



City of Kenmore - 18120 68th Avenue NE - P.O. Box 82607 - Kenmore, WA 98028
Phone: 425-398-8900 - Fax: 425-481-3236 - E-mail: cityhall@kenmorewa.gov

City of Kenmore
City Council Regular and Special Meeting Agenda
5:30 p.m., Monday, June 12, 2017
Kenmore City Hall, Council Chambers
18120 68th Ave. NE, Kenmore, WA 98028

If you have any questions or to confirm agenda items prior to the meeting, or if you require special accommodations, please call the City Clerk at 425-398-8900. You may also stop by City Hall at 18120 68th Avenue NE, Kenmore. Council agendas are also available on our website at www.kenmorewa.gov.

I. CALL MEETING TO ORDER

II. 5:30 p.m. - CALL SPECIAL MEETING TO ORDER

III. EXECUTIVE SESSION

Discussion of Property Negotiations, Potential Litigation and Litigation Pursuant to RCW 42.30.110 (1) (b) and RCW 42.30 110 (1) (i)

IV. POSSIBLE ACTION RELATING TO EXECUTIVE SESSION

V. ADJOURN SPECIAL MEETING

VI. 7:00 p.m. - CALL REGULAR MEETING TO ORDER

VII. ROLL CALL

VIII. FLAG SALUTE

IX. AGENDA APPROVAL

X. PRESENTATION

- A. *Agenda Item Moved to June 26, 2017:*
Introduce Shelby Krogh, Volunteer & Events Supervisor - Leslie Harris, Community Relations Manager
- B. Introduce Maureen Colaizzi, Parks Project Manager - Lauri Anderson, Senior Planner
- C. *Agenda Item Moved to June 19, 2017:*
Walk Friendly Communities Award - Leslie Harris, Community Relations Manager

- D. Mary's Place - Update on Community Meetings and Proposed Kenmore Location - Marty Hartman, Executive Director and Dan McGrady, Member of Board of Directors for Mary's Place

XI. CITIZEN COMMENTS

- A. This is an opportunity to express your views on issues that are important to you and to the community. Please limit your comments to three (3) minutes.

XII. CONSENT AGENDA

- A. The Following Checks and Electronic Payments are Approved for Payment:
Total Check Numbers 36889 through 36978 in the Amount of \$251,332.68.
Total Payroll Electronic Deposits Dated 05/12/2017 in the Amount of \$78,005.25.
[Check vouchers](#)
- B. The Following Checks and Electronic Payments are Approved for Payment:
Total Check Numbers 36979 through 37068 in the Amount of \$624,367.26.
Total Payroll Electronic Deposits Dated 5/26/2017 in the Amount of \$79,812.19.
Wire Transfer for Debt Service Payment on 6/1/2017 in the Amount of \$137,177.79.
[Check vouchers](#)
- C. City Council Meeting Minutes of April 24, 2017, May 1, 2017 and May 8, 2017
[04 24 2017 Minutes](#)
[05 01 2017 Minutes](#)
[05 08 2017 Minutes](#)
- D. Authorize the City Manager to Execute Contract No. 17-C1650 for the Construction of the Moorlands Park Improvements Project
[Agenda Item](#)
- E. Receive and File Automatic Renewal of the Interlocal Cooperation Agreement (ICA) Regarding the Community Development Block Grant (CDBG) Program for 2018-2020
[Agenda Item](#)
- F. Authorize the City Manager to Execute an Agreement with Hyas Group for an Amount not to Exceed \$22,500
[Agenda Item](#)
- G. Authorize the City Manager to Execute the Interlocal Agreement with City of Marysville for the Rental of Outdoor Video Services for Movies @ the Square Events to be Held in the Town Square
[Agenda Item](#)

XIII. BUSINESS AGENDA

- A. Status Update on the St. Edward Ballfield Improvement Project - Rob Karlinsey, City Manager
[Agenda Item](#)
[Presentation](#)

XIV. PUBLIC HEARING

- A. Land Use Streamlining Project - Proposed Changes to the Land Use Terminology Used in the Zoning District Charts and Other Sections of the Zoning Code - Lauri Anderson, Senior Planner
[Agenda Item](#)

XV. BUSINESS AGENDA

- A. *Agenda Item Moved to June 19, 2017:*
Consideration of Kenmore Municipal Code (KMC) Changes Addressing Vegetation and Sidewalk Maintenance - Brett Schock, PE
[Agenda Item](#)
- B. Discussion of Paid Parental Leave Policy for City Employees - Sarah Bingham, Graduate Intern
[Agenda Item](#)
- C. Authorize the City Manager to Enter into Assignment of the Intellectual Rights for Cartoon Character Hank Heron with an Amount not to Exceed \$7,500 - Sarah Bingham, Graduate Intern
[Agenda Item](#)
[Images](#)

XVI. STAFF REPORT

- A. Utility Box Art - Sarah Bingham, Graduate Intern
[Agenda Item](#)
[Presentation](#)

XVII. COUNCILMEMBER REPORTS & COMMENTS & INITIATIVES

XVIII. ADJOURNMENT

Upcoming Meetings:

Monday, June 19, 2017 City Council Meeting
Monday, June 26, 2017 City Council Meeting
Monday, July 10, 2017 City Council Meeting

Monday, July 17, 2017 City Council Meeting

Monday, July 24, 2017 City Council Meeting

Voucher Certification and Approval

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 that 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 numbers: 36889 through 36978 \$ 251,332.68

Total Payroll electronic deposits dated: 05/12/2017 \$ 78,005.25

 City Manager	<u>5/22/16</u> Date
 Finance Director Accountant	<u>5/19/17</u> Date

Check #	Vendor Name	Description	Check Amount
36889	HERRERA ENVIRONMENTAL CONSULTANTS	16-C1606 Prof Svcs/Inv. Rемаi	3,226.55
36890	NATIONWIDE FINANCIAL 401a	Social Security Replacement Plan	12,890.71
36891	NATIONWIDE RETIREMENT SOLUTIONS 457	Deferred Comp Payroll Deduction	295.00
36892	ICMA RETIREMENT TRUST 457 - 304745	Deferred Comp Payroll Deduction	2,885.33
36893	DRS 457	Deferred Comp Payroll Deduction	510.00
36894	BANK OF AMERICA 941	Payroll Taxes	16,774.98
36895	DEPARTMENT OF RETIREMENT SYSTEMS	WA State Retirement	18,809.22
36896	STATE OF FLORIDA DISBURSEMENT UNIT	Employee Deduction	275.00
36897	NAVIA	Employee Flexible Spending Account Contributions	359.60
36898	AVIDIA HEALTH	Employee Health Savings	42.30
36899	VOID	Void	-
36900	DEPPA, DOUG	Training Conference Per Diem/Police Dept.	115.25
36901	BULGER SAFE & LOCK, INC.	Locks for Parks	275.73
36902	CITY OF SHORELINE	January - March Jail Van Usage	632.70
36903	CONSOLIDATED PRESS	Spring Newsletter Printing	3,285.20
36904	DAILY JOURNAL OF COMMERCE	Moorlands Park Improvements Ad	536.00
36905	FRUHLING SAND & TOPSOIL	Asphalt Waste Dumping	140.00
36906	INSLEE, BEST, DOEZIE & RYDER, P.S.	March Legal Services	20,361.21
36907	KING COUNTY FINANCE	April Dump Fees	28.37
36908	KING COUNTY FINANCE	March Adult/Juvenile Detention Community Work Prog.	3,198.65
36909	KING COUNTY FINANCE	April Road Svcs/Simonds Overlay	121.04
36910	SOUND PUBLISHING, INC.	April Business Registration Ad	425.00
36911	KING COUNTY OFFICE OF FINANCE	Jan.-Apr. Indigency Screening	2,314.77
36912	LIGHTHOUSE CONSULTING INC	April IT Consulting Services	2,402.40
36913	LIGHTHOUSE CONSULTING INC	April Public Records Requests	25.03
36914	LIGHTHOUSE CONSULTING INC	April IT Protection Services	2,381.78
36915	NORTHSHORE UTILITY DIST	Rhododendron Park Irrigation Meter Connection Chgs.	17,900.00
36916	OFFICE DEPOT	Office Supplies	308.81
36917	OFFICE DEPOT	Office Supplies	226.16
36918	OFFICE TEAM	Reception Desk Temporary Services	1,397.24
36919	PACIFIC TOPSOILS	ROW Topsoil & Brush Dumping Fees	99.05
36920	PUGET SOUND ENERGY	April Multiple Street Lights/City Hall Electricity	12,090.67
36921	CEMEX	Asphalt for Catch Basins & Berms	277.64
36922	SEATTLE TIMES	Moorlands Improvements Legal Ad	490.60
36923	STAPLES ADVANTAGE	Office & Maintenance Supplies	483.20
36924	STEWART MACNICHOLS HARMELL, INC.	March Public Defender Services	5,000.00

36925	MACLEOD RECKORD	16-C1502 Moorlands Park April Professional Services	17,903.57
36926	VAN NESS, ALLAN	Mileage Reimbursement 4/14/17	17.66
36927	KING COUNTY RECORDER'S OFFICE	Title Notice Violation Filing Fee	74.00
36928	ALL TRAFFIC DATA SERVICES, INC.	Classification Counts for WSDOT Update	1,500.00
36929	KONICA MINOLTA BUSINESS SOLUTIONS	4/3-5/2 Incubator Copy Machine Usage	4.92
36930	BANNER BANK LD	Advertising/Social Media/Bike Accessories	445.75
36931	BANNER BANK CS	Handcuffs/Supplies	240.47
36932	BANNER BANK DB	Registration/Lodging/Moorlands Park Drawings Printing	691.90
36933	QUALITY BUSINESS SYSTEMS INC.	4/2-5/1 2nd Floor Xerox Lease	330.05
36934	BANNER BANK JG	Advertising/Bulletin Board	147.61
36935	GRAINGER	Pet Waste Bags for Hangar Bldg	117.81
36936	BANNER BANK KENMORE	Supplies/New Hire Services/Meals	1,060.69
36937	GREGORY, JOANNE	Travel Expense Reimbursement	214.60
36938	A+ CONFERENCING	5/1/17 Conference Call	23.99
36939	BANNER BANK JGORDON	Adjustable Desk	395.00
36940	COMCAST BUSINESS	5/10-6/9 Squire's Landing Internet Security Cameras	69.95
36941	COMCAST BUSINESS	April City Hall/Incubator/Hanger Bldg. Internet	1,793.86
36942	COMCAST BUSINESS	City Hall Phones	367.60
36943	COMCAST BUSINESS	5/14-6/13 City Hall Cable/Internet	143.11
36944	GORDON THOMAS HONEYWELL	May Government Affairs Consulting	4,050.29
36945	TOWN CENTER HARDWARE	April Public Works Supplies	19.69
36946	SARAH ROBERTS	April Prosecution Services	10,836.09
36947	FRONTIER	4/28-5/27 City Hall Phone Svc. 425-481-5638	617.03
36948	FRONTIER	4/25-5/27 City Hall Phone Svc. 425-489-8570	450.03
36949	BANNER BANK BH	Training Registrations/Publications	305.64
36950	SCHNEE, CARLA	Travel Expense Reimbursement	193.57
36951	VERIZON WIRELESS	4/27-5/26 Cell Phones/I-Pads	543.94
36952	AABCO BARRICADE COMPANY INC.	Juanita Design - Board Rental	456.50
36953	JOYCE ZIKER PARKINSON	April Lk. WA Sediment Consulting/Legal Advice	112.50
36954	JOYCE ZIKER PARKINSON	April Legal Svcs - Kenmore Village	2,299.50
36955	KENMORE COMMERCIAL LLC	June Incubator Bldg. Lease Payment	3,213.25
36956	UTILITIES UNDERGROUND LOCATION CTR	April Locate Notifications	272.19
36957	MOBILE MINI, INC.	4/28-5/25 Rhododendron Park Container Rental	130.57
36958	NORTHWEST LANDSCAPE SERVICES	522 ROW Tree Replacement	3,394.50
36959	NORTHWEST LANDSCAPE SERVICES	May SR522 ROW Landscaping	1,753.09
36960	SCORE	April Inmate Housing	39,052.02
36961	SCORE	March Outside Inmate Health Services	35.62
36962	HANSEN, COREY	April Incubator Consulting Service	4,180.00
36963	GALLATIN PUBLIC AFFAIRS	April Media Relations/Marketing	3,500.00
36964	STEWART TITLE COMPANY	ROW Title Reports	965.79
36965	SITTS & HILL ENGINEERS, INC.	15-C1464 April Rhododendron Park Engineering Svcs	1,170.00
36966	SOFTWAREONE, INC.	Software for SWM Server	1,272.81
36967	TOP TO BOTTOM JANITORIAL, INC.	May City Hall Janitorial Svcs	3,500.00
36968	RFI ENTERPRISES INC.	Access Control/Video Monitoring Maintenance	2,084.50
36969	BAKER, BRIDGIT	Reimbursement for Coffee/Meeting Expenses	84.62
36970	EA ENGINEERING SCIENCE & TECHNOLOGY	16-C1582 St. Edward Lodge Professional Services	2,569.35
36971	CABOT DOW ASSOCIATES, INC.	Salary Study Recommendations	412.50
36972	URBAN FORESTRY SERVICES, INC.	Moorlands Park Project Consulting	540.00
36973	LENTZ, FLORENCE K.	St. Edward Landmark Nomination Research Services	1,125.00
36974	QUALITY BUSINESS SYSTEMS	5/5-6/4 1st Floor Xerox Lease	675.53
36975	STANLEY PATRICK STRIPING COMPANY	NTPP 84th/Simonds Project Adjustments	4,013.75
36976	OFFICE DEPOT	Office Chairs	1,145.08
36977	ARCADIA HOMES LLC	Refund for Fire Dept Review Overcharge	20.00
36978	NORTHSHORE CHURCH	Community Market Vendor Booth Fee	210.00
5/12/2017	PAYROLL	Direct Deposit	78,005.25
			<u>\$ 329,337.93</u>

2017	PRIOR VENDOR ACTIVITY	TOTAL	FOR 2017
	A V CAPTURE ALL		4,718.57
	A+ CONFERENCING		268.52
	AAA PRINTING		605.11
	AABCO BARRICADE COMPANY INC.		2,726.55
	ACF WEST INC		1,253.23
	ACTION ENTERTAINMENT		500.00
	AFLAC		1,921.96
	AGORA NW LLC		336.39
	ALCALDE & FAY		20,809.57
	ALPHAGRAPHICS US718		641.46
	AM TEST, INC		675.00
	AMERICAN GENERAL LIFE GPO-400S		1,639.76
	AMERICAN PLANNING ASSOCIATION		1,065.00
	AMERICAN PUBLIC WORKS ASSOCIATION		1,295.00
	ANDERSON, LAURI		203.83
	ARTS OF KENMORE		950.00
	ASSOCIATION OF WA CITIES		15,574.00
	AURORA RENTS		438.49
	AUTOMATED CONTROLS		1,543.95
	AVIDIA HEALTH		126.90
	AWC EMPLOYEE BENEFITS		196,228.93
	AWCPD		100.00
	BAKER, BRIDGIT		112.60
	BAKER, DAVID		1,664.42
	BANK OF AMERICA 941		153,693.33
	BANNER BANK NO		467.89
	BANNER BANK BAKER		4,944.88
	BANNER BANK BH		689.39
	BANNER BANK CS		3,860.82
	BANNER BANK DB		375.00
	BANNER BANK JG		2,954.58
	BANNER BANK JGORDON		2,796.81
	BANNER BANK KENMORE		11,271.45
	BANNER BANK LD		5,260.63
	BANNER BANK NO		3,251.60
	BANNER BANK PS		617.09
	BANNER BANK RK		5,097.81
	BANNER BANK VAN NESS		3,610.64
	BASTYR UNIVERSITY		50,200.00
	BERGMANN, SEAN & LINETTE		9,500.00
	BERK CONSULTING		86.86
	BEST HARBOUR DEVELOPMENT LLC		7,500.00
	BLACKBAUD		7,304.24
	BLESSINGTON, DEBBIE		164.95
	BRAVO ENVIRONMENTAL SERVICE		45,451.88
	BRIEN, GAYLYNN		200.00
	BRUCE DEES & ASSOCIATES		236.51
	BUILDERS EXCHANGE OF WASHINGTON INC		449.60
	CALPORTLAND COMPANY		171.17
	CANYON VIEW ESTATES		7,561.70
	CAPITAL ONE COMMERCIAL/ COSTCO		561.95
	CASCADE PEST CONTROL		570.05
	CEMEX		1,207.54
	CHICAGO TITLE		2,697.45
	CITY OF BELLEVUE		14,034.50

CITY OF BELLEVUE	12,206.25
CITY OF LAKE FOREST PARK	336,209.09
CITY OF SHORELINE	2,281.53
CITY WIDE FENCE COMPANY, INC	1,209.98
CITYWORKS/ AZTECA SYSTEMS INC.	21,900.00
CLARK & SONS EXCAVATING INC.	18,260.00
CODE PUBLISHING COMPANY	3,562.89
COLUMBIA RIDGE LANDFILL	3,525.88
COMCAST	4,723.28
COMCAST BUSINESS	4,136.44
CONSOLIDATED PRESS	3,180.78
CONTOUR FENCE CO. INC.	3,087.90
CSAT, LLC	1,200.00
D.R. HORTON	11,885.43
DACO ENTERPRISES, LLC	2,500.00
DAILY JOURNAL OF COMMERCE	1,492.80
DAY WIRELESS SYSTEMS	76.44
DEPARTMENT OF LABOR AND INDUSTRIES	11,733.92
DEPARTMENT OF RETIREMENT SYSTEMS	172,028.74
DEPPA, DOUG	227.52
DEVRIES, DENIS	134.83
DIGITAL REPROGRAPHICS SERVICES INC.	144.32
DRS 457	3,980.00
EA ENGINEERING SCIENCE & TECHNOLOGY	28,390.01
EAST JORDAN IRON WORKS	17,405.02
EASTSIDE HOMES, INC.	106,645.57
ECO-COUNTER	9,580.00
ECONOMIC DEV COUNCIL OF SEATTLE/KC	5,000.00
ECOSS	1,941.26
EMPLOYMENT SECURITY DEPT	249.00
ENVIRONMENTAL SYSTEMS RESEARCH INST	5,694.00
EVERGREEN SAFETY COUNCIL	299.00
FERGUSON ENTERPRISES INC #1539	3,480.22
FINANCIAL CONSULTING SOLUTIONS GROUP	19,399.79
FIRE PROTECTION, INC	1,862.64
FLEMINGS HOLIDAY LIGHTING LLC	3,241.27
FRONTIER	26,055.47
FRUHLING SAND & TOPSOIL	386.50
FUN RENTALS	710.66
GALLATIN PUBLIC AFFAIRS	10,500.00
GOOD TO GO	35.50
GOODSELL POWER EQUIPMENT #2 INC.	55.82
GOPALAKRISHNAN, ANUSHA	250.00
GORDON THOMAS HONEYWELL	12,243.80
GORDON, JENNIFER	150.00
GOVDELIVERY, INC.	11,576.25
GRAINGER	499.84
GREATER BOTHELL CHAMBER OF COMMERCE	2,531.63
GROUP FOUR INC.	3,722.20
HALO BRANDED SOLUTIONS	1,200.66
HANSEN, COREY	22,134.00
HDR ENGINEERING, INC	22,290.65
HERMANSON COMPANY, LLP	3,050.70
HERRERA ENVIRONMENTAL CONSULTANTS	13,375.50
HESTON VISUAL ARTS	465.38
HIGHWIRE	1,885.59

HOME DEPOT CREDIT SERVICES	113.88
HONEY BUCKET	1,091.75
HOPKINS, CRAIG	265.36
HORIZON DISTRIBUTORS INC	412.75
HSA BANK	42.30
ICMA RETIREMENT TRUST 457 - 304745	28,366.45
INC4INC, INC.	7,500.00
INDEPENDENT STATIONERS	148.96
INSLEE, BEST, DOEZIE & RYDER, P.S.	81,062.68
INTEGRA TELECOM	1,799.53
INTERNATIONAL CITY/CNTY MGMT ASSOC	1,400.00
iWORQ SYSTEMS	2,800.00
JAYMARC - AV	46,455.78
JET CITY IMPROV	600.00
JET CITY PRINTING	1,058.63
JOYCE ZIKER PARKINSON	412.50
JSH PROPERTIES, INC.	420.12
KAMINS CONSTRUCTION INC.	41,485.44
KENMORE COMMERCIAL LLC	12,853.00
KENMORE HERITAGE SOCIETY	585.00
KING COUNTY ANIMAL SVCS	1,088.00
KING COUNTY FINANCE	158,089.24
KING COUNTY FINANCE W.L.R.D.	569.64
KING COUNTY FLEET ADMIN	464.31
KING COUNTY MUNICIPAL CLERKS ASSOC	25.00
KING COUNTY OFFICE OF FINANCE	3,225.63
KING COUNTY RADIO COMM SERVICES	298.94
KING COUNTY RECORDER'S OFFICE	240.00
KING COUNTY SHERIFF	28,971.97
KING COUNTY TREASURY	25,351.53
KOMPAN, INC	2,169.20
KONICA MINOLTA BUSINESS SOLUTIONS	1,230.47
KPFF CONSULTING ENGINEERS	44,462.11
KUSTOM SIGNALS, INC.	492.26
LANDSCAPE FORMS, INC.	503.70
LANGUAGE LINE SERVICES, INC.	282.67
LAW OFFICE OF JOHN RONGERUDE, PS	600.00
LENTZ, FLORENCE K.	6,150.00
LIGHTHOUSE CONSULTING INC	12,075.61
LINCOLN NATIONAL LIFE INSURANCE	3,731.74
LOYUK, SAMANTHA	51.90
LUTRON SERVICES CO., INC.	487.50
MAACO	383.25
MACLEOD RECKORD	93,506.53
MAIL FINANCE	703.00
MARSHBANK CONSTRUCTION	203,904.37
MCCLURE AND SONS, INC.	95,511.90
METROPOLITAN TRANS. COMMISSION	1,500.00
MICRONET, INC.	151.12
MILLER STEPHENS, MARY	6,250.00
MOBILE MINI, INC.	459.07
MR. T'S TROPHIES	121.33
MUMMA, RYAN	250.25
MUNIMANAGE, LLC	17,880.00
NATIONAL LIFE OF VERMONT	492.68
NATIONWIDE FINANCIAL 401a	116,262.11

NATIONWIDE RETIREMENT SOLUTIONS 457	2,205.00
NAVIA	5,239.90
NAZARIYA, ANATOLI	536.07
NEOPOST USA INC.	182.87
NEW PIG	1,397.04
NICK MINZGHOR	2,350.00
NORTHSHORE FIRE DEPT	700.00
NORTHSHORE ROTARY CLUB	148.00
NORTHSHORE UTILITY DIST	46,292.55
NORTHWEST ARBORICULTURE LLC	5,269.07
NORTHWEST LANDSCAPE SERVICES	6,988.45
NORTHWEST MARINE TRADE ASSOCIATION	440.00
OFFICE DEPOT	7,050.21
OFFICE TEAM	658.63
OLBRECHTS & ASSOCIATES, PLLC	27,089.50
OLYMPIC ENVIRONMENTAL RESOURCES INC	10,155.30
OSBORN CONSULTING INC.	31,691.04
OUSLEY, NANCY	115.62
OWEN EQUIPMENT COMPANY	1,246.98
PACE ENGINEERS, INC.	21,259.31
PACIFIC TOPSOILS	136.00
PAMPLIN MEDIA GROUP	190.00
PASSPORT TRAVEL AND TOURS	598.00
PAWS	1,600.00
PENDLETON, MICHAEL	3,745.50
PERSONAL BEST/ TOPHEALTH	117.74
PERTEET INC.	31,211.48
PETTY CASH CUSTODIAN	424.85
PHSI PURE HEALTH SOLUTIONS INC.	504.61
PHSI PURE WATER FINANCE	301.86
PLANTS NORTHWEST, INC.	3,269.30
PUGET SOUND CLEAN AIR AGENCY	17,756.00
PUGET SOUND ENERGY	62,243.22
PUGET SOUND FINANCE OFFICERS ASSOC	50.00
PUGET SOUND REGIONAL COUNCIL	8,294.00
QUALITY BUSINESS SYSTEMS INC.	5,398.05
QUINN, JANET	74.68
RANDALL, BRIAN	411.40
REDFIELD PROPERTIES LLC	2,500.00
REPUBLIC SERVICES	2,648.34
RESOURCE EXPLORATION, LLC	8,000.00
RYCO EQUIPMENT, INC.	630.44
SARAH ROBERTS	32,508.27
SCORE	90,832.87
SEATTLE PHOTO BOOTHS	565.02
SEATTLE TIMES	3,357.52
SEXTANT MARKETING GROUP	8,209.22
SHI INTERNATIONAL CORP.	375.59
SHRED-IT USA LLC	298.93
SIGN UP, SIGN CO, INC	27.45
SIMONDS COURT LLC	8.36
SITTS & HILL ENGINEERS, INC.	3,239.86
SKYWARD CONSTRUCTION	58,921.18
SNOHOMISH COUNTY	2,743.00
SOFTWAREONE, INC.	9,830.69
SOUND CITIES ASSOC	14,189.83

SOUND PUBLISHING, INC.	2,373.00
SPERRY, LAURIE	1,266.76
STANLEY PATRICK STRIPING COMPANY	23,494.93
STANTON, ANN	93.50
STAPLES ADVANTAGE	1,366.19
STARDOM SERVICES, INC.	2,040.00
STATE OF FLORIDA DISBURSEMENT UNIT	2,475.00
STATE OF WA DEPT. OF LICENSING	30.00
STATEWIDE RENT-A-FENCE INC.	3,791.76
STEWART MACNICHOLS HARMELL, INC.	20,000.00
STEWART TITLE COMPANY	41,997.27
SUMMIT TREE AND LAND, INC.	4,489.50
TELESYSTEMS WEST	175.20
THE GREENBUSCH GROUP, INC.	2,304.91
THE WATERSHED COMPANY	3,493.56
TIM HUNTER CREATIVE SERVICES	1,250.00
TOP TO BOTTOM JANITORIAL, INC.	10,500.00
TOTAL LANDSCAPE CORP	24,716.83
TOWN CENTER HARDWARE	398.39
TRINITY CONTRACTORS, INC.	49,364.47
TUFF SHED, INC	1,872.83
TYLER TECHNOLOGIES, INC.	29,396.98
UFF DA LOGISTICS	283.59
UNITED STATES POSTMASTER	3,202.99
UNITED WAY OF KING COUNTY	2,268.00
UPS STORE	102.16
URBAN FORESTRY SERVICES, INC.	850.00
US POSTAL SERVICE (HASLER)	5,430.24
UTILITIES UNDERGROUND LOCATION CTR	715.95
VAN NESS, ALLAN	113.08
VELLAT, MARC H.	32,050.00
VERIZON WIRELESS	2,110.19
VERSATILE MOBILE SYSTEMS	260.88
VERTICAL VISUAL SOLUTIONS INC.	12,658.20
W.S.S.O. Advanced Training	780.00
WA ASSOC OF BUILDING OFFICIALS	2,450.00
WA ASSOC OF CODE ENFORCEMENT	35.00
WA ASSOC OF PUBLIC RECORDS OFFICERS	350.00
WA CITIES INSURANCE AUTHORITY	265,141.00
WA FINANCE OFFICERS ASSOCIATION	150.00
WA STATE DEPT OF LABOR & INDUSTRIES	141.60
WA STATE DEPT OF TRANSPORTATION	1,951.79
WAGE WORKS	288.00
WASHINGTON ENERGY SERVICES CO. LLC	28.00
WASHINGTON STATE DEPT OF REVENUE	4,877.35
WASHINGTON STATE PATROL	897.24
WELLS FARGO FINANCIAL	2,642.42
WETHERHOLT & ASSOCIATES, INC	7,855.00
WETLANDS & WOODLANDS INC	9,677.06
WINTERBOURNE LANDSCAPE	1,152.39
YOM: FULL SERVICE COURT REPORTING	9,055.00
ZONAR SYSTEMS	525.33
ZUMAR	273.75
	<u>\$3,756,432.76</u>

Voucher Certification and Approval

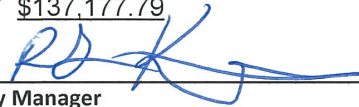
I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that 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 numbers: 36979 through 37068 \$ 624,367.26

Total Payroll electronic deposits dated: 05/26/2017 \$ 79,812.19

Wire Transfer for Debt Service Payment on 6/1/2017 \$137,177.79


City Manager

6/2/17
Date


Finance Director

6/2/17
Date

Check #	Vendor Name	Description	Check Amount
36979	NATIONWIDE FINANCIAL 401a	Social Security Replacement Plan	13,212.78
36980	NATIONWIDE RETIREMENT SOLUTIONS 457	Deferred Comp Payroll Deduction	295.00
36981	ICMA RETIREMENT TRUST 457 - 304745	Deferred Comp Payroll Deduction	3,885.33
36982	DRS 457	Deferred Comp Payroll Deduction	510.00
36983	AFLAC	Private Medical/ Disability Plans	480.49
36984	BANK OF AMERICA 941	Payroll Taxes	17,439.17
36985	DEPARTMENT OF RETIREMENT SYSTEMS	WA State Retirement	19,820.62
36986	DEPARTMENT OF LABOR AND INDUSTRIES	Worker's Compensation	2,795.07
36987	UNITED WAY OF KING COUNTY	Employee Charitable Contribution	504.00
36988	NATIONAL LIFE OF VERMONT	Life Insurance	123.17
36989	AMERICAN GENERAL LIFE GPO-400S	Life Insurance	409.94
36990	STATE OF FLORIDA DISBURSEMENT UNIT	Payroll Deduction	275.00
36991	NAVIA	Employee Flexible Spending Plan Contributions	494.60
36992	AVIDIA HEALTH	Employee Health Savings Account Contributions	42.30
36993	AWC EMPLOYEE BENEFITS	Employee Health Insurance	50,887.85
36994	LINCOLN NATIONAL LIFE INSURANCE	Life/Long Term Disability/AD&D	966.37
36995	REIQUAM, PETER	Town Square Public Art Project	12,500.00
36996	BANNER BANK BAKER	Airfare & Parking	296.34
36997	BANNER BANK RK	Registration/Meals/Video Cable	154.81
36998	BANNER BANK NO	Computer/Business Event/Subscription	1,080.78
36999	BULGER SAFE & LOCK, INC.	Log Boom Park Dock Locks & Sr. Center Shed Keys	37.65
37000	CITY OF BELLEVUE	1st Qtr Human Svcs Pooled Program	18,877.00
37001	CITY OF LAKE FOREST PARK	April Public Works Crew Services	74,201.32
37002	INSLEE, BEST, DOEZIE & RYDER, P.S.	April Legal Services	14,886.04
37003	KING COUNTY FINANCE	Qtr 1 Liquor Profits/Excise Tax K.C. Mental Health	1,533.21
37004	KING COUNTY FINANCE	April Road Svcs/Signs/Signal Maintenance	6,598.68
37005	KING COUNTY FINANCE	April Adult/Juvenile Detention Work Release	4,937.65
37006	KING COUNTY FINANCE	April Adult/Juv. Detention Community Work Prog.	4,655.00
37007	KING COUNTY FINANCE	April Road Svcs/Striping/Signage	3,920.96
37008	LIGHTHOUSE CONSULTING INC	March IT Services	2,422.42
37009	LIGHTHOUSE CONSULTING INC	March Public Records Requests	50.05
37010	LIGHTHOUSE CONSULTING INC	April Protection/Backup/Archiving	2,381.78
37011	NORTHSHORE UTILITY DIST	3/15-5/15 City Hall/Parks/Irrigation	1,147.12
37012	NORTHSHORE UTILITY DIST	April Vehicle Fuel & Maintenance	3,116.83
37013	NORTHSHORE YMCA	1st Qtr Human Svcs Program Funding	1,625.00
37014	OFFICE TEAM	5/19 Temporary Reception Service	79.99

37015	PUGET SOUND ENERGY	4/13-5/15 Various Signals/Lights/Electricity	969.58
37016	PUGET SOUND ENERGY	4/13-5/15 Rhododendron Park Electricity	356.16
37017	PUGET SOUND ENERGY	4/13-5/15 City Hall Natural Gas	536.20
37018	PUGET SOUND ENERGY	4/13-5/15 Incubator Bldg. Electricity	470.99
37019	CEMEX	Asphalt for Pothole Repairs	135.52
37020	SEATTLE TIMES	5/22 Rhododendron Park Project Ad	169.48
37021	SEATTLE TIMES	5/15 Public Hearing Notice - Ord. #17-0436	209.62
37022	SEATTLE TIMES	5/25 Ordinance Summary #17-0436	75.82
37023	STAPLES ADVANTAGE	Incubator Bldg. Supplies	158.73
37024	TOTAL LANDSCAPE CORP	May NS Summit/Squire's Landing Landscaping	1,738.00
37025	TOTAL LANDSCAPE CORP	May City Hall & Parks Landscaping	5,025.45
37026	WASHINGTON CITY/COUNTY MGMT ASSOC	Assistant City Manager Dues	315.00
37027	WA STATE DEPT OF TRANSPORTATION	April Traffic Signal Maintenance	512.23
37028	COLUMBIA RIDGE LANDFILL	osalMay Street Sweeper Debris Disp	935.94
37029	MAIL FINANCE	6/19-9/18 Postage Machine Lease	706.20
37030	RANDALL, BRIAN	Travel Expense Reimbursement	267.75
37031	PACE ENGINEERS, INC.	15-C1483 March Professional Services	24,680.90
37032	HDR ENGINEERING, INC	3/5-4/29 Juanita Dr Pedestrian/Bike Design Svcs	19,463.78
37033	EVER-MARK, LLC	Town Square Sign Design	2,145.00
37034	A+ CONFERENCING	5/22 Conference Call	3.57
37035	SHRED-IT USA LLC	4/21 & 4/28 Shredding Services	123.00
37036	ALCALDE & FAY	May Government Affairs Consulting	5,017.57
37037	FIRE PROTECTION, INC	Town Square/Hangar Bldg Monitoring	650.43
37038	PHSI PURE HEALTH SOLUTIONS INC.	City Hall Filtered Water Systems	101.09
37039	WELLS FARGO FINANCIAL	5/21-6/20 2nd Floor Copier Lease	619.73
37040	DEVRIES, DENIS	Police Volunteer Mileage Reimbursement	41.73
37041	KAMINS CONSTRUCTION INC.	NE 181st S. Sidewalk Final Payment	3,302.25
37042	STATE OF WA DEPARTMENT OF LICENSING	Landscape Architect License Renewal	450.00
37043	OSBORN CONSULTING INC.	12-C1081 March Surface Wtr On-Call Services	29,971.38
37044	TRINITY CONTRACTORS, INC.	NE 181st North Sidewalk Construction through 5/25	46,683.54
37045	HANSEN, COREY	May Incubator Consulting Services	4,180.00
37046	ALEXANDER, JEFF	Bike Everywhere Day Concert Performer	250.00
37047	KPFF CONSULTING ENGINEERS	April 68th Ave Ped/Bike Design Services	26,642.04
37048	KPFF CONSULTING ENGINEERS	15-C1484 March Professional Services	10,317.18
37049	MOTT MACDONALD GROUP, INC.	15-C1457 10/29-11/25/16 Log Boom Park Svcs	810.00
37050	MOTT MACDONALD GROUP, INC.	15-C1457 7/1-10/28/16 Log Boom Park Svcs	1,490.55
37051	MOTT MACDONALD GROUP, INC.	15-C1456 7/1-10/28/16 Squire's Landing Svcs	4,580.18
37052	NORTHWEST ARBORICULTURE LLC	16-C1591 61st Damaged Tree Removal	3,778.94
37053	DEPPA, DOUG	Lodging Reimbursement/Police Training in Yakima	326.25
37054	RFI ENTERPRISES INC.	16-C1546 Access Control/Video Monitoring	8,792.30
37055	CORT PARTY RENTAL	Table Rentals	168.85
37056	FINANCIAL CONSULTING SOLUTIONS GROUP	16-C1547 Public Works Service Analysis	1,065.00
37057	TYLER TECHNOLOGIES, INC.	5/16 Accounts Receivable Setup	62.50
37058	NAZARIYA, ANATOLI	Police Firearms Training Travel Exp. Reimbursement	749.89
37059	THE GREENBUSCH GROUP, INC.	17-C1667 St. Edward Ballfield Acoustical Consulting	2,425.00
37060	SCHARBACH, WAYNE	Refund Permit Renewal for Permit Not Expired	106.05
37061	IRON CREEK CONSTRUCTION LLC	17-C1654 NTPP Arrowhead Curve Project	73,684.37
37062	VAN NESS, ALLAN	Mileage Reimbursement	17.66
37063	KONICA MINOLTA BUSINESS SOLUTIONS	5/3-6/2 Incubator Building Photo Copier Lease	212.74
37064	GREGORY, JOANNE	GFOA Travel Expense Reimbursement	1,479.94
37065	INDEPENDENT STATIONERS	Office Supplies	138.61
37066	CASCADE BICYCLE CLUB	Membership Dues	40.00
37067	FRONTIER	SR522 West A Aerial to Underground Work	42,539.18
37068	DIVA II LLC	Tenant Improvements at Hangar Building	28,029.07
5/26/2017	PAYROLL	Direct Deposit	79,812.19
			<u>\$ 704,179.45</u>

2017	PRIOR VENDOR ACTIVITY	TOTAL	FOR 2017
	A V CAPTURE ALL		4,718.57
	A+ CONFERENCING		292.51
	AAA PRINTING		605.11
	AABCO BARRICADE COMPANY INC.		3,183.05
	ACF WEST INC		1,253.23
	ACTION ENTERTAINMENT		500.00
	AFLAC		1,921.96
	AGORA NW LLC		336.39
	ALCALDE & FAY		20,809.57
	ALL TRAFFIC DATA SERVICES, INC.		1,500.00
	ALPHAGRAPHS US718		641.46
	AM TEST, INC		675.00
	AMERICAN GENERAL LIFE GPO-400S		1,639.76
	AMERICAN PLANNING ASSOCIATION		1,065.00
	AMERICAN PUBLIC WORKS ASSOCIATION		1,295.00
	ANDERSON, LAURI		203.83
	ARCADIA HOMES LLC		20.00
	ARTS OF KENMORE		950.00
	ASSOCIATION OF WA CITIES		15,574.00
	AURORA RENTS		438.49
	AUTOMATED CONTROLS		1,543.95
	AVIDIA HEALTH		169.20
	AWC EMPLOYEE BENEFITS		196,228.93
	AWCPD		100.00
	BAKER, BRIDGIT		197.22
	BAKER, DAVID		1,664.42
	BANK OF AMERICA 941		170,468.31
	BANNER BANK NO		467.89
	BANNER BANK BAKER		4,944.88
	BANNER BANK BH		995.03
	BANNER BANK CS		4,101.29
	BANNER BANK DB		1,066.90
	BANNER BANK JG		3,102.19
	BANNER BANK JGORDON		3,191.81
	BANNER BANK KENMORE		12,332.14
	BANNER BANK LD		5,706.38
	BANNER BANK NO		3,251.60
	BANNER BANK PS		617.09
	BANNER BANK RK		5,097.81
	BANNER BANK VAN NESS		3,610.64
	BASTYR UNIVERSITY		50,200.00
	BERGMANN, SEAN & LINETTE		9,500.00
	BERK CONSULTING		86.86
	BEST HARBOUR DEVELOPMENT LLC		7,500.00
	BLACKBAUD		7,304.24
	BLESSINGTON, DEBBIE		164.95
	BRAVO ENVIRONMENTAL SERVICE		45,451.88
	BRIEN, GAYLYNN		200.00
	BRUCE DEES & ASSOCIATES		236.51
	BUILDERS EXCHANGE OF WASHINGTON INC		449.60
	BULGER SAFE & LOCK, INC.		275.73

CABOT DOW ASSOCIATES, INC.	412.50
CALPORTLAND COMPANY	171.17
CANYON VIEW ESTATES	7,561.70
CAPITAL ONE COMMERCIAL/ COSTCO	561.95
CASCADE PEST CONTROL	570.05
CEMEX	1,485.18
CHICAGO TITLE	2,697.45
CITY OF BELLEVUE	14,034.50
CITY OF BELLEVUE	12,206.25
CITY OF LAKE FOREST PARK	336,209.09
CITY OF SHORELINE	2,914.23
CITY WIDE FENCE COMPANY, INC	1,209.98
CITYWORKS/ AZTECA SYSTEMS INC.	21,900.00
CLARK & SONS EXCAVATING INC.	18,260.00
CODE PUBLISHING COMPANY	3,562.89
COLUMBIA RIDGE LANDFILL	3,525.88
COMCAST	4,723.28
COMCAST BUSINESS	6,510.96
CONSOLIDATED PRESS	6,465.98
CONTOUR FENCE CO. INC.	3,087.90
CSAT, LLC	1,200.00
D.R. HORTON	11,885.43
DACO ENTERPRISES, LLC	2,500.00
DAILY JOURNAL OF COMMERCE	2,028.80
DAY WIRELESS SYSTEMS	76.44
DEPARTMENT OF LABOR AND INDUSTRIES	11,733.92
DEPARTMENT OF RETIREMENT SYSTEMS	190,837.96
DEPPA, DOUG	342.77
DEVRIES, DENIS	134.83
DIGITAL REPROGRAPHICS SERVICES INC.	144.32
DRS 457	4,490.00
EA ENGINEERING SCIENCE & TECHNOLOGY	30,959.36
EAST JORDAN IRON WORKS	17,405.02
EASTSIDE HOMES, INC.	106,645.57
ECO-COUNTER	9,580.00
ECONOMIC DEV COUNCIL OF SEATTLE/KC	5,000.00
ECOSS	1,941.26
EMPLOYMENT SECURITY DEPT	249.00
ENVIRONMENTAL SYSTEMS RESEARCH INST	5,694.00
EVERGREEN SAFETY COUNCIL	299.00
FERGUSON ENTERPRISES INC #1539	3,480.22
FINANCIAL CONSULTING SOLUTIONS GROUP	19,399.79
FIRE PROTECTION, INC	1,862.64
FLEMINGS HOLIDAY LIGHTING LLC	3,241.27
FRONTIER	27,122.53
FRUHLING SAND & TOPSOIL	526.50
FUN RENTALS	710.66
GALLATIN PUBLIC AFFAIRS	14,000.00
GOOD TO GO	35.50
GOODSELL POWER EQUIPMENT #2 INC.	55.82
GOPALAKRISHNAN, ANUSHA	250.00
GORDON THOMAS HONEYWELL	16,294.09
GORDON, JENNIFER	150.00
GOVDELIVERY, INC.	11,576.25

GRAINGER	617.65
GREATER BOTHELL CHAMBER OF COMMERCE	2,531.63
GREGORY, JOANNE	214.60
GROUP FOUR INC.	3,722.20
HALO BRANDED SOLUTIONS	1,200.66
HANSEN, COREY	26,314.00
HDR ENGINEERING, INC	22,290.65
HERMANSON COMPANY, LLP	3,050.70
HERRERA ENVIRONMENTAL CONSULTANTS	16,602.05
HESTON VISUAL ARTS	465.38
HIGHWIRE	1,885.59
HOME DEPOT CREDIT SERVICES	113.88
HONEY BUCKET	1,091.75
HOPKINS, CRAIG	265.36
HORIZON DISTRIBUTORS INC	412.75
HSA BANK	42.30
ICMA RETIREMENT TRUST 457 - 304745	31,251.78
INC4INC, INC.	7,500.00
INDEPENDENT STATIONERS	148.96
INSLEE, BEST, DOEZIE & RYDER, P.S.	101,423.89
INTEGRA TELECOM	1,799.53
INTERNATIONAL CITY/CNTY MGMT ASSOC	1,400.00
iWORQ SYSTEMS	2,800.00
JAYMARC - AV	46,455.78
JET CITY IMPROV	600.00
JET CITY PRINTING	1,058.63
JOYCE ZIKER PARKINSON	2,824.50
JSH PROPERTIES, INC.	420.12
KAMINS CONSTRUCTION INC.	41,485.44
KENMORE COMMERCIAL LLC	16,066.25
KENMORE HERITAGE SOCIETY	585.00
KING COUNTY ANIMAL SVCS	1,088.00
KING COUNTY FINANCE	161,437.30
KING COUNTY FINANCE W.L.R.D.	569.64
KING COUNTY FLEET ADMIN	464.31
KING COUNTY MUNICIPAL CLERKS ASSOC	25.00
KING COUNTY OFFICE OF FINANCE	5,540.40
KING COUNTY RADIO COMM SERVICES	298.94
KING COUNTY RECORDER'S OFFICE	314.00
KING COUNTY SHERIFF	28,971.97
KING COUNTY TREASURY	25,351.53
KOMPAN, INC	2,169.20
KONICA MINOLTA BUSINESS SOLUTIONS	1,235.39
KPFF CONSULTING ENGINEERS	44,462.11
KUSTOM SIGNALS, INC.	492.26
LANDSCAPE FORMS, INC.	503.70
LANGUAGE LINE SERVICES, INC.	282.67
LAW OFFICE OF JOHN RONGERUDE, PS	600.00
LENTZ, FLORENCE K.	7,275.00
LIGHTHOUSE CONSULTING INC	16,884.82
LINCOLN NATIONAL LIFE INSURANCE	3,731.74
LOYUK, SAMANTHA	51.90
LUTRON SERVICES CO., INC.	487.50
MAACO	383.25

MACLEOD RECKORD	111,410.10
MAIL FINANCE	703.00
MARSHBANK CONSTRUCTION	203,904.37
MCCLURE AND SONS, INC.	95,511.90
METROPOLITAN TRANS. COMMISSION	1,500.00
MICRONET, INC.	151.12
MILLER STEPHENS, MARY	6,250.00
MOBILE MINI, INC.	589.64
MR. T'S TROPHIES	121.33
MUMMA, RYAN	250.25
MUNIMANAGE, LLC	17,880.00
NATIONAL LIFE OF VERMONT	492.68
NATIONWIDE FINANCIAL 401a	129,152.82
NATIONWIDE RETIREMENT SOLUTIONS 457	2,500.00
NAVIA	5,599.50
NAZARIYA, ANATOLI	536.07
NEOPOST USA INC.	182.87
NEW PIG	1,397.04
NICK MINZGHOR	2,350.00
NORTHSHORE CHURCH	210.00
NORTHSHORE FIRE DEPT	700.00
NORTHSHORE ROTARY CLUB	148.00
NORTHSHORE UTILITY DIST	64,192.55
NORTHWEST ARBORICULTURE LLC	5,269.07
NORTHWEST LANDSCAPE SERVICES	12,136.04
NORTHWEST MARINE TRADE ASSOCIATION	440.00
OFFICE DEPOT	8,730.26
OFFICE TEAM	2,055.87
OLBRECHTS & ASSOCIATES, PLLC	27,089.50
OLYMPIC ENVIRONMENTAL RESOURCES INC	10,155.30
OSBORN CONSULTING INC.	31,691.04
OUSLEY, NANCY	115.62
OWEN EQUIPMENT COMPANY	1,246.98
PACE ENGINEERS, INC.	21,259.31
PACIFIC TOPSOILS	235.05
PAMPLIN MEDIA GROUP	190.00
PASSPORT TRAVEL AND TOURS	598.00
PAWS	1,600.00
PENDLETON, MICHAEL	3,745.50
PERSONAL BEST/ TOPHEALTH	117.74
PERTEET INC.	31,211.48
PETTY CASH CUSTODIAN	424.85
PHSI PURE HEALTH SOLUTIONS INC.	504.61
PHSI PURE WATER FINANCE	301.86
PLANTS NORTHWEST, INC.	3,269.30
PUGET SOUND CLEAN AIR AGENCY	17,756.00
PUGET SOUND ENERGY	74,333.89
PUGET SOUND FINANCE OFFICERS ASSOC	50.00
PUGET SOUND REGIONAL COUNCIL	8,294.00
QUALITY BUSINESS SYSTEMS INC.	6,403.63
QUINN, JANET	74.68
RANDALL, BRIAN	411.40
REDFIELD PROPERTIES LLC	2,500.00
REPUBLIC SERVICES	2,648.34

RESOURCE EXPLORATION, LLC	8,000.00
RFI ENTERPRISES INC.	2,084.50
RYCO EQUIPMENT, INC.	630.44
SARAH ROBERTS	43,344.36
SCHNEE, CARLA	193.57
SCORE	129,920.51
SEATTLE PHOTO BOOTHS	565.02
SEATTLE TIMES	3,848.12
SEXTANT MARKETING GROUP	8,209.22
SHI INTERNATIONAL CORP.	375.59
SHRED-IT USA LLC	298.93
SIGN UP, SIGN CO, INC	27.45
SIMONDS COURT LLC	8.36
SITTS & HILL ENGINEERS, INC.	4,409.86
SKYWARD CONSTRUCTION	58,921.18
SNOHOMISH COUNTY	2,743.00
SOFTWAREONE, INC.	11,103.50
SOUND CITIES ASSOC	14,189.83
SOUND PUBLISHING, INC.	2,798.00
SPERRY, LAURIE	1,266.76
STANLEY PATRICK STRIPING COMPANY	27,508.68
STANTON, ANN	93.50
STAPLES ADVANTAGE	1,849.39
STARDOM SERVICES, INC.	2,040.00
STATE OF FLORIDA DISBURSEMENT UNIT	2,750.00
STATE OF WA DEPT. OF LICENSING	30.00
STATEWIDE RENT-A-FENCE INC.	3,791.76
STEWART MACNICHOLS HARMELL, INC.	25,000.00
STEWART TITLE COMPANY	42,963.06
SUMMIT TREE AND LAND, INC.	4,489.50
TELESYSTEMS WEST	175.20
THE GREENBUSCH GROUP, INC.	2,304.91
THE WATERSHED COMPANY	3,493.56
TIM HUNTER CREATIVE SERVICES	1,250.00
TOP TO BOTTOM JANITORIAL, INC.	14,000.00
TOTAL LANDSCAPE CORP	24,716.83
TOWN CENTER HARDWARE	418.08
TRINITY CONTRACTORS, INC.	49,364.47
TUFF SHED, INC	1,872.83
TYLER TECHNOLOGIES, INC.	29,396.98
UFF DA LOGISTICS	283.59
UNITED STATES POSTMASTER	3,202.99
UNITED WAY OF KING COUNTY	2,268.00
UPS STORE	102.16
URBAN FORESTRY SERVICES, INC.	1,390.00
US POSTAL SERVICE (HASLER)	5,430.24
UTILITIES UNDERGROUND LOCATION CTR	988.14
VAN NESS, ALLAN	130.74
VELLAT, MARC H.	32,050.00
VERIZON WIRELESS	2,654.13
VERSATILE MOBILE SYSTEMS	260.88
VERTICAL VISUAL SOLUTIONS INC.	12,658.20
W.S.S.O. Advanced Training	780.00
WA ASSOC OF BUILDING OFFICIALS	2,450.00

WA ASSOC OF CODE ENFORCEMENT	35.00
WA ASSOC OF PUBLIC RECORDS OFFICERS	350.00
WA CITIES INSURANCE AUTHORITY	265,141.00
WA FINANCE OFFICERS ASSOCIATION	150.00
WA STATE DEPT OF LABOR & INDUSTRIES	141.60
WA STATE DEPT OF TRANSPORTATION	1,951.79
WAGE WORKS	288.00
WASHINGTON ENERGY SERVICES CO. LLC	28.00
WASHINGTON STATE DEPT OF REVENUE	4,877.35
WASHINGTON STATE PATROL	897.24
WELLS FARGO FINANCIAL	2,642.42
WETHERHOLT & ASSOCIATES, INC	7,855.00
WETLANDS & WOODLANDS INC	9,677.06
WINTERBOURNE LANDSCAPE	1,152.39
YOM: FULL SERVICE COURT REPORTING	9,055.00
ZONAR SYSTEMS	525.33
ZUMAR	273.75
	<u>\$4,007,765.44</u>

**City of Kenmore, Washington
City Council Regular Meeting Minutes
April 24, 2017**

CALL REGULAR MEETING TO ORDER — The Kenmore City Council regular meeting was called to order by Mayor Baker at 7:00 p.m.

Councilmembers present: Mayor David Baker, Deputy Mayor Allan Van Ness and Councilmembers Brent Smith, Laurie Sperry, Milton Curtis, Nigel Herbig and Stacey Denuski.

Staff present: Rob Karlinsey, City Manager; Nancy Ousley, Assistant City Manager; Kris Overlesse, Public Works Director; Debbie Bent, Community Development Director; Rod Kaseguma, City Attorney and Tela Whiteman, Acting City Clerk.

FLAG SALUTE

The Council led the flag salute.

AGENDA APPROVAL

The Council approved the agenda as written.

PROCLAMATION

Affordable Housing Week - May 15-22, 2017

Ms. Jill Palmquist received the proclamation on behalf of Hopelink.

Bike Month - May, 2017

City Employee Melodi Yanik received the proclamation for Bike Month.

CITIZEN COMMENTS

Wendy Reynolds, 16416 84th Avenue NE, Kenmore.

Ms. Reynolds thanked the Council for listening to comments about the traffic. She stated that it has not been an improvement on her street and the turn is too tight and needs to be repainted.

Jill Palmquist, 4711 216th Street SW, Mountlake Terrace.

Ms. Palmquist thanked the Council for the Affordable Housing Week proclamation read tonight. Ms. Palmquist works at the Hopelink in Kenmore. She shared a story about a family who benefited from Hopelink in Kenmore.

Bob Black, 8232 NE 166th, Kenmore.

Mr. Black addressed traffic issues at Simonds and 84th. He stated that the striping on the sidewalks is visually confusing as to where the center line is for the road. The turns are too sharp and the road is too narrow. Lastly, the planters must be removed.

Steve Copps, 8307 NE 166th Street, Kenmore.

Mr. Copps also spoke to the chicanes on Simonds and 84th. He stated that he wanted to commend the City for trying this reasonable approach. He believes its calmer and a safer intersection and the approach was innovative.

Linda Peterson, 19041 73rd Avenue.

Ms. Peterson stated that her concerns are lack of sidewalk at Swamp Creek Bridge and past the Swamp Creek Bridge. She said this is a dangerous part of the road with walkers especially children with a blind curve and no shoulder.

Mayor Baker thanked the citizens for their comments.

CONSENT AGENDA

Councilmember Denuski moved to approve the consent agenda as submitted, Mayor Baker seconded the motion. The motion passed 7-0.

The consent agenda included the following:

Adopt City Council Meeting Minutes of March 20, 2017 and March 27, 2017

The Following Checks and Electronic Payments are Approved for Payment:

Total Check Numbers 36616 through 36687 in the Amount of \$437,169.78.

Total Payroll Electronic Deposits Dated 3/31/2017 in the Amount of \$78,793.81.

Authorize the City Manager to Execute a Contract for Construction Management Services with Perteet for the NE 202nd Street Safe Route to Schools Project for the Amount \$105,180

Authorize the City Manager to Execute a Contract for Construction Management Services with Perteet for the 62nd Avenue NE Corridor Project in the Amount of \$110,828

Authorize the City Manager to Execute Contract No. 17-C1653 with EERG, Inc. for Construction of the NE 192nd St Culvert Replacement Project for an Amount Not to Exceed \$867,868

Ratify the April 17, 2017 Council Vote Authorizing the City Manager to Execute Change Order No. 1 to Agreement No. 17-C1654 with Iron Creek Construction, LLC for Arrowhead Drive and 82nd Avenue Improvements in the Amount of \$20,000

Authorize the City Manager to Execute Amendment No. 3 to Contract No. 16-C1502 with Macleod Reckord for Professional Services in the Amount of \$11,190

Authorize the City Manager to Execute an Agreement with Berger for Partnership to Develop an Interim Plan for Twin Springs Park

PRESENTATION

Puget Sound Energy Energize Eastside Project - Booga K. Gilbertson, Senior Vice President, Operations; Dom Amor, Local Government and Public Policy Manager; and, Kara Durbin, Senior Local Government Affairs Representative, Major Projects, Puget Sound Energy

Assistant City Manager Ousley explained that in response to service area growth and energy needs, Puget Sound Energy is proposing to upgrade approximately 18 miles of existing transmission lines between Redmond and Renton, and build one new substation.

Booga K. Gilbertson, Senior Vice President, Operations; Dom Amor, Local Government and Public Policy Manager; and, Kara Durbin, Senior Local Government Affairs Representative, Major Projects, Puget Sound Energy presented information on the project to the Council.

BUSINESS AGENDA

Neighborhood Transportation Plan Program Update - Kris Overleese, Public Works Director and Brett Schock, Traffic Engineer

Staff gave the Council an update on the Neighborhood Transportation Plan Program (NTPP), including why the program was created, how it worked, and progress to date. The NTPP has been citizen-driven, meaning the projects installed came from requests from residents who attended the neighborhood meetings. Over 80 of these neighborhood projects have been completed over the last year, and all but three projects (installed at the end of March) have been generally well-received. This City has received numerous comments from the community on these projects:

- The planters installed at 84th Avenue NE and Simonds Road
- Chicanes on the residential streets 75th Avenue NE and 67th Avenue NE

Because of the reaction to the planters at 84th Avenue NE and Simonds Road, the City Manager recommends removing the planters and creating a capital project to beautify these two corners with permanent curbing, landscaping and extended sidewalks. This proposed capital project may take several months to design and construct. The City may wish, as an interim measure, to remove the planters and replace them with an extruded 6" curb (painted white) as soon as possible. This curb (or portions thereof) may be able to be incorporated into the final improvement.

As for the chicanes on 75th Avenue NE and 67th Avenue NE, staff compiled results of a survey of residents on those streets and options. Staff also seeks Council direction on upcoming residential traffic circles on 66th and 62nd Avenues NE, proposed for the "Yellow North" NTPP neighborhood.

Mayor opened the discussion up for public comment.

The following citizen spoke to the Council:

Wendy Reynolds, 16416 84th Avenue NE, Kenmore.
Paul "Bo" Stocklin, 19130 66th Place NE, Kenmore.
Mike Ingham, 19302 67th Avenue NE, Kenmore.
Connie Pfeil, 18904 68th Avenue NE, H204, Kenmore.

Council engaged in a discussion.

MOTION: Councilmember Curtis made a motion to remove the planters at 84th and Simonds Road and replace with extruded curb and green painted bike lanes with an understanding that it may evolve into a capital project, Councilmember Smith seconded the motion. The motion passed 4-3 with Councilmember Denuski, Deputy Mayor Van Ness and Councilmember Herbig opposed.

MOTION: Councilmember Sperry made a motion to remove the planters on 75th and 67th Avenues and install speed cushions and remove the chicanes, Mayor Baker seconded the motion. The motion passed unanimously.

MOTION: Councilmember Herbig made a motion to support recommendations on traffic circles, let the neighborhoods vote on the 66th and 194th intersections and proceed with the 62nd circles, Mayor Baker seconded the motion. The motion passed unanimously.

ADJOURNMENT

Mayor Baker adjourned the meeting at 10:11 p.m.

David Baker, Mayor

ATTEST:

Kelly M. Chelin, City Clerk

**City of Kenmore, Washington
City Council Special Meeting Minutes
May 1, 2017**

CALL SPECIAL MEETING TO ORDER — The Kenmore City Council special meeting was called to order by Mayor Baker at 6:00 p.m.

Councilmembers present: Mayor David Baker and Councilmembers Brent Smith, Laurie Sperry, Milton Curtis, Nigel Herbig and Stacey Denuski. (Deputy Mayor Allan Van Ness participated by phone for the executive session portion of the meeting).

Staff present: Rob Karlinsey, City Manager; Nancy Ousley, Assistant City Manager; Joanne Gregory, Finance and Administrative Director; Kris Overlesse, Public Works Director; Debbie Bent, Community Development Director; Bryan Hampson, Development Services Director; Samantha Loyuk, Associate Planner; Rod Kaseguma, City Attorney and Kelly Chelin, City Clerk.

RECESS TO EXECUTIVE SESSION:

The Council recessed to executive session at 6:00 p.m. to discuss potential litigation per RCW 42.30.110 (1) (i) for approximately 1 hour.

At 7:00 p.m., Mayor Baker extended the executive session for 5 minutes.

At 7:05 p.m., Mayor Baker extended the executive session for 10 minutes.

RECONVENE TO REGULAR SESSION

The meeting reconvened to regular session at 7:15 p.m.

FLAG SALUTE

The Council led the flag salute.

STUDY SESSION

Kenmore Village/Spencer Square Update

-Rob Karlinsey, City Manager

-MainStreet Property Group

City Manager Karlinsey explained that since the City's incorporation in 1998 and adoption of the Kenmore Downtown Plan in 2003, the City has been working toward developing a vibrant downtown and "sense of place". In 2003 and 2005, the City assembled several downtown properties known as Kenmore Village. In 2012, the City involved the community to create a position statement for Kenmore Village and a process by which to sell the properties for redevelopment. After listing the properties for sale, the City negotiated with Main Street Property Group LLC for the acquisition and redevelopment of the former park and ride parcel. MainStreet has subsequently acquired the parcel and constructed high density housing units, known as Spencer68 Apartments and Lofts.

In 2014 and into early 2015, MainStreet acquired the remaining commercial portion of Kenmore Village and entered into a development agreement with the City to construct the LINQ and

another 20,000-square foot, single story commercial building next to and just south of the LINQ. The LINQ building has been constructed and the 94 residential units on the upper four floors are in the process of being occupied by new residents. The LINQ's main floor on 68th Avenue will be medical office space. Evergreen Health has signed a lease with MainStreet for this space and is in the process of constructing its tenant improvements. These improvements should be complete and the main floor (or portions thereof) should be ready for occupancy by the end of this year (perhaps as soon as this fall).

The City's 2015 purchase and sale agreement with MainStreet gives MainStreet an option to purchase the "restaurant pad" adjacent to and just west of the Town Square. MainStreet cannot exercise this option until they have entered into a lease with a "sit-down" restaurant. This purchase option was set to expire at the end of last month but contained a provision that MainStreet can extend the option another six-month for a cash payment of just under \$10,000. MainStreet has exercised this extension provision; as a result, MainStreet's option to purchase the restaurant pad has been extended to October of this year.

MainStreet representatives gave a status update on Spencer Square, including their efforts to acquire a restaurant tenant. They also discussed other plans for Spencer Square, including a mixed use building fronting 68th Avenue between the LINQ and the City's Hangar community building. MainStreet also discussed potential plans for the restaurant pad.

Council and MainStreet property group engaged in a discussion on the project status.

STAFF REPORT

City Manager Karlinsey reported that the Council meeting of May 15 would be canceled due to the Affordable Housing Forum that evening at City Hall.

RECESS BACK INTO EXECUTIVE SESSION

The meeting recessed into executive session at 9:07 p.m. to discuss potential litigation per RCW 42.30.110 (1) (i). for approximately 10 minutes.

ADJOURNMENT

Mayor Baker adjourned the meeting at approximately 9:17 p.m.

David Baker, Mayor

ATTEST:

Kelly M. Chelin, City Clerk

**City of Kenmore, Washington
City Council Regular and Special Meeting Minutes
May 8, 2017**

CALL SPECIAL MEETING TO ORDER — The Kenmore City Council meeting was called to order by Mayor Baker at 6:15 p.m.

Councilmembers present: Mayor David Baker, Deputy Mayor Allan Van Ness and Councilmembers Brent Smith, Laurie Sperry, Milton Curtis, Nigel Herbig and Stacey Denuski.

Staff present: Rob Karlinsey, City Manager; Nancy Ousley, Assistant City Manager; Kris Overlesse, Public Works Director; Debbie Bent, Community Development Director; Brett Schock, Traffic Engineer; Dawn Reitan, Assistant City Attorney; Lauri Anderson, Senior Planner; Leslie Harris, Community Relations Manager and Kelly Chelin, City Clerk.

RECESS TO EXECUTIVE SESSION:

The meeting recessed to executive session at 6:15 p.m. to discuss potential litigation per RCW 42.30.110 (1)(i). for approximately 45 minutes.

RECONVENE TO REGULAR SESSION:

The meeting reconvened to regular session at 7:00 p.m.

FLAG SALUTE

The Council led the flag salute.

AGENDA APPROVAL

The Council approved the agenda as written.

PROCLAMATION

Evelyn and Harvey LaBorn, 75th Wedding Anniversary on May 22, 2017

Kenmore Safe Boating and Paddling Week - May 20-26, 2017

Mayor Baker read both proclamations.

PRESENTATION

Complete Streets Award - Kris Overleese, Public Works Director and Brett Schock, Traffic Engineer

In January 2017, the City was awarded the maximum Complete Streets program grant award of \$500,000 by the Washington State Transportation Improvement Board. The City was nominated by Washington State Department of Transportation and Washington State Department of Commerce for the award. Kenmore is the smallest of only 6 cities in Washington to receive the maximum award, recognizing the City's commitment to a Complete Streets ethic, considering all modes of travel and focusing on multi-modal networks. Kenmore's completed and planned projects to improve multi-modal transportation and Target Zero initiative were a factor in the City's selection for the maximum grant amount.

The award funds will be used for the required City match on the NE 202nd Street sidewalks grant-funded project.

Kenmore Waterfront Activity Center Report -

Paul Flynn, President

Debra Srebnik, Boardmember

Sheri Baker, Boardmember

Matt Lacey, Executive Director, George Pocock Rowing Foundation

Dr. Michelle Reid, Superintendent, Northshore School District

Lance Gatter, Athletic Director, Inglemoor High School

The Kenmore Waterfront Activity Center Board gave a presentation to the Council. The board reviewed the 2016 annual report and the priorities for 2017.

Communities United for Reliable Energy (CURE)

At the April 24, 2017 City Council meeting, representatives of Puget Sound Energy discussed the need for Energize Eastside, a proposed project to upgrade major electricity transmission lines to keep pace with growing demand in the east side of King County. If Energize Eastside does not move forward, east side cities such as Kenmore could experience rolling brownouts.

An advocacy group known as Communities United for Reliable Energy (CURE) promotes Energize Eastside. A representative from CURE will present to the City Council and likely request that the City of Kenmore endorse CURE and its efforts.

Council engaged in a discussion and the consensus of the Council was to support CURE's efforts.

MOTION: Councilmember Sperry made a motion to endorse and support CURE, Councilmember Curtis seconded the motion. The motion passed unanimously.

CITIZEN COMMENTS

There were no comments from the public.

CONSENT AGENDA

Councilmember Denuski moved to approve the consent agenda as submitted, Deputy Mayor Van Ness seconded the motion. The motion passed 7-0.

The consent agenda included the following:

Cancel May 15, 2017 Regular Council Meeting

City Council Meeting Minutes of April 4, 2017 and April 10, 2017

The Following Checks and Electronic Payments are Approved for Payment:

Total Check Numbers 36688 through 36783 in the Amount of \$497,891.02.

Total Payroll Electronic Deposits Dated 04/14/2017 in the Amount of \$78,564.00.

Receive and File March 2017 Financial Report for the City of Kenmore, Washington

Resolution 17-296 Providing for the Disposition of Certain Surplus Property - Rob Karlinsey, City Manager

Authorize the City Manager to Execute the Contract 17-C1684 with Anchor QEA for On-Call Environmental Technical Services

BUSINESS AGENDA

Authorize the City Manager to Execute Contract No. 17-C1689, Animal Services Interlocal Agreement 2018-2022 with King County - Leslie Harris, Community Relations Manager and Norm Alberg, Director, Records and Licensing Services Division, King County

Manager Harris explained that since incorporation, Kenmore has received animal control services through an interlocal agreement with King County. The proposed contract with King County for Regional Animal Services (RASKC) provides animal field services, licensing, and regional shelter services for five years January 1, 2018 through December 31, 2022 with an additional five-year automatic extension. A jurisdiction may opt out of automatic extension by providing notice by June 30, 2021. Kenmore is one of 23 cities that would continue to be part of the regional system under the proposed agreement; the City of Kirkland is not continuing in the system as they've opted to establish their own program.

The original Regional Animal Services Interlocal agreement was established in 2010. Prior to 2010, the County had separate agreements with cities to provide animal control, sheltering and licensing services using revenue from pet licenses to support the services. The County Executive pursued a regional model for animal control services on the rationale of economy of scale and ability to offer specialized services. Executive staff worked with representatives from cities to develop a framework for an agreement. An additional interlocal agreement was executed for 2013-2015 and extended two-years through 2017.

The cost allocation methodology will remain the same - 80% based on service usage (based on 3 year rolling average) and 20% based on jurisdiction population. The revenue generated by animal licenses helps offset costs of RASKC and PAWS. Kenmore, along with other North King County cities, also contract with PAWS for shelter services. Kenmore's costs for sheltering dogs and cats through PAWS are not included in this contract, and based on 2016 costs, the 2018 expenditure for PAWS is estimated at \$4,725. The City's agreement with PAWS expires at the end of 2017 and will be brought forward to City Council for discussion this fall. With King County's licensing support, Kenmore has exceeded its licensing sales goal in 2015 and 2016, which helped cover 100% of Kenmore's animal services costs. The spreadsheet in the packet shows that Kenmore will have a net positive of \$9,966 after license revenue is subtracted from the regional service costs in 2018.

A change from the 2016-2017 interlocal agreement is that jurisdiction revenue in excess of jurisdictions costs will be used to reduce regional model support expenses, (i.e. County General Fund expenses that are not charged to the model such as the vet physician and foster coordination), instead of offsetting costs of other participating jurisdictions.

Following discussion of a Draft Interlocal Agreement on March 27, 2017, the City Council approved sending a nonbinding statement of intent to participate in Regional Animal Services of King County, for the purpose of cost and service analysis. Formal adoption and execution of the proposed Interlocal Agreement is required by June 1, 2017.

MOTION: Councilmember Denuski made a motion to authorize the City Manager to Execute Contract No. 17-C1689, Animal Services Interlocal Agreement 2018-2022 with King County, Deputy Mayor Van Ness seconded the motion. The motion passed unanimously.

Authorize the City Manager to Execute Marketing Agreement Contract 17-C1680 with Utility Service Partners Private Label, Inc. d/b/a Service Line Warranties of America and Provide Direction on Use of \$.50 Royalty Payments - Rob Karlinsey, City Manager

City Manager Karlinsey explained that the National League of Cities (NLC) has partnered with Utility Service Providers (USP) to make available a water/sewer service line warranty program for homeowners. This program is offered to residents at no cost to the City and could potentially save a resident the high cost of repairing broken or leaking water or sewer line. The City became aware of this program in 2013 but USP was unable to offer it in the State of Washington at that time. This has now been resolved and the program can be offered here in Washington. USP was selected by NLC based on the recommendations of an Evaluation Committee and review of financial strength, experience in the marketplace, business plan, and the regulatory environment.

More information about the organization can be found on the website at [http: www.utilitysp.net](http://www.utilitysp.net).

Dawn Reitan of the City Attorney's office will complete a review of the agreement prior to execution.

This program is offered at no cost to the City. An agreement between the provider and the City of Kenmore provides for a royalty payment to the City of Fifty Cents (\$.50) per subscription in consideration of the use of the City's name and logo. The royalty payment can be applied as a reduction of the homeowners cost if the Council wishes to forgo the payment to the City.

MOTION: Deputy Mayor Van Ness made a motion to authorize the City Manager to Execute Marketing Agreement Contract 17-C1680 with Utility Service Partners Private Label, Inc. d/b/a Service Line Warranties of America and Give the \$.50 Royalty Payments back to the Customer, Councilmember Curtis seconded the motion. The motion passed unanimously.

Land Use Streamlining Project - Debbie Bent, Community Development Director and Lauri Anderson, Senior Planner

Senior Planner Anderson explained that the goal of this meeting on the Land Use Streamlining project is to address any questions related to policy recommendations (Attachment 1 in the packet) and proposed code amendments (see Attachment 2 in the packet). The purpose of these amendments is to provide more flexibility in land use interpretations and to simplify the code for applicants and permit review staff.

At the last meeting on this topic (April 17), staff reviewed the process used to streamline the Zoning Code land use definitions--discussing the land use conversions, the use of footnotes, and some of the policy issues. The project goal is to consolidate more than 200 existing use definitions down to about 50 and to use these definitions consistently throughout the Code with as little change to the policy direction or intent of each zone as possible. Attachment 1 in the packet, includes a summary of the most significant policy recommendations resulting from the conversion.

The existing “use allowance charts” for the nine zoning districts affected by the amendments can be found in Attachment 3 in the packet. The new set of land use definitions being used for the project is provided in Attachment 4 in the packet.

Following completion of City Council consideration, a public hearing will be scheduled, prior to ordinance adoption. A public hearing has tentatively been identified for June 12th.

Resolution 17-295 Regarding the Public Agency and Utility Exception (PAUE) to the City's Critical Area Regulations - Debbie Bent, Community Development Director

Community Development Director Bent explained that on March 28, 2016, the City Council passed Ordinance 16-0418 amending the City’s Public Agency and Utility Exception (PAUE) to the City’s critical area regulations (KMC Chapter 18.55). A petition was filed with the Growth Management Hearings Board challenging this ordinance and, on November 28, 2016, the Board invalidated the ordinance and remanded it back to the City for action. The Board asked the City to consider best available science (BAS) in the adoption of the ordinance and provide a “reasoned justification” for any departure from BAS.

As the City anticipates a complete review of its critical areas regulations beginning in 2018, including a comprehensive assessment of BAS, staff recommends that further action on the PAUE be deferred to that project. This would allow for a more efficient and holistic consideration of critical areas amendments including the PAUE using updated BAS.

The City is required to enact legislation in response to the Board’s remand prior to May 30, 2017. Accordingly, the resolution acknowledges that Ordinance 16-0418 is invalidated and clarifies that the pre-existing PAUE language in the City’s critical areas regulations, prior to adoption of Ordinance 16-0418, remains in effect. Staff will work with Code Publishing to remove the code amendments adopted under Ordinance 16-0418, and reinstate the predecessor version of KMC 18.55.160 to ensure there is no confusion among the public as to what regulations apply under KMC 18.55.160.

MOTION: Councilmember Herbig made a motion to approve Resolution 17-295 Regarding the Public Agency and Utility Exception (PAUE) to the City's Critical Area Regulations, Councilmember Sperry seconded the motion. The motion passed unanimously.

STAFF REPORT

Affordable Housing Week

City Manager Karlinsey reported that the Affordable Housing Forum is scheduled for May 15 at 7:00 p.m. at Kenmore City Hall.

Mary's Place at Former Sheriff Precinct Building

Assistant City Manager Ousley reported that the City continues to work with Mary’s Place. There will be a community information meeting set up for a date in June. The board at Mary’s Place will also come to a Council meeting to give a further briefing.

CITY COUNCILMEMBER REPORTS, COMMENTS & INITIATIVES

Mayor Baker gave updates to meetings he has recently attended. He also attended an economic development conference with Pierce, Kitsap and Snohomish counties.

ADJOURNMENT

Mayor Baker adjourned the meeting at 9:11 p.m.

David Baker, Mayor

ATTEST:

Kelly M. Chelin, City Clerk



City Council Business Agenda Item
City of Kenmore, WA

Subject/Topic: Contract No. 17-C1650 for the construction of the Moorlands Park Improvements project. Proposed Council Action/Motion: Authorize the City Manager to execute Contract No. 16-C1650 with A1 Landscaping for construction of the Moorlands Park Improvements Project for an amount up to \$1,771,440 (includes a 10% contingency).	For Council Meeting Agenda of: June 12, 2017 Department: Community Development Prepared by: Ann Stanton, Parks Project Manager <u>Initial & Date</u> Approved by Department Head: <u>DA 6/1/17</u> Approved by City Attorney: <u>N/A</u> Approved by Finance Director: <u>June 6/1/17</u> Approved by City Manager: <u>POK</u> Exhibits/Attachments: N/A																	
Expenditure Required \$1,771,440	Amount Budgeted \$1,980,000	Appropriation Required See Fiscal Consideration																
<u>INFORMATION/BACKGROUND:</u> Project Description: The Moorlands Park Improvements project will upgrade the athletic field, add new paths, restroom, landscaping, and playground. One alternate was included in the lump sum contract, for purchase, delivery and installation of the prefabricated restroom building. The project is on schedule to start construction in summer 2017. Project Status: The project was formally advertised on May 2nd and 9th and bids were opened on May 23rd. Two bids were received and A1 Landscaping and Construction was determined to be the lowest responsible bidder in the amount of \$1,464,000 plus tax. <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Bid Results</th> <th style="text-align: left;">Base Bid</th> <th style="text-align: left;">Alternate #1-Restroom</th> <th style="text-align: left;">Total not including sales tax</th> </tr> </thead> <tbody> <tr> <td>A1 Landscaping</td> <td>\$1,352,000</td> <td>\$112,000</td> <td>\$1,464,000</td> </tr> <tr> <td>Ohno Construction</td> <td>\$2,110,000</td> <td>\$93,000</td> <td>\$2,203,000</td> </tr> <tr> <td>Engineer's Estimate</td> <td>\$1,280,000</td> <td>\$64,000</td> <td>\$1,344,000</td> </tr> </tbody> </table> City staff has verified that A1 Landscaping meets the responsibility criteria defined by law and city contract documents. Construction is expected to start in July and be completed late this year. Recommendation: Staff recommends Council authorize execution of Contract No. 17-C1650 with A1 Landscaping & Construction in the amount of \$1,771,440 for the base bid and alternate #1 plus sales tax and a contingency of 10%.			Bid Results	Base Bid	Alternate #1-Restroom	Total not including sales tax	A1 Landscaping	\$1,352,000	\$112,000	\$1,464,000	Ohno Construction	\$2,110,000	\$93,000	\$2,203,000	Engineer's Estimate	\$1,280,000	\$64,000	\$1,344,000
Bid Results	Base Bid	Alternate #1-Restroom	Total not including sales tax															
A1 Landscaping	\$1,352,000	\$112,000	\$1,464,000															
Ohno Construction	\$2,110,000	\$93,000	\$2,203,000															
Engineer's Estimate	\$1,280,000	\$64,000	\$1,344,000															
<u>FISCAL CONSIDERATION:</u> On February 13, 2017, Council increased the 2017-2019 project budget by \$412,000 to support installation of outfield underdrainage. This increased the adopted budget to \$1,190,000. \$110,000 has been spent in 2015-2016 on project design. There is sufficient budget to award the base bid and additive alternate, however, total project																		

expenditures are estimated to exceed total revenues by approximately \$161,000. This is primarily due to the bids received exceeding the Engineer's estimate for the work.

A budget amendment will be necessary to cover the projected cost for staff time and provide a project contingency. The budget amendment will be brought forward for discussion in a future Council meeting.

A summary of current biennium estimated revenues and expenditures is provided below:

2017-2019
EXPENDITURES

Staff and other Direct Expenses	\$131,715
Consultant Design Contract	\$176,000
Play Equipment Installation	\$110,845
Construction Contract (A1 Landscaping)	\$1,464,000
Washington State Sales Tax	\$146,400
10% Contingency-Contract plus WSST	\$161,040
Total Expenditures	\$2,190,000

REVENUES

Recreation and Conservation Resources Office Grant	\$637,520
REET (Amended 2/13/17)	\$959,705
Strategic Opportunity Fund	\$150,000
Park Impact Fees	\$402,795
King County Levy	\$40,000
Total Revenue	\$2,190,000

An estimated budget amendment of approximately \$161,000 will be needed at a later date. There are sufficient funds in the General, REET, and Park Impact Fee Funds to cover this increased amount. Senator Frocht has proposed \$250,000 in the State Senate Capital Budget for Moorlands Park construction, but at the time of this writing, the Senate's Capital Budget has not been approved by both Houses and the Governor.

COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED: Council Goal #6 To continue to implement a Parks Improvement and Financial Plan.

Comprehensive Park Recreation and Open Space Plan Policies:

Policy 4.1.1 Complete development of city park sites with approved master plans as funding allows.

Policy 4.1.1.2 Update the adopted Master Plan and complete development of Moorlands Park.

Policy 5.1.3 Consider providing new facilities and facility upgrades to existing park lands to support new or existing recreation opportunities where appropriate.

Policy 7.1.4 Identify, and actively seek potential grant funding assistance from public and private sources for...renovation of Kenmore park lands.



City Council Business Agenda Item City of Kenmore, WA

Subject/Topic: Interlocal Cooperation Agreement (ICA) regarding the Community Development Block Grant (CDBG) Program Proposed Council Action/Motion: Receive and file automatic renewal of the Interlocal Cooperation Agreement (ICA) regarding the Community Development Block Grant (CDBG) Program for 2018-2020.	For Council Meeting Agenda of: June 12, 2017 Department: <u>Community Development</u> Prepared by: <u>Debbie Bent, Community Development Director</u> Initial & Date Approved by Department Head: <u>QA 6/21/17</u> Approved by City Attorney: <u>[Signature]</u> Approved by Finance Director: <u>[Signature]</u> Approved by City Manager: <u>[Signature]</u> Exhibits/Attachments: 1. Letter from Mark Ellerbrook, King County Community Services Division, dated May 22, 2017 2. Draft Timeline for 2018-2020 ICA Renewal and Subsequent ICA Amendment 3. Interlocal Cooperation Agreement Regarding the Community Development Block Grant Program			
<table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Expenditure Required \$0</td> <td style="width: 33%;">Amount Budgeted: \$0</td> <td style="width: 33%;">Appropriation Required \$0</td> </tr> </table> King County has notified the City that an automatic renewal is proposed for the current Interlocal Cooperation Agreement (ICA) regarding the Community Development Block Grant (CDBG) Program (see letter, Attachment 1). The interjurisdictional staff working group of the CDBG Consortium and the interjurisdictional Joint Recommendations Committee (JRC) of the Consortium have endorsed this automatic renewal to allow time to complete a public process to consider potential changes to the ICA. Attachment 2 is a draft timeline for the ICA review process provided to the JRC at their February 23, 2017 meeting. The timeline anticipates that any proposed amendments to the ICA document would be ready by December of this year for review by all city councils, and that a newly-revised ICA would be submitted to HUD in July 2018. BACKGROUND: The CDBG program is authorized under Title I of the Housing and Community Development Act of 1974, as amended. Its primary objective is the development of viable urban communities by providing decent housing, a suitable living environment (community facilities and public infrastructure) and expanded economic opportunities, principally for persons of low and moderate income. The King County Consortium uses CDBG funds for community facilities, public infrastructure, parks, the Consortium-wide Housing Stability Program for homeless prevention, human services to address the region's plan to end homelessness, the Consortium-wide Housing Repair Program, affordable housing (allocated through the ARCH competitive funding cycle), as well as planning and administration. Attachment 3 is the Interlocal Cooperation Agreement, approved in 2014, that is to be renewed.		Expenditure Required \$0	Amount Budgeted: \$0	Appropriation Required \$0
Expenditure Required \$0	Amount Budgeted: \$0	Appropriation Required \$0		
FISCAL CONSIDERATION: None at this time.				
COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED: • Comprehensive Plan Policy PS-5.3.2: "Utilize Federal and State funding, or other grant funding, to help expand programs to fill gaps in services." • Comprehensive Plan Policy H-3.2.8: "Support legislation and funding at the county, state, and federal levels that would promote the city's housing goals and policies."				

I:/City Clerk/Agenda Items/Templates



King County
Community Services Division
Housing and Community Development
Department of Community and Human Services
401 Fifth Avenue, Suite 510
Seattle, WA 98104
206-263-9105 FAX: 206-296-0229
TTY Relay: 711

CERTIFIED MAIL

May 22, 2017

The Honorable David Baker Mayor
City of Kenmore
18120 68th Ave NE
Kenmore, WA 98028

Dear Mayor Baker,

I am writing to you regarding the continued participation by the City of Kenmore in the King County Community Development Block Grant (CDBG) Consortium, and the King County HOME Investment Partnerships (HOME) Program Consortium. The Interlocal Cooperation Agreements (ICA) for the CDBG Consortium and HOME Consortium cover 2015-2017. This letter is to notify you that these ICAs will be automatically renewed for the years 2018-2020 unless you notify King County and the United States Department of Housing and Urban Development (HUD) that the City of Kenmore has decided to not participate in one or both of them during the 2018-2020 term.

King County Code, Title 24, Chapter 13 (KCC 24.13) sets out the framework for King County to enter into consortia relationships through interlocal cooperation agreements to partner in the distribution and administration of funds made available through the United States Department of Housing and Urban Development (HUD) and affordable housing funds established by Section 36.22.178 of the Revised Code of Washington (RCW).

Pursuant to KCC 24.13, it is the policy of King County to partner and form urban county consortia with the cities and towns in King County outside of the City of Seattle¹ for the HUD-administered CDBG and HOME programs. As a member of the King County CDBG Consortium your city will also participate with King County regarding the distribution and administration of federal Emergency Solutions Grant (ESG) funds. In addition, King County also partners with all cities and towns in King County for Regional Affordable Housing Program

¹ As a large metropolitan city, Seattle receives an independent allocation of CDBG, ESG and HOME Program funds directly from HUD.

David Baker, Mayor
May 22, 2017
Page 2

(RAHP) document recording surcharge fee funds for affordable housing, governed by RCW 36.22.178, which requires the County to enter into Interlocal agreements.

The King County Housing and Community Development Program administers the CDBG, ESG, HOME and RAHP Consortia funds on behalf of the participating city members and staffs the inter-jurisdictional Joint Recommendations Committee (JRC) of the consortia. The JRC reviews and recommends policy matters and project selections concerning consortia funds to the King County Executive.

Benefits of Continued Participation in the King County CDBG Consortium

Participation in the King County CDBG Consortium is advantageous for the following reasons:

- Low- and moderate-income homeowners in your city can apply for home repair grants or loans;
- Low- and moderate-income residents who are homeless or at-risk for homelessness may be eligible for assistance to help them remain in their homes or to move into permanent housing;
- Nonprofit organizations that serve residents of your city can apply for funds to acquire, construct and/or rehabilitate human service facilities or housing that serve low- and moderate-income residents;
- Nonprofit organizations that serve residents of your city can apply for funds for human service programs that serve low- and moderate-income residents;
- Your city can apply for CDBG funds for public infrastructure and park projects that serve low- and moderate-income neighborhoods; and
- Your city can participate in the city/county staff work group that develops recommendations for the Joint Recommendations Committee on specific project to receive CDBG funds, as well as program guidelines.

Federal regulations for the CDBG Program define low- and moderate-income as annual household income at 80% or less than the area median income as established by HUD. In 2017, for example, a family of four with a household income of \$72,000 or less is eligible for these programs.

If your city chooses to remain with the urban county, it is ineligible to apply for grants under the State CDBG program while it is part of the urban county.

Benefits of Continued Participation in the King County HOME Consortium

Participation in the HOME Consortium is advantageous for the following reasons:

David Baker, Mayor
May 22, 2017
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- Your city, and affordable housing developers serving your city, may apply for HOME funds to help meet locally identified affordable housing needs, including affordable rental housing and first-time homeownership programs through the County's process;
- Your city, and affordable housing developers serving your city, may apply for HOME funds to support the rehabilitation and preservation of affordable housing in your jurisdiction;
- Your city can participate in the city/county staff working group that develops recommendations for the inter-jurisdictional Joint Recommendations Committee on specific project to receive HOME funds, as well as program guidelines; and
- Your city is a participant in the ESG program as the urban county receives ESG funding.

RAHP Agreement

The RAHP Agreement governs the administration of funds for housing affordable to households at or below 50 percent of AML. The RAHP agreement has an automatic renewal clause that allows it to renew for subsequent three-year periods, and is renewing without changes for the 2018-2020 period. The RAHP Guidelines may be updated through the JRC by recommendations from the RAHP Planning group.

CDBG/HOME Agreement Next Steps

If your city decides to not participate in the King County CDBG and HOME Consortium for the 2018-2020 term, you must notify the County and HUD in writing, no later than June 12, 2017. A decision to not participate would be effective for the entire three-year period (January 1, 2018–December 31, 2020) unless your city were to specifically request to be included in a subsequent year for the remainder of the three-year period.

If King County and HUD do not receive a notice of your decision to not participate by the June 12 deadline, your city will continue to participate in the Consortium. The existing ICAs include automatic renewal provisions and no further action is needed at this time.

If your city decides to not participate in the King County CDBG Consortium and/or the King County HOME Consortium, please send written notification to:

King County Housing and Community Development Program
ATTN: Mark Ellerbrook, Program Manager
401 Fifth Avenue, Suite 510
Seattle, WA 98104

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May 22, 2017
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and

John W. Peters, Director
U.S. Department of Housing and Urban Development
Office of Community Planning and Development
909 First Avenue, Suite 300
Seattle, WA 98104-1000

We look forward to your continued participation in the King County Consortia and thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Mark', followed by a horizontal line.

Mark Ellerbrook
Program Manager

cc: Adrienne Quinn, Director, Department of Community and Human Services
John W. Peters, Director, Office of Community Planning and Development,
U.S. Department of Housing and Urban Development
Lauri Anderson, CDBG Representative, City of Kenmore
Kathy Tremper, Community Development Coordinator, Housing and Community
Development Program
Valerie Kendall, Affordable Housing Planner, Housing and Community Development
Program

Attachment 2

Timeline for 2018-2020 ICA Renewal and Subsequent ICA Amendment

✓ February JRC Meeting

INFO ITEM: Present proposed change in Housing Repair Set-aside from 20% to 25% for action at March JRC Meeting.

*This does not impact the ICA and the ICA can continue to 'roll over' for the next 3 year term as currently established. This will allow the County to complete a public process to make changes to the ICA and submit them for an Amendment in July 2018 for the remaining two years.

✓ March JRC Meeting

- ACTION ITEM: Vote on proposed change in HRP Set-aside.
- Review status of ICA Renewal Process – no action required of JRC.

April 27, 2017 JRC - NO Meeting

MAILOUT INFO ITEM:

- ICA Renewal Process - May, 2017 – HUD Field Office notifies County of its ability to qualify or requalify as an urban county of HUD; County must notify split places of their option for exclusion from or participation in the urban county (Milton, Pacific and Bothell); County must notify each included unit of gov. of its right to elect to be excluded from the urban county and the date by which it must make such election.
- INFO ITEM: ICA Rework Process – report out of Work Group formed and timeline slated for completing ICA Rework.

✓ May 25, 2017 – JRC Meeting

- Review status of ICA Renewal Process – no action required of JRC.
- Review status of ICA Rework Process – no action required of JRC.

June 22, 2017 JRC NO Meeting

MAILOUT INFO ITEM:

INFO ITEM: ICA Renewal Process

- June 2017 – any included unit of gov. that elects to be excluded from Urban County must notify county and HUD Field Office in writing that it elects to be excluded; County is required to notify participating units of gov. in writing that agreement will automatically be renewed unless unit of gov. sends notice to the county of its intent to terminate; unit of gov. that has entered into a cooperation agreement and elects not to continue participating w/County must notify County AND its HUD Field Office in writing that it is terminating agreement and any unit of local gov. that meets "metropolitan city" status for the first time and wishes to defer and remain part of Urban County Consortium OR to accept status and become a joint recipient with urban county, must notify County and HUD in writing of its decision.

- Review status of ICA Renewal Process – no action required of JRC.
- Review status of ICA Rework Process – no action required of JRC.

July - NO Meeting

Review status of ICA Renewal Process – no action required of JRC

- July 2017- HUD Field Office notifies CPD System Development Eval Div. of potential new metropolitan city elects to defer or accept status.
- July 2017 – County must submit all qualification documentation to HUD Field Office.

August NO Meeting

Review status of ICA Renewal Process – no action required of JRC

- August 2017 – Field Office Council review of All cooperation agreements completed. Field Office sends updated forms re requalification of County to Headquarters. NO EXTENSIONS allowed w/o prior authorization from Headquarters.
- September 2017 – HUD Headquarters notifies County of approved status by September 2(3). 2017.

✓ September

- Work Group Presents recommendations for Reworked ICA

✓ October

- JRC Acts upon Work Group Recommendation(s)

✓ December

- Draft ICA Document ready to present to City Councils in prep for final presentation to King County Council for transmittal to HUD in July 2018.

✓ represents meeting dates that the JRC is anticipated to meet in 2017

**INTERLOCAL COOPERATION AGREEMENT
REGARDING THE
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

THIS AGREEMENT is entered into by and between King County (hereinafter the "County") and the City of Kenmore, (hereinafter the "City") said parties to this Agreement each being a unit of general local government in the State of Washington.

WITNESSETH:

WHEREAS, the federal government, through adoption and administration of the Housing and Community Development Act of 1974 (the "Act"), as amended, will make available to King County Community Development Block Grant funds, hereinafter referred to as "CDBG", for expenditure during the 2015, 2016 and 2017 funding years; and

WHEREAS, the area encompassed by unincorporated King County and all participating cities, has been designated by the United States Department of Housing and Urban Development ("HUD"), as an urban county for the purpose of receiving CDBG funds; and

WHEREAS, the Act directs HUD to distribute to each urban county a share of the annual appropriation of CDBG funds based on formula, taking into consideration the social and economic characteristics of the urban county; and

WHEREAS, the Act allows participation of units of general government within an urban county in undertaking activities that further the goals of the CDBG program within the urban county; and

WHEREAS, the CDBG Regulations require the acceptance of the King County Consortium Consolidated Housing and Community Development Plan ("Consolidated Plan") by participating jurisdictions; and

WHEREAS, King County is responsible to the federal government for all activities undertaken with CDBG funds and shall ensure that all CDBG assurances and certifications King County is required to submit to HUD with the Annual Action Plan are met; and

WHEREAS, King County and the participating jurisdictions agree that it is mutually desirable and beneficial to enter into a consortium arrangement pursuant to and authorized by the National Affordable Housing Act of 1990, as amended, 42 USC 12701 et. seq. and 24 CFR Part 92 for purposes of the HOME Investment Partnerships Program, hereinafter referred to as "HOME Program", and to cooperate in undertaking HOME Program activities; and

WHEREAS, King County and the participating jurisdictions agree that it is mutually desirable and beneficial to enter into a consortium arrangement pursuant to and authorized by the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, for purposes of

the Emergency Solutions Grant Program, hereinafter referred to as “ESG”, and to cooperate in undertaking ESG activities; and

WHEREAS, King County shall undertake CDBG, ESG and HOME Program-funded activities in participating incorporated jurisdictions as specified in the Consolidated Plan by granting funds to those jurisdictions and to other qualifying entities to carry out such activities; and

WHEREAS, King County and the participating jurisdictions are committed to targeting CDBG, ESG and HOME Program funds to ensure benefit for very low to moderate-income persons as defined by HUD; and

WHEREAS, King County and the participating jurisdictions recognize that needs of very low to moderate-income persons may cross jurisdictional boundaries and therefore can be considered regional and sub-regional needs as well as local needs; and

WHEREAS, King County, in conjunction with the participating jurisdictions, must submit an Annual Action Plan to HUD, which is a requirement to receive CDBG funds; and

WHEREAS, the purpose of this Interlocal Cooperation Agreement, entered into pursuant to and in accordance with the State Interlocal Cooperation Act, RCW Chap. 39.34, is to form an urban county consortium, (“Consortium”), for planning the distribution and administration of CDBG, ESG, HOME Program, and other federal funds received on behalf of the Consortium from HUD, and for execution of activities in accordance with and under authority of the Act:

NOW, THEREFORE, IN CONSIDERATION OF THE FOREGOING CIRCUMSTANCES AND IN CONSIDERATION OF THE MUTUAL PROMISES CONTAINED HEREIN, IT IS AGREED THAT:

I. GENERAL AGREEMENT

The County and City agree to cooperate to undertake, or assist in undertaking, activities which further the development of viable urban communities, including community renewal and lower-income housing assistance activities, funded from annual CDBG, ESG and HOME Program funds from federal fiscal years **2015, 2016 and 2017** appropriations, from recaptured funds and from any program income generated from the expenditure of such funds. These activities include the provision of decent housing, homeless assistance, and a suitable living environment and economic development opportunities, principally for persons with very low to moderate incomes.

II. DEFINITIONS

- A. “JRC” means the inter-jurisdictional Joint Recommendations Committee as described in Section V of this Agreement.
- B. “CDBG Consortium Partners” means jurisdictions that are official HUD-recognized participants in the CDBG Consortium through a signed Interlocal Agreement.

- C. "Consolidated Plan" is the King County Consortium Consolidated Housing and Community Development Plan, a HUD-required plan that identifies needs and contains a strategic plan to guide the investment of HUD CDBG, HOME and ESG funds for a multi-year period not to exceed five years.

III. GENERAL DISTRIBUTION OF FUNDS

The distribution of CDBG and HOME Program funds for the King County urban county Consortium shall be governed by the provisions below.

Planning and Administration

- A. The Administrative and Planning Set-asides for the CDBG and the HOME Programs, to be reserved by the County to meet the County's responsibility to meet all HUD requirements for planning and administration, shall be the maximum allowable by HUD [currently twenty (20) percent of the CDBG funds available from the annual entitlement and twenty (20) percent of program income, and ten (10) percent of the HOME Program funds available from the annual entitlement and ten (10) percent of program income]. If the current percentages for CDBG and/or HOME administration and planning are changed at the federal level, the Consortium may allow the percentage retained by the County to change, following review and recommendation by the Joint Recommendations Committee ("JRC"), as provided in Section V, and approval by the Metropolitan King County Council, as provided in Section VI.

Public/Human Services

- B. The Human Services Set-aside of CDBG shall be the maximum allowable by HUD for human services [currently fifteen (15) percent of the funds available from the CDBG annual entitlement and fifteen (15) percent of program income]. The Human Services Set-aside, including Housing Stability homeless prevention activities and other homeless activities, shall be determined by the CDBG Consortium Partners and approved by the JRC in the Consortium's most current Consolidated Housing and Community Development Plan.

Housing Repair

- C. The Housing Repair Program Set-aside shall be twenty (20) percent of the funds available from the CDBG entitlement and twenty (20) percent of program income (this percentage is discretionary and not required or limited by HUD). The JRC may periodically review and recommend increases or decreases to this percentage if, in its judgment, there has been a substantial change in the Consortium's overall funding or need for housing repair that justifies an increase or decrease.

Remaining Capital Funding

- D. The remaining entitlement and program income funds, as well as any recaptured or prior year funds, shall be divided into two separate funds for the two sub-regions of the county: 1) north/east sub-region; and 2) south sub-region. The percentage split between the two funds shall be equal to the percentage of low to moderate-income population represented by each sub-region. Each sub-region

may propose funding priorities and allocate portions of the sub-region's funds to such priorities for separate competitive processes. Such competitive processes must be for eligible activities that are consistent with the King County Consortium Consolidated Housing and Community Development Plan. A sub-region may also elect to allocate additional funds to the Consortium's Housing Repair Program for the benefit of residents of the sub-region.

1. The north/east sub-region shall include those cities in the north and east and those portions of unincorporated King County that lie north of Interstate 90. The cities of Mercer Island, Newcastle, Issaquah, and North Bend, which are at or near the Interstate 90 border, along with their designated potential annexation areas, also shall be included in the north/east sub-region.
2. The south sub-region shall include those cities south of Interstate 90 and those portions of unincorporated King County that lie south of Interstate 90, except for the cities of Mercer Island, Newcastle, Issaquah, and North Bend and their potential annexation areas, which are part of the north/east sub-region.
3. The formula for dividing the funds between the two sub-regions shall be based on each sub-region's share of the Consortium's low to moderate-income population.

CDBG Guidelines to Address Programmatic Details:

- E. The CDBG Consortium Partners may propose King County Consortium CDBG, ESG and HOME Guidelines, for approval by the JRC, to guide the Consortium regarding details of program implementation, including, but not limited to, funding guidelines, frequency of application processes, Consortium procedures and goals for geographic equity in the distribution of funds over time.

IV. USE OF FUNDS: GENERAL PROVISIONS

- A. Funds shall be used to support the goals, objectives and strategies of the King County Consortium Consolidated Housing and Community Development Plan.
- B. Funds shall be used in accordance with the CDBG regulations at 24 CFR Part 570, ESG regulations at 24 CFR Part 576, Home Program regulations at 24 CFR Part 92, and all other applicable federal regulations.

V. JOINT RECOMMENDATIONS COMMITTEE

An inter-jurisdictional Joint Recommendations Committee ("JRC") was established through the 2009 – 2011 CDBG/HOME Consortium Interlocal Cooperation Agreement and through King County Code Chapter 24.13, and is hereby adopted as part of this Agreement.

- A. **Composition**—The JRC for the CDBG/ESG/HOME Consortium shall be composed of three county representatives and eight cities representatives.

1. The three county representatives shall be King County Executive staff with broad policy responsibilities and/or department directors. County representatives shall be specified in writing and, where possible, shall be consistently the same persons from meeting to meeting.
 2. Four of the cities representatives shall be from those cities signing this interlocal cooperation agreement, two from each sub-region.
 3. The remaining four cities representatives shall be from cities that qualify to receive CDBG entitlement funds directly from HUD and that are not signing this agreement, but are signing either Joint Agreements or HOME Program-only agreements. These latter four representatives shall have no vote on matters specific to the jurisdictions that are parties to this Agreement.
 4. The chairperson and vice-chairperson of the JRC shall be chosen from among the members of the JRC by a majority vote of the members for a term of one year beginning with the first meeting of the calendar year. Attendance of five members of the entire body of eleven members of the JRC for the CDBG/HOME Consortium shall constitute a quorum for voting matters in which all members of the JRC are eligible to vote. For voting items of the Regular CDBG Consortium, in which only seven members may vote (those identified in sub-sections 1 and 2 of this section), four members shall constitute a quorum, made up of two King County representatives and two city representatives.
- B. **Appointments**—The King County Executive shall appoint the three county representatives. The participating cities shall provide for the appointment of their shared representatives in a manner to be determined by those cities through the Sound Cities Association or other agreed-upon mechanism for the execution of shared appointing authority. The Sound Cities Association or other agreed mechanism will select four jurisdictions of varying size from among those signing this Agreement, two from the north/east sub-region and two from the south sub-region. The cities representatives shall be elected officials, chief administrative officers, or persons who report directly to the chief administrative officer and who have broad policy responsibilities; e.g., planning directors, department directors, etc. Members of the JRC shall serve for two years, or at the pleasure of their respective appointing authorities.
- C. **Powers and Duties**—The JRC shall be empowered to:
1. Review and recommend to the King County Executive all policy matters concerning the Consortium CDBG, ESG and HOME Program, including but not limited to the Consolidated Plan and related plans and policies.
 2. Review and recommend to the King County Executive the projects and programs to be undertaken with CDBG funds, ESG funds and HOME Program funds, including the Administrative Set-aside.

3. Monitor and ensure that all geographic areas and actively participating jurisdictions benefit from CDBG, ESG and HOME Program funded activities over time, so far as is feasible considering eligible applications submitted within the goals, objectives and strategies of the Consolidated Plan: 1) there is equity in distribution of funds pursuant to proportion of the region's low to moderate-income population; and, 2) equity is achieved over time pursuant to Consortium Guidelines adopted by the JRC to the extent feasible.
- D. Advisory Committees to JRC—In fulfilling its duty to review and recommend projects and programs to be undertaken with the CDBG, ESG and HOME Program funds, the JRC shall consider the advice of sub-regional inter-jurisdictional advisory committees. Sub-regional advisory committees, made up of one representative from each participating jurisdiction in a sub-region that wishes to participate, shall be convened to assist in the review and recommendation of projects and programs to be undertaken in that sub-region. The JRC may also solicit recommendations from other inter-jurisdictional housing and community development committees.

VI. RESPONSIBILITIES AND POWERS OF KING COUNTY

- A. Notwithstanding any other provision contained in this Agreement, the County as the applicant and grantee for CDBG, ESG and HOME Program funds has responsibility for and assumes all obligations in the execution of the CDBG, ESG and HOME Programs, including final responsibility for selecting and executing activities, and submitting to HUD the Consolidated Plan, Annual Action Plans, and related plans and reports, including the Analysis of Impediments to Fair Housing Choice and the Fair Housing Action Plan. Nothing contained in this Agreement shall be construed as an abdication of those responsibilities and obligations.
- B. The Metropolitan King County Council shall have authority and responsibility for all policy matters, including the Consolidated Plan, upon review and recommendation by the JRC.
- C. The Metropolitan King County Council shall have authority and responsibility for all fund allocation matters, including approval of the annual CDBG, ESG and HOME Program Administrative Set-asides and appropriation of all CDBG, ESG and HOME Program funds.
- D. The King County Executive, as administrator of the CDBG, ESG and HOME Programs, shall have authority and responsibility for all administrative requirements for which the County is responsible to the federal government.
- E. The King County Executive shall have authority and responsibility for all fund control and disbursements.
- F. The King County Executive shall have the authority and responsibility to staff the JRC and provide liaison between HUD and the urban county Consortium. County

Executive staff shall prepare and present to the JRC evaluation reports or recommendations concerning specific proposals or policies, and any other material deemed necessary by the JRC to help it fulfill its powers and duties in IV. C., above.

- G. King County Executive staff shall have the authority and responsibility to communicate and consult with participating jurisdictions on CDBG, ESG and HOME Program policy and program matters in a timely manner.
- H. King County Executive staff shall have the authority and responsibility to convene sub-regional advisory committees made up of representatives from participating jurisdictions in the sub-region to advise the JRC on the allocation of the sub-regional funds.
- I. King County Executive staff shall provide periodic reports on clients served by jurisdictions in the Housing Stability and Housing Repair programs and on the status of CDBG, ESG and HOME Program funded projects and make them available to all participating jurisdictions and the JRC.
- J. King County Executive staff shall solicit proposals, administer contracts, and provide for technical assistance, both in the development of viable CDBG, ESG and HOME Program proposals and in complying with CDBG, ESG and HOME Program contractual requirements.
- K. King County shall have environmental review responsibility for purposes of fulfilling requirements of the National Environmental Policy Act, under which King County may require the local incorporated jurisdiction or contractor to furnish data, information, and assistance for King County's review and assessment in determining whether an Environmental Impact Statement is required.
- L. King County, as the official applicant, shall have the authority and responsibility to ensure that any property acquired or assisted with CDBG funds or HOME Program funds is disposed of or used in accordance with federal regulations.

VII. RESPONSIBILITIES OF THE PARTICIPATING CITIES

- A. All participating cities shall cooperate in the development of the Consolidated Plan and related plans.
- B. All participating cities shall assign a staff person to be the primary contact for the County on CDBG, ESG and HOME Program issues. The assigned CDBG, ESG and HOME Program contact person is responsible for communicating relevant information to others at the participating city, including any representative the city may choose to send to the sub-regional advisory committee, if that representative is not the CDBG, ESG and HOME Program contact person.
- C. At its discretion, a participating city may assign a representative to attend meetings of the sub-regional advisory committee. This representative may or may not be the City's CDBG, ESG and HOME Program contact person. It may be the CDBG, ESG and HOME Program contact person, a different staff member, an elected official, or a citizen.

- D. If and when a participating city deems necessary or advisable, it may prepare applications for CDBG or HOME Program funds to address the needs of its residents, consistent with the Consolidated Plan.
- E. Each participating city shall obtain its council's authorization for any CDBG or HOME Program application submitted.
- F. All participating cities shall carry out CDBG or HOME Program funded projects in a manner that is timely and consistent with contractual requirements.
- G. All participating cities owning community facilities or other real property acquired or improved in whole or in part with CDBG or HOME Program funds shall comply with use restrictions as required by HUD and as required by any relevant policies adopted by the JRC.
 - 1. During the period of the use restriction, the participating cities shall notify King County prior to any modification or change in the use of real property acquired or improved in whole or in part with CDBG or HOME Program funds. This includes any modification or change in use from that planned at the time of the acquisition or improvement, including disposition.
 - 2. During the period of the use restriction, if the property acquired or improved with CDBG or HOME Program funds is sold or transferred for a use which does not qualify under the applicable regulations, the participating city shall reimburse King County in an amount equal to the current fair market value (less any portion thereof attributable to expenditures of funds other than CDBG or HOME Program funds).

VIII. RESPONSIBILITIES OF ALL PARTICIPATING JURISDICTIONS

- A. All participating jurisdictions shall be considered to be those jurisdictions that have signed this Agreement.
- B. All participating jurisdiction shall fulfill to the County's reasonable satisfaction all relevant requirements of federal laws and regulations that apply to King County as applicant, including assurances and certifications described in Section VIII below.
- C. Each participating jurisdiction or cooperating unit of general local government certifies that it has adopted and is enforcing:
 - 1. A policy that prohibits the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
 - 2. A policy that enforces applicable state and local laws against physically barring entrance to or exit from a facility or location which is the subject of non-violent civil rights demonstrations within jurisdiction.
- D. Pursuant to 24 CFR 570.501(b), all participating units of local governments are subject to the same requirements applicable to sub-recipients when they receive CDBG funds to implement an activity. The applicable requirements include, but

are not limited to, a written agreement with the County that complies with 24 CFR 570.503 and includes provisions not limited to: statement of work; records and reports; program income; uniform administrative items; other program requirements; conditions for religious organizations; suspension and termination; and reversion of assets.

- E. All participating units of local government understand that they may not apply for grants from appropriations under the federal Small Cities or State CDBG Programs during the period in which they participate in this Agreement.
- F. All participating units of local government understand that they may not sell, trade or otherwise transfer all or any portion of the urban county consortium CDBG funds to another metropolitan city, urban county unit of general local government, Indian tribe, or insular area that directly or indirectly receives CDBG funds in exchange for any other funds, credits or non-Federal considerations, but must use such funds for activities eligible under Title I of the Act.
- G. All units of local government participating in the CDBG urban county consortium through this interlocal cooperation agreement understand that they are also part of the urban county for the HOME Program and that they may not participate in a HOME Program consortium except through the urban county, regardless of whether the urban county receives a HOME formula allocation; and also understand that they are part of the urban county for the ESG Program and may only receive a formula allocation for ESG through the urban county consortium.
- H. All participating units of local government hereby agree to affirmatively further fair housing and to ensure that no CDBG or HOME Program funds shall be expended for activities that do not affirmatively further fair housing within its jurisdiction or that impede the County's actions to comply with its fair housing certification. For purposes of this section, "affirmatively furthering fair housing" includes participation in the process of developing an Analysis of Impediments to Fair Housing Choice and a Fair Housing Action Plan. While King County has the primary responsibility for the development of these reports to HUD pursuant to Section VI.A. of this Agreement, upon request, the City shall provide assistance to the County in preparing such reports. All participating units of local government acknowledge that the urban county consortium is prohibited from funding activities in, or in support of, any cooperating unit of general local government that does not affirmatively further fair housing within its own jurisdiction or that impedes the county's actions to comply with the county's fair housing certification.
- I. Participating jurisdictions undertaking activities and/or projects with CDBG funds distributed under this Agreement shall retain full civil and criminal liability as though these funds were locally generated.

- J. Participating jurisdictions retain responsibility in fulfilling the requirements of the State Environmental Policy Act under which King County has review responsibility only.

IX. GENERAL TERMS

- A. This Agreement shall extend through the **2015, 2016 and 2017** program years, and shall remain in effect until the CDBG funds, ESG funds, Home Program funds and program income received with respect to activities carried out during the three-year qualification period are expended and the funded activities completed. This Agreement shall be automatically renewed for participation in successive three-year qualification periods, unless the County or the City provides written notice that it wishes to amend this Agreement or elects not to participate in the new qualification period by the date set forth by the United States Department of Housing and Urban Development (HUD) in subsequent Urban County Qualification Notices. By the date specified in HUD's Urban County Qualification Notice for the next qualification period, King County will notify each participating city in writing of its right not to participate, and a copy of King County's written notification will be sent to HUD by the date specified in the urban county qualification schedule. Each party to this Agreement must adopt amendments necessary to meet the requirements for cooperation agreements as set forth in the Urban County Qualification Notice applicable for a subsequent three-year county qualification period, and to submit such amendment to HUD, as provided in the notice. Failure to comply with the notice will void the automatic renewal for such qualification period.
- B. Pursuant to 24 CFR Part 570.307(d)(2), during the period of qualification no included unit of general local government may terminate or withdraw from the cooperation agreement while it remains in effect.
- C. It is understood that by signing this Agreement, the City shall agree to comply with the policies, goals, objectives and strategies of the King County Consortium Consolidated Housing and Community Development Plan.
- D. Parties to this Agreement must take all required actions necessary to assure compliance with King County's certification under Section 104(b) of Title I of the Housing and Community Development Act of 1974, as amended, regarding Title VI of the Civil Rights Act of 1964, (Title III of the Civil Rights Act), the Fair Housing Act as amended, affirmatively furthering fair housing, Section 109 of Title I of the Housing and Community Development Act of 1974, as amended, which incorporates Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, the Americans with Disabilities Act of 1990, and other applicable laws.
- E. This Agreement shall be executed in three counterparts, each of which shall be deemed an original, by the chief executive officers of the County and the City, pursuant to the authority granted them by their respective governing bodies. One of the signed Agreements shall be filed by the County with the Region X office of HUD, one shall be filed with the City and one shall be filed with the County. Prior

to its taking effect, the fully executed Agreement shall be filed with the County Auditor, or, alternatively, listed by subject on a public agency's web site or other electronically retrievable public source.

- F. It is recognized that amendment to the provisions of this Agreement may be appropriate, and such amendment shall take place when the parties to this Agreement have executed a written amendment to this Agreement.

- G. This Agreement is made and entered into for the sole protection and benefit of the parties hereto and their successors and assigns. No other person shall have any right of action based on any provision of this Agreement.

KING COUNTY, WASHINGTON

Adrienne Quinn
for King County Executive

Adrienne Quinn
Printed Name

Director, Department of Community and
Human Services
Title

7/25/14
Date

Approved as to Form:
OFFICE OF THE KING COUNTY
PROSECUTING ATTORNEY

[Signature]

CITY OF KENMORE

[Signature]
By: Signature

Rob KARLINSEY
Printed Name

CITY MANAGER
Title

6/27/14
Date

Approved as to Form:
CITY OF KENMORE
CITY ATTORNEY

[Signature]

ROD KASEGUMA
City Attorney

ATTEST:
CITY OF Kenmore

[Signature]

Ruthy Safrin
City Clerk



City Council Business Agenda Item
City of Kenmore, WA

Subject/Topic: Retirement Program Provider Review

For Council Meeting Agenda of: June 12, 2017

Department: City Retirement Plan Review Committee

Prepared by: Kris Overleese, Debbie Bent, Nancy Meehan, Richard Sawyer, Bryan Hampson, and Ann Stanton

Proposed Council Action/Motion: Authorize the City Manager to execute an agreement with the Hyas Group for an amount not to exceed \$22,500.

	<u>Initial & Date</u>
Approved by Department Head:	KMO 6/1/17
Approved by City Attorney:	NA
Approved by Finance Director:	Jung 6/1/17
Approved by City Manager:	[Signature]

Exhibits/Attachments: NA

Expenditure Required \$22,500

Amount Budgeted \$0

Appropriation Required \$22,500

INFORMATION/BACKGROUND:

When the City incorporated in 1998, it chose Nationwide to be the City's Social Security Replacement (401A) program provider. The City also provides the opportunity for employees to participate in a Deferred Compensation Program (457 Plan). The City currently has three plan providers for the 457 Deferred Compensation Program: Nationwide, International City Managers Association (ICMA), and a State of Washington plan. Participation in the 457 program is discretionary, the 401A Social Security Replacement program is not. The plan program fees are paid by participants, directly from their accounts.

The City Manager established a staff committee to review the plans as they have not been evaluated since they were instituted. The committee has performed a cursory review of financial assets amongst the plans (approximately \$5 Million total). The existing contracts with the providers were assembled. Staff also visited and interviewed Shoreline finance staff responsible for their plan management. Shoreline actively manages their plan providers and has formally reviewed and changed providers to benefit the City participants at least twice since incorporation in 1995. With new and actively managed plan providers, Shoreline has improved employee education and assistance, significantly reduced fees, and improved options within the plans to benefit participants.

Based on the review of Kenmore's plans and staff research, the Retirement Committee recommends the hiring of a consultant to 1) evaluate current plan providers and the structure of the plans, 2) create a fiduciary strategy for plan implementation and management, 3) assist the City with a Request for Proposals should the City decide to investigate new plan providers once the current plans are evaluated, and 4) assist the City with negotiations should we choose new plan providers. Hyas Group services will also include education of the Retirement Committee, participants, and the permanent City retirement plan management committee (should the City create one).

Staff recommends hiring the Hyas Group out of Portland as they have a proven track record of providing similar services. The Hyas Group provides consulting services for all types of retirement plans and they currently manage assets of \$19.6 Billion. Their clients include these Washington organizations: Shoreline, Richland, Spokane, Tacoma, Sound Transit, and Everett Schools. Public Works Director Kris Overleese worked with the Hyas Group performing similar work in Shoreline in 2011 and 2012 and she was impressed with their knowledge, education of staff, fiscal assistance, and negotiating ability.

The goal is to complete the work this year.

FISCAL CONSIDERATION:

The cost to perform the services outlined above is \$22,500 which would be paid by the City. These costs are consistent with what Shoreline has paid for similar services from the Hyas Group. The City is making no long-term commitment to the Hyas Group. Should the City determine that ongoing fiscal management services are desired, it is likely that a Request for Qualifications (RFQ) process would be completed.

COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:

Fiscal responsibility and Employee Retention

Subject/Topic: Interlocal Agreement with the City of Marysville for the rental of outdoor video services for Movies @ the Square event series Proposed Council Action/Motion: Motion to approve the City of Kenmore to enter into an Interlocal Agreement with City of Marysville for the rental of outdoor video services for Movies @ the Square events to be held in the Town Square	For Council Meeting Agenda of: 12 June 2017 Department: Executive Prepared by: Shelby Krogh, Volunteer & Events Supervisor SK <u>Initial & Date</u> Approved by Department Head: _____ Approved by City Attorney: _____ Approved by Finance Director: gmg _____ Approved by City Manager: for _____ Exhibits/Attachments: Interlocal Agreement
Expenditure Required \$4,900 Amount Budgeted \$10,000 in 2017 Appropriation Required \$0	
<u>INFORMATION/BACKGROUND:</u> The City of Kenmore would like to enter into an Interlocal Agreement with the City of Marysville for rental of outdoor video services for the Movies @ the Square event series in summer of 2017. Movies @ the Square will consist of seven family-friendly movies shown in the Town Square on June 28, July 12, July 26, August 9, August 23, August 30, and after the #WhyILoveKenmore Summer Party (date TBD). As part of the agreement, City of Marysville would provide video and audio equipment, including a movie screen, personnel, and vehicles to transport the equipment to Kenmore. The mission of the Town Square and Hangar is to mold and activate signature downtown public spaces where Kenmore area residents, visitors, and business people can gather, interact, meet some of their daily needs, and have an authentic local sense of place. By achieving this mission, the Town Square and Hangar can serve to catalyze economic vitality and investment in Kenmore's downtown. Movies @ the Square will activate the space several times during the summer, bringing Kenmore area residents and visitors together for a free, family-friendly movie. This event will primarily cater to families with children and teenagers in the Kenmore area and surrounding communities, although all are welcome to enjoy. Guests will be encouraged to begin arriving up to two hours before the event begins to utilize the space for gathering, interacting, and enjoying food from featured food vendors, the retail coffee shop, or surrounding Kenmore restaurants. Entertaining and educational activities directly related to the movie may be available to guests before the movie begins, depending on availability of resources, to encourage interaction with others in the community and the space.	

City staff is seeking City Council to approve a motion to approve the City of Kenmore to enter into an Interlocal Agreement with City of Marysville for the services listed above.

FISCAL CONSIDERATION:

As part of the Interlocal Agreement, City of Kenmore will pay City of Marysville \$700.00 per event for the use of video and audio equipment, including a movie screen, personnel and vehicles to transport the equipment to Kenmore for a total of \$4,900 for seven events.

COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:

Council Vision Statement: has its own sense of place and an identifiable, walkable downtown offering commercial, civic, cultural and park spaces, integrated with multifamily housing;
is inclusive and family friendly, with a small town feeling, that fosters a sense of belonging and pride.

**INTERLOCAL AGREEMENT BETWEEN
THE CITY OF KENMORE
AND THE CITY OF MARYSVILLE
FOR OUTDOOR VIDEO SERVICES**

This Interlocal Agreement effective June 28, 2017 between the City of Kenmore, a Washington municipal corporation, herein after referred to as “KENMORE” and the City of Marysville, a Washington municipal corporation, herein after referred to as “MARYSVILLE”, pursuant to the authority granted by Chapter 39.34 RCW.

WHEREAS, the City of KENMORE is the organizer/host jurisdiction of outdoor movie presentations which shall be selected, provided and licensed by City of KENMORE and presented on June 28, July 12, July 26, August 9, August 23, August 30 and one additional date to be determined; and

WHEREAS, the City of KENMORE is the owner of the property where the movie will be shown to the community for free; and

WHEREAS, the City of MARYSVILLE has sufficient OUTDOOR VIDEO equipment, staff and vehicles to provide OUTDOOR VIDEO SERVICES for public events within the City of Marysville and for other Cities as well; and

WHEREAS, the City of KENMORE desires to utilize the City of MARYSVILLE’S OUTDOOR VIDEO SERVICES; and

WHEREAS, this Agreement between Parties is made pursuant to Chapter 39.34 RCW, the Interlocal Cooperation Act, for the City of MARYSVILLE to provide OUTDOOR VIDEO SERVICES to the City of KENMORE to exercise their powers jointly and thereby maximize their abilities to provide services and facilities that will best fulfill common needs and achieve common goals.

NOW, THEREFORE, in consideration of the terms and conditions contained herein, KENMORE and MARYSVILLE agree as follows:

1. SCOPE OF SERVICES

A. MARYSVILLE agrees to provide OUTDOOR VIDEO SERVICES to KENMORE as defined in this Agreement. MARYSVILLE’S performance of said services under this Agreement may be limited by the availability of MARYSVILLE’S personnel and equipment. MARYSVILLE will notify the City of KENMORE at least 48 hours before the event if it is not able to provide personnel and/or equipment.

1. MARYSVILLE will provide OUTDOORVIDEO SERVICES to KENMORE.
2. MARYSVILLE will provide the video and audio equipment including movie

screen, personnel and vehicles to transport the equipment and personnel to KENMORE. MARYSVILLE personnel will operate the video equipment and vehicles.

B. KENMORE will provide the following:

1. An authorized location.
2. Two (2) 20 amp circuits for event power.
3. Other services/personnel.

C. The date for video services (FILM) will be:

1. Wednesday, June 28, 2017
2. Wednesday, July 12, 2017
3. Wednesday, July 26, 2017
4. Wednesday, August 9, 2017
5. Wednesday, August 23, 2017
6. Wednesday, August 30, 2017
7. Additional date TBD

E. It is understood and agreed by all parties that MARYSVILLE staff providing services pursuant to this Agreement are acting in their official capacity as employees of MARYSVILLE and shall be under the exclusive direction and control of MARYSVILLE.

It is understood and agreed by all parties that KENMORE staff providing services pursuant to this Agreement are acting in their official capacity as employees of KENMORE and shall be under the exclusive direction and control of KENMORE.

F. KENMORE and MARYSVILLE agree to cooperate with all terms and conditions of this Agreement, and shall furnish any information, or other material available to it as may be required in the course of the performance of this Agreement.

G. KENMORE, by this Agreement, and to the extent contained herein, delegates on an as needed, as requested basis to MARYSVILLE the authority to perform on KENMORE'S behalf those services as provided in this Agreement.

2. COMPENSATION / FEES

A. KENMORE will pay MARYSVILLE per performance for the use of the employees, equipment and vehicles in the amount of \$700.00 per date.

B. KENMORE will pay MARYSVILLE 25% of the event fee in the event KENMORE cancels an event with less than 12 hours phone notice to MARYSVILLE as provided in Section 8 (C) (2) of this Agreement.

C. MARYSVILLE shall bill KENMORE and KENMORE shall pay MARYSVILLE within

thirty (30) days receipt of the bill.

3. AMENDMENTS / MODIFICATION

Provisions within this Agreement may be amended with the mutual consent of the parties hereto. No additions to, or alterations of, the terms of this Agreement shall be valid unless made in writing, formally approved and executed in the same manner as this Agreement.

4. INDEMNIFICATION AND LIABILITY

A. Indemnification:

1. KENMORE will at all times indemnify and hold harmless and defend MARYSVILLE, their elected officials, officers, employees, agents and representatives, from and against any and all lawsuits, damages, costs, charges, expenses, judgments and liabilities, including attorney's fees (including attorney's fees in establishing indemnification), collectively referred to herein as "losses" resulting from, arising out of, or related to one or more claims arising out of negligent acts, errors, or omissions of KENMORE in performance under this agreement.
2. MARYSVILLE will at all times indemnify and hold harmless and defend KENMORE, their elected officials, officers, employees, agents and representatives, from and against any and all lawsuits, damages, costs, charges, expenses, judgments and liabilities, including attorney's fees (including attorney's fees in establishing indemnification), collectively referred to herein as "losses" resulting from, arising out of, or related to one or more claims arising out of negligent acts, errors, or omissions of MARYSVILLE in performance under this agreement.
3. The term "claims" as used herein shall mean all claims, lawsuits, causes of action, and other legal actions and proceedings of whatsoever nature, involving bodily or personal injury or death of any person or damage to any property including, but not limited to, persons employed by MARYSVILLE, KENMORE, or other person and all property owned or claimed by MARYSVILLE, KENMORE, or affiliate of thereof, or any other person; except for those losses or claims for damages solely caused by the negligence or willful misconduct of MARYSVILLE or KENMORE, their elected and appointed officials, officers, employees or agents.

B. NOTHING HEREIN SHALL REQUIRE OR BE INTERPRETED TO:

1. Waive any defense arising out of RCW Title 51
2. Limit or restrict the ability of any City or employee or legal counsel for any City or employee to exercise any right, defense or remedy which a party to a lawsuit may have with respect to claims or third parties, including, but not limited to, any good faith attempts to seek dismissal or legal claims against a party by

any proper means allowed under the civil rules in either state or federal court.

3. Cover or require indemnification or payment of any judgment against any individual or Party for intentional or wrongful conduct outside the scope of employment of any individual or for any judgment for punitive damages against any individual or city. Payment of punitive damage awards, fines or sanctions shall be the sole responsibility of the individual against whom said judgment is rendered and/or his or her municipal employer, should that employer elect to make said payment voluntarily. This agreement does not require indemnification of any punitive damage awards or for any order imposing fines or sanctions.

C. The provisions of this section shall survive the expiration or termination of the Agreement.

5. INSURANCE

INSURANCE

1. Both parties to this Agreement shall maintain public liability insurance. Both parties are members and insured through the Washington Cities Insurance Authority (WCIA) and shall maintain their membership throughout the term of this Agreement.
2. Such insurance shall not be reduced or canceled without forty-five (45) days written notice from the other party. Reduction or cancellation of the insurance shall render this Agreement void.
- 3 Upon request by one party to the other, the party receiving such request shall provide to the party making such request proof of insurance coverage from WCIA verifying that party is a covered member in good standing.

6. INDEPENDENT CONTRACTOR

A. Nothing herein contained shall be construed as creating the relationship of employer and employee, or principal and agent, between KENMORE and MARYSVILLE or any of KENMORE'S or MARYSVILLE's agents or employees.

KENMORE shall retain all authority for rendition of services, standards of performance, control of personnel, and other matters incident to the performance of services by KENMORE pursuant to this Agreement.

MARYSVILLE shall retain all authority for rendition of services, standards of performance, control of personnel, and other matters incident to the performance of services by MARYSVILLE pursuant to this Agreement.

B. Nothing in this Agreement shall make any employee of KENMORE a MARYSVILLE employee for any purpose, including, but not limited to, withholding of taxes, payment of benefits, worker's compensation pursuant to Title 51 RCW, or any other rights or privileges accorded KENMORE or employees by virtue of their

employment.

Nothing in this Agreement shall make any employee of MARYSVILLE a KENMORE employee for any purpose, including, but not limited to, withholding of taxes, payment of benefits, worker's compensation pursuant to Title 51 RCW, or any other rights or privileges accorded MARYSVILLE employees by virtue of their employment.

7. LEGAL RELATIONS

- A. The prevailing Party in any action to enforce any provision of this Agreement or to redress any breach hereof shall be entitled to recover from the other party its costs and reasonable attorney' fees incurred in such action.
- B. The Parties shall comply with all federal, state and local laws and ordinances applicable to work to be done under this agreement. This Agreement shall be interpreted and construed in accordance with the laws of Washington. Venue for any action commenced relating to the interpretation, breach or enforcement of this agreement shall be in Snohomish County Superior Court.
- C. The parties agree that, following reasonable attempts at negotiation and compromise, any unresolved dispute arising under this contract may be resolved by a mutually agreed upon alternative dispute resolution of arbitration or mediation.

8. DURATION/TERMINATION/NOTICE/EMERGENCY NOTICE

- A. This Agreement will become effective on the date of affixing the last signature hereto and shall remain in effect for a period of six months, subject to renewal.
- B. Either party may terminate this Agreement, for any reason, upon providing thirty (30) days written notice to the other party, in which case each City shall pay the other City for all services provided up to and including the date of termination.

C. Notices

- 1. Required notices, with the exception of legal process, shall be given in writing to the following respective addresses:

City of MARYSVILLE:
6915 Armar Road
Marysville, WA 98270

City of KENMORE:
18120 68th Ave NE
Kenmore, WA 98028

- 2. Event Cancellation Notice via Phone/Emergency Contact:

The below named individuals are designated as the representatives of the respective parties. The representatives shall be responsible for administration of this Agreement. In the event a representative is changed, the party making the change shall notify the other party.

MARYSVILLE:

Name: Lauren Woodmansee, Recreation Coordinator

Phone Number: 360-363-8408

KENMORE:

Name: Shelby Krogh, Volunteer & Events Supervisor

Phone Number: 425-398-8900

D. Termination shall not affect the rights and obligations of the parties under Sections 4, 5, 6 and 11 of this Agreement.

9. WAIVER

No term or provision herein shall be waived and no breach excused unless such waiver or consent shall be in writing and signed by the party claimed to have waived or consented.

10. ENTIRE AGREEMENT

This Agreement, including any exhibits and documents referenced herein, constitutes the entire agreement between the parties, and supersedes all proposals, oral or written, between the parties regarding plan review and inspection services.

11. PRIVILEGES AND IMMUNITIES

All privileges and immunities from liability, exemption from ordinances, rules, laws, all pension, disability, workers' compensation and other benefits which apply to the activities of MARYSVILLE employees while performing their functions within the territorial limits of MARYSVILLE shall apply to them to the same degree and extent while they are engaged in the performance of any of their authorized functions and duties within KENMORE under the provisions of this Agreement.

12. THIRD PARTY BENEFICIARY STATUS

The parties agree that this Agreement shall not confer third-party beneficiary status on any non-party to this Agreement.

13. SEVERABILITY

If any provision of this Agreement or its application to any person or circumstance is held invalid, the remainder of the provision and/or the application of the provisions to other persons or circumstances shall not be affected.

14. APPROVAL AND FILING

APPROVAL AND FILING. Each party shall approve this Agreement pursuant to the laws of the governing body of said party. The attested signature of the officials identified below shall constitute a presumption that such approval was properly obtained. A copy of this Agreement shall be filed with the Snohomish County Auditor's office pursuant to RCW 39.34.040.

(REMAINDER OF PAGE LEFT INTENTIONALLY BLANK.)

IN WITNESS WHEREOF, the parties have signed this Agreement, effective on the date indicated below.

CITY OF MARYSVILLE

CITY OF KENMORE

JON NEHRING Mayor

DAVID BAKER Mayor

Date:

Date:

Attest:

Attest:

APRIL O'BRIEN Deputy City Clerk
Approved as to form:

KELLY CHELIN City Clerk
Approved as to form:

JON WALKER City Attorney
Attorney for the City of MARYSVILLE

ROD KASEGUMA City Attorney
Attorney for City of KENMORE
(Contracted through Inslee Best)



City Council Business Agenda Item City of Kenmore, WA

Subject/Topic: Status Update on the St. Edward Ballfield Improvement Project

Proposed Council Action/Motion: Direction on staff recommendations for next steps

For Council Meeting Agenda of: June 12, 2017

Department: City Administration and Community Development

Prepared by: Rob Karlinsey, City Manager and Debbie Bent, Community Development Director

	<u>Initial & Date</u>
Approved by Department Head:	<u>LA for DB, 6/8/17</u>
Approved by City Attorney:	<u> </u>
Approved by Finance Director:	<u> </u>
Approved by City Manager:	<u>RSK</u>

Exhibits/Attachments:

1. Ballfield design
2. Spreadsheets showing estimated hours of field use (with and without lighting) and estimated revenues
3. Spreadsheet showing project cost estimate
4. Spreadsheet showing estimated revenues and expenditures for both capital improvements and operations/maintenance

Next Steps and Staff Recommendations: At the 6/12/17 Council meeting, staff will provide a progress report on the St. Edward State Park ballfield improvement project. For next steps, staff recommends continuing to proceed with negotiating terms for a 20-year lease with State Park Staff and preparing materials for a land use permit application (critical area variance) and SEPA application. Staff also recommends that if light sensitive, State-priority species bats are present at St. Edward State Park (based on the results of the upcoming State Park study June/July), that field lighting be excluded from the project. Staff is requesting direction on staff recommendations.

The renovation of the ballfields supports year-round recreation opportunities. The field will be available for scheduled use by youth and adult sport leagues as well as for informal recreational use by the public and other activities and events. The renovation will also support existing recreation uses: an adult cricket league that currently uses the field between May and October; the Wilderness Awareness School program; and informal recreation. The field is not currently used by any other youth or adult organized leagues. The youth and soccer leagues serving Kenmore are part of a larger service area and have experienced significant growth over the last few years and competition for use of fields. Renovating the fields at St. Edward will help meet Kenmore's proportionate share of fields for youth soccer and baseball.

Lease Status: A long-term lease agreement is required between the City and State Parks to allow the City to improve, manage and maintain the ballfields at St. Edward State Park. On 1/22/16 a Memorandum of Agreement (Contract 16-C1507) was executed by the City and State Parks to work towards a long-term lease agreement. City staff and parks staff have been working on terms of a 20-year draft lease but there are still details to work out. The date for Commission action on the lease has not yet been determined. At the 5/17/17 State Park Commission meeting several commissioners expressed the desire to act on the lease by year end.

Critical Area Variance Permit Status and SEPA Status: Since December 2016, staff has been compiling materials in support of a SEPA application and a critical area variance permit application to allow variance from the wetland buffer width requirement. A variance application is a Type 2 administrative decision by the Development Services Director appealable to the Kenmore Hearing Examiner. A combined SEPA process for the variance permit and lease is also required. Public comment periods and an appeal period are part of the SEPA and permit process.

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The following is a tentative schedule for the permit and SEPA process.

- Late June: Submit critical area variance permit application and SEPA checklist
- August: Notice of Application for the permit with a 21-day public comment period
- September: Issue “draft” SEPA determination with a 14-day public comment period
- October: Issue SEPA and Permit decision with a 21-day appeal period
- November: Possible State Park Commission consideration of the ballfields lease. It is also anticipated that State Parks would schedule a public meeting in Kenmore to receive public comment prior to the Parks Commission’s November meeting held in Westport.

Status of Issues/Questions: Both City staff and State Parks staff have been compiling information to address questions raised by the State Park Commissioners at their November 2016 and January 2017 meetings, and questions from citizens.

- **Location of the headwaters of Stream 0226:** Several citizens questioned the location of the headwaters of Stream 0226 that is located southeast of the existing grass ballfield. In 2017 the City’s consultant ESA completed an updated “draft” Critical Area Report which defined the start of the stream channel approximately 500 feet south of the existing ballfield. A previous 2008 Critical Area Report identified the stream channel beginning 50 to 100 feet south of the ballfield. On 5/8/17 city staff, state park staff, the City’s environmental consultant and interested citizens met with WDFW staff on site. WDFW staff identified the likely location of the start of the stream; it appears that the stream at its identified location will not be affected by the project. This information regarding the stream will be referenced in an updated Critical Area report and SEPA checklist.
- **Confirmation of the wetland boundary:** Several citizens questioned the location of the wetland boundary delineated by ESA, the City’s environmental consultant. The Department of Ecology (DOE) has the regulatory authority to confirm wetland boundaries when there is a dispute. On 3/17/17 city staff, state park staff, the city’s environmental consultant and several citizens met with DOE staff on site but the verification could not be completed due to heavy rains in previous weeks. On 5/9/17 DOE revisited the site and confirmed the location of the wetland boundary as delineated by the City’s consultant.
- **Field lighting and bats:** State Park Commissioners raised questions about the effect of field lighting on nocturnal animals, particularly bats. State Parks staff are in the process of compiling a literature review and have consulted with WDFW. At the 5/17/17 Commission meeting, State Park staff recommended that a consultant be hired to complete a study in June and July to assess if light sensitive bats are present at the park. City staff recommends excluding field lighting from the project for the duration of the lease if the conclusion of the study is that light sensitive, State-priority species bats are present at the park. If light sensitive bats are not present, then City staff recommends including field lighting in the project.
- **Field use and field lighting:** The existing grass field is in poor condition. The grass field is currently used by The Olympic Cricket Club and Northwest Cricket club for practice and weekend games but is not used by any other youth or adult leagues. The proposed ballfield improvements will not preclude use of the field by the Wilderness Awareness School as their program is weekdays from 9-3pm and scheduled practice for Little League and Soccer starts generally at 4:00pm on weekdays. The draft lease terms will likely require that the City dedicate use of the field to State Parks for State Parks scheduled play, unscheduled play or open play or State Parks sponsored event of no less than 24 daylight hours per week between March 1st and November 1st with at least four of the hours available one weekday no sooner than 3 pm. The lease will also likely require no City scheduled games, practice games or tournament use on Memorial Day weekend or weekends and holidays July 1 through Labor Day without the prior consent of State Parks designated representative. Based on these terms, Attachment #2 shows use of fields by sports leagues under two scenarios: 1. Field lighting and no summer weekend practice/game use and 2. No field lighting and no summer weekend practice/game use. Lighting the fields increases available hours by approximately 36%. Fields are anticipated to be used approximately 60% by youth and 40% by adults, both with and without lights.
- **Noise and park users:** State Park Commissioners raised questions about noise from field use and how far away it could be heard by park users e.g. trail users. The City hired the Greenbusch Group in March 2017 to

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complete a noise study. The report is anticipated to be received the first week of June, and results will be incorporated into the SEPA checklist.

- **Parking demand:** State Park Commissioners raised questions about parking demand. State Park staff hired Sound Engineering late 2016 to review the parking study prepared by the City's consultant Fehr & Peers related to parking demand associated with ballfield use and provide an estimated 20-year parking demand project for general park visitor use. The study was completed in April 2017. The City received a copy of the study 5/15/17 which is currently being reviewed by the City's traffic consultant, Fehr & Peers. Results will be incorporated in the SEPA checklist.

There are 220 parking stalls available for visitors to St. Edward State Park; these visitors include ballfield users and spectators. The proposed project will increase the parking supply by 19 new parking stalls. The existing strip of gravel parking on the west side of the ball field (20 parking spaces) will be paved and restriped and pavement extended to add 8 new parking stalls. In addition, the northernmost parking lot (55 parking spaces) will be restriped to add 11 new parking stalls. Sound Engineering recommends a total of 36 stalls be added related to ballfield use over the term of the lease. Timing for provision of additional stalls (potentially 17) is still to be determined and will likely be addressed in the lease.

Proposed Ballfield Improvement Project Description: The City proposes improvements to the existing grass ballfield area footprint (approximately 3.5 acres) in St. Edward State Park to accommodate two little league fields, two youth soccer fields, one full-size soccer field or one full-size cricket field (see Attachment #1).

- **Wetland and Wetland Buffer:** The ballfields will be shifted to the west and moved outside of the delineated wetland area (but still within the existing grass footprint), so there will be no direct wetland impacts. Installation of the synthetic turf field would cover 37,932 square feet of disturbed wetland buffer, which is currently mowed grass (and is currently disturbing the buffer). Another 4,725 square feet of mowed wetland buffer would be filled during site grading, but not covered with synthetic turf. Approximately 30,000 square feet of wetland enhancement and 25,000 square feet of wetland buffer enhancement (total 1.3 acres) is proposed as mitigation for buffer impacts.
- **Stormwater and Turf:** As part of ballfield site preparation, approximately 131,000 square feet of sod will be removed from under the field. Once the sod is stripped, a 6-inch thick layer of free-draining aggregate will be placed over the subgrade, which will be covered with a 6-inch thick plastic grating drainage system. The field will be graded flat and covered with a non-toxic synthetic turf and contain a rounded silica sand or organic infill. The new 100,632 square foot synthetic turf field will be pervious, and a subsurface stormwater system will be installed to provide drainage for the field. Controlled stormwater detention will maintain the natural hydrology to the surrounding wetland. To integrate and blend the turf into the cultural landscape, the turf will be a dark green color as recommended by the Department of Archaeology and Historic Preservation.
- **Pathways:** Porous concrete will be used to provide a walking path around the perimeter of the fields, to support the backstop posts and to provide a floor surface in the new dugouts. An ADA-accessible permeable trail, approximately 6 feet wide, will be installed to connect the western side of the fields to the parking areas and access road. Soils that are disturbed by installation of the pathways will be hydroseeded with native grass seed following construction.
- **Field Lighting and Pedestrian Lighting:** Field lighting consisting of ten LED floodlight poles and lighting fixtures around the perimeter of the field are proposed to accommodate field use. A draft lease term requires that lighting be allowed no later than 9 pm each evening. State Parks will be contracting with a consultant to complete a study to determine if there are State-priority, light sensitive bat species present at the park. If these species are present, then staff recommends that field lighting be excluded from the ballfield project. The proposed lighting will consist of LED floodlights mounted on 70 foot tall galvanized steel poles. The poles will be installed as close to the field as possible to not compromise the safety of the players, to allow for pedestrian access, and to minimize impacts to wildlife habitat in the vicinity to the extent possible. Lighting will use the latest technology to minimize glare and light spillage. Lighting hours will be outlined in the lease agreement between the City of Kenmore and the State Park Commission, likely no earlier than 3pm or later than 9pm during scheduled field use. To further integrate the lighting fixtures to blend into the cultural

landscape, the pole color will be a dark green, as recommended by the Washington State Department of Archaeology and Historic Preservation.

The paving and illumination plan shows three proposed pedestrian light fixtures to be installed to illuminate the proposed improved parking area immediately west of the field. The color and type of fixture will be consistent with existing light fixtures at St. Edward State Park.

- **Backstops, Bleachers, Dugouts and Shed:** The existing backstop in the northwest corner of the field will be removed, and two new backstops will be installed; one in the northwest corner and the other in the southeast corner. The backstops will be approximately 24 feet high and made from chain-link fencing or netting material supported by metal posts. The dugouts will also be constructed of chain-link fencing with roofs. Covered bleachers are proposed and a small equipment shed (10' x 25') will be constructed near the southwest corner of the field. To further integrate improvements to blend into the cultural landscape, the backstop color will be green and the bleacher seating green or brown, as recommended by the Washington State Department of Archaeology and Historic Preservation.
- **Trees and Landscaping:** The conclusion of the City's Tree Protection plan is that no trees need to be removed to install ballfield improvements. Tree protection measures will be implemented during construction in accordance with recommendations in the Tree Protection Plan. State Park staff may remove any retained trees in the future if they are determined to be hazard trees in accordance with the State Park hazard tree policy such as posing a danger to structures or field users. Based upon a recommendation from the Washington State Department of Archaeology and Historic Preservation a mix of native conifers and shrubs will be planted adjacent to the north side of the field. The new plants will be installed to screen the ballfield, while still retaining some views of the ballfield and adjacent forest.
- **Parking:** See "Parking demand" on page 3 of this Agenda Bill.
- **Cultural/Historic Landscape:** In addition to the measures described above as recommended by the Department of Archaeology and Historic Preservation to integrate ballfield improvements into the cultural landscape, several cultural landscape restoration mitigation measures would be undertaken at the Nun's Garden, The Orchard and The Grotto at St. Edward State Park. Restoration measures will be consistent with treatment recommendations outlined in the 2006 Cultural Landscape Inventory prepared for St. Edward State Park prepared by the National Parks Service. If the project does not include field lighting, then restoration mitigation measures could also change.
- **Shoreline Restoration:** The current lease negotiations also include a proposal for a future shoreline restoration project at St. Edward State Park Lake Washington. While not a mitigation measure required for the ballfield project, some shoreline restoration may be pursued by the City of Kenmore in partnership with Washington State Parks, as a future project phase, dependent on grant funding. Additional SEPA review will be completed at the time of Shoreline Permit review. A preliminary project scope proposes to remove large angular boulders that form a bulkhead and three groins along the state park shoreline and fill remaining voids and depressions with gravels and sands that match the natural lakebed substrate. Enhancement of shoreline vegetation by planting additional coniferous trees and shrubs would also be a likely component of the project.

BACKGROUND:

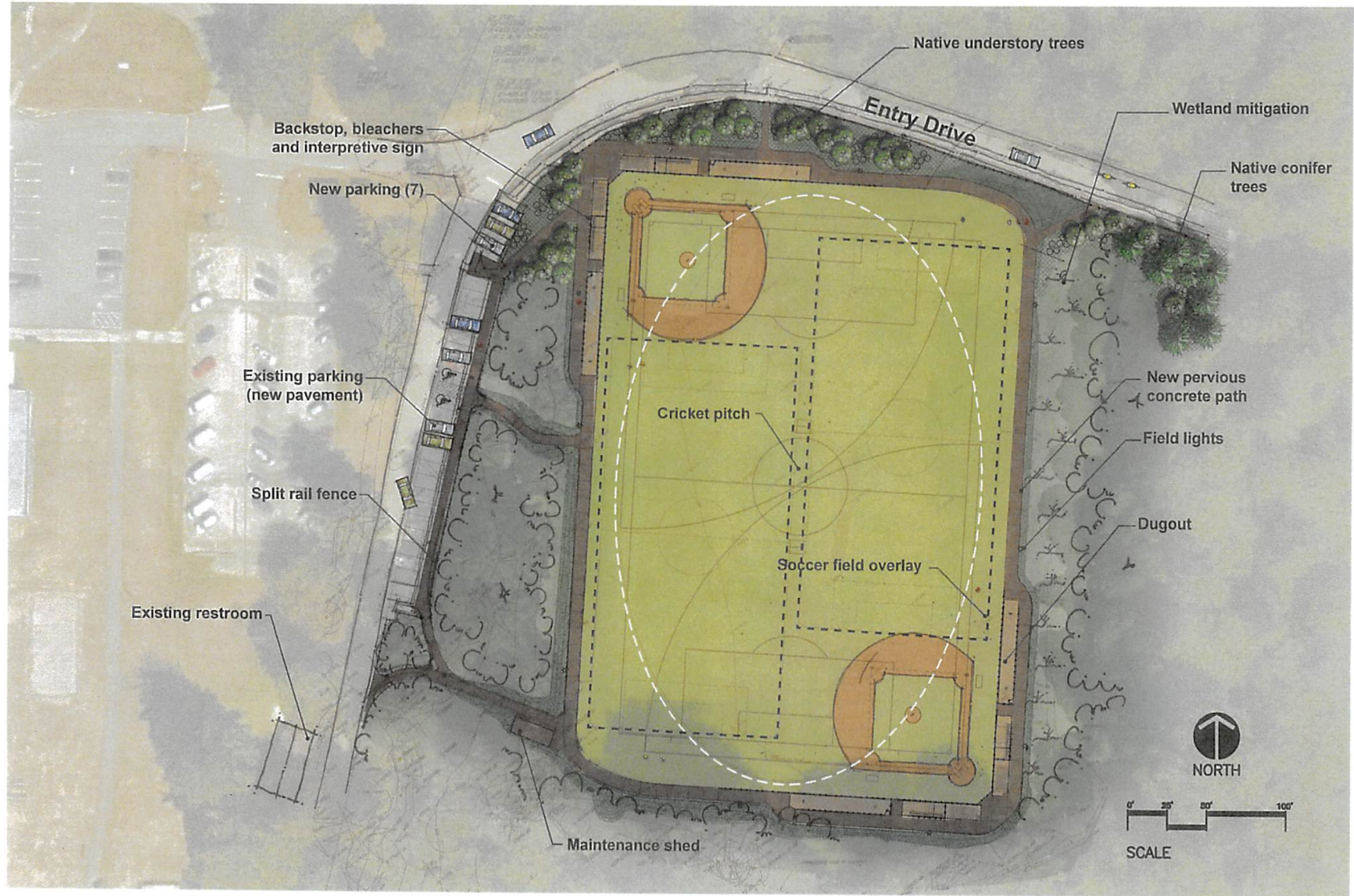
- 11/9/15 Council meeting, Council consensus directing staff to consider what is necessary for the City to assume control of the uses, improvements and maintenance of the ballfields, including potential costs.
- 12/14/15 letter from the City Manager to the Director of Washington State Parks, proposing to work on a long-term lease agreement
- 1/11/16 ballfield concept design presented to Council.
- 1/22/16 Contract 16-C1507 Memorandum of Understanding between the City and State Parks for preparing a long-term solution, likely a lease with final approval by the State Parks Commission whereby the City improves, manages and maintains the ballfields.
- 2/23/16 open house, presenting ballfield design concept.
- 3/31/16 presentation of ballfield design concept to the Park Commission.
- 5/23/16 Council authorizes the City Manager to execute Contract No. 16-C1561, the SEPA lead agency agreement assigning lead agency responsibilities for the proposed ballfield project.

I:/City Clerk/Agenda Items/Templates

- 8/8/16 Staff submitted SEPA application 16-0097 and a Public Agency Utility Exception (PAUE) permit application PAUE 16-0098
- 8/31/16 status update to the Park Commission real estate committee.
- 9/9/16 SEPA notice issued providing a 21-day comment period.
- 10/31/16 Staff submitted revised documents to address SEPA comments and PAUE review comments.
- 11/16/16 status update to the Park Commission.
- 11/28/16 Growth Board decision on an appeal of the PAUE ordinance 16-0418, invalidating the ordinance and remanded it back to the City for action. As of 11/28/16 the PAUE application was therefore also void.
- On 5/8/17 the Council adopted Resolution 17-295 confirming that the PAUE regulations as existed prior to the adoption of Ordinance 16-0418.
- 1/26/17 status update to the Park Commission.
- 5/17/17 status update to the Park Commission.
- 5/22/17 status update to Council.

FISCAL CONSIDERATION: The ballfield project is identified in the adopted Park Capital Improvement Program as Project (P29). As design and lease negotiations progress, the capital cost of the ballfield project is being more fully developed. The current capital project cost estimate for the ballfields, including lighting, is approximately \$4.87 million. Funding sources for the project can include State recreation grants (\$750,000 currently proposed; awaiting State Legislature approval), King County recreation grant (\$611,000 secured), park impact fees, real estate excise tax (REET), strategic opportunities fund, and the general fund. To maintain a strong balance in REET and park impact fee funds, the City may consider issuing a multi-year note to be paid back with REET and/or park impact fee revenue. City staff are in the process of updating the Parks Capital Improvement Plan, and as the ballfields' capital costs are more fully developed, the City Council will be discussing the Parks CIP update, including funding sources for the ballfields, at one of its meetings in July. Attachment #3 shows the estimated ballfield improvement capital costs. Attachment #4 shows projected operation and maintenance expenditures/revenues.

COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED: Council goal #4: To continue to implement a Parks Improvement and Financial Plan. A "key value" of the Park Recreation and Open Space (PROS) Plan is a park and recreation system that provides a diversity of facilities, balancing passive and active recreation, including athletic fields and that balances the needs of different age groups, abilities and interests. PROS plan Policy P-6.4.2 seek partnerships to enhance opportunities for public recreation on existing public property.



BALLFIELDS: HOURS OF USE BY ALL SPORTS LEAGUES

Revised: 6/8/2017

LIGHTS-No Summer Weekends Estimate

Month	Days per Mo	Weeks per Mo	No. of Fields	Week days Practice Start	Week days Practice End	Hours per Day	Days per Week	Week day Hours per Week**	Week day Hours per Month	Week end Start Time	Week end End Time	Ave Sunset Time	Ave Hrs per Day	Days per Week end	Ave # Fields per Week end	WE Hrs per Mo	Total Hours per Month	100% Scheduled Rental Fees
January	31	4.4	2			0	4	0	0			4:48	0	2	2	0	0	
February	28	4.0	2	4:00	9:00	5	4	40	160	8:00	9:00	5:31	0	2	2	0	160	
March	31	4.4	2	4:00	9:00	5	4	40	177	8:00	9:00	7:16	13	2	2	230	407	
April	30	4.3	2	4:00	9:00	5	4	40	171	8:00	9:00	8:00	13	2	2	223	394	
May*	31	3.0	2	4:00	9:00	5	4	40	120	8:00	9:00	8:32	13	2	1	78	198	
June	30	4.3	2	4:00	9:00	5	4	40	171	8:00	9:00	9:04	13	2	1	111	283	
July	31	4.4	2	4:00	9:00	5	4	40	177	8:00	9:00	9:06	13	0	1	0	177	
August	31	4.4	2	4:00	9:00	5	4	40	177	8:00	9:00	8:31	13	0	1	0	177	
Septembe	30	4.3	2	4:00	9:00	5	4	40	171	8:00	9:00	7:39	13	2	1	111	283	
October	31	4.4	2	4:00	9:00	5	4	40	177	8:00	9:00	6:22	13	2	2	230	407	
November	30	4.3	2	4:00	9:00	5	4	40	171	8:00	9:00	4:36	13	2	2	223	394	
December	31	4.4	2			0	4	0	0	8:00	9:00	4:23	13	2	2	230	230	
Yearly Totals:		50.7						Practice Hours:	1674				Game Hours:			1437	3112	

Youth Practice Hourly Rate \$35

Game Hourly Rate \$60

*Removed Memorial Day Weekend

Practice Revenue 58,600

Game Revenue

86,246 Total Revenue: \$144,846

** Does not reflect any use of both fields as 1

BALLFIELDS: HOURS OF USE BY ALL SPORTS LEAGUES
NO LIGHTS-No Summer Weekends Estimate

Revised: 6/8/2017

Month	Days per Mo	Weeks per Mo	No. of Fields	Week days Practice Start	Week days Practice End	Hours per Day**	Days per Week	Week day Hours per Week	Week day Hours per Month	Week end Start Time	Week end End Time	Ave Sunset Time	Ave Hrs per WE Day	Days per Week end	Ave # Fields per Week end	WE Hrs per Mo	Total Hours per Month	100% Scheduled Rental Fees
January	31	4.4	2			0.0	4	0	0			4:48		2	2	0	0	
February	28	4.0	2	4:00	5:30	1.5	4	12	48			5:31		2	2	0	48	
March	31	4.4	2	4:00	7:00	3.0	4	24	106	8:00	7:00	7:16	11.0	2	2	195	301	
April	30	4.3	2	4:00	8:00	4.0	4	32	137	8:00	8:00	8:00	12.0	2	2	206	343	
May*	31	3.0	2	4:00	8:30	4.5	4	36	108	8:00	8:30	8:32	12.5	2	1	75	183	
June	30	4.3	2	4:00	9:00	5.0	4	40	171	8:00	9:00	9:04	13.0	2	1	111	283	
July	31	4.4	2	4:00	9:00	5.0	4	40	177	8:00	9:00	9:06	13.0	0	1	0	177	
August	31	4.4	2	4:00	8:30	4.5	4	36	159	8:00	8:30	8:31	12.5	0	1	0	159	
Septembe	30	4.3	2	4:00	7:30	3.5	4	28	120	8:00	7:30	7:39	11.5	2	1	99	219	
October	31	4.4	2	4:00	6:30	2.5	4	20	89	8:00	6:30	6:22	10.5	2	2	186	275	
November	30	4.3	2	4:30	4:30	0	4	0	0	8:00	4:30	4:36	8.5	2	2	146	146	
December	31	4.4	2			0	4	0	0	8:00	4:30	4:23	8.5	2	2	151	151	
Yearly Totals:		50.7						Practice Hours:	1116				Game Hours:			1168	2284	

Youth Practice Hourly Rate \$35

Game Hourly Rate \$60

*Removed Memorial Day Weekend

Practice Revenue 39,060

Game Revenue

70,071 Total Revenue: \$109,131

** Does not reflect any use of both fields as 1

total with lights/total without : 3112/2284 = change from no lights to lights
1.36

3112-2284 = 828 increase over 2284 36% increase in available hours

Attachment 3

Saint Edward State Park		
Ballfields Renovation		
Project Cost Estimate		
Date Prepared: Rev 6/1/2017		
Item	Project Est.	Totals
Construction Estimate - Pertee 7/29/2016	3,051,000	12.6%
Wetland Mitigation CN	25,000	
Interpretive Sign	5,000	
Conduit for Electrical	25,000	
TOTAL CONSTRUCTION COSTS:	3,106,000	
TOTAL CONSULTANT COSTS (from other page):	390,000	
Other Project Costs:		
WSST 10%	310,600	
Bidding Costs	2,000	
City Permits Eng, Bldg	20,000	
Utility Facilities Charge: Water Meter	10,000	
1% for Art - 1% of CN	31,060	
Project Contingency - 10% of CN	310,600	
Grant-Reimbursable Staff Costs \$6,000	6,000	
TOTAL OTHER PROJECT COSTS:	690,260	
Total Estimated Field Renovation:		4,186,260
Field Lighting		
Construction - BDA 12/2/15 Estimate	370,875	
Sales Tax - 10%	37,088	
Consultant Services - 10% of CN	37,088	
Construction Management	15,000	
Bidding Costs	2,000	
Permits	5,000	
1% for Art - 1% of CN	3,709	
Project Contingency - 10% of CN	37,088	
Electrical conduit not installed	-25,000	
TOTAL LIGHTING PROJECT COSTS:		482,846
Total Field and Lighting:		4,669,106
State Parks Project Additions - Prelim. Estimate		
Planning Level Est. Design & Construction-State Parks Additions		200,000
Total Field, Lighting and State Additions		4,869,106

J:\Parks Projects\Saint Edward State Park\2015 Ballfield Improvements Design\2017 0522 Consultant Deliverables Coordination Project Cost Est 2017 0601
Date Printed: 6/1/2017

Attachment 4

DRAFT St. Edward Ballfields Operating Projection
with Lighting

Ballfields Operating Account										
Year	1	2	3	4	5	6	7	8	9	10
Annual Operating Sources										
Field Use Fees	120,000	122,400	124,848	127,345	129,892	132,490	135,139	137,842	140,599	143,411
Annual General Fund Contribution	15,200	15,316	15,468	15,657	15,887	16,159	16,475	16,838	17,250	17,715
Total Sources	135,200	137,716	140,316	143,002	145,779	148,648	151,614	154,680	157,850	161,126
Annual Uses (Expenses)										
Part Time Maintenance Worker	31,500	32,760	34,070	35,433	36,851	38,325	39,858	41,452	43,110	44,834
Weekend On Call Maint. Worker	6,600	6,864	7,139	7,424	7,721	8,030	8,351	8,685	9,033	9,394
Supplies and Equipment	4,500	4,590	4,682	4,775	4,871	4,968	5,068	5,169	5,272	5,378
Utilities	2,400	2,448	2,497	2,547	2,598	2,650	2,703	2,757	2,812	2,868
Repairs	8,500	8,670	8,843	9,020	9,201	9,385	9,572	9,764	9,959	10,158
Wetland & Buffer Establishment	13,200	13,464	13,733	14,008	14,288	14,574	14,865	15,163	15,466	15,775
Ground Lease Payment	10,000	10,300	10,609	10,927	11,255	11,593	11,941	12,299	12,668	13,048
Other/Misc.	6,000	6,120	6,242	6,367	6,495	6,624	6,757	6,892	7,030	7,171
Subtotal	82,700	85,216	87,816	90,502	93,279	96,148	99,114	102,180	105,350	108,626
Transfer to Turf Replacement Reserv	52,500	52,500	52,500	52,500	52,500	52,500	52,500	52,500	52,500	52,500
Total Uses	135,200	137,716	140,316	143,002	145,779	148,648	151,614	154,680	157,850	161,126

Synthetic Turf Replacement Reserve Account										
Year	1	2	3	4	5	6	7	8	9	10
Beginning Fund Balance	0	52,500	105,000	157,500	210,000	262,500	315,000	367,500	420,000	472,500
Sources										
Transfer from Ballfields Account	52,500	52,500	52,500	52,500	52,500	52,500	52,500	52,500	52,500	52,500
State & County Grants										600,000
Total Sources	52,500	52,500	52,500	52,500	52,500	52,500	52,500	52,500	52,500	652,500
Uses										
Synthetic Turf Replacement	0	0	0	0	0	0	0	0	0	1,125,000
Ending Account Balance	52,500	105,000	157,500	210,000	262,500	315,000	367,500	420,000	472,500	0

St. Edward Athletic Field Renovation Project

Presentation to the Council, on June 12, 2017

State Park Policy Support

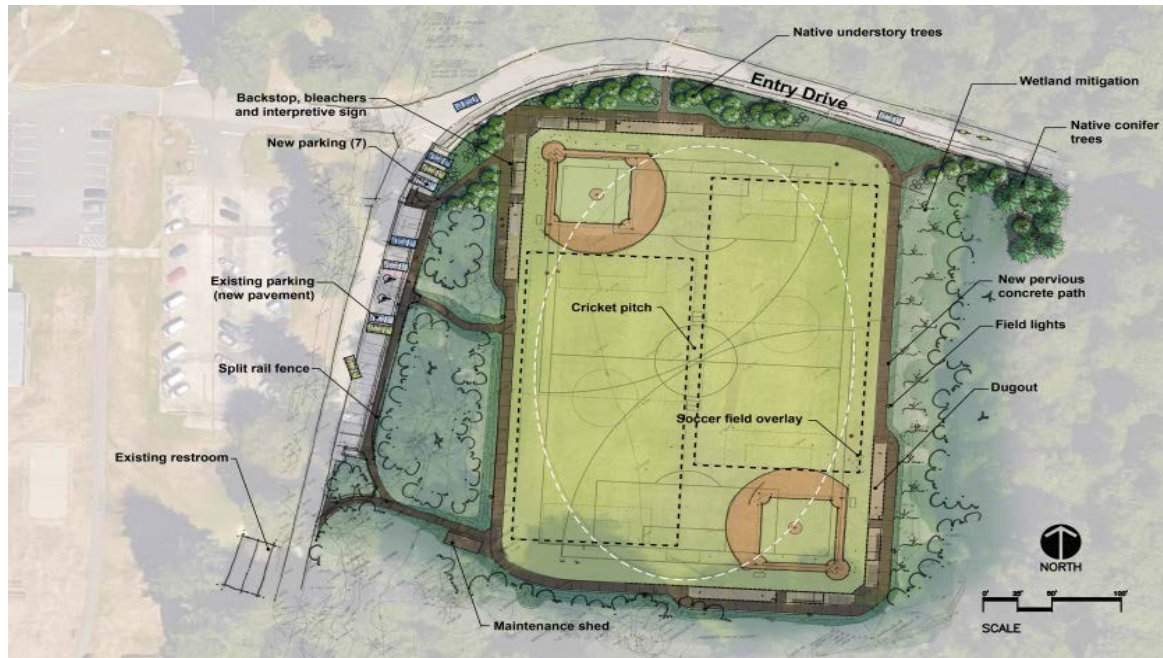
- ▶ Transformation Strategy #3 – Provide recreation, cultural and interpretive opportunities people will want. Provide a site of recreational, cultural and artistic and interpretive opportunities that are relevant to existing and potential park visitors and that leverage each park's unique qualities.
- ▶ Transformation Strategy #5 – Form strategic partnerships with other agencies, tribes and non-profits. Develop formal partnerships with other organizations that are ultimately expected to offset expenses, leverage investment or stimulate activity that directly or indirectly generates a financial return.
- ▶ 2008 CAMP, Ballfields #1 – “Continue use of the field for a variety of organized and unorganized recreational events. Prepare development, use and maintenance agreements with local organizations such as baseball, softball, soccer and cricket and the City of Kenmore.”
- ▶ 2008 CAMP, Ballfields #4 - “...improve the fields to provide for no more than three baseball fields, including two overlaying soccer fields.”

At the 11/16/16 State Park Commission meeting staff illustrated how the project had evolved to improve recreational opportunities, cultural resources and natural resources.

City Policy and Goals

- ▶ Council goal #4 - To continue to implement a Parks Improvement and Financial Plan.
- ▶ A “key value” of the Park Recreation and Open Space (PROS) Plan is a park and recreation system that provides a diversity of facilities, balancing passive and active recreation, including athletic fields and that balances the needs of different age groups, abilities and interests.
- ▶ PROS plan Policy P-6.4.2 - seek partnerships to enhance opportunities for public recreation on existing public property.

Proposed Improvements



Tentative Schedule for Variance Permit Process and SEPA Process

- ▶ Late June: Submit critical area variance permit application and SEPA checklist
- ▶ August: Notice of Application for the permit with a 21-day public comment period
- ▶ September: Issue “draft” SEPA determination with a 14-day public comment period
- ▶ October: Issue Final SEPA determination and variance permit decision with a 21-day appeal period
- ▶ November: Possible State Park Commission action on the lease. State Parks may schedule a public meeting in Kenmore to receive public comment prior to the Commission meeting held in Westport.

Staff Recommendations

Staff recommends:

1. Continuing with negotiating terms for a 20-year lease with State Park Staff for action by the State Park Commission.
2. Continuing preparation of materials to support a critical area variance permit application and SEPA application.
3. No field lighting if State-priority light sensitive bats are present at St. Edward State Park based on the results of the upcoming study.
4. Council discuss and provide direction on funding sources for ballfield improvements at an upcoming meeting in July once capital costs are more fully developed.



Questions?



Environment: Wetland and Buffer



Critical Area Variance Process

A variance is a process to vary from buffer width and building setback requirements. The City shall approve, approve with conditions or deny the request based on the ability to comply with all of the following 6 conditions.

1. There are special circumstances applicable to the subject property or to the intended use such as shape, topography, location or surroundings that do not generally apply to other properties and which support the granting of a variance from the buffer width requirements; and
2. Such variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other similarly situated property but which because of special circumstances is denied to the property in question; and
3. The granting of such buffer width variance will not be materially detrimental to the public welfare or injurious to the property or improvement; and

Critical Area Variance Process, continued

4. The granting of the buffer width variance will not significantly impact the subject critical areas; and
5. The decision to grant the variance includes the best available science and gives special consideration to conservation or protection measures necessary to preserve or enhance anadromous fish habitat; and
6. The granting of the variance is consistent with the general purpose and intent of the City's comprehensive plan and adopted development regulations.



City Council Business Agenda Item City of Kenmore, WA

Subject/Topic: Land Use Streamlining project: Public Hearing on draft ordinance 17-0438. Proposed Council Action/Motion: Hold a public hearing on the proposed changes to the land use terminology used in the zoning district charts and other sections of the Zoning Code, and direct any related questions to staff. Consideration of ordinance adoption will occur at a future City Council meeting.	For Council Meeting Agenda of: June 12, 2017 Department: <u>Community Development</u> Prepared by: <u>Debbie Bent, Community Development Director and Lauri Anderson, Senior Planner</u> Initial & Date Approved by Department Head: <u>LA for DB</u> Approved by City Attorney: <u>[Signature]</u> Approved by Finance Director: <u>[Signature]</u> Approved by City Manager: <u>[Signature]</u> Exhibits/Attachments: 1. Draft ordinance 17-0438
Expenditure Required \$0 Amount Budgeted: \$0 Appropriation Required \$0	
INFORMATION/BACKGROUND: At your meetings on April 17 and May 8, staff reviewed proposed changes to the Zoning Code to provide more flexibility in land use interpretations and to simplify the code for applicants and permit review staff by consistently implementing a standardized set of land use terms. The streamlining project goal is to consolidate more than 200 existing land use definitions down to about 50, and to use these definitions in the zoning district charts and other code sections with as little change to the policy direction or intent of each zone as possible. The public hearing on these proposed changes will be held on June 12. After the close of the public hearing, the City Council may direct questions to staff. City Council deliberation and consideration of ordinance adoption will occur at a future City Council meeting. Previous City Council agenda materials for this project can be found at: https://kenmore.civicweb.net/filepro/documents/76768?preview=79404 (Item VII.C) and at https://kenmore.civicweb.net/filepro/documents/76768?preview=80100 (Item XII.C).	
<u>FISCAL CONSIDERATION:</u> None at this time.	
<u>COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:</u> • Comprehensive Plan Objective 2.2: "Prepare clear development regulations consistent with the Comprehensive Plan." • Policy LU-2.2.3: "Kenmore's regulation of land use should...be expeditious, predictable, clear, straightforward, and internally consistent..."	

CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 17-0438

**AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON;
ADOPTING AMENDMENTS TO THE FOLLOWING SECTIONS OF THE
KENMORE MUNICIPAL CODE: 18.20.168, 18.20.520, 18.20.1203,
18.20.1233, 18.20.1678, 18.20.2232, 18.20.2275, 18.20.2325, 18.20.2327,
18.20.2362, 18.20.2364, 18.20.3075, 18.21.020, 18.21.040, 18.21.070, 18.22.010,
18.23.020, 18.23.030, 18.24.020, 18.24.030, 18.25.020, 18.25.030, 18.26.040,
18.27.020, 18.27.030, 18.28.020, 18.28.030, 18.28A.020, 18.28A.030, 18.29.040,
18.30.230, 18.35.030, 18.40.030, 18.40.090, 18.73.110, AND 18.73.120;
ADOPTING THE FOLLOWING NEW CODE SECTIONS TO THE
KENMORE MUNICIPAL CODE: 18.10.078, 18.21.073, 18.21.075, 18.21.078,
18.22.015, 18.22.025, 18.22.028, 18.23.045, 18.23.048, 18.24.042, 18.24.044,
18.25.042, AND 18.25.044; AND REPEALING THE FOLLOWING CODE
SECTIONS OF THE KENMORE MUNICIPAL CODE: 18.20.040,
18.20.045, 18.20.050, 18.20.060, 18.20.100, 18.20.120, 18.20.130, 18.20.155,
18.20.160, 18.20.210, 18.20.212, 18.20.250, 18.20.305, 18.20.310, 18.20.370,
18.20.400, 18.20.422, 18.20.460, 18.20.500, 18.20.510, 18.20.635, 18.20.690,
18.20.700, 18.20.772, 18.20.780, 18.20.790, 18.20.800, 18.20.865, 18.20.900,
18.20.970, 18.20.1000, 18.20.1140, 18.20.1160, 18.20.1170, 18.20.1190,
18.20.1200, 18.20.1202, 18.20.1230, 18.20.1235, 18.20.1305, 18.20.1350,
18.20.1420, 18.20.1440, 18.20.1470, 18.20.1480, 18.20.1490, 18.20.1530,
18.20.1630, 18.20.1650, 18.20.1695, 18.20.1705, 18.20.1745, 18.20.1790,
18.20.1800, 18.20.1820, 18.20.1900, 18.20.1940, 18.20.2050, 18.20.2060,
18.20.2070, 18.20.2135, 18.20.2150, 18.20.2190, 18.20.2250, 18.20.2280,
18.20.2367, 18.20.2440, 18.20.2450, 18.20.2460, 18.20.2524, 18.20.2527,
18.20.2550, 18.20.2790, 18.20.2840, 18.20.2884, 18.20.2965, 18.20.2970,
18.20.2980, 18.20.3010, 18.20.3155, 18.20.3190, 18.20.3200, 18.20.3300,
18.20.3310, AND 18.20.3330; IN ORDER TO STREAMLINE AND
SIMPLIFY THE ZONING CODE AND APPLY CONSISTENT LAND USE
TERMINOLOGY THROUGHOUT THE ZONING CODE; ADOPTING
SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, on December 14, 2014, the City Council adopted Ordinance 14-0391, which revised land use definitions for the Regional Business, Waterfront Commercial and Urban Corridor zoning districts; and

WHEREAS, the City Council wishes to update and apply the land use definitions adopted in 2014 to the remaining zoning districts and amend other relevant code sections to streamline the list of land uses, simplify the code for use by the public and staff, and apply consistent terminology in the Zoning Code; and

WHEREAS, the amendments to Title 18 of the Kenmore Municipal Code (“KMC”) eliminate redundancies and inconsistencies, and streamline and simplify regulations and permit processes; and

WHEREAS, KMC 19.20.090 sets forth the City Council’s decision criteria for the amendment of development regulations; and

WHEREAS, the proposed amendments are consistent with the Growth Management Act and the Countywide Planning Policies as they implement the goals, objectives and policies of Kenmore’s Comprehensive Plan which is consistent with these rules and policies; and

WHEREAS, the proposed amendments do not create an inconsistency within the Comprehensive Plan as the land uses envisioned by the Plan continue to be supported by the City’s development regulations; and

WHEREAS, the proposed amendments are beneficial to the city as a whole as they implement the Comprehensive Plan and will not adversely affect public health, safety, and welfare; and

WHEREAS, the proposed amendments are consistent with the policies, objectives, and goals of the Comprehensive Plan, particularly: 1) Objective 2.2, which reads, “Prepare clear development regulations consistent with the Comprehensive Plan”; and 2) Policy LU-2.2.3, which reads, “Kenmore’s regulation of land use should...be expeditious, predictable, clear, straightforward, and internally consistent...”; and

WHEREAS, the proposed amendments do not duplicate or conflict with other portions of the KMC but instead resolve such conflicts; and

WHEREAS, on March 31, 2017 the City sent notice of the amendments to Title 18 KMC to the Washington State Department of Commerce pursuant to RCW 36.70A.106; and

WHEREAS, on April 21, 2017 the City’s Responsible Official issued a Determination of Non-Significance pursuant to the State Environmental Policy Act in relation to the amendments to Title 18 KMC; and

WHEREAS, on April 17, May 8 and June 12, 2017 the City Council considered the amendments to Title 18 at public meetings; and

WHEREAS, on June 12, 2017 the City Council held a public hearing to receive public input on the amendments to Title 18; and

WHEREAS, the City Council desires to amend KMC 18.20.168, 18.20.520, 18.20.1203, 18.20.1233, 18.20.1678, 18.20.2232, 18.20.2275, 18.20.2325, 18.20.2327, 18.20.2362, 18.20.2364, 18.20.3075, 18.21.020, 18.21.040, 18.21.070, 18.22.010, 18.23.020, 18.23.030, 18.24.020, 18.24.030, 18.25.020, 18.25.030, 18.26.040, 18.27.020, 18.27.030, 18.28.020, 18.28.030, 18.28A.020, 18.28A.030, 18.29.040, 18.30.230, 18.35.030, 18.40.030, 18.40.090, 18.73.110, and 18.73.120 in order to make these sections consistent with the new land use terminology; and

WHEREAS, the City Council desires to add KMC 18.10.078, 18.21.073, 18.21.075, 18.21.078, 18.22.015, 18.22.025, 18.22.028, 18.23.045, 18.23.048, 18.24.042, 18.24.044, 18.25.042, and 18.25.044 in order to eliminate inconsistencies with the new land use terminology; and

WHEREAS, the City Council desires to repeal KMC 18.20.040, 18.20.045, 18.20.050, 18.20.060, 18.20.100, 18.20.120, 18.20.130, 18.20.155, 18.20.160, 18.20.210, 18.20.212, 18.20.250, 18.20.305, 18.20.310, 18.20.370, 18.20.400, 18.20.422, 18.20.460, 18.20.500, 18.20.510, 18.20.635, 18.20.690, 18.20.700, 18.20.772, 18.20.780, 18.20.790, 18.20.800, 18.20.865, 18.20.900, 18.20.970, 18.20.1000, 18.20.1140, 18.20.1160, 18.20.1170, 18.20.1190, 18.20.1200, 18.20.1202, 18.20.1230, 18.20.1235, 18.20.1305, 18.20.1350, 18.20.1420, 18.20.1440, 18.20.1470, 18.20.1480, 18.20.1490, 18.20.1530, 18.20.1630, 18.20.1650, 18.20.1695, 18.20.1705, 18.20.1745, 18.20.1790, 18.20.1800, 18.20.1820, 18.20.1900, 18.20.1940, 18.20.2050, 18.20.2060, 18.20.2070, 18.20.2135, 18.20.2150, 18.20.2190, 18.20.2250, 18.20.2280, 18.20.2367, 18.20.2440, 18.20.2450, 18.20.2460, 18.20.2524, 18.20.2527, 18.20.2550, 18.20.2790, 18.20.2840, 18.20.2884, 18.20.2965, 18.20.2970, 18.20.2980, 18.20.3010, 18.20.3155, 18.20.3190, 18.20.3200, 18.20.3300, 18.20.3310, and 18.20.3330; and

WHEREAS, the City Council finds the proposed amendments to be in the best interest of the public welfare and necessary to eliminate inconsistencies with the new land use terminology; now, therefore,

THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings. The City Council adopts the foregoing recitals as findings for this Ordinance, which are incorporated by reference as if set forth in full. The City Council hereby finds that decisional criteria set forth in KMC 19.20.090, for the amendment of development regulations, have been met. This finding is based on the incorporated recitals and the record created before the City Council.

Section 2. Amendment. The City Council amends the following sections of the Kenmore Municipal Code ("KMC") to read as set forth in Attachment A "Code Amendments", attached hereto and incorporated herein by reference:

- KMC 18.20.168 Animal kennel/shelter;
- KMC 18.20.520 Community residential facility (CRF);
- KMC 18.20.1203 General services land uses;
- KMC 18.20.1233 Government/business services land uses;
- KMC 18.20.1678 Manufacturing land uses;
- KMC 18.20.2232 Recreational/cultural land uses;
- KMC 18.20.2275 Regional land uses;
- KMC 18.20.2325 Residential land uses;
- KMC 18.20.2327 Resource land uses;
- KMC 18.20.2362 Retail land uses;
- KMC 18.20.2364 Retail sales;
- KMC 18.20.3075 Transportation;
- KMC 18.21.020 Residential zones R-1, R-4 and R-6 – Use allowances;
- KMC 18.21.040 Residential zones R-12, R-18, R-24, and R-48 – Use allowances;
- KMC 18.21.070 Personal services and retail uses in R-4 through R-48 zones;
- KMC 18.22.010 Neighborhood business zone – Use allowances;
- KMC 18.23.020 Use allowances;
- KMC 18.23.030 Accessory uses;
- KMC 18.24.020 Use allowances;
- KMC 18.24.030 Accessory uses;
- KMC 18.25.020 Use allowances;
- KMC 18.25.030 Accessory uses;
- KMC 18.26.040 Use allowances – Regional business east subarea;
- KMC 18.27.020 Public and semi-public zone – Use allowances;
- KMC 18.27.030 Public and semi-public zone -- Accessory uses;
- KMC 18.28.020 Parks zone – Use allowances;
- KMC 18.28.030 Parks zone -- Accessory uses;
- KMC 18.28A.020 Golf course zone – Use allowances;
- KMC 18.28A.030 Golf course zone -- Accessory uses;
- KMC 18.29.040 Use allowances;
- KMC 18.30.230 Setbacks – Projections and structures allowed;
- KMC 18.35.030 Land use grouping;
- KMC 18.40.030 Computation of required off-street parking spaces;
- KMC 18.40.090 Transit and rideshare provisions;
- KMC 18.73.110 Home occupation; and
- KMC 18.73.120 Home industry.

Section 3. Adoption. The City Council adopts the following new KMC sections to read as set forth in Attachment B “New Code Sections”, attached hereto and incorporated herein by reference:

- KMC 18.10.078 Interpretation of land use groupings;
- KMC 18.21.073 Accessory uses;
- KMC 18.21.075 Drive-through service;
- KMC 18.21.078 Outdoor storage;

- KMC 18.22.015 Accessory uses;
- KMC 18.22.025 Drive-through service;
- KMC 18.22.028 Outdoor storage;
- KMC 18.23.045 Drive-through service;
- KMC 18.23.048 Outdoor storage;
- KMC 18.24.042 Drive-through service;
- KMC 18.24.044 Outdoor storage;
- KMC 18.25.042 Drive-through service; and
- KMC 18.25.044 Outdoor storage.

Section 4. Repealer. The City Council repeals the following KMC sections as set forth on Attachment C “Repealed Code Sections”, attached hereto and incorporated herein by reference:

- KMC 18.20.040 Accessory use, commercial/industrial;
- KMC 18.20.045 Accessory use, parks;
- KMC 18.20.050 Accessory use, residential;
- KMC 18.20.060 Accessory use, resource;
- KMC 18.20.100 Agricultural product sales;
- KMC 18.20.120 Aircraft, ship and boat building;
- KMC 18.20.130 Airport/heliport;
- KMC 18.20.155 Amusement and recreation services;
- KMC 18.20.160 Amusement arcade;
- KMC 18.20.210 Artist studio;
- KMC 18.20.212 Arts and crafts schools/studios;
- KMC 18.20.250 Bed and breakfast guesthouse;
- KMC 18.20.305 Boat launch;
- KMC 18.20.310 Book, stationery, video and art supply store;
- KMC 18.20.370 Building, hardware and garden materials store;
- LMC 18.20.400 Campground;
- KMC 18.20.422 Car wash;
- KMC 18.20.460 Church, synagogue, mosque, temple;
- KMC 18.20.500 Communication facility, major;
- KMC 18.20.510 Communication facility, minor;
- KMC 18.20.635 Cultural facilities;
- KMC 18.20.690 Department and variety store;
- KMC 18.20.700 Destination resort;
- KMC 18.20.772 Dock;
- KMC 18.20.780 Dormitory;
- KMC 18.20.790 Drop box facility;
- KMC 18.20.800 Drug store;
- KMC 18.20.865 Educational institutions (public or private), K – 12;
- KMC 18.20.900 Energy resource recovery facility;
- KMC 18.20.970 Fabric shop;
- KMC 18.20.1000 Fairground;

- KMC 18.20.1140 Florist shop;
- KMC 18.20.1160 Forest product sales;
- KMC 18.20.1170 Forest research;
- KMC 18.20.1190 Furniture and home furnishings store;
- KMC 18.20.1200 General business service;
- KMC 18.20.1202 General personal service use;
- KMC 18.20.1230 Golf course facility;
- KMC 18.20.1235 Government facilities, City;
- KMC 18.20.1305 Health services, miscellaneous;
- KMC 18.20.1350 Hobby, toy, game shop;
- KMC 18.20.1420 Individual transportation and taxi;
- KMC 18.20.1440 Interim recycling facility;
- KMC 18.20.1470 Jail;
- KMC 18.20.1480 Jail farm;
- KMC 18.20.1490 Jewelry store;
- KMC 18.20.1530 Landfill;
- KMC 18.20.1630 Livestock sales;
- KMC 18.20.1650 Log storage;
- KMC 18.20.1695 Medical/dental office/outpatient clinic;
- KMC 18.20.1705 Miscellaneous repair;
- KMC 18.20.1745 Mobile food vendor;
- KMC 18.20.1790 Motor vehicle and boat dealers;
- KMC 18.20.1800 Motor vehicle and bicycle manufacturing;
- KMC 18.20.1820 Municipal water production;
- KMC 18.20.1900 Off-street required parking lot;
- KMC 18.20.1940 Outdoor performance center;
- KMC 18.20.2050 Personal medical supply store;
- KMC 18.20.2060 Pet shop;
- KMC 18.20.2070 Photographic and electronic shop;
- KMC 18.20.2135 Pro shop;
- KMC 18.20.2150 Public agency animal control facility;
- KMC 18.20.2190 Public agency training facility;
- KMC 18.20.2250 Recreational vehicle parks;
- KMC 18.20.2280 Regional stormwater management facility;
- KMC 18.20.2367 Retail sales, outdoor;
- KMC 18.20.2440 School district support facility;
- KMC 18.20.2450 Schools, elementary and middle/junior high;
- KMC 18.20.2460 Schools, secondary or high school;
- KMC 18.20.2524 Services, off-site;
- KMC 18.20.2527 Services, on-site;
- KMC 18.20.2550 Shooting range;
- KMC 18.20.2790 Soil recycling facility;
- KMC 18.20.2840 Sporting goods store;
- KMC 18.20.2884 Storage, indoor;

- KMC 18.20.2965 Taxi stand;
- KMC 18.20.2970 Theater;
- KMC 18.20.2980 Theatrical production services;
- KMC 18.20.3010 Transfer station;
- KMC 18.20.3155 Variety store;
- KMC 18.20.3190 Warehousing and wholesale trade;
- KMC 18.20.3200 Wastewater treatment facility;
- KMC 18.20.3300 Wildlife shelter;
- KMC 18.20.3310 Work release facility; and
- KMC 18.20.3330 Yard or organic waste processing.

Section 5. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 6. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE
12th DAY OF JUNE, 2017

CITY OF KENMORE

David Baker, Mayor

ATTEST/AUTHENTICATED:

Kelly Chelin, City Clerk

Approved as to form:

Rod P. Kaseguma, City Attorney

Filed with the City Clerk:
Passed by the City Council:
Ordinance No.:

Date of Publication:
Effective Date:

Attachment A

CODE AMENDMENTS

Pursuant to Ordinance 17-0438, the following sections of the Kenmore Municipal Code (KMC) are amended as set forth below. When the * * * symbol is used below it means that the existing KMC text that is not expressly amended remains unchanged and in full force and effect:

18.20.168 Animal kennel/shelter.

"Animal kennel/shelter" means any outdoor or indoor facility which houses four or more ~~small domestic~~ animals (that number not including one unweaned litter) for periods longer than 24 hours as a commercial venture, as a nonprofit organization, or for a governmental purpose. The facility may either be a separate business or an accessory use. [Ord. 14-0391 § 2 (Exh. 1).]

18.20.520 Community residential facility (CRF).

"Community residential facility (CRF)" means living quarters meeting applicable federal and State standards that function as a single housekeeping unit and provide supportive services, including but not limited to counseling, rehabilitation and medical supervision, excluding drug and alcohol detoxification, which is classified as ~~health services, a hospital or an ambulatory surgery center~~. CRFs are further classified as follows:

A. CRF-I means nine to 10 residents and staff;

B. CRF-II means 11 or more residents and staff. If staffed by nonresident staff, each 24 staff hours per day equals one full-time residing staff member for purposes of subclassifying CRFs.

Provided, however, that this definition shall not apply to *secure community transition facilities* as defined in KMC [18.20.2465](#) or to *adult family homes* as defined in KMC [18.20.095](#).

May include NAICS 623210 (Residential Intellectual and Developmental Disability Facilities) and 623220 (Residential Mental Health and Substance Abuse Facilities). [Ord. 14-0391 § 2 (Exh. 1); Ord. 11-0329 § 3 (Exh. 1).]

18.20.1203 General services land uses.

~~"General services land uses" means general personal service use; drycleaning plants; industrial launderers; funeral home/crematory; cemetery, columbarium or mausoleum; day care I; day care II;~~

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veterinary clinic; automotive repair (except tire retreading); automotive service; *miscellaneous repair*; church, mosque, temple; social services (except day care services and residential care); stable; kennel or cattery; theatrical production services; artist studios; interim recycling facility; medical/dental office/outpatient clinic; nursing and personal care facilities; hospital; medical/dental lab; *miscellaneous health services*; elementary school; middle/junior high school; secondary or high school; vocational school; specialized instruction school; and school district support facility. For purposes of KMC Chapters 18.35 and 18.40, "General services land uses" means *ambulatory surgery center; animal kennel/shelter; automotive service (except tire retreading); business service, intensive; cemetery, columbarium or mausoleum; day care; educational service; funeral home/crematory; health care and social assistance; hospital; laboratory; personal service; religious institution; and stable.*

18.20.1233 Government/business services land uses.

"Government/business services land uses" means *public agency or utility office; public agency or utility yard; public agency archives; court; police facility; fire facility; utility facility; commuter parking lot; private stormwater management facility; vector waste receiving facility; construction and trade; individual transportation and taxi; trucking and courier service; warehousing and wholesale trade (except self-service storage); self-service storage; farm product warehousing, refrigeration and storage; log storage; transportation service; freight and cargo service; passenger transportation service; communication offices; telegraph and other communications; general business service; professional office; outdoor advertising service; miscellaneous equipment rental; automotive rental and leasing; automotive parking; professional sport teams/promoters; research, development and testing; heavy equipment and truck repair; commercial/industrial accessory uses; and helistop.* For purposes of KMC Chapters 18.35 and 18.40, "Government/business services land uses" means *air transportation service; business service, standard; construction and trade; fire or police facility; heavy equipment and truck repair; office; private stormwater management facility; public agency archive; public agency or utility yard; standalone parking; transportation; utility facility; vehicle or equipment rental; warehousing; and wholesale trade.*

18.20.1678 Manufacturing land uses.

"Manufacturing land uses" means food and kindred products manufacture; winery/brewery; textile mill products; apparel and other textile products manufacture; wood products manufacture, except furniture; furniture and fixtures manufacture; paper and allied products manufacture; printing and publishing; chemicals and allied products manufacture; petroleum refining and related industries; rubber and miscellaneous plastic products manufacture; leather and leather goods manufacture; stone, clay, glass and concrete products manufacture; primary metal industries; fabricated metal products; industrial and commercial machinery manufacture; heavy machinery and equipment manufacture; computer and office equipment manufacture; electronic and other electric equipment manufacture; railroad equipment manufacture; guided missile and space vehicle parts manufacture; miscellaneous transportation vehicles manufacture; measuring and controlling instruments manufacture; miscellaneous light manufacturing; *motor vehicle and bicycle manufacturing; aircraft, ship and boat building; tire retreading; and movie production/distribution.* For purposes of KMC Chapters 18.35 and

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18.40, "Manufacturing land uses" means manufacturing, heavy; manufacturing, light; marijuana processor; and tire retreading.

18.20.2232 Recreational/cultural land uses.

"Recreational/cultural land uses" means park; trails; campgrounds; destination resorts; marina; recreational vehicle park; sports club; adult entertainment business; theater; theater, drive-in; bowling center; golf facility; amusement and recreation services; shooting range; amusement arcades; amusement park; outdoor performance center; library; museum; arboretum; and conference center. For purposes of KMC Chapters 18.35 and 18.40, "Recreational/cultural land uses" means adult entertainment business; arts, entertainment, indoor; arts, entertainment, outdoor; park; recreational facility, indoor; recreational facility, outdoor; and trail.

18.20.2275 Regional land uses.

"Regional land uses" means jail; jail farm/camp; work release facility; public agency animal control facility; public agency training facility; hydroelectric generation facility; nonhydroelectric generation facility; communication facility; earth station; oil and gas extraction; energy resource recovery facility; soil recycling facility; landfill; transfer station; wastewater treatment facility; municipal water production; airport/heliport; transit bus base; school bus base; racetrack; fairground; zoo/wildlife exhibit (except arboretum); stadium/arena; college/university (except technical institutions); and secure community transition facilities. For purposes of KMC Chapter 18.40, "Regional land uses" means college/university; conference center; hydroelectric generation facility; nonhydroelectric generation facility; regional land use; resource land use; secure facility; transit bus base; school bus base; and wireless communication facility.

18.20.2325 Residential land uses.

"Residential land uses" means single detached dwelling unit; townhouse; apartment; mobile home and manufactured home; mobile home park; family child-care home; community residential facility I; community residential facility II; assisted living; dormitory; residential accessory uses; home occupation; home industry; hotel/motel (except bed and breakfast guesthouses); bed and breakfast guesthouse; and organization hotel/lodging houses. For purposes of KMC Chapters 18.35 and 18.40, "Residential land uses" means community residential facility; family child-care home; manufactured home, mobile home; mobile home park; multiple family dwelling; single detached dwelling unit; supportive living facility; and temporary lodging.

18.20.2327 Resource land uses.

"Resource land uses" means growing and harvesting crops; raising livestock and small animals; growing and harvesting forest products; forest research; hatchery/fish preserve; aquaculture; wildlife shelters; mineral extraction and processing; asphalt/concrete mixtures and block manufacture; and resource

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~~accessory uses.~~ For purposes of KMC Chapter 18.40, "Resource land uses" means *resource land use and marijuana producer*.

18.20.2362 Retail land uses.

"Retail land uses" means *building, hardware and garden materials stores; forest product sales; department and variety stores; food stores; agricultural product sales; motor vehicle and boat dealers; auto supply stores; gasoline service stations; apparel and accessory stores; furniture and home furnishings stores; eating and drinking places; drug stores; liquor stores; used goods; antiques/secondhand shops; sporting goods and related stores; book, stationery, video and art supply stores; jewelry stores; monuments, tombstones, and gravestones sales; hobby, toy, game shops; photographic and electronic shops; fabric shops; fuel dealers; florist shops; personal medical supply stores; pet shops; bulk retail; auction houses; and livestock sales.* For purposes of KMC Chapters 18.35 and 18.40, "Retail land uses" means *auction house; automotive sales; eating and drinking place; marijuana retailer; mobile food service; retail sales; retail sales, bulk; and vehicle refueling station.*

18.20.2364 Retail sales.

"Retail sales" means an establishment within a permanent *structure* of less than 65,000 square feet engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. This definition excludes *auction houses, automotive sales and service,* sales of automotive parts if service, repair or installation are provided on site, *bulk retail sales, motor vehicle and boat dealers,* and *eating and drinking places.*

May include NAICS Sectors 44 – 45 (Retail Trade), except the following: 4411 (Automobile Dealers), 4412 (Other Motor Vehicle Dealers), 44132 (Tire Dealers), 447 (Gasoline Stations), 45291 (Warehouse Clubs and Superstores), 45393 (Manufactured/Mobile Home Dealers), and 45431 (Fuel Dealers). [Ord. 14-0391 § 2 (Exh. 1); Ord. 11-0329 § 3 (Exh. 1).]

18.20.3075 Transportation.

"Transportation" means establishments providing transportation of passengers or cargo, such as taxi and limousine services, scenic and sightseeing transportation businesses, motor vehicle towing, trucking, shipping, or freight hauling businesses. This use includes related support activities, such as cargo handling and packing and crating of cargo. Transportation does not include *airport/heliport, air transportation service,* or airport (classified as a *regional land use*).

May include NAICS Sector 48 (Transportation and Warehousing), except the following: 481 (Air Transportation), 486 (Pipeline Transportation), 4881 (Support Activities for Air Transportation), and 493 (Warehousing and Storage). May include 62191 (Ambulance Services). [Ord. 14-0391 § 2 (Exh. 1).]

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18.21.020 Residential zones R-1, R-4 and R-6 – Use allowances.

The following *uses* in Table A are permitted, conditionally permitted, special uses, or *prohibited uses* in residential zones R-1, R-4 and R-6.

Table A. Residential Zones R-1, R-4 and R-6 Use Allowances

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
Single-Detached Dwelling Unit ¹	Single-Detached Dwelling Unit ¹	Jail	Community Residential Facility II
Townhouse ²	Townhouse ²	Work-Release Facility	Hotel/Motel ³
Designated Manufactured Home ⁴	Designated Manufactured Home ⁴	Hydroelectric Generation Facility	Organization Hotel/Lodging Houses
Mobile Home and Manufactured Home ⁵	Mobile Home Park ⁶	Nonhydroelectric Generation Facility	Campgrounds
Senior Citizen Assisted Living ⁷	Community Residential Facility I	Oil and Gas Extraction	Destination Resorts
Residential Accessory Uses ⁸	Dormitory ⁹	Energy Resource Recovery Facility	Recreational Vehicle Park
Home Occupation	Home Industry	Landfill	Adult Entertainment Business
Park ¹²	Bed and Breakfast	Transfer Station	Theater
Trails	Guesthouse ¹⁰	Wastewater Treatment Facility	Theater, Drive-in
Golf Course Facility ¹⁵	Marina ¹³	Municipal Water Production	Bowling Center
Amusement and Recreation Services ^{16,17,18}	Sports Club ^{13,14}	Airport/Heliport	Shooting Range
Library ²⁰	Amusement and Recreation Services ^{16,17,18}	Transit Bus Base	Amusement Arcades
Museum ²⁰	Library	School Bus Base	Amusement Park
	Museum	Racetrack ⁶²	Outdoor Performance Center
	Conference Center		Drycleaning Plants
			Industrial Launderers

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Table A. Residential Zones R-1, R-4 and R-6 Use Allowances

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
Arboretum	General Personal Service ²⁴	Zoo/Wildlife Exhibit ⁴⁹	Veterinary Clinic
Conference Center ²⁰	Funeral Home/Crematory ²²	College/University ⁶⁴	Automotive Repair
Cemetery, Columbarium or Mausoleum ²³	Cemetery, Columbarium or Mausoleum ²⁴		Automotive Service
Family Child Care Home ²⁵	Day Care I		Miscellaneous Repair
Day Care I ²⁶	Day Care II		Kennel or Cattery
Day Care II ²⁶	Church, Synagogue, Mosque, Temple		Theatrical Production Services
Church, Synagogue, Mosque, Temple ²⁷	Social Services ^{28,29}		Nursing and Personal Care Facilities
Social Services ^{27,28}	Stable		Medical/Dental Lab
Stable ³⁰			Miscellaneous Health Services
			Public Agency Archives
			Court
			Construction and Trade
Artist Studios ³¹	Medical/Dental		Individual Transportation and Taxi
Interim Recycling Facility ³²	Office/Outpatient Clinic ³⁰		Trucking and Courier Service
Medical/Dental	Hospital ³⁰		Warehousing and Wholesale Trade ⁴⁶
Office/Outpatient Clinic ³⁷	Secondary or High School ³³		Self-Service Storage
Elementary School	Vocational School		Farm Product Warehousing, Refrigeration and Storage
Middle/Junior High School	Specialized Instruction School ³⁶		
Secondary or High School ³³			

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Table A. Residential Zones R-1, R-4 and R-6 Use Allowances

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
Vocational School ²⁰	School-District Support Facility		Log Storage
Specialized Instruction School ²⁴	Public Agency or Utility Office		Transportation Service
School-District Support Facility ²⁶	Fire Facility ⁴⁰		Freight and Cargo Service
Public Agency or Utility Office ²⁷	Utility Facility ⁴²		Passenger Transportation Service
Public Agency or Utility Yard ²⁸	Commuter Parking Lot		Communication Offices
Police Facility ³⁰	Holistop ⁴⁷		Telegraph and Other Communications
Utility Facility ⁴¹	Department and Variety Stores ⁴⁸		General Business Service
Commuter Parking Lot ⁴³	Food Stores ⁴⁹		Professional Office
Private Stormwater Management Facility ⁴⁴	Eating and Drinking Places ^{51,52}		Outdoor Advertising Service
Vector Waste Receiving Facility ⁴⁵	Drug Stores ⁴⁹		Miscellaneous Equipment Rental
Automotive Parking ⁴⁹	Book, Stationery, Video and Art Supply Stores ⁴⁹		Automotive Rental and Leasing
Agricultural Product Sales ⁵⁰	Florist Shops ⁴⁹		Professional Sports Teams/Promoters
Livestock Sales ^{53,54}	Hatchery/Fish Preserve ⁵⁶		Research, Development and Testing
Growing and Harvesting Crops	Aquaculture ⁵⁶		Heavy Equipment and Truck Repair
Raising Livestock and Small Animals ⁵⁵	Hydroelectric Generation Facility ⁶⁷		Commercial/Industrial Accessory Uses
	Nonhydroelectric Generation Facility ⁶⁸		

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Table A. Residential Zones R-1, R-4 and R-6 Use Allowances

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
Growing and Harvesting Forest Products School-Bus-Base ⁶⁴ College/University ^{64,66}	School-Bus-Base College/University ^{64,66}		Building, Hardware and Garden Materials Stores Forest Product Sales Motor Vehicle and Boat Dealers Auto-Supply Stores Gasoline Service Stations Apparel and Accessory Stores Furniture and Home Furnishings Stores Liquor Stores Used Goods; Antiques/Secondhand Shops
			Sporting Goods and Related Stores Jewelry Stores Monuments, Tombstones and Gravestones Sales Hobby, Toy, Game Shops Photographic and Electronic Shops Fabric Shops Fuel Dealers

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Table A. Residential Zones R-1, R-4 and R-6 Use Allowances

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
			<i>Personal Medical Supply Stores</i> <i>Pet Shops</i> <i>Bulk Retail</i> <i>Auction Houses</i> <i>Manufacturing Land Uses</i> <i>Forest Research</i> <i>Wildlife Shelters</i> <i>Mineral Extraction and Processing</i> <i>Asphalt/Concrete Mixtures and Block Manufacture</i> <i>Resource Accessory Uses</i> <i>Jail Farm/Camp</i> <i>Public Agency Animal Control Facility</i> <i>Public Agency Training Facility</i> <i>Soil Recycling Facility</i> <i>Fairground</i> <i>Stadium/Arena</i> <i>Secure Community Transition Facilities</i>

Attachment A

Table A. Residential Zones R-1, R-4 and R-6 Use Allowances

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
			<i>Marijuana Business</i> <i>Marijuana Cooperative</i>

¹ Conditional use permit required before approving more than one dwelling on individual lots, except on lots in subdivisions, short subdivisions or binding site plans approved for multiple unit lots, and except as provided for accessory dwelling units in subsection 8 of this section.

² A conditional use permit is not required for townhouse units on lots in a subdivision or short subdivision designed for townhouse units.

³ Reserved.

⁴ Only in a building listed on the National Register as an historic site or designated as a King County landmark subject to the provisions of Chapter 2.20 KMC.⁴

⁵ Manufactured homes and mobile homes are only allowed in mobile home parks.

⁶ Mobile home parks shall not be permitted in the R-1 zones.

⁷ Only as an accessory to a school, college, university or church.

⁸ a. See KMC 18.73.100 regarding accessory dwelling units.

b. One single or twin engine, noncommercial aircraft shall be permitted only on lots that abut, or have a legal access that is not a City right-of-way to, a waterbody or landing field, provided there is:

(1) No aircraft sales, service, repair, charter or rental; and

(2) No storage of aviation fuel except that contained in the tank or tanks of the aircraft.

⁹ Except bed and breakfast guesthouses.

¹⁰ Bed and breakfast guesthouses shall be authorized after issuance of a conditional use permit, subject to the following conditions:

a. The guesthouse shall be owner-occupied;

b. Meals shall be served to paying guests only (no restaurant use permitted);

c. The number of guestrooms shall not be greater than that authorized by the International Building and Fire Codes;

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d. Parking shall be provided as required by this title; and

e. The guesthouse shall be compatible with the neighborhood character as determined by the city manager, and shall not create significant adverse neighborhood effects that cannot be mitigated.

¹¹ Reserved.

¹² The following conditions and limitations shall apply, where appropriate:

a. No stadiums on sites less than 10 acres;

b. Lighting for structures and fields shall be directed away from residential areas;

c. Structures or service yards shall maintain a minimum distance of 50 feet from property lines adjoining residential zones, except for structures in on-site recreation areas required in KMC 18.30.130 and 20.47.155. Setback requirements for structures in these on-site required recreation areas shall be maintained in accordance with the zoning standards for the underlying residential zone;

d. Overnight camping is allowed only in an approved campground.

¹³ Limited to recreation facilities subject to the following conditions and limitations:

a. The bulk and scale shall be compatible with residential character of the area;

b. For sports clubs, the gross floor area shall not exceed 10,000 square feet unless the building is on the same site or adjacent to a site where a public facility is located or unless the building is a nonprofit facility; and

c. Use is limited to residents of a specified residential development or to sports clubs providing supervised instructional or athletic programs.

¹⁴ Only for stand-alone sports clubs that are not part of a park.

¹⁵ Clubhouses, maintenance buildings, equipment storage areas and driving range tees shall be at least 50 feet from residential property lines. Lighting for practice greens and driving range ball impact areas shall be directed away from adjoining residential zones. Applications shall comply with adopted best management practices for golf course development.

¹⁶ Excluding amusement and recreational uses classified elsewhere in this chapter.

¹⁷ Social card games, as defined by this title, are prohibited.

¹⁸ Limited to a golf driving range as an accessory to golf courses.

¹⁹ Limited to golf driving ranges and subject to subsection 15 of this section.

²⁰ Only as accessory to a park or in a building listed on the National Register as an historic site or designated as a City landmark subject to Chapter 18.50 KMC.

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²¹ ~~Not permitted in R-1 and limited to a maximum of 5,000 square feet per establishment and subject to the additional requirements in KMC 18.21.070.~~

²² ~~Only as an accessory to a cemetery.~~

²³ ~~Limited to columbariums accessory to a church, but required landscaping and parking shall not be reduced.~~

²⁴ ~~Structures shall maintain a minimum distance of 100 feet from property lines adjoining residential zones.~~

²⁵ ~~A family child-care home is subject to the requirements established by the Washington State Department of Early Learning (DEL) in WAC Title 170. The family child-care home shall meet the following requirements:~~

~~a. The family child-care provider shall be licensed by DEL to operate a family child-care home;~~

~~b. A safe passenger loading area as certified by the DEL licensor shall be provided;~~

~~c. The family child-care home shall comply with all applicable building, fire, safety, and health codes enforced by the City;~~

~~d. The family child-care home shall comply with all applicable development standards of the City, unless determined to be legally nonconforming;~~

~~e. All signage shall conform to the applicable requirements of Chapter 18.42 KMC;~~

~~f. The City has the authority to limit the hours of operation to facilitate neighborhood compatibility; and~~

~~g. Prior to receiving State licensing, the family child-care provider shall provide the City with proof of written notification informing immediately adjoining property owners of the intent to locate and maintain the family child-care home. The notification shall inform the notified parties that comments may be submitted to the DEL and provide contact information for submitting such comments to the DEL. The proof of notification shall be in the form of a written affidavit containing (1) the date and means of notification; (2) a copy of the notification; and (3) a list of the parties to whom the notification was distributed.~~

²⁶ ~~Only as a re-use of a public school facility subject to Chapter 18.50 KMC, or an accessory use to a school, church, park, sport club or public housing administered by a public agency, and:~~

~~a. Outdoor play areas shall be completely enclosed by a solid wall or fence, with no openings except for gates, and have a minimum height of six feet;~~

~~b. Outdoor play equipment shall maintain a minimum distance of 20 feet from property lines adjoining residential zones;~~

~~c. Direct access to a developed arterial street shall be required in any residential zone; and~~

~~d. Hours of operation may be restricted to assure compatibility with surrounding development.~~

²⁷ ~~Only as a re-use of a public school facility subject to Chapter 18.50 KMC.~~

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²⁸ Except day care services and residential care.

²⁹ Only as a re-use of a surplus nonresidential facility subject to Chapter 18.50 KMC.

³⁰ Covered riding arenas are subject to KMC 18.70.030 and shall not exceed 20,000 square feet, but stabling areas, whether attached or detached, shall not be counted in this calculation.

³¹ Only as a re-use of a surplus nonresidential facility subject to Chapter 18.50 KMC or as a joint use of an existing public school facility.

³² Limited to drop box facilities accessory to a public or community use such as a school, fire station or community center.

³³ Renovation, expansion, modernization, or reconstruction of a school, or the addition of relocatable facilities, is permitted.

³⁴ Only as an accessory to residential use, and:

a. Students shall be limited to 12 per one-hour session;

b. All instruction must be within an enclosed structure; and

c. Structures used for the school shall maintain a distance of 25 feet from property lines adjoining residential zones.

³⁵ Subject to the following:

a. Structures used for the school and accessory uses shall maintain a minimum distance of 25 feet from property lines adjoining residential zones;

b. On lots over two and one-half acres:

(1) Retail sales of items related to the instructional courses are permitted, if total floor area for retail sales is limited to 2,000 square feet;

(2) Sales of food prepared in the instructional courses are permitted with Seattle/King County public health and City approval, if total floor area for food sales is limited to 1,000 square feet and is located in the same structure as the school; and

(3) Other incidental student-supporting uses are allowed, if such uses are found to be both compatible with and incidental to the principal use; and

c. On sites over 10 acres zoned R-1 and/or R-4:

(1) Retail sales of items related to the instructional courses are permitted, provided total floor area for retail sales is limited to 2,000 square feet;

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(2) Sales of food prepared in the instructional courses are permitted with Seattle/King County public health and City approval, if total floor area for food sales is limited to 1,750 square feet and is located in the same structure as the school;

(3) Other incidental student-supporting uses are allowed, if the uses are found to be functionally related, subordinate, compatible with and incidental to the principal use;

(4) The use shall be integrated with allowable agricultural uses on the site;

(5) Advertised special events shall comply with the temporary use requirements of this title; and

(6) Existing structures that are damaged or destroyed by fire or natural event, if damaged by more than 50 percent of their prior value, may reconstruct and expand an additional 65 percent of the original floor area but need not be approved as a conditional use if their use otherwise complies with the development conditions in this subsection (35)(c) and this title.

³⁶ Only if adjacent to an existing or proposed school.

³⁷ a. Only as a re-use of a public school facility or a surplus nonresidential facility subject to the provisions of Chapter 18.50 KMC; or

b. Only when accessory to a fire facility and the office is no greater than 1,500 square feet of floor area.

³⁸ a. Utility yards only on sites with utility district offices; or

b. Public agency yards are limited to material storage for road maintenance facilities.

³⁹ Limited to "storefront" police offices. Such offices shall not have:

a. Holding cells;

b. Suspect interview rooms; or

c. Long-term storage of stolen properties.

⁴⁰ a. All buildings and structures shall maintain a minimum distance of 20 feet from property lines adjoining residential zones;

b. Any buildings from which fire-fighting equipment emerges onto a street shall maintain a distance of 35 feet from such street; and

c. No outdoor storage.

⁴¹ Excluding bulk gas storage tanks.

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⁴² ~~Limited to bulk gas storage tanks which pipe to individual residences but excluding liquefied natural gas storage tanks.~~

⁴³ ~~Limited to commuter parking facilities for users of transit, carpools or ride-share programs, provided:~~

~~a. They are located on existing parking lots for churches, schools, or other permitted nonresidential uses which have excess capacity available during commuting hours; and~~

~~b. The site is adjacent to a designated arterial that has been improved to a standard acceptable to the department.~~

⁴⁴ ~~Except when participating in an approved shared facility drainage plan; such facilities shall be located on the same lot that they are designed to serve except in subdivisions or short subdivisions that set aside a separate tract for such facilities. For shared facilities, such facilities which are not located on the lot they are designed to serve shall be located on a lot with the same or more intensive zoning designation.~~

⁴⁵ ~~Only as an accessory use to a public agency or utility yard, or to a transfer station.~~

⁴⁶ ~~Except self-service storage.~~

⁴⁷ ~~Limited to emergency medical evacuation sites in conjunction with police, fire or health service facility.~~

⁴⁸ ~~Not in R-1 and limited to variety stores, with a maximum of 5,000 square feet of gross floor area, and subject to KMC 18.21.070.~~

⁴⁹ ~~Not permitted in R-1 and limited to a maximum of 5,000 square feet of gross floor area and subject to KMC 18.21.070.~~

⁵⁰ ~~a. Limited to products produced on site.~~

~~b. Covered sales areas shall not exceed a total area of 500 square feet.~~

⁵¹ ~~Not permitted in R-1 and excluding drinking places, and limited to a maximum of 5,000 square feet of gross floor area and subject to KMC 18.21.070.~~

⁵² ~~Social card games, as defined by this title, are prohibited.~~

⁵³ ~~Retail sale of livestock is permitted only as accessory to raising livestock.~~

⁵⁴ ~~Limited to the R-1 zone.~~

⁵⁵ ~~Large livestock allowed in accordance with Chapter 18.70 KMC.~~

⁵⁶ ~~May be further subject to KMC Title 16, Division I, Shoreline Management.~~

⁵⁷ ~~Limited to facilities that comply with the following:~~

~~a. Any new diversion structure shall not:~~

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(1) Exceed a height of eight feet as measured from the streambed; or

(2) Impound more than three surface acres of water at the normal maximum surface level;

b. There shall be no active storage;

c. The maximum water surface area at any existing dam or diversion shall not be increased;

d. An exceedance flow of no greater than 50 percent in mainstream reach shall be maintained;

e. Any transmission line shall be limited to a:

(1) Right-of-way of five miles or less; and

(2) Capacity of 230 kV or less;

f. Any new, permanent access road shall be limited to five miles or less; and

g. The facility shall only be located above any portion of the stream used by *anadromous fish*.

⁵⁸ Limited to *cogeneration* facilities for on-site use only.

⁵⁹ Reserved.

⁶⁰ Reserved.

⁶¹ Only in conjunction with an existing or proposed school.

⁶² Except racing of motorized vehicles.

⁶³ Except arboretum.

⁶⁴ Except technical institutions. See *vocational schools*.

⁶⁵ Only as a re-use of a public school facility subject to Chapter 18.50 KMC.

⁶⁶ Only as a re-use of a surplus nonresidential facility subject to Chapter 18.50 KMC.

The following *uses* listed in Table A are identified as *permitted*, conditionally permitted, or *prohibited uses* in residential zones R-1, R-4 and R-6:

Table A. R-1, R-4 and R-6 Zones Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Air transportation service</i> ¹	<i>Ambulatory surgery center</i> ²⁵	<i>Adult entertainment business</i>
<i>Arts, entertainment, indoor</i> ^{2,3}	<i>Arts, entertainment, outdoor</i> ²⁶	<i>Animal kennel/shelter</i>

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<u>Day-care⁴</u>	<u>Cemetery, columbarium or mausoleum²⁷</u>	<u>Auction house</u>
<u>Educational service⁵</u>	<u>College/university²⁵</u>	<u>Automotive sales and service, marine</u>
<u>Family child-care home⁶</u>	<u>Community residential facility²⁸</u>	<u>Automotive sales and service, non-marine</u>
<u>Fire or police facility^{7,8}</u>	<u>Eating and drinking place^{3,29}</u>	<u>Business service, intensive</u>
<u>Health care and social assistance^{9,10}</u>	<u>Hospital²⁵</u>	<u>Business service, standard</u>
<u>Multiple family dwelling¹¹</u>	<u>Mobile home park³⁰</u>	<u>Construction and trade</u>
<u>Office¹²</u>	<u>Personal service³¹</u>	<u>Funeral home/crematory</u>
<u>Park¹³</u>	<u>Recreational facility, indoor^{3,16,32}</u>	<u>Laboratory</u>
<u>Recreational facility, outdoor^{14,15,16}</u>	<u>Regional land use^{33, 34,35}</u>	<u>Manufacturing, heavy</u>
<u>Religious institution¹⁷</u>	<u>Retail sales^{31, 36}</u>	<u>Manufacturing, light</u>
<u>Resource land use¹⁸</u>	<u>Temporary lodging³⁷</u>	<u>Marijuana business</u>
<u>Single detached dwelling unit^{19,20}</u>		<u>Marijuana cooperative</u>
<u>Standalone parking²¹</u>		<u>Mobile food service</u>
<u>Supportive living facility²²</u>		<u>Retail sales, bulk</u>
<u>Utility facility^{23,24}</u>		<u>Secure facility</u>
		<u>Transportation</u>
		<u>Vehicle or equipment rental</u>
		<u>Vehicle refueling station</u>
		<u>Warehousing</u>
		<u>Wholesale trade</u>

1. One single engine, noncommercial seaplane shall be permitted only on lots that abut a waterbody, provided there are 1) no aircraft sales, service, repair, charter, or rental; and 2) no storage of aviation fuel except that contained in the tank or tanks of the aircraft. A helistop at an emergency medical evacuation site in conjunction with a police, fire or health service facility is a conditional use. All other air transportation service uses are prohibited.

2. Only (1) in a building listed on the National register as a historic site or designated as a City landmark; (2) as a re-use of a surplus non-residential facility; or (3) as a joint use of an existing public school facility. All subject to Chapter 18.50 KMC. Otherwise, a conditional use.

3. Social card games are prohibited.

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4. Permitted only as a re-use of a public school facility subject to Chapter 18.50 KMC, or an *accessory use* to a school, *religious institution*, *park*, *sports club* or public housing administered by a *public agency*, and:

- a. Outdoor play areas shall be completely enclosed by a solid wall or *fence*, with no openings except for gates and have a minimum height of six feet;
- b. Outdoor play equipment shall maintain a minimum distance of 20 feet from property lines adjoining residential zones;
- c. Direct access to a developed arterial *street* shall be required in any residential zone; and
- d. Hours of operation may be restricted to assure compatibility with surrounding development.

All other *day-care uses* require a *conditional use permit*.

5. K-12 facilities only. All other *educational service uses* require a *conditional use permit*.

6. A *family child-care home* is subject to the requirements established by the Washington State Department of Early Learning (DEL) in WAC Title 170. The *family child-care home* shall meet the following requirements:

- a. The family child-care provider shall be licensed by DEL to operate a *family child-care home*;
- b. A safe passenger loading area shall be provided;
- c. The *family child-care home* shall comply with all applicable building, fire, safety, and health codes enforced by the *City*;
- d. The *family child-care home* shall comply with all applicable development standards of the *City*, unless determined to be legally nonconforming;
- e. All signage shall conform to the applicable requirements of Chapter 18.42 KMC;
- f. The *City* has the authority to limit the hours of operation to facilitate neighborhood compatibility; and
- g. Prior to receiving State licensing, the family child-care provider shall provide the *City* with proof of written notification informing immediately adjoining property owners of the intent to locate and maintain the *family child-care home*. The notification shall inform the notified parties that comments may be submitted to the DEL and provide contact information for submitting such comments to the DEL. The proof of notification shall be in the form of a written affidavit containing (1) the date and means of notification; (2) a copy of the notification; and (3) a list of the parties to whom the notification was distributed.

7. Limited to "storefront" police offices. Such offices shall not have:

- a. Holding cells;
- b. Suspect interview rooms; or
- c. Long-term storage of stolen properties

All other *fire or police facility uses* require a *conditional use permit*, except police or fire training facilities, such as shooting ranges, auto test tracks, and fire suppression simulations, which are prohibited.

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8. For conditionally permitted fire facilities:
- All *buildings* and *structures* shall maintain a minimum distance of 20 feet from property lines adjoining residential zones;
 - Any *buildings* from which fire-fighting equipment emerges onto a street shall maintain a distance of 35 feet from such *street*; and
 - No *outdoor storage*.
9. Only as a re-use of a public school facility. May be permitted as a conditional *use* if proposed as re-use of a surplus non-residential facility. All subject to Chapter 18.50 KMC.
10. Veterinary clinics are prohibited.
11. *Townhouse* units only permitted and only on *lots* in a subdivision or short subdivision designed for *townhouse* units. Other *townhouse* units require a *conditional use permit*. *Apartments* are prohibited.
12. *Public agency or utility office* permitted only as a re-use of a public school facility or a surplus nonresidential facility subject to the provisions of Chapter 18.50 KMC. Otherwise, *public agency or utility office* is a conditional *use*. All other office *uses* are prohibited.
13. The following conditions and limitations shall apply, where appropriate:
- Lighting for *structures* and fields shall be directed away from residential areas;
 - Structures* or service yards shall maintain a minimum distance of 50 feet from property lines adjoining residential zones, except for *structures* in on-site recreation areas required in KMC 18.30.130 and 20.47.155. Setback requirements for *structures* in these on-site required recreation areas shall be maintained in accordance with the zoning standards for the underlying residential zone.
14. Limited to *stable* and covered riding arena. All other *outdoor recreational facility uses* require a *conditional use permit* except campground, RV park, and shooting range which are prohibited.
15. Covered riding arenas are subject to KMC 18.70.030 and shall not exceed 20,000 square feet unless a *conditional use permit* is obtained. Stabling areas, whether attached or detached, shall not be counted in this calculation.
16. Conditionally permitted recreational facilities are subject to the following conditions and limitations:
- The bulk and scale shall be compatible with residential character of the area;
 - The gross floor area shall not exceed 10,000 square feet unless the *building* is on the same *site* or adjacent to a *site* where a public facility is located or unless the *building* is a nonprofit facility; and
 - Use is limited to residents of a specified residential *development* or to *sports clubs* providing supervised instructional or athletic programs.
17. Only as a re-use of a public school facility subject to Chapter 18.50 KMC. Otherwise, a *conditional use permit* is required.
18. Farming is permitted. All other *resource land uses* require a *conditional use permit*, except mineral extraction, which is prohibited.

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19. More than one *single detached dwelling unit* may be allowed on an individual *lot* through the *conditional use permit* process. A *conditional use permit* is not required for *lots* in subdivisions, short subdivisions or binding site plans approved as multiple unit *lots* or for *accessory dwelling units*.

20. *Manufactured homes* and *mobile homes* are allowed only in *mobile home parks*. *Designated manufactured homes* are not restricted to *mobile home parks*.

21. Limited to *commuter parking lots* for users of transit, carpools or ride-share programs, provided:

- a. They are located on existing parking lots for *religious institutions*, schools, or other permitted nonresidential uses which have excess capacity available during commuting hours; and
- b. The *site* is adjacent to a designated arterial that has been improved to a standard acceptable to the *department*.

Other *commuter parking lots* require a *conditional use permit*. All other *standalone parking uses* are prohibited.

22. Only in a *building* listed on the National Register as an historic site or designated as a King County landmark subject to the provisions of Chapter 2.20 KMC. Otherwise, a *conditional use permit* is required.

23. Excluding utilities using *bulk gas storage tanks*, which are a conditional use. Liquefied natural gas storage tanks are prohibited.

24. *Private stormwater management facilities* permitted except when participating in an approved shared facility drainage plan. *Private stormwater management facilities* shall be located on the same *lot* that they are designed to serve except in subdivisions or short subdivisions that set aside a separate tract for such facilities. For shared facilities, such facilities which are not located on the *lot* they are designed to serve shall be located on a *lot* with the same or more intensive zoning designation.

25. Only as a re-use of a public school facility or a surplus nonresidential facility subject to Chapter 18.50 KMC.

26. Outdoor performance center and drive-in theater are prohibited.

27. *Structures* shall maintain a minimum distance of 100 feet from property lines adjoining residential zones.

28. *Community residential facility I* only. *Community residential facility II* is prohibited.

29. Not permitted in R-1 and excluding drinking places, and limited to a maximum of 5,000 square feet of gross floor area and subject to KMC 18.21.070.

30. *Mobile home parks* are not permitted in the R-1 zone.

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31. Not permitted in R-1 and limited to a maximum of 5,000 square feet of gross floor area and subject to KMC 18.21.070.

32. Bowling center and shooting range are prohibited.

33. *Hydroelectric generation facilities* limited to those that comply with the following:

- a. Any new diversion structure shall not: (1) Exceed a height of eight feet as measured from the streambed; or (2) Impound more than three surface acres of water at the normal maximum surface level;
- b. There shall be no active storage;
- c. The maximum water surface area at any existing dam or diversion shall not be increased;
- d. An exceedance flow of no greater than 50 percent in mainstream reach shall be maintained;
- e. Any transmission line shall be limited to a: (1) Right-of-way of five miles or less; and (2) Capacity of 230 kV or less;
- f. Any new, permanent access road shall be limited to five miles or less; and
- g. The facility shall only be located above any portion of the *stream* used by *anadromous fish*.

34. *Nonhydroelectric generation facilities* limited to *cogeneration* facilities for on-site use only.

35. Fairground, amusement park, and stadium/arena are prohibited.

36. Pet shops and auto supply stores are prohibited.

37. Bed and breakfast guesthouse only, subject to the following conditions:

- a. The guesthouse shall be owner-occupied;
- b. Meals shall be served to paying guests only (no restaurant use permitted);
- c. The number of guestrooms shall not be greater than that authorized by the International Building and Fire Codes;
- d. Parking shall be provided as required by this title; and
- e. The guesthouse shall be compatible with the neighborhood character as determined by the *city manager*, and shall not create significant adverse neighborhood effects that cannot be mitigated.

18.21.040 Residential zones R-12, R-18, and R-24, and R-48 – Use allowances.

The following *uses* in Table C are permitted, conditionally permitted, special uses, or *prohibited uses* in residential zones R-12, R-18, R-24, and R-48.

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Table C. Residential Zones R-12, R-18, R-24, and R-48 Use Allowances

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
Single-Detached Dwelling Unit ¹	Single-Detached Dwelling Unit ¹	Jail	Home Industry
Townhouse		Work Release Facility	Hotel/Motel ¹
Apartment	Designated Manufactured Home ¹	Nonhydroelectric Generation Facility	Organization Hotel/Lodging Houses
Designated Manufactured Home ¹	Bed and Breakfast	Oil and Gas Extraction	Campgrounds
	Guesthouse ⁶	Energy Resource Recovery Facility	Destination Resorts
Mobile Home and Manufactured Home ²	Marina ⁶	Landfill	Recreational Vehicle Park
Mobile Home Park	Sports Club ^{6,9}	Transfer Station	Adult Entertainment Business
Community Residential Facility I	Amusement and Recreation Services ^{11,12,13,14}	Wastewater Treatment Facility	Theater
Community Residential Facility II	Library	Municipal Water Production	Theater, Drive-in
Dormitory	Museum	Airport/Heliport	Bowling Center
Senior Citizen Assisted Living	Conference Center	Transit Bus Base	Shooting Range
Residential Accessory Uses ³	General Personal Service ¹⁶	School Bus Base	Amusement Arcades
Home Occupation	Funeral Home/Crematory ¹⁷	Racetrack ⁵²	Amusement Park
Park ¹	Cemetery, Columbarium or Mausoleum ¹⁰	Zoo/Wildlife Exhibit ⁵³	Outdoor Performance Center
Trails	Day Care II	College/University ⁵⁴	Drycleaning Plants
Golf Course Facility ¹⁰	Church, Synagogue, Mosque, Temple		Industrial Launderers
	Social Services ^{22,23}		Veterinary Clinic
	Medical/Dental		Automotive Repair
	Office/Outpatient Clinic ²³		Automotive Service
			Miscellaneous Repair

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Table C. Residential Zones R-12, R-18, R-24, and R-48 Use Allowances

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
Amusement and Recreation Services ^{11,12,13}	Nursing and Personal Care Facilities		Stable
Library ¹⁸	Hospital ²³		Kennel or Cattery
Museum ¹⁶	Secondary or High School ²⁶		Theatrical Production Services
Arboretum	Vocational School		Medical/Dental Lab
Conference Center ¹⁵	Specialized Instruction School ²⁸		Miscellaneous Health Services
Cemetery, Columbarium or Mausoleum ¹⁸	School District Support Facility		Public Agency Archives
Family Child Care Home ⁵⁷	Public Agency or Utility Office		Court
Day Care I	Fire Facility ³³		Individual Transportation and Taxi
Day Care II ²⁰	Utility Facility ³⁶		Trucking and Courier Service
Church, Synagogue, Mosque, Temple ²¹	Commuter Parking Lot		Warehousing and Wholesale Trade ⁴⁰
Social Services ^{21,22}	Self-Service Storage ⁴¹		Farm Product Warehousing, Refrigeration and Storage
Artist Studios ²⁴	Holistop ⁴³		Log Storage
Interim Recycling Facility ²⁶			Transportation Service
Medical/Dental Office/Outpatient Clinic ²¹			Freight and Cargo Service
Elementary School			Passenger Transportation Service
			Communication Offices
			Telegraph and Other Communications

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Table C. Residential Zones R-12, R-18, R-24, and R-48 Use Allowances

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
			General Business Service
Middle/Junior High School	Department and Variety Stores ⁴⁴		Outdoor Advertising Service
Secondary or High School ⁴⁶	Food Stores ⁴⁵		Miscellaneous Equipment Rental
Vocational School ²³	Eating and Drinking Places ^{46, 47}		Automotive Rental and Leasing
Specialized Instruction School ²⁷	Drug Stores ⁴⁵		Professional Sports Teams/Promoters
School District Support Facility ²⁹	Book, Stationery, Video and Art Supply Stores ⁴⁵		Research, Development and Testing
Public Agency or Utility Office ³⁰	Florist Shops ⁴⁶		Heavy Equipment and Truck Repair
Public Agency or Utility Yard ³¹	Nonhydroelectric Generation Facility ⁴³		Commercial/Industrial Accessory Uses
Police Facility ³²	School Bus Base ⁵¹		Building, Hardware and Garden Materials Stores
Utility Facility ³⁴	College/University ^{54, 56}		Forest Product Sales
Commuter Parking Lot ³⁶			Agricultural Product Sales
Private Stormwater Management Facility ³⁷			Motor Vehicle and Boat Dealers
Vector Waste Receiving Facility ³⁸			Auto Supply Stores
Construction and Trade ³⁹			Gasoline Service Stations
Professional Office ⁴²			Apparel and Accessory Stores
Automotive Parking ³⁸			

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Table C. Residential Zones R-12, R-18, R-24, and R-48 Use Allowances

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
College/University ^{54,55}			Furniture and Home Furnishings Stores Liquor Stores Used Goods; Antiques/Secondhand Shops Sporting Goods and Related Stores Jewelry Stores Monuments, Tombstones and Gravestones Sales Hobby, Toy, Game Shops Photographic and Electronic Shops Fabric Shops Fuel Dealers Personal Medical Supply Stores Pet Shops Bulk Retail Auction Houses Livestock Sales Manufacturing Land Uses Resource Land Uses

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Table C. Residential Zones R-12, R-18, R-24, and R-48 Use Allowances

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
			Jail Farm/Camp Public Agency Animal Control Facility Public Agency Training Facility Hydroelectric Generation Facility Soil Recycling Facility Fairground Stadium/Arena Secure Community Transition Facilities Marijuana Business Marijuana Cooperative

¹ Conditional use permit required before approving more than one dwelling on individual lots, except on lots in subdivisions, short subdivisions or binding site plans approved for multiple unit lots, and except as provided for accessory dwelling units in subsection 3 of this section.

² Manufactured homes and mobile homes are only allowed in mobile home parks.

³ a. See KMC 18.73.100 regarding accessory dwelling units.

b. One single or twin engine, noncommercial aircraft shall be permitted only on lots that abut, or have a legal access that is not a City right-of-way to, a waterbody or landing field, provided there is:

(1) No aircraft sales, service, repair, charter or rental; and

(2) No storage of aviation fuel except that contained in the tank or tanks of the aircraft.

⁴ Except bed and breakfast guesthouses.

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⁵ ~~Bed and breakfast guesthouses shall be authorized after issuance of a conditional use permit, subject to the following conditions:~~

- ~~a. The guesthouse shall be owner-occupied;~~
- ~~b. Meals shall be served to paying guests only (no restaurant use permitted);~~
- ~~c. The number of guestrooms shall not be greater than that authorized by the International Building and Fire Codes;~~
- ~~d. Parking shall be provided as required by this title; and~~
- ~~e. The guesthouse shall be compatible with the neighborhood character as determined by the city manager, and shall not create significant adverse neighborhood effects that cannot be mitigated.~~

⁶ ~~Reserved.~~

⁷ ~~The following conditions and limitations shall apply, where appropriate:~~

- ~~a. No stadiums on sites less than 10 acres;~~
- ~~b. Lighting for structures and fields shall be directed away from residential areas;~~
- ~~c. Structures or service yards shall maintain a minimum distance of 50 feet from property lines adjoining residential zones, except for structures in on-site recreation areas required in KMC 18.30.130 and 20.47.155. Setback requirements for structures in these on-site required recreation areas shall be maintained in accordance with the zoning standards for the underlying residential zone;~~
- ~~d. Overnight camping is allowed only in an approved campground.~~

⁸ ~~Limited to recreation facilities subject to the following conditions and limitations:~~

- ~~a. The bulk and scale shall be compatible with residential character of the area;~~
- ~~b. For sports clubs, the gross floor area shall not exceed 10,000 square feet unless the building is on the same site or adjacent to a site where a public facility is located or unless the building is a nonprofit facility; and~~
- ~~c. Use is limited to residents of a specified residential development or to sports clubs providing supervised instructional or athletic programs.~~

⁹ ~~Only for stand-alone sports clubs that are not part of a park.~~

¹⁰ ~~Clubhouses, maintenance buildings, equipment storage areas and driving range tees shall be at least 50 feet from residential property lines. Lighting for practice greens and driving range ball impact areas shall be directed away from adjoining residential zones. Applications shall comply with adopted best management practices for golf course development.~~

¹¹ ~~Excluding amusement and recreational uses classified elsewhere in this chapter.~~

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¹² ~~Social card games, as defined by this title, are prohibited.~~

¹³ ~~Limited to a golf driving range as an accessory to golf courses.~~

¹⁴ ~~Limited to golf driving ranges and subject to subsection 10 of this section.~~

¹⁵ ~~Only as accessory to a park or in a building listed on the National Register as an historic site or designated as a City landmark subject to Chapter 18.50 KMC.~~

¹⁶ ~~Not permitted in R-1 and limited to a maximum of 5,000 square feet per establishment and subject to the additional requirements in KMC 18.21.070.~~

¹⁷ ~~Only as an accessory to a cemetery.~~

¹⁸ ~~Limited to columbariums accessory to a church, but required landscaping and parking shall not be reduced.~~

¹⁹ ~~Structures shall maintain a minimum distance of 100 feet from property lines adjoining residential zones.~~

²⁰ ~~Only as a re-use of a public school facility subject to Chapter 18.50 KMC, or an accessory use to a school, church, park, sport club or public housing administered by a public agency, and:~~

a. ~~Outdoor play areas shall be completely enclosed by a solid wall or fence, with no openings except for gates and have a minimum height of six feet;~~

b. ~~Outdoor play equipment shall maintain a minimum distance of 20 feet from property lines adjoining residential zones;~~

c. ~~Direct access to a developed arterial street shall be required in any residential zone; and~~

d. ~~Hours of operation may be restricted to assure compatibility with surrounding development.~~

²¹ ~~Only as a re-use of a public school facility subject to Chapter 18.50 KMC.~~

²² ~~Except day care services and residential care.~~

²³ ~~Only as a re-use of a surplus nonresidential facility subject to Chapter 18.50 KMC.~~

²⁴ ~~Only as a re-use of a surplus nonresidential facility subject to Chapter 18.50 KMC or as a joint use of an existing public school facility.~~

²⁵ ~~Limited to drop box facilities accessory to a public or community use such as a school, fire station or community center.~~

²⁶ ~~Renovation, expansion, modernization, or reconstruction of a school, or the addition of relocatable facilities, is permitted.~~

²⁷ ~~Only as an accessory to residential use, and:~~

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a. Students shall be limited to 12 per one-hour session;

b. All instruction must be within an enclosed *structure*; and

c. *Structures* used for the school shall maintain a distance of 25 feet from property lines adjoining residential zones.

²⁸ Subject to the following:

a. *Structures* used for the school and *accessory uses* shall maintain a minimum distance of 25 feet from property lines adjoining residential zones;

b. On *lots* over two and one-half acres:

(1) *Retail sales* of items related to the instructional courses are permitted, if total floor area for *retail sales* is limited to 2,000 square feet;

(2) Sales of food prepared in the instructional courses are permitted with Seattle/King County public health and *City* approval, if total floor area for food sales is limited to 1,000 square feet and is located in the same *structure* as the school; and

(3) Other incidental student-supporting *uses* are allowed, if such *uses* are found to be both compatible with and incidental to the principal *use*; and

c. On *sites* over 10 acres, zoned R-1 and/or R-4:

(1) *Retail sales* of items related to the instructional courses are permitted, provided total floor area for *retail sales* is limited to 2,000 square feet;

(2) Sales of food prepared in the instructional courses are permitted with Seattle/King County public health and *City* approval, if total floor area for food sales is limited to 1,750 square feet and is located in the same *structure* as the school;

(3) Other incidental student-supporting *uses* are allowed, if the *uses* are found to be functionally related, subordinate, compatible with and incidental to the principal *use*;

(4) The *use* shall be integrated with allowable agricultural *uses* on the *site*;

(5) Advertised special events shall comply with the temporary use requirements of this title; and

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(6) Existing structures that are damaged or destroyed by fire or natural event, if damaged by more than 50 percent of their prior value, may reconstruct and expand an additional 65 percent of the original floor area but need not be approved as a conditional use if their use otherwise complies with the development conditions in this subsection (28)(c) and this title.

²⁹ Only if adjacent to an existing or proposed school.

³⁰ a. Only as a re-use of a public school facility or a surplus nonresidential facility subject to the provisions of Chapter 18.50 KMC; or

b. Only when accessory to a fire facility and the office is no greater than 1,500 square feet of floor area.

³¹ a. Utility yards only on sites with utility district offices; or

b. Public agency yards are limited to material storage for road maintenance facilities.

³² Limited to "storefront" police offices. Such offices shall not have:

a. Holding cells;

b. Suspect interview rooms; or

c. Long-term storage of stolen properties.

³³ a. All buildings and structures shall maintain a minimum distance of 20 feet from property lines adjoining residential zones;

b. Any buildings from which fire-fighting equipment emerges onto a street shall maintain a distance of 35 feet from such street; and

c. No outdoor storage.

³⁴ Excluding bulk gas storage tanks.

³⁵ Limited to bulk gas storage tanks which pipe to individual residences but excluding liquefied natural gas storage tanks.

³⁶ Limited to commuter parking facilities for users of transit, carpools or ride-share programs, provided:

a. They are located on existing parking lots for churches, schools, or other permitted nonresidential uses which have excess capacity available during commuting hours; and

b. The site is adjacent to a designated arterial that has been improved to a standard acceptable to the department.

³⁷ Except when participating in an approved shared facility drainage plan; such facilities shall be located on the same lot that they are designed to serve except in subdivisions or short subdivisions that set aside

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a separate tract for such facilities. For shared facilities, such facilities which are not located on the lot they are designed to serve shall be located on a lot with the same or more intensive zoning designation.

³⁸ Only as an accessory use to a public agency or utility yard, or to a transfer station.

³⁹ Permitted when:

- a. Located in the R-24 zone; and
- b. On a site in professional office or construction and trade office uses as of May 8, 2003; and
- c. Part of a mixed use development; and
- d. Limited to 15,000 square feet; and
- e. No outdoor storage of equipment occurs.

⁴⁰ Except self-service storage.

⁴¹ Accessory to an apartment development of at least 12 units, provided:

- a. The gross floor area in self-service storage shall not exceed the total gross floor area of the apartment dwellings on the site;
- b. All outdoor lights shall be deflected, shaded and focused away from all adjoining property;
- c. The use of the facility shall be limited to dead storage of household goods;
- d. No servicing or repair of motor vehicles, boats, trailers, lawn mowers or similar equipment;
- e. No outdoor storage or storage of flammable liquids, highly combustible or explosive materials or hazardous chemicals;
- f. No residential occupancy of the storage units;
- g. No business activity other than the rental of storage units; and
- h. A resident director shall be required on the site and shall be responsible for maintaining the operation of the facility in conformance with the conditions of approval.

⁴² Permitted when:

- a. Located in the R-24 zone; and
- b. On a site in professional office or construction and trade office uses as of May 8, 2003; and
- c. Part of a mixed use development; and
- d. Limited to 15,000 square feet; and

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e. No *outdoor storage* of equipment occurs.

⁴³ Limited to *emergency* medical evacuation sites in conjunction with police, fire or health service facility.

⁴⁴ Not in R-1 and limited to *variety stores* with a maximum of 5,000 square feet of gross floor area, and subject to KMC 18.21.070.

⁴⁵ Not permitted in R-1 and limited to a maximum of 5,000 square feet of gross floor area and subject to KMC 18.21.070.

⁴⁶ Not permitted in R-1 and excluding drinking places, and limited to a maximum of 5,000 square feet of gross floor area and subject to KMC 18.21.070.

⁴⁷ *Social card games*, as defined by this title, are prohibited.

⁴⁸ Limited to *cogeneration* facilities for on-site use only.

⁴⁹ Reserved.

⁵⁰ Reserved.

⁵¹ Only in conjunction with an existing or proposed school.

⁵² Except racing of motorized vehicles.

⁵³ Except arboretum.

⁵⁴ Except technical institutions. See *vocational schools*.

⁵⁵ Only as a re-use of a public school facility subject to Chapter 18.50 KMC.

⁵⁶ Only as a re-use of a surplus nonresidential facility subject to Chapter 18.50 KMC.

⁵⁷ A *family child-care home* is subject to the requirements established by the Washington State Department of Early Learning (DEL) in WAC Title 170. The *family child-care home* shall meet the following requirements:

a. The family child-care provider shall be licensed by DEL to operate a *family child-care home*;

b. A safe passenger loading area as certified by the DEL licensor shall be provided;

c. The *family child-care home* shall comply with all applicable building, fire, safety, and health codes enforced by the City;

d. The *family child-care home* shall comply with all applicable development standards of the City, unless determined to be legally nonconforming;

e. All signage shall conform to the applicable requirements of Chapter 18.42 KMC; and

f. The City has the authority to limit the hours of operation to facilitate neighborhood compatibility.

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The following *uses* listed in Table C are identified as *permitted*, *conditionally permitted*, or *prohibited uses* in residential zones R-12, R-18 and R-24:

Table C. R-12, R-18, and R-24 Zones Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<u>Air transportation service¹</u>	<u>Ambulatory surgery center²⁵</u>	<u>Adult entertainment business</u>
<u>Arts, entertainment, indoor^{2,3}</u>	<u>Arts, entertainment, outdoor²⁶</u>	<u>Animal kennel/shelter</u>
<u>College/university^{4,5}</u>	<u>Cemetery, columbarium or mausoleum²⁷</u>	<u>Auction house</u>
<u>Community residential facility</u>	<u>Eating and drinking place^{3,28}</u>	<u>Automotive sales and service, marine</u>
<u>Construction and trade⁶</u>	<u>Hospital⁵</u>	<u>Automotive sales and service, non-marine</u>
<u>Day-care⁷</u>	<u>Personal service²⁹</u>	<u>Business service, intensive</u>
<u>Educational service⁸</u>	<u>Recreational facility, indoor^{3,30,31}</u>	<u>Business service, standard</u>
<u>Family child-care home⁹</u>	<u>Regional land use³²</u>	<u>Funeral home/crematory</u>
<u>Fire or police facility^{10,11,12}</u>	<u>Retail sales^{29,33}</u>	<u>Laboratory</u>
<u>Health care and social assistance^{4,5,13}</u>	<u>Temporary lodging³⁴</u>	<u>Manufacturing, heavy</u>
<u>Mobile home park</u>	<u>Warehousing³⁵</u>	<u>Manufacturing, light</u>
<u>Multiple family dwelling</u>		<u>Marijuana business</u>
<u>Office¹⁴</u>		<u>Marijuana cooperative</u>
<u>Park¹⁵</u>		<u>Mobile food service</u>
<u>Recreational facility, outdoor^{16,17}</u>		<u>Resource land use</u>
<u>Religious institution¹⁸</u>		<u>Retail sales, bulk</u>
<u>Single detached dwelling unit^{19,20}</u>		<u>Secure facility</u>
<u>Standalone parking²¹</u>		<u>Transportation</u>
<u>Supportive living facility</u>		<u>Vehicle or equipment rental</u>
<u>Utility facility^{22,23,24}</u>		<u>Vehicle refueling station</u>
		<u>Wholesale trade</u>

1. One single engine, noncommercial seaplane shall be permitted only on *lots* that abut a waterbody, provided there are 1) no aircraft sales, service, repair, charter, or rental; and 2) no storage of aviation fuel except that contained in the tank or tanks of the aircraft. A *helistop* at an *emergency medical* evacuation site in conjunction with a police, fire or health service facility is a conditional use. All other *air transportation service uses* are prohibited.

2. Museums and libraries permitted only as accessory to a *park* or in a *building* listed on the National Register as an historic site or designated as a *City landmark* subject to Chapter 18.50 KMC; otherwise a

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conditional use permit is required. Artist studios permitted only as a re-use of a surplus nonresidential facility subject to Chapter 18.50 KMC or as a joint use of an existing public school facility; otherwise a conditional use permit is required. For all other *arts, entertainment, indoor uses*, a conditional use permit is required, except theater, which is prohibited.

3. Social card games are prohibited.

4. Permitted only as a re-use of a public school facility subject to Chapter 18.50 KMC.

5. Conditionally permitted only as a re-use of a surplus nonresidential facility subject to Chapter 18.50 KMC.

6. Permitted when:

- a. Located in the R-24 zone; and
- b. On a site in office or construction and trade office uses as of May 8, 2003; and
- c. Part of a mixed use development; and
- d. Limited to 15,000 square feet; and
- e. No outdoor storage of equipment occurs.

Otherwise, prohibited.

7. Day-care II permitted only as a re-use of a public school facility subject to Chapter 18.50 KMC, or an accessory use to a school, religious institution, park, sports club or public housing administered by a public agency, and:

- a. Outdoor play areas shall be completely enclosed by a solid wall or fence, with no openings except for gates and have a minimum height of six feet;
- b. Outdoor play equipment shall maintain a minimum distance of 20 feet from property lines adjoining residential zones;
- c. Direct access to a developed arterial street shall be required in any residential zone; and
- d. Hours of operation may be restricted to assure compatibility with surrounding development.

Otherwise, day-care II requires a conditional use permit.

8. K-12 facilities only, except vocational school which is permitted only as a re-use of a surplus nonresidential facility subject to Chapter 18.50 KMC unless a conditional use permit is obtained. All other educational service uses require a conditional use permit.

9. A family child-care home is subject to the requirements established by the Washington State Department of Early Learning (DEL) in WAC Title 170. The family child-care home shall meet the following requirements:

- a. The family child-care provider shall be licensed by DEL to operate a family child-care home;
- b. A safe passenger loading area shall be provided;
- c. The family child-care home shall comply with all applicable building, fire, safety, and health codes enforced by the City;
- d. The family child-care home shall comply with all applicable development standards of the City, unless determined to be legally nonconforming;

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- e. All signage shall conform to the applicable requirements of Chapter 18.42 KMC; and
- f. The City has the authority to limit the hours of operation to facilitate neighborhood compatibility.

10. Limited to "storefront" police offices. Such offices shall not have:

- a. Holding cells;
- b. Suspect interview rooms; or
- c. Long-term storage of stolen properties.

All other police facilities require a conditional use permit.

11. Fire facilities require a conditional use permit, subject to the following:

- a. All buildings and structures shall maintain a minimum distance of 20 feet from property lines adjoining residential zones;
- b. Any buildings from which fire-fighting equipment emerges onto a street shall maintain a distance of 35 feet from such street; and
- c. No outdoor storage.

12. Fire or police training facilities such as shooting ranges, auto test tracks, and fire suppression simulations are prohibited.

13. Veterinary clinics are prohibited.

14. Public agency or utility office is permitted only as a re-use of a public school facility or a surplus nonresidential facility subject to the provisions of Chapter 18.50 KMC. All other office uses require a conditional use permit.

15. The following conditions and limitations shall apply, where appropriate:

- a. Lighting for structures and fields shall be directed away from residential areas;
- b. Structures or service yards shall maintain a minimum distance of 50 feet from property lines adjoining residential zones, except for structures in on-site recreation areas required in KMC 18.30.130 and 20.47.155. Setback requirements for structures in these on-site required recreation areas shall be maintained in accordance with the zoning standards for the underlying residential zone.

16. Golf course facility only permitted. Clubhouses, maintenance buildings, equipment storage areas and driving range tees shall be at least 50 feet from residential property lines. Lighting for practice greens and driving range ball impact areas shall be directed away from adjoining residential zones. Applications shall comply with adopted best management practices for golf course development. All other outdoor recreational facility uses are conditional uses, except stable, RV park, and shooting range, which are prohibited.

17. Conditional uses are subject to the following conditions and limitations:

- a. The bulk and scale shall be compatible with residential character of the area;
- b. Use is limited to residents of a specified residential development or to sports clubs providing supervised instructional or athletic programs.

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18. Permitted only as a re-use of a public school facility subject to Chapter 18.50 KMC. Other *religious institutions* require a *conditional use permit*.

19. More than one *single detached dwelling unit* may be allowed on an individual *lot* through the *conditional use permit* process. A *conditional use permit* is not required for *lots* in subdivisions, short subdivisions or binding site plans approved as multiple unit *lots* or for *accessory dwelling units*.

20. *Manufactured homes* and *mobile homes* are allowed only in *mobile home parks*. *Designated manufactured homes* are not restricted to *mobile home parks*.

21. Limited to commuter parking facilities for users of transit, carpools or ride-share programs, provided:

- a. They are located on existing parking lots for *religious institutions*, schools, or other permitted nonresidential uses which have excess capacity available during commuting hours; and
- b. The *site* is adjacent to a designated arterial that has been improved to a standard acceptable to the *department*.

Otherwise a *conditional use permit* is required.

22. *Bulk gas storage tanks* which pipe to individual residences require a *conditional use permit*. All other *bulk gas storage tanks*, including liquefied natural gas storage tanks, are prohibited.

23. *Private stormwater management facilities* permitted except when participating in an approved shared facility drainage plan. *Private stormwater management facilities* shall be located on the same *lot* that they are designed to serve except in subdivisions or short subdivisions that set aside a separate tract for such facilities. For shared facilities, such facilities which are not located on the *lot* they are designed to serve shall be located on a *lot* with the same or more intensive zoning designation.

24. *Hydroelectric generation facilities* are prohibited. A *nonhydroelectric generation facility* may be conditionally permitted as a *cogeneration facility* for on-site use only.

25. Conditionally permitted only as a re-use of a surplus nonresidential facility subject to Chapter 18.50 KMC.

26. Arboretum only.

27. *Structures* shall maintain a minimum distance of 100 feet from property lines adjoining residential zones.

28. Excluding drinking places, and limited to a maximum of 5,000 square feet of gross floor area and subject to KMC 18.21.070.

29. Limited to a maximum of 5,000 square feet of gross floor area and subject to the additional requirements in KMC 18.21.070.

30. Conditional uses are subject to the following conditions and limitations:

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- a. The bulk and scale shall be compatible with residential character of the area;
- b. For *sports clubs*, the gross floor area shall not exceed 10,000 square feet unless the *building* is on the same *site* or adjacent to a *site* where a public facility is located or unless the *building* is a nonprofit facility; and
- c. Use is limited to residents of a specified residential *development* or to *sports clubs* providing supervised instructional or athletic programs.

31. Bowling center and shooting range are prohibited.

32. Amusement park, fairground, and stadium/arena are prohibited.

33. Auto supply stores and pet shops are prohibited.

34. Bed and breakfast guesthouse only, subject to the following conditions:

- a. The guesthouse shall be owner-occupied;
- b. Meals shall be served to paying guests only (no restaurant *use* permitted);
- c. The number of guestrooms shall not be greater than that authorized by the International Building and Fire Codes;
- d. Parking shall be provided as required by this title; and
- e. The guesthouse shall be compatible with the neighborhood character as determined by the *city manager*, and shall not create significant adverse neighborhood effects that cannot be mitigated.

35. *Self-service storage* only permitted and only if accessory to an *apartment development* of at least 12 units, provided:

- a. The gross floor area in *self-service storage* shall not exceed the total gross floor area of the *apartment* dwellings on the *site*;
- b. All outdoor lights shall be deflected, shaded and focused away from all adjoining property;
- c. The use of the facility shall be limited to dead storage of household goods;
- d. No servicing or repair of motor vehicles, boats, trailers, lawn mowers or similar equipment;
- e. No *outdoor storage* or storage of flammable liquids, highly combustible or explosive materials or hazardous chemicals;
- f. No residential occupancy of the storage units;
- g. No business activity other than the rental of storage units; and
- h. A resident director shall be required on the *site* and shall be responsible for maintaining the operation of the facility in conformance with the conditions of approval.

18.21.070 Personal services, *eating and drinking place*, and retail *sales* uses in R-4 through R-4824 zones.

General ~~*personal service uses, eating and drinking place uses*~~ except drycleaning plants other than rug cleaning and industrial launderers, and retail *sales* ~~*land uses*~~, except agricultural crop sales, which are located in the R-4 through R-4824 zones shall be subject to the following requirements:

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- A. Each individual establishment shall not exceed 5,000 square feet of gross floor area and the combined total of all contiguous commercial establishments shall not exceed 15,000 square feet of gross floor area;
- B. Establishments shall not be located less than one mile from another commercial establishment, unless located with other establishments meeting the criteria in subsection A of this section;
- C. Establishment *sites* shall abut an intersection of two public *streets*, each of which is designated as a neighborhood collector or arterial and which has improved pedestrian facilities for at least one-fourth mile from the *site*;
- D. The maximum on-site parking ratios for establishments and *sites* shall be two per 1,000 square feet and required parking shall not be located between the *building(s)* and the *street*; and
- E. *Buildings* shall comply with the *building facade modulation* and roofline variation requirements in KMC [18.50.080](#) and at least one facade of the *building* shall be located within five feet of the sidewalk;
- F. If the *personal service*, *eating and drinking place*, or *retail sales* use is located in a *building* with multifamily *uses*, then the commercial *use* shall be on the *ground floor* and shall not exceed 25 percent of the total floor area of the *building*;
- G. *Sign* and *landscaping* standards for the *use* apply.

18.22.010 Neighborhood business zone – Use allowances.

The following *uses* in Table A are identified as permitted, conditionally permitted, special uses, or prohibited uses in the neighborhood business zone:

Table A. Neighborhood Business Zone Use Allowances.

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
Townhouse ¹	Sports Club ²	Jail	Single Detached Dwelling Unit
Apartment ¹	School District Support Facility	Work Release Facility	Family Child-Care Home
Community Residential Facility ¹	Helistop ^{2,3}	Nonhydroelectric Generation Facility	Designated Manufactured Home
		Oil and Gas Extraction	

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Table A. Neighborhood Business Zone Use Allowances

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
Community Residential Facility II ¹	Nonhydroelectric Generation Facility ²⁸	Energy Resource Recovery Facility	Mobile Home and Manufactured Home
Senior Citizen Assisted Living ¹	College/University ^{33,35}	Landfill	Mobile Home Park
Residential Accessory Uses ²		Transfer Station	Dormitory
Home Occupation		Wastewater Treatment Facility	Home Industry
Bed and Breakfast		Municipal Water Production	Hotel/Motel ³
Guesthouse ⁴		Airport/Heliport	Organization Hotel/Lodging Houses
Park		Transit Bus Base	Campgrounds
Trails		School Bus Base	Destination Resorts
Marina ⁵		Racetrack ³¹	Recreational Vehicle Park
Library		College/University ³³	Adult Entertainment Business
Museum		Secure Community Transition Facilities ³⁶	Theater
Arboretum			Theater, Drive-in
Conference Center			Bowling Center
General Personal Service			Golf Course Facility
Cemetery, Columbarium or Mausoleum ¹⁰			Amusement and Recreation Services ^{8,9}
Day Care I			Shooting Range
Day Care II			Amusement Arcades
Veterinary Clinic ¹¹			Amusement Park
Automotive Repair ^{12,13}			Outdoor Performance Center

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Table A. Neighborhood Business Zone Use Allowances

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
Automotive Service ¹³ Church, Synagogue, Mosque, Temple Social Services ^{14,15} Artist Studios Interim Recycling Facility ¹⁶ Medical/Dental Office/Outpatient Clinic			Drycleaning Plants Industrial Launderers Funeral Home/Crematory Miscellaneous Repair Stable Kennel or Cattery Theatrical Production Services Nursing and Personal Care Facilities
Specialized Instruction School Public Agency or Utility Office Police Facility ¹⁷ Fire Facility Utility Facility Commuter Parking Lot Private Stormwater Management Facility ¹⁸ Vector Waste Receiving Facility ¹⁹ General Business Service			Hospital Medical/Dental Lab Miscellaneous Health Services Elementary School Middle/Junior High School Secondary or High School Vocational School Public Agency or Utility Yard Public Agency Archives Court Construction and Trade

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Table A. Neighborhood Business Zone Use Allowances

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
Professional Office			Individual Transportation and Taxi
Automotive Parking ²⁰			Trucking and Courier Service
Commercial/Industrial Accessory Uses ²¹			Warehousing and Wholesale Trade
Building, Hardware and Garden Materials Stores ²²			Self-Service Storage
Department and Variety Stores ²⁴			Farm Product Warehousing, Refrigeration and Storage
Food Stores			Log Storage
Gasoline Service Stations			Transportation Service
Eating and Drinking Places ^{25,26}			Freight and Cargo Service
Drug Stores			Passenger Transportation Service
Book, Stationery, Video and Art Supply Stores			Communication Offices
Hobby, Toy, Game Shops			Telegraph and Other Communications
Photographic and Electronic Shops			Outdoor Advertising Service
Florist Shops			Miscellaneous Equipment Rental
Pet Shops			Automotive Rental and Leasing
Printing and Publishing ²⁷			Professional Sports Teams/Promoters
College/University ^{23,24}			

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Table A. Neighborhood Business Zone Use Allowances

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
			Research, Development and Testing Heavy Equipment and Truck Repair Forest Product Sales Agricultural Product Sales Motor Vehicle and Boat Dealers Auto Supply Stores Apparel and Accessory Stores Furniture and Home Furnishings Stores
			Liquor Stores Used Goods; Antiques/Secondhand Shops Sporting Goods and Related Stores Jewelry Stores Monuments, Tombstones and Gravestones Sales Fabric Shops Fuel Dealers

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Table A. Neighborhood Business Zone Use Allowances

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
			<i>Personal Medical Supply Stores</i> <i>Bulk Retail</i> <i>Auction Houses</i> <i>Livestock Sales</i> <i>Manufacturing Land Uses, except Printing and Publishing</i> <i>Resource Land Uses</i> <i>Jail Farm/Camp</i> <i>Public Agency Animal Control Facility</i> <i>Public Agency Training Facility</i> <i>Hydroelectric Generation Facility</i> <i>Soil Recycling Facility</i> <i>Fairground</i> <i>Zoo/Wildlife Exhibit²</i> <i>Stadium/Arena</i> <i>Marijuana Business</i> <i>Marijuana Cooperative</i>

¹ Only as part of a mixed-use development subject to the conditions of Chapter 18.50 KMC, except that stand-alone townhouse developments are permitted subject to KMC 17.20.125, 18.22.020, 18.30.130 and 18.50.050;

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² a. See KMC ~~18.73.100~~ regarding ~~accessory dwelling units~~.

b. One single or twin engine, noncommercial aircraft shall be permitted only on ~~lots~~ that abut, or have a legal access that is not a ~~City~~ right-of-way to, a waterbody or landing field, provided there is:

(1) No aircraft sales, service, repair, charter or rental; and

(2) No storage of aviation fuel except that contained in the tank or tanks of the aircraft.

³ ~~Except bed and breakfast guesthouses:~~

⁴ ~~Bed and breakfast guesthouses~~ shall be subject to the following conditions:

a. The guesthouse shall be owner-occupied;

b. The number of guestrooms shall not be greater than that authorized by the International Building and Fire Codes;

c. Parking shall be provided as required by this title; and

d. The guesthouse shall be compatible with the neighborhood character as determined by the ~~city manager~~, and shall not create significant adverse neighborhood effects that cannot be mitigated.

⁵ ~~Reserved.~~

⁶ ~~Limited to day moorage.~~

⁷ ~~Only for stand-alone sports clubs that are not part of a park.~~

⁸ ~~Excluding amusement and recreational uses classified elsewhere in this chapter.~~

⁹ ~~Social card games~~, as defined by this title, are prohibited.

¹⁰ ~~Limited to columbariums accessory to a church, but required landscaping and parking shall not be reduced.~~

¹¹ a. No burning of refuse or dead animals is allowed;

b. The portion of the ~~building or structure~~ in which animals are kept or treated shall be soundproofed. All run areas, excluding ~~confinement areas~~ for livestock, shall be surrounded by an eight-foot solid wall and surfaced with concrete or other impervious material; and

c. The provisions of Chapter ~~18.70~~ KMC relative to animal keeping are met.

¹² ~~Except tire retreading.~~

¹³ The repair work or service shall only be performed in an enclosed ~~building~~, with no ~~outdoor storage~~ of materials. Top, body, and upholstery repair shops and paint shops are not allowed.

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¹⁴ Except day care services and residential care.

¹⁵ Only as a re-use of a surplus nonresidential facility subject to Chapter 18.50 KMC.

¹⁶ With the exception of *drop box facilities* for the collection and temporary storage of *recyclable materials*, all processing and storage of material shall be within enclosed *buildings*. *Yard waste processing* is not permitted.

¹⁷ Limited to "storefront" police offices. Such offices shall not have:

a. Holding cells; or

b. Long-term storage of stolen properties.

¹⁸ Except in commercial zones or when participating in an approved shared facility drainage plan; such facilities shall be located on the same *lot* that they are designed to serve except in subdivisions or short subdivisions that set aside a separate tract for such facilities. In commercial zones or shared facilities, such facilities which are not located on the *lot* they are designed to serve shall be located on a *lot* with the same or more intensive zoning designation.

¹⁹ *Vactor waste* treatment, storage and disposal shall be limited to liquid materials. Materials shall be disposed of directly into a sewer system, or shall be stored in tanks (or other covered *structures*), as well as enclosed *buildings*.

²⁰ No tow-in lots for damaged, abandoned or otherwise impounded vehicles.

²¹ Storage limited to accessory storage of commodities sold at retail on the premises or materials used in the fabrication of commodities sold on the premises.

²² Limited to *emergency* medical evacuation sites in conjunction with police, fire or health service facility.

²³ Only *hardware and garden materials stores* shall be permitted.

²⁴ Limited to *variety stores*, and further limited to a maximum of 2,000 square feet of gross floor area.

²⁵ Excluding drinking places.

²⁶ *Social card games*, as defined by this title, are prohibited.

²⁷ Limited to photocopying and printing services offered to the general public.

²⁸ Limited to *cogeneration* facilities for on-site use only.

²⁹ Reserved.

³⁰ Reserved.

³¹ Except racing of motorized vehicles.

³² Except arboretum.

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³³ Except technical institutions. See *vocational schools*.

³⁴ Only as a re-use of a public school facility subject to Chapter 18.50 KMC.

³⁵ Only as a re-use of a surplus nonresidential facility subject to Chapter 18.50 KMC.

³⁶ *SCTF Siting. Secure community transition facilities* as defined in RCW 71.09.020 are permitted by *special use permit* in the neighborhood business zone, subject to the following restrictions:

a. Maximum Number of Residents. No *SCTF* shall house more than three persons, excluding resident staff.

b. Siting Criteria:

(1) *SCTFs* should be located in relationship to transportation facilities in a manner appropriate to their transportation needs.

(2) No *SCTF* shall be allowed within the following distances from the following specified *uses, areas or zones*, whether such *uses, areas or zones* are located within or outside the *City limits*:

(A) In or within 250 feet of any residential zone district, or any residentially zoned property;

(B) Adjacent to, immediately across a *street* or parking lot from, or within the line of sight of a "risk potential activity" as defined in RCW 71.09.020, as amended, including, but not limited to, public and private schools; school bus stops; licensed *day care* and licensed preschool facilities; public *parks*, publicly dedicated *trails* and sports fields; recreational and community centers; playgrounds; *church, synagogue, mosque, temple*; and public libraries;

(C) One mile from any existing *SCTF*, work release, prerelease, or similar facility.

(3) The distances specified in footnote (36)(b)(2) of this section shall be measured by following a straight line from the nearest point of the property parcel upon which the *SCTF* is to be located, to the nearest point of the parcel of property or land use district boundary line from which the proposed land use is to be separated.

c. On-Site Facilities Required. Each *SCTF* shall provide on-site dining, on-site laundry or laundry service, and on-site *recreational facilities* to serve the residents.

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d. *Special Use Permit Application Process.* A *special use permit* application for an *SCTF* shall be accompanied by the following:

- (1) The siting process used for the *SCTF*, including alternative locations considered. At least three alternative locations must be considered.
- (2) An analysis showing that utmost consideration was given to potential sites such that siting of the facility will have no unreasonable impact on any one racial, cultural, or socio-economic group, and that there will not be a resulting concentration of similar facilities in a particular neighborhood, community, jurisdiction or region.
- (3) Proposed mitigation measures including the use of extensive buffering from adjacent uses.
- (4) A detailed security plan for the facility and the residents.
- (5) Proposed operating rules for the facility.
- (6) A schedule and analysis of all public input solicited or to be solicited during the siting process.

The following *uses* listed in Table A are identified as *permitted*, conditionally permitted, or *prohibited uses* in the neighborhood business zone:

Table A. Neighborhood Business Zone Use Allowances

<u>PERMITTED</u>	<u>CONDITIONALLY PERMITTED</u>	<u>PROHIBITED</u>
<u>Arts, entertainment, indoor^{1,2}</u>	<u>Air transportation service²¹</u>	<u>Adult entertainment business</u>
<u>Arts, entertainment, outdoor³</u>	<u>College/university</u>	<u>Ambulatory surgery center</u>
<u>Automotive sales and service, marine^{4,5}</u>	<u>Mobile food service</u>	<u>Animal kennel/shelter</u>
<u>Automotive sales and service, non-marine^{4,5,6,7}</u>	<u>Recreational facility, indoor^{2,22}</u>	<u>Auction house</u>
<u>Business service, standard</u>	<u>Regional land use^{23,24}</u>	<u>Business service, intensive</u>
<u>Cemetery, columbarium or mausoleum⁸</u>	<u>Secure facility²⁵</u>	<u>Construction and trade</u>
<u>Community residential facility⁹</u>	<u>Transportation²⁶</u>	<u>Family child-care home</u>
<u>Day-care</u>		<u>Funeral home/crematory</u>
<u>Eating and drinking place^{2,10}</u>		<u>Hospital</u>
<u>Educational service¹¹</u>		<u>Laboratory</u>

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<u>Fire or police facility¹²</u>		<u>Manufacturing, heavy</u>
<u>Health care and social assistance^{13,14}</u>		<u>Manufacturing, light</u>
<u>Multiple family dwelling¹⁵</u>		<u>Marijuana business</u>
<u>Office</u>		<u>Marijuana cooperative</u>
<u>Park</u>		<u>Mobile home park</u>
<u>Personal service</u>		<u>Recreational facility, outdoor</u>
<u>Religious institution</u>		<u>Resource land use</u>
<u>Retail sales¹⁶</u>		<u>Retail sales, bulk</u>
<u>Standalone parking¹⁷</u>		<u>Single detached dwelling unit</u>
<u>Supportive living facility⁹</u>		<u>Vehicle or equipment rental</u>
<u>Temporary lodging^{18,19}</u>		<u>Warehousing</u>
<u>Utility facility²⁰</u>		<u>Wholesale trade</u>
<u>Vehicle refueling station</u>		

1. Theaters are prohibited.
2. Social card games are prohibited.
3. Outdoor performance facilities and drive-in theaters are prohibited.
4. Repair or service shall only be performed in an enclosed *building*, with no outdoor storage of materials. Top, body, and upholstery repair shops and paint shops are prohibited.
5. Automotive sales are prohibited.
6. Heavy equipment and truck repair is prohibited.
7. Tire retreading is prohibited.
8. Limited to columbariums accessory to a *religious institution*, but required *landscaping* and parking shall not be reduced.
9. Only as part of a *mixed use development* subject to the conditions of Chapter 18.50 KMC.
10. Drinking places are prohibited.
11. Educational institutions (public or private), K – 12, are prohibited.
12. Police facility limited to “storefront” police offices. Such offices shall not have:
 - a. Holding cells; or
 - b. Long-term storage of stolen properties.

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13. Veterinary clinics permitted subject to the following:
 - a. No burning of refuse or dead animals is allowed;
 - b. The portion of the *building* or *structure* in which animals are kept or treated shall be soundproofed. All run areas, excluding *confinement areas* for *livestock*, shall be surrounded by an eight-foot solid wall and surfaced with concrete or other impervious material; and
 - c. The provisions of Chapter 18.70 KMC relative to animal keeping are met.
14. Social assistance permitted only as a re-use of a surplus nonresidential facility subject to Chapter 18.50 KMC.
15. Only as part of a *mixed use development* subject to the conditions of Chapter 18.50 KMC, except that stand-alone *townhouse developments* are permitted subject to KMC 17.20.125, 18.22.020, 18.30.130 and 18.50.050.
16. Building material stores, auto supply stores and used goods shops are prohibited.
17. Tow-in lots for damaged, abandoned or otherwise impounded vehicles are prohibited.
18. Bed and breakfast guesthouse only. All other *temporary lodging* is prohibited.
19. Bed and breakfast guesthouse shall be subject to the following conditions:
 - a. The guesthouse shall be owner-occupied;
 - b. The number of guestrooms shall not be greater than that authorized by the International Building and Fire Codes;
 - c. Parking shall be provided as required by this title; and
 - d. The guesthouse shall be compatible with the neighborhood character as determined by the *city manager*, and shall not create significant adverse neighborhood effects that cannot be mitigated.
20. *Nonhydroelectric generation facility* requires a *conditional use permit*. *Hydroelectric generation facilities* are prohibited.
21. *Helistops* limited to *emergency* medical evacuation sites in conjunction with police, fire or health service facility.
22. Shooting ranges are prohibited.
23. Racetracks for motorized vehicles are prohibited.
24. Fairgrounds and stadiums/arenas are prohibited.
25. *SCTF* Siting. *Secure community transition facilities* as defined in RCW 71.09.020 are permitted by *conditional use permit* in the neighborhood business zone, subject to the following restrictions:
 - a. Maximum Number of Residents. No *SCTF* shall house more than three persons, excluding resident staff.
 - b. Siting Criteria.

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- (1) SCTFs should be located in relationship to transportation facilities in a manner appropriate to their transportation needs.
- (2) No SCTF shall be allowed within the following distances from the following specified uses, areas or zones, whether such uses, areas or zones are located within or outside the City limits:
 - A. In or within 250 feet of any residential zone district, or any residentially zoned property;
 - B. Adjacent to, immediately across a street or parking lot from, or within the line of sight of a "risk potential activity" as defined in RCW 71.09.020, as amended, including, but not limited to, public and private schools; school bus stops; licensed day care and licensed preschool facilities; public parks, publicly dedicated trails and sports fields; recreational and community centers; playgrounds; religious institutions; and public libraries;
 - C. One mile from any existing SCTF, work release, prerelease, or similar facility.
- (3) The distances specified in footnote 24(b)(2) of this section shall be measured by following a straight line from the nearest point of the property parcel upon which the SCTF is to be located, to the nearest point of the parcel of property or land use district boundary line from which the proposed land use is to be separated.
- c. On-Site Facilities Required. Each SCTF shall provide on-site dining, on-site laundry or laundry service, and on-site recreational facilities to serve the residents.
- d. Conditional Use Permit Application Process. A conditional use permit application for an SCTF shall be accompanied by the following:
 - (1) The siting process used for the SCTF, including alternative locations considered. At least three alternative locations must be considered.
 - (2) An analysis showing that utmost consideration was given to potential sites such that siting of the facility will have no unreasonable impact on any one racial, cultural, or socio-economic group, and that there will not be a resulting concentration of similar facilities in a particular neighborhood, community, jurisdiction or region.
 - (3) Proposed mitigation measures including the use of extensive buffering from adjacent uses.
 - (4) A detailed security plan for the facility and the residents.
 - (5) Proposed operating rules for the facility.
 - (6) A schedule and analysis of all public input solicited or to be solicited during the siting process.

26. Taxi, trucking, courier service, and freight and cargo service are prohibited.

18.23.020 Community business zone -- Use allowances.

The following uses listed in Table A are identified as permitted, conditionally permitted, or prohibited uses in the community business zone:

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Table A. Community Business Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
Artist Studios	City Government Facilities and Offices	Adult Entertainment
Arts and Crafts	College/University	Business
Schools/Studios	Community Residential Facility I or II	Auto Supply Stores
Bed and Breakfast	Conference Centers	Automotive Rental and Leasing
Guesthouses	Cultural Facilities	Automotive Repair
Family Child Care Home ²	Fire Facility	Automotive Service
Day Care Centers I and II	K – 12 Educational Institution (Public or Private)	Bulk Retail
Eating and Drinking Places	Medical/Dental Labs	Car Wash
General Business Services	Nursing and Personal Care Facilities	Construction and Trade
Home Occupation	Police Facility	Drive-Through Service
Medical/Dental	Public Agency or Utility Office: Non-City	Helistop
Office/Outpatient Clinic	Recreational Facilities, Indoor	Hospitals
Multiple Family Dwelling	Religious Institutions: Church, Synagogue, Mosque, Temple	Hotel
Professional Offices	Services, Off-Site	Indoor Storage
Parks	Social Services, Noncorrectional	Interim Recycling Facility
Private Stormwater Management Facility	Specialized Instruction School	Manufacturing
Rental Services, No Outside Storage	Utility Facility: Limited to Sewer Lift Stations and Pipes/Electrical Wires and Associated Structure Supports	Marijuana Business
Retail Sales, Indoor	Veterinary Offices/Clinics	Marijuana Cooperative
Services, On-Site	Vocational Schools	Mobile Food Vendor
Single Detached Dwelling		Mobile Home Parks
Unit, Existing Legal		Motel

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~~Table A. Community Business Use Allowances~~

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
Trails		Motor Vehicle and Boat Dealers Outdoor Performance Center Outdoor Retail Display/Sidewalk Sale Outdoor Storage Recreational Facilities, Outdoor Rental Services with Outside Storage Retail Sales, Outdoor Self-Service Storage Single Detached Dwelling Unit, New Social Services, Correctional Taxi Stand Theater Theatrical Production Services Tow Truck Operation/Auto Yard Transit Center

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Table A. Community Business Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
		Trucking and Courier Service Warehousing and Wholesale Trade

¹ Permitted only as part of a *mixed use development* and must occupy 50 percent of the *ground floor at street frontage*. Each use is limited to maximum 5,000 square feet per use and 15,000 square feet total contiguous.

² A *family child-care home* is permitted in an existing legal *single detached dwelling unit* subject to the requirements established by the Washington State Department of Early Learning (DEL) in WAC Title 170. The *family child-care home* shall meet the following requirements:

- a. The family child-care provider shall be licensed by DEL to operate a *family child-care home*;
- b. A safe passenger loading area as certified by the DEL licensor shall be provided;
- c. The *family child-care home* shall comply with all applicable building, fire, safety, and health codes enforced by the City;
- d. The *family child-care home* shall comply with all applicable development standards of the City, unless determined to be legally nonconforming;
- e. All signage shall conform to the applicable requirements of Chapter 18.42 KMC; and
- f. The City has the authority to limit the hours of operation to facilitate neighborhood compatibility.

The following uses listed in Table A are identified as *permitted*, conditionally permitted, or *prohibited uses* in the community business zone:

Table A. Community Business Zone Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<u>Arts, entertainment, indoor¹</u>	<u>Ambulatory surgery center</u>	<u>Adult entertainment business</u>
<u>Business service, standard</u>	<u>College/university</u>	<u>Air transportation service</u>
<u>Day-care</u>	<u>Community residential facility</u>	<u>Animal kennel/shelter</u>
<u>Eating and drinking place²</u>	<u>Fire or police facility</u>	<u>Arts, entertainment, outdoor</u>
<u>Educational service³</u>	<u>Laboratory</u>	<u>Auction house</u>

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<u>Family child-care home⁴</u>	<u>Recreational facility, indoor</u>	<u>Automotive sales and service, marine</u>
<u>Health care and social assistance⁵</u>	<u>Regional land use</u>	<u>Automotive sales and service, non-marine</u>
<u>Multiple family dwelling</u>	<u>Religious institution</u>	<u>Business service, intensive</u>
<u>Office</u>	<u>Supportive living facility</u>	<u>Cemetery, columbarium, or mausoleum</u>
<u>Park</u>		<u>Construction and trade</u>
<u>Personal service²</u>		<u>Funeral home/crematory</u>
<u>Retail sales^{2,6}</u>		<u>Hospital</u>
<u>Single detached dwelling unit, existing legal⁷</u>		<u>Manufacturing, heavy</u>
<u>Standalone parking¹⁰</u>		<u>Manufacturing, light</u>
<u>Temporary lodging⁸</u>		<u>Marijuana business</u>
<u>Utility facility⁹</u>		<u>Marijuana cooperative</u>
		<u>Mobile food service</u>
		<u>Mobile home park</u>
		<u>Recreational facility, outdoor</u>
		<u>Resource land use</u>
		<u>Retail sales, bulk</u>
		<u>Secure facility</u>
		<u>Transportation</u>
		<u>Vehicle or equipment rental</u>
		<u>Vehicle refueling station</u>
		<u>Warehousing</u>
		<u>Wholesale trade</u>

1. Artist studios permitted. All other indoor arts, entertainment uses require a conditional use permit, except theaters which are prohibited.

2. Permitted only as part of a mixed use development and must occupy 50 percent of the ground floor at street frontage. Each use is limited to maximum 5,000 square feet per use and 15,000 square feet total contiguous.

3. Arts and craft schools are a permitted use; all other educational service uses require a conditional use permit.

4. A family child-care home is permitted in an existing legal single detached dwelling unit subject to the requirements established by the Washington State Department of Early Learning (DEL) in WAC Title 170. The family child-care home shall meet the following requirements:

- a. The family child-care provider shall be licensed by DEL to operate a family child-care home;
- b. A safe passenger loading area shall be provided;

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c. The *family child-care home* shall comply with all applicable building, fire, safety, and health codes enforced by the City;

d. The *family child-care home* shall comply with all applicable development standards of the City, unless determined to be legally nonconforming;

e. All signage shall conform to the applicable requirements of Chapter 18.42 KMC; and

f. The City has the authority to limit the hours of operation to facilitate neighborhood compatibility.

5. Social assistance uses and veterinary offices/clinics are conditionally permitted.

6. Outdoor retail display/sidewalk sales and auto supply stores are prohibited.

7. Other single detached dwelling units are prohibited.

8. Bed and breakfast guesthouse only. Hotels and motels are prohibited.

9. Private stormwater management facility is a permitted use. Sewer lift stations and pipes/electrical wires and associated structure supports may be conditionally permitted. All other utility facility uses are prohibited.

10. Limited to commuter parking lots for users of transit, carpools or ride-share programs, provided the facilities are located on existing parking lots for religious institutions, schools, or other permitted nonresidential uses which have excess capacity available during commuting hours. All other standalone parking uses require a conditional use permit.

18.23.030 Accessory uses.

Accessory uses, when consistent with the definitions and criteria in Chapters 18.10 and 18.20 KMC, are allowed as determined by the city manager.

18.24.020 Downtown residential zone -- Use allowances.

The following uses in Table A are identified as permitted, conditionally permitted, or prohibited uses in the downtown residential zone.

Table A. Downtown Residential Zone Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
Auction House, Existing ^a	Eating and Drinking Places	Indoor Storage
Automotive Service, Accessory ^a	Nursing and Personal Care Facilities	Marijuana Business

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Table A. Downtown Residential Zone Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
Bed and Breakfast	Religious Institutions: Church, Synagogue, Mosque,	Marijuana Cooperative
Guesthouse	Temple	Mobile Home Parks
City Government Facilities and Offices	Social Services, Noncorrectional	Outdoor Storage
Community Residential Facility I or II	Utility Facility: Limited to Sewer Lift Stations and Pipes/Electrical Wires and Associated Structural Supports	Public Agency or Utility Office: Non-City
Cultural Facilities		Retail Sales, Outdoor
Family Child Care Home ^a		Self-Service Storage
Day Care I or II ^a		Single Detached Dwelling Unit, New
Home Occupation		Social Services, Correctional
Multiple Family Dwelling ^a		
On-Site Services ^a		
Parking: Off-Street Required		
Parking Lot or Structure		
Parks		
Professional Office ^a		
Recreation, Indoor: Sports Club		
Retail Sales, Indoor ^a		
Single Detached Dwelling Unit, Existing Legal		
Trails		
Vehicle Auction, Existing ^a		

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¹ Only permitted when accessory to and contained within a structured parking garage.

² Day care II permitted only when accessory to a school, church, park, sport club or public housing administered by a public agency.

³ Townhouses are required to have four units minimum in a cluster. Enclosed under building parking is required per Chapter 18.52 KMC, Downtown Design Standards.

⁴ Permitted only as part of a mixed use development, and must occupy 50 percent of the ground floor at street frontage. Each use is limited to maximum 5,000 square feet per use and 15,000 square feet total contiguous.

⁵ Reserved.

⁶ Except for vehicle and animal auction uses. Existing auction houses are permitted on properties currently used for auction house activity as of January 12, 2007. This use may be continued and may be re-established for purposes of rebuilding upon unintentional destruction of the property. The auction house use may not expand buildings or storage beyond the use's existing footprint. The auction house may expand accessory on-site parking associated with existing auction house use to adjoining or nearby parcels of land, subject to the City's approval of a site improvement plan that addresses the following issues:

a. Submittal of a long-term parking management plan that shows how the use's parking needs are met by on-site parking and/or provisions of a long-term shared parking agreement;

b. Submittal of a traffic management plan that shows how the applicant intends to assure safe passage of pedestrians and vehicles in the vicinity of auction events;

c. Screening of outdoor storage and parking areas consistent with Kenmore downtown design standard parking lot screening requirements, KMC 18.52.180;

d. Provision of sidewalks along property frontages in the public rights-of-way, or other measures deemed by the City to adequately protect pedestrians traveling along property frontages; and

e. Ensures that expanded accessory parking area is not used for storage.

⁷ Vehicle auctions in existence as of January 12, 2007, are permitted on site area and within buildings in the downtown residential zone located east of 68th Avenue NE and north of NE 182nd Street that are being used as a vehicle auction use as of that date. This use may be continued and may be re-established for purposes of rebuilding upon unintentional destruction of property. With the exception of accessory parking outlined below, existing vehicle auction uses may not expand beyond their existing building footprint plus abutting easements, loading, or parking areas used for vehicle auction as of January 12, 2007. Renovations or alterations within the existing building footprint are permitted. However, expansion of existing buildings for vehicle auction use is prohibited. Expansion of accessory on-site parking associated with existing vehicle auction use to adjoining or nearby parcels of land is allowed, subject to the City's approval of a site improvement plan that addresses the following issues:

a. Submittal of a long-term parking management plan that shows how the use's parking needs are met by on-site parking and/or provisions of a long-term shared parking agreement;

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b. Submittal of a traffic management plan that shows how the *applicant* intends to assure safe passage of pedestrians and vehicles in the vicinity of auction events;

c. Screening of *outdoor storage* and parking areas consistent with Kenmore downtown design standard parking lot screening requirements, KMC 18.52.180;

d. Provision of sidewalks along property frontages in the public rights-of-way, or other measures deemed by the *City* to adequately protect pedestrians traveling along property frontages; and

e. Ensures that expanded accessory parking area is not used for storage.

⁸ A *family child-care home* is permitted in an existing legal *single detached dwelling unit* subject to the requirements established by the Washington State Department of Early Learning (DEL) in WAC Title 170. The *family child-care home* shall meet the following requirements:

a. The family child-care provider shall be licensed by DEL to operate a *family child-care home*;

b. A safe passenger loading area as certified by the DEL licensor shall be provided;

c. The *family child-care home* shall comply with all applicable building, fire, safety, and health codes enforced by the *City*;

d. The *family child-care home* shall comply with all applicable development standards of the *City*, unless determined to be legally nonconforming;

e. All signage shall conform to the applicable requirements of Chapter 18.42 KMC; and

f. The *City* has the authority to limit the hours of operation to facilitate neighborhood compatibility.

The following *uses* listed in Table A are identified as permitted, conditionally permitted, or *prohibited uses* in the downtown residential zone:

Table A. Downtown Residential Zone Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Arts, entertainment, indoor</i> ¹	<i>Eating and drinking place</i> ¹	<i>Adult entertainment business</i>
<i>Auction house, existing</i> ²	<i>Educational service</i> ³	<i>Air transportation service</i>
<i>Business service, standard</i> ³	<i>Health care and social assistance</i> ¹⁰	<i>Ambulatory surgery center</i>
<i>Community residential facility</i>	<i>Religious institution</i>	<i>Animal kennel/shelter</i>
<i>Day-care</i> ⁴	<i>Supportive living facility</i>	<i>Arts, entertainment, outdoor</i>
<i>Family child-care home</i> ⁵	<i>Utility facility</i> ¹¹	<i>Automotive sales and service, marine</i>
<i>Multiple family dwelling</i> ⁶		<i>Automotive sales and service, non-marine</i>
<i>Office</i> ³		<i>Business service, intensive</i>

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<u>Park</u>		<u>Cemetery, columbarium or mausoleum</u>
<u>Personal service³</u>		<u>College/university</u>
<u>Recreational facility, indoor</u>		<u>Construction and trade</u>
<u>Retail sales^{3,7}</u>		<u>Fire or police facility</u>
<u>Single detached dwelling unit, existing legal⁸</u>		<u>Funeral home/crematory</u>
<u>Temporary lodging⁹</u>		<u>Hospital</u>
		<u>Laboratory</u>
		<u>Manufacturing, heavy</u>
		<u>Manufacturing, light</u>
		<u>Marijuana business</u>
		<u>Marijuana cooperative</u>
		<u>Mobile food service</u>
		<u>Mobile home park</u>
		<u>Recreational facility, outdoor</u>
		<u>Regional land use</u>
		<u>Resource land use</u>
		<u>Retail sales, bulk</u>
		<u>Secure facility</u>
		<u>Standalone parking</u>
		<u>Transportation</u>
		<u>Vehicle or equipment rental</u>
		<u>Vehicle refueling station</u>
		<u>Warehousing</u>
		<u>Wholesale trade</u>

1. Social card games are prohibited.

2. Except for animal auction uses which are prohibited. Existing auction houses, excluding vehicle auctions, are permitted on properties currently used for auction house activity as of January 12, 2007. This use may be continued and may be re-established for purposes of rebuilding upon unintentional destruction of the property. The auction house use may not expand buildings or storage beyond the use's existing footprint. The auction house may expand accessory on-site parking associated with existing auction house use to adjoining or nearby parcels of land, subject to the City's approval of a site improvement plan that addresses the following issues:

- a. Submittal of a long-term parking management plan that shows how the use's parking needs are met by on-site parking and/or provisions of a long-term shared parking agreement;
- b. Submittal of a traffic management plan that shows how the applicant intends to assure safe passage of pedestrians and vehicles in the vicinity of auction events;
- c. Screening of outdoor storage and parking areas consistent with Kenmore downtown design standard parking lot screening requirements, KMC 18.52.180;

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- d. Provision of sidewalks along property frontages in the public rights-of-way, or other measures deemed by the *City* to adequately protect pedestrians traveling along property frontages; and
- e. Ensures that expanded accessory parking area is not used for storage.

Vehicle auctions in existence as of January 12, 2007, are permitted on site area and within *buildings* in the downtown residential zone located east of 68th Avenue NE and north of NE 182nd Street that are being used as a vehicle auction *use* as of that date. This *use* may be continued and may be re-established for purposes of rebuilding upon unintentional destruction of property. With the exception of accessory parking as outlined below, existing vehicle auction *uses* may not expand beyond their existing building footprint plus abutting easements, loading, or parking areas used for vehicle auction as of January 12, 2007. Renovations or alterations within the existing building footprint are permitted. However, expansion of existing *buildings* for vehicle auction *use* is prohibited. Expansion of accessory on-site parking associated with existing vehicle auction *use* to adjoining or nearby parcels of land is allowed, subject to the *City's* approval of a site improvement plan that addresses the following issues:

- a. Submittal of a long-term parking management plan that shows how the *use's* parking needs are met by on-site parking and/or provisions of a long-term shared parking agreement;
- b. Submittal of a traffic management plan that shows how the *applicant* intends to assure safe passage of pedestrians and vehicles in the vicinity of auction events;
- c. Screening of *outdoor storage* and parking areas consistent with Kenmore downtown design standard parking lot screening requirements, KMC 18.52.180;
- d. Provision of sidewalks along property frontages in the public rights-of-way, or other measures deemed by the *City* to adequately protect pedestrians traveling along property frontages; and
- e. Ensures that expanded accessory parking area is not used for storage.

3. Permitted only as part of a *mixed use development*, and must occupy 50 percent of the *ground floor* at *street frontage*. Each *use* is limited to maximum 5,000 square feet per *use* and 15,000 square feet total contiguous. These standards do not apply to city government *offices*.

4. *Day care* II permitted only when accessory to a school, *religious institution*, *park*, *sports club* or public housing administered by a *public agency*.

5. A *family child-care home* is permitted in an existing legal *single detached dwelling unit* subject to the requirements established by the Washington State Department of Early Learning (DEL) in WAC Title 170. The *family child-care home* shall meet the following requirements:

- a. The family child-care provider shall be licensed by DEL to operate a *family child-care home*;
- b. A safe passenger loading area shall be provided;
- c. The *family child-care home* shall comply with all applicable building, fire, safety, and health codes enforced by the *City*;
- d. The *family child-care home* shall comply with all applicable development standards of the *City*, unless determined to be legally nonconforming;
- e. All signage shall conform to the applicable requirements of Chapter 18.42 KMC; and
- f. The *City* has the authority to limit the hours of operation to facilitate neighborhood compatibility.

6. *Townhouses* are required to have four units minimum in a cluster. Enclosed under building parking is required per Chapter 18.52 KMC, Downtown Design Standards.

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7. Except outdoor retail sales which is prohibited.

8. Other single detached dwelling units are prohibited.

9. Bed and breakfast guesthouse only. All other temporary lodging uses are prohibited.

10. Except social services, correctional which is prohibited.

11. Limited to sewer lift stations and pipes/electrical wires and associated structural supports.

18.24.030 Accessory uses.

Accessory uses, when consistent with the definitions and criteria in Chapters 18.10 and 18.20 KMC, are allowed as determined by the city manager.

18.25.020 Downtown commercial zone - Use allowances.

The following uses listed in Table A are identified as permitted, conditionally permitted, or prohibited uses in the downtown commercial zone:

Table A. Downtown Commercial Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
Adult Entertainment Businesses ⁴¹	College/University	Automotive Rental and Leasing, New, Nonaccessory
Artist Studios	Community Residential Facility I or II	Automotive Repair, New, Nonaccessory
Arts and Crafts Schools/Studios	Fire Facility	Automotive Service, New, Nonaccessory
Auction House, Existing ⁴²	Helistop	Bulk Retail
Auto Supply Stores	Hospitals	Car Wash, Nonaccessory
Automotive Rental and Leasing, Accessory ⁴	K – 12 Educational Institution (Public or Private)	Construction and Trade
Automotive Repair, Accessory ⁴	Medical/Dental Labs	
Automotive Repair, Existing Legal ¹⁰	Police Facility	

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Table A. Downtown Commercial Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
Automotive Service, Accessory ^a Automotive Service, Existing Legal ^b Bed and Breakfast Guesthouse ^c Car Wash, Accessory ^a City Government Facilities and Offices Conference Centers Cultural Facilities Day Care Centers I and II Drive-Through Service ^a Eating and Drinking Places Gasoline Service Stations, Existing Legal General Business Services Home Occupation Hotel Medical/Dental Office/Outpatient Clinic	Public Agency or Utility Office: Non-City Religious Institutions: Church, Synagogue, Mosque, Temple Social Services, Correctional Specialized Instruction School Utility Facility: Limited to Sewer Lift Stations and Pipes/Electrical Wires and Associated Structural Supports Vocational School	Gasoline Service Stations, New Indoor Storage Interim Recycling Facility Manufacturing Marijuana Business Marijuana Cooperative Motel Motor Vehicle and Boat Dealers, Nonaccessory
Mobile Food Vendor ^a Motor Vehicle and Boat Dealers, Accessory ^a Multiple Family Dwelling ^d Off-Site Services ^e		Nursing and Personal Care Facilities Outdoor Storage Recreational Facilities, Outdoor

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Table A. Downtown Commercial Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
Outdoor Performance Center ⁸		Rental Services, with
Outdoor Retail Display/Sidewalk Sale ⁷		Outside Storage
Professional Offices		Retail Sales, Outdoor
Parking: Commuter Parking Lot or		Self-Service Storage
Structure, Off-Street Required Parking		Tow Truck Operation/Auto
Lot or Structure ⁹		Impoundment Yard
Parks		Trucking and Courier
Private Stormwater Management		Service
Facility		Warehousing and
Recreational Facilities, Indoor		Wholesale Trade
Rental Services, No Outside Storage		
Retail Sales, Indoor		
Services, On-Site		
Social Services, Noncorrectional		
Taxi Stand		
Theater		
Theatrical Production Services		
Trails		
Transit Center ⁹		
Vehicle Auction, Existing ¹⁰		
Veterinary Offices/Clinics: No outdoor		
kennels or facilities		

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¹ Permitted only when accessory to and contained within a structured parking garage. Automotive rental and leasing uses, or motor vehicle and boat dealer uses, may also be permitted when accessory to an existing legal automotive service or existing legal automotive repair use and consistent with the following: (a) motor vehicles for sale, lease or rental shall not be arranged in a display lot fashion along the primary street frontage, and (b) shall be a subordinate and incidental part of the automotive repair or automotive service business, and (c) shall be subject to Chapter 18.52 KMC, Downtown Design Standards, regarding screening, location and other relevant standards. Otherwise prohibited.

² Permitted only if part of a mixed-use development.

³ Properties having frontage on SR-522 and taking primary access from SR-522 as of the effective date of the ordinance codified in this title shall be permitted drive-through service. Where allowed, drive-through service is permitted as an accessory use. Drive-through service shall be oriented to the side and/or rear of the building, and integrated into the exterior wall. Drive-through lanes shall not be located between the street and the main pedestrian access to the buildings. Modifications to these requirements may be reviewed through the site plan or building permit review process when meeting the intent of pedestrian orientation pursuant to Chapter 18.52 KMC, Downtown Design Standards.

⁴ Mobile food vendors are permitted subject to the following requirements:

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

⁵ When located on property fronting on SR-522, NE 73rd Street, NE 181st Street west of 68th Avenue NE, 65th Avenue NE, 67th Avenue NE, or 68th Avenue NE, such uses shall be subject to the following conditions:

- a. A minimum of 80 percent of a structure's street front facade at street level shall be occupied by nonresidential (e.g., retail, office or service) uses. If the nonresidential and residential uses are located in separate structures, the 80 percent requirement shall apply to the lot's lineal street frontage at street level. Where the lot fronts on two or more streets and abuts a lot which is not zoned commercial, the street front facade requirement shall apply to the structure's facade along the street with the greatest continuous lineal feet of commercially zoned frontage.

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b. The required nonresidential use shall extend at least 30 feet in depth at street level from the street front facade of the structure; provided, that the minimum required depth may be averaged, with no depth less than 15 feet.

c. Where a lot fronts on two or more streets and only abuts lots which are zoned commercial, the street front facade requirement shall be calculated by totaling the combined street front facades of the structure containing the required nonresidential use.

⁶ Permitted when located west of 68th Avenue NE and associated with a plaza open to the public, and space is made available for general public passive or active use during non-performance hours.

⁷ Outdoor retail displays/sidewalk sales are permitted subject to:

a. The outdoor retail display/sidewalk sale shall be accessory to a permitted permanent commercial use;

b. Fire lanes shall remain fully open and accessible at all times;

c. The location on sidewalk or near storefront is barrier-free;

d. No required parking stall shall be blocked or unusable as a result of the outdoor retail display/sidewalk sale;

e. Safe ingress and egress to the site shall be maintained. Visibility for transportation and pedestrian access shall be maintained;

f. Such display and activity is removed daily at the time of or prior to the close of business hours;

g. A sign permit is required for exterior signage in accordance with the sign code, Chapter 18.42 KMC.

⁸ When located along NE 73rd Street, NE 181st Street west of 68th Avenue NE, 65th Avenue NE, 67th Avenue NE, or 68th Avenue NE, such use shall be housed on floors other than the ground floor street front facade.

⁹ a. Within the zone north of SR-522 and west of 68th Avenue NE, transit centers and commuter parking facilities shall be in structured buildings when the number of stalls exceeds 20. Transit centers or commuter parking lots shall be located a maximum distance of 1,200 lineal feet measured from the center line of SR-522 to the furthestmost point of the transit center or commuter parking lot.

b. Parking structures, in whatever location in the zone, shall provide retail usages for at least 50 percent of the ground floor street frontages, consistent with Chapter 18.52 KMC, Downtown Design Standards.

c. Parking structures shall be designed consistent with Chapter 18.52 KMC, Downtown Design Standards; interior design considerations shall include integration of parking with any transit bays, provision of indoor access to shops, and covered walkways to adjacent shopping, civic, residential, or other developments that patrons will access. Crime prevention through environmental design (CPTED) principles shall be integrated, such as, but not limited to, full spectrum lighting and maximization of visibility in publicly used areas.

¹⁰ In the downtown commercial zone, properties (a) fronting SR-522 or taking primary access from SR-522, and (b) located on a property where the extent of use is no deeper than 260 feet from SR-522, and

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(c) containing automotive repair or automotive service *uses* as of April 28, 2003, shall be considered *existing legal uses*. Otherwise prohibited.

¹⁴ It shall be unlawful for any person to establish an *adult entertainment business* or to relocate an *adult entertainment business* within 330 feet, measured from the property line of the parcel or parcels proposed to contain the *adult entertainment business* to the property line of the parcels containing the *uses* in this section, without regard to intervening *structures* or objects, if any:

a. Residentially-zoned property;

b. Public or *private* school for general education of any grade K through 12;

c. School bus stop;

d. Licensed *day care* or licensed preschool facility;

e. Public *park*;

f. Publicly dedicated *trail*; provided, however, that the *setback* distance shall apply only on the south side of the Burke-Gilman Trail, and that there shall be no *setback* on the north side of that trail due to the separation provided by SR-522;

g. Sports fields or playgrounds;

h. Recreation or community center;

i. *Church, synagogue, mosque, temple*, or other house of religious worship;

j. Public library.

It shall be unlawful for any person to establish an *adult entertainment business* or to relocate an *adult entertainment business* within 500 feet of another *adult entertainment business*, measured from the property line of the parcel or parcels containing the *adult entertainment business* and the proposed *adult entertainment business*.

¹² Except for vehicle and animal auction *uses*. Existing *auction houses* are permitted on properties currently used for *auction house* activity as of January 12, 2007. This *use* may be continued and may be re-established for purposes of rebuilding upon unintentional destruction of the property. The *auction house use* may not expand *buildings* or storage beyond the *use's* existing footprint. The *auction house* may expand accessory on-site parking associated with existing *auction house use* to adjoining or nearby parcels of land, subject to the *City's* approval of a site improvement plan that addresses the following issues:

a. Submittal of a long-term parking management plan that shows how the *use's* parking needs are met by on-site parking and/or provisions of a long-term shared parking agreement;

b. Submittal of a traffic management plan that shows how the *applicant* intends to assure safe passage of pedestrians and vehicles in the vicinity of auction events;

c. Screening of *outdoor storage* and parking areas consistent with Kenmore downtown design standard parking lot screening requirements, KMC 18.52.180;

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d. Provision of sidewalks along property frontages in the public rights-of-way, or other measures deemed by the City to adequately protect pedestrians traveling along property frontages; and

e. Ensures that expanded accessory parking area is not used for storage.

¹³ Vehicle auctions in existence as of January 12, 2007, are permitted on site area and within buildings in the downtown commercial zone located east of 68th Avenue NE and north of NE 182nd Street that are being used as a vehicle auction use as of that date. This use may be continued and may be re-established for purposes of rebuilding upon unintentional destruction of property. With the exception of accessory parking noted in this subsection, existing vehicle auction uses may not expand beyond their existing building footprint plus abutting easements, loading, or parking areas used for vehicle auction as of January 12, 2007. Renovations or alterations within the existing building footprint are permitted; however, expansion of existing buildings for vehicle auction use is prohibited. Expansion of accessory on-site parking associated with existing vehicle auction use to adjoining or nearby parcels of land is allowed, subject to the City's approval of a site improvement plan that addresses the following issues:

a. Submittal of a long-term parking management plan that shows how the use's parking needs are met by on-site parking and/or provisions of a long-term shared parking agreement;

b. Submittal of a traffic management plan that shows how the applicant intends to assure safe passage of pedestrians and vehicles in the vicinity of auction events;

c. Screening of outdoor storage and parking areas consistent with Kenmore downtown design standard parking lot screening requirements, KMC 18.52.180;

d. Provision of sidewalks along property frontages in the public rights-of-way, or other measures deemed by the City to adequately protect pedestrians traveling along property frontages; and

e. Ensures that expanded accessory parking area is not used for storage.

The following uses listed in Table A are identified as permitted, conditionally permitted, or prohibited uses in the downtown commercial zone:

Table A. Downtown Commercial Zone Use Allowances

<u>PERMITTED</u>	<u>CONDITIONALLY PERMITTED</u>	<u>PROHIBITED</u>
<u>Adult entertainment business¹</u>	<u>Air transportation service</u>	<u>Animal kennel/shelter</u>
<u>Arts, entertainment, indoor</u>	<u>Ambulatory surgery center</u>	<u>Business service, intensive</u>
<u>Arts, entertainment, outdoor²</u>	<u>College/university</u>	<u>Cemetery, columbarium or mausoleum</u>
<u>Auction house, existing³</u>	<u>Community residential facility</u>	<u>Construction and trade</u>
<u>Automotive sales and service, marine, existing legal⁴</u>	<u>Fire or police facility</u>	<u>Family child-care home</u>

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<u>Automotive sales and service, non-marine, existing legal⁴</u>	<u>Hospital</u>	<u>Funeral home/crematory</u>
<u>Business service, standard</u>	<u>Laboratory</u>	<u>Manufacturing, heavy</u>
<u>Day-care</u>	<u>Religious institution</u>	<u>Manufacturing, light</u>
<u>Eating and drinking place</u>	<u>Utility facility¹⁶</u>	<u>Marijuana business</u>
<u>Educational service⁵</u>		<u>Marijuana cooperative</u>
<u>Health care and social assistance^{6,7}</u>		<u>Mobile home park</u>
<u>Mobile food service⁸</u>		<u>Recreational facility, outdoor</u>
<u>Multiple family dwelling⁹</u>		<u>Resource land use</u>
<u>Office</u>		<u>Retail sales, bulk</u>
<u>Park</u>		<u>Secure facility</u>
<u>Personal service</u>		<u>Single detached dwelling unit</u>
<u>Recreational facility, indoor</u>		<u>Supportive living facility</u>
<u>Regional land use¹⁰</u>		<u>Transportation</u>
<u>Retail sales¹¹</u>		<u>Warehousing</u>
<u>Standalone parking¹²</u>		<u>Wholesale trade</u>
<u>Temporary lodging¹³</u>		
<u>Vehicle or equipment rental¹⁴</u>		
<u>Vehicle refueling station¹⁵</u>		

1. It shall be unlawful for any person to establish an *adult entertainment business* or to relocate an *adult entertainment business* within 330 feet, measured from the property line of the parcel or parcels proposed to contain the *adult entertainment business* to the property line of the parcels containing the *uses* in this section, without regard to intervening *structures* or objects, if any:
 - a. Residentially zoned property;
 - b. Public or private school for general education of any grade K through 12;
 - c. School bus stop;
 - d. Licensed *day care* or licensed preschool facility;
 - e. Public park;
 - f. Publicly dedicated *trail*; provided, however, that the setback distance shall apply only on the south side of the Burke-Gilman Trail, and that there shall be no setback on the north side of that trail due to the separation provided by SR-522;
 - g. Sports fields or playgrounds;
 - h. Recreation or community center;
 - i. Religious institution;
 - j. Public library.

It shall be unlawful for any person to establish an *adult entertainment business* or to relocate an *adult entertainment business* within 500 feet of another *adult entertainment business*.

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measured from the property line of the parcel or parcels containing the *adult entertainment business* and the proposed *adult entertainment business*.

2. Outdoor performance center permitted when located west of 68th Avenue NE and associated with a plaza open to the public, and space is made available for general public passive or active use during non-performance hours.
3. Except for animal auction *uses* which are prohibited. Existing *auction houses*, excluding vehicle auctions, are permitted on properties currently used for *auction house* activity as of January 12, 2007. This *use* may be continued and may be re-established for purposes of rebuilding upon unintentional destruction of the property. The *auction house use* may not expand *buildings* or storage beyond the *use's* existing footprint. The *auction house* may expand accessory on-site parking associated with existing *auction house use* to adjoining or nearby parcels of land, subject to the *City's* approval of a site improvement plan that addresses the following issues:
 - a. Submittal of a long-term parking management plan that shows how the *use's* parking needs are met by on-site parking and/or provisions of a long-term shared parking agreement;
 - b. Submittal of a traffic management plan that shows how the *applicant* intends to assure safe passage of pedestrians and vehicles in the vicinity of auction events;
 - c. Screening of *outdoor storage* and parking areas consistent with Kenmore downtown design standard parking lot screening requirements, KMC 18.52.180;
 - d. Provision of sidewalks along property frontages in the public rights-of-way, or other measures deemed by the *City* to adequately protect pedestrians traveling along property frontages; and
 - e. Ensures that expanded accessory parking area is not used for storage.

Vehicle auctions in existence as of January 12, 2007, are permitted on site area and within *buildings* in the downtown commercial zone located east of 68th Avenue NE and north of NE 182nd Street that are being used as a vehicle auction *use* as of that date. This *use* may be continued and may be re-established for purposes of rebuilding upon unintentional destruction of property. With the exception of accessory parking as outlined below, existing vehicle auction *uses* may not expand beyond their existing building footprint plus abutting easements, loading, or parking areas used for vehicle auction as of January 12, 2007. Renovations or alterations within the existing building footprint are permitted. However, expansion of existing *buildings* for vehicle auction *use* is prohibited. Expansion of accessory on-site parking associated with existing vehicle auction *use* to adjoining or nearby parcels of land is allowed, subject to the *City's* approval of a site improvement plan that addresses the following issues:

- a. Submittal of a long-term parking management plan that shows how the *use's* parking needs are met by on-site parking and/or provisions of a long-term shared parking agreement;
- b. Submittal of a traffic management plan that shows how the *applicant* intends to assure safe passage of pedestrians and vehicles in the vicinity of auction events;
- c. Screening of *outdoor storage* and parking areas consistent with Kenmore downtown design standard parking lot screening requirements, KMC 18.52.180;

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- d. Provision of sidewalks along property frontages in the public rights-of-way, or other measures deemed by the City to adequately protect pedestrians traveling along property frontages; and
 - e. Ensures that expanded accessory parking area is not used for storage.
4. In the downtown commercial zone, properties (a) fronting SR-522 or taking primary access from SR-522, and (b) located on a property where the extent of use is no deeper than 260 feet from SR-522, and (c) containing automotive repair or automotive service uses as of April 28, 2003, shall be considered *existing legal uses*. Otherwise, automotive service uses are prohibited unless accessory to and contained within a structured parking garage.
- Automotive sales are prohibited unless accessory to an *existing legal* automotive repair or service use and consistent with the following: (a) motor vehicles for sale or lease shall not be arranged in a display lot fashion along the primary *street frontage*, and (b) shall be a subordinate and incidental part of the automotive repair or service use, and (c) shall be subject to Chapter 18.52 KMC, Downtown Design Standards, regarding screening, location and other relevant standards.
5. Arts and crafts schools permitted. All other *educational service uses* are conditionally permitted.
6. Veterinary clinics subject to the following:
- a. No outdoor kennels or facilities;
 - b. No burning of refuse or dead animals is allowed;
 - c. The portion of the *building or structure* in which animals are kept or treated shall be soundproofed. All run areas, excluding *confinement areas for livestock*, shall be surrounded by an eight-foot solid wall and surfaced with concrete or other impervious material; and
 - d. The provisions of Chapter 18.70 KMC relative to animal keeping are met.
7. *Social services, noncorrectional* is a permitted use. *Social services, correctional* is a conditionally permitted use.
8. *Mobile food service* is permitted subject to the following requirements:
- a. No permanent fencing, walls, or other *structures* shall be installed which hinder removal of the *structure* from the *site*;
 - b. No required parking stall shall be blocked or rendered unusable as a result of the mobile vendor;
 - c. Safe ingress and egress shall be maintained. Visibility for transportation and pedestrian access shall be maintained;
 - d. The limited duration of the mobile vendor shall be established as a condition of approval of any applicable permits;
 - e. A sign permit is required for exterior signage in accordance with the sign code, Chapter 18.42 KMC.
 - f. If a stand:

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- 1) The stand shall be located on a sidewalk or near a storefront consistent with barrier-free regulations;
 - 2) The stand location on the sidewalk or near a storefront shall provide for at least four feet of unobstructed sidewalk between the stand and the sidewalk edge for pedestrian movement.
9. When located on property fronting on SR-522, 73rd Avenue NE, NE 181st Street west of 68th Avenue NE, 65th Avenue NE, 67th Avenue NE, or 68th Avenue NE, such *uses* shall be subject to the following conditions:
- a. A minimum of 80 percent of a *structure's* street front facade at street level shall be occupied by nonresidential (e.g., retail, office or service) *uses*. If the nonresidential and residential *uses* are located in separate structures, the 80 percent requirement shall apply to the lot's lineal *street frontage* at street level. Where the *lot* fronts on two or more *streets* and abuts a *lot* which is not zoned commercial, the street front facade requirement shall apply to the *structure's* facade along the *street* with the greatest continuous lineal feet of commercially zoned frontage.
 - b. The required nonresidential *use* shall extend at least 30 feet in depth at street level from the street front facade of the *structure*; provided, that the minimum required depth may be averaged, with no depth less than 15 feet.
 - c. Where a *lot* fronts on two or more *streets* and only abuts *lots* which are zoned commercial, the street front facade requirement shall be calculated by totaling the combined street front facades of the *structure* containing the required nonresidential *use*.
10. *Transit center* only permitted. All other *regional land uses* are prohibited. *Transit centers* shall be located a maximum distance of 1200 lineal feet measured from the center line of SR-522 to the furthestmost point of the *transit center*.
11. *Outdoor retail displays/sidewalk sales* also are permitted subject to:
- a. The *outdoor retail display/sidewalk sale* shall be accessory to a permitted permanent commercial *use*;
 - b. Fire lanes shall remain fully open and accessible at all times;
 - c. The location on sidewalk or near storefront is barrier-free;
 - d. No required parking stall shall be blocked or unusable as a result of the *outdoor retail display/sidewalk sale*;
 - e. Safe ingress and egress to the *site* shall be maintained. Visibility for transportation and pedestrian access shall be maintained;
 - f. Such display and activity is removed daily at the time of or prior to the close of business hours;
 - g. A sign permit is required for exterior signage in accordance with the sign code, Chapter 18.42 KMC.

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- a. Within the zone north of SR-522 and west of 68th Avenue NE, commuter parking facilities shall be in structured *buildings* when the number of stalls exceeds 20. *Commuter parking lots* shall be located a maximum distance of 1,200 lineal feet measured from the center line of SR-522 to the furthestmost point of the *commuter parking lot*.
 - b. All parking structures shall provide retail usages for at least 50% of the *ground floor street frontages*, consistent with Chapter 18.52 KMC, Downtown Design Standards.
 - c. All parking structures shall be designed consistent with Chapter 18.52 KMC, Downtown Design Standards; interior design considerations shall include integration of parking with any transit bays, provision of indoor access to shops, and covered walkways to adjacent shopping, civic, residential, or other *developments* that patrons will access. Crime prevention through environmental design (CPTED) principles shall be integrated, such as, but not limited to, full spectrum lighting and maximization of visibility in publicly used areas.
13. Bed and breakfast guesthouse permitted only if part of a *mixed use development*.
14. Equipment rental is prohibited. Vehicle rental is permitted only when accessory to and contained within a structured parking garage. Automotive rental and leasing *uses* may also be permitted when accessory to an *existing legal* automotive service or *existing legal* automotive repair use and consistent with the following:
- a. Motor vehicles for lease or rental shall not be arranged in a display lot fashion along the *primary street frontage*, and
 - b. Shall be a subordinate and incidental part of the automotive repair or automotive service business, and
 - c. Shall be subject to Chapter 18.52 KMC, Downtown Design Standards, regarding screening, location and other relevant standards. Otherwise prohibited.
15. *Existing legal* gasoline service stations are permitted. Other gasoline service stations are prohibited.
16. Limited to sewer lift stations and pipes/electrical wires and associated structural supports.

18.25.030 Accessory uses.

Accessory uses, when consistent with the definitions and criteria in Chapters 18.10 and 18.20 KMC, are allowed as determined by the *city manager*.

18.26.040 Use allowances – Regional business east subarea. The following *uses* listed in Table B are identified as permitted, conditionally permitted, or *prohibited uses* in the regional business east subarea:

* * *

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¹⁷ Jails and jail farm/camp are prohibited. *Secure community transition facilities* as defined in RCW 71.09.020 are subject to the following restrictions:

- a. Maximum Number of Residents. No SCTF shall house more than three persons, excluding resident staff.
- b. Siting Criteria.
 - (1) SCTFs should be located in relationship to transportation facilities in a manner appropriate to their transportation needs.
 - (2) No SCTF shall be allowed within the following distances from the following specified uses, areas or zones, whether such uses, areas or zones are located within or outside the City limits:
 - (A) In or within 250 feet of any residential zone district, or any residentially zoned property.
 - (B) Adjacent to, immediately across a street or parking lot from, or within the line of sight of a "risk potential activity" as defined in RCW 71.09.020, as amended, including, but not limited to, public and private schools; school bus stops; licensed *day care* and licensed preschool facilities; public *parks*, publicly dedicated *trails* and sports fields; recreational and community centers; playgrounds; ~~church, synagogue, mosque, temple~~religious institutions; and public libraries.
 - (C) One mile from any existing SCTF, work release, prerelease, or similar facility.
 - (3) The distances specified in footnote (17)(b)(2) of this section shall be measured by following a straight line from the nearest point of the property parcel upon which the SCTF is to be located, to the nearest point of the parcel of property or land use district boundary line from which the proposed land use is to be separated.
- c. On-Site Facilities Required. Each SCTF shall provide on-site dining, on-site laundry or laundry service, and on-site recreational facilities to serve the residents.
- d. Conditional Use Permit Application Process. A *conditional use permit* application for an SCTF shall be accompanied by the following:

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- (1) The siting process used for the SCTF, including alternative locations considered. At least three alternative locations must be considered.
- (2) An analysis showing that utmost consideration was given to potential sites such that siting of the facility will have no unreasonable impact on any one racial, cultural, or socio-economic group, and that there will not be a resulting concentration of similar facilities in a particular neighborhood, community, jurisdiction or region.
- (3) Proposed mitigation measures including the use of extensive buffering from adjacent uses.
- (4) A detailed security plan for the facility and the residents.
- (5) Proposed operating rules for the facility.
- (6) A schedule and analysis of all public input solicited or to be solicited during the siting process.

18.27.020 Public and semi-public zone – Use allowances.

A. The following uses in Table A are permitted, conditionally permitted, or prohibited in the public and semi-public zone.

Table A. Public and Semi-Public Zone Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED (OR EXCLUDED IN DEFINITIONS)
Arboretum	Maintenance Yards or Facilities,	Jail
Caretaker Residence, Accessory	Accessory	Work Release Facility
City Government Facilities and Offices	Outdoor Performance Center	Landfill
Commuter Parking Lot	Colleges/Universities	Transfer Station
Conference Center		Marijuana Business
Cultural Facilities		Marijuana Cooperative
Fire Facility		

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Table A. Public and Semi-Public Zone Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED (OR EXCLUDED IN DEFINITIONS)
<i>Indoor Recreational Facilities; Excluding Sports Clubs</i> <i>K – 12 Educational Institutions (Public or Private)</i> <i>Open Space</i> <i>Outdoor Recreational Facilities</i> <i>Parks</i> <i>Police Facility</i> <i>Private Stormwater Management Facility</i> <i>Public Agency or Utility Office; Non-City</i> <i>Trails</i> <i>Utility Facility</i>		

B. Classified land uses not listed or prohibited in Table A may be allowed through completion of a site plan review process pursuant to KMC 18.27.060 and Chapter 18.105 KMC.

A. The following uses listed in Table A are identified as *permitted*, conditionally permitted, or *prohibited* uses in the public and semi-public zone.

Table A. Public and Semi-Public Zone Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Arts, entertainment, indoor</i>	<i>College/university</i>	<i>Marijuana business</i>
<i>Arts, entertainment, outdoor¹</i>	<i>Construction and trade⁴</i>	<i>Marijuana cooperative</i>
<i>Educational service</i>		<i>Regional land use⁵</i>
<i>Fire or police facility</i>		<i>Secure facility</i>
<i>Office²</i>		
<i>Park</i>		
<i>Recreational facility, indoor</i>		

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<u>Recreational facility, outdoor</u>		
<u>Standalone parking³</u>		
<u>Utility facility</u>		

1. Except outdoor performance center which is conditionally permitted.

2. Limited to public agency offices.

3. Limited to commuter parking facilities for users of transit, carpools or ride-share programs.

4. Limited to public agency maintenance yards or facilities.

5. Landfill and transfer station are specifically prohibited. Consideration of all other regional land uses shall follow the process outlined in KMC Section 18.27.060.

B. Classified land uses not listed or prohibited in Table A may be allowed through completion of a site plan review process pursuant to KMC 18.27.060 and Chapter 18.105 KMC.

C. Uses Established by Master Plan. Adopted master plans that specify uses include the following:

1. Bastyr University Master Plan, December 2009, approved by City Ordinance 09-0304.

18.27.030 ~~Public and semi-public zone~~ -- Accessory uses.

Accessory uses, when consistent with the definitions and criteria in Chapters 18.10 and 18.20 KMC, are allowed as determined by the *city manager*.

18.28.020 Parks zone – Use allowances.

A. The following uses in Table A are permitted, conditionally permitted, or prohibited in the parks zone.

Table A. Parks Zone Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED (OR EXCLUDED IN DEFINITIONS)
Arboretum		Marijuana Business
Boat Launch		Marijuana Cooperative
Caretaker Residence, Accessory		

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Table A. Parks Zone Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED (OR EXCLUDED IN DEFINITIONS)
City Government Facilities and Offices Cultural Facilities Deck Dwelling Unit, Single Detached ¹ Indoor Recreational Facilities: Excluding Sports Clubs Mobile Food Vendor, Accessory ² Open Space Outdoor Recreational Facilities Parks Private Stormwater Management Facility Trails Utility Facility Wildlife Shelter		

¹ One dwelling allowed per existing legal lot as of December 11, 2006.

² Mobile food vendor requirements:

a. No permanent fencing, walls, or other structures are installed which hinder removal of the structure from the site;

b. No required parking stall shall be blocked or unusable as a result of the mobile vendor;

c. Safe ingress and egress shall be maintained. Visibility for transportation and pedestrian access shall be maintained;

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d. The limited duration of the mobile vendor shall be established as a condition of approval of any applicable permits; if accessory to a use, such operation is removed daily at the time of or prior to the close of business hours;

e. A sign permit is required for exterior signage in accordance with the sign code, Chapter 18.42 KMC.

³ Attached dwellings may only be allowed as a reuse of a surplus nonresidential facility subject to Chapter 18.50 KMC.

B. Classified land uses not listed or prohibited in Table A may be allowed through completion of a site plan review process pursuant to KMC 18.28.060 and Chapter 18.105 KMC. Proponents of projects that include land uses of different sizes or dimensions than those allowed in Table A may also request allowance of such uses pursuant to KMC 18.28.060 and Chapter 18.105 KMC. [Ord. 16-0421 § 2 (Att. A); Ord. 16-0417 § 4; Ord. 14-0384 § 5; Ord. 11-0329 § 3 (Exh. 1).]

A. The following uses listed in Table A are identified as *permitted*, conditionally permitted, or *prohibited* uses in the parks zone:

Table A. Parks Zone Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
Arts, entertainment, indoor		Marijuana business
Arts, entertainment, outdoor		Marijuana cooperative
Construction and trade ¹		
Mobile food service ²		
Office ³		
Park		
Recreational facility, indoor		
Recreational facility, outdoor		
Single detached dwelling unit ⁴		
Utility facility		

1. City maintenance facility only.

2. Mobile food service requirements:

- a. No permanent fencing, walls, or other structures are installed which hinder removal of the mobile food service from the site;
- b. No required parking stall shall be blocked or rendered unusable as a result of the mobile food service;
- c. Safe ingress and egress shall be maintained. Visibility for transportation and pedestrian access shall be maintained;

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- d. The duration of the *mobile food service* shall be established as a condition of approval of any applicable permits;
- e. A sign permit is required for exterior signage in accordance with the sign code, Chapter 18.42 KMC.

3. City office only.

4. One *dwelling unit* allowed per existing legal lot as of December 11, 2006.

B. Classified land uses not listed or prohibited in Table A may be allowed through completion of a site plan review process pursuant to KMC 18.28.060 and Chapter 18.105 KMC. Proponents of projects that include land uses of different sizes or dimensions than those allowed in Table A may also request allowance of such uses pursuant to KMC 18.28.060 and Chapter 18.105 KMC.

18.28.030 Parks zone -- Accessory uses.

Accessory uses, when consistent with the definitions and criteria in Chapters 18.10 and 18.20 KMC, are allowed as determined by the city manager.

18.28A.020 Golf course zone – Use allowances.

A. The following uses in Table A are permitted, conditionally permitted, or prohibited in the golf course zone:

Table A. Golf Course Zone Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED (OR EXCLUDED IN DEFINITIONS)
Caretaker Residence, Accessory	Outdoor Performance Center	Marijuana Business
Clubhouse		Marijuana Cooperative
Conference Center, Accessory		Residential Dwellings, Nonaccessory
Cultural Facilities		
Driving Range		
Eating and Drinking Places, Accessory		
Golf Course Facility		
Maintenance Facility, Accessory		

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Table A. Golf Course Zone Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED (OR EXCLUDED IN DEFINITIONS)
<i>Open Space</i> <i>Private Stormwater Management Facility</i> <i>Recreational Facilities, Indoor</i> <i>Recreational Facilities, Outdoor</i> <i>Retail Sales, Indoor, Accessory</i> <i>Trails</i> <i>Utility Facility</i> <i>Wildlife Shelter</i>		

B. Classified land uses not listed or prohibited in Table A may be allowed through completion of a site plan review process pursuant to KMC 18.28A.060 and Chapter 18.105 KMC. Proponents of projects that include land uses allowed as accessory permitted or accessory conditionally permitted uses in Table A may also request allowance of such uses as primary uses pursuant to KMC 18.28A.060 and Chapter 18.105 KMC. [Ord. 16-0426 § 5 (Att. C); Ord. 16-0421 § 2 (Att. A); Ord. 14-0384 § 5; Ord. 11-0329 § 3 (Exh. 1).]

A. The following uses listed in Table A are identified as *permitted*, conditionally permitted, or *prohibited* uses in the golf course zone:

Table A. Golf Course Zone Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Arts, entertainment, indoor</i>	<i>Arts, entertainment, outdoor</i>	<i>Marijuana business</i>
<i>Park</i>		<i>Marijuana cooperative</i>
<i>Recreational facility, indoor</i>		<i>Multiple family dwelling</i>
<i>Recreational facility, outdoor</i>		<i>Single detached dwelling unit</i>
<i>Utility Facility</i>		

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B. Classified land *uses* not listed or prohibited in Table A may be allowed through completion of a site plan review process pursuant to KMC 18.28A.060 and Chapter 18.105 KMC.

18.28A.030 ~~Golf course zone~~ Accessory uses.

Accessory uses, when consistent with ~~the definitions and criteria~~ in Chapters ~~18.10 and~~ 18.20 KMC, are allowed as determined by the *city manager*.

18.29.040 Use allowances.

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

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

* * *

⁴ Mobile food ~~vendors are~~ *service is* permitted subject to the following requirements:

- a. For a stand, location shall be on a sidewalk or near a storefront consistent with barrier-free regulations;
- b. For a stand, location on the sidewalk or near a storefront shall provide for at least four feet of unobstructed sidewalk between the stand and the sidewalk edge for pedestrian movement;
- c. No permanent fencing, walls, or other structures are installed which hinder removal of the structure from the site;
- d. No required parking stall shall be blocked or rendered unusable as a result of the mobile ~~vendor~~ *food service*;
- e. Safe ingress and egress to the site shall be maintained. Visibility for transportation and pedestrian access shall be maintained;
- f. The limited duration of the *mobile vendor* ~~food service~~ shall be established as a condition of approval of any applicable permits; if accessory to a use, such operation is removed daily at the time of or prior to the close of business hours;

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- g. A sign permit is required for exterior signage in accordance with the sign code, Chapter 18.42 KMC.

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

18.30.230 Setbacks – Projections and structures allowed.

Provided that the required *setbacks* from *regional utility corridors* of KMC 18.30.200, the adjoining half-street or designated arterial *setbacks* of KMC 18.30.220 and the sight distance requirements of KMC 18.30.240 are maintained, *structures* may extend into or be located in required *setbacks*, including *setbacks* as required by KMC 18.21.060(B), as follows:

A. Fireplace *structures*, bay or garden windows, enclosed stair landings, closets, or similar *structures* may project into any *setback*, provided such projections are:

1. Limited to two per facade;
2. Not wider than 10 feet; and
3. Not more than 24 inches into an interior *setback* or 30 inches into a *street setback*;

B. Uncovered porches and decks which exceed 18 inches above the finished grade may project:

1. Eighteen inches into interior *setbacks* in the NB, CB, DR, DC, UC, DWWC, RB, PSP, P, and GC zones;
2. Eighteen inches into side *setbacks* in the R zones;
3. Eighteen inches into rear *setbacks* in the R-12 through R-4824 zones;
4. Five feet into rear *setbacks* in the R-1 through R-6 zones; and
5. Five feet into *street setbacks*;

* * *

18.35.030 Land use grouping.

To facilitate the application of this chapter, land *uses* have been grouped in the following manner:

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A. "Residential development" refers to residential land uses ~~(except residential accessory uses, home occupation, and home industry), multiple family dwelling, supportive living facility, and temporary lodging.~~

B. "Attached/group residences" refers to:

1. Multiple-family dwellings, ~~including:~~

~~a. Townhouses,~~ except as provided in subsection (C)(1) of this section;

~~b. Apartments;~~

2. ~~Single D~~ detached dwelling units developed on common property at a density of 12 or more units per acre;

3. ~~Senior citizen assisted living and~~ supportive living facilities;

4. Temporary lodging;

5. ~~Group residences other than Type I community residential facilities~~ Adult family homes; and

6. Mobile home parks.

C. "Single-family development" refers to:

1. Residential subdivisions and short subdivisions, including attached and detached dwelling units on individually platted or short platted lots;

2. Any detached dwelling units located on a lot;

3. Family child-care homes; and

4. Type I community residential facilities.

D. "Commercial development" refers to:

1. ~~Adult entertainment business; theater; theater, drive-in; bowling center; amusement and recreation services; shooting range; amusement arcades; amusement park; outdoor performance center; arts, entertainment; and recreational facility~~ Recreational/cultural land uses, except library, museum, park and trail;

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2. "General services land uses" (except recycling centers, health care and social assistance, hospital, laboratory, and educational services, day care I, and church, synagogue, mosque, temple/religious institution), personal service, and animal kennel/shelter; and
3. "Retail land uses" and retail sales (except forest product sales and agricultural crop sales); automotive sales, and vehicle refueling stations; and
4. Car washes.

E. "Industrial development" refers to:

1. Interim recycling facility;
2. "Government/business services land uses" (except public agency or utility office; public agency or utility yard; public agency archives; court; fire or police facility; fire facility; utility facility; commuter parking lot; private stormwater management facility; and vector waste receiving facility); standard business service, office, warehousing, wholesale trade, and air transportation service;
32. "Manufacturing land uses"; and
43. Mineral extraction and processing.

F. "Institutional development" refers to:

1. Library, museum and conference center;
2. Religious institution; medical/dental office/outpatient clinics, nursing facilities, hospital, medical/dental lab, miscellaneous health services, health care and social assistance, ambulatory surgery center, and laboratory; and educational service, elementary schools, middle/junior high schools, secondary or high schools, vocational schools, school district support facilities, and specialized instruction schools except specialized instruction schools permitted as an accessory use; and
3. Public agency or utility office; public agency or utility yard; public agency archives; court; fire or police facility; fire facility; utility facility; commuter parking lot; standalone parking; private stormwater management facility; and vector waste receiving facility.

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G. "Utility development" refers to *utility facilities*, except *private stormwater management facility* and *vactor waste receiving facility*.

H. Uses that are not listed in this section shall not be subject to *landscaping* requirements except as specified in any applicable review of a *conditional use* or *special use permit*.

18.40.030 Computation of required off-street parking spaces.

A. Except as modified in KMC [18.40.040](#), [18.40.050](#) or [18.40.090](#), off-street parking areas shall contain at a minimum the number of *parking spaces* as stipulated in the following table. Off-street parking ratios expressed as number of spaces per square foot means the usable or net square footage of floor area, exclusive of nonpublic areas. Nonpublic areas include but are not limited to building maintenance areas, storage areas, closets, restrooms and exterior walls. If the formula for determining the number of off-street *parking spaces* results in a fraction, the number of off-street *parking spaces* shall be rounded to the nearest whole number with fractions of 0.50 or greater rounding up and fractions below 0.50 rounding down.

LAND USE	MINIMUM PARKING SPACES REQUIRED Citywide, Except in Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE	MINIMUM PARKING SPACES REQUIRED Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE
RESIDENTIAL:		
Single detached <i>dwelling unit</i>	2.0 per <i>dwelling unit</i>	2.0 per <i>dwelling unit</i> ; tandem stalls permitted
Townhouse	2.0 per <i>dwelling unit</i>	1.5 per <i>dwelling unit</i> ; tandem stalls permitted
Guest parking	1 space for every 5 units	1 space for every 5 units
Apartment:		
Microhousing <i>dwelling units</i>	Within 1/4 mile of SR-522: 0.75 per <i>dwelling unit</i> . Otherwise, 1.2 per <i>dwelling unit</i>	Within 1/4 mile of SR-522: 0.75:du. Otherwise, 1.0:du. Tandem stalls permitted

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LAND USE	MINIMUM PARKING SPACES REQUIRED Citywide, Except in Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE	MINIMUM PARKING SPACES REQUIRED Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE
Studio units	1.2 per dwelling unit	1.0:du; tandem stalls permitted
One bedroom units	1.5 per dwelling unit	1.0:du; tandem stalls permitted
Two bedroom units	1.7 per dwelling unit	1.5:du; tandem stalls permitted
Three bedroom units or larger	2.0 per dwelling unit	1.7:du; tandem stalls permitted
Guest parking	1 space for every 5 units	1 space for every 5 units
Mobile home park	2.0 per dwelling unit	2.0 per dwelling unit
Senior citizen assisted living	1 per 2 dwelling or sleeping units	1 per 2 dwelling or sleeping units
Community residential facilities	1 per 2 bedrooms	1 per 2 bedrooms
Dormitory, including religious	1 per 2 bedrooms	1 per 2 bedrooms
Hotel/motel including organizational hotel/lodging	1 per bedroom	1 per bedroom
Bed and breakfast guesthouse	1 per guest room, plus 2 per facility	1 per guest room, plus 2 per facility
Other residential land uses	(city manager)	(city manager)
RECREATIONAL/CULTURAL:		
Recreational/cultural land uses, arts/entertainment and recreational facility	1 per 300 square feet	1 per 300 square feet
Exceptions:		
Bowling center	5 per lane	5 per lane
Golf course	3 per hole, plus 1 per 300 square feet of clubhouse facilities	—

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LAND USE	MINIMUM PARKING SPACES REQUIRED Citywide, Except in Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE	MINIMUM PARKING SPACES REQUIRED Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE
Tennis club	4 per tennis court, plus 1 per 300 square feet of clubhouse facility	—
Golf driving range	1 per tee	—
<i>Park/playfield</i>	<i>(city manager)</i>	<i>(city manager)</i>
Theater	1 per 3 fixed seats	1 per 3 fixed seats
<i>Conference center</i>	1 per 3 fixed seats, plus 1 per 50 square feet used for assembly purposes without fixed seats, or 1 per bedroom, whichever results in the greater number of spaces	1 per 3 fixed seats, plus 1 per 50 square feet used for assembly purposes without fixed seats, or 1 per bedroom, whichever results in the greater number of spaces
Artist studios	0.9 per 1,000 square feet of area used for studios	0.9 per 1,000 square feet of area used for studios
GENERAL SERVICES:		
<i>General services land uses, personal service, and animal kennel/shelter.</i>	1 per 300 square feet	1 per 300 square feet
Exceptions:		
<i>Funeral home/crematory</i>	1 per 50 square feet of chapel area	—
<i>Day care I</i>	2 per facility	2 per facility
<i>Day care II</i>	2 per facility, plus 1 space for each 20 children	2 per facility, plus 1 space for each 20 children
<i>Church, synagogue, mosque, templeReligious institution</i>	1 per 5 fixed seats, plus 1 per 50 square feet of gross floor area without	1 per 5 fixed seats, plus 1 per 50 square feet of gross floor area

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LAND USE	MINIMUM PARKING SPACES REQUIRED Citywide, Except in Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE	MINIMUM PARKING SPACES REQUIRED Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE
	fixed seats used for assembly purposes	without fixed seats used for assembly purposes
Outpatient and veterinary clinic offices	1 per 300 square feet of office, labs and examination rooms	1 per 300 square feet of office, labs and examination rooms
Nursing and personal care facilities	1 per 4 beds	—
Hospital	1 per bed	1 per bed
Elementary schools	1 per <i>school classroom</i> , plus 1 per 50 students	1 per <i>school classroom</i> , plus 1 per 50 students
Secondary schools:		
Middle/junior high schools	1 per <i>school classroom</i> , plus 1 per 50 students	1 per <i>school classroom</i> , plus 1 per 50 students
High schools	1 per <i>school classroom</i> , plus 1 per 10 students	1 per <i>school classroom</i> , plus 1 per 10 students
High schools with stadiums	Greater of 1 per <i>school classroom</i> , plus 1 per 10 students, or 1 per 3 fixed seats in stadium	Greater of 1 per <i>school classroom</i> , plus 1 per 10 students, or 1 per 3 fixed seats in stadium
Vocational schools	1 per <i>school classroom</i> , plus 1 per 5 students	1 per <i>school classroom</i> , plus 1 per 5 students
Specialized instruction schools	1 per <i>school classroom</i> , plus 1 per 2 students	1 per <i>school classroom</i> , plus 1 per 2 students
Colleges/universities	1 per 2 commuting students, faculty and staff	—

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LAND USE	MINIMUM PARKING SPACES REQUIRED Citywide, Except in Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE	MINIMUM PARKING SPACES REQUIRED Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE
GOVERNMENT/BUSINESS SERVICES:		
<i>Government/business services land uses, standard business service, office, warehousing, and air transportation service;</i>	1 per 300 square feet	1 per 300 square feet
Exceptions:		
<i>Public agency yard</i>	1 per 300 square feet of offices, plus 0.9 per 1,000 square feet of indoor storage or repair areas	—
<i>Public agency archives</i>	0.9 per 1,000 square feet of storage area, plus 1 per 50 square feet of waiting/reviewing areas	—
<i>Courts</i>	3 per courtroom, plus 1 per 50 square feet of fixed seat or assembly areas	3 per courtroom, plus 1 per 50 square feet of fixed seat or assembly areas
<i>Fire or Police facility</i>	<i>(city manager)</i>	<i>(city manager)</i>
<i>Fire facility</i>	<i>(city manager)</i>	<i>(city manager)</i>
<i>Construction and trade</i>	1 per 300 square feet of office, plus 1 per 3,000 square feet of storage area	1 per 300 square feet of office, plus 1 per 3,000 square feet of storage area
<i>Warehousing and storage</i>	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area

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LAND USE	MINIMUM PARKING SPACES REQUIRED Citywide, Except in Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE	MINIMUM PARKING SPACES REQUIRED Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE
<i>Self-service storage</i>	1 per 3,500 square feet of storage area, plus 2 for any resident director's unit	1 per 3,500 square feet of storage area, plus 2 for any resident director's unit
Outdoor advertising services	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area	—
<i>Heavy equipment repair</i>	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of indoor repair areas	—
Office	1 per 300 square feet	1 per 300 square feet
RETAIL/WHOLESALE:		
<i>Retail land uses, retail sales, automotive sales, and vehicle refueling stations:</i>	1 per 300 square feet	1 per 300 square feet
Exceptions:		
Food stores, less than 15,000 square feet	3 plus 1 per 350 square feet	3 plus 1 per 350 square feet
Gasoline service stations and vehicle refueling stations w/o grocery	3 per facility, plus 1 per service bay	3 per facility, plus 1 per service bay
Gasoline service stations and vehicle refueling stations w/grocery, no service bays	1 per facility, plus 1 per 300 square feet of store	1 per facility, plus 1 per 300 square feet of store

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LAND USE	MINIMUM PARKING SPACES REQUIRED Citywide, Except in Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE	MINIMUM PARKING SPACES REQUIRED Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE
Restaurants	1 per 75 square feet in dining or lounge areas	1 per 75 square feet in dining or lounge areas
<i>Wholesale trade uses</i>	0.9 per 1,000 square feet	0.9 per 1,000 square feet
<i>Retail sales and wholesale trade mixed use</i>	1 per 300 square feet	1 per 300 square feet
MANUFACTURING:		
<i>Manufacturing land uses</i>	0.9 per 1,000 square feet	—
Exceptions:	—	—
Winery/brewery	0.9 per 1,000 square feet, plus 1 per 50 square feet of tasting area	—
RESOURCES:		
<i>Resource land uses</i>	(city manager)	—
REGIONAL:		
<i>Regional land uses</i>	(city manager)	(city manager)

* * *

18.40.090 Transit and rideshare provisions.

A. Government/business services land uses and manufacturing land uses, ~~standard business service, office, warehousing, wholesale trade, air transportation service, ambulatory surgery center, hospitals, high schools, vocational schools, educational service and college/universities, and specialized instruction schools~~ shall be required to reserve one parking space of every 20 required spaces for rideshare parking as follows:

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1. The *parking spaces* shall be located closer to the primary employee entrance than any other employee parking except disabled;
2. Reserved areas shall have markings and *signs* indicating that the space is reserved; and
3. Parking in reserved areas shall be limited to vanpools and carpools established through rideshare programs by public agencies and to vehicles meeting minimum rideshare qualifications set by the employer;

B. The *city manager* may reduce the number of required off-street *parking spaces* when one or more scheduled transit routes provide service within one-quarter mile (1,320 feet) of the *site* as measured linearly along *streets* or other pedestrian pathways. The amount of reduction shall be based on the number of scheduled transit runs between 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m. each business day up to a maximum reduction as follows:

1. Four percent for each run serving *government/business service land uses, standard business service, office, warehousing, wholesale trade, air transportation service, and manufacturing land uses*, up to a maximum of 40 percent; and
2. Two percent for each run serving *recreational/cultural land uses, arts, entertainment, recreational facility, general services land uses, personal services, animal kennel/shelter, educational service, ambulatory surgery center, health care and social assistance, and retail/retail sales/wholesale land uses, and wholesale trade/automotive sales, and vehicle refueling station*, up to a maximum of 20 percent; and

C. All *uses* which are located on an existing transit route and are required under the computation for required off-street *parking spaces* in KMC [18.40.030](#)(A) to provide more than 200 *parking spaces* may be required to provide transit shelters, bus turnout lanes or other transit improvements as a condition of permit approval. *Uses* which reduce required parking under subsection B of this section shall provide transit shelters if transit routes adjoin the *site*.

18.73.110 Home occupation.

Residents of a *dwelling unit* may conduct one or more *home occupations* as accessory activities, provided:

- A. The total area devoted to all *home occupation(s)* shall not exceed 20 percent of the floor area of the *dwelling unit*. Areas with attached garages and storage *buildings* shall not be considered part of the

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dwelling unit for purposes of calculating allowable *home occupation* area but may be used for storage of goods associated with the *home occupation*;

B. In residential zones, all the activities of the *home occupation(s)* shall be conducted indoors, except for those related to growing or storing of plants used by the *home occupation(s)*;

C. No more than one nonresident shall be employed by the *home occupation(s)*;

D. The following activities shall be prohibited in residential zones only:

1. Automobile, truck and *heavy equipment* repair;
2. Autobody work or painting;
3. Parking and storage of *heavy equipment*; and
4. Storage of building materials for use on other properties;

E. In addition to required parking for the *dwelling unit*, on-site parking shall be provided as follows:

1. One stall for a nonresident employed by the *home occupation(s)*; and
2. One stall for patrons when services are rendered on-site;

3. For specialized instruction schools, the number of stalls shall be as required by Chapter 18.40 KMC.

F. Sales shall be limited to:

1. Mail order sales; and
2. Telephone sales with off-site delivery;

G. Specialized instruction schools shall be limited to:

a. 12 students per one-hour session;

b. Structures used for the school shall maintain a distance of 25 feet from property lines adjoining residential zones.

GH. Services to patrons shall be arranged by appointment or provided off-site;

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HI. The *home occupation(s)* may use or store a vehicle for pickup of materials used by the *home occupation(s)* or the distribution of products from the *site*, provided:

1. No more than one such vehicle shall be allowed;
2. Such vehicle shall not park within any required *setback* areas of the *lot* or on adjacent *streets*; and
3. Such vehicle shall not exceed a weight capacity of one ton;

IJ. The *home occupation(s)* shall not use electrical or mechanical equipment that results in:

1. A change to the occupancy type of the *structure(s)* used for the *home occupation(s)*;
2. Visual or audible interference in radio or television receivers, or electronic equipment located off-premises; or
3. Fluctuations in line voltage off-premises; and

JK. *Uses* not allowed as *home occupations* may be allowed as a *home industry* pursuant to this chapter.

18.73.120 Home industry.

In all zones except R-12, R-18, R-24, and NB, Aa resident may establish a *home industry* as an accessory activity, provided:

A. In the R-1, R-4 and R-6 zones, a *conditional use permit* is obtained.

AB. The *site area* shall be no less than one acre;

BC. The area of the *home industry* shall not exceed 50 percent of the floor area of the *dwelling unit*. Areas within attached garages and storage *buildings* shall not be considered part of the *dwelling unit* for purposes of calculating allowable *home industry* area but may be used for storage of goods associated with the *home occupation*;

CD. No more than four nonresidents shall be employed in a *home industry*;

DE. In addition to required parking for the *dwelling unit*, on-site parking shall be provided as follows:

1. One stall for each nonresident employee of the *home industry*; and

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2. One stall for customer parking;

EF. Additional customer parking shall be calculated for areas devoted to the *home industry* at the rate of one stall per:

1. One thousand square feet of *building* floor area; and
2. Two thousand square feet of outdoor work or storage area;

FG. Sales shall be limited to items produced on-site, except for items collected, traded and occasionally sold by hobbyists, such as coins, stamps, and antiques;

GH. Ten feet of Type I *landscaping* shall be provided around portions of parking and outside storage areas which are otherwise visible from adjacent properties or public rights-of-way; and

HI. The *city manager* shall ensure compatibility of the *home industry* by:

1. Limiting the type and size of equipment used by the *home industry* to those which are compatible with the surrounding neighborhood;
2. Providing for *setbacks* or screening as needed to protect adjacent residential properties;
3. Specifying hours of operation;
4. Determining acceptable levels of outdoor lighting; and
5. Requiring sound level tests for activities determined to produce sound levels which may be excessive.

Attachment B

NEW CODE SECTIONS

18.10.078 Interpretation of land use groupings.

Several land use groupings have been devised for purposes of KMC Chapters 18.35 and 18.40: KMC 18.20.1203, General services land uses; 18.20.1233 Government/business services land uses; 18.20.1678, Manufacturing land uses; 18.20.2232, Recreational/cultural land uses; 18.20.2275, Regional land uses; 18.20.2325 Residential land uses; 18.20.2327, Resource land uses; and 18.20.2362 Retail land uses. Within these groupings, both the general classified land use terms and more specific terms for uses that fall under the general classified land use terms may appear. For example, the general classified land use term *recreational facility, outdoor* is included in the *recreational/cultural land uses* land use grouping, but *stable*, which is a more specific type of outdoor recreational facility, is included in the *general services land uses* land use grouping. In cases where both the general classified land use term and a more specific term are used in the land use groupings, the general classified land use term should be assumed to not include the more specific term.

18.21.073 Accessory uses.

Accessory uses, when consistent with the definition in Chapter 18.20 KMC, are allowed as determined by the *city manager*.

18.21.075 Drive-through service.

Drive-through service is prohibited in this zoning district.

18.21.078 Outdoor storage.

Outdoor storage is prohibited in this zoning district.

18.22.015 Accessory uses.

Accessory uses, when consistent with the definition in Chapter 18.20 KMC, are allowed as determined by the *city manager*.

18.22.025 Drive-through service.

Drive-through service is permitted as an *accessory use*. *Drive-through service* shall be oriented to the side and/or rear of the *building*, and integrated into the exterior wall. Drive-through lanes shall not be located between the *street* and the main pedestrian access to the *buildings*. Modifications to these requirements may be reviewed through the site plan or building permit review process when meeting the intent of pedestrian orientation pursuant to Chapter 18.52 KMC, Downtown Design Standards.

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18.22.028 Outdoor storage.

Outdoor storage is prohibited in this zoning district.

18.23.045 Drive-through service.

Drive-through service is prohibited in this zoning district.

18.23.048 Outdoor storage.

Outdoor storage is prohibited in this zoning district.

18.24.042 Drive-through service.

Drive-through service is prohibited in this zoning district.

18.24.044 Outdoor storage.

Outdoor storage is prohibited in this zoning district.

18.25.042 Drive-through service.

Properties having frontage on SR-522 and taking primary access from SR-522 as of May 8, 2003 shall be permitted *drive-through service*. Where allowed, *drive-through service* is permitted as an *accessory use*. *Drive-through service* shall be oriented to the side and/or rear of the *building*, and integrated into the exterior wall. Drive-through lanes shall not be located between the *street* and the main pedestrian access to the *buildings*. Modifications to these requirements may be reviewed through the site plan or building permit review process when meeting the intent of pedestrian orientation pursuant to Chapter 18.52 KMC, Downtown Design Standards.

18.25.044 Outdoor storage.

Outdoor storage is prohibited in this zoning district.

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REPEALED CODE SECTIONS

~~18.20.040 Accessory use, commercial/industrial.~~

~~"Commercial/industrial accessory use" means:~~

~~A. A use that is subordinate and incidental to a commercial or industrial use, including but not limited to the following uses:~~

- ~~1. Administrative offices;~~
- ~~2. Employee exercise facilities;~~
- ~~3. Employee food service facilities;~~
- ~~4. Incidental storage of raw materials and finished products sold or manufactured on site;~~
- ~~5. Business owner or caretaker residence;~~
- ~~6. Cogeneration facilities; and~~
- ~~7. Ground maintenance facilities.~~

~~B. Some accessory uses within the scope of this section may be defined separately to enable the code to apply different conditions of approval. [Ord. 11-0329 § 3 (Exh. 1).]~~

~~18.20.045 Accessory use, parks.~~

~~"Parks accessory use" means a use or activity which is subordinate and incidental to a park including, but not limited to, the following uses:~~

~~A. Environmental education, arts, dance, music, and other community-based and limited-term instruction.~~

~~B. Recreational and social activities, such as hiking, biking, boating and other similar recreational activities.~~

~~C. Meetings of nonprofit, social, community, and/or volunteer organizations. [Ord. 11-0329 § 3 (Exh. 1).]~~

~~18.20.050 Accessory use, residential.~~

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"Residential accessory use" means:

A. A use, structure, or activity which is subordinate and incidental to a residence including, but not limited to, the following uses:

1. Accessory living quarters and dwellings;
2. Fallout/bomb shelters;
3. Keeping household pets;
4. On-site rental office;
5. Pools, private docks, piers;
6. Antennas for private telecommunication services;
7. Storage of yard maintenance equipment;
8. Storage of private vehicles, e.g., motor vehicles, boats, trailers or planes; or
9. Greenhouses.

B. Some accessory uses within the scope of this section may be defined separately to enable the code to apply different conditions of approval. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.060 Accessory use, resource.

"Resource accessory use" means:

A. A use, structure, or part of a structure which is customarily subordinate and incidental to a resource use including, but not limited to, the following uses:

1. Housing of agricultural workers; or
2. Storage of agricultural products or equipment used on-site.

B. Some accessory uses within the scope of this section may be defined separately to enable the code to apply different conditions of approval. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.100 Agricultural product sales.

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"Agricultural product sales" means the retail sale of items resulting from the practice of agriculture, including crops such as fruits, vegetables, grains, seed, feed, and plants, or animal products such as eggs, milk, and meat. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.120 Aircraft, ship and boat building.

"Aircraft, ship and boat building" means the fabrication and/or assembling of aircraft, ships or boats. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.130 Airport/heliport.

"Airport/heliport" means any runway, landing area or other facility, excluding facilities for the primary use of the individual property owner which are classified as helistops, designed or used by public carriers or private aircraft for the landing and taking off of aircraft, including the following associated facilities:

- A. Taxiways;
- B. Aircraft storage and tie-down areas;
- C. Hangars;
- D. Servicing; and
- E. Passenger and air freight terminals. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.155 Amusement and recreation services.

"Amusement and recreation services" includes ticket agencies, travel arrangement and reservation services, scenic and sightseeing transportation services, performing arts companies, sports instruction, nonathletic recreational instruction, and sports equipment rental. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.160 Amusement arcade.

"Amusement arcade" means a building or part of a building in which five or more pinball machines, video games, or other such player-operator amusement devices (excluding jukeboxes or gambling-related machines) are operated. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.210 Artist studio.

"Artist studio" means an establishment providing a place solely for the practice or rehearsal of various performing or creative arts, including, but not limited to, acting, dancing, singing, drawing, painting and sculpting. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.212 Arts and crafts schools/studios.

"Arts and crafts schools/studios" means schools and studios for education in various arts and crafts, including, but not limited to, photography, dance, music, and language skills. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.250 Bed and breakfast guesthouse.

"Bed and breakfast guesthouse" means a dwelling unit or accessory building within which bedrooms are available for paying guests. [Ord. 11-0329 § 3 (Exh. 1).]

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18.20.305 Boat launch.

"Boat launch" is an area where ramps continue down into bodies of water so that boats on trailers can be backed into the water and launched, or where operators of hand-carried watercraft may enter the water. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.310 Book, stationery, video and art supply store.

"Book, stationery, video and art supply store" means an establishment engaged in the retail sale of books and magazines, stationery, records, tapes and CDs, videos and DVDs, architectural and art supplies, and musical instruments. This use also includes DVD rental establishments. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.370 Building, hardware and garden materials store.

"Building, hardware and garden materials store" means an establishment engaged in selling lumber and other building materials, feed, or lawn and garden supplies. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.400 Campground.

"Campground" means an area of land developed for recreational use in temporary occupancy, such as tents or recreational vehicles without hookup facilities. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.422 Car wash.

"Car wash" means a structure with machine-operated or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.460 Church, synagogue, mosque, temple.

"Church, synagogue, mosque, temple" means a place where religious services are conducted, including accessory uses in the primary or accessory buildings such as religious education, reading rooms, assembly rooms, and residences for nuns and clergy. This definition does not include facilities for training of religious orders. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.500 Communication facility, major.

"Major communication facility" means a communication facility for transmission and reception of:

- A. UHF and VHF television signals; or
- B. FM or AM radio signals. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.510 Communication facility, minor.

"Minor communication facility" means a communication facility for transmission and reception of:

- A. Two-way and/or citizen band (CB) radio signals;
- B. Point-to-point microwave signals;
- C. Cellular radio signals;

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D. Signals through FM radio translators; or

E. Signals through FM radio boosters under 10 watts *effective radiated power* (ERP). [Ord. 11-0329 § 3 (Exh. 1).]

18.20.635 Cultural facilities.

“Cultural facilities” means facilities which offer passive entertainment and enjoyment activities to the general public. This definition includes, but is not limited to, museums and libraries. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.690 Department and variety store.

“Department and variety store” means an establishment engaged in the retail sale of a variety of lines of merchandise, such as dry goods, apparel and accessories, gifts, novelties and souvenirs, luggage and leather goods, home furnishings, and housewares. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.700 Destination resort.

“Destination resort” means an establishment for resource-based recreation and intended to utilize outdoor recreational opportunities, including related services, such as food, overnight lodging, equipment rentals, entertainment and other conveniences for guests of the resort. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.772 Dock.

A “dock” is a platform built out from the shore into the water providing access to boats or other watercraft or for public viewing of the water. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.780 Dormitory.

“Dormitory” means a residential *building* that provides sleeping quarters, but not separate *dwelling units*, and may include common dining, cooking and recreation or bathing facilities. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.790 Drop box facility.

“Drop box facility” means a facility used for receiving solid waste and recyclables from off-site sources into detachable solid waste containers, including the adjacent areas necessary for entrance and exit roads, unloading and vehicle turnaround areas. Drop box facilities normally service the general public with loose loads and may also include containers for separated recyclables. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.800 Drug store.

“Drug store” means an establishment engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics and related supplies, and tobacco stores and stands. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.865 Educational institutions (public or private), K – 12.

“Educational institutions (public or private), K – 12” means a public or private school encompassing grades K through 12. [Ord. 11-0329 § 3 (Exh. 1).]

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18.20.900 Energy resource recovery facility.

"Energy resource recovery facility" means an establishment for recovery of energy in a usable form from mass burning or refuse-derived fuel incineration, pyrolysis or any other means of using the heat of combustion of solid waste. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.970 Fabric shop.

"Fabric shop" means an establishment engaged in the retail sale of sewing or needlework supplies and accessories, or awnings, banners or flags. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1000 Fairground.

"Fairground" means a site permanently designated and improved for holding a fair, as provided in Chapters 15.76 and 36.37 RCW, or for holding similar events, including, but not limited to:

- A. Carnivals;
- B. Circuses;
- C. Expositions;
- D. Animal shows; and
- E. Exhibitions and/or demonstrations of farm and home products with accompanying entertainment and amusements. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1140 Florist shop.

"Florist shop" means an establishment engaged in the retail sale of flowers and plants. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1160 Forest product sales.

"Forest product sales" means the sale of goods produced, extracted, consumed, gathered or harvested from a forest including, but not limited to:

- A. Trees;
- B. Wood chips;
- C. Logs;
- D. Fuelwood;
- E. Cones;
- F. Christmas trees;
- G. Berries;
- H. Herbs; or

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I. Mushrooms. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1170 Forest research.

"Forest research" means the performance of scientific studies relating to botany, hydrology, silviculture, biology and other branches of science in relation to management of forest lands. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1190 Furniture and home furnishings store.

"Furniture and home furnishings store" means an establishment engaged in the retail sale of household furniture and furnishings for the home. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1200 General business service.

"General business service" means an establishment engaged in providing services to businesses or individuals, with no outdoor storage or fabrication, including banks, brokerages, insurance offices, real estate offices, and membership organizations. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1202 General personal service use.

"General personal service use" means drycleaning and laundry services, linen suppliers, diaper services, carpet and upholstery cleaning services, portrait studios, clothing alteration and repair services, beauty and barber shops, shoe repair shops, tax return preparation services, and other miscellaneous personal services. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1230 Golf course facility.

"Golf course facility" means a recreational facility, under public or private ownership, designed and developed for golf activities with accessory uses including, but not limited to:

- A. A driving range;
- B. Miniature golf;
- C. Pro shops;
- D. Caddyshack buildings;
- E. Swimming pools, tennis courts and other related recreational facilities;
- F. Restaurants;
- G. Office and meeting rooms; and
- H. Related storage facilities. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1235 Government facilities, City.

"Government facilities, City" means facilities of any unit of City government. Types of facilities include municipal offices, community centers, courts of law, public works maintenance facilities, and other types of municipal facilities. [Ord. 11-0329 § 3 (Exh. 1).]

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18.20.1305 Health services, miscellaneous.

"Health services, miscellaneous" includes home health care services, kidney dialysis centers, special outpatient facilities, such as family planning centers and outpatient mental health facilities, blood and organ banks, medical photography, and childbirth preparation classes, as well as other miscellaneous ambulatory health care services. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1350 Hobby, toy, game shop.

"Hobby, toy, game shop" means an establishment engaged in the retail sale of toys, games, hobby and craft kits, including coin shops and stamp sales. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1420 Individual transportation and taxi.

"Individual transportation and taxi" means an establishment engaged in furnishing individual or small group transportation by motor vehicle. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1440 Interim recycling facility.

"Interim recycling facility" means a site or establishment engaged in collection or treatment of recyclable materials, which is not the final disposal site, and including:

A. Drop boxes;

B. Source-separated, organic waste processing facilities; and

C. Collection, separation and shipment of glass, metal, paper or other recyclables. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1470 Jail.

"Jail" means a facility operated by a governmental agency, designed, staffed and used for the incarceration of persons for the purposes of punishment, correction and rehabilitation following conviction of an offense. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1480 Jail farm.

"Jail farm" means a farm or camp on which persons convicted of minor law violations are confined and participate in agriculture and other work activities of the facility. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1490 Jewelry store.

"Jewelry store" means an establishment engaged in the retail sale of a variety of jewelry products, including gemstones and rock specimens. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1530 Landfill.

"Landfill" means a disposal site or part of a site at which refuse is deposited. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1630 Livestock sales.

"Livestock sales" means the sale of livestock but not including auctions. [Ord. 11-0329 § 3 (Exh. 1).]

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18.20.1650 Log storage.

"Log storage" means a facility for the open or enclosed storage of logs which may include repair facilities for equipment used on-site or operations offices. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1695 Medical/dental office/outpatient clinic.

"Medical/dental office/outpatient clinic" means establishments of licensed practitioners having the appropriate degree to practice medicine, dentistry, osteopathy, chiropractics, podiatry, optometry, and other health practitioners. This definition also includes the indoor retail sale of personal medical supplies as an ancillary operation. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1705 Miscellaneous repair.

"Miscellaneous repair" means repair of nonpersonal/nonhousehold items, except nonmotorized vehicle repair. This definition excludes on-site services. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1745 Mobile food vendor.

"Mobile food vendor" means retail sale of food or beverages from a cart on a nonfixed foundation which is typically removed daily at the close of business, and is located on a sidewalk or near a storefront. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1790 Motor vehicle and boat dealers.

"Motor vehicle and boat dealers" means establishments engaged in the retail sale of new and/or used automobiles, motor homes, motorcycles, trailers, or boats. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1800 Motor vehicle and bicycle manufacturing.

"Motor vehicle and bicycle manufacturing" means fabricating or assembling complete passenger automobiles, trucks, commercial cars and buses, motorcycles, and bicycles. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1820 Municipal water production.

"Municipal water production" means the collection and processing of surface water through means of dams or other methods of impoundment for municipal water systems. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1900 Off-street required parking lot.

"Off-street required parking lot" means parking facilities constructed to meet the off-street parking requirements of Chapter 18.40 KMC for land uses located on a lot separate from the parking facilities. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1940 Outdoor performance center.

"Outdoor performance center" means an establishment for the performing arts with open-air seating for audiences. Such establishments may include related services such as food and beverage sales and other concessions. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2050 Personal medical supply store.

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"Personal medical supply store" means an establishment engaged in the retail sale of eyeglasses, contact lenses, hearing aids, and artificial limbs. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2060 Pet shop.

"Pet shop" means an establishment engaged in the retail sale of household pets, small animals, or their supplies or grooming. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2070 Photographic and electronic shop.

"Photographic and electronic shop" means an establishment engaged in the retail sale of cameras and photographic supplies, and a variety of household electronic equipment, including radio, television and consumer electronic stores, and computer and computer software stores. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2135 Pro shop.

A "pro shop" is a building or room where the retail operation of a golf course takes place. The functions of a pro shop may include, but are not limited to, tee time reservations, club fitting, handicap posting area, and sales of golf equipment, clothing, accessories, and similar items. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2150 Public agency animal control facility.

"Public agency animal control facility" means a facility for the impoundment and disposal of stray or abandoned household pets or small animals. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2190 Public agency training facility.

"Public agency training facility" means an establishment or school for training State and local law enforcement, fire safety, national guard or transit personnel and facilities including but not limited to:

- A. Dining and overnight accommodations;
- B. Classrooms;
- C. Shooting ranges;
- D. Auto test tracks; and
- E. Fire suppression simulations. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2250 Recreational vehicle parks.

"Recreational vehicle parks" means the use of land upon which two or more recreational vehicle sites, including hook up facilities, are located for occupancy by the general public of recreational vehicles as temporary living quarters for recreation or vacation purposes. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2280 Regional stormwater management facility.

"Regional stormwater management facility" means a surface water control structure installed in or adjacent to a stream or wetland of a basin or sub-basin by the department or a project proponent. Such facilities protect downstream areas identified by the department as having previously existing or predicted significant regional basin flooding or erosion problems. [Ord. 11-0329 § 3 (Exh. 1).]

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18.20.2367 Retail sales, outdoor.

"Retail sales, outdoor" means the display and sale of products and services primarily outside of a building or structure, including but not limited to garden supplies, tires and motor oil, manufactured homes, burial monuments, building and landscape materials, and lumber yards. This definition excludes motor vehicle and boat dealers, outdoor retail display/sidewalk sales, mobile food vendors, City-authorized temporary uses, or City-authorized uses allowed in public plazas or outdoor performance spaces on a temporary but regular basis. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2440 School district support facility.

"School district support facility" means uses (excluding schools and bus bases) that are required for the operation of a school district. This term includes school district administrative offices, centralized kitchens, and maintenance or storage facilities. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2450 Schools, elementary and middle/junior high.

"Schools, elementary and middle/junior high" means institutions of learning offering instruction in the several branches of learning and study required by the Education Code of the State of Washington in grades kindergarten through nine, including associated meeting rooms, auditoriums and athletic facilities. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2460 Schools, secondary or high school.

"Schools, secondary or high school" means institutions of learning offering instruction in the several branches of learning and study required by the Education Code of the State of Washington in grades nine through 12, including associated meeting rooms, auditoriums and athletic facilities. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2524 Services, off-site.

"Services, off site" means establishments primarily engaged in providing individual or professional services at the customer's home or place of business. Examples of off-site services include but are not limited to temporary employment services, janitorial services, and professional maid services. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2527 Services, on-site.

"Services, on-site" means establishments primarily engaged in providing individual or professional services within the place of business, such as beauty and barber shops, retail laundry and drycleaning including coin-operated, garment alterations and repair, photo studios, shoe repair, pet grooming, photography and photo reproduction, personal accountants, entertainment media rental or other indoor rental services, repair of personal items or household items, and nonmotorized vehicle repair. This definition excludes automotive repair or automotive service and miscellaneous repair. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2550 Shooting range.

Attachment C

"Shooting range" means a facility designed to provide a confined space for safe target practice with firearms, archery equipment, or other weapons. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2790 Soil recycling facility.

"Soil recycling facility" means an establishment engaged in the collection, storage and treatment of contaminated soils to remove and re-use organic contaminants. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2840 Sporting goods store.

"Sporting goods store" means an establishment engaged in the retail sale of sporting goods and equipment. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2884 Storage, indoor.

"Storage, indoor" means a use engaged in the storage of goods and/or materials characterized by infrequent pick-up and delivery, and located within a building. Indoor storage uses typically are enclosed and provide supervised access to the storage areas within the building. The definition excludes self-service storage, warehousing and distribution. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2965 Taxi stand.

"Taxi stand" means a facility for pick-up and drop-off of taxi patrons, typically characterized by an area for queuing passengers and taxis. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2970 Theater.

"Theater" means an establishment primarily engaged in the indoor exhibition of motion pictures or of live theatrical presentations. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2980 Theatrical production services.

"Theatrical production services" means an establishment engaged in theatrical production (except motion picture), bands, orchestras, and entertainers, except establishments primarily engaged in providing live theatrical presentations, such as road companies and summer theaters. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.3010 Transfer station.

"Transfer station" means a staffed collection and transportation facility used by private individuals and route collection vehicles to deposit solid waste collected off-site into larger transfer vehicles for transport to permanent disposal sites, and may also include recycling facilities involving collection or processing for shipment. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.3155 Variety store.

"Variety store" means an establishment engaged in retailing a variety of new general merchandise goods. Variety store does not include department store, but is a subcategory of "department and variety store." [Ord. 11-0329 § 3 (Exh. 1).]

18.20.3190 Warehousing and wholesale trade.

Attachment C

“Warehousing and wholesale trade” means establishments involved in the storage and/or sale of bulk goods for resale or assembly, excluding establishments offering the sale of bulk goods to the general public which are classified as a retail land use. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.3200 Wastewater treatment facility.

“Wastewater treatment facility” means a plant for collection, decontamination and disposal of sewage, including residential, industrial and agricultural liquid wastes, and including any physical improvement within the scope of the definition of “water pollution control facility” set forth in WAC 173-90-015(4) as amended. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.3300 Wildlife shelter.

“Wildlife shelter” means a facility for the temporary housing of sick, wounded or displaced wildlife. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.3310 Work release facility.

“Work release facility” means a facility which allows the opportunity for convicted persons to be employed outside of the facility, but requires confinement within the facility when not in the place of employment. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.3330 Yard or organic waste processing.

“Yard or organic waste processing” means processing yard and garden wastes, including wood and land-clearing debris, into new products such as soil amendments and wood chips. [Ord. 11-0329 § 3 (Exh. 1).]



City Council Business Agenda Item
City of Kenmore, WA

Subject/Topic: Consideration of Kenmore Municipal Code (KMC) changes addressing vegetation and sidewalk maintenance

For Council Meeting Agenda of: June 12, 2017

Department: Public Works

Prepared by: Brett Schock, PE

Proposed Council Action/Motion:

Feedback on Kenmore Municipal Code changes addressing vegetation and sidewalk maintenance.

Approved by Department Head:

Approved by City Attorney:

Approved by Finance Director:

Approved by City Manager:

Initial & Date

KMO 6/2/17

via email

me/6/2/17

RJR

Exhibits/Attachments:

Attachment A – Draft of Proposed Kenmore Municipal Code (KMC) changes

Expenditure Required

\$0

Amount Budgeted

\$0

Appropriation Required

\$0

INFORMATION/BACKGROUND:

On March 13, 2017, City staff spoke with City Council about two policies, vegetation and sidewalk maintenance within the right of way. For both policies, staff reviewed the current code and practices of the City. The Kenmore Municipal Code (KMC) places responsibility for vegetation management and sidewalk maintenance on the adjacent property owner.

City staff compared the Kenmore policies to those of the neighboring cities of Shoreline, Kirkland and Bothell. In each of these cities, vegetation maintenance is the responsibility of adjacent property owners and expectations of each city for maintenance are defined. Sidewalk maintenance responsibility differs between these cities. Kirkland and Shoreline allow for assessing the costs of repair to the adjacent property owner if the cause of sidewalk damage is on private property. Bothell's code matches Kenmore's.

In March, City staff asked the City Council for feedback on recommended changes to the KMC and City operations. In general, City Council desires to continue existing City practices regarding vegetation maintenance and take on a more proactive program of sidewalk maintenance. The proposed code changes included in Attachment A address the feedback received from the City Council at the March 13, 2017 meeting. KMC addresses these topics in the following sections:

Vegetation maintenance

- 8.35.010 Public Nuisances – Unlawful public nuisances declared
- 12.70.010 Sidewalks, Planting Strips and Street Trees – Definitions
- 12.70.040 Sidewalks, Planting Strips and Street Trees – Planting strip maintenance
- 18.30.240 Development Standards – General – Sight distance requirements

Sidewalk maintenance

- o 12.70.020 Sidewalks, Planting Strips and Street Trees – Sidewalk – Repair determination – Responsibility and costs
- o 12.70.030 Sidewalks, Planting Strips and Street Trees – Sidewalk – Notice to repair – Cost assessment

Vegetation Maintenance

The City Council's feedback on vegetation maintenance at the March 13, 2017 meeting was to:

1. Maintain the current reactive program of vegetation maintenance.
2. Provide more direction and guidance for the expectations of property owner vegetation maintenance.

The City Council feedback is incorporated into the KMC with the following changes:

1. **Section 8.35.010** is changed to define vegetation as a public safety hazard when the City Manager, or designee, identifies a safety concern. A reference is also added to the maintenance requirements of Section 12.70.040.
2. The definition of "planting strip" in **Section 12.70.010** is expanded with a third category, defining the planting strip as the portion of right of way between the edge of pavement and the private property right of way line if no other pavements are existing. Language is also added to this section allowing for planting strips to be left in a natural state, if other maintenance requirements are met.
3. **Section 12.70.040** clarifies the City's expected maintenance requirements. Property owners must allow the use of the right of way by the public. The minimum width of pedestrian way (4 feet) outside of the vehicle travel lane is defined. The minimum vertical vegetation clearance over pedestrian paths (8 feet) and vehicle paths (11 feet) is defined.
4. The assessment of the cost of vegetation maintenance performed by the City because of a lack of property owner response is left to the discretion of the City Manager.
5. **Section 18.30.240** is revised to include a reference to the planter strip definitions in Chapter 12.70.
6. There is also language that allows the City to maintain right of way vegetation, at the City Manager's discretion.

The redlined proposed changes to the KMC are included as Attachment A.

Sidewalk Maintenance

The City Council's feedback on sidewalk maintenance at the March 13, 2017 meeting was to:

1. Change to a proactive program of sidewalk maintenance.
2. Change the KMC responsibility for sidewalk repair to the City when the cause of damage is in the public right of way or cannot be identified as being on private property.
3. Leave the KMC responsibility for sidewalk repair by property owners in place when the cause of damage is found to be on private property or as a result of private property owner activity.

The City Council feedback is incorporated into the KMC with the following changes:

1. **Section 12.70.020** is changed allowing the City Manager, or designee, to conduct an assessment to determine the cause of damage to a sidewalk.
 - a. The changes allow the City to make the sidewalk repairs at no expense to the property owner if the cause of sidewalk damage is determined to be in the public right of way.
 - b. The City retains the ability to assess the costs of the repair to the property owner if the cause of sidewalk damage is determined to be on private property and the property owner refuses the opportunity to complete the repairs on their own. Repair of sidewalks by the property owner would require a right of way permit and need to meet City standards for sidewalk construction.
2. **Section 12.70.030** is changed to take the assessment by the City Manager, or designee, into account where determining the assignment of costs to the private property owner. The Section is also amended to add an appeals process through the Public Works Director and City Manager of any assigned costs to repair sidewalks.

The redlined proposed changes to the KMC are included as Attachment A.

The City's proactive program would include the following elements:

- Review and complete the survey of the existing condition of all sidewalks (started in 2015).
- Development of a prioritized program of repairs, within budget limits, based on the survey.
- Construction of repairs every other year (once a biennium).

City Council Action

City staff requests Council feedback on the KMC changes to address vegetation and sidewalk maintenance. Due to advertising and review timelines, staff will bring the proposed ordinance back to Council for a public hearing and adoption at a later date.

FISCAL CONSIDERATION:

The City will incur additional costs for sidewalk maintenance, including the costs of finishing the survey of existing sidewalk.

A budget of \$50,000 per year, starting in 2018 and continuing into the 2019-20 biennium, is recommended to begin to address sidewalk maintenance issues. This amount of resources is outside of currently budget items and would require a budget amendment and appropriation by the City Council.

COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:

1. To focus on and emphasize multimodal transportation safety in the City of Kenmore with a specific focus on pedestrian, bicycle and other means of travel



City Council Business Agenda Item
City of Kenmore, WA

Attachment A – Draft of Proposed Kenmore Municipal
Code (KMC) changes

Changes are proposed to the following sections from the Kenmore Municipal Code. Each section is an excerpt of the full language of the Kenmore Municipal Code.

- Existing text is in black and white
- Added text is in red and underlined
- ~~Removed text is in red and struck-through~~

KMC 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 any of the following conditions:

A. Vegetation and landscaping which constitute health, fire or other public safety hazards:

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 visible from a public street, sidewalk or right-of-way, 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:
 - (i) growing rampant and unmaintained so as to provide unsightly, unsanitary and/or unsafe conditions; ~~i~~
 - (ii) is destructive to other vegetation; ~~or~~
 - (iii) that block public rights-of-way as described in KMC 12.70.040;
 - (iv) ~~or~~ threatens to invade neighboring properties.

KMC Chapter 12.70

SIDEWALKS, PLANTING STRIPS AND STREET TREES

12.70.010 Definitions.

Terms used in this chapter with relation to sidewalks, planting strips and curbs shall have the meanings as set forth in this section:

A. "Abutting property" means property having a frontage upon the sides or margins of any street or right-of-way.

B. "Curb" means a cement, concrete or asphaltic concrete raised structure designed to delineate the edge of the streetway pavement and to separate the vehicular portion from that provided for pedestrians and to control surface drainage control.

BC. "Planting strip" means that portion of the right-of-way which lies:

1. Behind the curb line and between the curb line and the sidewalk; or

2. Between the sidewalk and the right-of-way line, or

3. Between the edge of pavement and the right-of-way line where sidewalks and/or curb are not present,

used for the planting of trees, grass, shrubs or ground cover.

D. "Public works director" means the public works director, or designee.

GE. "Sidewalk" means that property between the curb line and the adjacent abutting property, set aside and intended for the use of pedestrians, improved by paving with cement concrete or asphaltic concrete. [Ord. 03-0180 §§ 1, 2; Ord. 02-0141 § 1; Ord. 98-0024 §§ 1, 2 (KCC 14.52.010).]

12.70.020 Sidewalk – Repair determination – Responsibility and costs.

A. Whenever a portion of any public street, including any boulevard, avenue, lane or place, is improved by a sidewalk thereon, and the sidewalk shall have become unfit or unsafe for public travel, the city manager department of public works may determine that the reconstruction or repair of that portion of sidewalk is necessary for the public safety and convenience. If the city manager makes such a determination, the city manager also shall determine the cause of the damage to such sidewalk.

B. If the city manager, department does so finds that damage to the sidewalk results from activities on or use of the abutting privately-owned property or actions or omissions of the abutting private property owner (examples include roots from trees not planted by any public entity, private vehicle traffic at driveways, etc.), the duty, burden and expense of reconstruction or repair shall be the responsibility of the abutting property owner; provided, that the abutting property owner shall not be responsible for any construction or repair charged with any costs of repair in excess of 25 percent of the valuation of the abutting property, exclusive of improvements.

C. If the City Manager, or designee, does so find the cause of damage to the sidewalk lies on public property, within the right-of-way, or can be identified as placed by a public entity, the duty, burden and expense of repair shall be the responsibility of the City.

D. The city manager shall prepare a written order of the city manager's determinations under this Section. This chapter and the city manager's determinations shall constitute the "resolution" identified in Chapters 35.68, 35.69 and 35.70 RCW.[Ord. 03-0180 §§ 1, 2; Ord. 02-0141 § 1; Ord. 98-0024 §§ 1, 2 (KCC 14.52.020).]

12.70.030 Sidewalk – Notice to repair – Cost assessment.

Whenever the city manager department of public works has determined that a portion of a sidewalk has become unfit or unsafe for public travel, that reconstruction or repair is necessary for public safety and convenience, and that the abutting property owner is responsible for reconstruction or repair pursuant to KMC 12.70.020 (B), the public works director department shall serve give a written notice on of the determination to the owner of the abutting property. The notice shall:

- A. , instructing the owner to reconstruct or repair the sidewalk in accordance with standard plans and specifications which shall be attached to the notice.;
- B. Specify a reasonable time for the reconstruction or repair;
- C. Require the owner to provide an estimate of the cost of the reconstruction or repair before commencement of the reconstruction or repair;
- D. Advise the owner that the public works director must approve plans for reconstruction or repair before the owner commences reconstruction or repair, so that the City can determine whether the 25 percent limit of KMC 12.070.020(B) is met;
- E. Advise the owner that the City may require the owner to revise the plans for reconstruction or repair to comply with the 25 percent limit of KMC 12.70.020(B);
- F. State that if the owner fails to reconstruct or repair within the time period specified, the public works director will complete the reconstruction or repair at the owners' expense;
- G. State that if the public works director completes the reconstruction or repair, the public works director will determine the cost to be charged to the owner; and
- H. State that the city manger will hear protests to the determination of the owner's responsibility for reconstruction or repair, and the public works director will hear protests to the cost to be charged to the owner, at a time and place and in a manner established by the city manager or public works director, as applicable.

The notice may shall be delivered in person to the owner, or to the resident of the property, or delivered by mail to the last known address of the property owner recorded tax address. If the owner is unknown, a copy of the notice shall be posted in a conspicuous place on the portion of the street where the reconstruction or repair is to occur. Before commencing reconstruction or repair, the owner must provide to the public works director the plans for the reconstruction or repair, together with an estimate of the cost of the reconstruction or repair and information from which the public works

director may determine the valuation of the abutting property, exclusive of improvements. The public works director may require the owner to provide additional information to determine such valuation, at the cost of the owner. If the public works director determines that the cost of the reconstruction or repair will exceed 25 percent of such valuation, the owner must modify the plans for the reconstruction or repair so that the cost of the work does not exceed 25 percent of such valuation. The owner shall not commence the reconstruction or repair until the public works director has approved the modified plans.

If the owner fails to perform the approved reconstruction or repair within the time period stated in the notice, or a different time period approved by the public works director, the public works director shall complete the reconstruction or repair. After completion, the public works director shall determine the cost to be charged to the owner, and the time and manner of payment thereof; provided, that the cost shall not exceed 25 percent of the valuation of the abutting property, exclusive of improvements. The public works director shall give notice of the cost to the owner. The notice shall:

- A. State the cost to be charged to the owner, and the time and manner of payment thereof;
- B. Include supporting documentation for the cost;
- C. Advise the owner that the cost cannot exceed 25 percent of the valuation of the property, exclusive of improvements;
- D. State that the public works director will hear protests to the determination of cost, at a time and place and in a manner established by the public works director.

The approved cost shall become a lien upon the property. The lien shall be collected in the manner as provided by law for collection of local improvements assessments.

The owner may appeal the city manager's determination of responsibility for the reconstruction or repair, and may appeal the public works director's determination of cost, by filing a notice of appeal with the city manager or the public works director, as applicable, within 10 calendar days after entry of the city manager's or public works director's determination. The city manager or public works director shall consider the owner's protests at a time and place and in a manner determined by the city manager or public works director. The city manager or public works director shall give notice of the date, time, place and manner of consideration of the protests to the owner at the owner's recorded tax address. After the protest consideration, the city manager or public works director shall issue a decision, which shall be the City's final decision on the owner's responsibility for reconstruction or repair or the cost. ~~improvements are to be made.~~ The notice shall specify a reasonable time for such construction or reconstruction and shall also state that in the event the project is not completed within the time period specified, the department of public works will proceed to have the improvements completed. Following completion, the department will report to the council an assessment roll showing the lots or parcels abutting the project and the name of the owner(s). Upon expiration of the normal time for hearing protests as specified in RCW 36.88.090, the council shall assess the cost for the improvement

~~against the abutting property owner which shall become a lien against the property if not paid. [Ord. 03-0180 §§ 1, 2; Ord. 02-0141 § 1; Ord. 98-0024 §§ 1, 2 (KCC 14.52.030).]~~

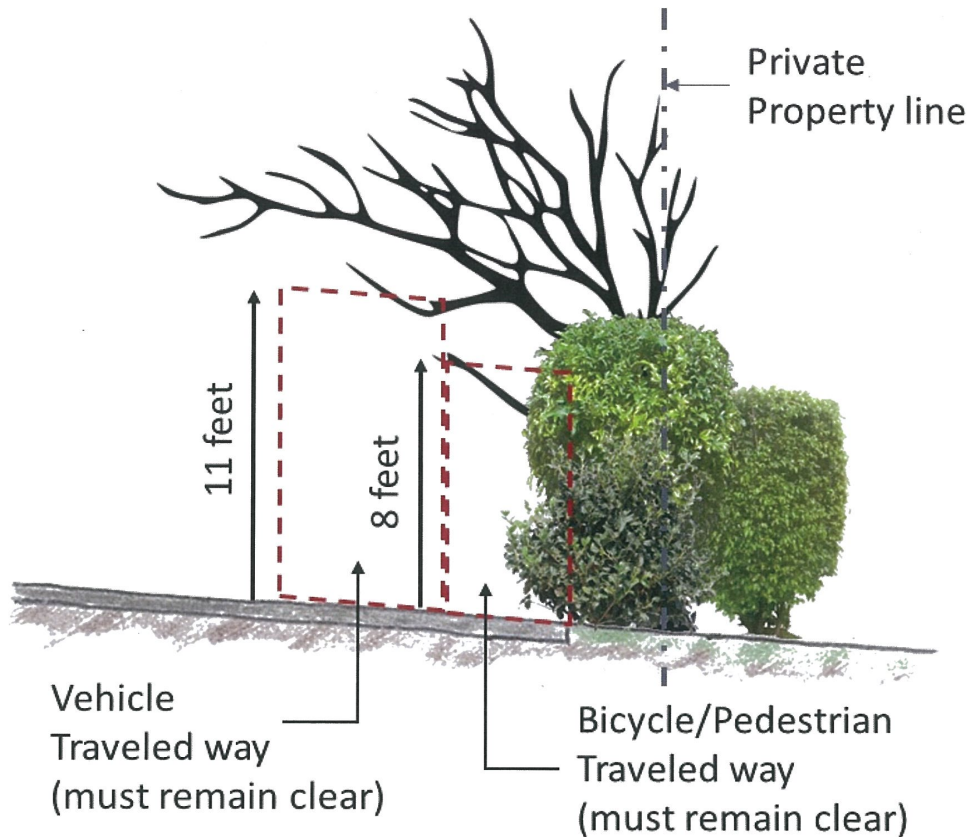
12.70.040 Planting strip maintenance.

Maintenance of planting strips, including trees, tree limbs that protrude over the road and sidewalk, shrubbery, weeds, grass or other ground cover, shall be the responsibility of the abutting property owner. Vegetation in planting strips shall be kept in a condition that does not impair the use by the traveling public of the right-of-way. The use of the right-of-way includes, but is not limited to:

1. Motor vehicles on paved roadways;
2. Bicycles on paved surfaces or designated trails; and
3. Pedestrians on sidewalks, designated paved walkways or other pedestrian paths as determined by the city manager.

Vegetation shall not overhang sidewalks, walkways or bike lanes within 8 feet, measured vertically from any point on the traveled way. Vegetation shall not overhang vehicle lanes within 11 feet, measured vertically from any point on the traveled way.

4. The traveled way (facing private property) for sidewalks, paved walkways or bike lanes shall be defined by the edge of paved surfaces. Other pedestrian paths, as determined by the city manager shall be a minimum of 4' wide.
5. The traveled way for vehicles shall be defined by the edge stripe or edge of pavement where no stripe is present.



Should the city manager ~~director of public works~~ find that such property is not being properly maintained, the city manager shall send a notice ~~shall be forwarded~~ as provided in KMC 12.70.030 specifying a reasonable time within which such maintenance shall be accomplished. If the owner fails to proceed, the department ~~of public works~~ will have the maintenance performed, and the cost ~~will~~ may, at the discretion of the city manager, be assessed against the property owner as provided in KMC 12.70.030.

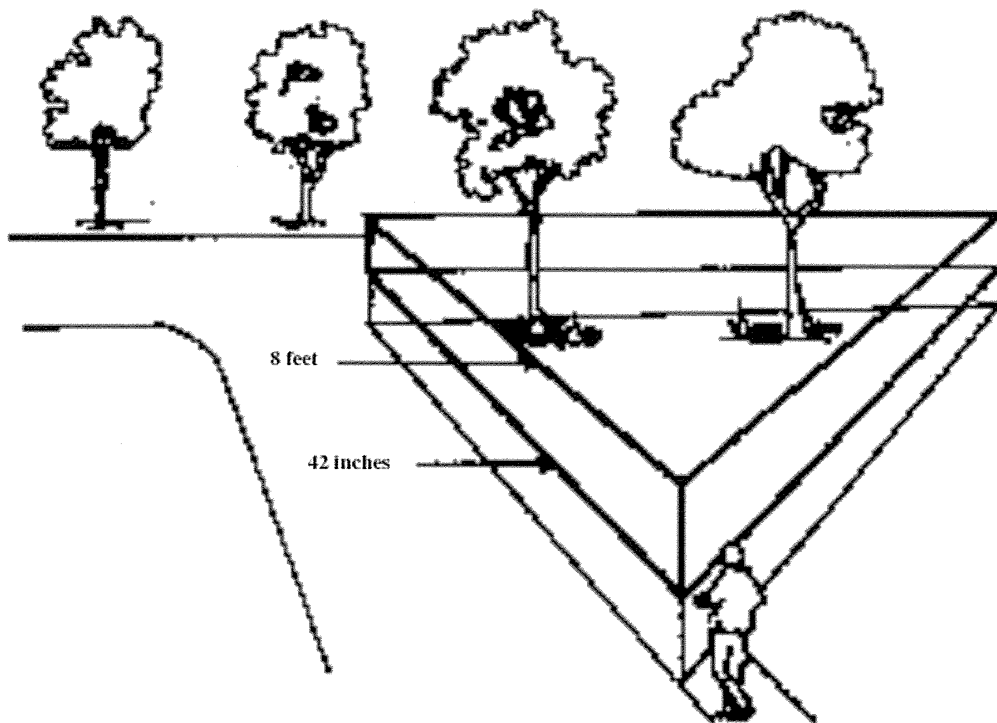
Nothing in this chapter shall preclude the City, at city manager's discretion, from maintaining vegetation in the City right-of-way. [Ord. 03-0180 §§ 1, 2; Ord. 02-0141 § 1; Ord. 98-0024 §§ 1, 2 (KCC 14.52.040).]

KMC Chapter 18.30
DEVELOPMENT STANDARDS – GENERAL

18.30.240 Sight distance requirements.

Except for utility poles and traffic control signs, the following sight distance provisions shall apply to all intersections and site access points:

A. A sight distance triangle area as determined by subsection B of this section shall contain no fence, berm, vegetation, on-site vehicle parking area, signs or other physical obstruction between 42 inches and eight feet above the existing street grade;



NOTE: The area of a sight distance triangle between 42 inches and eight feet above the existing street grade shall remain open.

B. The sight distance triangle at:

1. A street intersection shall be determined by measuring 15 feet along both street property lines beginning at their point of intersection. The third side of the triangle shall be a line connecting the endpoints of the first two sides of the triangle; or

2. A site access point shall be determined by measuring 15 feet along the street lines and 15 feet along the edges of the driveway beginning at the respective points of intersection. The third side of each triangle shall be a line connecting the endpoints of the first two sides of each triangle; and

C. The city manager may require modification or removal of structures or landscaping located in required street setbacks, or the right-of-way, if:

1. Such improvements prevent adequate sight distance to drivers entering or leaving a driveway; and
2. No reasonable driveway relocation alternative for an adjoining lot is feasible; and-
3. Vegetation falls within the bounds of the planting strip defined in Chapter 12.70.

D. If an off-site sight distance triangle is created on adjoining property, the applicant shall obtain an easement from the neighboring property owner for the area of the sight distance triangle and make such modifications as are necessary to provide adequate sight distance for drivers.

E. The city manager may modify any of the requirements of this section as long as public safety is not compromised. [Ord. 11-0329 § 3 (Exh. 1).]



City Council Business Agenda Item
City of Kenmore, WA

Subject/Topic: Discussion of Paid Parental Leave Policy for City Employees. Proposed Council Action/Motion: No formal action is required at this time. Staff recommends that the Council discuss the various aspects of the paid parental leave policy draft and provide direction on 1) Whether to pursue this policy further, and 2) Which of the two options within the draft policy they prefer.	For Council Meeting Agenda of: June 12, 2017 Department: City Manager's Office Prepared by: Sarah Bingham, Intern for City Manager <u>Initial & Date</u> Approved by Department Head: _____ Approved by City Attorney: KW via email Approved by Finance Director: <i>[Signature]</i> 6/12/17 Approved by City Manager: <i>[Signature]</i> Exhibits/Attachments: Attachment A – Draft Policy; Paid Parental Leave, Attachment B – Policy Paper
<u>INFORMATION/BACKGROUND:</u> At the January Council Retreat, the Council discussed establishing a paid parental leave policy for City employees. At the retreat, the Council requested that Staff research the possibility of a paid parental leave policy for future discussion. While the City is not under any legal obligation to provide such a policy, several other governments in the surrounding area, including King County, the City of Seattle and the City of Shoreline, have recently established paid parental leave policies. Paid parental leave policies have been associated with positive health outcomes, reduced gender and economic disparities, and reduced employee turnover¹. At the retreat, the consensus of the Council was to look into the possibility of providing around six weeks of paid parental leave. A draft policy has been prepared by staff and is included as Attachment A. Additional information about this policy can be found in Attachment B – a policy paper evaluating the benefits and costs of a paid parental leave policy. Based on the feedback and direction from the Council, a resolution for a paid parental leave policy may be brought forward on a later date.	
<u>FISCAL CONSIDERATION:</u> Paid parental leave increases costs if the City needs to backfill an employee's absence to get work done. The estimated cost to fill a midlevel employee for six weeks is around \$9,500. If positions are not backfilled, then workloads would need to be adjusted to accommodate the absence of an employee. The attached policy paper (Attachment B) provides further discussion on the financial impact of a paid parental leave policy.	
<u>COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:</u> City of Kenmore Vision Statement: • Supports the safety, health and welfare of all of its citizens. • Is inclusive and family friendly	

¹ Barbara Gault, Heidi Hartmann, Ariane Hegewisch, Jessica Milli, Lindsey Reichlin. "Paid Parental Leave in the United States," *Institute for Women's Policy Research*, 2014.

ATTACHEMENT A- Draft Policy: Paid Parental Leave

Paid Parental Leave

The purpose of paid parental leave is to provide new parents with the opportunity to bond with their newborn or newly-adopted children, which has a positive, lifelong impact on a child's development. The City encourages employees to take sufficient family time to maintain a healthy productive workforce.

Eligibility

Paid parental leave is available to all full-time regular employees who have been employed with the City for at least six months of continuous services at the time of experiencing one of the following qualifying events:

- a) Birth of an employee's child; or
- b) Adoption of a child who is 17 years old or younger. This provision does not apply to the adoption of a stepchild by a stepparent.

Benefit Amount

Option 1- King County/Shoreline Model: *Requires employees to use all but two weeks of accrued leave before coming into effect.*

Paid parental leave supplements an employee's accrued paid leave. An eligible employee may receive the equivalent of his or her full salary for up to a total of twelve weeks, when combined with the employee's accrued paid leave (except for one week of sick leave and one week of vacation leave), following the employee's qualifying event. The employee must use all but two weeks of their accrued leave before using supplemental paid family leave.

Option 2- Seattle Model: *Provides employees with six weeks of paid parental leave before employees need to use other accrued leaves.*

All eligible employees will receive six weeks of paid parental leave regardless of their leave balances. An employee may then choose to take up to six more additional weeks of leave from their other accrued paid leave reserves. Eligible employees are permitted to use the six weeks of paid parental leave before other paid leaves. Additionally, the employee may choose to take less than six weeks of paid parental leave.

Regular part-time and job-share employees will receive parental leave on a pro-rata basis, based upon the percentage that their normal weekly schedule bears to a full-time, 40-hour work week. Temporary employees are not eligible for any parental leave pursuant to this policy.

An employee who does not return to work for at least six months of continuous service following the parental leave, will be required to reimburse the City for the compensation received while on paid parental leave. By accepting paid parental leave, the employee acknowledges this condition and authorizes the City to deduct from his or her final paycheck any reimbursement amount owed by the employee pursuant to this policy.

Paid parental leave may not be cashed out under any circumstance.

Benefit Period, Frequency, and Concurrency

Paid parental leave must be used within 12 months of the qualifying event. After 12 months, any remaining unused paid parental leave time will be forfeited and no longer available.

An employee may use paid parental leave on an intermittent or part-time basis, as long as it is consistent with the department's operational needs, and it is approved in writing by the employee's department head prior to the leave. The department head shall have final discretion as to whether intermittent or part-time parental leave is consistent with the department's operational needs. In cases where intermittent or part-time parental leave is not approved, the employee must use paid parental leave in one consecutive increment.

An eligible employee will receive the full allotment of paid parental leave for each qualifying event. However, the birth or contemporaneous adoption of multiple children (e.g., twins) only qualifies as one event.

Job Protection and Health Benefits

Paid parental leave is protected leave. An employee returning from parental leave shall be entitled to an equivalent position with the same pay benefits and working conditions as the position held by the employee prior to leave, unless the City's circumstances have so changed that the employee's position would have been eliminated even if the employee had not been on parental leave and no other equivalent positions are available (examples of this might include layoffs, budget cuts, Department reorganizations, etc). The employee will continue to receive all health benefits and shall continue to accrue vacation and sick leave during the period of paid parental leave.

Procedure for Requesting Paid Parental Leave

1. Provide notice- In all but a small minority of cases, employees will have advance notice of the need for paid parental leave. Except in the rare circumstance when the need for leave is unexpected, at least 30 days' notice must be given to the respective department head. In the rare case when the need for leave is not foreseeable, you must provide notice as soon as possible.
2. Discuss your anticipated leave duration and schedule with your immediate supervisor. If you plan to take intermittent or part-time leave, this must be approved by your department head in writing prior to the leave.
3. Provide the City with appropriate documentation to certify your eligibility for the paid parental leave benefit.

ATTACHMENT B

Evaluating a Paid Parental Leave Policy for City Employees

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Executive Summary

At the January Council Retreat, the Council discussed the possibility of establishing a paid parental leave policy and directed staff to look into it further and report back to the City Council. A draft policy has been prepared, and this paper examines the benefits and costs of providing City employees with paid parental leave.

Background of Paid Parental Leave Policies

Paid parental leave (PPL) is an added leave benefit in addition to accrued sick and vacation leave. The intent of PPL is to provide new mothers and new fathers time to care for and bond with a new child. The City is not under any legal requirement to provide paid parental leave, and presently does not have a specific parental leave policy. The current federal and state legislation only mandate unpaid leave, and also only apply to organizations with more than 50 employees. Few cities in the area have established a PPL policy. Recently, paid parental or family leave programs have been introduced by King County, the City of Seattle, and the City of Shoreline.

Benefits of Paid Parental Leave

Paid parental leave programs have been associated with some economic, health, and social benefits.¹ Several specific benefits include:

- Increased employee retention
- Increased child and maternal health
- Increased paternal engagement
- Increased gender and socioeconomic equality

Costs of Paid Parental Leave

The cost of a PPL policy would depend on the type of policy the Council chooses; two options have been prepared within the draft policy based on the policies of King County and Seattle. Option 1 (modeled after King County) would first require employees to use up all but two weeks of their accrued leave. The City would then provide paid leave so that the total length of leave would equal twelve weeks. Option 2 (modeled after Seattle) would provide six weeks of paid leave regardless of employees' leave balances. Option 2 would likely cost the City more than Option 1. Between the two options, staff recommends Option 2 because it would be easier to administer and would be more equitable for all employees.

As employees' salaries are already budgeted for, additional costs would arise if the City needed to temporarily backfill employees out on leave. Based on the past five years, around one City employee a year has used accrued leave following the birth of a child. In these circumstances, the City has avoided backfilling employees by distributing work to other staff. However, as more

¹ Barbara Gault, Heidi Hartmann, Ariane Hegewisch, Jessica Milli, Lindsey Reichlin. "Paid Parental Leave in the United States," *Institute for Women's Policy Research*, 2014.

employees utilize a PPL policy, the City may likely need to backfill employees on leave. The cost estimate of needing to backfill a midlevel employee for six full weeks is around \$9,500.

Conclusion

Kenmore would be the first city of its size in the area to establish a paid parental leave policy. A PPL policy would be an added benefit to City employees and their families. However, the potential costs of needing to backfill employees on parental leave should be carefully considered.

Introduction

The makeup of the workforce in the United States continues to grow more diverse, with almost half of the workforce being made up of women.² Working parents are increasingly sharing the responsibilities of raising and providing for children. Despite this trend, the United States is the only high-income country in the world that does not mandate any form of paid maternity leave.³ However, many businesses and organizations throughout the country are starting to recognize the benefits of providing both mothers and fathers paid leave after the birth or adoption of a child. Paid parental leave programs have been positively associated with economic, health, and social benefits.⁴

At the January Council Retreat, the Council discussed the possibility of establishing a paid parental leave policy for City employees. Currently, only 15% of municipal workers in the United States are eligible for some type of paid parental or family leave.⁵ A draft paid parental leave policy for City employees has been prepared, and this paper examines the benefits and costs of providing such a policy.

Legal Background

While there are several laws on the federal and state level that support unpaid family leave, only a few of them directly apply to City employees. The Family and Medical Leave Act (FMLA), passed in 1993, requires that companies with more than 50 workers allow eligible employees, male and female, to take up to twelve weeks of unpaid, job-protected leave within one year of the birth, adoption, or foster placement of a child.⁶ The FMLA also allows employees to take the same amount of leave if they personally have a serious health condition, or to care for an immediate family member with a serious health condition. The FMLA does not apply to the City of Kenmore because the City has fewer than 50 employees total.

Washington State laws that support family leave include the Family Leave Act (FLA) and the Family Care Act (FCA).⁷ The FLA provides the same leave benefits as the FMLA and also only applies to organizations with more than 50 employees, and therefore does not apply to City employees. The FCA applies to all organizations with more than 8 employees, and mandates that employees must be allowed to use their sick leave, vacation leave, and other paid leaves to care for sick family members, which can include caring for a spouse recovering from childbirth.⁸

² "The Economics of Paid and Unpaid Leave," *The Council of Economic Advisors*, 2014.

³ Barbara Gault, Heidi Hartmann, Ariane Hegewisch, Jessica Milli, Lindsey Reichlin. "Paid Parental Leave in the United States," *Institute for Women's Policy Research*, 2014.

⁴ Barbara Gault, Heidi Hartmann, Ariane Hegewisch, Jessica Milli, Lindsey Reichlin. "Paid Parental Leave in the United States," *Institute for Women's Policy Research*, 2014.

⁵ Ibid

⁶ Flannary Collins, "Parental Leave for Local Government Employees," *MRSC.org*, 2015.
<http://mrsc.org/Home/Stay-Informed/MRSC-Insight/September-2015/Parental-Leave-for-Local-Government-Employees.aspx>.

⁷ Ibid

⁸ Ibid

Washington State Administrative Code has also established that all women who are temporarily disabled or sick due to pregnancy or childbirth are allowed to take unlimited, unpaid leave.⁹

The City of Kenmore is under no legal requirement to provide paid parental leave, and currently does not have a specific policy on parental leave. In the past, each situation has been primarily addressed on a case-by-case basis. New mothers have been able to take as much leave as necessary, but they have been required to use a combination of their sick, vacation, and shared leave reserves. New fathers have used their vacation and sick leave to stay home with a new child. Sick leave has been allowed based on the doctor's written order that there was a need for the father to care for his spouse or child for a certain period of time.

Paid Parental Leave Policies in the Region

Very few local governments in the area have instituted PPL for their employees. The City of Bothell follows the FMLA, but requires employees wishing to stay home with a new child to use up all but one week of vacation leave before taking unpaid leave.¹⁰ Lake Forest Park only offers unpaid leave through the FMLA, but employees may choose to use their accrued sick and vacation leaves.

King County and Seattle both passed paid parental leave policies for their employees in the past few years. King County requires employees to use all but two weeks of their accrued leave before providing supplemental paid leave for up to a total of twelve weeks. The City of Seattle provides eight weeks of paid leave to all eligible employees, and then supplements four more weeks as needed based on employees' accrued leave reserves.

At the beginning of this year, Shoreline passed a program modeled after King County's policy. Shoreline's "Supplemental Paid Family Leave" policy, however, allows eligible employees to take paid leave for any qualifying event under the Family and Medical Leave Act or the City's Victims of Domestic Violence Leave policy. The City's objective behind this broader policy was to provide a policy that would apply to more employees needing to deal with family issues beyond caring for a new child. A more comprehensive summary of these three cities' policies can be found in Appendix A, while their entire policies can be found in Appendix B.

Benefits of Paid Parental Leave

The following section includes a further explanation of some of the economic, health, and social benefits that have been associated with paid parental leave programs.

⁹ Flannary Collins, "Parental Leave for Local Government Employees," *MRSC.org*, 2015. <http://mrsc.org/Home/Stay-Informed/MRSC-Insight/September-2015/Parental-Leave-for-Local-Government-Employees.aspx>.

¹⁰ Personnel Policies and Procedures, Family and Medical Leave, <http://www.bothellwa.gov/172/City-Personnel-Policies>

Increased Employee Retention

Paid parental leave has the potential to reduce employee turnover. Data from the U.S. Census shows that women, specifically working mothers, are 5.4% less likely to leave their place of employment if they have access to paid parental leave.¹¹ A study that examined the results of California's state-facilitated paid family leave (PFL) program found that 83% of employees who used the PFL program returned to the same employer, compared to 74% of employees who did not use the PFL program.¹²

Finding and training new employees can be very costly. Estimates from the Center for American Progress show that it costs around 20% of a worker's annual salary to hire and train a new employee.¹³ Increased retention through a paid parental leave policy could reduce future City costs associated with employee turnover. In addition, family-friendly policies help attract and retain talented employees. In a survey that was administered to 200 human resource managers across the country, two-thirds of the managers cited family-supportive policies, including flexible schedules, as the most important factor in attracting and retaining employees.¹⁴ As few cities in the area have implemented a PPL policy, providing paid parental leave may give Kenmore a boost in competing for the best employees in the region.

Increased Child & Maternal Health

Paid parental leave programs are associated with positive child health indicators. The return of mothers to work within the first 12 weeks after having a child has been connected with reductions in breastfeeding and immunizations for children.¹⁵ Paid parental leave addresses some of these problems. A study that examined California's state-run paid family leave program found that women who took paid family leave breastfed their children twice as long as women who did not participate in the program.¹⁶ An international study also found that paid leave has been positively associated with decreases in neonatal, infant, and child mortality rates.¹⁷

While the majority of research focuses on maternity leave and child health, paternity leave can also be beneficial for children as well. Longer paternity leaves are related with increased father

¹¹ "Determining the Long-Term Savings and Short-Term Costs of Paid Parental Leave," *Innovation Ohio Education Fund*, 2016, <http://innovationohio.org/2016/01/08/paid-leave-doesnt-have-to-be-a-budget-buster-for-ohio-cities/>.

¹² Eileen Appelbaum and Ruth Milkman. "Leave That Pays," *Center for Economic and Policy Research*, 2011.

¹³ "Determining the Long-Term Savings and Short-Term Costs of Paid Parental Leave," *Innovation Ohio Education Fund*, 2016, <http://innovationohio.org/2016/01/08/paid-leave-doesnt-have-to-be-a-budget-buster-for-ohio-cities/>.

¹⁴ "The Economics of Paid and Unpaid Leave," *The Council of Economic Advisors*, 2014.

¹⁵ Lawrence Berger, et al. "Maternity Leave, Early Maternal Employment and Child Health and Development in the US," *The Economic Journal* (115), 2005.

¹⁶ Eileen Appelbaum and Ruth Milkman. "Leave That Pays," *Center for Economic and Policy Research*, 2011.

¹⁷ Judy Heymann, et al. "Creating and Using New Data Sources to Analyze the Relationship Between Social Policy and Global Health: The Case of Maternal Leave," *Public Health* (126:127-134), 2011.

engagement and bonding.¹⁸ This is significant because increased father engagement has been linked to improved health and development outcomes for children.¹⁹

Paid parental leave policies are also linked with increases in maternal health. Women who take maternity leaves longer than twelve weeks report fewer depression symptoms. Similarly, longer leaves, and especially paid leaves, are associated with lower reported levels of stress and depression for working mothers.²⁰

Increased Social Equality

Paid parental leave policies that apply to both men and women help to reduce gender stereotypes and inequalities. Unfortunately, maternity leave policies, though well-intended, can lead to women being unfairly discriminated against when it comes to hiring or promotion opportunities.²¹ In the past, fathers in the U.S. have also been discouraged from taking long paternity leaves.²² Parental leave policies that apply to and are utilized by both mothers and fathers help to normalize parental leave for men, and lessen the perception that childcare is primarily the responsibility of women.

Paid parental leave also minimizes differences between employees with varying socioeconomic situations. Without paid parental leave, certain employees with less financial stability may feel that they cannot afford to use up their paid leave reserves or take unpaid leave after welcoming a new child.²³

Costs of Paid Parental Leave

The specific costs of a PPL policy would depend on how extensive of a plan the City chooses. The draft PPL policy contains two different options on how much paid parental leave is provided. Option 1 is based off of King County's policy, and Option 2 is based off of Seattle's policy (See Appendices A & B).

In Option 1, employees are given up to twelve weeks of paid parental leave. However, employees must use all of their paid leave reserves except for one week of vacation leave and one week of sick leave before the City provides any supplemental paid leave. With this option, employees will not be expected to fully drain their paid leave reserves in order to take the desired length of parental leave. According to this policy, the City will provide different amounts of paid parental leave based on how much accrued leave an employee has. For employees who have

¹⁸ "Paternity Leave, Why Parental Leave for Fathers is so Important for Working Families," *United States Department of Labor*, 2012.

¹⁹ Ibid

²⁰ Barbara Gault, Heidi Hartmann, Ariane Hegewisch, Jessica Milli, Lindsey Reichlin. "Paid Parental Leave in the United States," *Institute for Women's Policy Research*, 2014.

²¹ Claire Cain Miller, "When Family-Friendly Policies Backfire," *The New York Times*, 2015. <https://www.nytimes.com/2015/05/26/upshot/when-family-friendly-policies-backfire.html>.

²² "Paternity Leave, Why Parental Leave for Fathers is so Important for Working Families," *United States Department of Labor*, 2012.

²³ Barbara Gault, Heidi Hartmann, Ariane Hegewisch, Jessica Milli, Lindsey Reichlin. "Paid Parental Leave in the United States," *Institute for Women's Policy Research*, 2014.

accrued a large amount of paid leave, the City will need to supplement very little. A potential negative of this option is that it seems to punish long-term employees who have built up larger paid-leave reserves. This policy may also incentivize employees to use up their paid leave reserves before going on parental leave in order to get the City to cover more time.

Option 2 is a smaller and simpler version of the City of Seattle's policy. In this version, the City would provide six weeks of paid parental leave to all eligible employees before employees would need to use any of their accrued paid leave. Employees would then be able to take additional leave from their accrued leave reserves for up to six more weeks. This policy would be simpler to administer than Option 1 and would treat employees more equitably. However, Option 2 would likely cost the City more than the first option, as it would probably be used by more employees. Of these two options, staff recommends Option 2 because it would be easier to administer and would be more equitable to City employees. A further discussion of the potential costs of paid parental leave can be found in the following section.

Short-Term Costs

The administrative costs in carrying out this policy would be very minimal as the structure to manage it is already in place through the Finance and Administration Department. As employees' salaries are already budgeted for, additional short-term costs associated with a paid parental leave policy would arise if the City needed to temporarily backfill employees out on leave.²⁴

Most organizations with a paid parental leave policy do not need to bring in temporary workers; they are simply able to shift work to other staff or postpone certain projects until the employee returns.²⁵ Other municipalities with PPL policies have faced difficulty in covering employees who work in fire and police services, because their work cannot simply be spread out across the remaining employees.²⁶ The City of Kenmore contracts these services and does not provide them internally, therefore the City would not need to consider this as another potential cost.

Of City employees, the average leave mothers have taken following the birth of a child in the past five years has been twelve weeks. The average leave fathers have taken following the birth of a child has been four weeks. Within the past five years, no temporary workers were brought in to cover employees on leave following the birth of a new child. However, some remaining employees faced significant additional workloads during leaves with longer lengths, and would recommend bringing in some level of temporary assistance for similar situations in the future.

With a new paid parental leave policy, especially a policy that provides six weeks of paid leave to all eligible employees, it is reasonable to assume that more employees, especially fathers, may take longer leaves than they have previously. Additionally, even though the City has not hired temporary workers for these situations in the past, hindsight has shown that backfilling would be

²⁴ "Determining the Long-Term Savings and Short-Term Costs of Paid Parental Leave," *Innovation Ohio Education Fund*, 2016, <http://innovationohio.org/2016/01/08/paid-leave-doesnt-have-to-be-a-budget-buster-for-ohio-cities/>.

²⁵ Ibid

²⁶ Ibid

beneficial in certain circumstances with extended leaves. In order to backfill an employee, the City could expect to sustain additional costs at a similar rate to that of the employee on leave. The potential cost of needing to backfill a midlevel employee for six weeks would be around \$9,500.

The estimate of \$9,500 is based on the need to backfill an employee for a full six weeks. However, the City may only need to bring in temporary workers part-time or for just a portion of the leave. Notice of parental leave can usually be given several months in advance, which can provide department heads with enough time to schedule projects and workloads strategically during the absence of an employee. Therefore, the cost of filling in for an employee for six weeks may be lower than this estimate. It is also important to note that an employee requiring parental leave is a rare event, with around one occurring per year.

Long-Term Costs

One consideration of the long-term implications of a paid parental leave policy would be that employees may leave the City with larger vacation and sick balances, and therefore increase the City's long-term liability. This should not be a major concern as there are already caps on how much accrued sick leave and vacation leave can be cashed out upon leaving the City.

Conclusion

While the City of Kenmore is under no legal obligation to provide paid parental leave, a PPL policy would be an addition benefit to City employees and their families. Instituting a paid parental leave policy would likely cause additional costs to the City through the need to hire temporary workers to cover employees on leave, and these additional costs should be carefully considered.

Appendix A: Brief Summary of Local Paid Parental Leave Policies

This section contains a summary of the paid parental or family leave policies for King County, the City of Seattle, and the City of Shoreline.

King County

King County's PPL policy began in 2016. The policy allows eligible employees, both male and female, to receive up to twelve weeks of paid leave following the birth, adoption, or foster-to-adopt placement of a child. This policy will draw on employees' paid leave reserves, but will allow employees to keep one week of vacation leave and one week of sick leave. The County will then make up the difference to make the paid leave for each employee a total of twelve weeks. Therefore, the amount of weeks of paid family leave an employee could be given from the County will vary by how much paid sick leave and paid vacation leave an employee has accumulated. The leave must be used within 12 months of the child's birth or placement.

Eligibility Requirements:

- All qualified leave-eligible employees who have been employed by the County for at least six continuous months.
- Have experienced the birth, adoption, or foster-to-adopt placement of a child.

City of Seattle

The City of Seattle first established a PPL policy in 2015 but has recently expanded their policy at the beginning of this year. All eligible employees receive eight weeks of paid parental leave regardless of their leave balances. The next four weeks of leave will draw from employees' leave reserves. The city will allow employees to keep one week of vacation leave and two weeks of sick leave and then supplement those four weeks for employees who need it, equaling a total of twelve weeks of paid leave for all employees. The leave must be used within 12 months of the child's birth or placement.

Eligibility Requirements:

- All leave-eligible employees who have completed six months of City employment.
- Have experienced the birth, adoption, or foster-to-adopt placement of a child.

City of Shoreline

The City of Shoreline established their paid family leave policy this year, and it closely models King County's policy. However, their policy provides paid leave for any event established by the FMLA- including situations such as taking care of an immediate family member who is sick. All eligible employees will receive the equivalent of his or her full pay for twelve weeks. The paid leave will come from an employee's leave reserves, but an employee will be allowed to keep two weeks of their accrued leave. The City will then make up the difference so that all employees have a total of twelve weeks of paid leave. The leave must be used within 12 months of the qualifying event.

Eligibility Requirements:

- Have worked for the City continuously for at least 12 months and for at least 1,250 hours over the previous 12 months.
- Have a qualifying event under the FMLA or the Victims of Domestic Violence Policy.

Appendix B: Full Paid Parental Leave Policies

The most recent paid parental or family leave policies of King County, the City of Seattle, and the City of Shoreline can be found below.

King County Paid Parental Leave Policy (3/3/17)

Policy

Paid Parental Leave provides new parents the opportunity to bond with their children, which has a positive, lifelong impact on a child's development. Additionally, it supports the County's Equity and Social Justice guiding principles by reducing disparities between how low- and high-wage employees take leave.

Paid Parental Leave supplements an employee's accrued paid leaves. The employee will receive the equivalent of his or her full salary for up to a total of twelve weeks, when combined with the employee's accrued leave (except for one week of sick leave and one week of vacation leave), following the birth, adoption, or foster-to-adopt placement of a child with the employee.

Eligibility

- Paid Parental Leave is available to all leave-eligible employees who have been employed with the County for at least six months of continuous service at the time of the birth, adoption, or foster-to-adopt placement ("qualifying event").
- Participants must be either a non-represented employee or an employee represented by a union that has signed an agreement to participate in the program. A list of participating unions can be found at <http://www.kingcounty.gov/audience/employees/pay-benefits/paid-parental-leave/union-participation.aspx>
- If both parents work for King County, then each employee is entitled to up to 12 weeks of Paid Parental Leave.

Benefit Amount

- An employee's supplemental leave benefit is calculated based on the employee's accrued leave balances at the time of the qualifying event.
- The employee will receive the equivalent of his or her full salary for up to a total of twelve weeks, when combined with the employee's accrued leave (except for one week of sick leave and one week of vacation leave, or the equivalent for Benefit Time). For example:
 - If at the time of the qualifying event, the employee has three weeks of accrued vacation leave and two weeks of sick leave.
 - Two weeks of vacation leave and one week of sick leave would be applied towards the twelve weeks of Paid Parental Leave.
 - Then, the County would provide the employee an additional nine weeks of supplemental leave, for a total of twelve weeks of Paid Parental Leave.

- A calculator is available at:
<http://www.kingcounty.gov/~media/employees/benefits/documents/leaves/paid-parental-leave-calculator.ashx?la=en>
- The employee is permitted to use the supplemental leave first. Additionally, the employee may choose to take less than twelve weeks of leave.
- Supplemental Paid Parental Leave is not subject to cash out.
- An employee who does not return to work for at least six months of continuous service following the leave, will be required to reimburse King County for the salary received while on supplemental paid parental leave.

Benefit Period, Frequency, and Concurrency

- Paid Parental Leave must be used within twelve months of the qualifying event.
- An employee may use Paid Parental Leave on an intermittent or part-time basis, as long as it is consistent with the department's operational needs, and it is approved in writing by the employee's supervisor prior to the leave.
- Paid Parental Leave will run concurrently with the County's family and medical leave, as well as federal and state family and medical leave laws, to the fullest extent permitted by law.

Job Protection, Health Benefits, and Seniority

- Paid Parental Leave is protected leave. Barring required budget cuts or layoffs, an employee's job cannot be eliminated while the employee is on leave. Further, no retaliatory action may be taken against an employee for participating or planning to participate in the program.
- The employee will continue to receive all health benefits and shall continue to accrue vacation and sick leave during the period of Paid Parental Leave.
- Collective bargaining agreements will determine how Paid Parental Leave affects seniority.

Procedure for Requesting Paid Parental Leave

1. Provide notice – In all but a small minority of cases, employees will have advance notice of the need for Paid Parental Leave. Except in the rare circumstance when the need for leave is unexpected, at least thirty days' notice must be given to the department human resources representative and/or immediate supervisor. In the rare case when the need for leave is not foreseeable, you must provide notice as soon as possible.
2. Discuss your anticipated leave duration and schedule with the department human resources representative and/or your immediate supervisor. If you plan to take intermittent or part-time leave, this must be approved in writing prior to the leave.
3. Complete the *Protected Family and Medical Leave Request Form* found under "Leave Request" at
<http://www.kingcounty.gov/~media/employees/benefits/documents/leaves/fmlla-request-form-fillable.ashx?la=en>

4. Submit the *Protected Family and Medical Leave Request Form*, along with acceptable documentation of the birth, adoption, or foster-to-adopt placement of the child, to the department human resources representative.
5. If you enter your own time, use PeopleSoft time reporting codes (TRC):
 - 754 – for concurrent FMLA/KCFML Paid Parental Leave time
 - 755 – for concurrent KCFML Paid Parental Leave time
 - 751 – for Paid Parental Leave time (not concurrent with FMLA or KCFML)

Questions

Refer all questions or comments to your department's HR Service Delivery Manager or to the Human Resources Division.

City of Seattle Paid Parental Leave Policy (2/17/17)

Chapter 4.27 - PAID PARENTAL LEAVE

Sections:

4.27.010 - Definitions

Unless another meaning is clearly indicated from the context, as used in this chapter:

"City" means the City of Seattle.

"Eligible employee" means an individual who has completed six months of City employment as an employee, as defined in Section 4.04.030, or as a temporary worker eligible for benefits under subsection 4.20.055.C.

"Reduced leave schedule" means a leave schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee.

"Single 12-month period" shall mean a 12-month period measured forward from the date of birth of a child, or placement of a child for adoption, foster care, or legal guardianship.

"Son or daughter" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is:

1. Under 18 years of age; or
2. 18 years of age or older and incapable of self-care because of a mental or physical disability.

"Week" shall mean 40 hours, prorated for part-time employees.

4.27.020 - Leave provisions

- A. Eligible employees are entitled to up to a total of 12 weeks of paid leave in addition to any paid and unpaid leave to which they may otherwise be entitled, except as provided in subsection 4.27.020.B, during any single 12 month period for one or more of the following:
 1. The birth of a son or daughter of the employee and in order to care for such son or daughter.
 2. The placement of a son or daughter with the employee for adoption, foster care, or legal guardianship.
- B. It is the intent of this Chapter 4.27 that all eligible employees have access to at least 12 weeks of paid leave for the non-medical care of a new son or daughter, without having to exhaust all of their accrued vacation and sick leave balances. To meet that intent, in addition to the paid vacation leave accrued pursuant to Chapter 4.34 and paid sick leave accrued pursuant to Chapter 4.24, paid parental leave is provided to eligible City employees as follows:
 1. Upon the qualifying birth or placement of a son or daughter, the City shall provide eight weeks of paid parental leave to be used for the non-medical care of that child within 12 months of the qualifying event.
 2. For eligible employees whose combined eight weeks of paid parental leave provided in subsection 4.27.020.B.1 and accrued vacation and sick leave, as accounted for in

subsection 4.27.020.B.3, amounts to less than 12 weeks on the date of the qualifying birth or placement, the City shall provide whatever additional paid parental leave is needed to reach a total of 12 weeks.

3. When determining what, if any, additional paid parental leave to provide in subsection 4.27.020.B.2, the City shall not count one week of an eligible employee's accrued vacation leave and two weeks of an employee's accrued sick leave towards the 12 week benefit, with the intent that the employees retain such vacation leave and sick leave to use in accordance with existing City policy regarding such leave usage.
- C. The entitlement to paid leave under subsections 4.27.020.A.1 and 4.27.020.A.2 for birth or placement of a son or daughter shall expire at the end of the 12-month period beginning on the date of such birth or placement.

4.27.030 - Notice.

- A. In any case in which the necessity for paid leave under Section 4.27.020 A(1) or A(2) is foreseeable based on an expected birth or placement, the employee shall provide the City with at least 30 days' notice, before the date of leave is to begin, of the employee's intention to take leave, except that if the date of birth or placement requires the leave to begin in less than 30 days, the employee shall provide such notice as is practicable.

4.27.040 - Leave taken intermittently or on a reduced schedule.

- A. Leave under Section 4.27.020 A(1) or A(2) shall not be taken by an employee intermittently or on a reduced schedule unless the employee and City agree.

4.27.050 - Exhaustion of Other Paid Leave Not Required.

An employee need not exhaust his or her accrued sick leave, compensatory time and/or vacation leave prior to requesting and taking the Paid Parental Leave provided in this chapter.

4.27.060 - Employment and benefit protection.

Eligible employees who have been granted leave under this chapter shall be entitled to the same employment and benefit protections consistent with the protections of the City's family and medical leave benefit in Seattle Municipal Code Section 4.26.050 and the rules promulgated pursuant thereto.

4.27.070 - Certification Requirement.

- A. The City may require employees to submit documentation to certify their eligibility for the Paid Parental Leave benefit. The Seattle Human Resources Director shall promulgate rules for the administration of such certification process.

4.27.080 - Failure to Return to Work.

- A. The City may recover the value of the Paid Parental Leave from the employee if the employee fails to return to work following his or her leave of absence.

4.27.090 - Rulemaking.

The Seattle Human Resources Director is authorized and directed to promulgate rules consistent with this chapter.

4.27.100 - Data collection and reporting

City departments, via the City's payroll system, shall track data related to employees who utilize the paid parental leave provided in this Chapter 4.27. The data should include employee gender, tenure with the city, hours of paid parental leave used, job title, and employing City department at the time the leave was used. In addition, information on the approximate backfill cost to the City, by department, should be identified.

An annual report containing the information in the immediately preceding paragraph shall be submitted by the Seattle Department of Human Resources to the Mayor and City Council in the annual Workforce Equity Accountability Report. The first report is due by the end of the second quarter of 2018, and shall be submitted every year thereafter unless the Mayor and Chair of the City Council's Gender Equity, Safe Communities and New Americans committee, or its successor, agree an annual report is no longer necessary. Such agreement shall be in writing and filed with the City Clerk.

City of Shoreline Paid Family Leave Policy (2/27/17)

K. Supplemental Paid Family Leave

Applies to: Regular employees

Supplemental Paid Family Leave provides employees an increased ability to attend to family matters by supplementing an employee's accrued paid leaves. The employee will receive the equivalent of his or her full pay for up to a total of twelve weeks, when combined with the employee's accrued leave (except for two weeks of their accrued leave), to pay for a qualified family leave. Refer to Section VI Benefits, Family Leave under FMLA or Victims of Domestic Violence leave to learn what constitutes a qualifying event.

1. Eligibility

Supplemental Paid Family Leave is available to all regular employees who have:

- Worked for the City continuously for at least 12 months and for at least 1,250 hours over the previous 12 months; and
- Have a qualifying event under FMLA or under the Victims of Domestic Violence policy*; and
- Lack enough accrued leave to maintain a balance of two weeks and to pay for a leave of absence of up to 12 weeks.

2. Benefit Amount

An employee's Supplemental Paid Family leave benefit is calculated when an employee's accrued leave balances are down to two weeks or less. Accrued leave balances for purposes of this policy include sick leave, vacation, personal holiday, compensatory time and management leave. Employees may choose which type of leave they use first but are encouraged to use any personal holidays, management leave or compensatory time first because those leaves expire at the end of the year.

The employee will receive the equivalent of their full salary for up to a total of twelve weeks, when combined with the employee's accrued leave (except for two weeks of their accrued leave). Regular part time employees will receive this benefit on a pro-rata basis relative to their normal work week. The following is an example:

An employee has a qualifying event for a twelve week family leave of absence. At the time of the qualifying event, the employee has five weeks of accrued leave and will accrue an additional 1.2 weeks (6 days) of vacation and sick leave during the leave of absence. With the five weeks of accrued leave on the books at the time of the qualifying event and with the additional 1.2 weeks of accrual, the employee will have a total of 6.2 weeks of accrued leave. In this example, the following would happen:

4.2 weeks of the employee's accrued leave would be applied towards the twelve weeks of Paid Family Leave.

Then, when the employee's balance of accrued leave is down to two weeks, the City would provide the employee with 5.8 weeks of

Supplemental Paid Family Leave, so that the employee's twelve week family leave may be a fully paid leave.

If the qualifying event is the birth, adoption or foster care placement of a child and both parents work for the City and meet the eligibility requirements, the total Supplemental Paid Family leave available to the couple is 12 weeks. The City may grant leave to only one parent at time.

The employee must use all but two weeks of their accrued leave before using Supplemental Paid Family leave.

Supplemental Paid Family Leave may not be cashed out under any circumstance.

3. Benefit Period, Frequency, and Concurrency

Supplemental Paid Family Leave must begin and be completed within twelve months of the qualifying event.

An employee may use Supplemental Paid Family Leave on an intermittent or part-time basis, as long as it is consistent with the department's operational needs, and is approved in writing by the employee's director prior to the leave.

Supplemental Paid Family Leave will run concurrently with the City's family and medical leave, and federal and state family and medical leave laws, to the fullest extent permitted by law. Supplemental Paid Family Leave is limited to a maximum of 12 weeks every three years and is calculated on a rolling thirty six month period.

4. Job Protection and Health Benefits

Supplemental Paid Family Leave is protected leave. Barring required budget cuts or layoffs, an employee's job cannot be eliminated while the employee is on Supplemental Paid Family leave. Further, no retaliatory action may be taken against an employee for participating or planning to participate in the program.

The employee will continue to receive health benefits according to the underwriting rules of the relevant health plans and shall continue to accrue vacation and sick leave according to City policy during the period of Supplemental Paid Family Leave.

5. Procedure for Requesting Supplemental Paid Family Leave

- a) Provide notice –Unless a leave is unexpected, at least thirty days' notice must be given to the Human Resources department and the Immediate Supervisor. In the case when the need for leave is not foreseeable, employees must provide notice as soon as possible.
- b) Discuss your anticipated leave duration and schedule with the Human Resources department and your Immediate Supervisor. If you plan to take intermittent or part-time leave, this must be approved in writing prior to the leave.
- c) Complete the Supplemental Paid Family Leave Request Form.

- d) Submit the Supplemental Paid Family Leave Request Form along with the completed paperwork to request an FMLA leave; or along with your request for a leave under the Victims of Domestic Violence policy.

6. Time Recording

Record your time using the time card codes provided by Payroll.

*Reasons for taking leave under the FMLA:

- To care for an employee's child after birth or placement for adoption or foster care. Leave to care for a child after birth or placement for adoption or foster care must be concluded within 12 months of the birth or placement.
- To care for an employee's spouse, child or parent who has a serious health condition.
- To care for a spouse, son, daughter, parent or next of kin who has a serious health condition as a result of military service 'military family care'.
- For qualifying exigencies (as defined by the FMLA) when a spouse, parent, son or daughter serving in the military is on, called to, or notified of impending call to covered active duty.
- If a serious health condition makes an employee unable to perform the functions of his or her job.

Reasons for taking leave under the Victims of Domestic Violence Leave policy:

- Employees who are victims of domestic violence, sexual assault, or stalking may take reasonable unpaid leave from work to take care of legal or law enforcement needs or to get medical treatment, social services assistance, or mental health counseling.
- Employees who are qualifying family members of a domestic violence victim are also eligible for leave under this policy.

Subject/Topic: Assignment of Hank Heron Intellectual Rights

Department: City Manager's Office

Initial & Date

Approved by City Attorney:

Approved by Finance Director:

DR (via email)

Final
PJK

Expenditure Required \$
\$7,500

Amount Budgeted \$
\$47,456 (Marketing and
Media Relations)

Appropriation Required \$
\$0

In 2015, community-building expert Peter Kageyama came to Kenmore and spoke at a “For the Love of Kenmore” event. This training has inspired the community, including our very own co-workers at City Hall, to look for fun and creative ways to engage citizens and show love for the City. Kent Vaughan, the City’s Senior Civil Engineer, developed the fun and family-friendly cartoon bird character of “Hank Heron,” (See Exhibit 1 of attached draft) who has been incorporated into a number of City projects and communication pieces. Hank Heron can be seen throughout Kenmore on construction signs and other City announcements, and is also featured throughout our 2017-2018 biennial budget document, including the cover.



Up until this time, Kent has received no compensation for his cartoon work; he has simply donated his own time and effort to produce Hank Heron cartoons for the City. Due to Hank Heron's prevalence throughout different projects, staff feels it is necessary for the City to purchase the rights to Hank Heron from Kent at a fair price. After purchasing the rights to Hank Heron, the City would then pay Kent, as an independent contractor, for any additional Hank Heron cartoon work for City projects. The agreement would also allow Kent to continue using Hank Heron as a character in Kent's other non-city-related comic strips.

FISCAL CONSIDERATION:

The 2017-2018 Budget has allocated \$47,456 for marketing and media relations in 2017. Purchasing the rights to Hank Heron will cost the City \$7,500. Kent will also be given 25% of any profits the City makes by selling Hank Heron merchandise in the future. However, this will be unlikely because the City does not seek to make a profit and generally sells items at cost value. An additional agreement is being reached to pay Kent \$50 an hour for any further cartoon work he does on behalf of the City. This work would be performed on his own time outside of his regular work hours for the City.

COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:

City Council Goal:

- Promote the Image of Kenmore

Kenmore 20-Year Vision:

- We see Kenmore as a fun, vibrant waterfront community
- Is inclusive and family friendly, with a small town feeling, that fosters a sense of belonging and pride
- Supports local arts, culture and history

ASSIGNMENT OF INTELLECTUAL RIGHTS TO HANK HERON

This Agreement is executed and entered into by and between Kent Vaughan ("Assignor") and the City of Kenmore ("City" or "Assignee") this ____ day of _____, 2017 ("Effective Date").

WHEREAS, Assignor is the creator and owner of all right, title, and interest in and to the creative work commonly known as the cartoon bird character, "Hank Heron", as depicted on Exhibit 1, attached hereto and incorporated by reference herein ("Work"); and

WHEREAS, the City desires to obtain from Assignor all of Assignor's right, title, and interest in the Work for the purposes of using it for City business and communications to the public;

NOW, THEREFORE, in consideration of the mutual covenants contained herein and for other good and valuable consideration, the parties agree as follows:

1. Assignment of Intellectual Property. The parties agree that the City shall, upon payment to Assignor of the compensation identified in Section 2, perpetually own and possess exclusively all intellectual property rights, title and interest associated with the Work, including but not limited to, any patent, copyright, trademark, service mark or trade dress rights associated therewith (the "Intellectual Property"). The parties agree that Assignor may continue to privately use the Intellectual Property, but may not receive compensation from a third party for such use, or have any right to sell, lease or encumber the Intellectual Property to a third party. The parties agree that if the City sells any merchandise with the Intellectual Property depicted on it, then the City will pay Assignor 25% of the profit from the sale of such merchandise.

2. Compensation. Within thirty (30) days of the execution of this Agreement, the City agrees to pay Assignor the amount of Seven Thousand Five Hundred and No 00/100 (\$7,500), which Assignor acknowledges as valuable and adequate consideration for the assignment of the Intellectual Property.

3. Representations and Warranties.

3.1 Assignor represents and warrants that the Work is original, and was developed and created by Assignor, and was not borrowed, copied, or licensed from any third party creator, owner, licensee or other person or entity.

3.2 Assignor represents and warrants that Assignor has the unrestricted right to transfer, sell, and convey the perpetual and exclusive rights referred to herein, and holds marketable title to the Work there being no prior assignments, licenses or other encumbrances of any nature affecting the Work. Assignor further represents and warrants that the Work does not infringe the rights of any third party and that Assignor is not aware of any threats or claims that the Work infringes the rights of any third party.

3.3 Assignor has not made application for any federal or state patent, copyright, trademark or service mark registration of the Work, and hereby permanently waives any right to object to Assignee seeking any such registration.

4. Complete Agreement; Governing Law and Venue. The parties agree that this is the complete and entire integrated agreement between the parties regarding this subject matter, and it supersedes any and all previous promises, offers, and negotiations between the parties. This Agreement shall be governed by, and construed and interpreted in accordance with the laws of the State of Washington. Venue shall be in King County, Washington.

5. Binding Effect. This Agreement shall be binding upon and inure to the benefit of the parties, and their respective successors and assigns.

IN WITNESS WHEREOF, Assignor and Assignee have executed this Agreement on the date above stated.

KENT VAUGHAN/ASSIGNOR

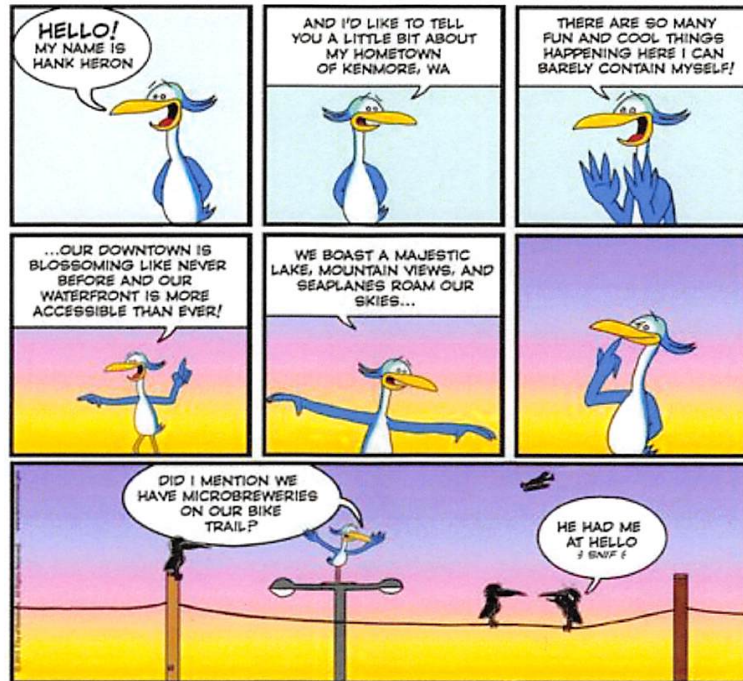
CITY OF KENMORE/ASSIGNEE

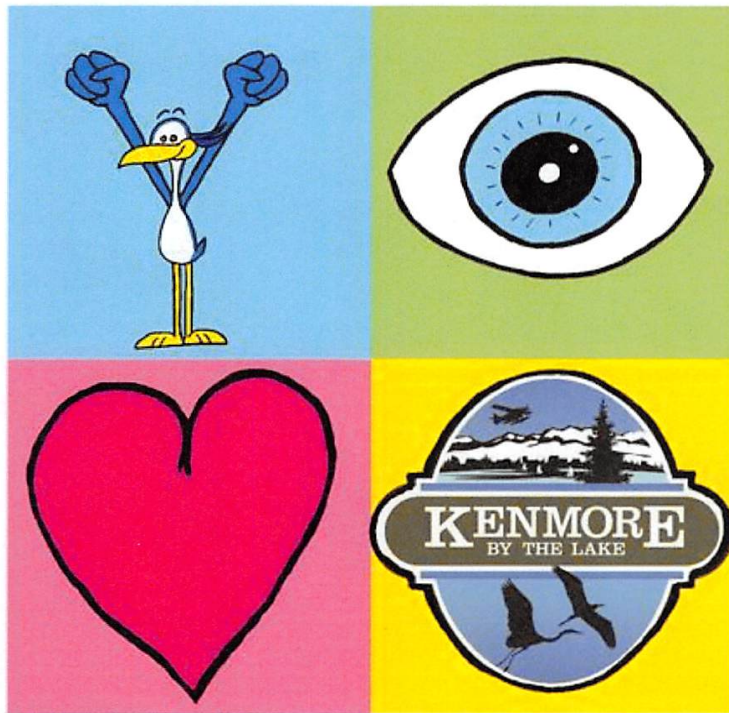
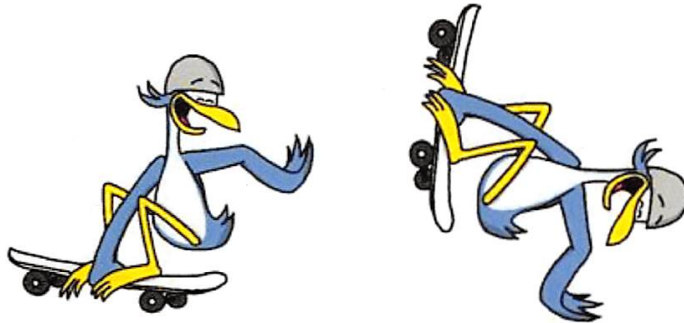
Kent Vaughan

By: _____

Rob Karlinsey, City Manager

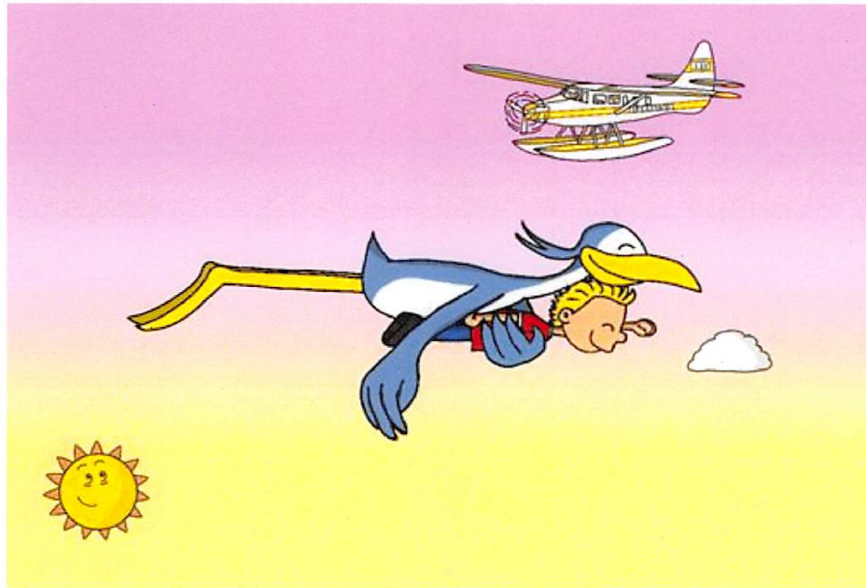
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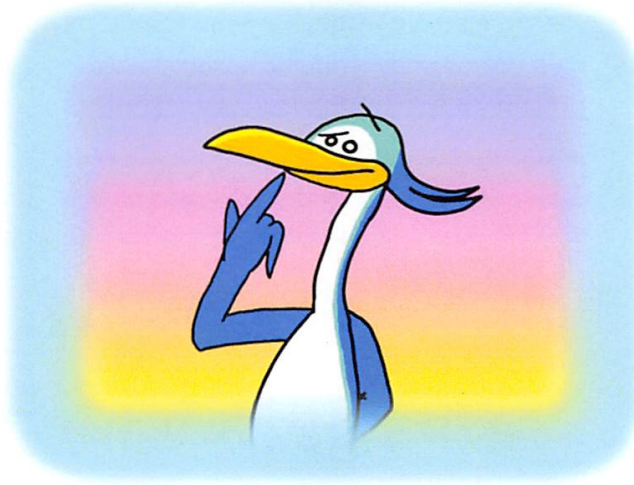




#WhyILoveKenmore







SR 522 IMPROVEMENTS

61st to 65th Avenues

Funded By:



**PLEASE SUPPORT
LOCAL BUSINESSES**

HANK HERON'S GUIDE



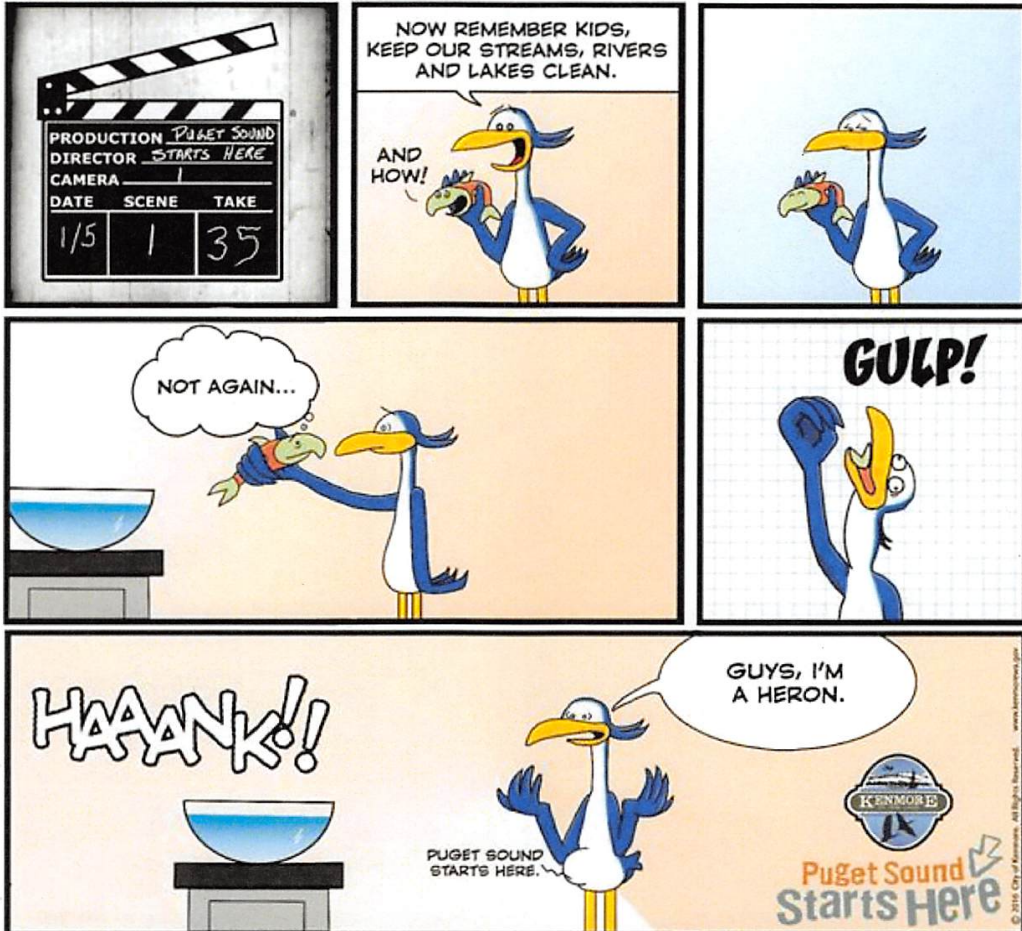
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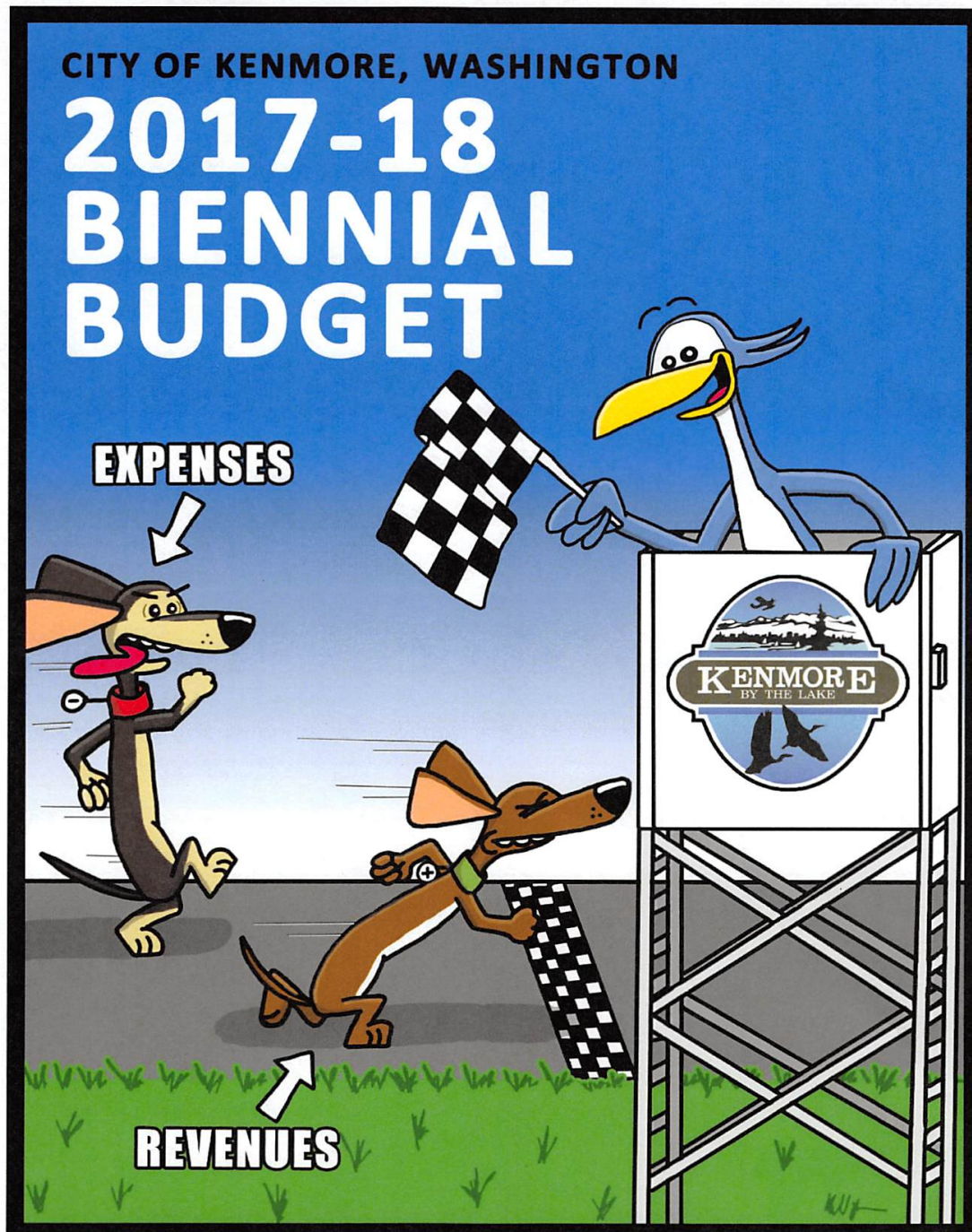
WRITTEN AND ILLUSTRATED BY KENT VAUGHAN

HANK HERON

and Friends

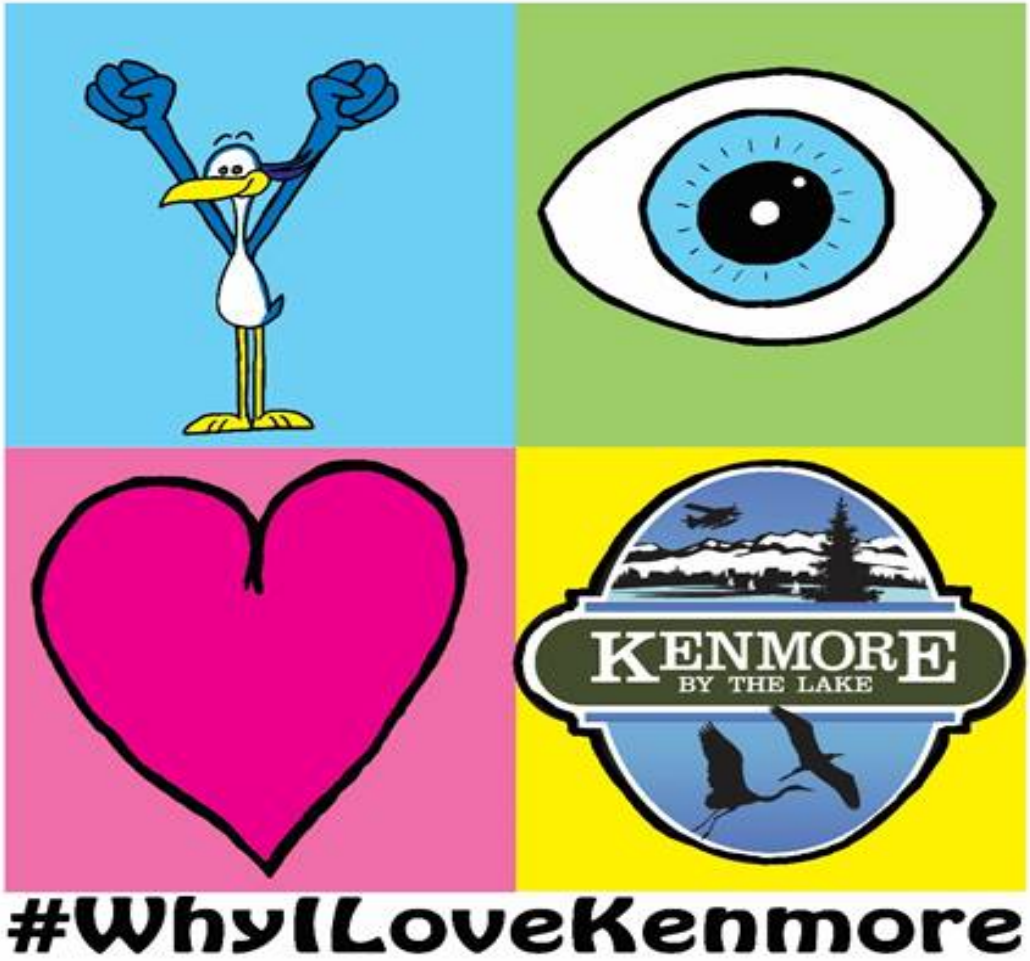
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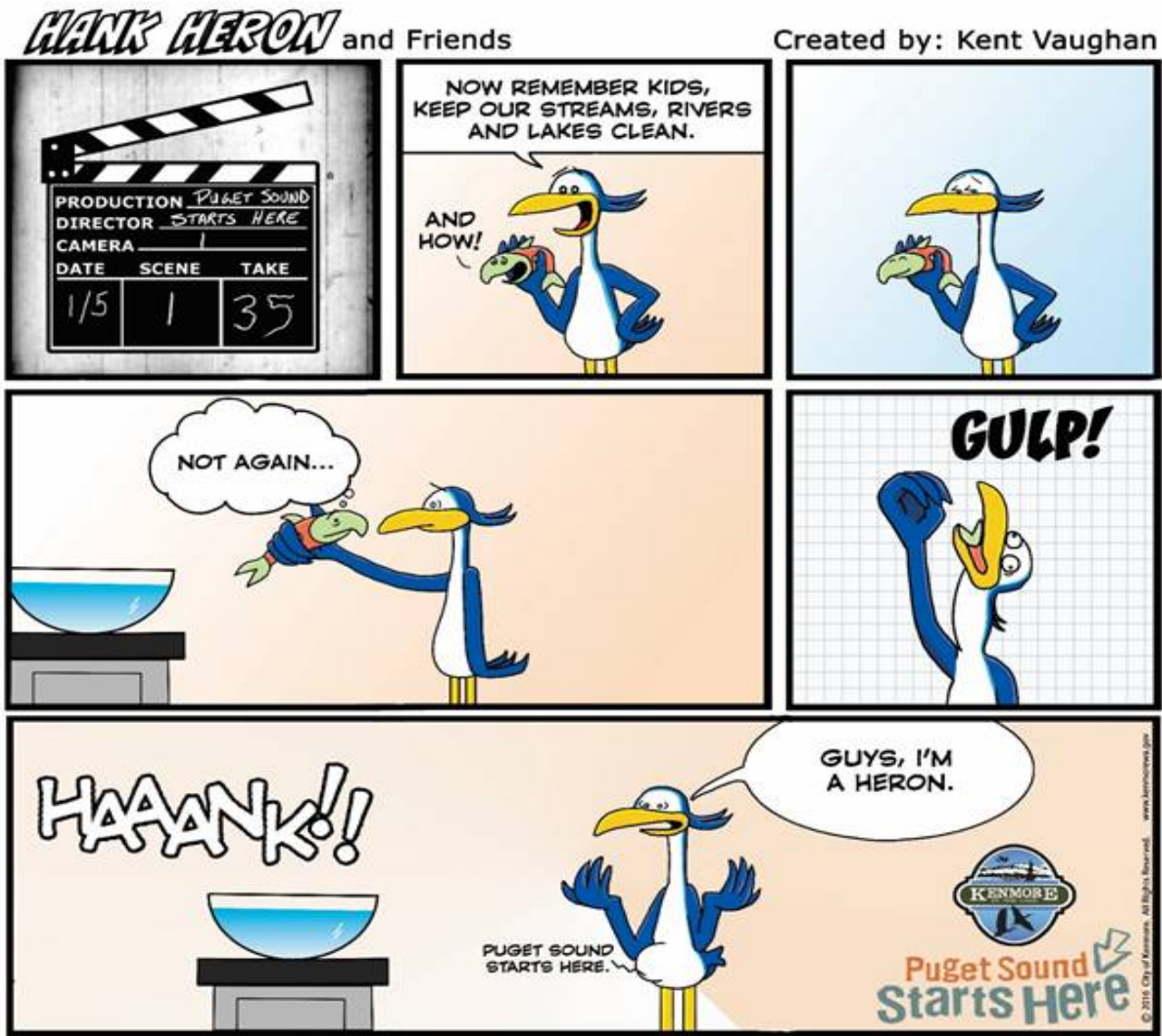




Hank Heron









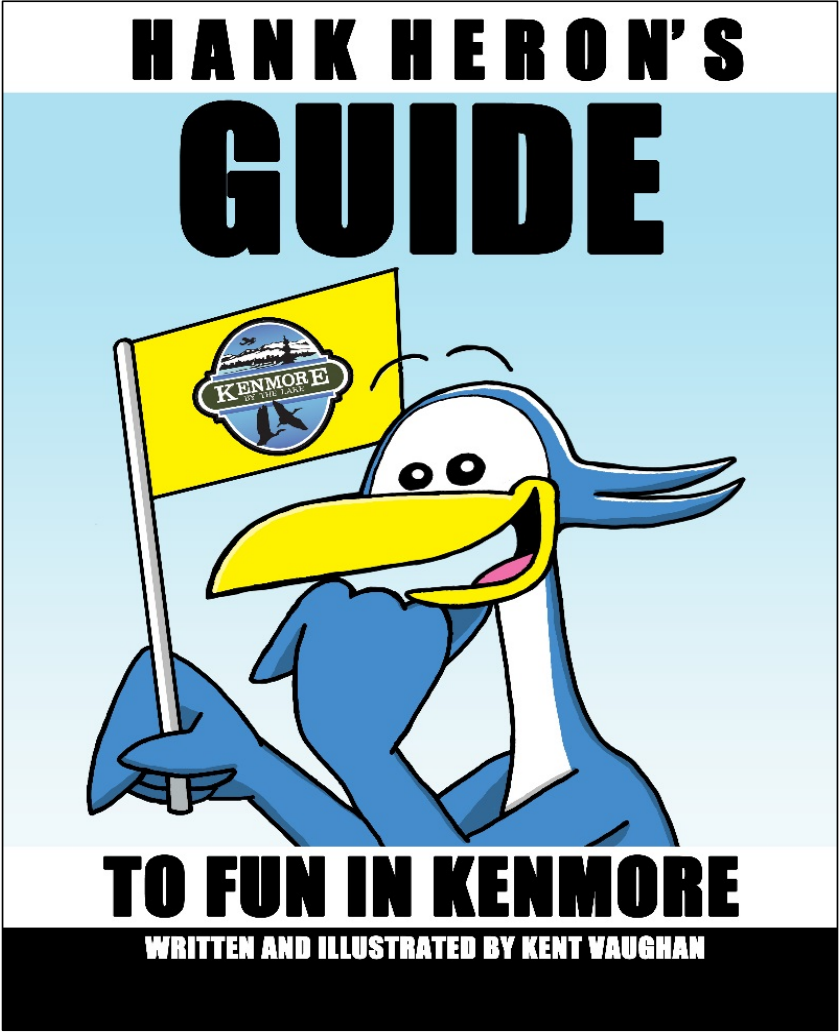
SR 522 IMPROVEMENTS
61st to 65th Avenues

Funded By:



**PLEASE SUPPORT
LOCAL BUSINESSES**









City Of Kenmore, Washington

Memorandum

Date: June 12, 2017
To: Rob Karlinsey, City Manager
From: Sarah Bingham, Intern for City Manager
Subject: Utility Box Art Program

The City is looking into decorating several traffic utility boxes with vinyl wraps. This project expands on the "For the Love of Kenmore" effort to provide emotional connections between members of the community and the City.

Background

Utility boxes are an essential part of the City's infrastructure, and yet the actual metal boxes are quite unattractive, and can often be the target of graffiti. Covering these unappealing boxes in fun and interesting images would be a great way to create love notes for the community and provide a unique way for citizens to connect with the City. When community-building expert Peter Kageyama visited Kenmore, he taught that when citizens can connect emotionally with their City, they become more invested in all aspects of improving the community.

Many other cities throughout the country and region have successfully developed utility box art programs. Examples of decorated utility boxes can be found in the Appendix. These projects have received a positive response from the public, and have also helped to discourage and prevent graffiti.¹ Some cities have artists paint directly on utility boxes, while others print images of paintings or drawings on vinyl wraps. Our contact from WSDOT recommended vinyl wraps because paint can seep into cracks or vents and compromise the utility box. Vinyl wraps should last three to five years before needing to be removed.

Plan

Many of the utility boxes in Kenmore are owned by PSE or WSDOT. Currently, neither organization has given the City permission to decorate their utility boxes in Kenmore. However, after recent communication, both organizations seem open to some type of pilot program in the future. The City owns several traffic signals throughout Kenmore, and the accompanying utility boxes. This project will start with the City-owned boxes, and hopefully expand to other boxes in the future.

¹ Bill Lindeke. "The Flowering of Utility Boxes: Turning Mysterious Infrastructure into Public Art." *MINNPOST*, 2015. <https://www.minnpost.com/cityscape/2015/01/flowering-utility-boxes-turning-mysterious-infrastructure-public-art>.



City Of Kenmore, Washington

Memorandum

The first utility box we are planning to decorate is located on the northeast corner of Juanita Dr. and 170th St., on the edge of Rhododendron Park. We plan to cover this box with a photograph (actually taken at the park) of rhododendron flowers. Covering the box with a photograph is a simple way to tie the box to its surroundings and beautify the area. In addition, we are working with Kent Vaughan, the City's Senior Civil Engineer, to create a Hank Heron cartoon scene to cover a utility box located in front of City Hall. Pictures of both of these boxes can be found in the Appendix as well.

We are also coordinating with the Arts of Kenmore to develop a plan to hire local artists to design wraps for other City-owned traffic boxes in the future. This program could potentially include a community feedback element where citizens vote on different art options. This would present a great opportunity to increase engagement and community ownership of the project.

Cost

The costs of this project will come from paying artists for their designs, and printing and installing the vinyl wraps. Providing payments for public art projects attracts more professional and higher-quality submissions. However, the payments for this project do not need to be extremely high because artists would get to keep their original work. Other cities with similar programs have paid artists \$500 to \$1,000 for each piece used. The photographer who has taken photos for the box at Rhododendron Park has requested around \$300 for the use of his photo.

Vinyl printing and installation will be done by a sign company. The City is waiting to hear back from four different sign companies on quotes for the utility box at Rhododendron Park. Based on the quotes we have received so far, printing and installing the vinyl should cost around \$800 to \$1,000.

Conclusion

We plan to proceed with decorating the first two boxes in the near future. This project will not only help promote the image of Kenmore, but also provide citizens with a chance to appreciate a part of the City they have likely overlooked in the past.

Appendix

Decorated Utility Box Examples



Decorated box in Glendale, CA



Decorated Box in Glendale, CA



Decorated box in Vancouver, Canada

City-Owned Boxes



Utility Box at Rhododendron Park



Utility Box at City Hall

UTILITY BOX ART





Utility Box at Rhododendron Park





Utility Box at City Hall

