall close from the full-open position and latch automatically. The door closer shall exert enough force to close and latch the door from any partially open position.

E. Ceilings. The hanging and displaying of salable goods and other decorative materials from acoustical ceiling systems that are part of a fire-resistance-rated horizontal assembly shall be prohibited.

F. Testing. Horizontal and vertical sliding and rolling fire doors shall be inspected and tested annually to confirm operation and full closure. Records of inspections and testing shall be maintained.

G. Vertical Shafts. Interior vertical shafts, including stairways, elevator hoistways and service and utility shafts, which connect two or more stories of a building shall be enclosed or protected as required in Chapter 11 of the International Fire Code. New floor openings in existing buildings shall comply with the International Building Code.

H. Opening Protective Closers. Where openings are required to be protected, opening protectives shall be maintained self-closing or automatic-closing by smoke detection. Existing fusible-link-type automatic door-closing devices shall be replaced if the fusible link rating exceeds one hundred thirty-five degrees Fahrenheit.

15.40.704 Fire protection systems.

A. Inspection, Testing and Maintenance. Fire protection and life safety systems shall be maintained in accordance with the International Fire Code in an operative condition at all times, and shall be replaced or repaired where defective.

1. Fire Protection and Life Safety Systems. Fire protection and life safety systems shall be installed, repaired, operated and maintained in accordance with this code the International Fire Code and the International Building Code.

2. Required Fire Protection and life Safety Systems. Fire protection and life safety systems required by this code, the International Fire Code or the International Building Code shall be installed, repaired, operated, tested and maintained in accordance with this code. A fire protection and life safety system for which a design option, exception or reduction to the provisions of this code, the International Fire Code or the International Building Code has been granted shall be considered to be a required system.

3. Fire Protection Systems. Fire protection systems shall be inspected, maintained and tested in accordance with the following International Fire Code requirements:

- a. Automatic sprinkler systems, see Section 903.5.
- b. Automatic fire-extinguishing systems protecting commercial cooking systems, see Section 904.12.5.
- c. Automatic water mist extinguishing systems, see Section 904.11.
- d. Carbon dioxide extinguishing systems, see Section 904.8.
- e. Carbon monoxide alarms and carbon monoxide detection systems, see Section 915.6.
- f. Clean-agent extinguishing systems, see Section 904.10.
- g. Dry-chemical extinguishing systems, see Section 904.6.
- h. Fire alarm and fire detection systems, see Section 907.8.
- i. Fire Department connections, see Sections 912.4 and 912.7.
- j. Fire pumps, see Section 913.5.
- k. Foam extinguishing systems, see Section 904.7.
- l. Halon extinguishing systems, see Section 904.9.
- m. Single- and multiple-station smoke alarms, see Section 907.10.
- n. Smoke and heat vents and mechanical smoke removal systems, see Section 910.5.
- o. Smoke control systems, see Section 909.20.
- p. Wet-chemical extinguishing systems, see Section 904.5.

B. Standards. Fire protection systems shall be inspected, tested and maintained in accordance with the referenced standards listed in Table 704.2 and as required in this section.

Table 704.2**FIRE PROTECTION SYSTEM MAINTENANCE STANDARDS**

| SYSTEM | STANDARD |
|--|-----------|
| Portable fire extinguishers | NFPA 10 |
| Carbon dioxide fire-extinguishing system | NFPA 12 |
| Halon 1301 fire-extinguishing systems | NFPA 12A |
| Dry-chemical extinguishing systems | NFPA 17 |
| Wet-chemical extinguishing systems | NFPA 17A |
| Water-based fire protection systems | NFPA 25 |
| Fire alarm systems | NFPA 72 |
| Smoke and heat vents | NFPA 204 |
| Water-mist systems | NFPA 750 |
| Clean-agent extinguishing systems | NFPA 2001 |

1. Records. Records shall be maintained of all system inspections, tests and maintenance required by the referenced standards.
2. Records Information. Initial records shall include the: name of the installation contractor; type of components installed; manufacturer of the components; location and number of components installed per floor; and manufacturers' operation and maintenance instruction manuals. Such records shall be maintained for the life of the installation.

C. Systems Out of Service. Where a fire protection system is out of service, the fire department and the fire code official shall be notified immediately and, where required by the fire code official, the building shall either be evacuated or an *approved* fire watch shall be provided for all *occupants* left unprotected by the shutdown until the fire protection system has been returned to service. Where utilized, fire watches shall be provided with at least one means for notification of the fire department and their only duty shall be to perform constant patrols of the protected *premises* and keep watch for fires. Actions shall be taken in accordance with Section 901 of the International Fire Code to bring the systems back in service.

Exception: Exception: Facilities with an *approved* notification and impairment management program. The notification and impairment program for water-based fire protection systems shall comply with NFPA 25.

1. Emergency Impairments. Where unplanned impairments of fire protection systems occur, appropriate emergency action shall be taken to minimize potential injury and damage. The impairment coordinator shall implement the steps outlined in Section 901.7.4 of the International Fire Code.

D. Removal of or Tampering with Equipment. It shall be unlawful for any *person* to remove, tamper with or otherwise disturb any fire protection or life safety system required by this code except for the purposes of extinguishing fire, training, recharging or making necessary repairs.

1. Removal of or Tampering with Appurtenances. Locks, gates, doors, barricades, chains, enclosures, signs, tags and seals that have been installed by or at the direction of the Fire Code Official shall not be removed, unlocked, destroyed or tampered with in any manner.

2. Removal of Existing Occupant-Use Hose Lines. The Fire Code Official is authorized to permit the removal of existing *occupant*-use hose lines where all of the following apply:

- a. The installation is not required by the International Fire Code or the International Building Code.
- b. The hose line would not be utilized by trained personnel or the Fire Department.
- c. The remaining outlets are compatible with local Fire Department fittings.

3. Termination of Monitoring Service. For fire alarm systems required to be monitored by the International Fire Code, notice shall be made to the Fire Code Official whenever alarm monitoring services are terminated. Notice shall be made in writing by the provider of the monitoring service being terminated.

E. Fire Department Connection. Where the Fire Department connection is not visible to approaching fire apparatus, the Fire Department connection shall be indicated by an *approved* sign mounted on the street front or on the side of the building. Such sign shall have the letters "FDC" not less than six inches high and words in letters not less than two inches high or an arrow to indicate the location. Such signs shall be subject to the approval of the Fire Code Official.

1. Fire Department Connection Access. Ready access to Fire Department connections shall be maintained at all times and without obstruction by fences, bushes, trees, walls or any other fixed or movable object. Access to Fire Department connections shall be *approved* by the Fire Code Official.

Exception: Fences, where provided with an access gate equipped with a sign complying with the legend requirements of Section 912.5 of the International Fire Code and a means of emergency operation. The gate and the means of emergency operation shall be *approved* by the Fire Code Official and maintained operational at all times.

2. Clear Space Around Connections. A working space of not less than thirty-six inches in width, thirty-six inches in depth and seventy-eight inches in height shall be provided and maintained in front of and to the sides of wall-mounted Fire Department connections and around the circumference of free-standing Fire Department connections, except as otherwise required or *approved* by the Fire Code Official.

F. Single- and Multiple-Station Smoke Alarms. Single- and multiple-station smoke alarms shall be installed in existing Group I-1 and R *occupancies* in accordance with subsections (F)(1) through (F)(3) of this section.

1. Where Required. Existing Group I-1 and R *occupancies* shall be provided with single-station smoke alarms in accordance with subsections (F)(1)(a) through (F)(1)(d) of this section. Interconnection and power sources shall be in accordance with subsections (F)(2) and (F)(3) of this section.

a. Exceptions:

i. Where the code that was in effect at the time of construction required smoke alarms and smoke alarms complying with those requirements are already provided.

ii. Where smoke alarms have been installed in *occupancies* and dwellings that were not required to have them at the time of construction, additional smoke alarms shall not be required; provided, that the existing smoke alarms comply with requirements that were in effect at the time of installation.

iii. Where smoke detectors connected to a fire alarm system have been installed as a substitute for smoke alarms.

b. Group R-1. Single or multiple-station smoke alarms shall be installed in all of the following locations in Group R-1:

i. In sleeping areas.

ii. In every room in the path of the means of egress from the sleeping area to the door leading from the *sleeping unit*.

iii. In each story within the *sleeping unit*, including *basements*. For *sleeping units* with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level; provided, that the lower level is less than one full story below the upper level.

c. Groups R-2, R-3, R-4 and I-1. Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and I-1 regardless of *occupant* load at all of the following locations:

i. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of *bedrooms*.

ii. In each room used for sleeping purposes.

iii. In each story within a *dwelling unit*, including *basements* but not including crawl spaces and uninhabitable attics. In dwellings or *dwelling units* with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level; provided, that the lower level is less than one full story below the upper level.

d. Installation Near Cooking Appliances. Smoke alarms shall be installed according to manufacturer's recommendations.

e. Installation Near *Bathrooms*. Smoke alarms shall be installed not less than three feet horizontally from the door or opening of a *bathroom* that contains a bathtub or shower unless this would prevent placement of a smoke alarm required by subsection (F)(1)(a) or (F)(1)(b) of this section.

2. Interconnection. Where more than one smoke alarm is required to be installed within an individual dwelling or *sleeping unit*, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the

alarms in the individual unit. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. The alarm shall be clearly audible in all *bedrooms* over background noise levels with all intervening doors closed.

Exceptions:

a. Interconnection is not required in buildings that are not undergoing alterations, repairs or construction of any kind.

b. Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the *structure*, unless there is an attic, crawl space or *basement* available that could provide access for interconnection without the removal of interior finishes.

3. **Power Source.** Single-station smoke alarms shall receive their primary power from the building wiring; provided, that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms with integral strobes that are not equipped with battery backup shall be connected to an emergency electrical system. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

Exceptions:

a. Smoke alarms are permitted to be solely battery operated in existing buildings where construction is not taking place.

b. Smoke alarms are permitted to be solely battery operated in buildings that are not served from a commercial power source.

c. Smoke alarms are permitted to be solely battery operated in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior walls or ceiling finishes exposing the *structure*, unless there is an attic, crawl space or *basement* available that could provide access for building wiring without the removal of interior finishes.

4. **Smoke Detection System.** Smoke detectors listed in accordance with UL 268 and provided as part of the building's fire alarm system shall be an acceptable alternative to single- and multiple-station smoke alarms and shall comply with the following:

a. The fire alarm system shall comply with all applicable requirements in Section 907 of the International Fire Code.

b. Activation of a smoke detector in a dwelling or *sleeping unit* shall initiate alarm notification in the dwelling or *sleeping unit* in accordance with Section 907.5.2 of the International Fire Code.

c. Activation of a smoke detector in a dwelling or *sleeping unit* shall not activate alarm notification appliances outside of the dwelling or *sleeping unit*; provided, that a supervisory signal is generated and monitored in accordance with Section 907.6.6 of the International Fire Code.

G. Single- and Multiple-Station Smoke Alarms. Single- and multiple-station smoke alarms shall be tested and maintained in accordance with the manufacturer's instructions. Smoke alarms that do not function shall be replaced. Smoke alarms installed in one- and two-family dwellings shall be replaced not more than ten years from the date of manufacture marked on the unit, or shall be replaced if the date of manufacture cannot be determined.

15.40.705 Carbon monoxide alarms and detection.

A. General. Carbon monoxide alarms shall be installed in dwellings in accordance with the International Fire Code, except that alarms in dwellings covered by the International Residential Code shall be installed in accordance with Section R315 of that code.

B. Carbon Monoxide Alarms and Detectors. Carbon monoxide alarms and carbon monoxide detection systems shall be maintained in accordance with NFPA 720. Carbon monoxide alarms and carbon monoxide detectors that become inoperable or begin producing end-of-life signals shall be replaced.

The eight (8) SWM Projects added to the 2023-2029 CIP include the following:

- **SW 33 Stormwater Facility Retrofit.** This \$1.2M project will begin in 2027.
- **SW 36 Restoration Project (Land acquisition, demo, restoration).** This project is spread across the next 6 years (and beyond) and will exceed \$4.1 million.
- **SW 37 192nd SC Trib Fish Passage Culvert Replacement.** This new \$1.7M project would begin in 2024.
- **SW 38 through SW 41 Trib 0057 Fish Passage Culvert Replacement Projects.** These four (4) projects replace the culverts along stream 0057.
- **SW 42 169th Samm Trib Fish Passage Culvert Replacement.** Design to begin in 2024 on this \$2.3M project.

Fiscal Consideration:

The City's goal is to adopt and maintain a fiscally balanced Capital Improvement Program that can be used by staff to prioritize and pursue projects. The updated Surface Water Management CIP is a product of the SWM rate analysis study referred to above. It balances City resources, Surface Water Utility fees, and various grant funds. While a project may show need in future years for grant funds to complete, the project and budget is considered "balanced" and provides a tool to pursue outside funding. The CIP should be considered a programming document with the City of Kenmore adopted budget being the document that actually appropriates funds for project expenditures.

The updated Surface Water Management Capital Improvement Program includes 14 individual projects plus debt service which total \$34,512,450 over the six-year planning horizon through 2029. The project costs, funding sources and narratives are displayed in Attachments 1 and 2.

City Council Priority or Budget Objective Being Addressed:

City Council Priority 1: Implement the adopted Climate Action Plan and promote environmental stewardship, including water, air, forest, and habitat restoration and preservation.

XV. C. C. Surface Water Management Plan (SWMP)

CITY OF KENMORE, WASHINGTON
SURFACE WATER CAPITAL IMPROVEMENT PROGRAM
PROPOSED FOR THE YEARS 2024-2029

| Project Description | 2023 Proposed | 2024 Proposed | 2025 Proposed | 2026 Proposed | 2027 Proposed | 2028 Proposed | 2029 Proposed | 2023-2029 Totals |
|---|------------------|------------------|------------------|------------------|------------------|------------------|------------------|---------------------|
| SW 8 190th St. Fish Passable Culvert (Construction) | \$2,866,300 | \$20,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$2,886,300 |
| SW 8 190th St. Fish Passable Culvert Debt Payment | \$81,650 | \$81,650 | \$81,650 | \$81,650 | \$81,650 | \$81,650 | \$81,650 | \$571,550 |
| SW 17 Little Swamp Creek Relocation (Phase 1) | \$0 | \$0 | \$265,000 | \$278,300 | \$2,315,000 | \$0 | \$0 | \$2,858,300 |
| SW 17 Little Swamp Creek Relocation (Phase 2) | \$0 | \$0 | \$265,000 | \$278,300 | \$2,315,000 | \$0 | \$0 | \$2,858,300 |
| SW 20 Small Works Projects | \$75,000 | \$75,000 | \$79,500 | \$83,500 | \$86,800 | \$89,000 | \$91,200 | \$580,000 |
| SW 29 Infiltration Tank Retrofit at 61st Ave NE/NE 196th St | \$0 | \$0 | \$530,000 | \$0 | \$0 | \$0 | \$0 | \$530,000 |
| SW 33 Stormwater Facility Retrofit | \$0 | \$0 | \$0 | \$0 | \$578,800 | \$0 | \$608,100 | \$1,186,900 |
| SW 34 Blueberry Creek Culverts | \$50,000 | \$200,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$250,000 |
| SW 35 Muck Creek Restoration Project | \$100,000 | \$400,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$500,000 |
| SW 36 Restoration Project (Land Acquisition, Demo, Restoration) | \$0 | \$49,000 | \$742,000 | \$779,100 | \$810,300 | \$830,500 | \$851,300 | \$4,062,200 |
| SW 37 192ND SC Trib Fish Passage Culvert Replacement | \$0 | \$1,735,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$1,735,000 |
| SW 38 163RD Trib 0057 Fish Passage Culvert Replacement | \$0 | \$197,500 | \$209,400 | \$1,758,500 | \$0 | \$0 | \$0 | \$2,165,400 |
| SW 39 76TH Trib 0057 Fish Passage Culvert Replacement | \$0 | \$178,500 | \$189,200 | \$1,589,400 | \$0 | \$0 | \$0 | \$1,957,100 |
| SW 40 74TH Trib 0057 Fish Passage Culvert Replacement | \$0 | \$170,300 | \$180,500 | \$2,147,500 | \$0 | \$0 | \$0 | \$2,498,300 |
| SW 41 74TH Trib 0057 Fish Passage Culvert Replacement | \$0 | \$105,800 | \$112,100 | \$2,291,100 | \$0 | \$0 | \$0 | \$2,509,000 |
| SW 42 169TH Samm Trib Fish Passage Culvert Replacement | \$0 | \$206,500 | \$218,900 | \$1,838,700 | \$0 | \$0 | \$0 | \$2,264,100 |
| Fish Passage Culvert Projects Debt Payment | \$0 | \$850,000 | \$850,000 | \$850,000 | \$850,000 | \$850,000 | \$850,000 | \$5,100,000 |
| Total Project Costs | \$3,172,950 | \$4,269,250 | \$3,723,250 | \$11,976,050 | \$7,037,550 | \$1,851,150 | \$2,482,250 | \$34,512,450 |

...

| Funding As Proposed: | 2023 Proposed | 2024 Proposed | 2025 Proposed | 2026 Proposed | 2027 Proposed | 2028 Proposed | 2029 Proposed | 2023-2029 Totals |
|--|------------------|------------------|------------------|------------------|------------------|------------------|------------------|---------------------|
| Public Works Trust Fund 20 Year 1.66% Loan (SW8) | \$863,638 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$863,638 |
| Bond proceeds for Fish Passage Culvert projects | \$0 | \$858,600 | \$1,440,100 | \$5,369,400 | \$2,315,000 | | \$0 | \$9,983,100 |
| Grant Funds | \$0 | \$1,043,100 | \$371,000 | \$5,202,400 | \$2,720,200 | \$415,300 | \$425,700 | \$10,177,700 |
| Capital Facilities Charge & Interest (Fund 402) | \$221,700 | \$210,300 | \$218,100 | \$234,700 | \$248,400 | \$261,800 | \$270,200 | \$1,665,200 |
| Reimbursement from Utilities | \$296,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$296,000 |
| SWM Service Charge Fund Transfer (401 to 402) | \$96,500 | \$1,493,700 | \$1,880,800 | \$1,666,700 | \$1,566,600 | \$1,621,700 | \$1,692,300 | \$10,018,300 |
| King County Flood Control District Resources | \$0 | \$0 | \$380,000 | \$50,000 | \$0 | \$0 | \$0 | \$430,000 |
| Conservation Futures Grants (Property Acquisition) | \$546,750 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$546,750 |
| Total Project Funding | \$2,024,588 | \$3,605,700 | \$4,290,000 | \$12,523,200 | \$6,850,200 | \$2,298,800 | \$2,388,200 | \$33,980,688 |

| | |
|-----------------------|--|
| SWM CIP ID: | SW-017 |
| Project: | Little Swamp Creek Relocation |
| Location: | 80 TH AVE NE & NE 195 TH ST |
| Basin: | Swamp Creek |
| Cost Estimate: | \$5,716,600 |
| Summary: | Relocate Little Swamp Creek from roadside ditch to natural stream, remove/replace four culverts, install separate roadside drainage. |
| Updated: | October 2023 |

NARRATIVE

Little Swamp Creek (LSC) flows north to south along 80th Ave NE before turning west on NE 192ND ST and connecting with Swamp Creek. LSC crosses from the east side of 80TH AVE NE to the west side just south of NE 198TH ST. LSC is confined to a roadside ditch from this location until just north of NE 193RD PL.

In addition to lack of proper stream function and habitat, during rainy months, LSC reaches full capacity in the roadside ditch and overflows the culvert at NE 195TH ST and floods the roadway. Culvert inlet capacity issues and debris clogging structures have been observed contributing to the flooding problems.

This project was identified by City Council in 2002 and Resolution 02-061 required developers to leave one hundred feet along the west side of 80TH AVE NE open and make it available to the City so that a project could eventually separate the stream from the roadside ditch and relocate it in a proper stream corridor.

The project requires acquisition of property and/or easements on three properties identified as hatched areas in the location photo below. No agreements on property acquisition have been secured to date.

CONCEPTUAL DESIGN

- Restore 1,100 feet of stream corridor along the west side of 80TH AVE NE (additional floodplain, woody debris, meandering channel centered along dedicated 100-foot stream buffer)
- Eliminate sharp stream bend at NE 193RD PL
- Install fish passable culvert for the LSC at NE 195TH ST
- Upgrade the existing stormwater system along 80TH AVE NE to meet current conveyance capacity requirements.

CONSIDERATIONS FOR IMPLEMENTATION

- Project will require environmental review, including SEPA, WDFW HPA, and possibly USACOE permit.
- Kenmore Resolution 02-061 includes frontage improvement requirements funded through property owner reimbursement or Local Improvement District.
- Easement and/or ROW acquisition required. Currently, not all owners are willing sellers.
- Downstream analysis needed. Adverse impacts are not anticipated.
- Temporary stream bypass and fish exclusion shall be used during construction.
- Traffic control will be needed.
- Flow control and water quality facilities needed along the west side of 80TH AVE NE depending on scope of frontage improvements.

PROJECT LOCATION

West side of 80TH AVE between NE 198TH ST and NE 193RD PL.



PROJECT COST ESTIMATE

Estimates are at conceptual stage only. Including property acquisition, cost is estimated to be approximately \$5,716,600.

SCHEDULE

2025, 2026 – Design, property/ROW negotiations, permits
2027 - Construction

| | |
|-----------------------|---|
| SWM CIP ID: | SW-020 |
| Project: | Surface Water Small Works Program |
| Location: | Citywide |
| Basin: | Citywide |
| Cost Estimate: | 2023 – 2029 SWM CIP Cost \$580,000 |
| Summary: | Conduct minor stormwater improvement projects too large for City crews. |
| Updated: | October 2023 |

NARRATIVE

The annual small works projects will consist of an evolving list of projects. New problem areas will be identified each year and evaluated accordingly. Typical small works projects exceed the scope of basic maintenance, but don't meet the scope of a larger capital improvement project.

CONCEPTUAL DESIGN

City crews may be able to perform components of the work, but a contractor is required to complete these projects. Small Works projects may also require design or technical evaluation by the City's on-call engineering consultant.

CONSIDERATIONS FOR IMPLEMENTATION

- Environmental review including SEPA and WDFW HPA typically not needed.
- Temporary construction easements may be needed.
- Erosion and sediment controls may be needed.
- Traffic control may be needed.

PROJECT LOCATION

Citywide.

PROJECT COST ESTIMATE

2023 – 2029 CIP cost is \$580,000

SCHEDULE

Projects are identified annually and construction occurs during summer months.

| | |
|-----------------------|---|
| SWM CIP ID: | SW-029 |
| Project: | Kenmore Lane (Neighborhood) Drainage Facility Retrofit |
| Location: | 61 ST AVE NE and NE 196 TH ST |
| Basin: | Tributary 0056 |
| Cost Estimate: | \$500,000 |
| Summary: | Replace aged 1970's drainage facility with modern facility. |
| Updated: | October 2023 |

NARRATIVE

Kenmore Lane was developed in the late 1970s and this is the City's oldest public drainage facility. The infiltration tank is in poor condition and needs complete reconstruction. Adjacent conveyance systems carry runoff from NE 197TH ST and NE 196TH ST and erosion has been observed in the open portions of those systems.

The existing drainage facility is located within an easement on private property and access from 61ST AVE NE is through a private road. Access for inspection and maintenance is difficult.

The City has designed an option to replace the system at its current location, which would make access for inspection and maintenance easier as well as enhance the performance of the existing facility to near current standards. The design includes moving this facility into the right-of-way and altering adjacent conveyance systems to minimize private property impacts and reduce erosion.

CONCEPTUAL DESIGN

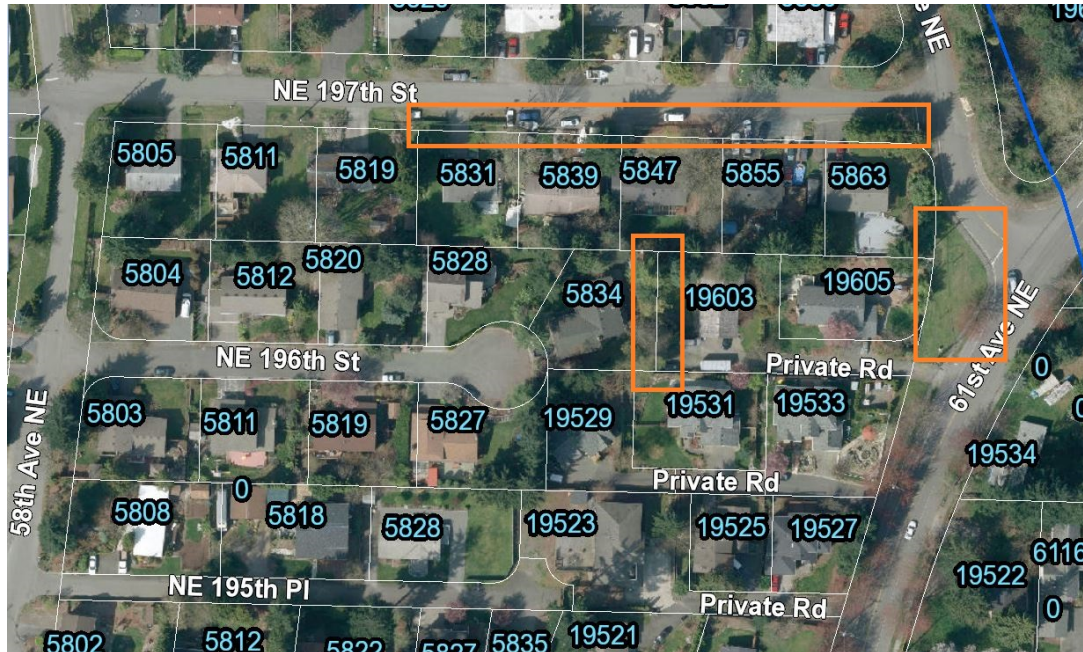
- Remove existing infiltration drainage facility located within easement on private property
- Install new facility in adjacent right-of-way location
- Modify adjacent conveyance systems to reduce private property impacts and erosion issues
- Utilize low impact development best management practices

CONSIDERATIONS FOR IMPLEMENTATION

- No critical area permits needed.
- Temporary construction easements needed.
- Utility location considerations.
- Traffic control will be needed.
- Erosion and sediment controls needed.

PROJECT LOCATION

61ST AVE NE and NE 196TH ST/NE 197TH ST.



PROJECT COST ESTIMATE

90% estimate is \$500,000.

SCHEDULE

2024/2025 – Finalize design, advertise and construction.

| | |
|-----------------------|---|
| SWM CIP ID: | SW-033 |
| Project: | Stormwater Facility Retrofit Program |
| Location: | Citywide |
| Basin: | Citywide |
| Cost Estimate: | \$1,186,900 |
| Summary: | Retrofit existing drainage facilities or add facilities to untreated areas. |
| Updated: | October 2023 |

NARRATIVE

Existing City operated stormwater facilities require replacement when they reach the end of their serviceable lifespan. Additionally, areas of the City's right-of-way may have been developed prior to modern stormwater management regulations and do not have any facilities treating those areas. Staff annually inspect drainage facilities and identify existing facilities or new areas for retrofit or reconstruction.

At a minimum, retrofits will meet the existing performance of the facility, however, whenever possible staff will attempt to update the flow control and/or water quality treatment capabilities of the facility to current standards using the best available technology.

CONCEPTUAL DESIGN

Stormwater facilities will be designed and constructed to the City's current design standards.

CONSIDERATIONS FOR IMPLEMENTATION

- Environmental review including SEPA and WDFW HPA needed.
- Temporary construction easements may be needed.
- Erosion and sediment controls may be needed.
- Stream bypass system may be needed.
- Traffic control may be needed.

PROJECT LOCATION

Citywide.

| PROJECT COST ESTIMATE |
|---|
| 2023 – 2029 CIP costs are estimated to be \$1,186,900 |

| SCHEDULE |
|------------------------------|
| 2027 and 2029 – Construction |

| | |
|-----------------------|--|
| SWM CIP ID: | SW-034 |
| Project: | Blueberry Creek Culvert Mitigation |
| Location: | 68 TH AVE NE and NE 202 ND ST |
| Basin: | Blueberry Creek (Swamp Creek) |
| Cost Estimate: | \$250,000 |
| Summary: | Remove fish passage blocking culvert from Blueberry Creek. |
| Updated: | October 2023 |

NARRATIVE

Impacts resulting from a failed culvert conveying Blueberry Creek under NE 202ND ST during construction of the 68TH AVE NE Improvement Project resulted in mitigation requirements for Blueberry Creek. As mitigation, the City is removing a fish blocking culvert from the stream and restoring the creek in that area. This fish barrier is the downstream most barrier known to exist in the creek and will open access to fish to Swamp Creek.

CONCEPTUAL DESIGN

- Remove existing 12-inch culvert from stream. Access restrictions will likely require hand removal of the culvert in pieces.
- Restoration work surrounding culvert will likely have to be done by hand due to access issues and to minimize adverse impacts to critical area.

CONSIDERATIONS FOR IMPLEMENTATION

- Environmental review including SEPA and WDFW HPA needed.
- Temporary construction easements needed.
- Difficult access to project location. Manual work likely required.
- Erosion and sediment controls needed.
- Stream bypass system needed.

PROJECT LOCATION



PROJECT COST ESTIMATE

The conceptual level estimate is \$250,000.

SCHEDULE

2024 – Finalize design, advertise and construction.

| | |
|-----------------------|---|
| SWM CIP ID: | SW-035 |
| Project: | Muck Creek Restoration |
| Location: | 18727 73 RD AVE NE |
| Basin: | Muck Creek (Swamp Creek) |
| Cost Estimate: | \$500,000 |
| Summary: | Remove structures from City owned property and restore habitat. |
| Updated: | October 2023 |

NARRATIVE

The city acquired, with assistance from a King County Conservation Futures grant, a property adjacent to Muck Creek on 73RD AVE NE. The property had a long history of flooding and the existing structures are located within the stream buffers and flood plain. The City plans to remove all structures and impervious areas from the property and restore the stream and adjacent habitat back to natural conditions.

CONCEPTUAL DESIGN

- Remove existing structures and impervious area (e.g. driveway, patios, etc...).
- Realign the stream to utilize available area and add complexity to stream
- Restore adjacent habitat

CONSIDERATIONS FOR IMPLEMENTATION

- Environmental review including SEPA and WDFW HPA needed.
- Temporary construction easements needed.
- Erosion and sediment controls needed.
- Stream bypass system needed.

PROJECT LOCATION



PROJECT COST ESTIMATE

The preliminary design level estimate for design and construction is \$500,000. Land acquisition was \$680,000. Conservation Futures provided \$510,000.

SCHEDULE

2024/2025 – Finalize design, advertise and construction.

| | |
|-----------------------|--|
| SWM CIP ID: | SW-036 |
| Project: | SWM Restoration Program |
| Location: | Citywide |
| Basin: | Citywide |
| Cost Estimate: | 2023-2029 Total Cost \$5,594,300 |
| Summary: | Acquire critical area property for restoration and conservation. |
| Updated: | October 2023 |

NARRATIVE

Restoration of critical area habitat has been identified as a priority of the community and City Council. This program is designed to provide funds for restoration and conservation projects and include expenses associated with land acquisition, demolition of existing structures and impervious areas, restoration of property to natural conditions, and grant matches.

Restoration sites will be selected through an analysis, conducted basin by basin (e.g. Swamp Creek), which evaluates factors such as property value, current use, potential habitat gain benefit, etc...

CONCEPTUAL DESIGN

This program will fund multiple restoration projects and will be updated each CIP cycle. Once sites are identified through a basin-wide analysis, conceptual designs and budgets will be prepared and presented to the City Manager or City Council for approval, depending on the funding level authority needed.

CONSIDERATIONS FOR IMPLEMENTATION

- Environmental review including SEPA, USACOE permits and WDFW HPA may be needed.
- Fish window restrictions for construction may be required.
- Temporary construction easements may be needed.
- Erosion and sediment controls may be required.
- Stream bypass system may be required.

PROJECT LOCATION

Citywide

PROJECT COST ESTIMATE

Total 2023-2029 CIP cost is estimated to be \$5,594,300. The City will be applying for conservation grants to reimburse 50%-75% of these costs.

SCHEDULE

2023 to 2024 –Restoration potential analyses conducted, starting with Swamp Creek.
2025 to 2029 – Land acquisition, design, permits, construction.

| | |
|-----------------------|---|
| SWM CIP ID: | SW-037 |
| Project: | SC Trib Fish Passage Culvert Replacement |
| Location: | 18727 73 RD AVE NE |
| Basin: | Swamp Creek Tributary |
| Cost Estimate: | \$1,735,000 |
| Summary: | Replace existing fish passage barrier culvert with new culvert. |
| Updated: | October 2023 |

NARRATIVE

An unnamed tributary to Swamp Creek flows north to south under NE 192ND ST just east of 73RD AVE NE. The existing culvert is an identified fish passage barrier and the City plans to remove the barrier and replace it with a larger box culvert.

CONCEPTUAL DESIGN

- Remove existing fish passage barrier culvert.
- Install fish passage friendly box culvert.
- Restore adjacent stream habitat.

CONSIDERATIONS FOR IMPLEMENTATION

- Environmental review including SEPA and WDFW HPA needed.
- Temporary construction easements needed.
- Erosion and sediment controls needed.
- Stream bypass system needed.
- Traffic control needed.

PROJECT LOCATION



PROJECT COST ESTIMATE

The preliminary design level estimate for the project is \$1,735,000.
Awaiting approval for grant funding in the amount of approximately \$1,000,000.

SCHEDULE

2024/2025 – Finalize design, advertise and construction.

| | |
|-----------------------|---|
| SWM CIP ID: | SW-038 |
| Project: | 0057 Fish Passage Culvert Replacement (163 RD) |
| Location: | 7531 NE 163 RD ST |
| Basin: | Tributary 0057 |
| Cost Estimate: | \$2,165,400 |
| Summary: | Replace existing fish passage barrier culvert with new culvert. |
| Updated: | October 2023 |

NARRATIVE

The existing culvert crossing at the intersection of Tributary 0057 and NE 163rd St was identified by WDFW as a full barrier to fish passage July 22, 2021. The existing crossing consists of two 18-inch corrugated metal pipe culverts with approximately 7.5 feet of roadway fill at the downstream end. The City has identified this crossing as a high priority for replacement using the Culvert Prioritization Spreadsheet due to its significant environmental benefits. The project will result in a fish habitat gain of 20,800 square feet for many potential species including sockeye salmon, cutthroat trout, bull trout, resident trout, steelhead trout, and coho salmon.

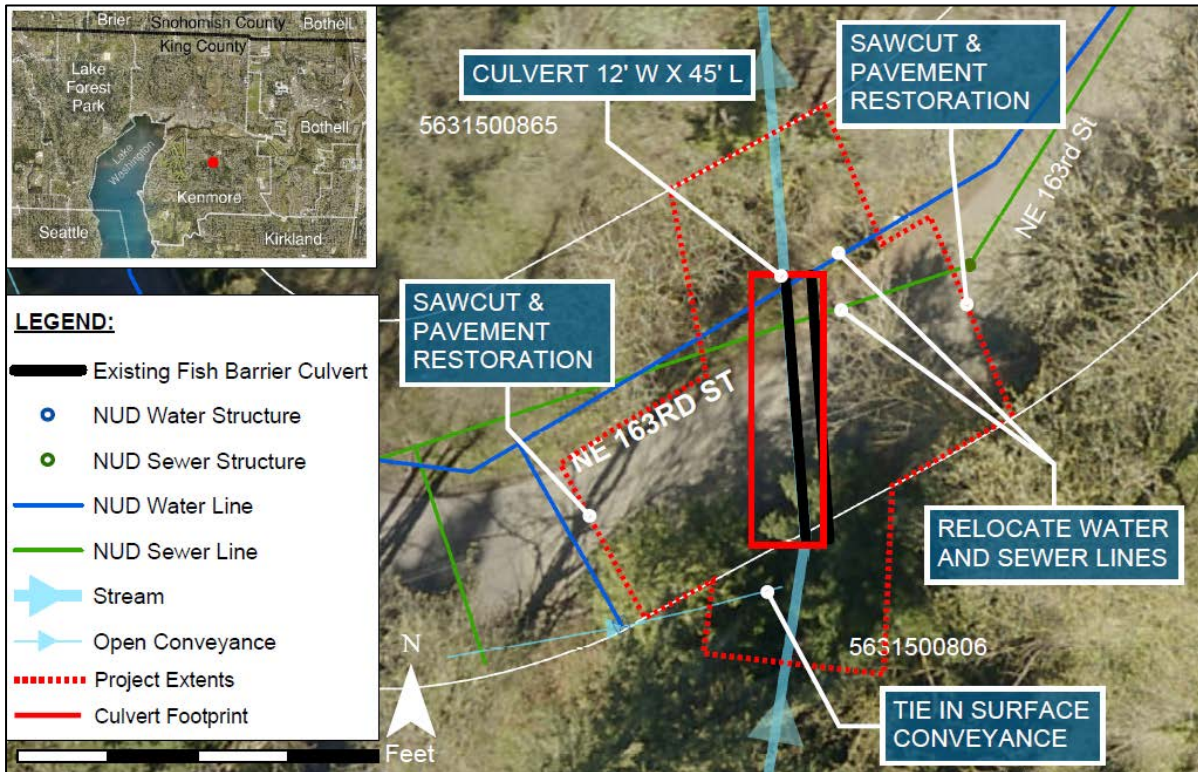
CONCEPTUAL DESIGN

The concept design for the replacement culvert is based on stream simulation culvert design, as described in WDFW's Water Crossing Design Guidelines published in 2013. The concept design bankfull width for the site is 8.0 feet based on field measurements taken near the stream crossing. The bankfull width and the existing crossing length were used to determine concept design culvert dimensions of 12-feet wide by 45-feet long. The culvert depth is expected to be standard based on the stream profile relative to the roadway. For this concept level design it was assumed that the existing slope through the crossing would be adequate for flood conveyance and fish passage, which keeps the project area small. The existing crossing ends near the upstream ROW, so an easement will be required for construction. The sewer and water utility systems near this project are expected to require standard relocation or replacement.

CONSIDERATIONS FOR IMPLEMENTATION

- Environmental review including SEPA and WDFW HPA needed.
- Temporary construction easements needed.
- Erosion and sediment controls needed.
- Stream bypass system needed.
- Traffic control needed.

PROJECT LOCATION



PROJECT COST ESTIMATE

The preliminary design level estimate for the project is \$2,165,400.
Staff will be applying for grants to cover at least 50% of construction costs.

SCHEDULE

2024/2025 – Finalize design, permits, and advertise.
2026 – Construction

| | |
|-----------------------|---|
| SWM CIP ID: | SW-039 |
| Project: | 0057 Fish Passage Culvert Replacement (76 TH) |
| Location: | 7531 NE 163 RD ST |
| Basin: | Tributary 0057 |
| Cost Estimate: | \$1,957,100 |
| Summary: | Replace existing fish passage barrier culvert with new culvert. |
| Updated: | October 2023 |

NARRATIVE

The existing culvert crossing at the intersection of Tributary 0057 and 76th Ave NE was identified by WDFW as a partial barrier to fish passage July 1, 2021. The existing crossing consists of a 24-inch concrete culvert with approximately 3.5 feet of roadway fill. The City has identified this crossing as a high priority for replacement using the Culvert Prioritization Spreadsheet due to its significant environmental benefits. The project will result in a fish habitat gain of 13,480 square feet for many potential species including sockeye salmon, cutthroat trout, bull trout, resident trout, steelhead trout, and coho salmon.

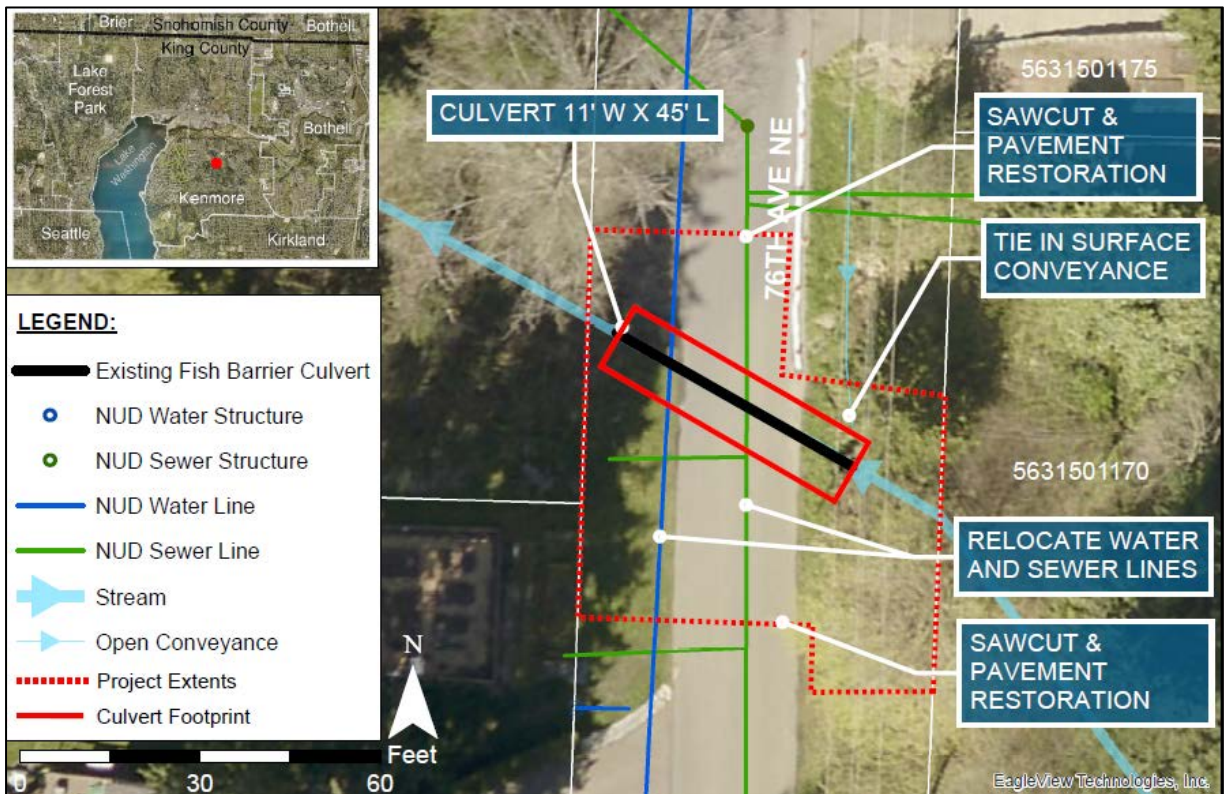
CONCEPTUAL DESIGN

The concept design for the replacement culvert is based on stream simulation culvert design, as described in WDFW's Water Crossing Design Guidelines published in 2013. The concept design bankfull width for the site is 7.0 feet based on field measurements taken near the stream crossing. The bankfull width and the existing crossing length were used to determine concept design culvert dimensions of 11-feet wide by 45-feet long. The culvert depth is expected to be standard based on the stream profile relative to the roadway. For this concept level design it was assumed that the existing slope through the crossing would be adequate for flood conveyance and fish passage, which keeps the project area small and ROW acquisition limited. The sewer and water utility systems near this project are expected to require standard relocation or replacement.

CONSIDERATIONS FOR IMPLEMENTATION

- Environmental review including SEPA and WDFW HPA needed.
- Temporary construction easements needed.
- Erosion and sediment controls needed.
- Stream bypass system needed.
- Traffic control needed.

PROJECT LOCATION



PROJECT COST ESTIMATE

The preliminary design level estimate for the project is \$1,957,100.
Staff will be applying for grants to cover at least 50% of construction costs.

SCHEDULE

2024/2025 – Finalize design, permits, and advertise.
2026 – Construction

| | |
|-----------------------|---|
| SWM CIP ID: | SW-040 |
| Project: | 0057 Fish Passage Culvert Replacement (74 TH Upstream) |
| Location: | 16527 74 TH AVE NE |
| Basin: | Tributary 0057 |
| Cost Estimate: | \$2,498,300 |
| Summary: | Replace existing fish passage barrier culvert with new culvert. |
| Updated: | October 2023 |

NARRATIVE

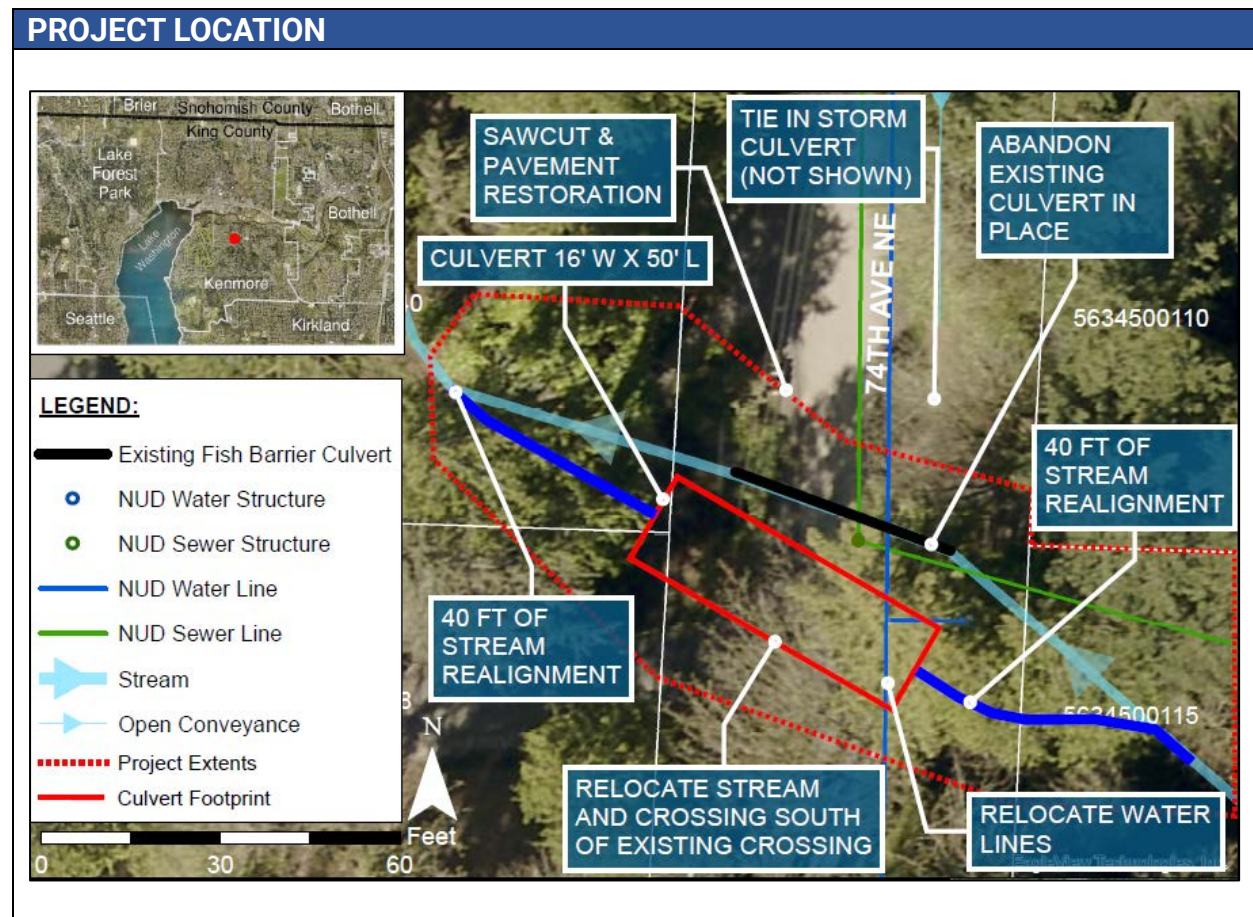
The existing culvert crossing at the intersection of Tributary 0057 and 74th Ave NE was identified by WDFW as a partial barrier to fish passage August 19, 2021. The existing crossing is a 24-inch concrete culvert with approximately 4.0 feet of roadway fill at the downstream end. The City has identified this crossing as a high priority for replacement using the Culvert Prioritization Spreadsheet due to its significant environmental and community benefits. The project will result in a fish habitat gain of 29,500 square feet for many potential species including sockeye salmon, cutthroat trout, bull trout, resident trout, steelhead trout, and coho salmon.

CONCEPTUAL DESIGN

The concept design for the replacement culvert is based on stream simulation culvert design, as described in WDFW's Water Crossing Design Guidelines published in 2013. The concept design bankfull width for the site is 11.0 feet based on field measurements taken near the stream crossing. The bankfull width and the existing crossing length were used to determine the concept design culvert dimensions of 16-feet wide by 50-feet long. The culvert depth is expected to be standard based on the stream profile relative to the roadway. The existing crossing is near a sewer manhole. Installing the fish passable culvert at the existing culvert location may require extensive sewer realignment and installation of additional manholes. This concept design proposes relocating the crossing to the south of the sewer line to avoid this conflict.

CONSIDERATIONS FOR IMPLEMENTATION

- Environmental review including SEPA and WDFW HPA needed.
- Temporary construction easements needed.
- Erosion and sediment controls needed.
- Stream bypass system needed.
- Traffic control needed.



PROJECT COST ESTIMATE

The preliminary design level estimate for the project is \$2,498,300.
Staff will be applying for grants to cover at least 50% of construction costs.

SCHEDULE

2024/2025 – Finalize design, permits, and advertise.
2026 – Construction

| | |
|-----------------------|---|
| SWM CIP ID: | SW-041 |
| Project: | 0057 Fish Passage Culvert Replacement (74 TH Downstream) |
| Location: | 16527 74 TH AVE NE |
| Basin: | Tributary 0057 |
| Cost Estimate: | \$2,509,000 |
| Summary: | Replace existing fish passage barrier culvert with new culvert. |
| Updated: | October 2023 |

NARRATIVE

The existing culvert crossing at the intersection of Tributary 0057 and a private driveway off of 74th Ave NE was identified by WDFW as a partial barrier to fish passage on August 19, 2021. The existing crossing consists a 48-inch concrete culvert with approximately 2 feet of roadway fill. The City has identified this crossing as a high priority for replacement using the Culvert Prioritization Spreadsheet due to its significant environmental benefits. The project will result in a fish habitat gain of 31,248 square feet for many potential species including sockeye salmon, cutthroat trout, resident trout, steelhead trout, and coho salmon and bull trout.

CONCEPTUAL DESIGN

The concept design for the replacement culvert is based on stream simulation culvert design, as described in WDFW's Water Crossing Design Guidelines published in 2013. The concept design bankfull width for the site is 7.0 feet based on field measurements taken near the stream crossing. The bankfull width and the existing crossing length were used to determine concept design culvert dimensions of 11-feet wide by 25-feet long. The culvert depth is expected to be standard based on the stream profile relative to the roadway. For this concept level design it was assumed that the existing slope through the crossing would be adequate for flood conveyance and fish passage, which keeps the project area small. The stream and crossing are located on private property, so an easement will be required.

CONSIDERATIONS FOR IMPLEMENTATION

- Environmental review including SEPA and WDFW HPA needed.
- Temporary construction easements needed.
- Erosion and sediment controls needed.
- Stream bypass system needed.
- Traffic control needed.

PROJECT LOCATION



PROJECT COST ESTIMATE

The preliminary design level estimate for the project is \$2,509,000.
Staff will be applying for grants to cover at least 50% of construction costs.

SCHEDULE

2024/2025 – Finalize design, permits, and advertise.
2026 – Construction

| | |
|-----------------------|---|
| SWM CIP ID: | SW-042 |
| Project: | Samm Trib Fish Passage Culvert Replacement (169 TH) |
| Location: | 8122 NE 169 TH ST |
| Basin: | Sammamish River Tributary |
| Cost Estimate: | \$2,264,100 |
| Summary: | Replace existing fish passage barrier culvert with new culvert. |
| Updated: | October 2023 |

NARRATIVE

The existing culvert crossing at the intersection of Sammamish Tributary 1 and NE 169th St was identified by WDFW as a full barrier to fish passage July 26, 2021. The existing crossing is a 24-inch concrete culvert with approximately 5.0 feet of roadway fill at the downstream end. The City has identified this crossing as a high priority for replacement using the Culvert Prioritization Spreadsheet due to its significant environmental benefits. The project will result in a fish habitat gain of 7,140 square feet for many potential species including sockeye salmon, cutthroat trout, bull trout, resident trout, steelhead trout, and coho salmon.

CONCEPTUAL DESIGN

The concept design for the replacement culvert is based on stream simulation culvert design, as described in WDFW's Water Crossing Design Guidelines published in 2013. The concept design bankfull width for the site is 11.0 feet based on field measurements taken near the stream crossing. The bankfull width and the existing crossing length were used to determine concept design culvert dimensions of 16-feet wide by 35-feet long. The culvert depth is expected to be standard based on the stream profile relative to the roadway. The stream invert elevation drops significantly downstream of the crossing, so the restoration project will need to extend further up or down stream to fully remove the fish barrier. This will require the acquisition of an easement for construction. The water utility systems near this project is expected to require standard relocation or replacement.

CONSIDERATIONS FOR IMPLEMENTATION

- Environmental review including SEPA and WDFW HPA needed.
- Temporary construction easements needed.
- Erosion and sediment controls needed.
- Stream bypass system needed.
- Traffic control needed.



PROJECT COST ESTIMATE

The preliminary design level estimate for the project is \$2,264,100.
Staff will be applying for grants to cover at least 50% of construction costs.

SCHEDULE

2024/2025 – Finalize design, permits, and advertise.
2026 – Construction

**CITY OF KENMORE, WASHINGTON
CAPITAL IMPROVEMENT PROGRAM
AS ADOPTED FOR THE YEARS 2023-2028**

| EXPENDITURES | 2023 Proposed | 2024 Proposed | 2025 Proposed | 2026 Proposed | 2027 Proposed | 2028 Proposed | 2023-2028 Totals |
|--|------------------|------------------|------------------|------------------|------------------|------------------|---------------------|
| PARKS | | | | | | | |
| P 1 Twin Springs Park Phase I | \$111,300 | \$0 | \$0 | \$0 | \$0 | \$0 | \$111,300 |
| P 18 Rhododendron Park - Sign Replacement | \$28,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$28,000 |
| P 27 λ' a x̄w a d i s Park Waterfront & Natural Open Space | \$230,000 | \$60,000 | \$60,000 | \$60,000 | \$60,000 | \$60,000 | \$530,000 |
| P 28 Log Boom Park Waterfront Access & Mitigation | \$60,000 | \$60,000 | \$50,000 | \$50,000 | \$50,000 | \$50,000 | \$320,000 |
| P 30 Rhododendron Park Boathouse Pavilion | \$23,200 | \$3,200 | \$3,200 | \$3,200 | \$0 | \$0 | \$32,800 |
| P 32 Moorlands Athletic Field Turf Replacement | \$0 | \$0 | \$30,000 | \$15,000 | \$730,000 | \$0 | \$775,000 |
| | | | | | | | |
| Total Parks | \$452,500 | \$123,200 | \$143,200 | \$128,200 | \$840,000 | \$110,000 | \$1,797,100 |

| | | | | | | | |
|--|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|---------------------|
| TRANSPORTATION | | | | | | | |
| T 8 SR 522 West B 57th to 61st | \$250,000 | \$250,000 | \$1,485,000 | \$15,000 | \$0 | \$0 | \$2,000,000 |
| T 27 Pedestrian Facilities Program | \$315,000 | \$315,000 | \$315,000 | \$315,000 | \$315,000 | \$315,000 | \$1,890,000 |
| T 35 Pavement Preservation | \$1,110,000 | \$850,000 | \$1,070,000 | \$200,000 | \$1,520,000 | \$200,000 | \$4,950,000 |
| T 38 Lower Swamp Creek Bridge Replacement | \$35,000 | \$15,000 | \$225,000 | \$250,000 | \$2,525,000 | \$25,000 | \$3,075,000 |
| T 41 Juanita Dr Pedestrian & Bicycle Safety Improvements | \$687,925 | \$0 | \$0 | \$0 | \$0 | \$0 | \$687,925 |
| T 42 68th Ave Pedestrian & Bicycle Safety Improvements | \$180,745 | \$25,000 | \$25,000 | \$25,000 | \$25,000 | \$25,000 | \$305,745 |
| T 44 61st Ave Sidewalk Replacement Project | \$250,000 | \$275,000 | \$4,154,265 | \$240,000 | \$25,000 | \$25,000 | \$4,969,265 |
| T-207 - SR 522 Mid-block crossing | \$42,500 | \$0 | \$0 | \$0 | \$0 | \$0 | \$42,500 |
| T-244 Burk-Gilman Trail/NE 175th St. Wayfinding & Connectivity | \$255,213 | \$0 | \$0 | \$0 | \$0 | \$0 | \$255,213 |
| T252 ADA Transition Program | \$500,000 | \$0 | \$250,000 | \$1,000,000 | \$250,000 | \$1,000,000 | \$3,000,000 |
| T 37 West Sammamish River Bridge Replacement | \$1,345,285 | \$36,500 | \$36,500 | \$36,500 | \$36,500 | \$181,894 | \$1,673,179 |
| | | | | | | | |
| Total Transportation | \$4,971,668 | \$1,766,500 | \$7,560,765 | \$2,081,500 | \$4,696,500 | \$1,771,894 | \$22,848,827 |

| | | | | | | | |
|---|--------------------|------------------|--------------------|------------------|------------------|--------------------|---------------------|
| SURFACE WATER | | | | | | | |
| SW 8 190th St. Fish Passable Culvert | \$2,816,250 | \$0 | \$0 | \$0 | \$0 | \$0 | \$2,816,250 |
| SW 8 Trust Fund Loan Repayment | \$81,650 | \$81,650 | \$81,650 | \$81,650 | \$81,650 | \$81,650 | \$489,900 |
| SW 17 Little Swamp Creek Relocation (Phase 1) | \$0 | \$0 | \$800,000 | \$814,300 | \$0 | \$0 | \$1,614,300 |
| SW 17 Little Swamp Creek Relocation (Phase 2) | \$0 | \$0 | \$0 | \$0 | \$165,840 | \$4,600,000 | \$4,765,840 |
| SW 20 Small Works Projects | \$75,000 | \$75,000 | \$75,000 | \$75,000 | \$75,000 | \$75,000 | \$450,000 |
| SW 29 Infiltration Tank Retrofit at 61st Ave NE/NE 196th St | \$0 | \$0 | \$650,000 | \$0 | \$0 | \$0 | \$650,000 |
| SW 34 Blueberry Creek Culverts | \$50,000 | \$200,000 | \$0 | \$0 | \$0 | \$0 | \$250,000 |
| SW 35 Muck Creek Restoration Project | \$100,000 | \$400,000 | \$0 | \$0 | \$0 | \$0 | \$500,000 |
| T 44 61st Ave Sidewalk Replacement Project | \$0 | \$0 | \$30,000 | \$0 | \$0 | \$0 | \$30,000 |
| | | | | | | | |
| Total Surface Water | \$3,122,900 | \$756,650 | \$1,636,650 | \$970,950 | \$322,490 | \$4,756,650 | \$11,566,290 |

| | | | | | | | |
|--|--------------------|---------------------|--------------------|--------------------|--------------------|--------------------|---------------------|
| CITY FACILITIES | | | | | | | |
| F 1 Public Works Shop Land Acquisition & Development | \$4,000,000 | \$10,100,000 | \$0 | \$0 | \$0 | \$0 | \$14,100,000 |
| Consultant and Acquisition Costs. | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| F 2 Debt Repayment | \$575,604 | \$1,275,402 | \$1,276,153 | \$1,276,652 | \$1,276,903 | \$1,276,903 | \$6,957,617 |
| | | | | | | | |
| Total City Facilities | \$4,575,604 | \$11,375,402 | \$1,276,153 | \$1,276,652 | \$1,276,903 | \$1,276,903 | \$21,057,617 |

| | | | | | | | |
|---------------------------|---------------------|---------------------|---------------------|--------------------|--------------------|--------------------|---------------------|
| TOTAL EXPENDITURES | \$13,122,672 | \$14,021,752 | \$10,616,768 | \$4,457,302 | \$7,135,893 | \$7,915,447 | \$57,269,834 |
|---------------------------|---------------------|---------------------|---------------------|--------------------|--------------------|--------------------|---------------------|

**CITY OF KENMORE, WASHINGTON
CAPITAL IMPROVEMENT PROGRAM
AS ADOPTED FOR THE YEARS 2023-2028**

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| REVENUES | 2023 Proposed | 2024 Proposed | 2025 Proposed | 2026 Proposed | 2027 Proposed | 2028 Proposed | 2023-2028 Totals |
|---|---------------------|---------------------|---------------------|--------------------|--------------------|--------------------|---------------------|
| PARKS | | | | | | | |
| Park Impact Fee Revenue | \$ - | \$ - | \$ 30,000 | \$ 15,000 | \$ 160,000 | \$ - | \$ 205,000 |
| Real Estate Excise Tax (Parks) | \$ 238,000 | \$ 20,000 | \$ 20,000 | \$ 30,000 | \$ 30,000 | \$ 30,000 | \$ 368,000 |
| Strategic Opportunities Fund | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| Public Art Fund | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| City Swamp Creek Basin Funds | \$ 40,000 | \$ 40,000 | \$ 40,000 | \$ 40,000 | \$ 40,000 | \$ 40,000 | \$ 240,000 |
| King County Park Levy | \$ 63,200 | \$ 63,200 | \$ 53,200 | \$ 43,200 | \$ 40,000 | \$ 40,000 | \$ 302,800 |
| WA State Appropriation | \$ 111,300 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 111,300 |
| Sports Leagues | \$ - | \$ - | \$ - | \$ - | \$ 220,000 | \$ - | \$ 220,000 |
| Other Grants - unsecured | \$ - | \$ - | \$ - | \$ - | \$ 350,000 | \$ - | \$ 350,000 |
| TRANSPORTATION | | | | | | | |
| Transportation Impact Fee Revenue | \$ 600,000 | \$ 100,000 | \$ 100,000 | \$ 100,000 | \$ 100,000 | \$ 100,000 | \$ 1,100,000 |
| Real Estate Excise Tax (Transportation) | \$ 2,791,379 | \$ 825,000 | \$ 730,000 | \$ 1,305,000 | \$ 1,065,000 | \$ 1,315,000 | \$ 8,031,379 |
| Real Estate Excise Tax (Sammamish Bridge Replacement) | \$ 798,970 | \$ 36,500 | \$ 36,500 | \$ 36,500 | \$ 36,500 | \$ 181,894 | \$ 1,126,864 |
| Surface Water Utility Funds | \$ - | \$ - | \$ 30,000 | \$ - | \$ - | \$ - | \$ 30,000 |
| KAPE Funds | \$ - | \$ 280,000 | \$ 870,000 | \$ 150,000 | \$ 970,000 | \$ 150,000 | \$ 2,420,000 |
| Connecting WA Funds | \$ 296,315 | \$ 250,000 | \$ 1,485,000 | \$ 15,000 | \$ - | \$ - | \$ 2,046,315 |
| Move Ahead WA | \$ 50,000 | \$ 137,500 | \$ 3,087,500 | \$ 225,000 | \$ - | \$ - | \$ 3,500,000 |
| WSDOT pedestrian/bike grant | \$ 435,004 | \$ 137,500 | \$ 996,765 | \$ - | \$ - | \$ - | \$ 1,569,269 |
| Walkways & Waterways Bonds: Juanita and 68th Ave | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| Other grants or funding - unsecured | \$ - | \$ - | \$ 225,000 | \$ 250,000 | \$ 2,525,000 | \$ 25,000 | \$ 3,025,000 |
| SURFACE WATER | | | | | | | |
| Surface Water Utility Funds | \$ 1,471,900 | \$ 656,650 | \$ 456,650 | \$ 320,950 | \$ 222,490 | \$ 4,656,650 | \$ 7,785,290 |
| Surface Water General Utility Charges | \$ 100,000 | \$ 100,000 | \$ 100,000 | \$ 100,000 | \$ 100,000 | \$ 100,000 | \$ 600,000 |
| Reimbursement from Utilities | \$ 296,000 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 296,000 |
| Public Works Trust Fund Loan: 190th Culvert | \$ 890,000 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 890,000 |
| King County Flood Control District Resources | \$ - | \$ - | \$ 380,000 | \$ 50,000 | \$ - | \$ - | \$ 430,000 |
| Conservation Grant | \$ 365,000 | \$ - | \$ 390,070 | \$ - | \$ - | \$ - | \$ 755,070 |
| Other grants - unsecured | \$ - | \$ - | \$ 309,930 | \$ 500,000 | \$ - | \$ - | \$ 809,930 |
| CITY FACILITIES | | | | | | | |
| 20 year Note Public Works Shop | \$ 4,000,000 | \$ 10,100,000 | \$ - | \$ - | \$ - | \$ - | \$ 14,100,000 |
| Surface Water Utility Funds | \$ 240,603 | \$ 533,272 | \$ 533,603 | \$ 533,822 | \$ 533,933 | \$ 533,933 | \$ 2,909,166 |
| REET | \$ 251,539 | \$ 557,512 | \$ 557,857 | \$ 558,087 | \$ 558,202 | \$ 558,202 | \$ 3,041,399 |
| Street Fund | \$ 54,682 | \$ 121,198 | \$ 121,273 | \$ 121,323 | \$ 121,348 | \$ 121,348 | \$ 661,172 |
| General Fund | \$ 28,780 | \$ 63,420 | \$ 63,420 | \$ 63,420 | \$ 63,420 | \$ 63,420 | \$ 345,880 |
| TOTAL REVENUES | \$13,122,672 | \$14,021,752 | \$10,616,768 | \$4,457,302 | \$7,135,893 | \$7,915,447 | \$57,269,834 |

City of Kenmore, Washington

**2023-2029 Surface Water Management
Capital Improvement Program (CIP)**

Review Proposed Revisions

October 16, 2023 Council Meeting

Surface Water Management CIP Program 2023-2029

\$34.5M using Rapid Progress Option



14 TOTAL PROJECTS
Valued at \$34,512,450



**INCLUDES \$10M in New Debt for Fish Passage
Culvert Replacement Projects**



Provides Modest Growth of Reserve Balance

Surface Water Management Revisions

Existing Projects

Existing Projects:

- **SW 8 190th ST Fish Passable Culvert.** Project increased by \$80,000 to complete this work.
- **SW 17 Little Swamp Creek Relocation (Phase 1 & 2).** Project estimate reduced by \$663,540 but is still conceptual. Reduced cost anticipated with earlier completion date.
- **SW 20 Small Works Projects.** These project costs have been increased \$223,500 to account for inflation.
- **SW 29 Infiltration Tank Retrofit/61st AVE NE/NE 196th ST.** Estimated project costs reduced by \$120,000 from previous CIP based on updated information.
- **SW 34 Blueberry Creek Culverts.** There are no financial or timing changes to this project from the prior CIP.
- **SW 35 Muck Creek Restoration Project.** There are no financial or timing changes to this project from the prior CIP.

Surface Water Management Revisions

New Projects

New Projects:

- **SW 33 Stormwater Facility Retrofit.** This new \$1.2M project will retrofit existing drainage facilities or add facilities to untreated areas citywide.
- **SW 36 Restoration Projects.** \$5.6M (\$4.1M through 2029) will be spent on acquiring and then restoration of critical area habitat.
- **SW 37 192nd SC Trib Fish Passage Culvert Replacement.** This is a new \$1,735,000 project that will replace an existing fish passage barrier culvert with a new culvert.
- **SW 38 thru SW 41 Trib 0057 Fish Passage Culvert Replacement.** These four projects estimated at \$6.9M are all located along Tributary 0057. The replacement of these culverts will result in large fish habitat gains – over 14,000 stream channels opened up.
- **SW 42 169th Samm Trib Fish Passage Culvert Replacement.** This new, \$2.3M culvert replacement, is a high priority due to the significant environmental benefits – 98% of this stream will be opened up for fish passage.

Surface Water Management Capital Improvement Projects

\$34.5M - Rapid Progress Option

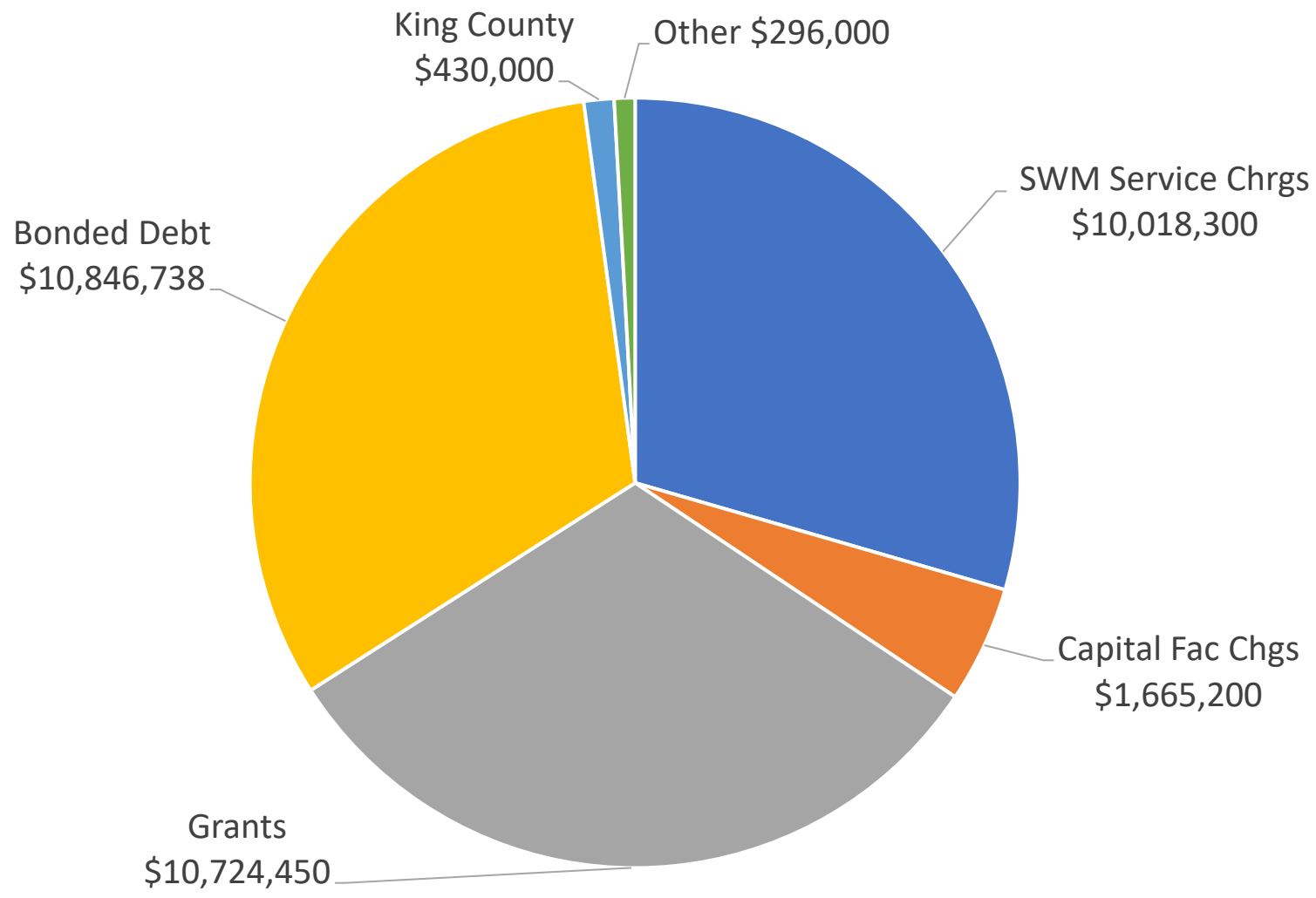
| # | DESCRIPTION | Total 2023-2029 |
|------|--|--------------------|
| SW8 | 190 th ST Fish Passable Culvert & Debt payments | \$3,457,850 |
| SW17 | Little Swamp Creek Relocation | \$5,716,600 |
| SW20 | Small Works Projects | \$580,000 |
| SW29 | Infiltration Tank Retrofit at 61 st AVE NE/NE 196th | \$530,000 |
| SW33 | Stormwater Facility Retrofit | \$1,186,900 |
| SW34 | Blueberry Creek Culverts | \$250,000 |
| SW35 | Muck Creek Restoration Project | \$500,000 |
| SW36 | Restoration Projects (Land Acq, Demo, Restore) | \$4,062,200 |
| SW37 | 192 nd SC Trib Fish Passage Culvert (FPC) Replmt | \$1,735,000 |
| SW38 | 163 rd Trib 0057 FPC Replacement | \$2,165,400 |
| SW39 | 76th Trib 0057 FPC Replacement | \$1,957,100 |
| SW40 | 74 th Trib 0057 FPC Replacement (upstream) | \$2,498,300 |

Surface Water Management Capital Improvement Projects

\$34.5M - Rapid Progress Option

| # | DESCRIPTION | Total 2023-2028 |
|-----|---|--------------------|
| W41 | 74 th Trib 0057 FPC Replacement (downstream) | \$2,509,000 |
| W42 | 80 th Ave. NE Sidewalk Project | \$2,264,100 |
| | Fish Passage Culvert Projects Debt Payments | \$5,100,000 |

2023-2029 SWM Capital Project Resources \$34.0M



CITY OF KENMORE, WASHINGTON
SURFACE WATER CAPITAL IMPROVEMENT PROGRAM
PROPOSED FOR THE YEARS 2024-2029

| Project Description | 2023 Proposed | 2024 Proposed | 2025 Proposed | 2026 Proposed | 2027 Proposed | 2028 Proposed | 2029 Proposed | 2023-2029 Totals |
|--|--------------------|--------------------|--------------------|---------------------|--------------------|--------------------|--------------------|---------------------|
| SW 8 190th St. Fish Passable Culvert (Construction) | \$2,866,300 | \$20,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$2,886,300 |
| SW 8 190th St. Fish Passable Culvert Debt Payments | \$81,650 | \$81,650 | \$81,650 | \$81,650 | \$81,650 | \$81,650 | \$81,650 | \$571,550 |
| SW 17 Little Swamp Creek Relocation (Phase 1) | \$0 | \$0 | \$265,000 | \$278,300 | \$2,315,000 | \$0 | \$0 | \$2,858,300 |
| SW 17 Little Swamp Creek Relocation (Phase 2) | \$0 | \$0 | \$265,000 | \$278,300 | \$2,315,000 | \$0 | \$0 | \$2,858,300 |
| SW 20 Small Works Projects | \$75,000 | \$75,000 | \$79,500 | \$83,500 | \$86,800 | \$89,000 | \$91,200 | \$580,000 |
| SW 29 Infiltration Tank Retrofit at 61st Ave NE/NE 196th St | \$0 | \$0 | \$530,000 | \$0 | \$0 | \$0 | \$0 | \$530,000 |
| SW 33 Stormwater Facility Retrofit | \$0 | \$0 | \$0 | \$0 | \$578,800 | \$0 | \$608,100 | \$1,186,900 |
| SW 34 Blueberry Creek Culverts | \$50,000 | \$200,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$250,000 |
| SW 35 Muck Creek Restoration Project | \$100,000 | \$400,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$500,000 |
| SW 36 Restoration Projects (Land Acquisition, Demo, Restoration) | \$0 | \$49,000 | \$742,000 | \$779,100 | \$810,300 | \$830,500 | \$851,300 | \$4,062,200 |
| SW 37 192ND SC Trib Fish Passage Culvert Replacement | \$0 | \$1,735,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$1,735,000 |
| SW 38 163RD Trib 0057 Fish Passage Culvert Replacement | \$0 | \$197,500 | \$209,400 | \$1,758,500 | \$0 | \$0 | \$0 | \$2,165,400 |
| SW 39 76TH Trib 0057 Fish Passage Culvert Replacement | \$0 | \$178,500 | \$189,200 | \$1,589,400 | \$0 | \$0 | \$0 | \$1,957,100 |
| SW 40 74TH Trib 0057 Fish Passage Culvert Replacement | \$0 | \$170,300 | \$180,500 | \$2,147,500 | \$0 | \$0 | \$0 | \$2,498,300 |
| SW 41 74TH Trib 0057 Fish Passage Culvert Replacement | \$0 | \$105,800 | \$112,100 | \$2,291,100 | \$0 | \$0 | \$0 | \$2,509,000 |
| SW 42 169TH Samm Trib Fish Passage Culvert Replacement | \$0 | \$206,500 | \$218,900 | \$1,838,700 | \$0 | \$0 | \$0 | \$2,264,100 |
| Fish Passage Culvert Projects Debt Payments | \$0 | \$850,000 | \$850,000 | \$850,000 | \$850,000 | \$850,000 | \$850,000 | \$5,100,000 |
| Total Project Costs | \$3,172,950 | \$4,269,250 | \$3,723,250 | \$11,976,050 | \$7,037,550 | \$1,851,150 | \$2,482,250 | \$34,512,450 |
| | | | | | | | | |
| | | | | | | | | |
| Funding As Proposed: | 2023 Proposed | 2024 Proposed | 2025 Proposed | 2026 Proposed | 2027 Proposed | 2028 Proposed | 2029 Proposed | 2023-2029 Totals |
| Public Works Trust Fund 20 Year 1.66% Loan (SW8) | \$863,638 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$863,638 |
| Bond proceeds for Fish Passage Culvert projects | \$0 | \$858,600 | \$1,440,100 | \$5,369,400 | \$2,315,000 | | \$0 | \$9,983,100 |
| Grant Funds | \$0 | \$1,043,100 | \$371,000 | \$5,202,400 | \$2,720,200 | \$415,300 | \$425,700 | \$10,177,700 |
| Capital Facilities Charge & Interest (Fund 402) | \$221,700 | \$210,300 | \$218,100 | \$234,700 | \$248,400 | \$261,800 | \$270,200 | \$1,665,200 |
| Reimbursement from Utilities | \$296,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$296,000 |
| SWM Service Charge Fund Transfer (401 to 402) | \$96,500 | \$1,493,700 | \$1,880,800 | \$1,666,700 | \$1,566,600 | \$1,621,700 | \$1,692,300 | \$10,018,300 |
| King County Flood Control District Resources | \$0 | \$0 | \$380,000 | \$50,000 | \$0 | \$0 | \$0 | \$430,000 |
| Conservation Futures Grants (Property Acquisition) | \$546,750 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$546,750 |
| Total Project Funding | \$2,024,588 | \$3,605,700 | \$4,290,000 | \$12,523,200 | \$6,850,200 | \$2,298,800 | \$2,388,200 | \$33,980,688 |

Thank You

This concludes the 2023-2029 Surface Water
Management Capital Improvement Program revisions

Comments or Questions?

Information/Background:

At the September 18, 2023 City Council meeting, staff presented four Surface Water Management (SWM) service charge rate schedules to fund SWM operational and capital costs from 2024 through 2030. Options started with “Stay the Course”, which provided the minimal rate adjustments necessary to fund current operational trends, capital projects in progress, and SWM’s portion of the Public Works Operations Center. The highest level of funding, referred to as “Rapid Progress+”, provides revenue to fund existing and several new capital projects, construct projects sooner, fund restoration projects (including land acquisition), and fund stormwater retrofit projects. The monthly rate impacts for single family homes are summarized in the table below.¹ The 2023 monthly rate for single family homes is \$20.75.

| | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 | 2030 |
|-------------------------------|---------|---------|---------|---------|---------|---------|---------|
| Stay the Course/Slow Progress | \$23.66 | \$26.97 | \$28.32 | \$29.74 | \$31.23 | \$32.79 | \$34.43 |
| Moderate Pace | \$24.69 | \$29.38 | \$30.85 | \$32.39 | \$34.01 | \$35.03 | \$36.08 |
| Rapid Progress | \$24.90 | \$29.88 | \$32.12 | \$34.53 | \$37.12 | \$39.90 | \$41.10 |
| Rapid Progress+ | \$24.90 | \$29.88 | \$33.47 | \$37.49 | \$39.74 | \$42.12 | \$43.80 |

Staff conducted an online survey to provide information regarding the proposed rates and gauge the public’s opinion on what their preference was between the four options. The online survey was posted from September 22 through October 1, 2023 and was advertised through the City’s social media outlets. In total, we had 147 responses to the survey with 45 (30.6%) in favor of Stay the Course, 22 (15.0%) in favor of Moderate Pace, 27 (18.4%) in favor of Rapid Progress, and 53 (36.1%) in favor of Rapid Progress+.

Council requested clarification from staff regarding service charge exemptions available for property owners. SWM service charge exemptions are available to property owners that meet King County’s property tax relief program eligibility requirements, which include:

- Own and occupy a primary residence and have combined disposable annual income of “Income Threshold 3” or less (go to [this Washington State Department of Revenue web page for more information](#)). Income Threshold 3 is based on the county median household income of the county where the residence is located. In King County, Income Threshold 3 is \$58,423 for this year. In 2024, Income Threshold 3 will be \$84,000.
- Meet one of the following requirements:
 - 61 years of age (by December 31st of the prior year), or
 - Disabled, or
 - veteran with at least an 80% total disability rating.
- The property owner must apply for the exemption with King County.

Next Steps

The City Council will select a rate structure and staff will prepare a resolution for the City Council to adopt on November 13th establishing rates for 2024-2030. The rates are included in the City’s Fee Schedule, which is reviewed and adopted by the City Council, annually. The 2024 Fee Schedule

¹ Rates for commercial and multifamily housing would be adjusted by the same percentage increase as single family rates.

Resolution for all City fees is currently scheduled for Council review and adoption on November 27th.

Fiscal Consideration:

Please refer to the attached SWM Rate Analysis Report for more detail.

City Council Priority or Budget Objective Being Addressed:

Council Priority 1: Implement the adopted Climate Action Plan and promote environmental stewardship, including water, air, forest, and habitat restoration and preservation.



CITY OF KENMORE

SURFACE WATER UTILITY RATE STUDY 2023

EXECUTIVE SUMMARY

The City of Kenmore operates a surface water utility. This utility is primarily funded by rates charged to property owners. Kenmore's surface water utility is responsible for managing all functions related to surface water and stormwater, including:

- flood prevention and management
- water quality improvement
- fish and wildlife habitat restoration and maintenance in and along wetlands, streams, rivers, and the lake
- management and control of surface runoff into wetlands, streams, rivers, and the lake, and regulating water quality laws on private and public property (including the public right-of-way on streets and roads).

Due to changes in state-mandated stormwater requirements, inflation, capital projects, and other factors, the City's stormwater utility rates should be reviewed and increased from time to time. The last time a rate study for this utility was completed was in 2018. This year, the City hired Ashley Emery of Peninsula Financial Consulting to conduct a utility rate study in light of increasing state regulatory requirements, rising costs, and capital project needs. This report presents the findings of the study as well as several different rate scenarios.

Kenmore, due to its geography, including its topography, its prevalence of wetlands, streams and rivers, and its unique location on the Sammamish River, Swamp Creek, and Lake Washington, is on the front lines of surface water management. In other words, Kenmore has particularly high needs and demands when it comes to surface water.

In setting the surface water utility rates, the City Council should consider and give direction on how much investment should go into fish and habitat restoration in and along its bodies of water. For example, numerous culverts block fish passage and disrupt riparian habitat throughout the City. The City can either continue to take a slow approach with less impacts to ratepayers, or the City can move more quickly by raising rates to address these problems.

While both options have their pros and cons, the go-slow approach can end up being more costly over time, both in dollars and impact to the natural environment. Many of the

culvert projects in this rate study are complex and costly, and if we do not start building our rate revenues, we will be much less able to fund the high value projects that will make significant improvements to our water quality and fish and wildlife habitat.

In funding our stormwater utility, we must also recognize that growth from large development projects is less frequent than it used to be, and therefore revenues from general facility charges (aka “stormwater connection fees”) will be limited to mainly infill. As a result, we cannot assume in our revenue projections that general facility charges will provide a significant source of revenues for surface water capital projects. Therefore, the City is limited to financing new projects mainly from a combination of cash funding, grants, and issuing new debt.

It is also likely that the City’s capital improvement schedule will continue to revolve around several very large \$5M to \$15M projects. When combined with the time it takes to amass enough cash reserves to cash fund these projects, it makes it highly likely that the City will continue to require debt funding combined with grant funds to facilitate constructing these capital improvements.

This rate study creates four possible rate revenue scenarios for the City Council to evaluate and consider. All four scenarios provide for the necessary operational revenue to comply with the NPDES regulations, pay for operational costs, and meet other previously committed obligations, such as debt service on the Public Works Operations Center and the culvert replacement project at the intersection of 61st Avenue and 190th Street.

Where the four scenarios differ is how quickly and aggressively fish and wildlife habitat are restored, including removing fish-blocking culverts and acquiring open space for wetland and riparian habitat restoration. The four scenarios are as follows:

Stay the Course – Go Slow.

This scenario continues what the city has been doing over the last decade or more, which is occasionally replacing a fish-blocking culvert once every few years as cash and grants become available.

More specifically, this scenario includes restoration of the recently-acquired Muck Creek property on 73rd Avenue and the removal (not replacement) of an old unused culvert on Blueberry Creek. Both of these projects are lower cost projects at \$500,000 and \$250,000, respectively. This approach also includes the removal and replacement of a culvert on a tributary under 192nd Street (east of 73rd Avenue), all of which is assumed to



be funded via future grants (including a potential congressionally-directed Community Project grant which is proposed but not yet secured).

In this scenario, no other culvert replacements or open space land acquisitions are planned between now and 2030.

Moderate Pace

Proceed with as planned with the projects in Stay the Course. In addition, start increasing rates just enough to pay for design only of several culvert replacement and stream restoration projects, including the high-value Stream 0057 culverts, the Sammamish River Tributary culvert, and the Little Swamp Creek relocation (from a ditch on the side of the road to a natural, meandering stream) and culvert replacements. Assume grants will pay for construction.

Construction on these projects would, if grant funded, move forward one at a time spread out over a number of years, starting with Little Swamp Creek in 2027 to the fourth Stream 0057 Culvert in 2030.

Rapid Progress

In this scenario, increase rates to pay for design of the projects in the Moderate Pace scenario, plus 50% of the construction costs. This scenario would finance the projects to allow the high value Stream 0057 and Sammamish Tributary culvert replacements to be grouped together and completed simultaneously much sooner (construction as soon as 2026). Little Swamp Creek relocation and culverts would stay on the 2027 construction schedule but would have a greater chance of being fully funded and staying on schedule.

In addition, this rapid progress scenario includes annual funding for open space land acquisitions and accompanying riparian and wetland habitat restoration.

Rapid Progress+

This scenario is the same as the Rapid Progress scenario, but rates are increased even higher to build up cash for replacement of large and expensive Stream 0056 culverts adjacent to and on both sides of SR 522. These 0056 culverts would be replaced in the early 2030s.

All four scenarios attempt to leave the stormwater fund with both net revenues and available cash reserves to cash fund designs and actively seek grant funds where available. As shown in the four scenarios, at the end of the next six-year rate schedule, the City's debt load will be approximately 25% of annual rate revenues. For any utility

this debt ratio is considered low and reflects positively on the management of the system and therefore will leave the stormwater utility in a financially advantageous position to meet both the recommendations of the next comprehensive plan as well as any new NPDES standards.

The following provides a snapshot summary of the four scenarios:

Comparison of Surface Water Rate Scenarios

| | Stay the Course | Moderate Pace | Rapid Progress | Rapid Progress + |
|--|---|--|---|------------------------|
| Culvert Replacements | One every few years; none planned after 19nd Street Tributary | Fund design only of several high value culverts; Hope for grants to pay for 100% construction; Spread over 2027-2030 | Fund design and 50% of construction of high value culverts; group these culverts together and move construction up to 2026. | Same as Rapid Progress |
| Open Space Acquisitions | None Planned | None Planned | Annual Acquisitions | Same as Rapid Progress |
| Clean Water Facility Retrofits | Only one in 2025 | One every other year | One every other year | Same as Rapid Progress |
| Small Works Projects | \$70k - \$90k Annually | \$70k - \$90k Annually | \$70k - \$90k Annually | Same as Rapid Progress |
| Muck Creek Property Restoration | 2024 | 2024 | 2024 | Same as Rapid Progress |
| Removal of old culvert on Blueberry Creek | 2024 | 2024 | 2024 | Same as Rapid Progress |
| 192nd St. Tributary Culvert Replacement | 2024 - 2025 | 2024 - 2025 | 2024 - 2025 | Same as Rapid Progress |
| Stream 0057 Culverts (four) | Not included | 2027 - 2030 | 2026 | Same as Rapid Progress |
| Little Swamp Creek Relocation and Culverts | Not included | 2027 | 2027 | Same as Rapid Progress |
| Stream 0056 Large Culverts | Not included | Not included | Not included | 2031 |

The following table provides a comparison of the projected rate increases by percentage and the corresponding monthly rates for a single-family residence with each scenario:

Projected Rate Increases of the Four Scenarios

| | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 | 2030 |
|-------------------------------|------|------|------|------|------|------|------|
| Stay the Course/Slow Progress | 14% | 14% | 5% | 5% | 5% | 5% | 5% |
| Moderate Pace | 19% | 19% | 5% | 5% | 5% | 3% | 3% |
| Rapid Progress | 20% | 20% | 7.5% | 7.5% | 7.5% | 7.5% | 3% |
| Rapid Progress+ | 20% | 20% | 12% | 12% | 6% | 6% | 4% |

The following table shows what the single-family home monthly surface water utility rates will be for each scenario:

Projected Monthly Rates for Each of the Four Scenarios

| | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 | 2030 |
|-------------------------------|---------|---------|---------|---------|---------|---------|---------|
| Stay the Course/Slow Progress | \$23.66 | \$26.97 | \$28.32 | \$29.74 | \$31.23 | \$32.79 | \$34.43 |
| Moderate Pace | \$24.69 | \$29.38 | \$30.85 | \$32.39 | \$34.01 | \$35.03 | \$36.08 |
| Rapid Progress | \$24.90 | \$29.88 | \$32.12 | \$34.53 | \$37.12 | \$39.90 | \$41.10 |
| Rapid Progress+ | \$24.90 | \$29.88 | \$33.47 | \$37.49 | \$39.74 | \$42.12 | \$43.80 |

The following is a comparison of surface water utility rates for single-family homes in neighboring cities as well as cities with similar surface water needs and demands:

| | 2023 Monthly Rate |
|-------------------|-------------------|
| Sammamish | \$35.06 |
| Seattle | \$29.74 |
| Lynwood | \$29.54 |
| Mountlake Terrace | \$27.96 |
| Bothell | \$26.92 |
| King County | \$26.92 |
| Snoqualmie | \$26.64 |
| Shoreline | \$25.86 |
| Bellevue | \$24.47 |
| Edmonds | \$23.45 |
| Lake Stevens | \$21.42 |
| Kenmore | \$20.75 |
| Lake Forest Park | \$20.52 |
| Kirkland | \$19.75 |
| Issaquah | \$18.88 |
| Woodinville | \$17.17 |
| Mill Creek | \$17.17 |
| Average Rate | \$24.25 |

* Note that Kenmore has a \$0.0 Rate for low income



CITY OF KENMORE

STORMWATER UTILITY SCENARIOS

This study provides Kenmore with four scenarios for funding planned capital improvements through the year 2030. Using an interactive model, staff have looked at such factors as the timing of projects, the ability to get grant funds, and issuing debt to enable the utility to pay for levels of capital improvements while maintaining adequate cash reserve balances. Increases to monthly rates were only considered as a last resort.

All four scenarios start with a major financial obligation, the construction of the new public works operation building. When combined with other debt newly issued to construct SW8 190th/61st Culvert replacement, by the year 2025 the utility's annual debt service will have increased from zero to almost \$1M. Considering that annual revenues from the utility are just over \$3M, the utility will have to quickly enact increases totaling about 25% in addition to the 4% increase in 2023 and 2024 that have already been adopted in order to pay for the new debt.

Therefore, due to the new debt, all four scenarios assume two double-digit rate increases in 2024 and 2025 to counteract the new annual debt payments; however, the 2024 rate increase also includes the 4% increase already approved.

Most operation and maintenance expenses remain consistent through the four scenarios but do reflect increases associated with the following:

Operation and Maintenance expense increases that are common to all scenarios:

- Previously passed 4% rate increases in 2023 and 2024
- To keep pace with ever-increasing NPDES surface water regulations and population growth, operating costs are increased for additional personnel as follows:
 - 1 FTE (Full time equivalent) in 2027
 - 1 FTE in 2029
 - 1 FTE in 2030
- Beginning the year after construction, an annual increase of \$50k/year for costs associated with the new public works operations center (e.g., insurance, electricity, maintenance and repair, etc.)
- Annual cost increase factors used to forecast operation and maintenance expenses:

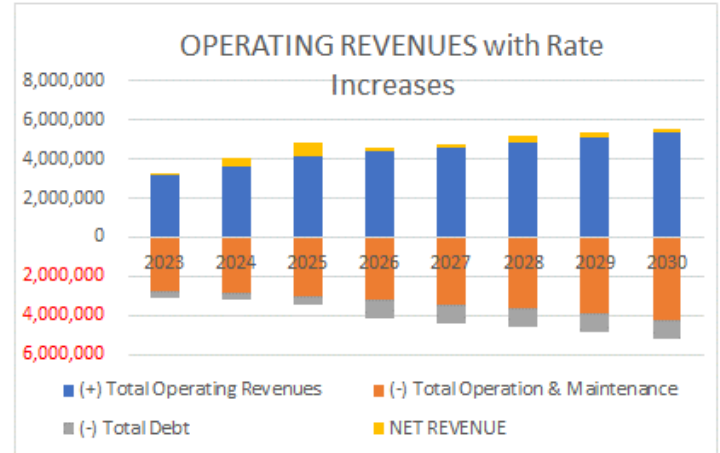
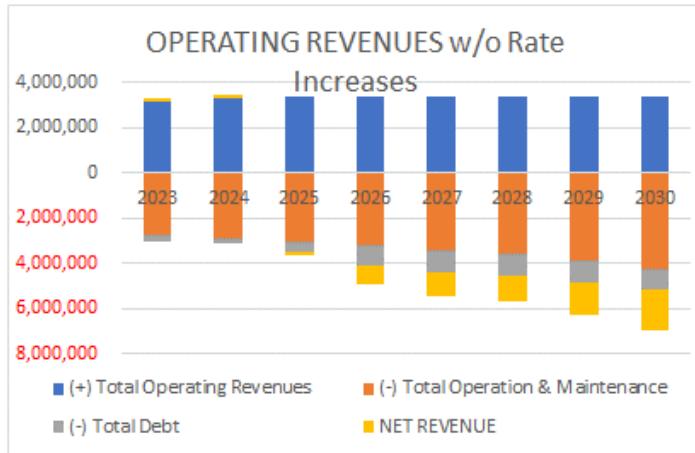
| Annual Inflationary Factors | 2024 | 2025 | 2026 | 2027 | 2028 - 2042 |
|--|-------|-------|-------|-------|-------------|
| COLA | 5.20% | 4.50% | 4.00% | 3.50% | 3.00% |
| Inflation | 5.50% | 4.50% | 3.50% | 2.50% | 2.50% |
| Customer growth in single-family equivalents | 50 | 50 | 50 | 50 | 50 |
| Capital cost increases | 6% | 5% | 4% | 2.50% | 2.50% |

Scenario 1: Stay the Course – Go Slow

This scenario includes all operating costs and cost increase factors as outlined above plus the capital projects as listed in the color-coded CIP table on the last page of this report. With only the 4% rate increases in 2023 and 2024, revenues are insufficient to offset increased operating costs and new debt payments that increase from about \$300k to \$1M per year as a result of the new Public Works Operations Center. Similarly, as positive net revenues are replaced with net losses, the continuing drain on capital reserves continues into 2025 and beyond.

Of note in the CIP:

- In addition to the surface water utility share of the annual debt service on Public Works Operations land acquisition in 2021, the utility's share of the new PW Operation building (\$8,250,000) is being financed with a 20-year LTGO bond at 5% annual interest
- 75% of the 61st Avenue property acquisition is grant funded
- There is a \$1M grant for the FPCL 12 192nd Swamp Creek Tributary Culvert
- SW 8 190th Street Culvert Replacement has partial funding of an existing \$1.5M Public Works Trust Fund low interest loan from the State
- The remaining capital projects are funded from existing cash reserves currently at \$4.5M



The above left chart shows that the additional debt payments cannot be funded from existing rates and the planned 4% increase in 2023 and 2024 are not enough--net revenues are negative beginning in 2025 and grow to over a \$1M a year in losses. The chart on the right above shows the resulting cash flows in the operating fund if the rate increases listed below are enacted.

In order to correct the cash projection, the Baseline scenario requires additional rate increases. If the city adopts the following schedule of rate increases, the cash flows are in balance and the fund will run smoothly. Note that the two large increases in 2024 and 2025 are necessary to offset the new debt from the Public Works Operations Center (also note that the 14% in 2024 includes the planned 4%).

Note also that the utility is growing its cash reserves to over \$3M and as shown in the table below and that annual operating revenue is positive in each year and stable.

| Year | 2023 | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 | 2030 |
|--------------------------------|---------|---------|---------|---------|---------|---------|---------|---------|
| Residential Storm Monthly Bill | \$20.75 | \$23.66 | \$26.97 | \$28.32 | \$29.74 | \$31.23 | \$32.79 | \$34.43 |
| % Rate Increase | 4.0% | 14.0% | 14.0% | 5.0% | 5.0% | 5.0% | 5.0% | 5.0% |

| | | | | | | | | |
|---------------------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|
| CAPITAL SUMMARY | | | | | | | | |
| Start of Year Cash | 4,502,000 | 1,728,900 | 958,500 | 1,227,500 | 1,603,300 | 1,942,100 | 2,422,600 | 2,851,600 |
| (+) Connection Charges & Intere | 221,700 | 208,900 | 215,300 | 230,300 | 245,900 | 262,200 | 273,600 | 279,500 |
| (+) Transfer from Operations | 96,500 | 456,600 | 663,200 | 229,000 | 179,700 | 307,300 | 246,600 | 174,200 |
| (+) Total Loan Funds | 0 | 2,000,000 | 6,250,000 | 0 | 0 | 0 | 0 | 0 |
| (+) Total CIAC Funds | 0 | 1,043,100 | 0 | 0 | 0 | 0 | 0 | 0 |
| (-) Total Capital Expenses | 3,091,300 | 4,479,000 | 6,859,500 | 83,500 | 86,800 | 89,000 | 91,200 | 93,500 |
| (-) Transfer to Operations | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| NET CAPITAL REVENUE | 2,773,100 | 770,400 | 269,000 | 375,800 | 338,800 | 480,500 | 429,000 | 360,200 |
| End of Year Cash | 1,728,900 | 958,500 | 1,227,500 | 1,603,300 | 1,942,100 | 2,422,600 | 2,851,600 | 3,211,800 |

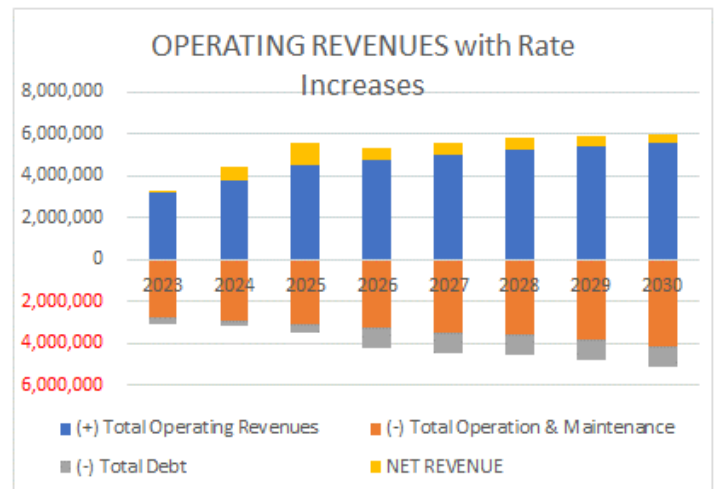
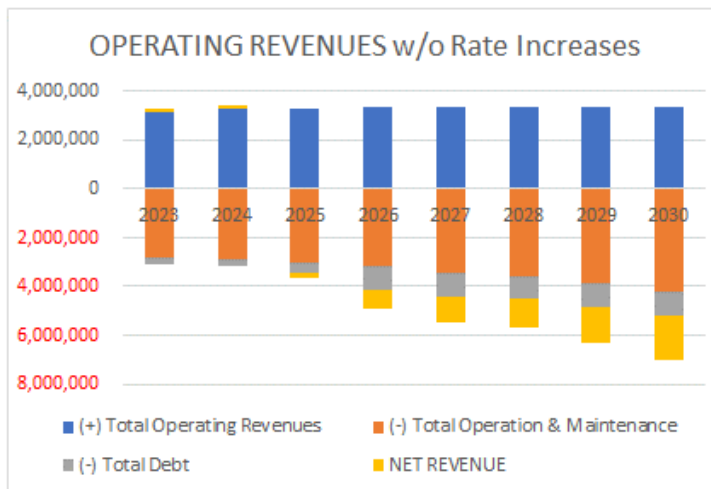
MODERATE PACE

This scenario includes all operating costs and cost increase factors as outlined earlier plus all of the capital costs and financing (new debt and grant funds) associated with the Stay the Course scenario.

In addition, this Moderate Pace scenario also includes:

- \$500k in every other year (in today's dollars) for ongoing small stormwater facility retrofits for improved water quality for fish habitat in our lake, streams, and rivers
- Phases I & II for Little Swamp Creek Relocation (about \$5.7M) with designs paid by cash to better our ability to get grants and with both construction costs 100% paid by grants
- The four Stream 0057 Culverts and the Sammamish River Tributary culvert (projects FPCL 1, 2, 3, 4 & 11) have been staggered over 5 years with the design costs for each project paid for by cash to facilitate getting grant funds and the construction costs (shown as the cost in the last year) are 100% paid for by grants

The major difference between this scenario and the Stay the Course scenario is that design for five high value culvert and stream projects are funded, producing an additional \$4M in capital costs. These costs are paid for by cash which results in rates needing to be increased to maintain cash reserves at a reasonable level. Since these costs are design costs, we need to fund them from cash in order to better our chances in getting grant funds. We don't want to issue debt to pay for these design costs in case the grant funds are not awarded.



The above left chart shows that the additional cash needed for the new projects as well as the existing debt payments cannot be funded from existing rates and the planned 4% increase in 2023 and 2024, in fact net revenues are negative beginning in 2025 and grow to over a \$1M a year in losses. The chart on the right above shows the resulting cash flows in the operating fund if the rate increases listed below are enacted.

In order to correct the cash projection, the Moderate Pace scenario requires additional rate increases. If the city adopts the following schedule of rate increases, the cash flows will be in balance and the fund will run smoothly. Note that the two large increases in 2024 and 2025 are necessary to offset the new debt from the Public Works Operations Center (also note that the 19% in 2024 includes the planned 4%).

| Year | 2023 | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 | 2030 |
|---------------------------------|------------------|------------------|------------------|------------------|------------------|----------------|----------------|------------------|
| Residential Storm Monthly Bill | \$20.75 | \$24.69 | \$29.38 | \$30.85 | \$32.39 | \$34.01 | \$35.03 | \$36.08 |
| % Rate Increase | 4.0% | 19.0% | 19.0% | 5.0% | 5.0% | 5.0% | 3.0% | 3.0% |
| Start of Year Cash | 4,502,000 | 1,728,900 | 1,115,500 | 1,220,300 | 1,072,500 | 665,700 | 904,500 | 585,800 |
| (+) Connection Charges & Intere | 221,700 | 210,000 | 216,400 | 226,300 | 232,300 | 241,300 | 245,200 | 247,200 |
| (+) Transfer from Operations | 96,500 | 612,500 | 1,027,900 | 613,500 | 585,000 | 734,600 | 592,700 | 431,200 |
| (+) Total Loan Funds | 0 | 2,000,000 | 6,250,000 | 0 | 0 | 0 | 0 | 0 |
| (+) Total CIAC Funds | 0 | 1,043,100 | 0 | 0 | 4,630,000 | 4,402,300 | 2,346,500 | 3,749,500 |
| (-) Total Capital Expenses | 3,091,300 | 4,479,000 | 7,389,500 | 987,600 | 5,854,100 | 5,139,400 | 3,503,100 | 3,843,000 |
| (-) Transfer to Operations | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| NET CAPITAL REVENUE | 2,773,100 | 613,400 | 104,800 | 147,800 | 406,800 | 238,800 | 318,700 | 584,900 |
| End of Year Cash | 1,728,900 | 1,115,500 | 1,220,300 | 1,072,500 | 665,700 | 904,500 | 585,800 | 1,170,700 |

RAPID PROGRESS

This scenario includes all operating costs and cost increase factors as outlined earlier plus all of the capital costs and financing (new debt and grant funds) associated with the Stay the Course scenario.

In addition, this Rapid Progress scenario also includes:

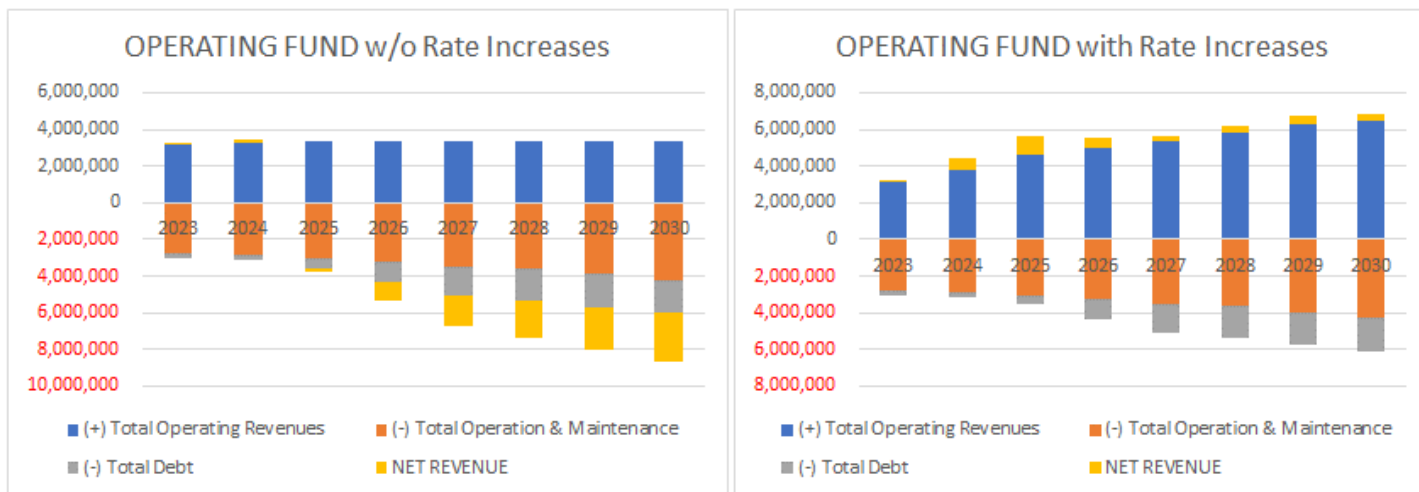
- \$500k in every other year (in today's dollars) for ongoing small stormwater facility retrofits
- Phases I & II for Little Swamp Creek Relocation (about \$5.7M) with designs paid by new debt and construction costs paid by 50% grants and 50% new debt
- The four Stream 0057 Culverts and the Sammamish River Tributary culvert Projects (FPCL 1, 2, 3, 4 & 11) are grouped together and brought up much sooner in the schedule with the design costs for each project paid for by new debt and



construction costs (shown as the cost in the last year) paid for by 50% grants and 50% new debt

- Open space acquisitions (projects RP1, RP2, RP3, RP4, RP5, & RP6) are added—one each year—and are included as being 50% grant and 50% cash funded
- All new debts are assumed to be 20-year bonds with an annual interest rate of 5.5%

The major difference between this scenario and the Moderate Pace scenario is that all five of the FCPL (Stream 0057 and Sammamish Tributary) culvert projects have been grouped together and moved up to start design in 2024. Also, the funding for the FCPL and Little Swamp Creek Relocation projects have changed from the designs being cash funded to being debt funded and the construction costs being 100% grant funded to 50% grant and 50% debt funded. This approach speeds up the projects in order to apply for grants that might not last as long as we planned in the Moderate Pace scenario. Paying for all of design and 50% of construction also increases the City's chances of obtaining grants by having "skin in the game". Another benefit of this approach is the ability to combine multiple projects into one large project, which may result in better grant scoring and lower interest costs.



The above left chart shows that the additional debt payments cannot be funded from existing rates and the planned 4% increase in 2023 and 2024; in fact, net revenues are negative beginning in 2025 and grow to over almost \$2M a year in losses. The chart on the right above shows the resulting cash flows in the operating fund if the rate increases listed below are enacted.

In order to correct the cash projection, the Rapid Progress scenario requires additional rate increases. If the city adopts the following schedule of rate increases, the cash

flows are in balance and the fund will run smoothly. Note that the two large increases in 2024 and 2025 are necessary to offset the new debt from the Public Works Bldg. (also note that the 20% in 2024 includes the planned 4%)

In this scenario we have increased the total costs of projects by about \$2.5M (the 6 RP projects) but saved a million dollars in inflation costs by moving the 5 FPCL projects up by several years. Of more consequence, we have reduced the expected total in grants by about \$6M and increased new debt by \$10M.

| Year | 2023 | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 | 2030 |
|---------------------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|
| Residential Storm Monthly Bill | \$20.75 | \$24.90 | \$29.88 | \$32.12 | \$34.53 | \$37.12 | \$39.90 | \$41.10 |
| % Rate Increase | 4.0% | 20.0% | 20.0% | 7.5% | 7.5% | 7.5% | 7.5% | 3.0% |
| CAPITAL SUMMARY | | | | | | | | |
| Start of Year Cash | 4,502,000 | 1,728,900 | 1,147,000 | 1,415,400 | 1,789,000 | 1,228,000 | 1,345,700 | 975,700 |
| (+) Connection Charges & Intere | 221,700 | 210,300 | 218,100 | 233,100 | 241,900 | 248,800 | 251,400 | 249,300 |
| (+) Transfer from Operations | 96,500 | 643,700 | 1,030,800 | 613,100 | 267,800 | 373,100 | 503,500 | 367,400 |
| (+) Total Loan Funds | 0 | 2,858,600 | 7,690,100 | 5,369,400 | 2,315,000 | 0 | 0 | 0 |
| (+) Total CIAC Funds | 0 | 1,043,100 | 371,000 | 5,202,400 | 2,720,200 | 415,300 | 425,700 | 436,300 |
| (-) Total Capital Expenses | 3,091,300 | 5,337,600 | 9,041,600 | 11,044,400 | 6,105,900 | 919,500 | 1,550,600 | 966,100 |
| (-) Transfer to Operations | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| NET CAPITAL REVENUE | 2,773,100 | 581,900 | 268,400 | 373,600 | 561,000 | 117,700 | 370,000 | 86,900 |
| End of Year Cash | 1,728,900 | 1,147,000 | 1,415,400 | 1,789,000 | 1,228,000 | 1,345,700 | 975,700 | 1,062,600 |

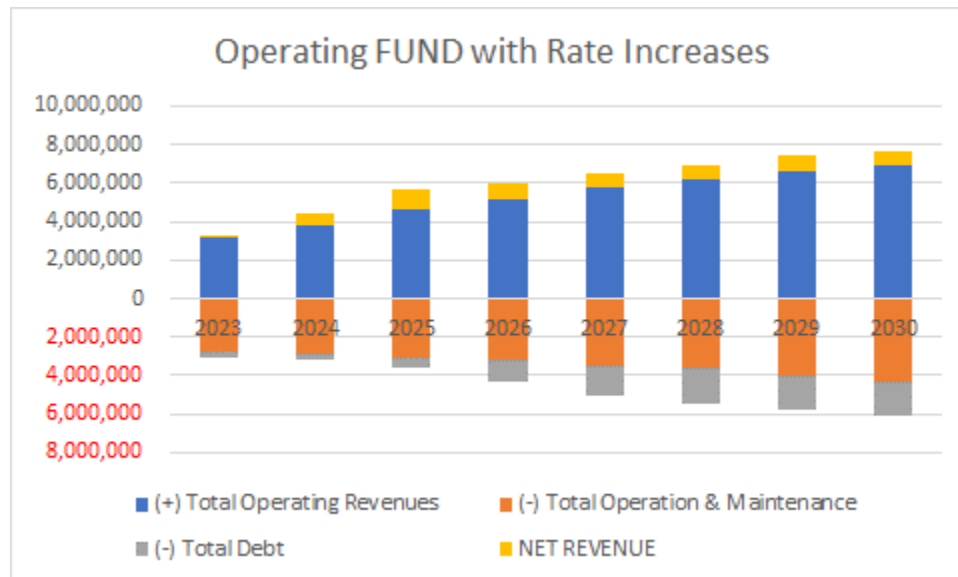
RAPID PROGRESS+

The Rapid Progress+ scenario is the exact same as the Rapid Progress scenario except that rates have been increased in the years 2025 through 2029 in order to increase both net operating revenues as well as build cash reserves to leave the utility with more capability to continue to fund projects important to the environment like the Stream 0056 culverts on either side of SR 522 or the Swamp Creek channel restoration in the 2030s.

With the additional monthly rate increases by the year 2030, the utility has grown net operating revenues from 400K to 900K and increased cash reserves from \$1M to \$3M.

This scenario is intended to build sufficient capacity and flexibility into the fund in order to meet the new challenges that will be determined by the next comprehensive plan update which is planned to occur around 2030. These rates will allow the utility to cash fund the design of a major project (\$10M to \$15M) such as the Stream 0056 culverts or the Swamp Creek channel restoration and then pay for the construction of the project from a mixture of cash reserves and new debt. Without these additional rate increases

the utility will require substantial future increases before work on any new projects can begin after the year 2030.



The chart above shows the cash flows in the operating fund if the rate increases listed in the table below are enacted.

The table below shows a summary of the stormwater utility finances with the indicated rate increases. As can be seen in the table below by the **end of year cash** in 2030 the fund is just short of \$3M and the **transfer from operations** (e.g., net revenue from operations) is almost \$800K in the year 2030.

| Year | 2023 | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 | 2030 |
|---------------------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|
| Residential Storm Monthly Bill | \$20.75 | \$24.90 | \$29.88 | \$33.47 | \$37.49 | \$39.74 | \$42.12 | \$43.80 |
| % Rate Increase | 4.0% | 20.0% | 20.0% | 12.0% | 12.0% | 6.0% | 6.0% | 4.0% |
| CAPITAL SUMMARY | | | | | | | | |
| Start of Year Cash | 4,502,000 | 1,728,900 | 1,147,000 | 1,415,400 | 1,994,200 | 1,888,500 | 2,417,800 | 2,405,400 |
| (+) Connection Charges & Intere | 221,700 | 210,300 | 218,100 | 234,700 | 248,400 | 261,800 | 270,200 | 274,000 |
| (+) Transfer from Operations | 96,500 | 643,700 | 1,030,800 | 816,700 | 716,600 | 771,700 | 842,300 | 782,600 |
| (+) Total Loan Funds | 0 | 2,858,600 | 7,690,100 | 5,369,400 | 2,315,000 | 0 | 0 | 0 |
| (+) Total CIAC Funds | 0 | 1,043,100 | 371,000 | 5,202,400 | 2,720,200 | 415,300 | 425,700 | 436,300 |
| (-) Total Capital Expenses | 3,091,300 | 5,337,600 | 9,041,600 | 11,044,400 | 6,105,900 | 919,500 | 1,550,600 | 966,100 |
| (-) Transfer to Operations | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| NET CAPITAL REVENUE | 2,773,100 | 581,900 | 268,400 | 578,800 | 105,700 | 529,300 | 12,400 | 526,800 |
| End of Year Cash | 1,728,900 | 1,147,000 | 1,415,400 | 1,994,200 | 1,888,500 | 2,417,800 | 2,405,400 | 2,932,200 |



Color Code

| | | | | | |
|-----------------------------|--|------------------|--|-----------------------------------|--|
| 100% Cash Funded (No fill) | | 100% Debt Funded | | 100% Grant Funded | |
| Mix of Grant & Cash Funding | | | | Mix of 50/50 Debt & Grant Funding | |

| CAPITAL EXPENSES | 2023 | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 | 2030 | 2031 | Total Debt Funding | Total Cash Funding | Total Grant Funding | |
|--|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|--------------------|--------------------|---------------------|----------|
| Stay the Course Scenario | | | | | | | | | | | | | |
| CITY FACILITIES F1 - Public Works Operations Center | | 2,000,000 | 6,250,000 | | | | | | | 8,250,000 | | | |
| SW 8 - 190TH/61ST Culvert Replacement (Construction) | 2,866,300 | 20,000 | | | | | | | | | 2,886,300 | | |
| SW 20 - Small Works | 75,000 | 75,000 | 79,500 | 83,500 | 86,800 | 89,000 | 91,200 | 93,500 | | | 673,500 | | |
| SW 29 - Stormwater Facility Retrofits | | | 530,000 | | | | | | | | 530,000 | | |
| 61ST Property Acquisition and Restoration | | 49,000 | | | | | | | | | 12,200 | 36,800 | |
| SW 34 - Blueberry Creek Culvert Mitigation | 50,000 | 200,000 | | | | | | | | | 250,000 | | |
| SW 35 - Muck Creek Restoration | 100,000 | 400,000 | | | | | | | | | 500,000 | | |
| FPCL 012 - 192ND SC Trib Culvert | | 1,735,000 | | | | | | | | | 728,700 | 1,006,300 | |
| | | | | | | | | | | 8,250,000 | 5,580,700 | 1,043,100 | SUBTOTAL |
| Moderate Scenario | | | | | | | | | | | | | |
| <i>All CIP projects listed under the Baseline Scenario plus the following</i> | | | | | | | | | | | | | |
| SW 29 - Stormwater Facility Retrofits | | | | | 578,800 | | 608,100 | | | | 1,186,900 | | |
| SW 17 - Little Swamp Creek Relocation Phase 1 | | | 265,000 | 278,300 | 2,315,000 | | | | | | 543,300 | 2,315,000 | |
| SW 17 - Little Swamp Creek Relocation Phase 2 | | | 265,000 | 278,300 | 2,315,000 | | | | | | 543,300 | 2,315,000 | |
| FPCL 001 - 163RD Trib 0057 Culvert | | | | | | 234,300 | 240,200 | 1,969,500 | | | 474,500 | 1,969,500 | |
| FPCL 002 - 76TH Trib 0057 Culvert | | | | | | 211,800 | 217,100 | 1,780,000 | | | 428,900 | 1,780,000 | |
| FPCL 004 - 74TH Trib 0057 Culvert | | | | | 197,100 | 202,000 | 2,346,500 | | | | 399,100 | 2,346,500 | |
| FPCL 011 - 74TH Trib 0057 Culvert | | | | 117,700 | 122,400 | 2,442,300 | | | | | 240,100 | 2,442,300 | |
| FPCL 003 - 169TH Samm Trib 01 Culvert | | | | 229,800 | 239,000 | 1,960,000 | | | | | 468,800 | 1,960,000 | |
| | | | | | | | | | | 0 | 4,284,900 | 15,128,300 | SUBTOTAL |
| Rapid Scenario | | | | | | | | | | | | | |
| <i>All CIP projects listed under the Baseline Scenario plus the following</i> | | | | | | | | | | | | | |
| SW 29 - Stormwater Facility Retrofits | | | | | 578,800 | | 608,100 | | | | 1,186,900 | | |
| SW 17 - Little Swamp Creek Relocation Phase 1 | | | 265,000 | 278,300 | 2,315,000 | | | | | 1,700,800 | | 1,157,500 | |
| SW 17 - Little Swamp Creek Relocation Phase 2 | | | 265,000 | 278,300 | 2,315,000 | | | | | 1,700,800 | | 1,157,500 | |
| FPCL 001 - 163RD Trib 0057 Culvert | | 197,500 | 209,400 | 1,758,500 | | | | | | 1,286,100 | | 879,300 | |
| FPCL 002 - 76TH Trib 0057 Culvert | | 178,500 | 189,200 | 1,589,400 | | | | | | 1,162,400 | | 794,700 | |
| FPCL 004 - 74TH Trib 0057 Culvert | | 170,300 | 180,500 | 2,147,500 | | | | | | 1,424,500 | | 1,073,800 | |
| FPCL 011 - 74TH Trib 0057 Culvert | | 105,800 | 112,100 | 2,291,100 | | | | | | 1,363,400 | | 1,145,600 | |
| FPCL 003 - 169TH Samm Trib 01 Culvert | | 206,500 | 218,900 | 1,838,700 | | | | | | 1,344,700 | | 919,400 | |
| RP 001 - Restoration (Land Acquisition, Demo, Restoration) | | | 742,000 | | | | | | | | 371,000 | 371,000 | |
| RP 002 - Restoration (Land Acquisition, Demo, Restoration) | | | | 779,100 | | | | | | | 389,500 | 389,600 | |
| RP 003 - Restoration (Land Acquisition, Demo, Restoration) | | | | | 810,300 | | | | | | 405,100 | 405,200 | |
| RP 004 - Restoration (Land Acquisition, Demo, Restoration) | | | | | | 830,500 | | | | | 415,200 | 415,300 | |
| RP 005 - Restoration (Land Acquisition, Demo, Restoration) | | | | | | | 851,300 | | | | 425,600 | 425,700 | |
| RP 006 - Restoration (Land Acquisition, Demo, Restoration) | | | | | | | | 872,600 | | | 436,300 | 436,300 | |
| | | | | | | | | | | 9,982,700 | 3,629,600 | 9,570,900 | SUBTOTAL |
| Rapid+ Scenario | | | | | | | | | | | | | |
| <i>All CIP projects listed under the Baseline Scenario plus the following</i> | | | | | | | | | | | | | |
| <i>All CIP projects as listed under the CIPMid Scenario plus the following</i> | | | | | | | | | | | | | |
| FPCL 006 - 175TH Trib 0056 Culvert | | | | | | | | | 9,576,000 | | | | |
| FPCL Swamp Creek Channel Restoration | | | | | | | | | TBD | | | | |



City Council Agenda Bill City of Kenmore, WA

Subject/Topic:

2023 Surface Water Management (SWM)
Rate Analysis and Proposed Rates For
2024-2030.

For Council Meeting Agenda of: Sept. 18, 2023

Department: Environmental Services

Prepared by: Richard Sawyer, ES Director

Initial & Date

Approved by Department Head:

RS

Approved by City Attorney:

NA

Approved by Finance Director:

MM

Approved by City Manager:

RK

Proposed Council Action/Motion:

For discussion and possible direction.

Exhibits/Attachments:

2023 SWM Rate Analysis Report

SWM Fee Rates to Remove Fish Blocking Culverts

Summary:

City staff hired and worked with Peninsula Financial Consulting (PFC) to conduct a Surface Water Management (SWM) rate analysis to propose and establish rates for 2024-2030. This report provides a summary of the rate analysis for Council's review and discussion.

With the future vision of zero fish-blocking culverts, clean waterways, and restored riparian zones along all streams and rivers in Kenmore, the following SWM rate options have been developed for the City Council to consider:

- Stay the Course – Go Slow
- Moderate Pace
- Rapid Progress
- Rapid Progress+

These options are described in more detail below and in the attached rate study report. After reviewing and discussing the above options, City Council direction on which option to bring back for consideration and approval at a later date is requested.

Information/Background:

The City has established and maintains a Surface Water Management (SWM) Fund that financially supports current and anticipated needs of the City's SWM programs, which include both operating and capital improvement costs. The primary revenue source for the SWM Fund is the SWM Service Charge, which is collected from every developed property in the City and is determined by rates set

by the City Council. Single family residential properties pay a set amount and multi-family and commercial properties pay an amount based on their property size and how much impervious area is on the property. Periodically, staff conduct SWM rate analyses to ensure current and future rates provide adequate funds to support SWM programs and projects. The last rate analysis, conducted in 2018, established rates for 2019-2024 and the current analysis proposes rates for 2024-2030.

A Vision for Kenmore

In keeping with the City Council's top priority of reducing greenhouse gas emissions and environmental stewardship, the City Council should consider this vision:

A future Kenmore with:

- No fish-blocking culverts
- Riparian habitat fully restored along all streams and rivers
- Roadway runoff fully treated, resulting in clean, pristine waterways

With the will, time, and enough resources, this vision can become a reality.

The SWM rate study explored a variety of ways to chart a financial course in making progress toward that vision.

Four Rate Options to Consider

A full report of the rate analysis is attached, but here is a preview of the result, which includes four rate options for Council to consider for 2024-2030:

- “Stay the Course”
 - Fund existing programs and maintain compliance with regulatory requirements.
 - Complete capital projects currently on the books, including:
 - Public Works Operations Center (PWOC)
 - Muck Creek Restoration
 - Blueberry Creek Culvert Removal
 - Stormwater Facility Retrofit
 - Replacement of Tributary 0056 Culvert (190TH)
 - Replacement of Swamp Creek Tributary Culvert (192ND)
- “Moderate Pace”
 - Includes everything listed in previous option.
 - Includes more capital project funding, including:
 - Design costs (but not construction) fully funded for replacement of high priority fish passage culverts located in Tributary 0057 (4 total). Once completed, these projects open up 98% of the stream (over 14,000 feet) to fish. Construction funds will rely on receiving grants.
 - Design costs (but not construction) fully funded for replacement of high priority fish passage culvert located Sammamish Tributary 01 (1 total). Once completed, this project opens up 100% of the stream (over 1,300 feet) to fish. Construction funds will rely on receiving grants.
 - Design costs for Little Swamp Creek Replacement project (but not construction), which includes relocation of stream and replacement/removal of

four culverts. Once complete, this project opens up 40% of the stream (over 2,000 feet) to fish. Construction funds will rely on receiving grants.

- Stormwater facility retrofit every other year.
- Implements actions identified in the City's Climate Action Plan (CAP) Natural Systems & Water Resources section.

- "Rapid Pace"

- Includes everything listed in previous options.
- Includes more capital project funding, including:
 - 50% of the estimated construction costs for high priority culvert replacements in Tributary 0057 and Sammamish River Tributary 01 resulting in earlier construction schedules. Relies on grant funding for completion of all projects.
 - Annual funding for open space land acquisition and habitat restoration projects.
 - Guarantees construction of some projects regardless of grant status.

- "Rapid Pace+"

- Includes everything listed in previous options.
- Begins building up funding for important projects in the 2030s, including:
 - Riparian habitat restoration of the Swamp Creek Channel
 - Replacement of large fish-blocking culverts on Chet Chatl (0056) Creek adjacent to SR 522

The current (2023) monthly SWM rate for single family residential property owners is \$20.75. The following table summarizes rate changes associated with the four options presented above.

| | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 | 2030 |
|-------------------------------|---------|---------|---------|---------|---------|---------|---------|
| Stay the Course/Slow Progress | \$23.66 | \$26.97 | \$28.32 | \$29.74 | \$31.23 | \$32.79 | \$34.43 |
| Moderate Pace | \$24.69 | \$29.38 | \$30.85 | \$32.39 | \$34.01 | \$35.03 | \$36.08 |
| Rapid Progress | \$24.90 | \$29.88 | \$32.12 | \$34.53 | \$37.12 | \$39.90 | \$41.10 |
| Rapid Progress+ | \$24.90 | \$29.88 | \$33.47 | \$37.49 | \$39.74 | \$42.12 | \$43.80 |

Timeline

September 18, 2023: Staff present the SWM rate analysis to Council and discuss proposed options for 2024-2030 SWM rates.

October 2023: Staff will prepare and present a resolution to Council with proposed 2024-2030 SWM rates for review and adoption. The updated SWM Capital Improvement Plan will also be presented for City Council consideration and adoption.

November 2023: Updated SWM rates will be provided to King County. The City contracts King County to collect SWM Service Charges from property owners as part of their overall property taxes. King County provides the City SWM Fund revenue throughout the year as it is collected.

January 1, 2024: Updated SWM rates will be effective.

Fiscal Consideration:

Please refer to the attached SWM Rate Analysis Report for detail.

City Council Priority or Budget Objective Being Addressed:

City Council Priority 1: Implement the adopted Climate Action Plan and promote environmental stewardship, including water, air, forest, and habitat restoration and preservation.

2023 Stormwater Rate & CFC Study



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Consulting Services:

Ashley Emery, Peninsula Financial Consulting

Staff:

Melinda Merrell, Finance Director

Richard Sawyer, Environmental Services Director

Rob Karlinsey, City Manager



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Surface Water: What We Do



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The City of Kenmore operates a surface water utility. This utility is primarily funded by rates charged to property owners.

Kenmore's surface water utility is responsible for managing all surface water functions, including:

- flood prevention and management
- water quality improvement
- fish and wildlife habitat restoration and maintenance in and along wetlands, streams, rivers, and the lake
- management and control of surface runoff into wetlands, streams, rivers, and the lake
- regulating water quality laws on private and public property



Intro & Terminology



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Before we begin, here are some key terms and what they mean when used in this presentation:

- **SWM – Surface Water Management** is the management of all water in the environment, including *stormwater*, which is a type of surface water.
- **Service Charge** – The total annual fee collected from a parcel. Also referred to as “Stormwater Fee” or “Utility Fee”
- **Rate** – A component of the Service Charge calculation
- **CFC – Capital Facilities Charge**, a one-time fee on new construction. May also be referred to as “General Facilities Charge” or “Connection Fee”



Why We Care



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ENVIRONMENTAL SERVICES

The City has an amazing natural environment, and we are fortunate to be the stewards of these features for our city. As stewards, we can reach for the following vision:

- No fish-blocking culverts
- Riparian habitat is fully restored along all streams and rivers
- Runoff is fully treated, resulting in clean, pristine waterways



Funding SWM



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SWM Service Charge

- Established in Chapter 13.40 KMC
- Collects revenue from all developed property in the City
- King County is contracted to collect the service charge, annually, along with all other property taxes
- Primary revenue source for the City's Surface Water Fund
- Analyzed and updated periodically to ensure SWM programs and projects are adequately funded



Funding SWM



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SWM Service Charge Continued

- Single Family Residential (SFR) property owners are assessed a flat annual charge
(Charge = Flat Rate)
- Non-SFR property owners, such as multi-family, commercial and industrial, are assessed a charge based on the area of the property multiplied by a sliding scale rate determined by the percentage of impervious area on the property
(Charge = Area x Rate)
- This presentation uses SFR rates to help visualize different scenarios, but all rates would be impacted the same proportionally.



Funding SWM



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Capital Facilities Charge

- A one-time charge assessed for new development
- Calculated based upon how many equivalent residential units (ERU) are created multiplied by the CFC Rate
- An ERU is 2,500 square feet of impervious area
- $(CFC = ERU \times Rate)$



Funding SWM



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Why conduct a rate study?

- Ever-increasing state-mandated stormwater requirements
- Operational changes (e.g., PW Operations Center)
- Inflation
- Re-prioritization of capital projects in keeping with City Council priorities

The City Council's #1 Priority in 2023:

"Implement the adopted Climate Action Plan and promote environmental stewardship, including water, air, forest, and habitat restoration and preservation."



Rate Study Goals



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Primary Goals of the rate study:

- Fund ongoing operation and maintenance activities
- Meet the ever-increasing requirements of NPDES
- Fund construction of high priority capital projects that protect and restore fish & wildlife habitat along our streams, rivers, and the lake
- Maintain adequate cash reserves

Secondary Goal of the rate study:

- Keep monthly rates as low as possible by using a combination of grants, new debt, and timing to schedule and fund planned capital improvement projects

We have developed four scenarios with different monthly rate adjustments that result in funding different levels of capital improvements

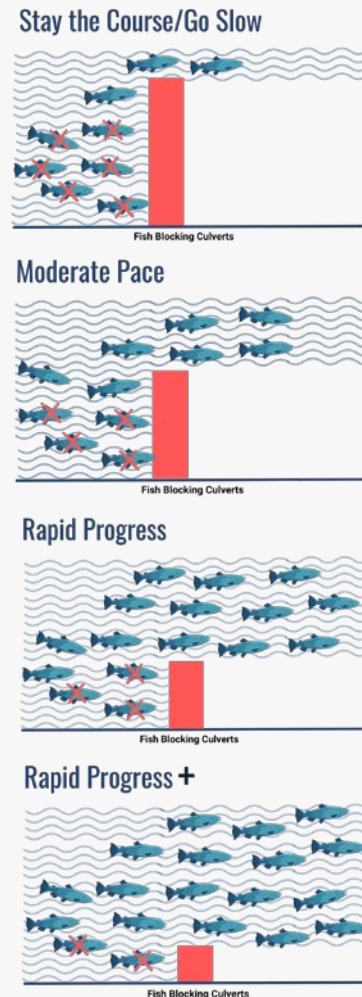


Funding Scenarios



The four funding scenarios are:

- Stay the Course – Go Slow
- Moderate Pace
- Rapid Progress
- Rapid Progress+



Funding Scenarios



All four scenarios include the following:

- Previously approved 4% rate increase in 2024
- New employee (FTE) hired in 2027, 2029, and 2030
- New SWM share of debt service and O&M costs at the PW Operations Center
- Increasing the GFC by \$200 a year from the current \$3,500
- Increasing O&M costs as a result of inflationary factors, regulatory requirements, and growth

| Annual Inflationary Factors | 2024 | 2025 | 2026 | 2027 | 2028 - 2042 |
|---|-------|-------|-------|-------|-------------|
| COLA | 5.20% | 4.50% | 4.00% | 3.50% | 3.00% |
| Inflation | 5.50% | 4.50% | 3.50% | 2.50% | 2.50% |
| Customer growth (new single-family equivalents) | 50 | 50 | 50 | 50 | 50 |
| Capital cost increases | 6% | 5% | 4% | 2.50% | 2.50% |



Funding Scenarios



CITY OF KENMORE

ENVIRONMENTAL SERVICES

All four scenarios also include previously committed capital obligations:

- Culvert replacement at 61st Ave and 190th Street
- SWM Fund's share of the new Public Works Operations Center

These two projects are largely debt funded and will significantly change the demand on monthly rates:

- The new debt associated with both projects will increase the total annual debt payment of the SWM Fund from zero to almost \$1M a year
- Given existing annual rate revenues of approximately \$3M a year, monthly rates will need to be increased by about 30% in the next two years just to pay for new debt payments



Funding Scenarios



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The primary difference between the first three scenarios is the costs associated with:

- Culvert projects ranging from \$1.5M to \$2.5M
 - Little Swamp Creek Phase I & II (Relocation & Culverts)
 - Four culvert projects on Tributary 0057
 - One culvert project on Sammamish Tributary 01
- Restoration projects

Our focus is on maximizing grants and low-cost loans from State and Federal programs

The two most effective strategies to win grant or low-cost loan funding assistance from State or Federal programs are:

- Be as close to shovel ready as possible
- Have significant skin in the game (cities share in cost thus leveraging government dollars)

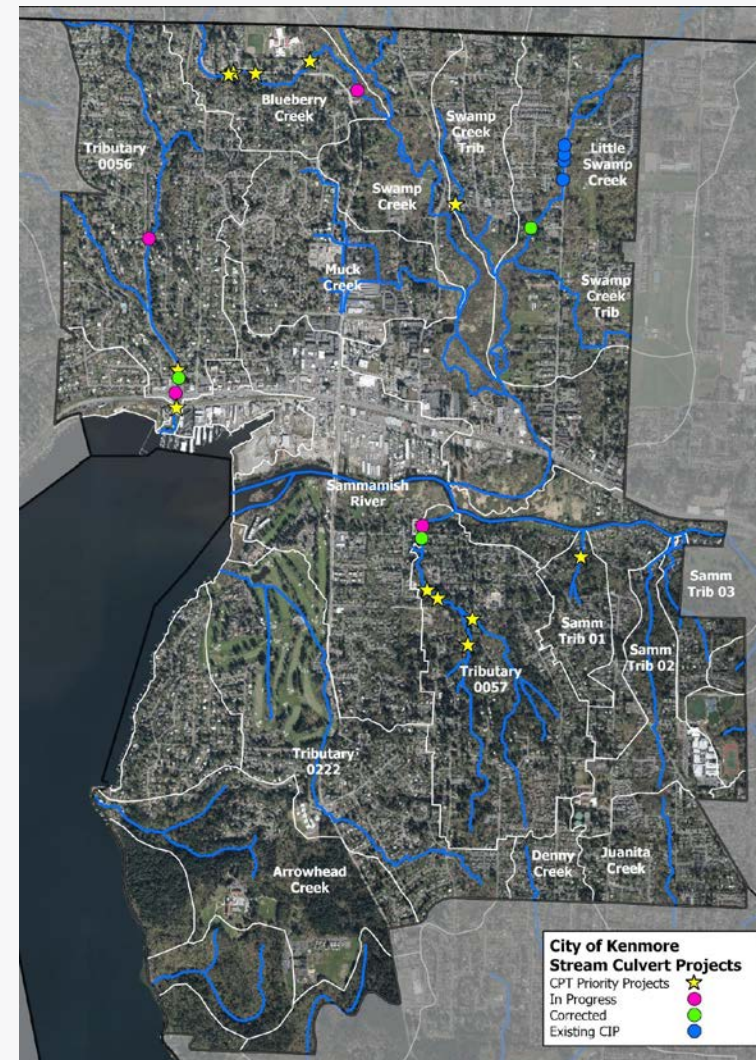


Funding Scenarios



High Priority Culvert Projects (City Council May 1, 2023 Meeting Presentation)

| Stream | Culvert Projects | Total Length (Feet) | Blocked Length (Feet) | Opened Length (Feet) | Blocked Stream Opened |
|---------------------------|--|---------------------|-----------------------|----------------------|-----------------------|
| Tributary 0056 | 2 (CPT)* 1 (Corrected) 2 (In Progress) | 13,754 | 13,194 | 1,307 | 9.9% |
| Blueberry Creek | 1 (In Progress) | 5,619 | 4,754 | 630 | 11.2% |
| Swamp Creek Tributary | 1 (CPT) | 3,525 | 1,941 | 535 | 27.6% |
| Little Swamp Creek | 4 (Existing CIP) 1 (Corrected) | 9,300 | 5,160 | 2,063 | 40.0% |
| Sammamish River Tributary | 1 (CPT) | 1,776 | 1,304 | 1,304 | 100.0% |
| Tributary 0057 | 4 (CPT)* 1 (Corrected) 1 (In Progress) | 16,250 | 15,072 | 14,800 | 98.2% |

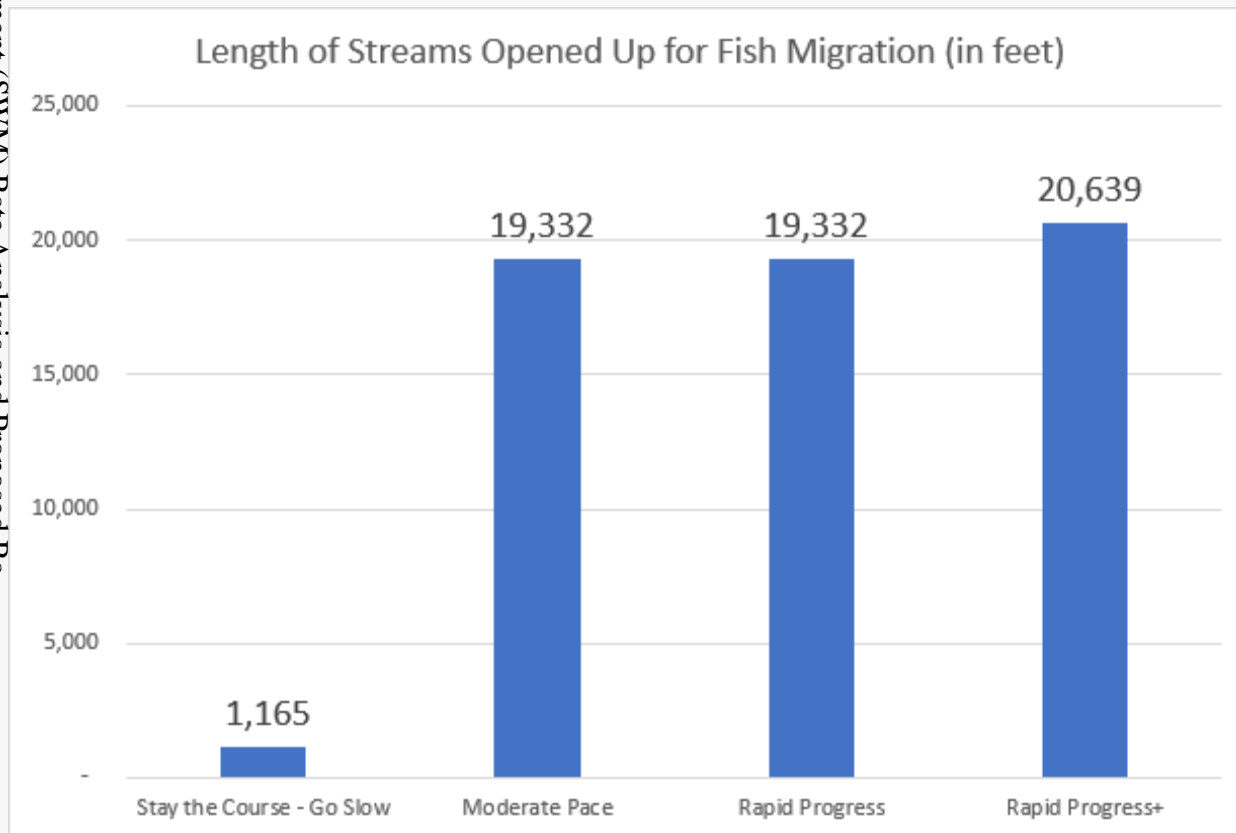


- ★ Rapid+
- ★ STC
- ★ STC
- ★ M or R
- ★ M or R
- ★ M or R

Funding Scenarios



This graph shows the difference in linear feet of stream opened to migratory fish once barrier culverts are removed for each option.



Funding Scenarios



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Moderate Pace and Rapid Progress look the same. What's the difference?

- Funding
 - Moderate Pace: Design Only
 - Rapid Progress: Design and 50% of Construction, increasing likelihood of grants and speedier timeline
- Likelihood of Obtaining Grants:
 - Moderate Pace: Moderate
 - Rapid Progress: High
- Construction Timeline for the Stream 0057 Culverts:
 - Moderate Pace: 2027 – 2030
 - Rapid Progress: 2026
- Land Acquisitions for Habitat Restoration:
 - Moderate Pace: None planned
 - Rapid Progress: One every other year



Funding Scenarios



Here is a summary comparison of the four scenarios:

Comparison of Surface Water Rate Scenarios

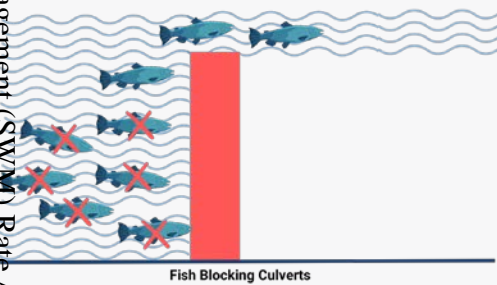
| | Stay the Course | Moderate Pace | Rapid Progress | Rapid Progress + |
|---|---|--|---|------------------------|
| Culvert Replacements | One every few years; none planned after 19nd Street Tributary | Fund design only of several high value culverts; Hope for grants to pay for 100% construction; Spread over 2027-2030 | Fund design and 50% of construction of high value culverts; group these culverts together and move construction up to 2026. | Same as Rapid Progress |
| Open Space Acquisitions | None Planned | None Planned | Annual Acquisitions | Same as Rapid Progress |
| Clean Water Facility Retrofits | Only one in 2025 | One every other year | One every other year | Same as Rapid Progress |
| Small Works Projects | \$70k - \$90k Annually | \$70k - \$90k Annually | \$70k - \$90k Annually | Same as Rapid Progress |
| Muck Creek Property Restoration | 2024 | 2024 | 2024 | Same as Rapid Progress |
| Removal of old culvert on Blueberry Creek | 2024 | 2024 | 2024 | Same as Rapid Progress |
| 192nd St. Tributary Culvert Replacement | 2024 - 2025 | 2024 - 2025 | 2024 - 2025 | Same as Rapid Progress |
| Stream 0057 Culverts (four) | Not included | 2027 - 2030 | 2026 | Same as Rapid Progress |
| Little Swamp Creek Relocation and Culverts | Not included | 2027 | 2027 | Same as Rapid Progress |
| Swamp Creek Channel Restoration and/or Stream 0056 Large Culverts | Not included | Not included | Not included | 2030s |

Funding Scenarios



Stay the Course – Go Slow

Stay the Course/Go Slow



| Year | 2023 | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 | 2030 |
|-----------------------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|
| Residential Storm Monthly Bill | \$20.75 | \$23.66 | \$26.97 | \$28.32 | \$29.74 | \$31.23 | \$32.79 | \$34.43 |
| % Rate Increase | 4.0% | 14.0% | 14.0% | 5.0% | 5.0% | 5.0% | 5.0% | 5.0% |
| Start of Year Cash | 4,502,000 | 1,728,900 | 958,500 | 1,227,500 | 1,603,300 | 1,942,100 | 2,422,600 | 2,851,600 |
| (+) Connection Charges & Interest | 221,700 | 208,900 | 215,300 | 230,300 | 245,900 | 262,200 | 273,600 | 279,500 |
| (+) Transfer from Operations | 96,500 | 456,600 | 663,200 | 229,000 | 179,700 | 307,300 | 246,600 | 174,200 |
| (+) Total Loan Funds | 0 | 2,000,000 | 6,250,000 | 0 | 0 | 0 | 0 | 0 |
| (+) Total CIAC Funds | 0 | 1,043,100 | 0 | 0 | 0 | 0 | 0 | 0 |
| (-) Total Capital Expenses | 3,091,300 | 4,479,000 | 6,859,500 | 83,500 | 86,800 | 89,000 | 91,200 | 93,500 |
| (-) Transfer to Operations | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| NET CAPITAL REVENUE | 2,773,100 | 770,400 | 269,000 | 375,800 | 338,800 | 480,500 | 429,000 | 360,200 |
| End of Year Cash | 1,728,900 | 958,500 | 1,227,500 | 1,603,300 | 1,942,100 | 2,422,600 | 2,851,600 | 3,211,800 |

Highlights of Stay the Course:

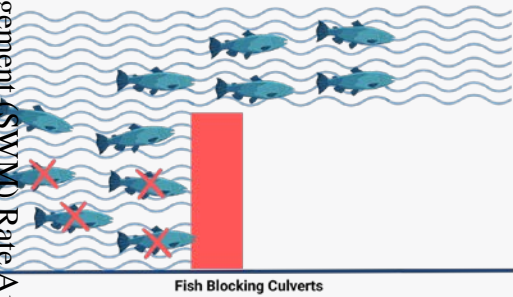
- Previously approved capital projects already scheduled to occur within two years are funded (total forecasted CIP costs of \$15M)
- Net revenues from operations (shown as Transfer from Operations) are increased enough to pay for the new debt and remain positive through 2030
- Cash reserves have been used to pay for critical projects but are slowly built back by the year 2030

Funding Scenarios



2. Moderate Pace

Moderate Pace



| Year | 2023 | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 | 2030 |
|-----------------------------------|------------------|------------------|------------------|------------------|------------------|----------------|----------------|------------------|
| Residential Storm Monthly Bill | \$20.75 | \$24.69 | \$29.38 | \$30.85 | \$32.39 | \$34.01 | \$35.03 | \$36.08 |
| % Rate Increase | 4.0% | 19.0% | 19.0% | 5.0% | 5.0% | 5.0% | 3.0% | 3.0% |
| Start of Year Cash | 4,502,000 | 1,728,900 | 1,115,500 | 1,220,300 | 1,072,500 | 665,700 | 904,500 | 585,800 |
| (+) Connection Charges & Interest | 221,700 | 210,000 | 216,400 | 226,300 | 232,300 | 241,300 | 245,200 | 247,200 |
| (+) Transfer from Operations | 96,500 | 612,500 | 1,027,900 | 613,500 | 585,000 | 734,600 | 592,700 | 431,200 |
| (+) Total Loan Funds | 0 | 2,000,000 | 6,250,000 | 0 | 0 | 0 | 0 | 0 |
| (+) Total CIAC Funds | 0 | 1,043,100 | 0 | 0 | 4,630,000 | 4,402,300 | 2,346,500 | 3,749,500 |
| (-) Total Capital Expenses | 3,091,300 | 4,479,000 | 7,389,500 | 987,600 | 5,854,100 | 5,139,400 | 3,503,100 | 3,843,000 |
| (-) Transfer to Operations | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| NET CAPITAL REVENUE | 2,773,100 | 613,400 | 104,800 | 147,800 | 406,800 | 238,800 | 318,700 | 584,900 |
| End of Year Cash | 1,728,900 | 1,115,500 | 1,220,300 | 1,072,500 | 665,700 | 904,500 | 585,800 | 1,170,700 |

Highlights:

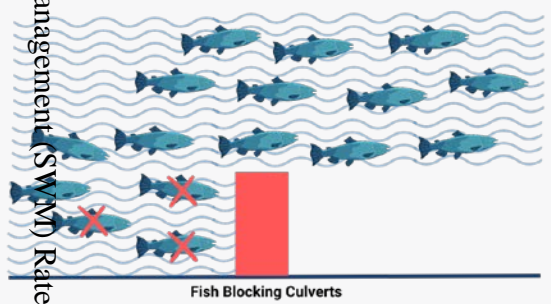
- High priority capital projects already scheduled to occur within two years are funded (total forecasted CIP costs of \$34M) with no new debt issued but reliant on \$16M in grants
- Net revenues from operations (shown as Transfer from Operations) are increased enough to pay for the new debt and remain positive through 2030
- Cash reserves have been used to pay for critical projects but are slowly built back by the year 2030

Funding Scenarios



3 Rapid Progress

Rapid Progress



| Year | 2023 | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 | 2030 |
|--------------------------------|---------|---------|---------|---------|---------|---------|---------|---------|
| Residential Storm Monthly Bill | \$20.75 | \$24.90 | \$29.88 | \$32.12 | \$34.53 | \$37.12 | \$39.90 | \$41.10 |
| % Rate Increase | 4.0% | 20.0% | 20.0% | 7.5% | 7.5% | 7.5% | 7.5% | 3.0% |

CAPITAL SUMMARY

| | | | | | | | | |
|-----------------------------------|-----------|-----------|-----------|------------|-----------|-----------|-----------|-----------|
| Start of Year Cash | 4,502,000 | 1,728,900 | 1,147,000 | 1,415,400 | 1,789,000 | 1,228,000 | 1,345,700 | 975,700 |
| (+) Connection Charges & Interest | 221,700 | 210,300 | 218,100 | 233,100 | 241,900 | 248,800 | 251,400 | 249,300 |
| (+) Transfer from Operations | 96,500 | 643,700 | 1,030,800 | 613,100 | 267,800 | 373,100 | 503,500 | 367,400 |
| (+) Total Loan Funds | 0 | 2,858,600 | 7,690,100 | 5,369,400 | 2,315,000 | 0 | 0 | 0 |
| (+) Total CIAC Funds | 0 | 1,043,100 | 371,000 | 5,202,400 | 2,720,200 | 415,300 | 425,700 | 436,300 |
| (-) Total Capital Expenses | 3,091,300 | 5,337,600 | 9,041,600 | 11,044,400 | 6,105,900 | 919,500 | 1,550,600 | 966,100 |
| (-) Transfer to Operations | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| NET CAPITAL REVENUE | 2,773,100 | 581,900 | 268,400 | 373,600 | 561,000 | 117,700 | 370,000 | 86,900 |
| End of Year Cash | 1,728,900 | 1,147,000 | 1,415,400 | 1,789,000 | 1,228,000 | 1,345,700 | 975,700 | 1,062,600 |

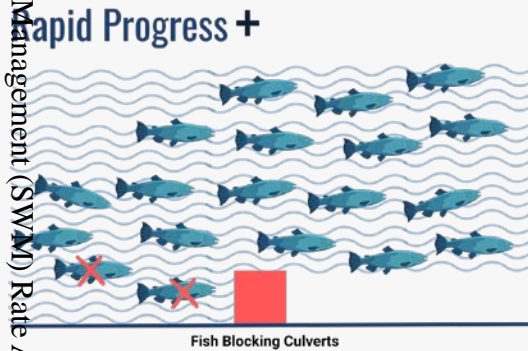
Highlights:

- High priority capital projects already scheduled to occur within two years are funded (total forecasted CIP costs of \$38M) with \$10M in new debt issued and reliant on \$10M in grants
- Net revenues from operations (shown as Transfer from Operations) are increased enough to pay for the new debt and remain positive through 2030
 - Cash reserves have been used to pay for critical projects but are just sufficient to support operations but are inadequate to fund any future capital costs

Funding Scenarios



4. Rapid Progress+



| Year | 2023 | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 | 2030 |
|-----------------------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|
| Residential Storm Monthly Bill | \$20.75 | \$24.90 | \$29.88 | \$33.47 | \$37.49 | \$39.74 | \$42.12 | \$43.80 |
| % Rate Increase | 4.0% | 20.0% | 20.0% | 12.0% | 12.0% | 6.0% | 6.0% | 4.0% |
| CAPITAL SUMMARY | | | | | | | | |
| Start of Year Cash | <u>4,502,000</u> | <u>1,728,900</u> | <u>1,147,000</u> | <u>1,415,400</u> | <u>1,994,200</u> | <u>1,888,500</u> | <u>2,417,800</u> | <u>2,405,400</u> |
| (+) Connection Charges & Interest | 221,700 | 210,300 | 218,100 | 234,700 | 248,400 | 261,800 | 270,200 | 274,000 |
| (+) Transfer from Operations | 96,500 | 643,700 | 1,030,800 | 816,700 | 716,600 | 771,700 | 842,300 | 782,600 |
| (+) Total Loan Funds | 0 | 2,858,600 | 7,690,100 | 5,369,400 | 2,315,000 | 0 | 0 | 0 |
| (+) Total CIAC Funds | 0 | 1,043,100 | 371,000 | 5,202,400 | 2,720,200 | 415,300 | 425,700 | 436,300 |
| (-) Total Capital Expenses | 3,091,300 | 5,337,600 | 9,041,600 | 11,044,400 | 6,105,900 | 919,500 | 1,550,600 | 966,100 |
| (-) Transfer to Operations | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| NET CAPITAL REVENUE | 2,773,100 | 581,900 | 268,400 | 578,800 | 105,700 | 529,300 | 12,400 | 526,800 |
| End of Year Cash | 1,728,900 | 1,147,000 | 1,415,400 | 1,994,200 | 1,888,500 | 2,417,800 | 2,405,400 | 2,932,200 |

Highlights:

- High priority capital projects already scheduled to occur within two years are funded (total forecasted CIP costs of \$38M) with \$10M in new debt issued and reliant on \$10M in grants
- Net revenues from operations (shown as Transfer from Operations) are increased enough to enable the utility to debt fund future capital projects (i.e. Stream 0056 Culverts and or Swamp Creek channel restoration) after 2030
- Cash reserves have been used to pay for critical projects but have been built back to a point where some of the reserves can be used to fund future capital projects

Funding Scenario Summary



CITY OF KENMORE

ENVIRONMENTAL SERVICES

Projected Rate Increases of the Four Scenarios

| | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 | 2030 |
|-------------------------------|------|------|------|------|------|------|------|
| Stay the Course/Slow Progress | 14% | 14% | 5% | 5% | 5% | 5% | 5% |
| Moderate Pace | 19% | 19% | 5% | 5% | 5% | 3% | 3% |
| Rapid Progress | 20% | 20% | 7.5% | 7.5% | 7.5% | 7.5% | 3% |
| Rapid Progress+ | 20% | 20% | 12% | 12% | 6% | 6% | 4% |

Projected Monthly Household Rates of the Four Scenarios

| | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 | 2030 |
|-------------------------------|---------|---------|---------|---------|---------|---------|---------|
| Stay the Course/Slow Progress | \$23.66 | \$26.97 | \$28.32 | \$29.74 | \$31.23 | \$32.79 | \$34.43 |
| Moderate Pace | \$24.69 | \$29.38 | \$30.85 | \$32.39 | \$34.01 | \$35.03 | \$36.08 |
| Rapid Progress | \$24.90 | \$29.88 | \$32.12 | \$34.53 | \$37.12 | \$39.90 | \$41.10 |
| Rapid Progress+ | \$24.90 | \$29.88 | \$33.47 | \$37.49 | \$39.74 | \$42.12 | \$43.80 |

*2023 Monthly Household Rate: \$20.75

2023 Rate Comparisons



2023 monthly rates for a single-family home property in surrounding cities

| | 2023 Monthly Rate |
|---|-------------------|
| Sammamish | \$35.06 |
| Seattle | \$29.74 |
| Lynnwood | \$29.54 |
| Mountlake Terrace | \$27.96 |
| Bothell | \$26.92 |
| King County | \$26.92 |
| Snoqualmie | \$26.64 |
| Shoreline | \$25.86 |
| Bellevue | \$24.47 |
| Edmonds | \$23.45 |
| Lake Stevens | \$21.42 |
| Kenmore | \$20.75 |
| Lake Forest Park | \$20.52 |
| Kirkland | \$19.75 |
| Issaquah | \$18.88 |
| Woodinville | \$17.17 |
| Mill Creek | \$17.17 |
| Average Rate | \$24.25 |
| * Note that Kenmore has a \$0.00 rate for senior low income property owners | |



Back to the Vision



CITY OF KENMORE

ENVIRONMENTAL SERVICES

A Vision for Kenmore:

- No fish-blocking culverts
- Riparian habitat is fully restored along all streams and rivers
- Runoff is fully treated, resulting in clean, pristine waterways



Recap of the Scenarios



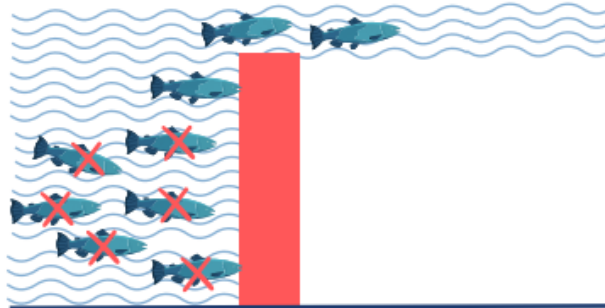
CITY OF KENMORE
ENVIRONMENTAL SERVICES

CITY OF KENMORE

Surface Water Management (SWM) Fee Rates to Remove Fish Blocking Culverts

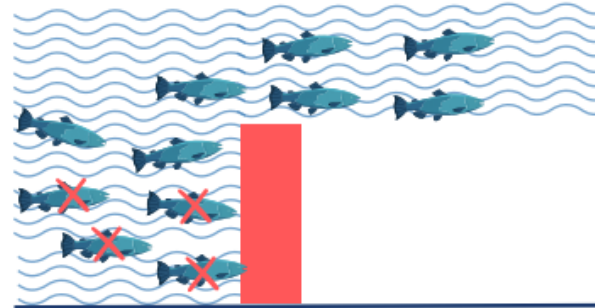
The current (2023) monthly SWM rate for single family residential property owners is \$20.75.

Stay the Course/Go Slow



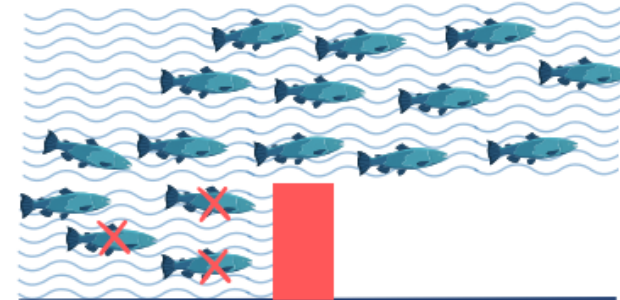
Fish Blocking Culverts

Moderate Pace



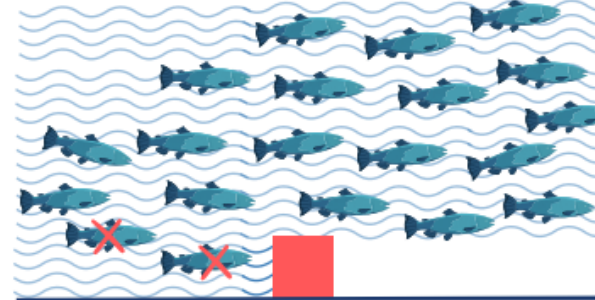
Fish Blocking Culverts

Rapid Progress



Fish Blocking Culverts

Rapid Progress +



Fish Blocking Culverts

Stay the Course/Go Slow

- Fund existing programs and maintain compliance with regulatory requirements.
- Complete capital projects currently planned including the Public Works Operations Center, removing/replacing 3 fish blocking culverts, retrofitting stormwater facilities, and Muck Creek restoration.
- **\$23.66 to \$34.43** (2024 - 2030) proposed monthly SWM rate increase.

Moderate Pace:

- Includes everything listed in previous option and more capital project funding, including:
 - Design costs for replacement of 6 additional high priority fish passage culverts.*
 - Design costs for Little Swamp Creek Replacement project, including replacement/removal of 4 culverts.*
 - Implements actions identified in the Climate Action Plan Natural Systems & Water Resources section.
- **\$24.69 to \$36.08** (2024 - 2030) proposed monthly SWM rate increase.

**Construction costs not included. Construction funds will rely on receiving grants.*

Rapid Progress:

- Includes everything listed in previous option and more capital project funding, including:
 - 50% of the estimated construction costs for the high priority fish passage culvert replacements.
 - Annual funding for open space land acquisition and habitat restoration projects.
 - Guarantees construction of some projects regardless of grant status.
- **\$24.90 to \$41.10** (2024 - 2030) proposed monthly SWM rate increase.

Rapid Progress+:

- Includes everything listed previously and begins building up funding for important projects in the 2030s, such as:
 - Riparian habitat restoration of the Swamp Creek Channel.
 - Replacement of large fish-blocking culverts on Chet Chatl (0056) Creek adjacent to SR 522.
- **\$24.90 to \$43.80** (2024 - 2030) proposed monthly SWM rate increase.

Conclusion



CITY OF KENMORE

ENVIRONMENTAL SERVICES

Questions and Discussion



2023 Stormwater Rate & CFC Study



CITY OF KENMORE

ENVIRONMENTAL SERVICES



Consulting Services:

Ashley Emery, Peninsula Financial Consulting

Staff:

Melinda Merrell, Finance Director

Richard Sawyer, Environmental Services Director

Rob Karlinsey, City Manager



CITY OF KENMORE

ENVIRONMENTAL SERVICES



SWM Funding



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ENVIRONMENTAL SERVICES

Public Notice & Engagement

8/18 – SWM Fee Increase Article
(Summer Newsletter)

9/18 Council Meeting

9/22 → 10/1 Online Survey

47 Responses

45 (30.6%) Stay the Course

22 (15.0%) Moderate Pace

27(18.4%) Rapid Progress

53 (36.1%) Rapid Progress+

54.5% selected Rapid Progress or Higher

9/22 – Kenmore Top 4

9/25 – Social media posts

9/28 – September E-News & more social
media posts

10/6 – Kenmore Top 4

10/9 – Postcards mailed citywide & hit
mailboxes on 10/12

10/16 – City Council Meeting



SWM Funding



CITY OF KENMORE

ENVIRONMENTAL SERVICES

SWM Service Charge Exemption Clarification

A full exemption from the SWM fees are provided if property owners meet King County's property tax relief program eligibility requirements, which include:

- Own and occupy the property and have a combined disposable income of \$58,423 (2023) or \$84,000 (starting 2024)
- Meet one of the following requirements:
 - 61 years of age by December 31st of prior year, or
 - Disabled, or
 - Veteran with at least 80% total disability rating
- Property owner must apply with King County



Recap of the Scenarios



CITY OF KENMORE

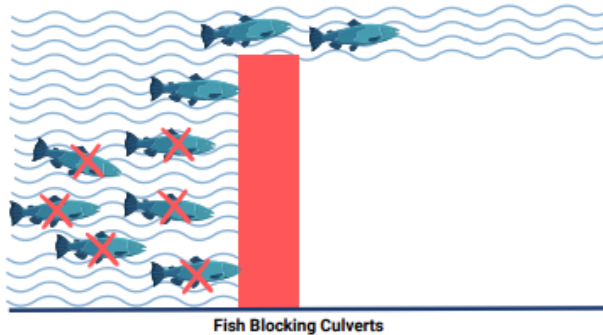
ENVIRONMENTAL SERVICES

CITY OF KENMORE

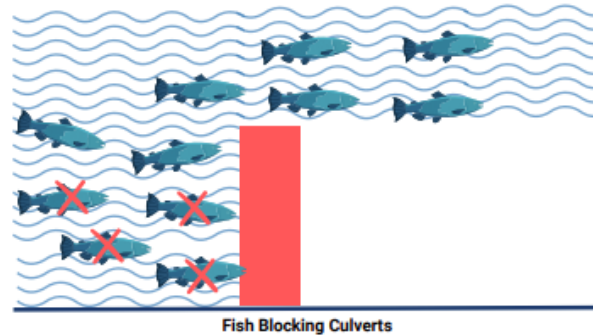
Surface Water Management (SWM) Fee Rates to Remove Fish Blocking Culverts

The current (2023) monthly SWM rate for single family residential property owners is \$20.75.

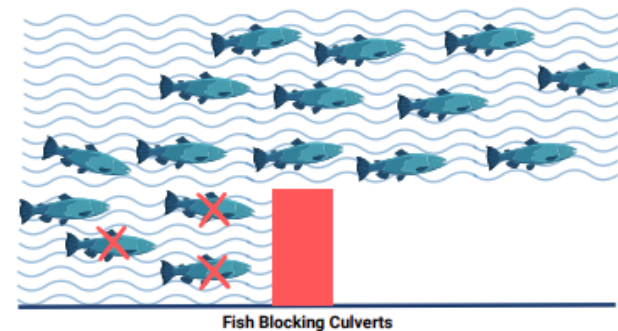
Stay the Course/Go Slow



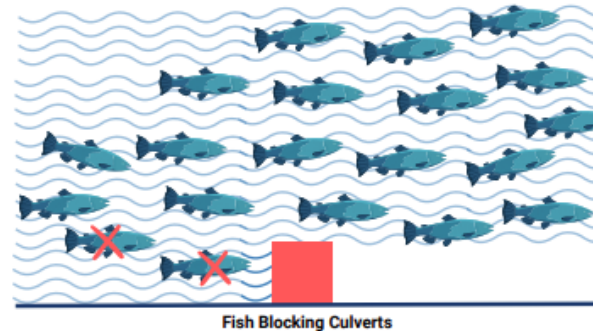
Moderate Pace



Rapid Progress



Rapid Progress +



Stay the Course/Go Slow

- Fund existing programs and maintain compliance with regulatory requirements.
- Complete capital projects currently planned including the Public Works Operations Center, removing/replacing 3 fish blocking culverts, retrofitting stormwater facilities, and Muck Creek restoration.
- **\$23.66 to \$34.43** (2024 - 2030) proposed monthly SWM rate increase.

Moderate Pace:

- Includes everything listed in previous option and more capital project funding, including:
 - Design costs for replacement of 6 additional high priority fish passage culverts.*
 - Design costs for Little Swamp Creek Replacement project, including replacement/removal of 4 culverts.*
 - Implements actions identified in the Climate Action Plan Natural Systems & Water Resources section.
- **\$24.69 to \$36.08** (2024 - 2030) proposed monthly SWM rate increase.

*Construction costs not included. Construction funds will rely on receiving grants.

Rapid Progress:

- Includes everything listed in previous option and more capital project funding, including:
 - 50% of the estimated construction costs for the high priority fish passage culvert replacements.
 - Annual funding for open space land acquisition and habitat restoration projects.
 - Guarantees construction of some projects regardless of grant status.
- **\$24.90 to \$41.10** (2024 - 2030) proposed monthly SWM rate increase.

Rapid Progress+:

- Includes everything listed previously and begins building up funding for important projects in the 2030s, such as:
 - Riparian habitat restoration of the Swamp Creek Channel.
 - Replacement of large fish-blocking culverts on Chet Chatl (0056) Creek adjacent to SR 522.
- **\$24.90 to \$43.80** (2024 - 2030) proposed monthly SWM rate increase.

2023 Rate Comparisons



CITY OF KENMORE

ENVIRONMENTAL SERVICES

2023 monthly rates for a single-family home property in surrounding cities

| | 2023 Monthly Rate |
|---|-------------------|
| Sammamish | \$35.06 |
| Seattle | \$29.74 |
| Lynnwood | \$29.54 |
| Mountlake Terrace | \$27.96 |
| Bothell | \$26.92 |
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| Shoreline | \$25.86 |
| Bellevue | \$24.47 |
| Edmonds | \$23.45 |
| Lake Stevens | \$21.42 |
| Kenmore | \$20.75 |
| Lake Forest Park | \$20.52 |
| Kirkland | \$19.75 |
| Issaquah | \$18.88 |
| Woodinville | \$17.17 |
| Mill Creek | \$17.17 |
| Average Rate | \$24.25 |
| * Note that Kenmore has a \$0.00 rate for senior low income property owners | |



Funding Scenario Summary



CITY OF KENMORE

ENVIRONMENTAL SERVICES

Projected Rate Increases of the Four Scenarios

| | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 | 2030 |
|-------------------------------|------|------|------|------|------|------|------|
| Stay the Course/Slow Progress | 14% | 14% | 5% | 5% | 5% | 5% | 5% |
| Moderate Pace | 19% | 19% | 5% | 5% | 5% | 3% | 3% |
| Rapid Progress | 20% | 20% | 7.5% | 7.5% | 7.5% | 7.5% | 3% |
| Rapid Progress+ | 20% | 20% | 12% | 12% | 6% | 6% | 4% |

Projected Monthly Household Rates of the Four Scenarios

| | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 | 2030 |
|-------------------------------|---------|---------|---------|---------|---------|---------|---------|
| Stay the Course/Slow Progress | \$23.66 | \$26.97 | \$28.32 | \$29.74 | \$31.23 | \$32.79 | \$34.43 |
| Moderate Pace | \$24.69 | \$29.38 | \$30.85 | \$32.39 | \$34.01 | \$35.03 | \$36.08 |
| Rapid Progress | \$24.90 | \$29.88 | \$32.12 | \$34.53 | \$37.12 | \$39.90 | \$41.10 |
| Rapid Progress+ | \$24.90 | \$29.88 | \$33.47 | \$37.49 | \$39.74 | \$42.12 | \$43.80 |

*2023 Monthly Household Rate: \$20.75

Conclusion & Next Steps



CITY OF KENMORE

ENVIRONMENTAL SERVICES

Questions & Council Direction

Next Steps:

1. Provide direction this evening
2. 11/13/2023 Resolution Adoption
3. 11/27/2023 Fee Schedule Adoption

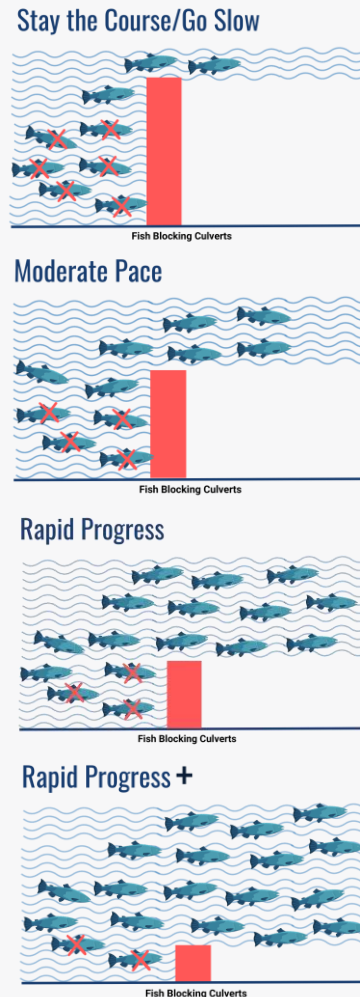


Funding Scenarios



The four funding scenarios are:

- Stay the Course – Go Slow
- Moderate Pace
- Rapid Progress
- Rapid Progress+



Funding Scenarios



CITY OF KENMORE

ENVIRONMENTAL SERVICES

The primary difference between the first three scenarios is the costs associated with:

- Culvert projects ranging from \$1.5M to \$2.5M
 - Little Swamp Creek Phase I & II (Relocation & Culverts)
 - Four culvert projects on Tributary 0057
 - One culvert project on Sammamish Tributary 01
- Restoration projects

Our focus is on maximizing grants and low-cost loans from State and Federal programs

The two most effective strategies to win grant or low-cost loan funding assistance from State or Federal programs are:

- Be as close to shovel ready as possible
- Have significant skin in the game (cities share in cost thus leveraging government dollars)



Funding Scenarios



Here is a summary comparison of the four scenarios:

Comparison of Surface Water Rate Scenarios

| | Stay the Course | Moderate Pace | Rapid Progress | Rapid Progress + |
|---|--|--|---|------------------------|
| Culvert Replacements | One every few years; none planned after 192nd Street Tributary | Fund design only of several high value culverts; Hope for grants to pay for 100% construction; Spread over 2027-2030 | Fund design and 50% of construction of high value culverts; group these culverts together and move construction up to 2026. | Same as Rapid Progress |
| Open Space Acquisitions | None Planned | None Planned | Annual Acquisitions | Same as Rapid Progress |
| Clean Water Facility Retrofits | Only one in 2025 | One every other year | One every other year | Same as Rapid Progress |
| Small Works Projects | \$70k - \$90k Annually | \$70k - \$90k Annually | \$70k - \$90k Annually | Same as Rapid Progress |
| Muck Creek Property Restoration | 2024 | 2024 | 2024 | Same as Rapid Progress |
| Removal of old culvert on Blueberry Creek | 2024 | 2024 | 2024 | Same as Rapid Progress |
| 192nd St. Tributary Culvert Replacement | 2024 - 2025 | 2024 - 2025 | 2024 - 2025 | Same as Rapid Progress |
| Stream 0057 Culverts (four) | Not included | 2027 - 2030 | 2026 | Same as Rapid Progress |
| Little Swamp Creek Relocation and Culverts | Not included | 2027 | 2027 | Same as Rapid Progress |
| Swamp Creek Channel Restoration and/or Stream 0056 Large Culverts | Not included | Not included | Not included | 2030s |

Funding Scenarios



CITY OF KENMORE

ENVIRONMENTAL SERVICES

Moderate Pace and Rapid Progress look the same. What's the difference?

- Funding
 - Moderate Pace: Design Only
 - Rapid Progress: Design and 50% of Construction, increasing likelihood of grants and speedier timeline
- Likelihood of Obtaining Grants:
 - Moderate Pace: Moderate
 - Rapid Progress: High
- Construction Timeline for the Stream 0057 Culverts:
 - Moderate Pace: 2027 – 2030
 - Rapid Progress: 2026
- Land Acquisitions for Habitat Restoration:
 - Moderate Pace: None planned
 - Rapid Progress: One every other year

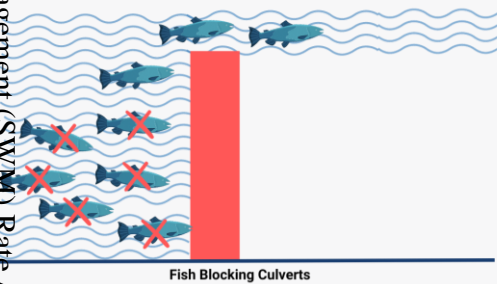


Funding Scenarios



Stay the Course – Go Slow

Stay the Course/Go Slow



| Year | 2023 | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 | 2030 |
|-----------------------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|
| Residential Storm Monthly Bill | \$20.75 | \$23.66 | \$26.97 | \$28.32 | \$29.74 | \$31.23 | \$32.79 | \$34.43 |
| % Rate Increase | 4.0% | 14.0% | 14.0% | 5.0% | 5.0% | 5.0% | 5.0% | 5.0% |
| Start of Year Cash | 4,502,000 | 1,728,900 | 958,500 | 1,227,500 | 1,603,300 | 1,942,100 | 2,422,600 | 2,851,600 |
| (+) Connection Charges & Interest | 221,700 | 208,900 | 215,300 | 230,300 | 245,900 | 262,200 | 273,600 | 279,500 |
| (+) Transfer from Operations | 96,500 | 456,600 | 663,200 | 229,000 | 179,700 | 307,300 | 246,600 | 174,200 |
| (+) Total Loan Funds | 0 | 2,000,000 | 6,250,000 | 0 | 0 | 0 | 0 | 0 |
| (+) Total CIAC Funds | 0 | 1,043,100 | 0 | 0 | 0 | 0 | 0 | 0 |
| (-) Total Capital Expenses | 3,091,300 | 4,479,000 | 6,859,500 | 83,500 | 86,800 | 89,000 | 91,200 | 93,500 |
| (-) Transfer to Operations | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| NET CAPITAL REVENUE | 2,773,100 | 770,400 | 269,000 | 375,800 | 338,800 | 480,500 | 429,000 | 360,200 |
| End of Year Cash | 1,728,900 | 958,500 | 1,227,500 | 1,603,300 | 1,942,100 | 2,422,600 | 2,851,600 | 3,211,800 |

Highlights of Stay the Course:

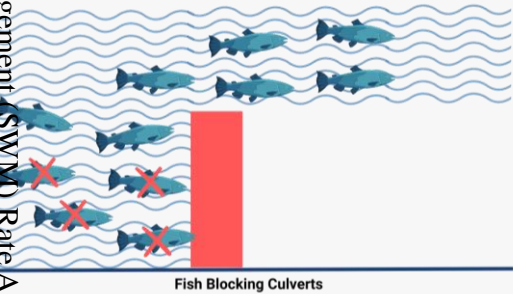
- Previously approved capital projects already scheduled to occur within two years are funded (total forecasted CIP costs of \$15M)
- Net revenues from operations (shown as Transfer from Operations) are increased enough to pay for the new debt and remain positive through 2030
- Cash reserves have been used to pay for critical projects but are slowly built back by the year 2030

Funding Scenarios



2. Moderate Pace

Moderate Pace



| Year | 2023 | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 | 2030 |
|-----------------------------------|------------------|------------------|------------------|------------------|------------------|----------------|----------------|------------------|
| Residential Storm Monthly Bill | \$20.75 | \$24.69 | \$29.38 | \$30.85 | \$32.39 | \$34.01 | \$35.03 | \$36.08 |
| % Rate Increase | 4.0% | 19.0% | 19.0% | 5.0% | 5.0% | 5.0% | 3.0% | 3.0% |
| Start of Year Cash | 4,502,000 | 1,728,900 | 1,115,500 | 1,220,300 | 1,072,500 | 665,700 | 904,500 | 585,800 |
| (+) Connection Charges & Interest | 221,700 | 210,000 | 216,400 | 226,300 | 232,300 | 241,300 | 245,200 | 247,200 |
| (+) Transfer from Operations | 96,500 | 612,500 | 1,027,900 | 613,500 | 585,000 | 734,600 | 592,700 | 431,200 |
| (+) Total Loan Funds | 0 | 2,000,000 | 6,250,000 | 0 | 0 | 0 | 0 | 0 |
| (+) Total CIAC Funds | 0 | 1,043,100 | 0 | 0 | 4,630,000 | 4,402,300 | 2,346,500 | 3,749,500 |
| (-) Total Capital Expenses | 3,091,300 | 4,479,000 | 7,389,500 | 987,600 | 5,854,100 | 5,139,400 | 3,503,100 | 3,843,000 |
| (-) Transfer to Operations | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| NET CAPITAL REVENUE | 2,773,100 | 613,400 | 104,800 | 147,800 | 406,800 | 238,800 | 318,700 | 584,900 |
| End of Year Cash | 1,728,900 | 1,115,500 | 1,220,300 | 1,072,500 | 665,700 | 904,500 | 585,800 | 1,170,700 |

Highlights:

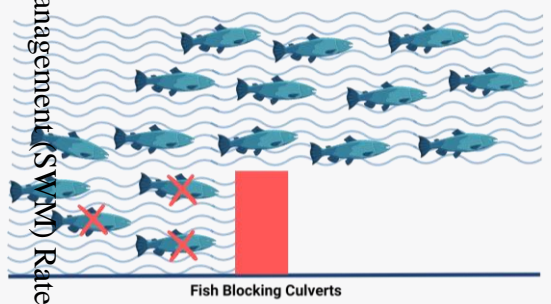
- High priority capital projects already scheduled to occur within two years are funded (total forecasted CIP costs of \$34M) with no new debt issued but reliant on \$16M in grants
- Net revenues from operations (shown as Transfer from Operations) are increased enough to pay for the new debt and remain positive through 2030
- Cash reserves have been used to pay for critical projects but are slowly built back by the year 2030

Funding Scenarios



3 Rapid Progress

Rapid Progress



| Year | 2023 | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 | 2030 |
|--------------------------------|---------|---------|---------|---------|---------|---------|---------|---------|
| Residential Storm Monthly Bill | \$20.75 | \$24.90 | \$29.88 | \$32.12 | \$34.53 | \$37.12 | \$39.90 | \$41.10 |
| % Rate Increase | 4.0% | 20.0% | 20.0% | 7.5% | 7.5% | 7.5% | 7.5% | 3.0% |

CAPITAL SUMMARY

| | | | | | | | | |
|-----------------------------------|-----------|-----------|-----------|------------|-----------|-----------|-----------|-----------|
| Start of Year Cash | 4,502,000 | 1,728,900 | 1,147,000 | 1,415,400 | 1,789,000 | 1,228,000 | 1,345,700 | 975,700 |
| (+) Connection Charges & Interest | 221,700 | 210,300 | 218,100 | 233,100 | 241,900 | 248,800 | 251,400 | 249,300 |
| (+) Transfer from Operations | 96,500 | 643,700 | 1,030,800 | 613,100 | 267,800 | 373,100 | 503,500 | 367,400 |
| (+) Total Loan Funds | 0 | 2,858,600 | 7,690,100 | 5,369,400 | 2,315,000 | 0 | 0 | 0 |
| (+) Total CIAC Funds | 0 | 1,043,100 | 371,000 | 5,202,400 | 2,720,200 | 415,300 | 425,700 | 436,300 |
| (-) Total Capital Expenses | 3,091,300 | 5,337,600 | 9,041,600 | 11,044,400 | 6,105,900 | 919,500 | 1,550,600 | 966,100 |
| (-) Transfer to Operations | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| NET CAPITAL REVENUE | 2,773,100 | 581,900 | 268,400 | 373,600 | 561,000 | 117,700 | 370,000 | 86,900 |
| End of Year Cash | 1,728,900 | 1,147,000 | 1,415,400 | 1,789,000 | 1,228,000 | 1,345,700 | 975,700 | 1,062,600 |

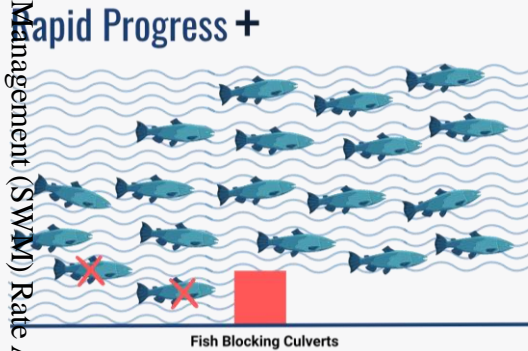
Highlights:

- High priority capital projects already scheduled to occur within two years are funded (total forecasted CIP costs of \$38M) with \$10M in new debt issued and reliant on \$10M in grants
- Net revenues from operations (shown as Transfer from Operations) are increased enough to pay for the new debt and remain positive through 2030
 - Cash reserves have been used to pay for critical projects but are just sufficient to support operations but are inadequate to fund any future capital costs

Funding Scenarios



4. Rapid Progress+



| Year | 2023 | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 | 2030 |
|-----------------------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|
| Residential Storm Monthly Bill | \$20.75 | \$24.90 | \$29.88 | \$33.47 | \$37.49 | \$39.74 | \$42.12 | \$43.80 |
| % Rate Increase | 4.0% | 20.0% | 20.0% | 12.0% | 12.0% | 6.0% | 6.0% | 4.0% |
| CAPITAL SUMMARY | | | | | | | | |
| Start of Year Cash | <u>4,502,000</u> | <u>1,728,900</u> | <u>1,147,000</u> | <u>1,415,400</u> | <u>1,994,200</u> | <u>1,888,500</u> | <u>2,417,800</u> | <u>2,405,400</u> |
| (+) Connection Charges & Interest | 221,700 | 210,300 | 218,100 | 234,700 | 248,400 | 261,800 | 270,200 | 274,000 |
| (+) Transfer from Operations | 96,500 | 643,700 | 1,030,800 | 816,700 | 716,600 | 771,700 | 842,300 | 782,600 |
| (+) Total Loan Funds | 0 | 2,858,600 | 7,690,100 | 5,369,400 | 2,315,000 | 0 | 0 | 0 |
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| (-) Total Capital Expenses | 3,091,300 | 5,337,600 | 9,041,600 | 11,044,400 | 6,105,900 | 919,500 | 1,550,600 | 966,100 |
| (-) Transfer to Operations | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| NET CAPITAL REVENUE | 2,773,100 | 581,900 | 268,400 | 578,800 | 105,700 | 529,300 | 12,400 | 526,800 |
| End of Year Cash | 1,728,900 | 1,147,000 | 1,415,400 | 1,994,200 | 1,888,500 | 2,417,800 | 2,405,400 | 2,932,200 |

Highlights:

- High priority capital projects already scheduled to occur within two years are funded (total forecasted CIP costs of \$38M) with \$10M in new debt issued and reliant on \$10M in grants
- Net revenues from operations (shown as Transfer from Operations) are increased enough to enable the utility to debt fund future capital projects (i.e. Stream 0056 Culverts and or Swamp Creek channel restoration) after 2030
- Cash reserves have been used to pay for critical projects but have been built back to a point where some of the reserves can be used to fund future capital projects



**City Council Agenda Bill
City of Kenmore, WA**

Subject/Topic:

Climate Action Element (CAE) of Comprehensive Plan Update.

For Council Meeting Agenda of: October 16, 2023

Department: Community Development, Environmental Services

Prepared by: Debbie Bent, Community Development Director; Nina Rasmussen, Climate Action Plan Program Manager

Initial & Date

Approved by Department Head: RS,TH for DB

Approved by City Attorney: N/A

Approved by Finance Director: N/A

Approved by City Manager: RK 10/5

Proposed Council Action/Motion:

Discussion about the Climate Action Element and direction to staff.

Exhibits/Attachments:

- Attachment 1: Draft CAE – Redlined
- Attachment 2: Draft CAE – Clean

On September 25, 2023, the Planning Commission presented their recommendations on the Climate Action Element of the Comprehensive Plan update. City Council directed staff to consider changes to several sections of the CAE and come back with proposed edits to the draft CAE or provide additional clarification and other options to consider. The following tables summarize Council direction provided to staff and resulting actions.

| Council Direction | Staff Response |
|--|--|
| <i>The following edits were directly incorporated into the draft CAE (see attached draft CAE).</i> | |
| Fix grammatical errors (e.g. "Commerce", "that", "incentivizes") | Grammatical errors were corrected and can be viewed in the attached draft CAE. |
| Add rain gardens in Policy CA-12.1.2 | Rain gardens were added in Policy 12.1.2. |
| Add sub headers for Mitigation and Resiliency | <i>Section 1: Emissions Mitigation</i> title was added for Goals 2-6 and a <i>Section 2: Resiliency</i> title was added for Goals 7-15. |
| Add statement regarding obtaining external funding | Added new item in Implementation section to obtain external funding. See draft CAE for full text. |
| Clarify if targeting municipal operations, community, or both | Added text to clarify in the following: Goal 2, Policy CA-3.3.2, Goal 7. Municipal vs community mitigation actions are delineated in more detail in the CAP. |
| Add policies on food sector | Added Policy 15.1.6 to Goal 15. See draft CAE for full text. |

Commented [TH1]: Not sure I would state directly here. If you say anything in writing, consider placing in the 'Next Steps' section. Otherwise, a verbal statement at the end of your presentation or at the end discussion with Council may be better strategy. Don't want to give the impression that we (staff) are deciding what is or isn't substantive. That's for Council to decide.

| Council Direction | Staff Response |
|--|--|
| <i>Several comments were related to unclear connection/relationship to the Climate Action Plan (CAP) and grouped together. The following edits were directly incorporated into the draft CAE (see attached draft CAE).</i> | |
| Clarify alignment to CAP (maybe through Venn diagram) | Staff removed existing CAP text in introduction and put in a new Objective 1 to clarify CAP role to alleviate confusion on sequencing and alignment of CAE and CAP. Added CAP as first Policy in element (CA 1.1.1) to show that it takes direction from CAE. Specified 3–5-year interval updates with Council discretion to update more frequently, if desired. Specified annual reporting to Council regarding CAP implementation progress. |
| Shorter timeframes on CAP and Vulnerability Assessment updates to allow for more flexibility | |
| Cite CAP timelines in References | |
| Council Direction | Staff Response |
| <i>Comments were received that were not incorporated into the attached draft CAE. Additional Council direction may be needed.</i> | |
| Tie-in to Commerce guidance, pathways | The City completed the draft CAE by June 2023, which is also when Commerce released their early guidance (final guidance is not available yet). Commerce did review the City's draft CAE and had no required changes but provided three suggestions for the City to consider. Staff can conduct a gap-analysis of the City's CAE and Commerce's guidance, but it will take some time to complete. Council clarification/direction requested. |
| Addition of GHG reduction potential | GHG reduction potential is generally characterized for actions in the CAP. At the CAE level, staff can provide direction as a policy to prioritize higher GHG reduction potential actions over others. Staff added Policy CA-1.1.2 to prioritize high reduction actions (see draft CAE for full text). |
| Establishing goal dates | Some comments were provided on including goal dates in the CAE. Staff suggest that dates be provided in the CAP, however, staff can incorporate them into the CAE at Council's direction. Staff request clarification on which goals and what dates Council wants to have included in the CAE, if they wish to go that direction. |

Next Steps

On October 16 the City Council will have the opportunity to give additional direction to staff on how the draft should move forward. Staff will provide an updated draft incorporating any Council-directed changes. If needed, a public hearing can be scheduled for the November 13, 2023, City Council meeting. Adoption of the ordinance is scheduled for November 27, 2023.

Fiscal Consideration:

\$80,000 was budgeted for development of the CAE. Staff used consultant assistance in 2023 to research policies, conduct an equity assessment, host a public hearing, conduct outreach, and help prepare the draft CAE. The City of Kenmore was awarded a grant in the amount of \$80,000 to complete the work, resulting in full reimbursement of consultant expenses.

City Council Priority or Budget Objective Being Addressed:

1. Implement the adopted Climate Action Plan and promote environmental stewardship, including water, air, forest, and habitat restoration and preservation.

CLIMATE ACTION ELEMENT

INTRODUCTION

Purpose

The purpose of the Climate Action Element (CAE) is to provide strategies to reduce greenhouse gas (GHG) emissions and respond to the impacts of climate change in our community, as outlined in the Climate Action Plan (CAP). The CAE ~~builds on the commitments made in the CAP and~~ provides an actionable framework to guide the long-term implementation of mitigation and resilience actions. The CAE also identifies needs and opportunities for ongoing community engagement, education, and dialogue around climate action.

The CAE includes the following sections:

- Guiding Plans and Policies
- Existing Conditions
- Goals, Objectives, and Policies
- Implementation

GUIDING PLANS AND POLICIES

Kenmore Climate Action Plan

~~To address the effects of climate change and lay the groundwork for a sustainable future, Kenmore joined the King County – Cities Climate Collaboration (K4C) to pledge to protect, preserve, and restore our ecosystems and natural resources, reduce GHG emissions, and bolster the resiliency of our people, vital systems, fish and wildlife, and infrastructure. Focusing on mitigation and resilience, the Kenmore Climate Action Plan (CAP) leverages existing city planning efforts and actions to reduce greenhouse gas emissions by 50% by 2030, 75% by 2040, and 95% by 2050 (and achieve net zero emissions) and build community resilience. If possible, this timeline should be accelerated to achieve net zero emissions sooner, and future CAP updates will reflect any timeline adjustments. The CAP serves as a roadmap to help the City make collaborative, tangible, and impactful strides towards a sustainable, resilient, inclusive, and healthy Kenmore. The strategies and actions in the CAP are aligned with regional targets and tailored to specific Kenmore community needs and priorities. CAP actions are also rooted in the latest available climate science from the Kenmore Vulnerability Assessment, the Washington Climate Change Impacts Assessment, and other key national climate reports.~~

Growth Management Act

The Growth Management Act (Chapter 36.70A RCW) was amended in 2023 under Washington House Bill 1181, requiring cities and counties to integrate climate mitigation and resilience policies into comprehensive plan updates. These required policy changes will address climate emissions and impacts, while considering co-benefits and integration with other planning documents such as housing, transportation, and land use. The bill introduces specific legislation to support reduction in per capita vehicle miles traveled, foster resiliency, enhance environmental justice, and include the participation of vulnerable populations and overburdened

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communities in climate planning. This is a legislative priority of King County and several cities have already begun the process of integrating climate policies into comprehensive plans. The Washington Department of **Commerce** encourages cities to assess their climate impacts and risks, seek input from key stakeholders and communities, and pursue pathways that modify existing or create new policies to address greenhouse gas (GHG) emissions and increase community resilience. Kenmore's CAE is consistent with the Commerce model element guidance, Kenmore's adopted 2022 Climate Action Plan, and integrates with other elements of the comprehensive plan.

VISION 2050

Puget Sound Regional Council (PSRC) is the region's metropolitan planning organization. PSRC is comprised of cities, towns, counties, ports, tribes, transit agencies, and major employers; and sets regional growth policies for King, Pierce, Snohomish, and Kitsap Counties. The CAE is consistent with the VISION 2050 priorities.

VISION 2050 identifies several key goals and actions related to climate change in the region:

- **Goal:** The region substantially reduces emissions of greenhouse gases that contribute to climate change in accordance with the goals of the Puget Sound Clean Air Agency (50% below 1990 levels by 2030 and 80% below 1990 levels by 2050) and prepares for climate change impacts.
- **CC-Action-1:** PSRC will work with local governments and other key agencies and stakeholders to advance the development and implementation of the region's Greenhouse Gas Strategy to equitably achieve meaningful reductions of emissions toward achievement of the region's greenhouse gas reduction goals.
- **CC-Action-2:** PSRC will engage in regional resilience planning and climate preparedness, including development of a regional inventory of climate hazards, assistance to member organizations, and continued research and coordination with partners such as the Puget Sound Climate Preparedness Collaborative and tribes. Climate resilience actions will focus on equitable outcomes, particularly for vulnerable communities, at greater risk and with fewer resources.
- **CC-Action-3:** Cities and counties will incorporate emissions reduction policies and actions that contribute meaningfully toward regional greenhouse gas emission goals, along with equitable climate resiliency measures, in their comprehensive planning. Strategies include land uses that reduce vehicle miles traveled and promote transit, biking, and walking consistent with the Regional Growth Strategy, developing and implementing climate friendly building codes, investments in multimodal transportation choices, and steps to encourage a transition to cleaner transportation and energy systems.
- **CC-Action-4:** Cities and counties will update land use plans for climate adaptation and resilience. Critical areas will be updated based on climate impacts from sea level rise, flooding, wildfire hazards, urban heat, and other hazards. The comprehensive plans will identify mitigation measures addressing these hazards including multimodal emergency

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and evacuation routes and prioritizing mitigation of climate impacts on highly impacted communities and vulnerable populations.

Countywide Planning Policies (CPPs)

The King County Regional Growth Strategy identifies several climate impacts affecting King County and the importance of strengthening policies related to emissions reduction. The Regional Growth Strategy envisions environmental protection and restoration efforts that incorporate climate action, mitigation, and resilience into local comprehensive plans. This includes countywide coordination of sustainable land use patterns, multimodal transportation systems, and improved energy infrastructure. The plan calls for development patterns that minimize emissions and promote resiliency through energy efficiency, electrification, restoration of natural resources, and infrastructure planning for climate impacts.

EXISTING CONDITIONS

Greenhouse Gas (GHG) Emissions Inventory

The City of Kenmore completed a greenhouse gas (GHG) inventory (see Figure 1) to aid the City in setting community-wide emissions reduction targets, measure progress over time, and inform which actions will have the greatest GHG emissions reduction benefits. Kenmore's communitywide GHG emissions from 2019 totaled 170,255 MTCO₂e (metric tons of carbon dioxide equivalent) from the following sources:

- Buildings & Energy. Electricity and natural gas used to power and heat the City account for 60% of total emissions. Eliminating emissions from local buildings and energy requires policies that address energy use in new buildings, transition existing buildings to more efficient, clean and salmon friendly energy, and improve the City's electric grid reliability and capacity.
- Transportation & Land Use. On-road vehicles (cars and trucks) and off-road vehicles (boats, lawn mowers, construction equipment, etc.) account for 31% of total emissions. Addressing emissions from transportation and land use in Kenmore requires strengthening existing policies aimed at increasing transit use, reducing vehicle miles travelled (VMT), maximizing green space in urban areas, and protecting natural sequestration areas. Mitigation policies in the CAE also aim to improve electric vehicle infrastructure and encourage mixed-use, dense, and transit-oriented development.
- Refrigerants & Solid Waste. Refrigerants commonly used in air conditioning/refrigeration and solid waste disposal account for 9% of total emissions. Policies within this sector will support sustainable waste management and increase the City and residents' capacity to recycle and compost responsibly and effectively.

The goals, objectives, and policies included in the CAE will focus on mitigating climate change impacts through the reduction of GHG emissions within these sectors. In addition, the many economic and health benefits of emissions reduction actions are not shared equitably in Kenmore, especially among overburdened communities. Therefore, mitigation policies not only reduce GHG emissions but also provide co-benefits to promote climate equity and support

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- 1 vulnerable communities. Benefits of mitigation policies include improving air quality, promoting
2 housing equity, and minimizing public health risks.

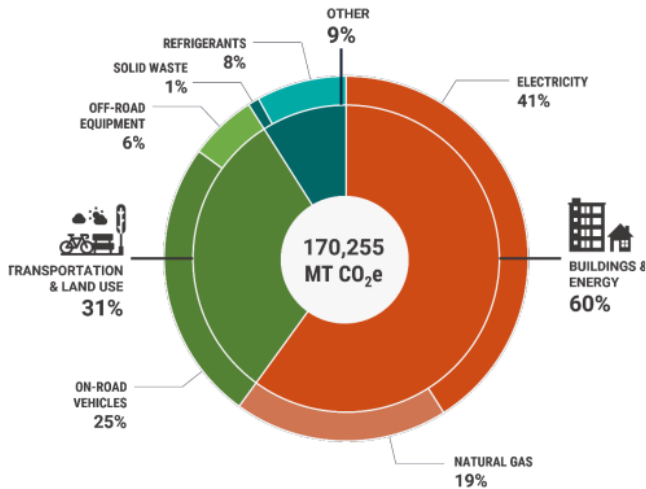


Figure 1. 2019 Kenmore GHG Emissions Inventory Chart

Kenmore Vulnerability Assessment

A vulnerability assessment (VA) was conducted for the City of Kenmore in 2021. A climate vulnerability assessment identifies the impacts and consequences of climate change and evaluates the level or risk presented to a community. Vulnerability refers to the degree to which people, natural resources, infrastructure, or other things Kenmore values are susceptible to the adverse impacts of climate change (Cascadia Consulting Group, 2021). Key climate vulnerabilities for Kenmore include extreme heat, exacerbated flooding and landslides, and wildfire smoke. Assessing climate vulnerability can help Kenmore (1) identify current exposure and sensitivity, (2) anticipate areas of future risk and the potential to adapt to climate impacts, and (3) assess strategies to prepare and adapt to future climate conditions. To monitor and assess the city's vulnerability to future climatic conditions, a VA update should be conducted periodically with a focus on the built environment, communities, and natural systems.

In addition, climate change amplifies existing risks and disparities like chronic health conditions, social and economic circumstances, and pollution exposure, which disproportionately impacts overburdened community groups¹. When comparing at-risk neighborhoods and climate exposure risks, three census tracts intersecting Kenmore have

¹ Overburdened community means a geographic area where vulnerable populations face combined, multiple environmental harms and health impacts. Vulnerable populations includes, but is not limited to: (i) racial or ethnic minorities; (ii) low-income populations; and (iii) populations disproportionately impacted by environmental harms. (RCW 36.70A.030).

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vulnerabilities to climate change that exceed the community median. These neighborhoods include residents who identify as people of color (39%), have low English language proficiency (4%), and live in rental housing units (44.2%). These overburdened communities face disproportionate risks of climate impacts due to compounding factors such as a lack of tree canopy, high areas of impervious surfaces, and flood risks (Headwaters Economics, 2023). In 2018, the Washington State Department of Health developed the Washington Environmental Health Disparities Map, an interactive mapping tool comparing communities across Washington for environmental health disparities (University of Washington Department of Environmental & Occupational Health Sciences and Washington State Department of Health, 2022). Kenmore shows moderate levels of environmental health disparities compared to surrounding cities in King County and Washington state. Due to environmental exposures and socioeconomic vulnerabilities, East Kenmore ranks at a higher level of environmental health disparities compared to other Washington US census tracts, as shown in Figure 2 and described in Table 1 (University of Washington Department of Environmental & Occupational Health Sciences and Washington State Department of Health, 2022).

The goals, objectives, and policies included in the CAE seek to increase climate resiliency of the built environment, natural resources, and within communities. Incorporating climate equity principles and understanding the social and racial impacts of proposed climate policies will improve the equitable distribution of benefits (e.g., improving public health and increasing access to services) and reduce disparities. It is critical to understand which areas and populations are most at risk from climate and environmental burdens, as it will inform policy focus areas and community priorities.

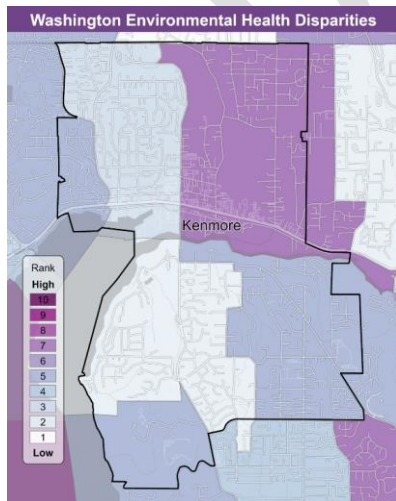


Figure 2. WA Department of Health Environmental Health Disparities in Kenmore. City of Kenmore border outlined in black (University of Washington Department of Environmental & Occupational Health Sciences and Washington State Department of Health, 2022).

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Future Risks

The Puget Sound Region is already experiencing the impacts of climate change with warmer temperatures which cause heatwaves and wildfires; changing rainfall patterns with associated flooding and landslides; and less snowpack constraining the summer water supply. In recent years, our community has increasingly experienced record-breaking heatwaves, destructive flooding, and compromised air quality from wildfire smoke.

Kenmore has a critical role to play in addressing the climate change impacts already at our doorstep and preparing for those on the horizon. The following table outlines the current climate impacts on Kenmore and the future risks facing our community.

Table 1. Future Climate Risks in Kenmore.

| Factor | Future Risk |
|--|---|
| Heat | Kenmore is expected to experience a 244% increase in extremely hot days by 2030 (Headwaters Economics, 2023). In addition, the average high temperature in Kenmore is anticipated to increase by 7.4 degrees Fahrenheit by 2100, leading to several negative outcomes: <ul style="list-style-type: none"> Increased demand for energy services and correlating energy system stress Risk of power outages for older, less energy efficient homes Increased risk for heat-related illnesses, particularly for elderly people and those with underlying medical conditions Increased risk of disease from ticks and mosquitoes |
| Heavy Rains, Flooding, and Landslides | Kenmore is at risk of flooding and landslides from heavy storms affecting areas throughout Kenmore (Cascadia Consulting Group, 2021). Impacts of heavy precipitation include: <ul style="list-style-type: none"> Damage to homes, businesses, and critical transportation routes from flooding and landslides Potential expansion of landslide prone area to include key municipal facilities and infrastructure as the city develops. Increased flooding could close parks and open spaces, leading to decreased health and wellbeing. Flooding could increase infectious disease risk, particularly for those experiencing homelessness. Increased waterway pollution from stormwater runoff |
| Wildfire and Air Quality | Kenmore is not currently at risk for wildfires, but residents continue to be at risk for more regional wildfire-related air quality and respiratory health impacts. The city also faces environmental health risks from PM2.5 emissions, toxic releases from facilities, and proximity to heavy traffic roadways (University of Washington Department of Environmental & Occupational Health Sciences and Washington State Department of Health, 2022). Reduced air quality and regional wildfire smoke poses respiratory health risks, particularly for those with underlying medical conditions. |

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GOALS, OBJECTIVES, AND POLICIES

GOAL 1. INCREASE THE CITY'S CAPACITY TO IMPLEMENT CLIMATE ACTION PRIORITIES.

OBJECTIVE 1.1 Implement a Climate Action Plan (CAP) and prioritize high-impact actions.

Policy CA-1.1.1 Implement a Climate Action Plan (CAP). The CAP shall establish specific targets and schedules consistent with the policies of this Element. The CAP shall develop actions resulting in projects and programs that are consistent with the policies of this Element. Update the CAP every three to five years, or sooner, as directed by City Council. The City Council will be provided an update, annually, regarding the status of the implementation of the CAP.

Policy CA-1.1.2 Prioritize implementation of climate actions with higher greenhouse gas reduction potential.

OBJECTIVE 1.24 Leverage Kenmore's resources and partnerships to build capacity to implement climate resilience and mitigation efforts.

Policy CA-1.24.1 Consider what resources are needed, such as partnerships (e.g., K4C), regular implementation progress reports, and City budgeting, to implement the Climate Action Element.

Policy CA-1.24.2 Partner with King County to monitor, assess, and publicly report on community-scale greenhouse gas emissions, including emissions from all local sources associated with resident, business, and local government activities.

Policy CA-1.24.3 Partner with organizations such as the Puget Sound Regional Council, Puget Sound Clean Air Agency, local jurisdictions, overburdened communities, the state, academic institutions, community leaders, and public, private, and not-for-profit groups to promote programs and policies that achieve GHG emission reduction targets.

Policy CA-1.24.4 Update the City of Kenmore's Climate Vulnerability Assessment every ~~four~~ **three to five** years, with a focus on the built environment, communities, and natural systems. Use assessment findings to evaluate changes to Comprehensive Plan goals and policies and enhance resilience.

Policy CA-1.24.5 Support enhanced data collection for hazard events to provide a fuller understanding of the community's hazard characteristics—including identifying demographic groups/community members most vulnerable to climate impacts. Promote equitable collaboration and inclusive engagement strategies with overburdened communities during the climate vulnerability research process.

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OBJECTIVE 1.32 **Ensure sufficient City resources are available to support implementation of the CAP and CAE actions and policies.**

Policy CA-1.32.1 The City should designate Climate Action staff to implement and monitor actions consistent with the Kenmore CAP and CAE.

Policy CA-1.32.2 The City should budget funds each biennium budget cycle to implement climate programs.

Section 1: EMISSIONS MITIGATION

GOAL 2. PRIORITIZE RESILIENT AND EQUITABLE CITY LAND USE PLANNING TO ELIMINATE GHG EMISSIONS FROM BUILDING AND INFRASTRUCTURE DEVELOPMENT.

OBJECTIVE 2.1 **Incorporate environmental justice criteria and priorities into zoning, land use planning, permitting policies, and development of new projects to identify and address the disproportionate impacts of climate change on overburdened communities such as communities of color and lower-income communities.**

Policy CA-2.1.1 Develop and implement an environmental justice audit process to conduct prior to creating new zoning designations or rezoning.

Policy CA-2.1.2 Work toward an equitable distribution of growth that reduces the potential for displacement and increases infrastructure and ecosystem resilience by combining zoning restrictions in vulnerable areas with development incentives to build in areas with less climate risk. Consider climate impacts such as extreme heat, flooding, wildfire smoke, and drought when designating zoning locations to accommodate growth.

Policy CA-2.1.3 Identify and expand community-centered anti-displacement strategies and climate-resilient infrastructure to mitigate housing insecurities exacerbated by climate-driven gentrification.

Policy CA-2.1.4 Promote equitable access for overburdened communities and those that will be disproportionately impacted by climate change, by working with utility providers to ensure affordable energy prices through utility tax rebates for low-income residents.

Policy CA-2.1.5 Promote “missing middle” housing through city policies and codes to allow for broader housing types in identified single family zones, reduce climate-related displacement, and increase access to City transit systems.

OBJECTIVE 2.2 **Prioritize dense, mixed use, transit-oriented development, and affordable housing in Downtown and other areas consistent with the Land Use, Housing, and Transportation Elements.**

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Policy CA-2.2.1 Consistent with Kenmore's growth strategies, promote density near high frequency transit, infill and redevelopment in nodes, and middle housing development in neighborhoods; supported by right-size parking, transportation demand management strategies, multi-modal access, park amenities, and green space.

Policy CA-2.2.2 Enhance existing neighborhoods to provide a high degree of connectivity in the street network to accommodate walking, bicycling, transit use, sufficient public spaces, and green space.

Policy CA-2.2.3 Disincentivize single occupancy vehicle (SOV) use in urban areas by reallocating existing road space to public transport infrastructure—for example, through dedicated bus lanes.

GOAL 3. ELIMINATE GHG EMISSIONS FROM THE TRANSPORTATION SECTOR TO MITIGATE THE IMPACT OF CLIMATE CHANGE.

OBJECTIVE 3.1 Reduce vehicle miles traveled (VMT) within the city.

Policy CA-3.1.1 Support transportation investments that minimize, mitigate, and respond to the effects of climate change consistent with the Transportation Element goals, objectives, and policies.

Policy CA-3.1.2 Work with Metro and other transit providers to establish a local circulator transit service that provides intra-community transit service, connecting north and south Kenmore. The local circulator service would provide connections to the Downtown, major commercial and mixed-use centers in Kenmore, park-and-ride lots, and other key destinations.

Policy CA-3.1.3 Prepare a Commute Trip Reduction (CTR) Ordinance to encourage CTR in accordance with State laws. Possible strategies could include ridesharing programs, carpool matching, telecommuting, and employer-sponsored vanpools.

OBJECTIVE 3.2 Investigate opportunities to expand and implement safe multi-modal transportation options, including bicycling, walking, transit, and a passenger ferry on Lake Washington.

Policy CA-3.2.1 Implement the Kenmore *Pedestrian Facilities Plan*, *ADA Transition Plan*, and develop the *Bicycle Priority Network*. Design accessible and safe pedestrian facilities in accordance with the *Pedestrian Priority Network*. Improve street safety and function by implementing the City's Target Zero strategy to have no pedestrian or bicycle deaths or serious injuries as the result of a collision with a motorized vehicle, as outlined in the Transportation Element.

Policy CA-3.2.2 Address mobility inequities by making a more walkable community, designing accessible pedestrian facilities, and implementing an Americans

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with Disabilities (ADA) Transition Plan during transportation, parks, and other city infrastructure planning activities.

Policy CA-3.2.3 Partner with transit agencies, Metro, Sound Transit, and Community Transit, to expand, maintain, and enhance multimodal transit services and related facilities, including better first-last mile access to transit.

Policy CA-3.2.4 Work with third-party programs and businesses to increase the availability, accessibility, and convenience of shared mobility options (e.g., bike share, scooter share, car share) and maintain affordability of services.

OBJECTIVE 3.3 Increase the percentage of Electric Vehicles (EV), electric equipment, and other low emission transportation modes operating within the city.

Policy CA-3.3.1 Convert public-owned fleets to zero-emission vehicles as they need to be replaced (e.g., electric or renewably produced hydrogen) and as soon as feasible.

Policy CA-3.3.2 Install **public** electric car charging stations in key city-owned/operated parking facilities as soon as feasible.

Policy CA-3.3.3 Promote existing and develop new incentives to encourage purchase of EVs and EV alternatives (e.g., electric golf carts and neighborhood EVs). Include stronger incentives for low-income residents.

Policy CA-3.3.4 Collaborate with the Puget Sound Regional Council on regional efforts to support EVs and associated infrastructure issues.

Policy CA-3.3.5 Create EV and electric equipment communication and outreach programs that explain the benefits of EVs, rebates available for EV or electric equipment purchasing, EV charger locations, and other helpful information. Consider equitable communication and EV outreach programs to target low-income communities and occupations that still use gas powered equipment.

GOAL 4. ELIMINATE GHG EMISSIONS FROM BUILDINGS THROUGH ENERGY EFFICIENCY AND ELECTRIFICATION.

OBJECTIVE 4.1 Incorporate incentivizes for sustainable design within Kenmore's building code for the development of new buildings and retrofits.

Policy CA-4.1.1 Promote and implement building and energy standards, which could include:

- Energy performance optimization that goes beyond the state standard by adopting optional state building and energy codes that further promote GHG emission reduction and/or energy efficiency;
- Use of on-site renewable energy systems or procurement of renewable energy from offsite sources for all or a portion of the building's annual building energy use;

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- Participation in demand response technologies and programs that make energy generation and distribution systems more affordable and more efficient, increase grid reliability, and reduce greenhouse gas emissions;
- Utilizing advanced metering technology;
- Reducing construction and demolition waste disposed of in landfills;
- Expanding incentives for EV charging for multi-family homes, apartment buildings, major employers, and parking garages;
- Creating equitable partnerships with organizations that serve overburdened communities to ensure education and incentive programs build capacity and reduce cost burden for all residents.

OBJECTIVE 4.2 Reduce greenhouse gas emissions by transitioning to renewable energy sources and decarbonizing buildings.

Policy CA-4.2.1 Implement and support building and energy codes and policies that reduce energy use, reduce the embodied carbon of materials, phase out fossil fuel use, and support deployment of electric vehicles, and clean energy.

Policy CA-4.2.2 Develop community-scale programs and policies to reduce energy use, increase the use of renewable energy, and phase out the use of fossil fuels. Programs and outreach should be prioritized in overburdened communities. These could include:

- In cooperation with King County, electrical and gas utility providers, or other agencies, promote the use of weatherization programs for existing housing;
- Residential efficiency retrofits—explore and promote low interest loan options and incentive programs to finance energy efficiency upgrades for commercial and residential buildings;
- Support fossil fuel reduction and transition incentives.

Policy CA-4.2.3 Develop and implement a plan to achieve carbon neutrality for city facilities, operations, and services as soon as feasible.

Policy CA-4.2.4 Where feasible, make low impact development, green building standards, and sustainable design the preferred and commonly used approach to site development (e.g., following green building guidelines outlined in certification programs such as Built Green and Leadership in Energy and Environmental Design (LEED)).

- Prioritize green building funding and incentives to directly support increased capacity in impacted communities, such as multifamily, low-income housing.
- Educate City staff on building practices that have contributed to injustice, such as land-use decisions and policy incentives for renewable energy.

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GOAL 5. PROTECT AND RESTORE THE NATURAL ENVIRONMENT TO INCREASE CARBON SEQUESTRATION.

OBJECTIVE 5.1 Support regional efforts to protect and enhance land carbon sinks in order to mitigate GHG emissions.

Policy CA-5.1.1 Consistent with the Land Use Element, protect natural and environmentally sensitive areas, open space, trees, vegetation, and natural terrain that serve as potential carbon sinks. Avoid the conversion of carbon-rich ecosystems and prioritize increasing tree canopy cover and open space in overburdened communities.

Policy CA-5.1.2 Develop and implement an Urban Forest Management Plan (UFMP) which encourages the preservation and protection of trees on public and private properties consistent with the Land Use Element. Include carbon sequestration as a primary goal of the UFMP.

GOAL 6. REDUCE CURRENT AND ELIMINATE FUTURE NEGATIVE ENVIRONMENTAL IMPACTS AND ELIMINATE GHG EMISSIONS ASSOCIATED WITH THE CONSUMPTION OF GOODS, MATERIALS, AND WASTE PRACTICES.

OBJECTIVE 6.1 Reduce to the greatest possible extent the amount of residential and commercial waste sent to landfills by ensuring that the community can reduce, reuse, recycle, and compost waste sustainably to lessen its carbon footprint.

Policy CA-6.1.1 Actively engage in a regional strategy through the adopted 2019 King County Comprehensive Solid Waste Management Plan to reach zero waste of resources by 2030 through a combination of education, incentives, and regulatory tools aimed at single-family, multi-family residents, businesses, and construction projects in King County.

Policy CA-6.1.2 Support extended producer responsibility (EPR) related policies and actions that require companies that make consumer products fund the residential recycling system and that ensure that packaging and paper products get recycled.

Policy CA-6.1.3 Develop targeted educational campaigns for composting and recycling material with highest GHG reduction impact (paper, metal, food waste), such as business recycling education, recycling awareness campaigns, and community ambassador training programs.

Policy CA-6.1.4 Work with the Washington Utilities and Transportation Commission (UTC) to ensure waste haulers contracted with the City offer increased recycling and composting services.

- Consider mandating recycling and composting and enforce sorting by an identified year, especially for multi-family buildings and commercial properties where contamination is high. Ensure enforcement does not

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increase existing financial disparities for low-income households. Explore developing reimbursement or incentive programs to purchase waste containers and conduct educational outreach on recycling and composting for low-income households.

- Prepare for increased organic waste collection services, such as compost or anaerobic digestion centers.

Policy CA 6.1.5 Partner with King County and current waste hauler on food waste reduction efforts, such as the “Food: Too Good to Waste” program, which aims to reduce GHG emissions by educating people about how to plan and prepare meals to decrease the amount of wasted food.

Policy CA-6.1.6 Mandate composting in City facilities and partner with other jurisdictions to implement organic materials management policies outlined in the 2022 Organics Management Law, which aims to reduce organic waste disposal 75% by 2030 and increase the volume of edible food recovery 20% by 2025.

OBJECTIVE 6.2 **Develop a program that will enable recycling of all construction and demolition debris as soon as feasible.**

Policy CA-6.2.1 Develop a plan similar to King County’s Construction & Demolition waste diversion requirements. Support policies, tools, and programs to reduce construction-related emissions specific to Kenmore, including sourcing low embodied carbon materials.

Policy CA-6.2.2 Develop, implement, and enforce construction and demolition recycling and deconstruction ordinances.

Section 2: RESILIENCY

GOAL 7. FACTOR CLIMATE RISKS INTO THE PLANNING OF CITY OPERATIONS AND IMPROVE INFRASTRUCTURE RESILIENCY TO CLIMATE IMPACTS.

OBJECTIVE 7.1 **Support efforts to increase the resilience of public services, utilities, and infrastructure by preparing for climate change impacts.**

Policy CA-7.1.1 Integrate a climate impact risk assessment into the City’s Hazard Mitigation Plan.

Policy CA-7.1.2 Expand on WSDOT’s vulnerability assessment of state roads and improve mapping of landslide hazard areas to understand roads/routes in Kenmore that are vulnerable to climate hazards such as flooding and landslides.

Policy CA-7.1.3 Where appropriate, purchase properties located in hazard-prone areas, such as areas with persistent flooding, to protect critical habitat and to protect structures from future damage inflicted by climate change impacts. Prioritize properties with exposure to repetitive losses or where

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purchasing may protect a critical habitat and reduce future climate impacts.

Policy CA-7.1.4 Strengthen support for undergrounding of existing utilities when they need to be fixed or replaced. Continue requiring the undergrounding of new overhead utilities and co-location of utilities to increase their resilience and reduce power loss during severe weather events consistent with the Utilities Element.

Policy CA-7.1.5 Ensure that energy infrastructure, including generation and transmission, can accommodate efficiency opportunities and withstand and recover quickly from the impacts of extreme weather and other natural hazards worsened by climate change.

Policy CA-7.1.6 Advocate and negotiate for increased electricity grid reliability through updated regulations for utilities and legislation that increases the capacity and flexibility of the electricity grid.

- Incentivize large-scale energy customers to reduce their electricity use during peak times.
- Encourage greater deployment of emerging technologies to promote distributed energy generation, demand response, energy storage, energy efficiency, and smart grid technologies.

Policy CA-7.1.7 Consistent with the Transportation Element, coordinate planning, construction, and operation of transportation facilities and programs with the State, Counties, neighboring cities, Puget Sound Regional Council, Metro, Sound Transit, and other entities to ensure critical infrastructure is in place to respond to both natural and human-caused disasters.

Policy CA-7.1.8 Ensure there are diverse multi-modal transportation options equipped to operate during extreme events, such as heat waves, snow/windstorms, and flooding events.

Policy CA-7.1.9 Ensure that development and redevelopment projects, including transportation systems and capital facilities, are resilient to the impacts of climate change during siting and design. Establish development regulations that incorporate best practices for reducing the risk of extreme heat, flooding, wildfire impacts, and other climate hazards.

Policy CA-7.1.10 Develop and implement a strategy to expedite the removal of waste (e.g., downed tree limbs and buildings blocking roads and streams) during and after a disaster incident to reduce the risks of subsequent fire, flood, injury, and disease vectors.

GOAL 8. REDUCE CURRENT AND ELIMINATE FUTURE CLIMATE CHANGE IMPACTS ON THE COMMUNITY.

OBJECTIVE 8.1 Improve and mitigate extreme heat and air quality impacts in the community that are exacerbated by climate change.

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1 Policy CA-8.1.1 Develop and implement an urban heat resilience plan or strategy that
2 includes heat mitigation and management actions to prepare for and
3 respond to chronic and acute heat risk in the community. The strategy
4 should be informed by urban heat island mapping and may include
5 coordinated efforts such as cooling centers, early warning systems,
6 changes to development/land use codes, energy grid resilience, and
7 reducing the area of impervious surfaces. Utilize the King County Extreme
8 Heat Mitigation Strategy to align with county planning efforts.

9 Policy CA-8.1.2 Identify communities disproportionately impacted by extreme heat events
10 or low air quality and prioritize equitable access to emergency
11 preparedness resources for overburdened and unsheltered communities.
12 Develop and distribute tools and resources for the community to stay safe
13 during extreme heat events.

14 Policy CA-8.1.3 Partner with Puget Sound Clean Air Agency to track and monitor air quality
15 in the City. Ensure plans align with 100% of US EPA National Ambient Air
16 Quality Standards and seek to reduce the potential health impacts of air
17 pollution on residential populations and other sensitive users near
18 corridors with high volumes of vehicle traffic, such as SR522.

19 **OBJECTIVE 8.2 Incentivize retrofits and new buildings that are built sustainably to reduce**
20 **environmental impacts and remain resilient to extreme weather and other**
21 **hazards worsened by climate change.**

22 Policy CA-8.2.1 In cooperation with King County, electrical and gas utility providers, or other
23 agencies, promote the use of weatherization programs for existing
24 housing, especially multifamily and affordable housing units. Prioritize
25 incentive programs for cost burdened communities and ensure outreach
26 is targeted towards and benefits overburdened populations.

27 Policy CA-8.2.2 Develop or modify design standards to integrate exterior building features
28 (e.g., awnings, cool roofs, solar panels) that reduce the impacts of climate
29 change.

30 Policy CA-8.2.3 Encourage new utility infrastructure to define alternative routes to avoid
31 impacts to environmentally sensitive areas or areas susceptible to climate
32 impacts (e.g., flooding and landslides) where possible.

33 **GOAL 9. PROMOTE PREPAREDNESS, RESPONSE, AND RECOVERY ACTIVITIES TO**
34 **ENSURE THAT ALL KENMORE COMMUNITY MEMBERS ARE PREPARED FOR**
35 **CLIMATE EMERGENCIES.**

36 **OBJECTIVE 9.1 Anticipate and be ready to accommodate the rise in demand for**
37 **emergency services due to climatic change impacts and understand**
38 **community needs when preparing for emergency situations.**

39 Policy CA-9.1.1 Work with community members on emergency procedures and coordinate
40 between facilities, such as public libraries or other community centers, to

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create "resilience hubs" that are prepared to meet the challenges of weather emergencies exacerbated by climate change. Ensure that the Washington Environmental Health Disparities Map informs the location of where the resilience hubs are located.

Policy CA-9.1.2 Encourage participation in incentive-based emergency preparedness programs such as the Community Rating System (FEMA's National Flood Insurance Program), Firewise (National Fire Protection Association), and StormReady (National Weather Service).

Policy CA-9.1.3 Place special emphasis on mitigating extreme weather events that impact communities most vulnerable to experiencing homelessness.

GOAL 10. INCREASE OUTREACH EFFORTS TO IMPROVE COMMUNITY RESILIENCY AND ENSURE THAT RESIDENTS CAN EFFECTIVELY ADAPT TO CURRENT AND FUTURE CLIMATE IMPACTS.

OBJECTIVE 10.1 Provide all community members an equitable opportunity to learn about climate impacts, influence policy decisions, and take actions to enhance community well-being and resilience.

Policy CA-10.1.1 Develop messages on the impacts of climate change on health and safety, including information to help residents plan and practice actions to protect themselves from these impacts. Encourage the involvement of overburdened communities and provide outreach in multiple formats and languages.

Policy CA-10.1.2 Co-create climate communications with Kenmore's communities—especially youth organizations to ensure that the next generation has a say—on climate and health impacts and emergency resources/warnings during extreme events. To reach overburdened communities, consider offering incentives for engagement and transcreation in developing culturally relevant climate communication.

GOAL 11. PROTECT AND PRESERVE VALUED COMMUNITY RESOURCES AT RISK TO CLIMATE CHANGE IMPACTS.

OBJECTIVE 11.1 Ensure that cultural resources and practices, including historic sites and culturally important traditional foods and natural resources, are resilient to the impacts of extreme weather and other natural hazards worsened by climate change.

Policy CA-11.1.1 Protect culturally significant resources, land, and artifacts at risk to climate change impacts. Protect, enhance, and restore ecosystems to meet tribal treaty rights including habitat for salmonids, foods, and medicinal plants that could be adversely impacted by climate change.

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Policy CA-11.1.2 Protect salmonid habitats by ensuring that land use and facility plans (transportation, water, sewer, electricity, gas) include riparian and stream habitat conservation measures developed by the County, cities, tribes, service providers, and/or state and federal agencies consistent with the Natural Environment ~~Sub~~-Element.

Policy CA-11.1.3 Coordinate across city departments to ensure that Kenmore's plans consider all the issues, resources, and needs that make a community whole, including land use, civic, cultural, recreation, transit, health, human services, natural environment, and the provision of infrastructure and other services.

Policy CA-11.1.4 Encourage public and private efforts that support culturally appropriate food opportunities, including grocery stores, farmers' markets, food banks, and nutrition programs, especially to meet the nutritional needs of infants, children, elders, and other overburdened communities in their neighborhoods.

GOAL 12. PROTECT, CONSERVE, AND ENHANCE WATER RESOURCES IN KENMORE AND CREATE MORE CLIMATE RESILIENT WATER SYSTEMS.

OBJECTIVE 12.1 Promote and support water conservation efforts to increase the resiliency of Kenmore's water supply.

Policy CA-12.1.1 Conduct outreach and education on water conservation strategies, including using grey water for non-potable uses (e.g., irrigation) when possible. Incentivize greywater solutions for property owners, for example, free or subsidized rain barrels.

Policy CA-12.1.2 Utilize educational campaigns to encourage low-impact, drought-resistant landscape development and design using native plants, **rain gardens**, and stormwater drain maintenance or using drain filters. Work with landscape companies to educate and incentivize smart irrigation management and technology use.

Policy CA-12.1.3 Coordinate with the appropriate service providers to ensure water system plans include aggressive conservation and re-use measures, as well as development of new sources to support planned land uses with reliable service at minimum cost, consistent with the Utilities Element.

OBJECTIVE 12.2 Require low-impact development to manage stormwater in new/remodeled construction projects and implement flood prevention projects.

Policy CA-12.2.1 Effectively manage the city's municipal separate storm sewer system and private surface water systems in a manner that reduces flooding, maintains water quality and protects the natural environment in accordance with the Surface Water Element.

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Policy CA-12.2.2 Require the design and construction of commercial and residential buildings and their surrounding sites to reduce water consumption, re-use wastewater, and reduce stormwater runoff. Encourage low-impact development techniques that enhance climate resilience in proposals for new development.

OBJECTIVE 12.3 Consider alternative and sustainable irrigation sources to increase the resiliency of agricultural practices.

Policy CA-12.3.1 Coordinate with Northshore Utility District on water conservation methods—such as the use of ‘smart meters’—and to address the feasibility of using reclaimed water from the Brightwater plant for irrigation consistent with the Utilities Element.

GOAL 13: ENSURE THAT FORESTS, WETLANDS, SHORELINES, AND OTHER ECOSYSTEMS ARE RESILIENT TO THE IMPACTS OF EXTREME WEATHER, INVASIVE SPECIES, PESTS, DISEASES, AND OTHER IMPACTS WORSENER BY CLIMATE CHANGE.

OBJECTIVE 13.1 Assess and understand the climate risks for existing ecosystems.

Policy CA-13.1.1 Use the best available climate science and adaptive management principles to identify and protect environmentally critical areas and resources including fish, trees, frequently flooded areas, unstable slopes, and associated ecosystems, in order to protect and increase the resiliency of native habitats.

Policy CA-13.1.2 Take inventory of and protect climate refugia—areas which protect and facilitate survival for species during periods of climate instability—and address habitat connectivity needs for plants and wildlife under stress from climate change.

Policy CA-13.1.3 Accommodate shifting species in revegetation, restoration, and other projects, such as through updates to development and infrastructure standards addressing landscaping, tree canopy, critical area and shoreline buffers, stormwater facilities, etc.

OBJECTIVE 13.2 Increase the resilience of habitats and species to climate impacts by restoring and preserving ecosystems.

Policy CA-13.2.1 Protect, preserve, and restore local waterways, ecosystems, and habitats by partnering with residents, local and regional environmental groups, and other jurisdictions (e.g., the Kenmore community, Conservation Corps, US Army Corp of Engineers, King County, and other cities along Sammamish River and its tributaries).

Policy CA-13.2.2 Improve the resiliency of salmon and other fish species by removing or replacing old or degrading culverts and ensuring they are adequately sized

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to accommodate increased winter peak flows. Engage the public in restoring native salmon populations via public outreach campaigns.

Policy CA-13.2.3 Increase resiliency to flooding events by protecting, and where possible, enhancing and restoring existing flood storage, conveyance, and ecological functions and values of floodplains, wetlands, and riparian corridors.

Policy CA-13.2.4 Develop a comprehensive urban landscape strategy or framework (for both public and private projects) to develop additional natural areas and preserve the function of existing ones under changing climatic conditions. As part of the Urban Forest Management Plan, update the tree canopy assessment regularly and prioritize increasing tree canopy in areas subject to urban heat island effect.

Policy CA-13.2.5 Encourage community involvement and volunteering in stewardship activities that restore wildlife habitat, salmon populations, riparian corridors, and green spaces. Educate residents on the connection between ecosystem health and human health.

GOAL 14. BALANCE THE NEED FOR DEVELOPMENT AND GROWTH WITH NATURAL RESOURCE FUNCTIONS.

OBJECTIVE 14.1 Protect the natural environment through zoning policies and regulations.

Policy CA-14.1.1 Critical areas regulations should incorporate climate change considerations. Consider climate change in assessments of zoning and allowed uses within and adjacent to critical areas.

Policy CA-14.1.2 Protect natural and environmentally sensitive areas, open space, trees, vegetation, natural terrain, and drainage consistent with the Natural Environment ~~Sub-~~Element.

Policy CA-14.1.3 Use regulations, zoning, incentives, and open space acquisition to protect floodplains, riparian corridors, high value wetlands, and unstable slopes from degradation due to climate change impacts.

Policy CA-14.1.4 Expand parks and green space in urban areas to reduce the effects of climate impacts (e.g., flooding and extreme heat) consistent with the Parks, Recreation, and Open Space Element. Provide parks, trails, and open space within walking distance of urban residents. Prioritize overburdened communities for open space improvements and investments.

Policy CA-14.1.5 Ensure No Net Loss standards are being met and establish a Net Ecological Gain regulation for public development projects. This standard should ensure ecological functions and values that support biodiversity and resiliency ecosystems are improved over current conditions at a cumulative scale that can be incrementally implemented through site-

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specific actions, with any short-term loss of those functions and values being more than offset by overall ecological gains.

OBJECTIVE 14.2 Ensure that the transportation system does not result in a loss of ecosystem function.

Policy CA-14.2.1 Consider natural boundaries, such as critical area boundaries, to help determine transportation routes and placement of infrastructure connections and improvements.

Policy CA-14.2.2 Where feasible, determine where improvements to the current transportation infrastructure can be implemented to improve ecological functions.

- Transportation facilities crossing 100-year floodplains should not function as dikes or levees to flood waters.
- Design roadway improvements to be in accordance with the City's Surface Water Management Plan and stormwater regulations.

Policy CA-14.2.3 Consistent with the Shoreline ~~Sub~~-Element, transportation and parking facilities shall be planned, located, and designed to have the least possible adverse impact on environmentally critical areas in the shoreline.

GOAL 15: SUPPORT A RESILIENT AND GREEN LOCAL ECONOMY.

OBJECTIVE 15.1 Ensure that the local economy is resilient to climate disruptions and fosters business opportunities associated with climate mitigation and resilience.

Policy CA-15.1.1 Implement the CAP to develop a green jobs strategy in partnership with community groups and businesses that:

- Supports the low carbon transition of Kenmore's impacted industries;
- Develops pathways for youth and impacted workers to transition into green jobs;
- Provides green job training and continuing education for those facing economic vulnerability or with limited skills and work experience in this sector;
- Ensures opportunities (e.g., local hiring requirements) for these jobs.

Policy CA-15.1.2 Recognize the environment as a key economic value in the community that must be protected consistent with the Economic Development ~~Sub~~-Element.

Policy CA-15.1.3 Support local businesses' efforts to reduce GHG emissions and to generate and store renewable electricity on-site, which can provide back-up power during emergencies and help ensure continuity of operations. Ensure this support reaches businesses facing economic disadvantage, such as small, women-owned, or BIPOC-owned businesses.

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Policy CA-15.1.4 Promote regional eco-industrial development to support a circular economy that increases demand for recycled materials and reduces demand for new raw materials and their embodied carbon emissions.

Policy CA-15.1.5 Encourage private reinvestment in residential and commercial areas that increases building and infrastructure resiliency and efficiency consistent with the Community Design ~~Sub~~-Element.

Policy CA-15.1.6 Expand and support the food-related economy to ensure resiliency to impacts of extreme weather and other natural hazards worsened by climate change. Increase access to healthy, affordable, and climate-friendly foods.

IMPLEMENTATION

The Climate Action Element policies would require new or increased commitments of City resources to prepare new regulations, review/amend existing regulations, create educational or incentive programs, and/or coordinate with agencies, service providers, or adjacent jurisdictions. This section outlines specific implementation strategies the City can take to implement the policies described in the previous section.

Monitoring and Evaluation:

- Update GHG inventory every two years;
- Update Climate Vulnerability Assessment every ~~four~~ three to five years, with a focus on the built environment, communities, and natural systems;
- Review, and as necessary, expand the biennial budget to enable implementation of climate programs;
- Continue funding climate action staff;
- Provide annual climate action progress report to Council.

Plan Development and Updates:

- The CAP implements the policy direction outlined in this element and will be updated on a five-year cycle, ~~or~~ sooner based on City Council's direction. The CAP implementation matrix will determine implementation emission reduction potential, increased resilience potential, timeline, costs, and department leads for a given action in addition to identifying key considerations, including but not limited to:
 - **Developing incentives** for green building design, building decarbonization, energy efficiency, EV and electric equipment purchase, water conservation, and drought resistant landscape design;
 - **Planning engagement** for a community outreach program to support and protect communities disproportionately impacted by extreme heat events and low air quality, develop and implement community stewardship activities to demonstrate connection between ecosystem and human health, and support

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- access to culturally appropriate food opportunities by encouraging collaboration among public, non-profit, and private food purveyors;
- **Initiating and sustaining partnerships** with local governments, tribal governments, stakeholders, and the community to ensure a transition to clean, and efficient energy use; expand transit services and EV infrastructure; ensure waste haulers contracted with the City offer recycling and composting services; protect, preserve, and restore waterways and ecosystems; co-create messages with the community on the impacts of climate change on health, safety, and emergency resources; and maintain tribal treaty rights and to protect cultural resources, practices, and historic sites from the impacts of climate change.
- Coordinate across City departments to incorporate climate considerations within appropriate Elements **and/or Sub-elements**, including but not limited to:
 - **Utilities, Public Services, Housing Elements:** reduce water consumption, stormwater runoff, increased water reuse in design and construction of commercial, residential buildings/properties;
 - **Transportation Element:** maintain and protect environmentally critical areas, ecosystem functions;
 - **Land Use Shoreline Sub-element:** protect environmentally critical areas and climate refugia, updates to development and infrastructure standards through best available climate science;
 - **Natural Environment Sub-element:** reflect necessary restoration and capital projects that support enhancing climate resiliency;
 - **Parks, Recreation, and Open Spaces Element:** prioritize enabling access to open space in overburdened communities;
 - **Land Use, Housing, Transportation Elements:** climate-oriented growth strategies to promote dense, mixed-use, transit-oriented development, and affordable housing; equitable distribution of growth that reduces potential for displacement;
 - **Transportation, Parks, Recreation, and Open Spaces, Public Services Elements:** prioritization of transportation systems to locations vulnerable to climate impacts; continued design of accessible facilities and infrastructure (ADA Transition Plan).
 - Develop and implement the following processes, plans, or strategies identified in the CAE:
 - **Environmental justice audit process** to incorporate into Land Use Element that seeks to address the disproportionate environmental and health impacts exacerbated by climate change and ensure the equitable distribution of resources and benefits. Partner with City's Diversity, Equity, Inclusion, and Accessibility Task Force and engage city residents and community groups to thoroughly understand community needs.
 - **Construction and Demolition Waste Diversion Plan** (ensure incorporation into Utilities Element)
 - **Urban Forest Management Plan** (ensure incorporation into Land Use Element)

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- A **green jobs strategy** to support Kenmore's local economy
 - Update Economic Development and Community Design ~~Sub-e~~Elements to reflect City priorities for a resilient local economy and fostering business opportunities to advance climate mitigation and resilience.
- Implement the **Kenmore Pedestrian Facilities Plan**, develop a **Bicycle Priority Network Strategy**
- Review and update City's Hazard Mitigation Plan (HMP) to incorporate climate impact risk assessment findings and increase the resilience of public services, utilities, and infrastructure. This should include:
 - Strategies to mitigate heat risks in community and incorporate resilience to flooding events; identify transportation in event of natural or human disasters;
 - A disaster response component to HMP, including waste removal to reduce risk of fire, flood, injury, and disease; update Land Use, Utilities, Parks, Recreation, and Open Space Elements as necessary.
- Obtain external funding to complement City funding and secure proper resources for climate action through:
 - State and Federal grants,
 - Formula funds,
 - Regional partnerships, and
 - Other sources.

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SUPPORTING DOCUMENTATION

Additional documentation which provides more detailed information regarding how Climate Action Element goals and policies were developed can be found in the following documents. City produced documents are available on the City's webpage or at City Hall.

Climate Action Plan

The City of Kenmore [Climate Action Plan](#) (adopted in 2022) includes:

- An overview of why Kenmore sought to create a climate action plan;
- An overview of the baseline analysis of greenhouse gas emissions in Kenmore;
- A set of strategies and actions for addressing climate change through mitigation and adaptation approaches;
- An implementation matrix that includes potential for emissions reductions, resilience potential, cost, and timeline.

Vulnerability Assessment

The [City of Kenmore Vulnerability Assessment](#) (2021) includes:

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- A summary of the risks, exposure, sensitivity, and adaptive capacity of the Kenmore community, natural environment, and infrastructure to the effects of climate change and interacting stressors.

Climate Action Element Policy Trends, Gaps, and Opportunities Assessment Memorandum

The [Policy Trends, Gaps, and Opportunities Assessment Memorandum](#) (2023) includes:

- A description of the overarching goals for developing and adopting a CAE;
- An overview of the approach used to identify initial goals, objectives, and policies related to climate action;
- A summary of key findings from the quantitative and qualitative assessment of Kenmore's existing climate policies and goals;
- Recommendations for emissions reductions and climate resilience and adaptation goals, objectives, and policies in several identified priority sectors per identified priority sector.

Kenmore Climate Action Element Equity Assessment Memorandum

The [Kenmore CAE Equity Assessment Memorandum](#) (2023) includes:

- An equity assessment, which examined the impacts, both intended and not, on people in overburdened communities explicitly for 25 objectives from the draft Climate Action Element.

REFERENCES

- Cascadia Consulting Group. (2021). *Kenmore Vulnerability Assessment*.
- Headwaters Economics. (2023). *Neighborhoods at Risk*. (Northeast Regional Climate Center) Retrieved 2023, from <https://nar.headwaterseconomics.org/5300023515/explore/map>
- University of Washington Department of Environmental & Occupational Health Sciences and Washington State Department of Health. (2022). *Washington Environmental Health Disparities Map: Cumulative Impacts of Environmental Health Risk Factors*. Retrieved from https://doh.wa.gov/sites/default/files/2022-07/311-011-EHD-Map-Tech-Report_0.pdf?uid=62e46bbc98fad

CLIMATE ACTION ELEMENT**INTRODUCTION****Purpose**

The purpose of the Climate Action Element (CAE) is to provide strategies to reduce greenhouse gas (GHG) emissions and respond to the impacts of climate change in our community, as outlined in the Climate Action Plan (CAP). The CAE provides an actionable framework to guide the long-term implementation of mitigation and resilience actions. The CAE also identifies needs and opportunities for ongoing community engagement, education, and dialogue around climate action.

The CAE includes the following sections:

- Guiding Plans and Policies
- Existing Conditions
- Goals, Objectives, and Policies
- Implementation

GUIDING PLANS AND POLICIES**Growth Management Act**

The Growth Management Act (Chapter 36.70A RCW) was amended in 2023 under Washington House Bill 1181, requiring cities and counties to integrate climate mitigation and resilience policies into comprehensive plan updates. These required policy changes will address climate emissions and impacts, while considering co-benefits and integration with other planning documents such as housing, transportation, and land use. The bill introduces specific legislation to support reduction in per capita vehicle miles traveled, foster resiliency, enhance environmental justice, and include the participation of vulnerable populations and overburdened communities in climate planning. This is a legislative priority of King County and several cities have already begun the process of integrating climate policies into comprehensive plans. The Washington Department of Commerce encourages cities to assess their climate impacts and risks, seek input from key stakeholders and communities, and pursue pathways that modify existing or create new policies to address greenhouse gas (GHG) emissions and increase community resilience. Kenmore's CAE is consistent with the Commerce model element guidance, Kenmore's adopted 2022 Climate Action Plan, and integrates with other elements of the comprehensive plan.

VISION 2050

Puget Sound Regional Council (PSRC) is the region's metropolitan planning organization. PSRC is comprised of cities, towns, counties, ports, tribes, transit agencies, and major employers; and sets regional growth policies for King, Pierce, Snohomish, and Kitsap Counties. The CAE is consistent with the VISION 2050 priorities.

VISION 2050 identifies several key goals and actions related to climate change in the region:

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- 1 • **Goal:** The region substantially reduces emissions of greenhouse gases that contribute
2 to climate change in accordance with the goals of the Puget Sound Clean Air Agency
3 (50% below 1990 levels by 2030 and 80% below 1990 levels by 2050) and prepares for
4 climate change impacts.
- 5 • **CC-Action-1:** PSRC will work with local governments and other key agencies and
6 stakeholders to advance the development and implementation of the region's
7 Greenhouse Gas Strategy to equitably achieve meaningful reductions of emissions
8 toward achievement of the region's greenhouse gas reduction goals.
- 9 • **CC-Action-2:** PSRC will engage in regional resilience planning and climate
10 preparedness, including development of a regional inventory of climate hazards,
11 assistance to member organizations, and continued research and coordination with
12 partners such as the Puget Sound Climate Preparedness Collaborative and tribes.
13 Climate resilience actions will focus on equitable outcomes, particularly for vulnerable
14 communities, at greater risk and with fewer resources.
- 15 • **CC-Action-3:** Cities and counties will incorporate emissions reduction policies and
16 actions that contribute meaningfully toward regional greenhouse gas emission goals,
17 along with equitable climate resiliency measures, in their comprehensive planning.
18 Strategies include land uses that reduce vehicle miles traveled and promote transit,
19 biking, and walking consistent with the Regional Growth Strategy, developing and
20 implementing climate friendly building codes, investments in multimodal transportation
21 choices, and steps to encourage a transition to cleaner transportation and energy
22 systems.
- 23 • **CC-Action-4:** Cities and counties will update land use plans for climate adaptation and
24 resilience. Critical areas will be updated based on climate impacts from sea level rise,
25 flooding, wildfire hazards, urban heat, and other hazards. The comprehensive plans will
26 identify mitigation measures addressing these hazards including multimodal emergency
27 and evacuation routes and prioritizing mitigation of climate impacts on highly impacted
28 communities and vulnerable populations.

Countywide Planning Policies (CPPs)

The King County Regional Growth Strategy identifies several climate impacts affecting King County and the importance of strengthening policies related to emissions reduction. The Regional Growth Strategy envisions environmental protection and restoration efforts that incorporate climate action, mitigation, and resilience into local comprehensive plans. This includes countywide coordination of sustainable land use patterns, multimodal transportation systems, and improved energy infrastructure. The plan calls for development patterns that minimize emissions and promote resiliency through energy efficiency, electrification, restoration of natural resources, and infrastructure planning for climate impacts.

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EXISTING CONDITIONS

Greenhouse Gas (GHG) Emissions Inventory

The City of Kenmore completed a greenhouse gas (GHG) inventory (see Figure 1) to aid the City in setting community-wide emissions reduction targets, measure progress over time, and inform which actions will have the greatest GHG emissions reduction benefits. Kenmore's communitywide GHG emissions from 2019 totaled 170,255 MTCO₂e (metric tons of carbon dioxide equivalent) from the following sources:

- Buildings & Energy. Electricity and natural gas used to power and heat the City account for 60% of total emissions. Eliminating emissions from local buildings and energy requires policies that address energy use in new buildings, transition existing buildings to more efficient, clean and salmon friendly energy, and improve the City's electric grid reliability and capacity.
- Transportation & Land Use. On-road vehicles (cars and trucks) and off-road vehicles (boats, lawn mowers, construction equipment, etc.) account for 31% of total emissions. Addressing emissions from transportation and land use in Kenmore requires strengthening existing policies aimed at increasing transit use, reducing vehicle miles travelled (VMT), maximizing green space in urban areas, and protecting natural sequestration areas. Mitigation policies in the CAE also aim to improve electric vehicle infrastructure and encourage mixed-use, dense, and transit-oriented development.
- Refrigerants & Solid Waste. Refrigerants commonly used in air conditioning/refrigeration and solid waste disposal account for 9% of total emissions. Policies within this sector will support sustainable waste management and increase the City and residents' capacity to recycle and compost responsibly and effectively.

The goals, objectives, and policies included in the CAE will focus on mitigating climate change impacts through the reduction of GHG emissions within these sectors. In addition, the many economic and health benefits of emissions reduction actions are not shared equitably in Kenmore, especially among overburdened communities. Therefore, mitigation policies not only reduce GHG emissions but also provide co-benefits to promote climate equity and support vulnerable communities. Benefits of mitigation policies include improving air quality, promoting housing equity, and minimizing public health risks.

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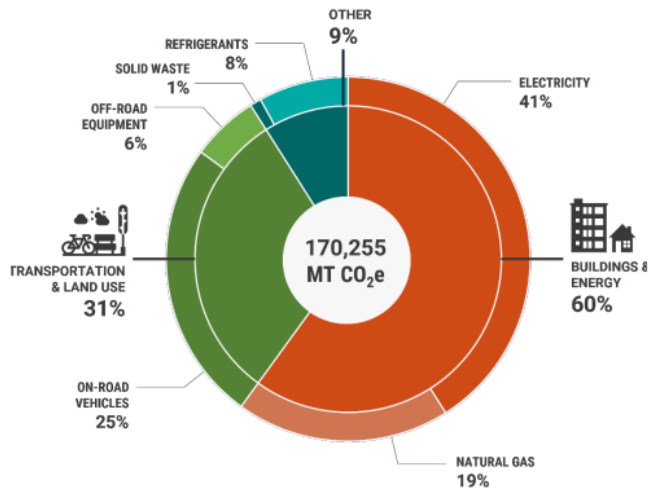


Figure 1. 2019 Kenmore GHG Emissions Inventory Chart

Kenmore Vulnerability Assessment

A vulnerability assessment (VA) was conducted for the City of Kenmore in 2021. A climate vulnerability assessment identifies the impacts and consequences of climate change and evaluates the level or risk presented to a community. Vulnerability refers to the degree to which people, natural resources, infrastructure, or other things Kenmore values are susceptible to the adverse impacts of climate change (Cascadia Consulting Group, 2021). Key climate vulnerabilities for Kenmore include extreme heat, exacerbated flooding and landslides, and wildfire smoke. Assessing climate vulnerability can help Kenmore (1) identify current exposure and sensitivity, (2) anticipate areas of future risk and the potential to adapt to climate impacts, and (3) assess strategies to prepare and adapt to future climate conditions. To monitor and assess the city's vulnerability to future climatic conditions, a VA update should be conducted periodically with a focus on the built environment, communities, and natural systems.

In addition, climate change amplifies existing risks and disparities like chronic health conditions, social and economic circumstances, and pollution exposure, which disproportionately impacts overburdened community groups¹. When comparing at-risk neighborhoods and climate exposure risks, three census tracts intersecting Kenmore have vulnerabilities to climate change that exceed the community median. These neighborhoods include residents who identify as people of color (39%), have low English language proficiency

¹ Overburdened community means a geographic area where vulnerable populations face combined, multiple environmental harms and health impacts. Vulnerable populations includes, but is not limited to: (i) racial or ethnic minorities; (ii) low-income populations; and (iii) populations disproportionately impacted by environmental harms. (RCW 36.70A.030).

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(4%), and live in rental housing units (44.2%). These overburdened communities face disproportionate risks of climate impacts due to compounding factors such as a lack of tree canopy, high areas of impervious surfaces, and flood risks (Headwaters Economics, 2023). In 2018, the Washington State Department of Health developed the Washington Environmental Health Disparities Map, an interactive mapping tool comparing communities across Washington for environmental health disparities (University of Washington Department of Environmental & Occupational Health Sciences and Washington State Department of Health, 2022). Kenmore shows moderate levels of environmental health disparities compared to surrounding cities in King County and Washington state. Due to environmental exposures and socioeconomic vulnerabilities, East Kenmore ranks at a higher level of environmental health disparities compared to other Washington US census tracts, as shown in Figure 2 and described in Table 1 (University of Washington Department of Environmental & Occupational Health Sciences and Washington State Department of Health, 2022).

The goals, objectives, and policies included in the CAE seek to increase climate resiliency of the built environment, natural resources, and within communities. Incorporating climate equity principles and understanding the social and racial impacts of proposed climate policies will improve the equitable distribution of benefits (e.g., improving public health and increasing access to services) and reduce disparities. It is critical to understand which areas and populations are most at risk from climate and environmental burdens, as it will inform policy focus areas and community priorities.

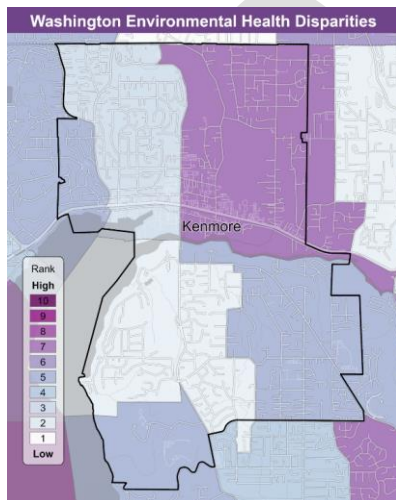


Figure 2. WA Department of Health Environmental Health Disparities in Kenmore. City of Kenmore border outlined in black (University of Washington Department of Environmental & Occupational Health Sciences and Washington State Department of Health, 2022).

Future Risks

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1 The Puget Sound Region is already experiencing the impacts of climate change with warmer
2 temperatures which cause heatwaves and wildfires; changing rainfall patterns with associated
3 flooding and landslides; and less snowpack constraining the summer water supply. In recent
4 years, our community has increasingly experienced record-breaking heatwaves, destructive
5 flooding, and compromised air quality from wildfire smoke.

6 Kenmore has a critical role to play in addressing the climate change impacts already at our
7 doorstep and preparing for those on the horizon. The following table outlines the current
8 climate impacts on Kenmore and the future risks facing our community.

9 *Table 1. Future Climate Risks in Kenmore.*

| Factor | Future Risk |
|--|---|
| Heat | Kenmore is expected to experience a 244% increase in extremely hot days by 2030 (Headwaters Economics, 2023). In addition, the average high temperature in Kenmore is anticipated to increase by 7.4 degrees Fahrenheit by 2100, leading to several negative outcomes: <ul style="list-style-type: none"> • Increased demand for energy services and correlating energy system stress • Risk of power outages for older, less energy efficient homes • Increased risk for heat-related illnesses, particularly for elderly people and those with underlying medical conditions • Increased risk of disease from ticks and mosquitoes |
| Heavy Rains, Flooding, and Landslides | Kenmore is at risk of flooding and landslides from heavy storms affecting areas throughout Kenmore (Cascadia Consulting Group, 2021). Impacts of heavy precipitation include: <ul style="list-style-type: none"> • Damage to homes, businesses, and critical transportation routes from flooding and landslides • Potential expansion of landslide prone area to include key municipal facilities and infrastructure as the city develops. • Increased flooding could close parks and open spaces, leading to decreased health and wellbeing. • Flooding could increase infectious disease risk, particularly for those experiencing homelessness. • Increased waterway pollution from stormwater runoff |
| Wildfire and Air Quality | Kenmore is not currently at risk for wildfires, but residents continue to be at risk for more regional wildfire-related air quality and respiratory health impacts. The city also faces environmental health risks from PM2.5 emissions, toxic releases from facilities, and proximity to heavy traffic roadways (University of Washington Department of Environmental & Occupational Health Sciences and Washington State Department of Health, 2022). Reduced air quality and regional wildfire smoke poses respiratory health risks, particularly for those with underlying medical conditions. |

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GOALS, OBJECTIVES, AND POLICIES

GOAL 1. INCREASE THE CITY'S CAPACITY TO IMPLEMENT CLIMATE ACTION PRIORITIES.

OBJECTIVE 1.1 Implement a Climate Action Plan (CAP) and prioritize high-impact actions.

Policy CA-1.1.1 Implement a Climate Action Plan (CAP). The CAP shall establish specific targets and schedules consistent with the policies of this Element. The CAP shall develop actions resulting in projects and programs that are consistent with the policies of this Element. Update the CAP every three to five years, or sooner, as directed by City Council. The City Council will be provided an update, annually, regarding the status of the implementation of the CAP.

Policy CA-1.1.2 Prioritize implementation of climate actions with higher greenhouse gas reduction potential.

OBJECTIVE 1.2 Leverage Kenmore's resources and partnerships to build capacity to implement climate resilience and mitigation efforts.

Policy CA-1.2.1 Consider what resources are needed, such as partnerships (e.g., K4C), regular implementation progress reports, and City budgeting, to implement the Climate Action Element.

Policy CA-1.2.2 Partner with King County to monitor, assess, and publicly report on community-scale greenhouse gas emissions, including emissions from all local sources associated with resident, business, and local government activities.

Policy CA-1.2.3 Partner with organizations such as the Puget Sound Regional Council, Puget Sound Clean Air Agency, local jurisdictions, overburdened communities, the state, academic institutions, community leaders, and public, private, and not-for-profit groups to promote programs and policies that achieve GHG emission reduction targets.

Policy CA-1.2.4 Update the City of Kenmore's Climate Vulnerability Assessment every three to five years, with a focus on the built environment, communities, and natural systems. Use assessment findings to evaluate changes to Comprehensive Plan goals and policies and enhance resilience.

Policy CA-1.2.5 Support enhanced data collection for hazard events to provide a fuller understanding of the community's hazard characteristics—including identifying demographic groups/community members most vulnerable to climate impacts. Promote equitable collaboration and inclusive engagement strategies with overburdened communities during the climate vulnerability research process.

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OBJECTIVE 1.3 Ensure sufficient City resources are available to support implementation of the CAP and CAE actions and policies.

Policy CA-1.3.1 The City should designate Climate Action staff to implement and monitor actions consistent with the Kenmore CAP and CAE.

Policy CA-1.3.2 The City should budget funds each biennium budget cycle to implement climate programs.

Section 1: EMISSIONS MITIGATION

GOAL 2. PRIORITIZE RESILIENT AND EQUITABLE CITY LAND USE PLANNING TO ELIMINATE GHG EMISSIONS FROM BUILDING AND INFRASTRUCTURE DEVELOPMENT.

OBJECTIVE 2.1 Incorporate environmental justice criteria and priorities into zoning, land use planning, permitting policies, and development of new projects to identify and address the disproportionate impacts of climate change on overburdened communities such as communities of color and lower-income communities.

Policy CA-2.1.1 Develop and implement an environmental justice audit process to conduct prior to creating new zoning designations or rezoning.

Policy CA-2.1.2 Work toward an equitable distribution of growth that reduces the potential for displacement and increases infrastructure and ecosystem resilience by combining zoning restrictions in vulnerable areas with development incentives to build in areas with less climate risk. Consider climate impacts such as extreme heat, flooding, wildfire smoke, and drought when designating zoning locations to accommodate growth.

Policy CA-2.1.3 Identify and expand community-centered anti-displacement strategies and climate-resilient infrastructure to mitigate housing insecurities exacerbated by climate-driven gentrification.

Policy CA-2.1.4 Promote equitable access for overburdened communities and those that will be disproportionately impacted by climate change, by working with utility providers to ensure affordable energy prices through utility tax rebates for low-income residents.

Policy CA-2.1.5 Promote “missing middle” housing through city policies and codes to allow for broader housing types in identified single family zones, reduce climate-related displacement, and increase access to City transit systems.

OBJECTIVE 2.2 Prioritize dense, mixed use, transit-oriented development, and affordable housing in Downtown and other areas consistent with the Land Use, Housing, and Transportation Elements.

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Policy CA-2.2.1 Consistent with Kenmore’s growth strategies, promote density near high frequency transit, infill and redevelopment in nodes, and middle housing development in neighborhoods; supported by right-size parking, transportation demand management strategies, multi-modal access, park amenities, and green space.

Policy CA-2.2.2 Enhance existing neighborhoods to provide a high degree of connectivity in the street network to accommodate walking, bicycling, transit use, sufficient public spaces, and green space.

Policy CA-2.2.3 Disincentivize single occupancy vehicle (SOV) use in urban areas by reallocating existing road space to public transport infrastructure—for example, through dedicated bus lanes.

GOAL 3. ELIMINATE GHG EMISSIONS FROM THE TRANSPORTATION SECTOR TO MITIGATE THE IMPACT OF CLIMATE CHANGE.

OBJECTIVE 3.1 Reduce vehicle miles traveled (VMT) within the city.

Policy CA-3.1.1 Support transportation investments that minimize, mitigate, and respond to the effects of climate change consistent with the Transportation Element goals, objectives, and policies.

Policy CA-3.1.2 Work with Metro and other transit providers to establish a local circulator transit service that provides intra-community transit service, connecting north and south Kenmore. The local circulator service would provide connections to the Downtown, major commercial and mixed-use centers in Kenmore, park-and-ride lots, and other key destinations.

Policy CA-3.1.3 Prepare a Commute Trip Reduction (CTR) Ordinance to encourage CTR in accordance with State laws. Possible strategies could include ridesharing programs, carpool matching, telecommuting, and employer-sponsored vanpools.

OBJECTIVE 3.2 Investigate opportunities to expand and implement safe multi-modal transportation options, including bicycling, walking, transit, and a passenger ferry on Lake Washington.

Policy CA-3.2.1 Implement the Kenmore *Pedestrian Facilities Plan*, *ADA Transition Plan*, and develop the *Bicycle Priority Network*. Design accessible and safe pedestrian facilities in accordance with the *Pedestrian Priority Network*. Improve street safety and function by implementing the City’s Target Zero strategy to have no pedestrian or bicycle deaths or serious injuries as the result of a collision with a motorized vehicle, as outlined in the Transportation Element.

Policy CA-3.2.2 Address mobility inequities by making a more walkable community, designing accessible pedestrian facilities, and implementing an Americans

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with Disabilities (ADA) Transition Plan during transportation, parks, and other city infrastructure planning activities.

Policy CA-3.2.3 Partner with transit agencies, Metro, Sound Transit, and Community Transit, to expand, maintain, and enhance multimodal transit services and related facilities, including better first-last mile access to transit.

Policy CA-3.2.4 Work with third-party programs and businesses to increase the availability, accessibility, and convenience of shared mobility options (e.g., bike share, scooter share, car share) and maintain affordability of services.

OBJECTIVE 3.3 Increase the percentage of Electric Vehicles (EV), electric equipment, and other low emission transportation modes operating within the city.

Policy CA-3.3.1 Convert public-owned fleets to zero-emission vehicles as they need to be replaced (e.g., electric or renewably produced hydrogen) and as soon as feasible.

Policy CA-3.3.2 Install public electric car charging stations in key city-owned/operated parking facilities as soon as feasible.

Policy CA-3.3.3 Promote existing and develop new incentives to encourage purchase of EVs and EV alternatives (e.g., electric golf carts and neighborhood EVs). Include stronger incentives for low-income residents.

Policy CA-3.3.4 Collaborate with the Puget Sound Regional Council on regional efforts to support EVs and associated infrastructure issues.

Policy CA-3.3.5 Create EV and electric equipment communication and outreach programs that explain the benefits of EVs, rebates available for EV or electric equipment purchasing, EV charger locations, and other helpful information. Consider equitable communication and EV outreach programs to target low-income communities and occupations that still use gas powered equipment.

GOAL 4. ELIMINATE GHG EMISSIONS FROM BUILDINGS THROUGH ENERGY EFFICIENCY AND ELECTRIFICATION.

OBJECTIVE 4.1 Incorporate incentives for sustainable design within Kenmore's building code for the development of new buildings and retrofits.

Policy CA-4.1.1 Promote and implement building and energy standards, which could include:

- Energy performance optimization that goes beyond the state standard by adopting optional state building and energy codes that further promote GHG emission reduction and/or energy efficiency;
- Use of on-site renewable energy systems or procurement of renewable energy from offsite sources for all or a portion of the building's annual building energy use;

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- Participation in demand response technologies and programs that make energy generation and distribution systems more affordable and more efficient, increase grid reliability, and reduce greenhouse gas emissions;
- Utilizing advanced metering technology;
- Reducing construction and demolition waste disposed of in landfills;
- Expanding incentives for EV charging for multi-family homes, apartment buildings, major employers, and parking garages;
- Creating equitable partnerships with organizations that serve overburdened communities to ensure education and incentive programs build capacity and reduce cost burden for all residents.

OBJECTIVE 4.2 Reduce greenhouse gas emissions by transitioning to renewable energy sources and decarbonizing buildings.

Policy CA-4.2.1 Implement and support building and energy codes and policies that reduce energy use, reduce the embodied carbon of materials, phase out fossil fuel use, and support deployment of electric vehicles, and clean energy.

Policy CA-4.2.2 Develop community-scale programs and policies to reduce energy use, increase the use of renewable energy, and phase out the use of fossil fuels. Programs and outreach should be prioritized in overburdened communities. These could include:

- In cooperation with King County, electrical and gas utility providers, or other agencies, promote the use of weatherization programs for existing housing;
- Residential efficiency retrofits—explore and promote low interest loan options and incentive programs to finance energy efficiency upgrades for commercial and residential buildings;
- Support fossil fuel reduction and transition incentives.

Policy CA-4.2.3 Develop and implement a plan to achieve carbon neutrality for city facilities, operations, and services as soon as feasible.

Policy CA-4.2.4 Where feasible, make low impact development, green building standards, and sustainable design the preferred and commonly used approach to site development (e.g., following green building guidelines outlined in certification programs such as Built Green and Leadership in Energy and Environmental Design (LEED)).

- Prioritize green building funding and incentives to directly support increased capacity in impacted communities, such as multifamily, low-income housing.
- Educate City staff on building practices that have contributed to injustice, such as land-use decisions and policy incentives for renewable energy.

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GOAL 5. PROTECT AND RESTORE THE NATURAL ENVIRONMENT TO INCREASE CARBON SEQUESTRATION.

OBJECTIVE 5.1 Support regional efforts to protect and enhance land carbon sinks in order to mitigate GHG emissions.

Policy CA-5.1.1 Consistent with the Land Use Element, protect natural and environmentally sensitive areas, open space, trees, vegetation, and natural terrain that serve as potential carbon sinks. Avoid the conversion of carbon-rich ecosystems and prioritize increasing tree canopy cover and open space in overburdened communities.

Policy CA-5.1.2 Develop and implement an Urban Forest Management Plan (UFMP) which encourages the preservation and protection of trees on public and private properties consistent with the Land Use Element. Include carbon sequestration as a primary goal of the UFMP.

GOAL 6. REDUCE CURRENT AND ELIMINATE FUTURE NEGATIVE ENVIRONMENTAL IMPACTS AND ELIMINATE GHG EMISSIONS ASSOCIATED WITH THE CONSUMPTION OF GOODS, MATERIALS, AND WASTE PRACTICES.

OBJECTIVE 6.1 Reduce to the greatest possible extent the amount of residential and commercial waste sent to landfills by ensuring that the community can reduce, reuse, recycle, and compost waste sustainably to lessen its carbon footprint.

Policy CA-6.1.1 Actively engage in a regional strategy through the adopted 2019 King County Comprehensive Solid Waste Management Plan to reach zero waste of resources by 2030 through a combination of education, incentives, and regulatory tools aimed at single-family, multi-family residents, businesses, and construction projects in King County.

Policy CA-6.1.2 Support extended producer responsibility (EPR) related policies and actions that require companies that make consumer products fund the residential recycling system and that ensure that packaging and paper products get recycled.

Policy CA-6.1.3 Develop targeted educational campaigns for composting and recycling material with highest GHG reduction impact (paper, metal, food waste), such as business recycling education, recycling awareness campaigns, and community ambassador training programs.

Policy CA-6.1.4 Work with the Washington Utilities and Transportation Commission (UTC) to ensure waste haulers contracted with the City offer increased recycling and composting services.

- Consider mandating recycling and composting and enforce sorting by an identified year, especially for multi-family buildings and commercial properties where contamination is high. Ensure enforcement does not

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- increase existing financial disparities for low-income households. Explore developing reimbursement or incentive programs to purchase waste containers and conduct educational outreach on recycling and composting for low-income households.
- Prepare for increased organic waste collection services, such as compost or anaerobic digestion centers.

Policy CA 6.1.5 Partner with King County and current waste hauler on food waste reduction efforts, such as the “Food: Too Good to Waste” program, which aims to reduce GHG emissions by educating people about how to plan and prepare meals to decrease the amount of wasted food.

Policy CA-6.1.6 Mandate composting in City facilities and partner with other jurisdictions to implement organic materials management policies outlined in the 2022 Organics Management Law, which aims to reduce organic waste disposal 75% by 2030 and increase the volume of edible food recovery 20% by 2025.

OBJECTIVE 6.2 Develop a program that will enable recycling of all construction and demolition debris as soon as feasible.

Policy CA-6.2.1 Develop a plan similar to King County’s Construction & Demolition waste diversion requirements. Support policies, tools, and programs to reduce construction-related emissions specific to Kenmore, including sourcing low embodied carbon materials.

Policy CA-6.2.2 Develop, implement, and enforce construction and demolition recycling and deconstruction ordinances.

Section 2: RESILIENCY

GOAL 7. FACTOR CLIMATE RISKS INTO THE PLANNING OF CITY OPERATIONS AND IMPROVE INFRASTRUCTURE RESILIENCY TO CLIMATE IMPACTS.

OBJECTIVE 7.1 Support efforts to increase the resilience of public services, utilities, and infrastructure by preparing for climate change impacts.

Policy CA-7.1.1 Integrate a climate impact risk assessment into the City’s Hazard Mitigation Plan.

Policy CA-7.1.2 Expand on WSDOT’s vulnerability assessment of state roads and improve mapping of landslide hazard areas to understand roads/routes in Kenmore that are vulnerable to climate hazards such as flooding and landslides.

Policy CA-7.1.3 Where appropriate, purchase properties located in hazard-prone areas, such as areas with persistent flooding, to protect critical habitat and to protect structures from future damage inflicted by climate change impacts. Prioritize properties with exposure to repetitive losses or where

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purchasing may protect a critical habitat and reduce future climate impacts.

Policy CA-7.1.4 Strengthen support for undergrounding of existing utilities when they need to be fixed or replaced. Continue requiring the undergrounding of new overhead utilities and co-location of utilities to increase their resilience and reduce power loss during severe weather events consistent with the Utilities Element.

Policy CA-7.1.5 Ensure that energy infrastructure, including generation and transmission, can accommodate efficiency opportunities and withstand and recover quickly from the impacts of extreme weather and other natural hazards worsened by climate change.

Policy CA-7.1.6 Advocate and negotiate for increased electricity grid reliability through updated regulations for utilities and legislation that increases the capacity and flexibility of the electricity grid.

- Incentivize large-scale energy customers to reduce their electricity use during peak times.
- Encourage greater deployment of emerging technologies to promote distributed energy generation, demand response, energy storage, energy efficiency, and smart grid technologies.

Policy CA-7.1.7 Consistent with the Transportation Element, coordinate planning, construction, and operation of transportation facilities and programs with the State, Counties, neighboring cities, Puget Sound Regional Council, Metro, Sound Transit, and other entities to ensure critical infrastructure is in place to respond to both natural and human-caused disasters.

Policy CA-7.1.8 Ensure there are diverse multi-modal transportation options equipped to operate during extreme events, such as heat waves, snow/windstorms, and flooding events.

Policy CA-7.1.9 Ensure that development and redevelopment projects, including transportation systems and capital facilities, are resilient to the impacts of climate change during siting and design. Establish development regulations that incorporate best practices for reducing the risk of extreme heat, flooding, wildfire impacts, and other climate hazards.

Policy CA-7.1.10 Develop and implement a strategy to expedite the removal of waste (e.g., downed tree limbs and buildings blocking roads and streams) during and after a disaster incident to reduce the risks of subsequent fire, flood, injury, and disease vectors.

GOAL 8. REDUCE CURRENT AND ELIMINATE FUTURE CLIMATE CHANGE IMPACTS ON THE COMMUNITY.

OBJECTIVE 8.1 Improve and mitigate extreme heat and air quality impacts in the community that are exacerbated by climate change.

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Policy CA-8.1.1 Develop and implement an urban heat resilience plan or strategy that includes heat mitigation and management actions to prepare for and respond to chronic and acute heat risk in the community. The strategy should be informed by urban heat island mapping and may include coordinated efforts such as cooling centers, early warning systems, changes to development/land use codes, energy grid resilience, and reducing the area of impervious surfaces. Utilize the King County Extreme Heat Mitigation Strategy to align with county planning efforts.

Policy CA-8.1.2 Identify communities disproportionately impacted by extreme heat events or low air quality and prioritize equitable access to emergency preparedness resources for overburdened and unsheltered communities. Develop and distribute tools and resources for the community to stay safe during extreme heat events.

Policy CA-8.1.3 Partner with Puget Sound Clean Air Agency to track and monitor air quality in the City. Ensure plans align with 100% of US EPA National Ambient Air Quality Standards and seek to reduce the potential health impacts of air pollution on residential populations and other sensitive users near corridors with high volumes of vehicle traffic, such as SR522.

OBJECTIVE 8.2 Incentivize retrofits and new buildings that are built sustainably to reduce environmental impacts and remain resilient to extreme weather and other hazards worsened by climate change.

Policy CA-8.2.1 In cooperation with King County, electrical and gas utility providers, or other agencies, promote the use of weatherization programs for existing housing, especially multifamily and affordable housing units. Prioritize incentive programs for cost burdened communities and ensure outreach is targeted towards and benefits overburdened populations.

Policy CA-8.2.2 Develop or modify design standards to integrate exterior building features (e.g., awnings, cool roofs, solar panels) that reduce the impacts of climate change.

Policy CA-8.2.3 Encourage new utility infrastructure to define alternative routes to avoid impacts to environmentally sensitive areas or areas susceptible to climate impacts (e.g., flooding and landslides) where possible.

GOAL 9. PROMOTE PREPAREDNESS, RESPONSE, AND RECOVERY ACTIVITIES TO ENSURE THAT ALL KENMORE COMMUNITY MEMBERS ARE PREPARED FOR CLIMATE EMERGENCIES.

OBJECTIVE 9.1 Anticipate and be ready to accommodate the rise in demand for emergency services due to climatic change impacts and understand community needs when preparing for emergency situations.

Policy CA-9.1.1 Work with community members on emergency procedures and coordinate between facilities, such as public libraries or other community centers, to

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create "resilience hubs" that are prepared to meet the challenges of weather emergencies exacerbated by climate change. Ensure that the Washington Environmental Health Disparities Map informs the location of where the resilience hubs are located.

Policy CA-9.1.2 Encourage participation in incentive-based emergency preparedness programs such as the Community Rating System (FEMA's National Flood Insurance Program), Firewise (National Fire Protection Association), and StormReady (National Weather Service).

Policy CA-9.1.3 Place special emphasis on mitigating extreme weather events that impact communities most vulnerable to experiencing homelessness.

GOAL 10. INCREASE OUTREACH EFFORTS TO IMPROVE COMMUNITY RESILIENCY AND ENSURE THAT RESIDENTS CAN EFFECTIVELY ADAPT TO CURRENT AND FUTURE CLIMATE IMPACTS.

OBJECTIVE 10.1 Provide all community members an equitable opportunity to learn about climate impacts, influence policy decisions, and take actions to enhance community well-being and resilience.

Policy CA-10.1.1 Develop messages on the impacts of climate change on health and safety, including information to help residents plan and practice actions to protect themselves from these impacts. Encourage the involvement of overburdened communities and provide outreach in multiple formats and languages.

Policy CA-10.1.2 Co-create climate communications with Kenmore's communities—especially youth organizations to ensure that the next generation has a say—on climate and health impacts and emergency resources/warnings during extreme events. To reach overburdened communities, consider offering incentives for engagement and transcreation in developing culturally relevant climate communication.

GOAL 11. PROTECT AND PRESERVE VALUED COMMUNITY RESOURCES AT RISK TO CLIMATE CHANGE IMPACTS.

OBJECTIVE 11.1 Ensure that cultural resources and practices, including historic sites and culturally important traditional foods and natural resources, are resilient to the impacts of extreme weather and other natural hazards worsened by climate change.

Policy CA-11.1.1 Protect culturally significant resources, land, and artifacts at risk to climate change impacts. Protect, enhance, and restore ecosystems to meet tribal treaty rights including habitat for salmonids, foods, and medicinal plants that could be adversely impacted by climate change.

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Policy CA-11.1.2 Protect salmonid habitats by ensuring that land use and facility plans (transportation, water, sewer, electricity, gas) include riparian and stream habitat conservation measures developed by the County, cities, tribes, service providers, and/or state and federal agencies consistent with the Natural Environment Element.

Policy CA-11.1.3 Coordinate across city departments to ensure that Kenmore's plans consider all the issues, resources, and needs that make a community whole, including land use, civic, cultural, recreation, transit, health, human services, natural environment, and the provision of infrastructure and other services.

Policy CA-11.1.4 Encourage public and private efforts that support culturally appropriate food opportunities, including grocery stores, farmers' markets, food banks, and nutrition programs, especially to meet the nutritional needs of infants, children, elders, and other overburdened communities in their neighborhoods.

GOAL 12. PROTECT, CONSERVE, AND ENHANCE WATER RESOURCES IN KENMORE AND CREATE MORE CLIMATE RESILIENT WATER SYSTEMS.

OBJECTIVE 12.1 Promote and support water conservation efforts to increase the resiliency of Kenmore's water supply.

Policy CA-12.1.1 Conduct outreach and education on water conservation strategies, including using grey water for non-potable uses (e.g., irrigation) when possible. Incentivize greywater solutions for property owners, for example, free or subsidized rain barrels.

Policy CA-12.1.2 Utilize educational campaigns to encourage low-impact, drought-resistant landscape development and design using native plants, rain gardens, and stormwater drain maintenance or using drain filters. Work with landscape companies to educate and incentivize smart irrigation management and technology use.

Policy CA-12.1.3 Coordinate with the appropriate service providers to ensure water system plans include aggressive conservation and re-use measures, as well as development of new sources to support planned land uses with reliable service at minimum cost, consistent with the Utilities Element.

OBJECTIVE 12.2 Require low-impact development to manage stormwater in new/remodeled construction projects and implement flood prevention projects.

Policy CA-12.2.1 Effectively manage the city's municipal separate storm sewer system and private surface water systems in a manner that reduces flooding, maintains water quality and protects the natural environment in accordance with the Surface Water Element.

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Policy CA-12.2.2 Require the design and construction of commercial and residential buildings and their surrounding sites to reduce water consumption, re-use wastewater, and reduce stormwater runoff. Encourage low-impact development techniques that enhance climate resilience in proposals for new development.

OBJECTIVE 12.3 Consider alternative and sustainable irrigation sources to increase the resiliency of agricultural practices.

Policy CA-12.3.1 Coordinate with Northshore Utility District on water conservation methods—such as the use of ‘smart meters’—and to address the feasibility of using reclaimed water from the Brightwater plant for irrigation consistent with the Utilities Element.

GOAL 13: ENSURE THAT FORESTS, WETLANDS, SHORELINES, AND OTHER ECOSYSTEMS ARE RESILIENT TO THE IMPACTS OF EXTREME WEATHER, INVASIVE SPECIES, PESTS, DISEASES, AND OTHER IMPACTS WORSENER BY CLIMATE CHANGE.

OBJECTIVE 13.1 Assess and understand the climate risks for existing ecosystems.

Policy CA-13.1.1 Use the best available climate science and adaptive management principles to identify and protect environmentally critical areas and resources including fish, trees, frequently flooded areas, unstable slopes, and associated ecosystems, in order to protect and increase the resiliency of native habitats.

Policy CA-13.1.2 Take inventory of and protect climate refugia—areas which protect and facilitate survival for species during periods of climate instability—and address habitat connectivity needs for plants and wildlife under stress from climate change.

Policy CA-13.1.3 Accommodate shifting species in revegetation, restoration, and other projects, such as through updates to development and infrastructure standards addressing landscaping, tree canopy, critical area and shoreline buffers, stormwater facilities, etc.

OBJECTIVE 13.2 Increase the resilience of habitats and species to climate impacts by restoring and preserving ecosystems.

Policy CA-13.2.1 Protect, preserve, and restore local waterways, ecosystems, and habitats by partnering with residents, local and regional environmental groups, and other jurisdictions (e.g., the Kenmore community, Conservation Corps, US Army Corp of Engineers, King County, and other cities along Sammamish River and its tributaries).

Policy CA-13.2.2 Improve the resiliency of salmon and other fish species by removing or replacing old or degrading culverts and ensuring they are adequately sized

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to accommodate increased winter peak flows. Engage the public in restoring native salmon populations via public outreach campaigns.

Policy CA-13.2.3 Increase resiliency to flooding events by protecting, and where possible, enhancing and restoring existing flood storage, conveyance, and ecological functions and values of floodplains, wetlands, and riparian corridors.

Policy CA-13.2.4 Develop a comprehensive urban landscape strategy or framework (for both public and private projects) to develop additional natural areas and preserve the function of existing ones under changing climatic conditions. As part of the Urban Forest Management Plan, update the tree canopy assessment regularly and prioritize increasing tree canopy in areas subject to urban heat island effect.

Policy CA-13.2.5 Encourage community involvement and volunteering in stewardship activities that restore wildlife habitat, salmon populations, riparian corridors, and green spaces. Educate residents on the connection between ecosystem health and human health.

GOAL 14. BALANCE THE NEED FOR DEVELOPMENT AND GROWTH WITH NATURAL RESOURCE FUNCTIONS.

OBJECTIVE 14.1 Protect the natural environment through zoning policies and regulations.

Policy CA-14.1.1 Critical areas regulations should incorporate climate change considerations. Consider climate change in assessments of zoning and allowed uses within and adjacent to critical areas.

Policy CA-14.1.2 Protect natural and environmentally sensitive areas, open space, trees, vegetation, natural terrain, and drainage consistent with the Natural Environment Element.

Policy CA-14.1.3 Use regulations, zoning, incentives, and open space acquisition to protect floodplains, riparian corridors, high value wetlands, and unstable slopes from degradation due to climate change impacts.

Policy CA-14.1.4 Expand parks and green space in urban areas to reduce the effects of climate impacts (e.g., flooding and extreme heat) consistent with the Parks, Recreation, and Open Space Element. Provide parks, trails, and open space within walking distance of urban residents. Prioritize overburdened communities for open space improvements and investments.

Policy CA-14.1.5 Ensure No Net Loss standards are being met and establish a Net Ecological Gain regulation for public development projects. This standard should ensure ecological functions and values that support biodiversity and resiliency ecosystems are improved over current conditions at a cumulative scale that can be incrementally implemented through site-

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specific actions, with any short-term loss of those functions and values being more than offset by overall ecological gains.

OBJECTIVE 14.2 Ensure that the transportation system does not result in a loss of ecosystem function.

Policy CA-14.2.1 Consider natural boundaries, such as critical area boundaries, to help determine transportation routes and placement of infrastructure connections and improvements.

Policy CA-14.2.2 Where feasible, determine where improvements to the current transportation infrastructure can be implemented to improve ecological functions.

- Transportation facilities crossing 100-year floodplains should not function as dikes or levees to flood waters.
- Design roadway improvements to be in accordance with the City's Surface Water Management Plan and stormwater regulations.

Policy CA-14.2.3 Consistent with the Shoreline Element, transportation and parking facilities shall be planned, located, and designed to have the least possible adverse impact on environmentally critical areas in the shoreline.

GOAL 15: SUPPORT A RESILIENT AND GREEN LOCAL ECONOMY.

OBJECTIVE 15.1 Ensure that the local economy is resilient to climate disruptions and fosters business opportunities associated with climate mitigation and resilience.

Policy CA-15.1.1 Implement the CAP to develop a green jobs strategy in partnership with community groups and businesses that:

- Supports the low carbon transition of Kenmore's impacted industries;
- Develops pathways for youth and impacted workers to transition into green jobs;
- Provides green job training and continuing education for those facing economic vulnerability or with limited skills and work experience in this sector;
- Ensures opportunities (e.g., local hiring requirements) for these jobs.

Policy CA-15.1.2 Recognize the environment as a key economic value in the community that must be protected consistent with the Economic Development Element.

Policy CA-15.1.3 Support local businesses' efforts to reduce GHG emissions and to generate and store renewable electricity on-site, which can provide back-up power during emergencies and help ensure continuity of operations. Ensure this support reaches businesses facing economic disadvantage, such as small, women-owned, or BIPOC-owned businesses.

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Policy CA-15.1.4 Promote regional eco-industrial development to support a circular economy that increases demand for recycled materials and reduces demand for new raw materials and their embodied carbon emissions.

Policy CA-15.1.5 Encourage private reinvestment in residential and commercial areas that increases building and infrastructure resiliency and efficiency consistent with the Community Design Element.

Policy CA-15.1.6 Expand and support the food-related economy to ensure resiliency to impacts of extreme weather and other natural hazards worsened by climate change. Increase access to healthy, affordable, and climate-friendly foods.

IMPLEMENTATION

The Climate Action Element policies would require new or increased commitments of City resources to prepare new regulations, review/amend existing regulations, create educational or incentive programs, and/or coordinate with agencies, service providers, or adjacent jurisdictions. This section outlines specific implementation strategies the City can take to implement the policies described in the previous section.

Monitoring and Evaluation:

- Update GHG inventory every two years;
- Update Climate Vulnerability Assessment every three to five years, with a focus on the built environment, communities, and natural systems;
- Review, and as necessary, expand the biennial budget to enable implementation of climate programs;
- Continue funding climate action staff;
- Provide annual climate action progress report to Council.

Plan Development and Updates:

- The CAP implements the policy direction outlined in this element and will be updated on a five-year cycle, or sooner based on City Council's direction. The CAP implementation matrix will determine implementation emission reduction potential, increased resilience potential, timeline, costs, and department leads for a given action in addition to identifying key considerations, including but not limited to:
 - **Developing incentives** for green building design, building decarbonization, energy efficiency, EV and electric equipment purchase, water conservation, and drought resistant landscape design;
 - **Planning engagement** for a community outreach program to support and protect communities disproportionately impacted by extreme heat events and low air quality, develop and implement community stewardship activities to demonstrate connection between ecosystem and human health, and support

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- access to culturally appropriate food opportunities by encouraging collaboration among public, non-profit, and private food purveyors;
- **Initiating and sustaining partnerships** with local governments, tribal governments, stakeholders, and the community to ensure a transition to clean, and efficient energy use; expand transit services and EV infrastructure; ensure waste haulers contracted with the City offer recycling and composting services; protect, preserve, and restore waterways and ecosystems; co-create messages with the community on the impacts of climate change on health, safety, and emergency resources; and maintain tribal treaty rights and to protect cultural resources, practices, and historic sites from the impacts of climate change.
- Coordinate across City departments to incorporate climate considerations within appropriate Elements, including but not limited to:
 - **Utilities, Public Services, Housing Elements:** reduce water consumption, stormwater runoff, increased water reuse in design and construction of commercial, residential buildings/properties;
 - **Transportation Element:** maintain and protect environmentally critical areas, ecosystem functions;
 - **Land Use Shoreline Element:** protect environmentally critical areas and climate refugia, updates to development and infrastructure standards through best available climate science;
 - **Natural Environment Element:** reflect necessary restoration and capital projects that support enhancing climate resiliency;
 - **Parks, Recreation, and Open Spaces Element:** prioritize enabling access to open space in overburdened communities;
 - **Land Use, Housing, Transportation Elements:** climate-oriented growth strategies to promote dense, mixed-use, transit-oriented development, and affordable housing; equitable distribution of growth that reduces potential for displacement;
 - **Transportation, Parks, Recreation, and Open Spaces, Public Services Elements:** prioritization of transportation systems to locations vulnerable to climate impacts; continued design of accessible facilities and infrastructure (ADA Transition Plan).
 - Develop and implement the following processes, plans, or strategies identified in the CAE:
 - **Environmental justice audit process** to incorporate into Land Use Element that seeks to address the disproportionate environmental and health impacts exacerbated by climate change and ensure the equitable distribution of resources and benefits. Partner with City's Diversity, Equity, Inclusion, and Accessibility Task Force and engage city residents and community groups to thoroughly understand community needs.
 - **Construction and Demolition Waste Diversion Plan** (ensure incorporation into Utilities Element)
 - **Urban Forest Management Plan** (ensure incorporation into Land Use Element)

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- A **green jobs strategy** to support Kenmore's local economy
 - Update Economic Development and Community Design Elements to reflect City priorities for a resilient local economy and fostering business opportunities to advance climate mitigation and resilience.
- Implement the **Kenmore Pedestrian Facilities Plan**, develop a **Bicycle Priority Network Strategy**
- Review and update City's Hazard Mitigation Plan (HMP) to incorporate climate impact risk assessment findings and increase the resilience of public services, utilities, and infrastructure. This should include:
 - Strategies to mitigate heat risks in community and incorporate resilience to flooding events; identify transportation in event of natural or human disasters;
 - A disaster response component to HMP, including waste removal to reduce risk of fire, flood, injury, and disease; update Land Use, Utilities, Parks, Recreation, and Open Space Elements as necessary.
- Obtain external funding to complement City funding and secure proper resources for climate action through:
 - State and Federal grants,
 - Formula funds,
 - Regional partnerships, and
 - Other sources.

Commented [TH1]: This this meant to be another bulleted item or ?? Not sure if you meant to have this a stand alone sentence, or possibly considering adding 'sub-bullets'?

SUPPORTING DOCUMENTATION

Additional documentation which provides more detailed information regarding how Climate Action Element goals and policies were developed can be found in the following documents. City produced documents are available on the City's webpage or at City Hall.

Climate Action Plan

The City of Kenmore [Climate Action Plan](#) (adopted in 2022) includes:

- An overview of why Kenmore sought to create a climate action plan;
- An overview of the baseline analysis of greenhouse gas emissions in Kenmore;
- A set of strategies and actions for addressing climate change through mitigation and adaptation approaches;
- An implementation matrix that includes potential for emissions reductions, resilience potential, cost, and timeline.

Vulnerability Assessment

The [City of Kenmore Vulnerability Assessment](#) (2021) includes:

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- A summary of the risks, exposure, sensitivity, and adaptive capacity of the Kenmore community, natural environment, and infrastructure to the effects of climate change and interacting stressors.

Climate Action Element Policy Trends, Gaps, and Opportunities Assessment Memorandum

The [Policy Trends, Gaps, and Opportunities Assessment Memorandum](#) (2023) includes:

- A description of the overarching goals for developing and adopting a CAE;
- An overview of the approach used to identify initial goals, objectives, and policies related to climate action;
- A summary of key findings from the quantitative and qualitative assessment of Kenmore's existing climate policies and goals;
- Recommendations for emissions reductions and climate resilience and adaptation goals, objectives, and policies in several identified priority sectors per identified priority sector.

Kenmore Climate Action Element Equity Assessment Memorandum

The [Kenmore CAE Equity Assessment Memorandum](#) (2023) includes:

- An equity assessment, which examined the impacts, both intended and not, on people in overburdened communities explicitly for 25 objectives from the draft Climate Action Element.

REFERENCES

- Cascadia Consulting Group. (2021). *Kenmore Vulnerability Assessment*.
- Headwaters Economics. (2023). *Neighborhoods at Risk*. (Northeast Regional Climate Center) Retrieved 2023, from <https://nar.headwaterseconomics.org/5300023515/explore/map>
- University of Washington Department of Environmental & Occupational Health Sciences and Washington State Department of Health. (2022). *Washington Environmental Health Disparities Map: Cumulative Impacts of Environmental Health Risk Factors*. Retrieved from https://doh.wa.gov/sites/default/files/2022-07/311-011-EHD-Map-Tech-Report_0.pdf?uid=62e46bbc98fad



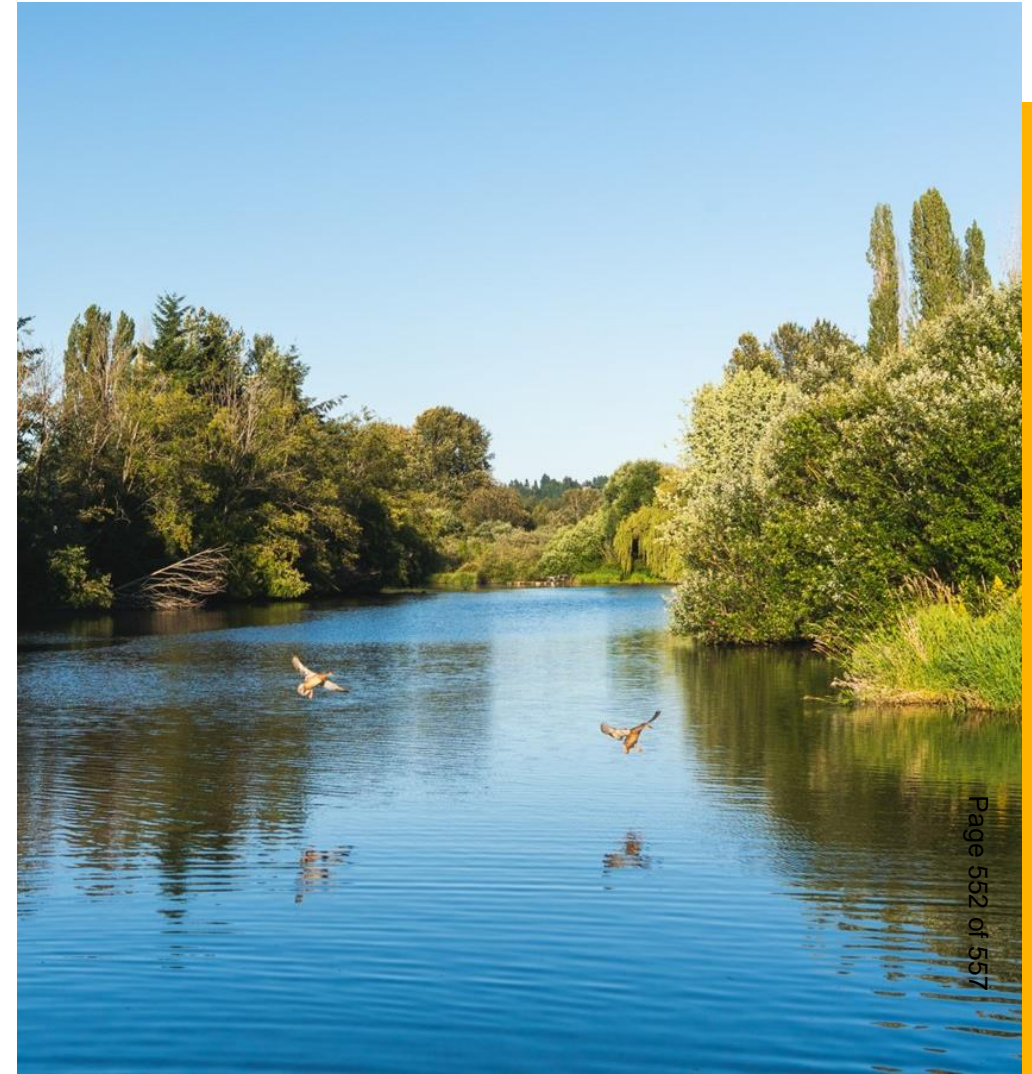
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CLIMATE ACTION ELEMENT COMPREHENSIVE PLAN UPDATE

October 16, 2023

Climate Action Element Timeline

- June 20, 2023 – Planning Commission completes review of CAE and approves recommendation for City Council action
- June-August 2023 – SEPA and Commerce review completed
- September 25, 2023 – Planning Commission & staff presented draft CAE to City Council. Staff receives feedback for 2nd draft.
- **October 16, 2023 – Staff presents 2nd draft CAE to City Council**
- October/November 2023 – Additional City Council review, if needed
- November 27, 2023 – CAE adopted



September 25, 2023 Council Feedback

| City Council Direction | Staff Response |
|---|--|
| The following edits were directly incorporated into the draft CAE (see attached draft CAE). | |
| Fix grammatical errors (e.g. "Commerce", "that", "incentivizes") | Grammatical errors were corrected and can be viewed in the attached draft CAE. |
| Add rain gardens in Policy CA-12.1.2 | Rain gardens were added in Policy 12.1.2. |
| Add sub headers for Mitigation and Resiliency | Section 1: Emissions Mitigation title was added for Goals 2-6 and a Section 2: Resiliency title was added for Goals 7-15. |
| Add statement regarding obtaining external funding | Added new item in Implementation section to obtain external funding. See draft CAE for full text. |
| Clarify if targeting municipal operations, community, or both | Added text to clarify in the following: Goal 2, Policy CA-3.3.2, Goal 7. Municipal vs community mitigation actions are delineated in more detail in the CAP. |
| Add policies on food sector | Added Policy 15.1.6 to Goal 15. See draft CAE for full text. |



September 25, 2023 Council Feedback

| City Council Direction | Staff Response |
|--|--|
| <i>Several comments were related to unclear connection/relationship to the Climate Action Plan (CAP) and grouped together. The following edits were directly incorporated into the draft CAE (see attached draft CAE).</i> | |
| Clarify alignment to CAP (maybe through Venn diagram) | Staff removed existing CAP text in introduction and put in a new Objective 1 to clarify CAP role to alleviate confusion on sequencing and alignment of CAE and CAP. |
| Shorter timeframes on CAP and Vulnerability Assessment updates to allow for more flexibility | Added CAP as first Policy in element (CA 1.1.1) to show that it takes direction from CAE. |
| Cite CAP timelines in References | Specified 3–5-year interval updates with Council discretion to update more frequently, if desired. Specified annual reporting to Council regarding CAP implementation progress. |



September 25, 2023 Council Feedback

| City Council Direction | Staff Response |
|---|--|
| <i>Comments were received that were not incorporated into the attached draft CAE. Additional Council direction may be needed.</i> | |
| Tie-in to Commerce guidance, pathways | <p>The City completed the draft CAE by June 2023, which is also when Commerce released their early guidance (final guidance is not available yet). Commerce did review the City's draft CAE and had no required changes but provided three suggestions for the City to consider.</p> <p>Staff can conduct a gap-analysis of the City's CAE and Commerce's guidance, but it will take some time to complete. Council clarification/direction requested.</p> |
| Addition of GHG reduction potential | <p>GHG reduction potential is generally characterized for actions in the CAP. At the CAE level, staff can provide direction as a policy to prioritize higher GHG reduction potential actions over others.</p> <p>Staff added Policy CA-1.1.2 to prioritize high reduction actions (see draft CAE for full text).</p> |
| Establishing goal dates | <p>Some comments were provided on including goal dates in the CAE. Staff suggest that dates be provided in the CAP, however, staff can incorporate them into the CAE at Council's direction. Staff request clarification on which goals and what dates Council wants to have included in the CAE, if they wish to go that direction.</p> |

Next Steps

- City Council review
- Ordinance adoption

Questions?

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