



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

REVISED City Council Special & Regular Meeting Agenda

6:30 p.m., Monday, July 11, 2016

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. 6:30 p.m. - CALL SPECIAL MEETING TO ORDER

II. EXECUTIVE SESSION

Pursuant to RCW 42.30.110(1)(i), Potential Litigation

III. POSSIBLE ACTION RELATING TO EXECUTIVE SESSION

IV. ADJOURN SPECIAL MEETING

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

VI. ROLL CALL

VII. FLAG SALUTE

VIII. AGENDA APPROVAL

IX. PRESENTATION

- A. 2016 Governor's Smart Communities "Smart Partnership" Award for the Kenmore Village Mixed-Use Development Project with Main Street Property Group - Debbie Bent, Community Development Director; Connie Robins, Deputy Director, WA State Department of Commerce; Anne Fritz, Senior Planner, Growth Management Services; and representative from Main Street Property Group, LLC

X. 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.

XI. CONSENT AGENDA

- A. Adopt Minutes for the May 23, June 13, and June 27, 2016 City Council Meetings
[DRAFT 05 23 2016 Minutes](#)
[DRAFT 06 13 2016 Minutes](#)
[DRAFT 06 27 2016 Minutes](#)
- B. The following checks and electronic payments are approved for payment:
Total Check Numbers 34585 through 34673 - \$2,940,483.22
Total Payroll Electronic Deposits Dated 6/10/2016 - \$76,006.03
[Checks and Electronic Payments](#)
- C. The following checks and electronic payments are approved for payment:
Total Check Numbers 34674 through 34771 - \$437,111.73
Payroll Check Numbers 8815-8818 - \$1,415.05
Total Payroll Electronic Deposits Dated 6/24/2016 - \$74,376.64
[Checks and Electronic Payments](#)
- D. Receive and File the May 2016 Financial Report for the City of Kenmore, Washington
[Agenda Bill & Attachment](#)
- E. Receive and File SR 522 West A Change Order Nos. 18-24, and Authorize the City Manager to Execute Change Order No. 28 for Conversion of Businesses to Underground Utility Service
[Agenda Bill & Attachment](#)

XII. PUBLIC HEARING

- A. Public Hearing to Receive Public Testimony on Resolution No. 16-283, Adopting the 2017-2022 Six-Year Transportation Improvement Program (TIP) - Kris Overleese, Public Works Director/City Engineer, and John Vicente, Capital Projects Manager
[Agenda Bill & Attachment](#)

XIII. BUSINESS AGENDA

- A. Adopt Resolution No. 16-283, 2017-2022 Six-Year Transportation Improvement Program (TIP) - Kris Overleese, Public Works Director/City Engineer, and John Vicente, Capital Projects Manager
[See Public Hearing for Agenda Bill & Attachment](#)
- B. Puget Sound Energy Franchise Agreement Status Report - Nancy Ousley, Assistant City Manager
[Agenda Bill & Attachments](#)

XIV. JOINT PLANNING COMMISSION AGENDA

- A. Planning Commission's Presentation of the Recommended Wireless Communication Facilities Code Amendments - Debbie Bent, Community Development Director; Lauri Anderson, Senior Planner; and Planning Commissioners

[Agenda Bill & Attachments 1 & 2](#)

[Attachment 3](#)

[Attachments 4-8](#)

[Attachments 9-13](#)

[PowerPoint Presentation](#)

XV. STAFF REPORT

XVI. COUNCILMEMBER REPORTS, COMMENTS & INITIATIVES

XVII. ADJOURNMENT

Upcoming Meetings:

Mon., July 18, 2016 City Council Regular Meeting - **CANCELED**

Tues., July 19, 2016 7:00 p.m. Planning Commission Regular Meeting

Mon., July 25, 2016 7:00 p.m. City Council Regular Meeting

Mon., July 25, 2016 8:30 p.m. Transportation Benefit District Board Regular Meeting
August City Council Regular Meetings - **CANCELED**

**City of Kenmore, Washington
City Council Special & Regular Meeting
Minutes
May 23, 2016**

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

EXECUTIVE SESSION

Mayor Baker recessed the regular meeting to an executive session at 6:00 p.m. to discuss Litigation and Potential Litigation, pursuant to RCW 42.30.110(1)(i). He stated that the executive session will last for approximately 60 minutes and that no action is anticipated when the meeting is reconvened.

Mayor Baker adjourned the executive session at 7:00 p.m.

CALL REGULAR MEETING TO ORDER – The Kenmore City Council regular meeting was called to order by Mayor David Baker at 7:04 p.m.

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

Councilmembers excused: Stacey Denuski

Staff present: Rob Karlinsey, City Manager; Nancy Ousley, Assistant City Manager; Kris Overleese, Public Works Director/City Engineer; Debbie Bent, Community Development Director; Bryan Hampson, Development Services Director; Leslie Harris, Community Relations Manager; Rod Kaseguma, City Attorney; and Patty Safrin, City Clerk

FLAG SALUTE

Mayor Baker led the flag salute.

AGENDA APPROVAL

It was Council consensus to approve the agenda as submitted.

PRESENTATION

Mountains to Sound Greenway Trust Regarding Possible National Heritage Area Designation - Ben Hughey, Policy & GIS Coordinator, was present to provide a PowerPoint presentation on the Mountains to Sound Greenway and the Mountains to Sound Greenway Trust. He detailed the reasons for making it a National Heritage Area, how that would work, and the possible benefits to the City of Kenmore. He noted that the proposal has been in process for a number of years and has wide support. He was also available to answer any questions.

Councilmember Herbig moved to authorize the signing of the letter to our Congresspeople in support of the National Heritage Designation. Councilmember Curtis seconded the motion. The motion passed unanimously.

CITIZEN COMMENTS

State Representative Gerry Pollet, 7750 17th NE, Seattle, was present to say that the City has done a very good job defending our zoning determination regarding the 520 bridge demolition. He is very concerned by the notion that KGM, the contractor, can do this work in the middle of Lake Washington and will be looking into that, since it is a State issue.

Bob Greene, 6250 NE 182nd Street, Kenmore, was present to speak on behalf of the Northlake Neighborhood Association regarding concerns about the bridge demolition issue.

Janet Hays, 6303 NE 181st Street, #301, Kenmore, was present to state that she liked the Mountains to Sound Greenway Trust presentation and wonders what their opinion would be on the potential changes at St. Edward State Park. She also expressed her concern about the 520 bridge demolition in Kenmore.

Patrick O'Brien, 6330 NE 181st Street, Kenmore, was present to state his concern regarding the 520 bridge demolition and the City permit process.

Elizabeth Mooney, 5934 NE 201st Street, Kenmore, was present to state her concern regarding the 520 bridge demolition.

Macy Ratliff, 14925 73rd Avenue NE, Kenmore, was present to state her concerns regarding the 520 bridge demolition and the impact of ball fields in St. Edward State Park.

Dennis Kroeger, 7339 NE 175th Street, Kenmore, was present to propose that KGM be required dredge at the three marinas due to sediment created by the tugboats during the 520 bridge construction. He also requested that the City dredge the channel leading up into the Sammamish River and the boat launch. He also expressed his concern about the proposed uses of the Squires Landing property.

Shirley Rosen, 16925 Inglewood Road NE, B203, Kenmore, was present to state that she received at least 50 signatures from Inglewood Shores residents on a petition regarding the demolition of the 520 bridge in Kenmore. She also requested that the City do something about the milfoil on the lake.

Mayor Baker thanked the citizens for their comments.

CONSENT AGENDA

Councilmember Sperry moved to approve the consent agenda as submitted. Mayor Baker seconded the motion to Approve the Following Checks and Electronic Payments for

Payment: Total Check Numbers 34328 through 34412 in the Amount of \$481,406.77, and Total Payroll Electronic Deposits Dated 4/29/2016 in the Amount of \$75,993.08; Receive and File the April 2016 Financial Report for the City of Kenmore, Washington; Adopt Resolution No. 16-278 Directing the City Manager to Enter into a Multifamily Housing Property Tax Agreement with MSPT, LLC for Phase II of the Kenmore Village Residential Project; Adopt Resolution No. 16-279, Granting Final Plat Approval for the Plat of Glenmoor; Authorize the City Manager to Execute Interlocal Agreements, Contract Nos. 16-C1560 and 16-C1561, SEPA Lead Agency Agreements with Washington State Parks for the St. Edward State Park Seminary Building Rehabilitation and Ball Field Renovation Proposals; Authorize the City Manager to Execute Amendment No. 2 to Contract No. 14-C1261, Interlocal Agreement with Puget Sound Clean Air Agency (PSCAA) for Cooperative Odor Complaint Investigations; Authorize the City Manager to Execute Contract No. 16-C1558 with Olbrechts & Associates, PLLC for Hearing Examiner Services; Authorize the City Manager to Execute Amendment No. 1 to Contract No. 16-C1496 with Bruce Dees & Associates for St. Edward State Park Ball Field Renovation Design; and Authorize the City Manager to Execute Amendment No. 1 to Contract No. 16-C1545 with Aquatechnex for Aquatic Weed Control. The motion passed unanimously.

BUSINESS AGENDA

Authorize Lakepointe Settlement Agreement between Kiewit General Manson (KGM); Lakepointe, Inc.; Pioneer Towing Co.; and City of Kenmore - Nancy Ousley, Assistant City Manager; Bryan Hampson, Development Services Director; and Rob Karlinsey, City Manager, were present to give a brief report on the City's actions regarding the demolition of the 520 bridge in Kenmore. Assistant City Manager Ousley stated they believe that the proposed settlement agreement before the City Council tonight addresses many concerns of the Council, City staff, and the community. City Manager Karlinsey reviewed the main points of the settlement agreement. They were also available to answer any questions.

Councilmember Curtis moved to Authorize the Lakepointe Settlement Agreement between Kiewit General Manson (KGM); Lakepointe, Inc.; Pioneer Towing Co.; and City of Kenmore. Mayor Baker seconded the motion. The motion passed 6-0.

Adopt Resolution No. 16-280, Directing the City Manager to Prepare a Bond Election Ordinance to be Brought Forward for City Council Consideration on June 13, 2016 - Rob Karlinsey, City Manager, was present to give a brief report on the Imagine Kenmore initiative process. He stated that in March, Council selected the "Walkways and Waterways" bond package to be further tested in a survey. He reviewed the "Walkways and Waterways" bond package and stated that staff is recommending the City move forward with a voter-approved bond measure in the fall. The Resolution before the City Council tonight is the first step in that process. He was also available to answer any questions.

Councilmember Curtis moved to Adopt Resolution No. 16-280, Directing the City Manager to Prepare a Bond Election Ordinance to be Brought Forward for City Council Consideration on June 13, 2016. Councilmember Sperry seconded the motion. The motion passed 6-0.

STAFF REPORT

Leslie Harris, Community Relations Manager & Policy Analyst, introduced Sarah Sandquist, the City's new Volunteer & Events Coordinator. Sarah Sandquist made a few comments.

CITY COUNCILMEMBER REPORTS, COMMENTS & INITIATIVES

Councilmember Smith stated that the owner of Cairn Brewing told him that 75% of the reason he is in Kenmore is because of the efforts of Assistant City Manager Nancy Ousley.

Councilmember Sperry stated that a public art meeting was held recently regarding the new Town Green sculpture.

Mayor Baker stated that the Redmond to Kenmore race had three times as many boats entered as last year, including a small child and a dog, who both took a nap while the mother paddled. He stated that there were many positive comments on the event. He noted that Municipal Research and Services Center (MRSC) has picked up on Hank Heron, and people are taking pictures at the Hank Heron board out in front of City Hall.

ADJOURNMENT

Mayor Baker adjourned the regular meeting at 8:22 p.m.

David Baker, Mayor

ATTEST:

Patty Safrin, City Clerk

**City of Kenmore, Washington
City Council Regular Meeting
Minutes
June 13, 2016**

CALL TO ORDER – The Kenmore City Council meeting was called to order by Deputy Mayor Allan Van Ness at 7:05 p.m.

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

Councilmembers excused: Mayor David Baker (Present via phone for Business Item No. IX.B., Adopt Ordinance No. 16-0422, Voter-Approved Bond Measure for the November 2016 Ballot)

Staff present: Rob Karlinsey, City Manager; Nancy Ousley, Assistant City Manager; Joanne Gregory, Finance & Administration Director; Kris Overleese, Public Works Director/City Engineer; Debbie Bent, Community Development Director; Leslie Harris, Management Analyst; Lauri Anderson, Senior Planner; Sarah Sandquist, Events & Volunteer Supervisor; Rod Kaseguma, City Attorney; and Patty Safrin, City Clerk

FLAG SALUTE

Deputy Mayor Van Ness led the flag salute.

AGENDA APPROVAL

It was Council consensus to approve the agenda as submitted.

CITIZEN COMMENTS

Suzanne Tseng, 7410 NE 163rd Street, Kenmore, was present to request a change in the code regarding keeping goats in Kenmore.

Debra Srebnik, 18521 63rd Avenue NE, Kenmore, was present to express her enthusiasm for the Walkways and Waterways bond measure. She also expressed her concern regarding ongoing maintenance for the improvements once they are made, using the Log Boom Park beach area as an example.

Doug Ritchie, 10510 328th Avenue NE, Carnation, was present to speak in his role as head coach of the Kenmore Canoe and Kayak team regarding the value of the program in our community and to express his support for the Walkways and Waterways bond measure.

Deputy Mayor Van Ness thanked the citizens for their comments.

PRESENTATION

Introduction & Welcome to Sarah Sandquist, New Events & Volunteer Supervisor – Leslie Harris, Community Relations Manager/Policy Analyst, introduced Sarah. Sarah gave a brief review of her background and what she has been working on so far.

CONSENT AGENDA

Council voted unanimously to approve the Consent Agenda as submitted, including Adopt the Minutes for the May 9, 2016 City Council Meeting; Approve the Following Checks and Electronic Payments for Payment: Total Check Numbers 34413 Through 34520 in the Amount of \$1,779,011.71, and Total Payroll Electronic Deposits Dated 5/13/2016 in the Amount of \$74,042.44; Authorize Amendment to Contract No. 15-C1471 with Parametrix, Inc. for \$150,000; Authorize Amendment to Contract No. 15-C1445 with Langton Spieth for Sound Transit 3 (ST3) Project Advocacy; Authorize Amendment No. 1 to Contract No. 98-C11 with King County for Surface Water Facilities Transfer; and Authorize Contract No. 16-C1578, Interlocal Agreement with King County for Lake Washington Water Quality Sampling at Log Boom Park.

PUBLIC HEARING

Public Hearing to Receive Public Testimony on Ordinance No. 16-0421, Amendments to Marijuana Regulations - Debbie Bent, Community Development Director, and Lauri Anderson, Senior Planner, were present to give a brief report. Senior Planner Anderson gave an overview of the amendments included in the Ordinance. It would ban medical marijuana cooperatives in Kenmore, but it would allow researchers as a new type of marijuana business. She noted that State legislation that will become effective on July 1st is the reason for bringing this Ordinance before the Council tonight, and she reviewed the details of that legislation. They were also available to answer any questions.

Deputy Mayor Van Ness opened the public hearing to receive public testimony on this issue at 7:32 p.m.

As there were no citizens wishing to testify, Deputy Mayor Van Ness closed the public hearing at 7:33 p.m.

BUSINESS AGENDA

Adopt Ordinance No. 16-0421, Amendments to Marijuana Regulations - Debbie Bent, Community Development Director, and Lauri Anderson, Senior Planner, were present to answer any additional questions.

Councilmember Curtis moved to Adopt Ordinance No. 16-0421, Amendments to Marijuana Regulations. Councilmember Denuski seconded the motion. The motion passed 5-1, with Councilmember Herbig voting no.

Adopt Ordinance No. 16-0422, Voter-Approved Bond Measure for the November 2016

Ballot - Kris Overleese, Public Works Director/City Engineer; Debbie Bent, Community Development Director; Joanne Gregory, Finance & Administration Director; Rob Karlinsey, City Manager; and Leslie Harris, Community Relations Manager/Policy Analyst; with Deanna Gregory, Pacifica, and Sarah Langton of Langton Spieth were present to give a brief report. City Manager Karlinsey reviewed the history of the City's progress toward this bond measure, including Resolution No. 16-280, passed by Council on May 23rd, 2016. He reviewed the five projects which would be included in the measure and detailed some of the financial information. He introduced Deanna Gregory and Sarah Langton, who were present in the audience. They were all available to answer any questions.

Mayor Baker moved to Adopt Ordinance No. 16-0422, Voter-Approved Bond Measure for the November 2016 Ballot. Councilmember Smith seconded the motion. The motion passed 7-0, with Mayor Baker voting via phone.

STAFF REPORT

City Manager Karlinsey stated that the City, in partnership with MainStreet Property Group, has received the Governor's Smart Communities "Smart Partnership" Award for the Kenmore Village mixed use development project. He asked Council how they would like to proceed on the citizen request to change the code on goats. He noted that they recently decided to put off the question of changing the code on chickens until their January 2017 retreat.

It was Council consensus to wait until the January retreat and possibly look at other small animals as well as chickens and goats.

CITY COUNCILMEMBER REPORTS & COMMENTS

Councilmember Denuski welcomed Sarah Sandquist and asked if she could look at the Citizen Comments suggestion by Debra Srebnik to see if City volunteers could be used for cleaning up the rocky beach area at Log Boom Park.

Deputy Mayor Van Ness reviewed the Eastside Transportation Partnership (ETP) meeting that he and Public Works Director Kris Overleese attended last Friday.

ADJOURNMENT

Deputy Mayor Van Ness adjourned the regular meeting at 8:05 p.m.

David Baker, Mayor

ATTEST:

Patty Safrin, City Clerk

**City of Kenmore, Washington
City Council Special & Regular Meeting
Minutes
June 27, 2016**

CALL SPECIAL MEETING TO ORDER – The Kenmore City Council special meeting was called to order by Councilmember Curtis at 6:30 p.m.

EXECUTIVE SESSION

Councilmember Curtis recessed the regular meeting to an executive session at 6:30 p.m. to discuss Potential Litigation and Litigation, pursuant to RCW 42.30.110(1)(i). He stated that the executive session will last for approximately 30 minutes and that action may be taken when the meeting is reconvened.

POSSIBLE ACTION RESULTING FROM EXECUTIVE SESSION

Councilmember Smith moved to approve the settlement between the City and H.W. Lochner and to authorize the City Manager or his designee to execute the settlement agreement on behalf of the City of Kenmore. Councilmember Denuski seconded the motion. The motion passed 5-0.

CALL REGULAR MEETING TO ORDER – The Kenmore City Council regular meeting was called to order by Councilmember Curtis at 7:06 p.m.

Councilmembers present: Councilmembers Brent Smith, Laurie Sperry, Milton Curtis, Nigel Herbig and Stacey Denuski

Councilmembers excused: Mayor David Baker and Deputy Mayor Allan Van Ness (Both present via phone for Business Item No. XII.A., Adopt City of Kenmore Resolution No. 16-284, in Support of Resolution No. R2016-17, a Resolution of the Board of the Central Puget Sound Regional Transit Authority)

Staff present: Nancy Ousley, Assistant City Manager; Joanne Gregory, Finance & Administration Director; Kris Overleese, Public Works Director/City Engineer; Debbie Bent, Community Development Director; Bryan Hampson, Development Services Director; Cliff Sether, Police Chief; Rod Kaseguma, City Attorney; and Patty Safrin, City Clerk

FLAG SALUTE

Councilmember Curtis led the flag salute.

AGENDA APPROVAL

It was Council consensus to approve the agenda as submitted.

PRESENTATION

Introduction of New Motorcycle Officer, Deputy Doug Deppa - Cliff Sether, Police Chief, was present to introduce Officer Deppa, who made a few comments. The motorcycle had been parked on the porch off the Council Chambers prior to the meeting, so Councilmembers, staff and citizens took a few minutes to go outside and look at the motorcycle and its equipment.

CITIZEN COMMENTS

Corinna Pfeil, 18904 68th Avenue NE, Kenmore, was present to ask that the City of Kenmore stand with the LGBT community.

Councilmember Curtis thanked the citizen for her comments.

CONSENT AGENDA

Councilmember Denuski moved to approve the consent agenda as submitted. Councilmember Herbig seconded the motion to Adopt the Minutes for the May 16, 2016 City Council Meeting; Approve the Following Checks and Electronic Payments for Payment: Total Check Numbers 34521 through 34584 in the Amount of \$282,617.03, and Total Payroll Check Number 8730 in the Amount of \$598.34, and Total Payroll Electronic Deposits Dated 5/27/2016 in the Amount of \$73,106.22; and Authorize Contract No. 16-C1580 with Exponent Engineering for Electric System Reliability Assessment. The motion passed unanimously.

BUSINESS AGENDA

Adopt City of Kenmore Resolution No. 16-284, in Support of Resolution No. R2016-17, a Resolution of the Board of the Central Puget Sound Regional Transit Authority calling for an election to approve certain local taxes to implement Sound Transit 3 - Nancy Ousley, Assistant City Manager; Kris Overleese, Public Works Director/City Engineer; and Sarah Langton of Langton Spieth, were present to give a brief report. Sarah stated that the behavior of the Mayor, Councilmembers and City Manager set a new standard for how interjurisdictional cooperation and collaboration can really result in great things. They were also available to answer any questions.

Councilmember Curtis opened the public comment period to receive public comment on this issue at 7:29 p.m.

The following citizens spoke:

Janet Quinn, 17012 72nd Avenue NE, Kenmore, was present representing 522 Transit NOW! and to ask for Council's support for this resolution.

Mark Abersold, 18903 71st Avenue NE, Kenmore, was present representing 522 Transit NOW! to ask for Council's support for this resolution, and to thank everyone involved for their hard work in making this happen.

As there were no other citizens wishing to speak, Councilmember Curtis closed the public comment period at 7:36 p.m.

Councilmember Herbig moved to Adopt City of Kenmore Resolution No. 16-284, in Support of Resolution No. R2016-17, a Resolution of the Board of the Central Puget Sound Regional Transit Authority calling for an election to approve certain local taxes to implement Sound Transit 3. Mayor Baker seconded the motion. The motion passed 7-0, with Mayor Baker and Deputy Mayor Van Ness voting via phone.

Adopt Ordinance No. 16-0423 of the City of Kenmore, Washington, Adopting 2015 Washington State Building Code with Local Amendments - Bryan Hampson, Development Services Director, and Northshore Fire Marshal Jeff LaFlam, were present to give a brief report. Hampson stated that the 2105 International Building Codes are comprised of ten different construction codes, including the fire code. He stated that the Washington State Building Codes go into effect on July 1st and that every City in Washington is required to use and enforce the 2015 International Building Codes with the State amendments. Prior to adoption by the City, we have the opportunity to make local changes to the codes. He reviewed the process of making local changes. Fire Marshal Jeff LaFlam and Director Hampson reviewed the proposed local changes. They were also available to answer any questions.

Councilmember Smith moved to Adopt Ordinance No. 16-0423 of the City of Kenmore, Washington, Adopting 2015 Washington State Building Code with Local Amendments. Councilmember Denuski seconded the motion. The motion passed 5-0.

STAFF REPORT

Assistant City Manager Ousley stated that Puget Sound Energy (PSE) has scheduled a site visit to the Circuit 26 neighborhood for interested parties. She noted that there was a good turnout at last week's PSE open house at the City. The City will be moving forward with a new franchise agreement with PSE.

CITY COUNCILMEMBER REPORTS & COMMENTS

Councilmember Sperry stated that July 9, 2016 is the fifth anniversary of the Kenmore Library. They are having a celebration and are looking for volunteers to help out.

ADJOURNMENT

Councilmember Curtis adjourned the regular meeting at 7:55 p.m.

David Baker, Mayor

ATTEST:

Patty Safrin, City Clerk

Voucher Certification and Approval

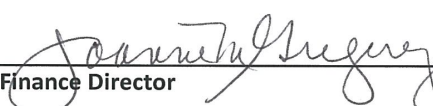
I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a 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: 34585 through 34673 \$ 2,940,483.22

Total Payroll electronic deposits dated: 6/10/2016 \$ 76,006.03

 30 Jun 2016
City Manager Date

 6/17/16
Finance Director Date

Check #	Vendor Name	Description	Check Amount
34585	PAWS	March 2016 Animal Sheltering Services	350.00
34586	NATIONWIDE FINANCIAL 401a	Social Security Replacement Plan	12,581.85
34587	NATIONWIDE RETIREMENT SOLUTIONS 457	Deferred Comp Payroll Deduction	195.00
34588	ICMA RETIREMENT TRUST 457 - 304745	Deferred Comp Payroll Deduction	3,053.81
34589	DRS 457	Deferred Comp Payroll Deduction	1,160.00
34590	CITY OF KENMORE FS	Flexible Spending Medical Plans	396.38
34591	BANK OF AMERICA 941	Payroll Taxes	15,610.98
34592	DEPARTMENT OF RETIREMENT SYSTEMS	WA State Retirement	18,123.87
34593	STATE OF FLORIDA DISBURSEMENT UNIT	Payroll Deduction	275.00
34594	HSA BANK	Employee Health Savings Acct. Contribution	80.76
34595	KING COUNTY RECORDER'S OFFICE	ROW Acquisition NE 181st Sidewalk	166.00
34596	BAKER, DAVID	Mileage Reimbursement	340.20
34597	BULGER SAFE & LOCK, INC.	Dumpster Keys	70.46
34598	CITY OF BELLEVUE	1st Qtr 2016 MyBuildingPermit.com	3,663.88
34599	CITY OF BELLEVUE	3rd Qtr ARCH Contributions	6,879.75
34600	CONSOLIDATED PRESS	Spring Newsletter	3,038.65
34601	REPUBLIC SERVICES	May Rhod. Park & City Hall Solid Waste	624.21
34602	INSLEE, BEST, DOEZIE & RYDER, P.S.	April Legal Services	62,248.25
34603	KING COUNTY FINANCE W.L.R.D.	Final Debt Svc Surface Water Revenue Bond	45,473.00
34604	KING COUNTY ANIMAL SVCS	Pet Licensens & Renewals	750.00
34605	KING COUNTY RADIO COMM SERVICES	4/30-7/31 Emergency Telecommunications	283.61
34606	KING COUNTY SHERIFF	January - May Police Services	1,273,496.35
34607	NORTHSHORE SENIOR CENTER	1st Qtr Human Svcs Program	5,500.00
34608	NORTHSHORE UTILITY DIST	3/31-5/31 Water/Sewer Bills	3,460.22
34609	NORTHSHORE UTILITY DIST	May Fuel & Vehicle Maintenance	4,159.58
34610	NORTHSHORE UTILITY DIST	April Fuel & Vehicle Maintenance	3,088.50
34611	OGDEN, MURPHY, WALLACE	May Professional Svcs -St. Edward Ballfields	715.00
34612	OLYMPIC ENVIRONMENTAL RESOURCES INC	2016 Recycling Program	8,886.12

34613	PACIFIC TOPSOILS	Materials/Green Waste	449.37
34614	PUGET SOUND ENERGY	5/3-6/1 Street Lights/Signals/Gas Chgs	11,989.81
34615	CEMEX	Asphalt for Catch Basin Raising	41.39
34616	SEATTLE TIMES	6/3 Ad for Public Hrg - Ord. 16-0421	123.07
34617	TOTAL LANDSCAPE CORP	May Parks Landscaping Svcs	1,401.60
34618	W.S.S.O. Advanced Training	Police Training J. Salter/Kennewick	260.00
34619	W.S.S.O. Advanced Training	Police Training G. Zornes/Kennewick	260.00
34620	WETLANDS & WOODLANDS INC	Log Boom Park Native Plants	730.91
34621	ACF WEST INC	Ditch Repair Materials	3,533.01
34622	BERK & ASSOCIATES	April Parks/Transportation Consulting	16,250.00
34623	VAN NESS, ALLAN	Mileage Reimbursement for May	62.64
34624	PROTHMAN COMPANY	5/7-6/3 Consulting - Public Works	3,345.44
34625	BANNER BANK CS	Supplies/Lodgin/Meals	522.89
34626	PACE ENGINEERS, INC.	Apr. Prof. Svcs - Surface Water On-Call	2,756.38
34627	BANNER BANK DB	Parking/Training Registration	269.00
34628	BANNER BANK NO	Business Directory Monthly Charge	75.56
34629	BANNER BANK JG	Airfare/Lodging/Shuttle	1,141.59
34630	TOPIA TECHNOLOGY/ BIS	Web Hosting	200.00
34631	PUGET SOUND BUSINESS JOURNAL	1 Year Subscription	105.00
34632	BANNER BANK KENMORE	Computer Equipment/Lighting/Meals	4,329.32
34633	PEMBERTON, JIM	6/2-6/15 Mileage Reimbursement	262.98
34634	A+ CONFERENCING	Conference Calls	93.79
34635	BANNER BANK JGORDON	Flowers for City Hall & Parks	1,270.75
34636	SHRED-IT USA LLC	5/25 Shredding Service	56.41
34637	ZUMAR	Kenlake Stair Signs	102.15
34638	COMCAST	Incubator & City Hall Internet/Cable	550.66
34639	GORDON THOMAS HONEYWELL	May Government Affairs Consulting	3,827.03
34640	WALL, JOHN	Rhododendron Park Restroom Lock Repair	187.83
34641	TOWN CENTER HARDWARE	Miscellaneous Supplies	120.78
34642	SARAH ROBERTS	May Prosecution Services	10,623.62
34643	FRONTIER	City Hall Phone Bills	1,049.09
34644	PAWS	May Animal Sheltering Services	525.00
34645	AGORA NW LLC	City Hall Water Filter Maintenance	224.26
34646	INDEPENDENT STATIONERS	Office Supplies	184.77
34647	DEVRIES, DENIS	May Police Volunteer Mileage	32.94
34648	MILLER STEPHENS, MARY	April Public Defense Svcs @ SCORE	1,250.00
34649	MCALLISTER, TERESA	4/21-6/8 Mileage/Exp. Reimburs	132.39
34650	PERTEET INC.	Apr. Engineering On-Call Consulting Svcs.	7,422.76
34651	KAMINS, CHAD	NE 181st St. Sidewalk Construction	241,498.99
34652	VERIZON WIRELESS	5/27-6/26 Cell Phones/I-Pads	1,075.27
34653	GREATER BOTHELL CHAMBER OF COMMERCE	May Kenmore Business Alliance Support	200.00
34654	JOYCE ZIKER PARKINSON	April Svc Kenmore Village/Lk Wa Sediments	1,847.50
34655	BANNER BANK PS	Wellness Supplies/Dues/Subscription	202.95
34656	UTILITIES UNDERGROUND LOCATION CTR	May Excavation Notices/Locates	167.70
34657	OSBORN CONSULTING INC.	1/1-4/15 12-C1081 192nd Culvert Services	44,365.79
34658	PUBLIC HEALTH DEPT. OF KING COUNTY	Health Permits -July 4th & Summer Concert	430.00
34659	MOBILE MINI, INC.	Rhod. & Log Boom Park Container Rentals	696.92
34660	NORTHWEST LANDSCAPE SERVICES	Landscaping/Irr. Repairs/155th/153rd ROW	19,222.42
34661	CLOWNS UNLIMITED, INC.	4th of July Entertainment/Game	897.90

34662	BRIEN, GAYLYNN	March Sales Tax Data Management	50.00
34663	SCORE	May Inmate Housing/Apr. Health Svcs	34,037.50
34664	SAUVE, GAYLEN	4th of July Emcee Services	350.00
34665	MUMMA, RYAN	Mileage Reimbursement	58.32
34666	HERMANSON COMPANY, LLP	HVAC Maintenance	1,416.38
34667	MARSHBANK CONSTRUCTION	SR522 W. A Construction 14-C1328	509,061.26
34668	LANGTON SPIETH, LLC	Apr/May Imagine Kenmore/Comm. Engage.	13,000.00
34669	SKYWARD CONSTRUCTION	15-C1462 May Town Green Construction	518,771.92
34670	BANNER BANK RK	Parking/Publication	30.73
34671	GOOD TO GO	405 Toll Fee	5.00
34672	SOFTRESOURCES LLC	May Financial Software Contract Review	2,625.00
34673	ALL CLIMATE HEATING AND AIR	Permit Refund	36.05
6/10/2016 PAYROLL		Direct Deposit	76,006.03
			<u>\$ 3,016,489.25</u>

XI. B. The following checks and electronic payments are appr...

2016	PRIOR VENDOR ACTIVITY	TOTAL	FOR 2016
	A & A LIMOUSINE & BUS SERVICE		1,083.00
	A+ CONFERENCING		469.06
	AAA FLAG & BANNER MFG. CO., INC.		4,918.36
	AABCO BARRICADE COMPANY INC.		2,726.55
	ACTION ENTERTAINMENT		395.00
	ACTIVE SHOOTER TRAINING LLC		1,425.00
	ADMAN, STACI		4,516.88
	ADVANCE TESTING & SERVICE INC		702.00
	AFLAC		1,744.70
	AGORA NW LLC		112.13
	ALCALDE & FAY		25,427.58
	ALEXANDER, JEFF		400.00
	ALL TRAFFIC SOLUTIONS		2,625.00
	ALLPLAY SYSTEMS LLC		58.04
	ALPHAGRAPHICS US718		946.78
	ALTA MAXINE MELVIN		14,674.00
	AM TEST, INC		625.00
	AMERICAN GENERAL LIFE GPO-400S		2,160.85
	AMERICAN PLANNING ASSOCIATION		2,124.00
	AMERICAN PUBLIC WORKS ASSOCIATION		1,225.00
	AMERICAN SOCIETY OF CIVIL ENGINEERS		225.00
	APPLIED CONCEPTS, INC.		2,899.56
	ARC - PACIFIC NORTHWEST		2,711.51
	ARTS OF KENMORE		1,900.00
	ASPLUNDH		5,420.25
	ASSOCIATION OF WA CITIES		16,935.04
	AURORA RENTS		1,167.96
	AUTO BEE		150.00
	AV CAPTURE ALL		4,718.57
	AWC EMPLOYEE BENEFITS		228,170.03
	BAKER, DAVID		1,991.52
	BANK OF AMERICA 941		151,509.57
	BANNER BANK BAKER		7,019.04
	BANNER BANK BH		1,506.32
	BANNER BANK CS		1,741.16
	BANNER BANK DB		76.98
	BANNER BANK JG		1,424.01
	BANNER BANK JGORDON		1,773.43
	BANNER BANK KENMORE		12,476.35
	BANNER BANK LD		2,361.03
	BANNER BANK NO		2,446.17
	BANNER BANK PS		711.59
	BANNER BANK RK		2,475.33
	BANNER BANK VAN NESS		3,594.76
	BARTLETT TREE EXPERTS		394.20
	BASTYR UNIVERSITY		50,200.00
	BELLEVUE COLLEGE		219.12
	BELMARK, LLC		7,776.05

XI. B. The following checks and electronic payments are appr...

BERK & ASSOCIATES	40,552.91
BEST BUY BUSINESS ADVANTAGE ACCOUNT	21,943.51
BRIEN, GAYLYNN	250.00
BRUCE DEES & ASSOCIATES	43,065.00
BUILDERS EXCHANGE OF WASHINGTON INC	171.25
BULGER SAFE & LOCK, INC.	260.56
CALPORTLAND COMPANY	1,086.42
CAPPS, DAWNA	50.00
CASCADE PEST CONTROL	569.40
CASCADE RECREATION, INC	301.13
CEMEX	1,366.07
CENTER FOR HUMAN SERVICES	5,000.00
CITY OF BELLEVUE	59,467.46
CITY OF KENMORE FS	1,963.80
CITY OF LAKE FOREST PARK	395,664.13
CITY OF SHORELINE	1,357.68
CITY OF TACOMA	40.00
CITYWORKS/ AZTECA SYSTEMS INC.	21,900.00
COAST & HARBOR ENGINEERING	47,615.68
COASTAL WEAR PRODUCTS INC	1,356.71
COASTWIDE LABORATORIES	4,230.82
CODE PUBLISHING COMPANY	3,774.45
COLUMBIA RIDGE LANDFILL	5,119.72
COMCAST	2,199.30
CONSOLIDATED PRESS	2,989.34
CONTOUR FENCE CO. INC.	1,489.20
COX PRINTING & SIGNS	766.40
CULLEY, AMBERLY	4,516.88
CURTIS, DR. MILTON	60.16
D.R. HORTON	15,000.00
DAILY JOURNAL OF COMMERCE	1,675.05
DAY WIRELESS SYSTEMS	76.44
DEPARTMENT OF ECOLOGY	27,666.11
DEPARTMENT OF LABOR AND INDUSTRIES	12,121.73
DEPARTMENT OF RETIREMENT SYSTEMS	178,062.55
DEVRIES, DENIS	235.47
DIGITAL REPROGRAPHICS SERVICES INC.	32.61
DRS 457	13,240.00
DURRANT, JEFF	178.50
ECONOMIC DEV COUNCIL OF SEATTLE/KC	5,000.00
EJ USA, INC.	1,977.57
EMERALD FIRE LLC	289.08
EMPLOYMENT SECURITY DEPT	10,122.45
ENVIRONMENTAL SYSTEMS RESEARCH INST	5,694.00
ESA ADOLFSON	20,320.00
EVERGREEN PRINT SOLUTIONS	715.24
EVERGREEN SAFETY COUNCIL	299.00
FAZZARI MARKETING	574.93
FEENEY WIRELESS	1,195.81
FERGUSON ENTERPRISES INC #1539	2,073.97

XI. B. The following checks and electronic payments are appr...

FIRE PROTECTION, INC	2,095.84
FIRE SYSTEMS WEST, INC.	547.50
FIX AUTO	1,000.00
FLEMINGS HOLIDAY LIGHTING LLC	1,394.66
FLOW TECHNOLOGIES INC.	54,497.61
FRONTIER	5,243.64
FRUHLING SAND & TOPSOIL	3,000.37
GALLATIN PUBLIC AFFAIRS	19,900.19
GOOD TO GO	11.00
GOODSELL POWER EQUIPMENT #2 INC.	49.13
GORDON THOMAS HONEYWELL	15,014.58
GOVDELIVERY, INC.	11,025.00
GOVERNMENT FINANCE OFFICERS ASSOC	190.00
GRAINGER	311.82
GREATER BOTHELL CHAMBER OF COMMERCE	3,200.00
GRINDLINE SKATEPARKS INC.	12,850.01
GROUP FOUR INC.	7,620.00
HANSEN, COREY	17,125.00
HDR ENGINEERING, INC	381,062.99
HERBIG, NIGEL	61.56
HESTON VISUAL ARTS	1,051.75
HEWITT	71,741.83
HOME DEPOT CREDIT SERVICES	10.10
HONEY BUCKET	1,093.93
HOPELINK	7,500.00
HOPKINS, CRAIG	486.00
HORIZON DISTRIBUTORS INC	755.22
HSA BANK	807.60
IAP2 PUGET SOUND CHAPTER	1,550.00
ICMA RETIREMENT TRUST 457 - 304745	30,238.10
INDEPENDENT STATIONERS	957.76
INGLEWOOD GOLF COURSE	1,248.30
INSLEE, BEST, DOEZIE & RYDER, P.S.	100,977.88
INTEGRA TELECOM	4,544.48
INTERNATIONAL BUSINESS INNOVATION	525.00
INTERNATIONAL CITY/CNTY MGMT ASSOC	1,528.46
iWORQ SYSTEMS	2,800.00
JACOBS ENGINEERING GROUP	111,821.64
JD PLUMBING & FIRE PROTECTION INC.	214.03
JET CITY PRINTING	2,279.80
JOYCE ZIKER PARKINSON	5,817.50
KARLINSEY, ROB	154.72
KBA INC.	50,587.22
KCDA PURCHASING COOP	1,693.69
KENMORE COMMERCIAL LLC	16,829.19
KENMORE HERITAGE SOCIETY	475.00
KIMBERLY LANE 9, LLC	1,145.82
KING COUNTY ANIMAL SVCS	773.00
KING COUNTY FINANCE	144,940.55
KING COUNTY FINANCE W.L.R.D.	2,338.67

XI. B. The following checks and electronic payments are appr...

KING COUNTY FINANCE/ GIS	2,621.11
KING COUNTY FLEET ADMIN	235.00
KING COUNTY MUNICIPAL CLERKS ASSOC	25.00
KING COUNTY OFFICE OF FINANCE	1,467.34
KING COUNTY RADIO COMM SERVICES	283.61
KING COUNTY SHERIFF	29,131.03
KING COUNTY TREASURY	12,024.01
KINGS HEATING	28.84
KOMPAN, INC	169.73
KONICA MINOLTA BUSINESS SOLUTIONS	3,791.92
KORTE, BRENT	27.61
KPFF CONSULTING ENGINEERS	28,146.35
KRAZAN & ASSOCIATES, INC.	8,075.00
LANGTON SPIETH, LLC	13,000.00
LANGUAGE LINE SERVICES, INC.	4.83
LAW OFFICE OF JOHN RUNGERUDE, PS	300.00
LENNAR NORTHWEST, INC.	13,334.10
LIGHTHOUSE CONSULTING INC	24,237.82
LINCOLN NATIONAL LIFE INSURANCE	4,570.37
MACDONALD MILLER FACILITY SOLUTIONS	1,026.56
MACLEOD RECKORD	6,848.80
MAGEE, STEVEN	49.44
MAIL FINANCE	1,406.00
MARSHBANK CONSTRUCTION	3,269,332.08
MCKINNEI, SHAHIN	102.35
METROPOLITAN TRANS. COMMISSION	1,500.00
MILLER STEPHENS, MARY	7,500.00
MOBILE MINI, INC.	904.06
MOON CONSTRUCTION COMPANY	12,236.63
MR. T'S TROPHIES	239.47
MUNIMANAGE, LLC	6,125.00
NATIONAL LIFE OF VERMONT	615.85
NATIONWIDE FINANCIAL 401a	123,995.50
NATIONWIDE RETIREMENT SOLUTIONS 457	3,900.00
NORTHLAKE LUTHERAN CHURCH	100.00
NORTHSHORE FIRE DEPT	3,748.00
NORTHSHORE PARK & REC SERVICE AREA	1,360.00
NORTHSHORE ROTARY CLUB	494.00
NORTHSHORE SCHOOL DISTRICT	2,500.00
NORTHSHORE SENIOR CENTER	1,650.00
NORTHSHORE UTILITY DIST	37,386.86
NORTHSHORE YOUTH & FAMILY SERVICES	4,000.00
NORTHWEST ARBORICULTURE LLC	1,235.00
NORTHWEST LANDSCAPE SERVICES	5,999.05
NORTHWEST MARINE TRADE ASSOCIATION	425.00
NORTHWEST PLAYGROUND EQUIPMENT INC.	14.97
NORTHWESTERN COLLECTION SERVICE INC	690.00
NRC ENVIRONMENTAL SERVICES, INC.	4,975.10
OFFICE DEPOT	5,657.22
OFFICE TEAM	852.18

XI. B. The following checks and electronic payments are appr...

OGDEN, MURPHY, WALLACE	10,367.50
OLYMPIC ENVIRONMENTAL RESOURCES INC	9,287.06
OUSLEY, NANCY	518.64
PACIFIC TOPSOILS	1,599.71
PACIFICA LAW GROUP LLP	632.50
PAJEK, KELLY	22.00
PAMPLIN MEDIA GROUP	190.00
PARAMETRIX INC	26,969.40
PAT'S TREES AND LANDSCAPE INC.	2,081.28
PAWS	875.00
PCS MOBILE	4,629.66
PEMBERTON, JIM	1,013.04
PEMBERTON, JIM	1,218.78
PENDLETON, MICHAEL	3,186.34
PEOPLES STORAGE	1,005.00
PERFORMANCE SYSTEMS INTEGRATION LLC	826.73
PERSONAL BEST/ TOPHEALTH	117.20
PERTEET INC.	74,221.45
PETTY CASH CUSTODIAN	415.46
PHSI PURE HEALTH SOLUTIONS INC.	402.52
PHSI PURE WATER FINANCE	402.49
PROTECTION TECHNOLOGIES, INC	1,224.63
PROTHMAN COMPANY	7,051.38
PRSA	307.00
PUGET SOUND CLEAN AIR AGENCY	17,411.00
PUGET SOUND ENERGY	87,551.04
PUGET SOUND FINANCE OFFICERS ASSOC	50.00
QUALITY BUSINESS SYSTEMS INC.	3,955.80
R.C. PAINTING & SONS, INC.	1,314.00
REPUBLIC SERVICES	2,517.34
RESOURCE EXPLORATION, LLC	12,000.00
RICHARDSON, ZACK	116.00
RICHMOND AMERICAN HOMES OF WA	47.00
SALTER, JON	178.50
SAMYN, DR. JEFFREY	250.00
SARAH ROBERTS	42,494.48
SCHINDLER ELEVATOR CORPORATION	1,143.18
SCHOCK, BRETT	116.00
SCORE	122,193.77
SEATTLE TIMES	6,020.19
SELECT AIR SERVICES DBA GREENWOOD	32.14
SESAC	378.00
SHRED-IT USA LLC	286.10
SIGN UP, SIGN CO, INC	201.48
SITEIMPROVE, INC.	2,499.00
SITTS & HILL ENGINEERS, INC.	3,485.00
SKYWARD CONSTRUCTION	947,813.90
SMITH, BRENT	63.72
SNOHOMISH COUNTY	6,124.00
SOFTWAREONE, INC.	10,353.38

XI. B. The following checks and electronic payments are appr...

SOUND CITIES ASSOC	13,018.25
SOUND LAW CENTER	12,582.50
SOUND PUBLISHING, INC.	3,395.57
SPERRY, LAURIE	64.80
STARDOM SERVICES, INC.	2,550.00
STATE AUDITOR'S OFFICE	575.90
STATE OF FLORIDA DISBURSEMENT UNIT	2,750.00
STEWART MACNICHOLS HARMELL, INC.	25,250.00
SUNGARD PUBLIC SECTOR INC.	17,921.00
TERREBONNE LIMITED	183.19
THE WIDE FORMAT COMPANY	470.85
THOMAS, MICHAEL	223.30
TOP TO BOTTOM JANITORIAL, INC.	7,400.00
TOPIA TECHNOLOGY/ BIS	1,000.00
TOTAL LANDSCAPE CORP	29,770.83
TOWN CENTER HARDWARE	378.25
UNITED STATES POSTMASTER	1,549.48
UNITED STATES TREASURY	4.10
UNITED WAY OF KING COUNTY	2,431.00
UPS STORE	180.14
US POSTAL SERVICE (HASLER)	4,989.65
UTILITIES UNDERGROUND LOCATION CTR	595.98
VAN NESS, ALLAN	1,176.11
VAUGHAN, KENT	198.00
VERIZON WIRELESS	5,448.69
VOLGISTICS, INC	540.00
WA ASSOC OF BUILDING OFFICIALS	1,575.00
WA ASSOC OF PUBLIC RECORDS OFFICERS	175.00
WA CITIES INSURANCE AUTHORITY	229,194.00
WA FINANCE OFFICERS ASSOCIATION	150.00
WA STATE DEPT OF LABOR & INDUSTRIES	141.60
WA STATE DEPT OF TRANSPORTATION	20,743.69
WAGE WORKS	420.00
WASHINGTON ARCHITECTURAL HARDWARE	1,664.41
WASHINGTON AWARDS	546.39
WASHINGTON CITY/COUNTY MGMT ASSOC	630.00
WASHINGTON STATE DEPT OF REVENUE	2,667.11
WASHINGTON STATE OFFICE CASH MGMT	2,847.50
WASHINGTON STATE PATROL	788.11
WATSON, ELIZABETH	500.00
WELLS FARGO FINANCIAL	5,620.02
WELWEST CONSTRUCTION INC.	34,247.50
WHELHAM, STEPHANIE	250.00
WONDERLAND DEVELOPMENT	1,250.00
WRIGHT, MARCI	1,500.00
WSU URBAN IPM & PESTICIDE SAFETY	58.00
ZONAR SYSTEMS	525.33
ZONES	1,122.80
	<u>8,157,886.74</u>

XI. B. The following checks and electronic payments are appr...

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.

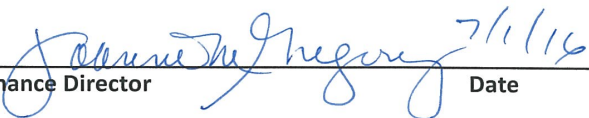
The following checks and electronic payments are approved for payment:

Total Check numbers: 34674 through 34771 \$ 437,111.73

Payroll check numbers: 8815-8818 \$ 1,415.05

Total Payroll electronic deposits dated: 6/24/2016 \$ 74,376.64


 City Manager 7/7/16
Date


 Finance Director 7/1/16
Date

Check #	Vendor Name	Description	Check Amount
34674	UNITED STATES POSTMASTER	Postage for Newsletter	1,553.23
34675	BEN HOLT INDUSTRIES	ROW Aquisition NE 181st Sidewalk Project	5,800.00
34676	BANNER BANK KENMORE	Tools/Supplies/Meals	1,698.64
34677	BANNER BANK BH	Publication/Supplies	181.07
34678	BANNER BANK BAKER	Lodging/Transportation/Parking	834.93
34679	NATIONWIDE FINANCIAL 401a	Social Security Replacement Plan	12,338.08
34680	NATIONWIDE RETIREMENT SOLUTIONS 457	Deferred Comp Payroll Deduction	195.00
34681	ICMA RETIREMENT TRUST 457 - 304745	Deferred Comp Payroll Deduction	3,103.81
34682	DRS 457	Deferred Comp Payroll Deduction	1,160.00
34683	AFLAC	Private Medical/ Disability Plans	348.94
34684	CITY OF KENMORE FS	Flexible Spending Medical Plans	396.38
34685	BANK OF AMERICA 941	Payroll Taxes	15,400.86
34686	DEPARTMENT OF RETIREMENT SYSTEMS	WA State Retirement	17,513.99
34687	DEPARTMENT OF LABOR AND INDUSTRIES	Worker's Compensation	2,189.01
34688	UNITED WAY OF KING COUNTY	Employee Charitable Contribution	442.00
34689	NATIONAL LIFE OF VERMONT	Life Insurance	123.17
34690	AMERICAN GENERAL LIFE GPO-400S	Life Insurance	432.17
34691	STATE OF FLORIDA DISBURSEMENT UNIT	Payroll Deduction	275.00
34692	HSA BANK	Employee Health Savings Acct. Contribution	80.76
34693	AWC EMPLOYEE BENEFITS	Employee Health Insurance	41,739.61
34694	LINCOLN NATIONAL LIFE INSURANCE	Life/Long Term Disability/AD&D	947.62
34695	BANNER BANK	Bike Helmets/Social Media/Supplies	910.77
34696	BANK OF AMERICA 941	Payroll Taxes	91.80
34697	DEPARTMENT OF LABOR AND INDUSTRIES	Worker's Compensation	35.54
34698	ESA ADOLFSON	May St. Edward Ballfields 16-C1499 Prof Svcs	7,372.85
34699	BAKER, DAVID	Mileage Reimbursement	150.12
34700	CASCADE PEST CONTROL	Rhododendron Park Pest Control	142.35

34701	CITY OF LAKE FOREST PARK	May Public Works Crew & Equipment	74,270.99
34702	CODE PUBLISHING COMPANY	Kenmore Municipal Code Printed Supplement	1,676.83
34703	FERGUSON ENTERPRISES INC #1539	Drainage Repair Materials/Parts/Grates/Pipes	879.31
34704	CALPORTLAND COMPANY	Drainage Materials	67.80
34705	INSLEE, BEST, DOEZIE & RYDER, P.S.	May Legal Servcies	60,437.57
34706	KING COUNTY FINANCE W.L.R.D.	WRIA 8 Share 1st Trimester 2016	2,389.67
34707	KING COUNTY FINANCE	May Road Svcs & Adult/Juv Detention Booking	29,253.55
34708	KING COUNTY FINANCE	May Adult/Juv Community Work Program	5,280.00
34709	SOUND PUBLISHING, INC.	May Advertising Charges	1,774.10
34710	KING COUNTY OFFICE OF FINANCE	May Public Defence Indigency Screening	371.53
34711	LIGHTHOUSE CONSULTING INC	May IT Services/Protection/Backup	5,041.27
34712	NORTHSHORE FIRE DEPT	May Fire Marshal Plan Review	220.00
34713	HONEY BUCKET	5/21-6/17 Squires Landing Rental	218.35
34714	OFFICE DEPOT	Office Supplies	442.33
34715	OFFICE TEAM	Temporary Svcs for Front Desk	143.70
34716	PEOPLES STORAGE	July Storage Unit Rent #C304	201.00
34717	PUGET SOUND ENERGY	Signals/Lights/Electricity/New Installations	5,570.73
34718	CEMEX	Asphalt for Berms	221.20
34719	SEATTLE TIMES	6/17 Legal Ads Ord. 16-0421 & 16-0422	305.69
34720	SIGN UP, SIGN CO, INC	Event Sponsor Signs	153.30
34721	STEWART MACNICHOLS HARMELL, INC.	May Public Defender Services	5,553.00
34722	TOTAL LANDSCAPE CORP	June Parks Landscape Services	5,002.61
34723	WA FINANCE OFFICERS ASSOCIATION	Conference Registration	325.00
34724	WA STATE DEPT OF TRANSPORTATION	68th/175th & 68th/181st May Signal Maint.	240.37
34725	UPS STORE	May Copy Charges - Public Records Requests	15.18
34726	AURORA RENTS	Lift Rental for Artwork Removal	203.85
34727	BERK CONSULTING	May Consulting - Imagine Kenmore	5,137.56
34728	MACLEOD RECKORD	May 16-C1502 Moorlands Park Prof. Services	45.00
34729	PROTHMAN COMPANY	6/4-6/17 Consulting Services Public Works	1,730.40
34730	SNOHOMISH COUNTY	April & May Solid Waste Vactor Disposal Chgs	2,556.00
34731	WA STATE DEPT OF TRANSPORTATION	April SR522 West A Inspection Services	727.88
34732	KONICA MINOLTA BUSINESS SOLUTIONS	May Copier Charges for KBA & Incubator	745.80
34733	TELESYSTEMS WEST	Cabling @ City Hall for Wireless Units	508.19
34734	SOUND LAW CENTER	Hearing Examiner Services	1,064.00
34735	PACE ENGINEERS, INC.	March 15-C1483 On Call Engineering Services	2,544.63
34736	OUSLEY, NANCY	Mileage & Toll Reimbursement	239.74
34737	QUALITY BUSINESS SYSTEMS INC.	1st & 2nd Floor Xerox Copiers 5/2-6/1/16	1,835.49
34738	FINANCIAL CONSULTANTS INT'L INC	Police Car Radar & Motorcycle Equipment	495.50
34739	PEMBERTON, JIM	Mileage Reimbursement	297.00
34740	GREGORY, JOANNE	Travel Expense Reimbursement	459.50
34741	A+ CONFERENCING	Conference Calls	42.25
34742	JACOBS ENGINEERING GROUP	4/2-4/29 15-C1411 W. Samm. Bridge Project	12,890.86
34743	ALCALDE & FAY	June Gov't Affairs Consulting	5,512.32
34744	COMCAST	6/30-7/29 Incubator Internet	161.90
34745	SAWYER, RICHARD	Reimburse SWM Equipment Purchased	124.11
34746	FIRE PROTECTION, INC	Annual Fire Sprinkler Inspection	2,907.08
34747	INTEGRA TELECOM	6/8-7/7 City Hall Phone Service	904.85
34748	PHSI PURE HEALTH SOLUTIONS INC.	City Hall Filtered Water Service	100.63
34749	AM TEST, INC	Swamp Creek Water Samples	500.00
34750	JOYCE ZIKER PARKINSON	May Legal Adv Lk WA Sediments/Kenmore Vill	967.50

34751	OVERLEESE, KRISTEN	Mileage/Gas/Parking/Meal Reimbursement	62.40
34752	WAGE WORKS	May FSA & AFLAC Administration Fee	110.00
34753	KENMORE COMMERCIAL LLC	July Incubator Building Lease	3,281.00
34754	CHICAGO TITLE	15221 84th NE Subivision Guarantee	548.00
34755	CONTOUR FENCE CO. INC.	73rd Ave. Fence Repair	3,300.33
34756	G & H PRINTING	4th of July & Concert Posters	155.96
34757	VERTICAL VISUAL SOLUTIONS INC.	Skate Park Rules Sign	793.88
34758	HEWITT	4/30-5/27 14-C1324 Town Green	7,146.21
34759	HANSEN, COREY	Incubator Consulting for June	3,425.00
34760	STARDOM SERVICES, INC.	June Incubator Building Janitorial Service	510.00
34761	SUNGARD PUBLIC SECTOR INC.	CRW Software Final Payment	19,875.00
34762	KPFF CONSULTING ENGINEERS	Transp. On Call & 62nd Ave Improvements	26,022.74
34763	VICENTE, JOHN	Business Meeting Parking Reimbursement	47.00
34764	COAST & HARBOR ENGINEERING	4/30-5/27 15-C1457 Log Boom Improvements	405.00
34765	TOP TO BOTTOM JANITORIAL, INC.	June City Hall Janitorial Service	3,500.00
34766	MUNIMANAGE, LLC	5/11-6/10 LakePointe Consulting	4,875.00
34767	BJELDE, LAUREN	7/7 Summer Concert Performer	1,750.00
34768	JP HENNESSY	7/14 Summer Concert Performer	500.00
34769	LANEY JONES AND THE SPIRITS	7/14 Summer Concert Performer	1,000.00
34770	FOOTPRINT PROMOTIONS	Kenmore Air "Fly In" Event Shirts	1,468.40
34771	MIWONGTUM, RACHEL	Boot Reimbursement	120.99
8815	MATHIS, WESTON	Payroll	460.46
8816	MIKKELSON, THOMAS	Payroll	408.07
8817	BAUMAN, CALVIN	Payroll	273.26
8818	BAUMAN, CALVIN	Payroll	273.26
6/24/2016	PAYROLL	Direct Deposit	74,376.64
			<u>\$ 512,903.42</u>

2016	PRIOR VENDOR ACTIVITY	TOTAL	FOR 2016
	A & A LIMOUSINE & BUS SERVICE		1,083.00
	A+ CONFERENCING		562.85
	AAA FLAG & BANNER MFG. CO., INC.		4,918.36
	AABCO BARRICADE COMPANY INC.		2,726.55
	ACF WEST INC		3,533.01
	ACTION ENTERTAINMENT		395.00
	ACTIVE SHOOTER TRAINING LLC		1,425.00
	ADMAN, STACI		4,516.88
	ADVANCE TESTING & SERVICE INC		702.00
	AFLAC		1,744.70
	AGORA NW LLC		336.39
	ALCALDE & FAY		25,427.58
	ALEXANDER, JEFF		400.00
	ALL CLIMATE HEATING AND AIR		36.05
	ALL TRAFFIC SOLUTIONS		2,625.00
	ALLPLAY SYSTEMS LLC		58.04
	ALPHAGRAPHICS US718		946.78
	ALTA MAXINE MELVIN		14,674.00
	AM TEST, INC		625.00
	AMERICAN GENERAL LIFE GPO-400S		2,160.85
	AMERICAN PLANNING ASSOCIATION		2,124.00
	AMERICAN PUBLIC WORKS ASSOCIATION		1,225.00
	AMERICAN SOCIETY OF CIVIL ENGINEERS		225.00
	APPLIED CONCEPTS, INC.		2,899.56
	ARC - PACIFIC NORTHWEST		2,711.51
	ARTS OF KENMORE		1,900.00
	ASPLUNDH		5,420.25
	ASSOCIATION OF WA CITIES		16,935.04
	AURORA RENTS		1,167.96
	AUTO BEE		150.00
	AV CAPTURE ALL		4,718.57
	AWC EMPLOYEE BENEFITS		228,170.03
	BAKER, DAVID		2,331.72
	BANK OF AMERICA 941		167,120.55
	BANNER BANK BAKER		7,019.04
	BANNER BANK BH		1,506.32
	BANNER BANK CS		2,264.05
	BANNER BANK DB		345.98
	BANNER BANK JG		2,565.60
	BANNER BANK JGORDON		3,044.18
	BANNER BANK KENMORE		16,805.67
	BANNER BANK LD		2,361.03
	BANNER BANK NO		2,521.73
	BANNER BANK PS		914.54
	BANNER BANK RK		2,506.06
	BANNER BANK VAN NESS		3,594.76
	BARTLETT TREE EXPERTS		394.20
	BASTYR UNIVERSITY		50,200.00
	BELLEVUE COLLEGE		219.12

XI. C. The following checks and electronic payments are appr...

BELMARK, LLC	7,776.05
BERK & ASSOCIATES	56,802.91
BEST BUY BUSINESS ADVANTAGE ACCOUNT	21,943.51
BRIEN, GAYLYNN	300.00
BRUCE DEES & ASSOCIATES	43,065.00
BUILDERS EXCHANGE OF WASHINGTON INC	171.25
BULGER SAFE & LOCK, INC.	331.02
CALPORTLAND COMPANY	1,086.42
CAPPS, DAWNA	50.00
CASCADE PEST CONTROL	569.40
CASCADE RECREATION, INC	301.13
CEMEX	1,407.46
CENTER FOR HUMAN SERVICES	5,000.00
CITY OF BELLEVUE	70,011.09
CITY OF KENMORE FS	2,360.18
CITY OF LAKE FOREST PARK	395,664.13
CITY OF SHORELINE	1,357.68
CITY OF TACOMA	40.00
CITYWORKS/ AZTECA SYSTEMS INC.	21,900.00
CLOWNS UNLIMITED, INC.	897.90
COAST & HARBOR ENGINEERING	47,615.68
COASTAL WEAR PRODUCTS INC	1,356.71
COASTWIDE LABORATORIES	4,230.82
CODE PUBLISHING COMPANY	3,774.45
COLUMBIA RIDGE LANDFILL	5,119.72
COMCAST	2,749.96
CONSOLIDATED PRESS	6,027.99
CONTOUR FENCE CO. INC.	1,489.20
COX PRINTING & SIGNS	766.40
CULLEY, AMBERLY	4,516.88
CURTIS, DR. MILTON	60.16
D.R. HORTON	15,000.00
DAILY JOURNAL OF COMMERCE	1,675.05
DAY WIRELESS SYSTEMS	76.44
DEPARTMENT OF ECOLOGY	27,666.11
DEPARTMENT OF LABOR AND INDUSTRIES	12,121.73
DEPARTMENT OF RETIREMENT SYSTEMS	196,186.42
DEVRIES, DENIS	268.41
DIGITAL REPROGRAPHICS SERVICES INC.	32.61
DRS 457	14,400.00
DURRANT, JEFF	178.50
ECONOMIC DEV COUNCIL OF SEATTLE/KC	5,000.00
EJ USA, INC.	1,977.57
EMERALD FIRE LLC	289.08
EMPLOYMENT SECURITY DEPT	10,122.45
ENVIRONMENTAL SYSTEMS RESEARCH INST	5,694.00
ESA ADOLFSON	20,320.00
EVERGREEN PRINT SOLUTIONS	715.24
EVERGREEN SAFETY COUNCIL	299.00
FAZZARI MARKETING	574.93

XI. C. The following checks and electronic payments are appr...

FEENEY WIRELESS	1,195.81
FERGUSON ENTERPRISES INC #1539	2,073.97
FIRE PROTECTION, INC	2,095.84
FIRE SYSTEMS WEST, INC.	547.50
FIX AUTO	1,000.00
FLEMINGS HOLIDAY LIGHTING LLC	1,394.66
FLOW TECHNOLOGIES INC.	54,497.61
FRONTIER	6,292.73
FRUHLING SAND & TOPSOIL	3,000.37
GALLATIN PUBLIC AFFAIRS	19,900.19
GOOD TO GO	16.00
GOODSELL POWER EQUIPMENT #2 INC.	49.13
GORDON THOMAS HONEYWELL	18,841.61
GOVDELIVERY, INC.	11,025.00
GOVERNMENT FINANCE OFFICERS ASSOC	190.00
GRAINGER	311.82
GREATER BOTHELL CHAMBER OF COMMERCE	3,400.00
GRINDLINE SKATEPARKS INC.	12,850.01
GROUP FOUR INC.	7,620.00
HANSEN, COREY	17,125.00
HDR ENGINEERING, INC	381,062.99
HERBIG, NIGEL	61.56
HERMANSON COMPANY, LLP	1,416.38
HESTON VISUAL ARTS	1,051.75
HEWITT	71,741.83
HOME DEPOT CREDIT SERVICES	10.10
HONEY BUCKET	1,093.93
HOPELINK	7,500.00
HOPKINS, CRAIG	486.00
HORIZON DISTRIBUTORS INC	755.22
HSA BANK	888.36
IAP2 PUGET SOUND CHAPTER	1,550.00
ICMA RETIREMENT TRUST 457 - 304745	33,291.91
INDEPENDENT STATIONERS	1,142.53
INGLEWOOD GOLF COURSE	1,248.30
INSLEE, BEST, DOEZIE & RYDER, P.S.	163,226.13
INTEGRA TELECOM	4,544.48
INTERNATIONAL BUSINESS INNOVATION	525.00
INTERNATIONAL CITY/CNTY MGMT ASSOC	1,528.46
IWORQ SYSTEMS	2,800.00
JACOBS ENGINEERING GROUP	111,821.64
JD PLUMBING & FIRE PROTECTION INC.	214.03
JET CITY PRINTING	2,279.80
JOYCE ZIKER PARKINSON	7,665.00
KAMINS, CHAD	241,498.99
KARLINSEY, ROB	154.72
KBA INC.	50,587.22
KCDA PURCHASING COOP	1,693.69
KENMORE COMMERCIAL LLC	16,829.19
KENMORE HERITAGE SOCIETY	475.00

XI. C. The following checks and electronic payments are appr...

KIMBERLY LANE 9, LLC	1,145.82
KING COUNTY ANIMAL SVCS	1,523.00
KING COUNTY FINANCE	144,940.55
KING COUNTY FINANCE W.L.R.D.	47,811.67
KING COUNTY FINANCE/ GIS	2,621.11
KING COUNTY FLEET ADMIN	235.00
KING COUNTY MUNICIPAL CLERKS ASSOC	25.00
KING COUNTY OFFICE OF FINANCE	1,467.34
KING COUNTY RADIO COMM SERVICES	567.22
KING COUNTY RECORDER'S OFFICE	166.00
KING COUNTY SHERIFF	1,302,627.38
KING COUNTY TREASURY	12,024.01
KINGS HEATING	28.84
KOMPAN, INC	169.73
KONICA MINOLTA BUSINESS SOLUTIONS	3,791.92
KORTE, BRENT	27.61
KPFF CONSULTING ENGINEERS	28,146.35
KRAZAN & ASSOCIATES, INC.	8,075.00
LANGTON SPIETH, LLC	26,000.00
LANGUAGE LINE SERVICES, INC.	4.83
LAW OFFICE OF JOHN RUNGERUDE, PS	300.00
LENNAR NORTHWEST, INC.	13,334.10
LIGHTHOUSE CONSULTING INC	24,237.82
LINCOLN NATIONAL LIFE INSURANCE	4,570.37
MACDONALD MILLER FACILITY SOLUTIONS	1,026.56
MACLEOD RECKORD	6,848.80
MAGEE, STEVEN	49.44
MAIL FINANCE	1,406.00
MARSHBANK CONSTRUCTION	3,778,393.34
MCALLISTER, TERESA	132.39
MCKINNEI, SHAHIN	102.35
METROPOLITAN TRANS. COMMISSION	1,500.00
MILLER STEPHENS, MARY	8,750.00
MOBILE MINI, INC.	1,600.98
MOON CONSTRUCTION COMPANY	12,236.63
MR. T'S TROPHIES	239.47
MUMMA, RYAN	58.32
MUNIMANAGE, LLC	6,125.00
NATIONAL LIFE OF VERMONT	615.85
NATIONWIDE FINANCIAL 401a	136,577.35
NATIONWIDE RETIREMENT SOLUTIONS 457	4,095.00
NORTHLAKE LUTHERAN CHURCH	100.00
NORTHSHORE FIRE DEPT	3,748.00
NORTHSHORE PARK & REC SERVICE AREA	1,360.00
NORTHSHORE ROTARY CLUB	494.00
NORTHSHORE SCHOOL DISTRICT	2,500.00
NORTHSHORE SENIOR CENTER	7,150.00
NORTHSHORE UTILITY DIST	48,095.16
NORTHSHORE YOUTH & FAMILY SERVICES	4,000.00
NORTHWEST ARBORICULTURE LLC	1,235.00

NORTHWEST LANDSCAPE SERVICES	25,221.47
NORTHWEST MARINE TRADE ASSOCIATION	425.00
NORTHWEST PLAYGROUND EQUIPMENT INC.	14.97
NORTHWESTERN COLLECTION SERVICE INC	690.00
NRC ENVIRONMENTAL SERVICES, INC.	4,975.10
OFFICE DEPOT	5,657.22
OFFICE TEAM	852.18
OGDEN, MURPHY, WALLACE	11,082.50
OLYMPIC ENVIRONMENTAL RESOURCES INC	18,173.18
OSBORN CONSULTING INC.	44,365.79
OUSLEY, NANCY	518.64
PACE ENGINEERS, INC.	2,756.38
PACIFIC TOPSOILS	2,049.08
PACIFICA LAW GROUP LLP	632.50
PAJEK, KELLY	22.00
PAMPLIN MEDIA GROUP	190.00
PARAMETRIX INC	26,969.40
PAT'S TREES AND LANDSCAPE INC.	2,081.28
PAWS	1,750.00
PCS MOBILE	4,629.66
PEMBERTON, JIM	2,494.80
PENDLETON, MICHAEL	3,186.34
PEOPLES STORAGE	1,005.00
PERFORMANCE SYSTEMS INTEGRATION LLC	826.73
PERSONAL BEST/ TOPHEALTH	117.20
PERTEET INC.	81,644.21
PETTY CASH CUSTODIAN	415.46
PHSI PURE HEALTH SOLUTIONS INC.	402.52
PHSI PURE WATER FINANCE	402.49
PROTECTION TECHNOLOGIES, INC	1,224.63
PROTHMAN COMPANY	10,396.82
PRSA	307.00
PUBLIC HEALTH DEPT. OF KING COUNTY	430.00
PUGET SOUND BUSINESS JOURNAL	105.00
PUGET SOUND CLEAN AIR AGENCY	17,411.00
PUGET SOUND ENERGY	99,540.85
PUGET SOUND FINANCE OFFICERS ASSOC	50.00
QUALITY BUSINESS SYSTEMS INC.	3,955.80
R.C. PAINTING & SONS, INC.	1,314.00
REPUBLIC SERVICES	3,141.55
RESOURCE EXPLORATION, LLC	12,000.00
RICHARDSON, ZACK	116.00
RICHMOND AMERICAN HOMES OF WA	47.00
SALTER, JON	178.50
SAMYN, DR. JEFFREY	250.00
SARAH ROBERTS	53,118.10
SAUVE, GAYLEN	350.00
SCHINDLER ELEVATOR CORPORATION	1,143.18
SCHOCK, BRETT	116.00
SCORE	156,231.27

XI. C. The following checks and electronic payments are appr...

SEATTLE TIMES	6,143.26
SELECT AIR SERVICES DBA GREENWOOD	32.14
SESAC	378.00
SHRED-IT USA LLC	342.51
SIGN UP, SIGN CO, INC	201.48
SITEIMPROVE, INC.	2,499.00
SITTS & HILL ENGINEERS, INC.	3,485.00
SKYWARD CONSTRUCTION	1,466,585.82
SMITH, BRENT	63.72
SNOHOMISH COUNTY	6,124.00
SOFTRESOURCES LLC	2,625.00
SOFTWAREONE, INC.	10,353.38
SOUND CITIES ASSOC	13,018.25
SOUND LAW CENTER	12,582.50
SOUND PUBLISHING, INC.	3,395.57
SPERRY, LAURIE	64.80
STARDOM SERVICES, INC.	2,550.00
STATE AUDITOR'S OFFICE	575.90
STATE OF FLORIDA DISBURSEMENT UNIT	3,025.00
STEWART MACNICHOLS HARMELL, INC.	25,250.00
SUNGARD PUBLIC SECTOR INC.	17,921.00
TERREBONNE LIMITED	183.19
THE WIDE FORMAT COMPANY	470.85
THOMAS, MICHAEL	223.30
TOP TO BOTTOM JANITORIAL, INC.	7,400.00
TOPIA TECHNOLOGY/ BIS	1,200.00
TOTAL LANDSCAPE CORP	31,172.43
TOWN CENTER HARDWARE	499.03
UNITED STATES POSTMASTER	1,549.48
UNITED STATES TREASURY	4.10
UNITED WAY OF KING COUNTY	2,431.00
UPS STORE	180.14
US POSTAL SERVICE (HASLER)	4,989.65
UTILITIES UNDERGROUND LOCATION CTR	763.68
VAN NESS, ALLAN	1,238.75
VAUGHAN, KENT	198.00
VERIZON WIRELESS	6,523.96
VOLGISTICS, INC	540.00
W.S.S.O. Advanced Training	520.00
WA ASSOC OF BUILDING OFFICIALS	1,575.00
WA ASSOC OF PUBLIC RECORDS OFFICERS	175.00
WA CITIES INSURANCE AUTHORITY	229,194.00
WA FINANCE OFFICERS ASSOCIATION	150.00
WA STATE DEPT OF LABOR & INDUSTRIES	141.60
WA STATE DEPT OF TRANSPORTATION	20,743.69
WAGE WORKS	420.00
WALL, JOHN	187.83
WASHINGTON ARCHITECTURAL HARDWARE	1,664.41
WASHINGTON AWARDS	546.39
WASHINGTON CITY/COUNTY MGMT ASSOC	630.00

XI. C. The following checks and electronic payments are appr...

WASHINGTON STATE DEPT OF REVENUE	2,667.11
WASHINGTON STATE OFFICE CASH MGMT	2,847.50
WASHINGTON STATE PATROL	788.11
WATSON, ELIZABETH	500.00
WELLS FARGO FINANCIAL	5,620.02
WELWEST CONSTRUCTION INC.	34,247.50
WETLANDS & WOODLANDS INC	730.91
WHELFHAM, STEPHANIE	250.00
WONDERLAND DEVELOPMENT	1,250.00
WRIGHT, MARCI	1,500.00
WSU URBAN IPM & PESTICIDE SAFETY	58.00
ZONAR SYSTEMS	525.33
ZONES	1,122.80
ZUMAR	102.15
	<u>11,098,369.96</u>

XI. C. The following checks and electronic payments are appr...

XI. D. Receive and File the May 2016 Financial Report for th...



PO Box 82607
KENMORE, WASHINGTON 98028

MEMORANDUM

TO: Rob Karlinsey, City Manager
FROM: Joanne Gregory, Finance Director
DATE: June 8, 2016
RE: May 2016 Financial Reports for the City of Kenmore, Washington

May 2016 financial information is presented for your review and delivery to the City Council. Attached you will find the following reports:

- General Fund Summary
- General Fund Revenue Graphs
- General Fund Expenditure Graphs
- Street Fund Summary
- Other Funds Monthly Activity
- Investment Schedule
- Cash and Investment Report
- Sales Tax Receipts by Business Type
- Retail Sales and Use Tax Distribution
- Real Estate Excise Tax Report
- Monthly Report for Kenmore Village
- Report for Transportation Benefit District

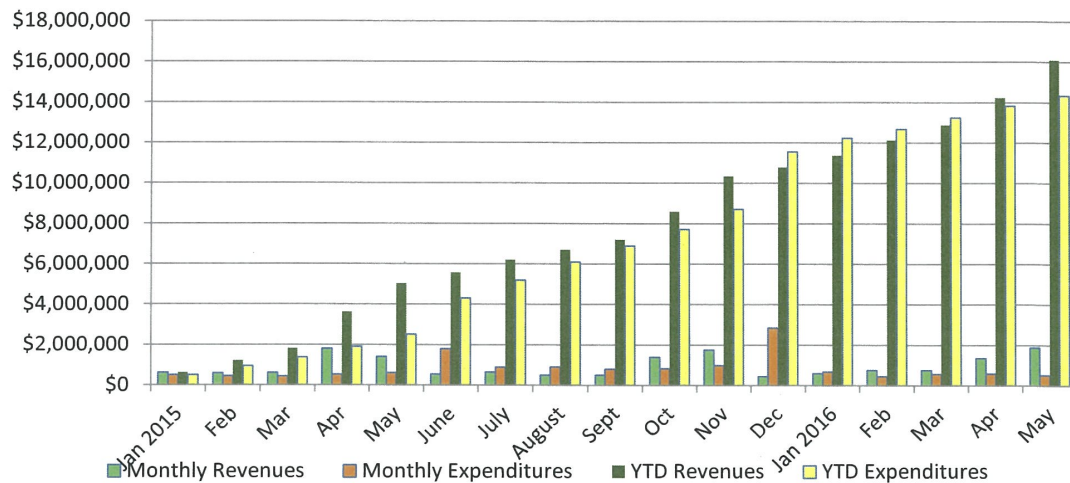
If you would like additional information or have any questions regarding the financial reports, please feel free to contact me.

GENERAL FUND

The first section of the monthly financial report is a review of the General Fund. This fund accounts for operational activities and includes all financial resources except those required or elected to be accounted for in another fund. Revenues include various taxes, per capita distributions from the State, fines and forfeitures, permits and licenses, and fees for service. In the context of the biennial budget, May is the seventeenth month (71%) of the 2015-2016 biennial budget period. For the month of May, revenues exceeded expenditures in the General Fund by \$1,363,311. During the biennium revenues exceed expenditures by \$1,765,982.

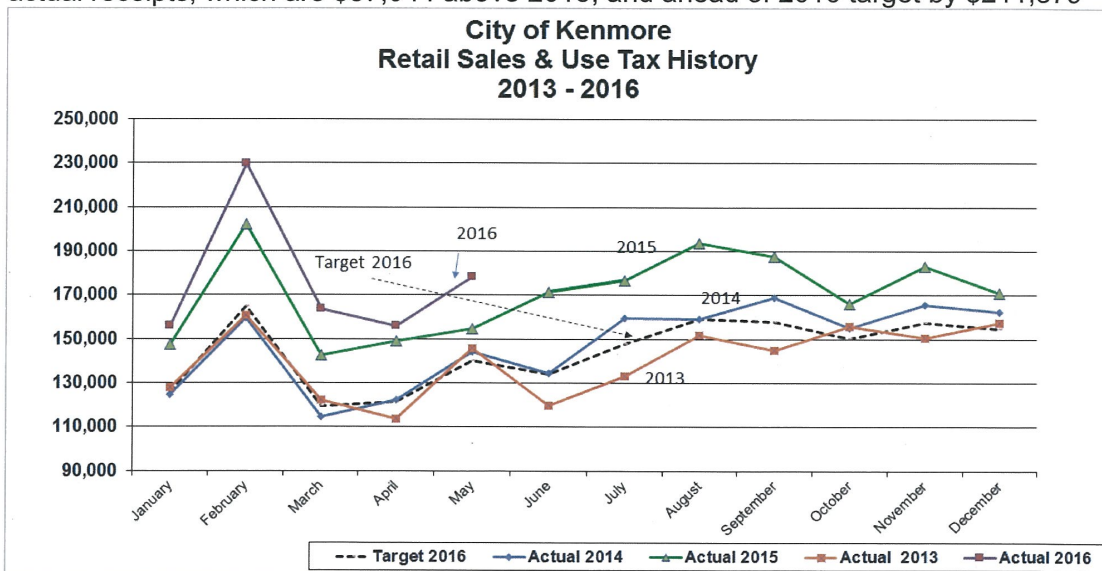
The following chart illustrates the monthly revenue and expenditure activity in the General Fund through May 2016.

City of Kenmore, Washington
Monthly Financial Report
May 2016



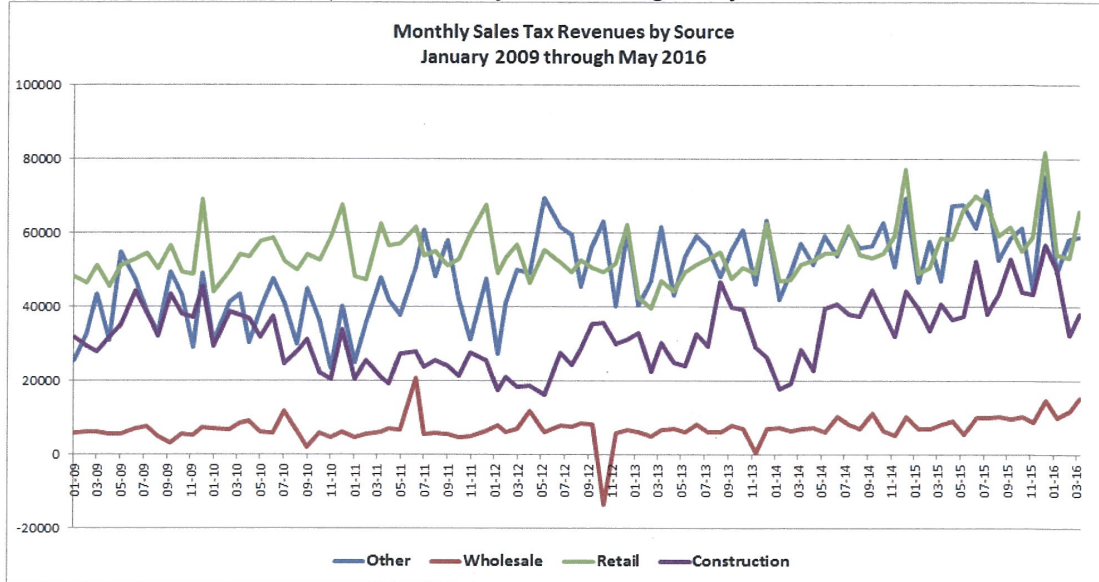
Total **revenues** for the month were **\$1,869,660**. Biennium to date revenues are \$16,092,902, which is 76.5% of the amended budgeted revenues of \$21,048,270. Primary sources of revenue for the month included property taxes in the amount of \$1,324,209, development fees & permits in the amount of \$70,778, retail sales and use taxes in the amount of \$178,226, franchise fees in the amount of \$108,521 and utility taxes in the amount of \$95,960.

A summary of sales tax revenues received in May is attached. These receipts are based on March sales activity. The chart below gives a historical perspective of monthly sales tax receipts over the last several years. The black dotted Target 2016 line is a monthly average of actual receipts during 2013, 2014, and 2015. The purple line represents 2016 actual receipts, which are \$87,044 above 2015, and ahead of 2016 target by \$211,379

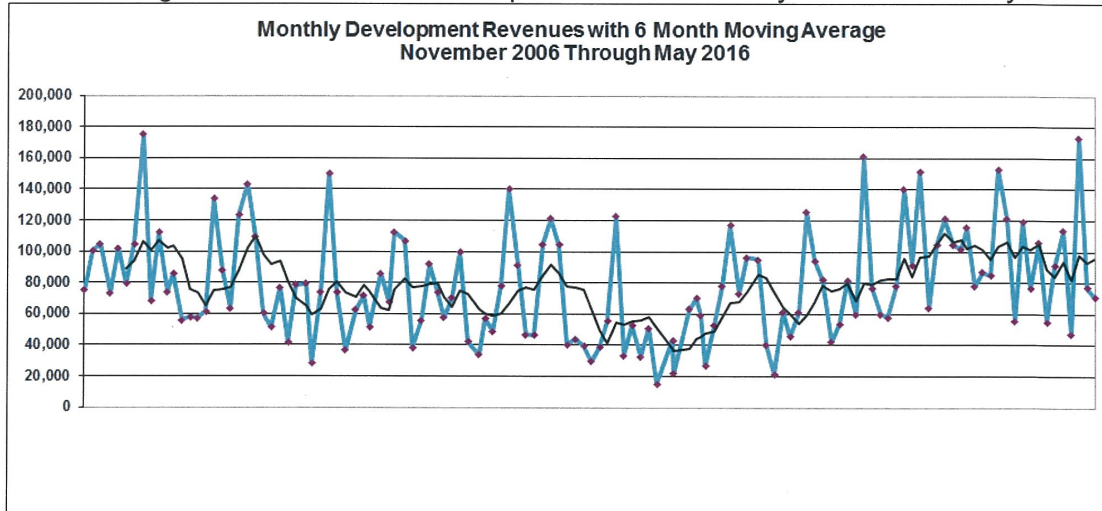


City of Kenmore, Washington
 Monthly Financial Report
 May 2016

The following chart illustrates the historical trends of sales tax receipts from the major segments: construction, retail, wholesale, other (agriculture, services, manufacturing, transportation and utilities) from January 2009 through May 2016.



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



May 2016 expenditures were **\$506,349**. Biennium to date expenditures are \$14,326,920, which is 63% of the amended biennial budget expenditures of \$22,772,720.

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City of Kenmore, Washington
Monthly Financial Report
May 2016

Total City cash (\$10,057,824) and long term investments (\$11,839,801), at the end of May, totaled \$21,897,625. The Other Funds Monthly Activity graphs compare biennium to date revenues and expenditures to the 2015-2016 biennial budget.

Total non-General Fund revenues were \$1,831,979 and total non-General Fund expenditures were \$1,942,021.

In the **Street Fund** revenue from gas tax distributions was \$38,537. \$110,952 was expended for maintenance and operations during the month.

In the **Transportation Capital Fund** expenditures were \$1,343,986 for SR 522 West A construction. The fund received \$1,004,048 in grant reimbursements related to SR 522 West A project. The fund also received \$32,014 in reimbursements related to the Sammamish Bridge replacement project and \$13,131 in reimbursements for sidewalk and other street improvements.

The **Park Impact Fee** fund received \$15,362 in revenues during the month.

There was \$50,604 in revenues for the **Transportation Impact Fee** fund during the month.

The **Real Estate Excise Tax** Fund received \$129,599 of real estate excise taxes (REET) in May from sales activity that occurred in April. 64 transactions were reported this month. The 2016 year to date revenue exceeds the 2015 revenue by \$101,919 and by the 2016 Target by \$219,558.

The **Kenmore Village** Fund expended \$238,271 during the month for the Town Green project.

The **Transportation Benefit District** Fund received \$31,027 in vehicle license fees during May bringing the total for the biennium to \$478,600.

SUMMARY

This concludes the financial report for the City of Kenmore as of **May 31, 2016**. I appreciate your feedback and encourage you to contact me if you have any questions prior to the City Council meeting.

City of Kenmore, Washington
General Fund Summary Report
May 31, 2016



	CURRENT PERIOD 2015-2016				PRIOR PERIOD 2013-2014			
	MONTH	BIENNIUM TO DATE	% of	BIENNIUM BUDGET	MONTH	BIENNIUM TO DATE	% of	BIENNIUM BUDGET
	May 2016	2015-2016	BUDGET	2015-2016	May 2014	2013-2014	BUDGET	2013-2014
REVENUES								
Beginning Fund Balance		4,233,568		4,221,475				5,525,153
Property Taxes	1,324,209	6,891,038	77.0%	8,948,766	1,219,852	6,589,052	77.1%	8,542,053
Sales and Use Taxes	227,975	3,712,579	79.0%	4,700,532	184,816	3,017,826	76.2%	3,960,331
Utility Taxes	95,960	1,780,172	64.4%	2,763,390	116,094	2,019,052	68.6%	2,942,395
Other Taxes	19,440	126,174	111.9%	112,720	11,610	72,566	118.4%	61,300
Development Fees & Permits	70,778	1,624,466	83.2%	1,951,432	139,961	1,301,298	88.8%	1,465,185
Franchise Fees	108,521	1,224,236	86.1%	1,422,160	0	458,320	46.2%	992,405
Intergovernmental and Grants	804	566,793	80.1%	707,370	3,350	482,627	75.4%	639,866
Investment Interest	19,809	82,433	162.6%	50,700	11,116	71,792	122.9%	58,400
Fines and Forfeitures	-295	-5,730	0.0%	0	0	-1,910	n/a	0
Transfers and Other Revenues	2,460	90,740	23.2%	391,200	4,528	410,231	71.7%	572,536
Total Revenues	1,869,660	16,092,902	76.5%	21,048,270	1,691,328	14,420,853	75.0%	19,234,471

Total Revenues & Beginning Fund Balance		20,326,470		25,269,745				24,759,624
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	CURRENT PERIOD 2015-2016				PRIOR PERIOD 2013-2014			
	MONTH	BIENNIUM TO DATE	% of	BUDGET	MONTH	BIENNIUM TO DATE	% of	BIENNIUM BUDGET
	May	2015-2016	BUDGET	2015-2016	May 2014	2013-2014	BUDGET	2013-2014
EXPENDITURES								
Cost Center								
City Council	8,573	237,389	72.3%	328,435	10,288	154,451	71.0%	217,644
City Manager	97,806	2,011,137	63.4%	3,173,222	96,369	1,495,261	83.2%	1,796,600
City Clerk	8,711	239,827	86.4%	277,683	10,442	144,900	27.0%	536,261
Finance	38,812	1,145,030	85.3%	1,342,155	36,271	458,075	71.7%	639,213
Legal	36,373	304,364	69.2%	440,000	13,491	323,121	65.4%	494,285
Non-Departmental *	0	0	0.0%	0	53,899	1,238,891	80.8%	1,532,818
Interfund Transfers	0	1,666,216	52.0%	3,202,671	0	3,316,000	212.0%	1,564,000
Public Safety	69,021	4,426,196	54.8%	8,076,115	44,358	4,002,792	55.8%	7,179,563
Engineering & Environmental Services	68,963	1,300,931	85.1%	1,527,950	109,902	960,053	91.8%	1,045,741
Community Development	37,206	589,485	71.0%	830,030	60,714	680,520	95.5%	712,632
Developmental Services	65,110	1,289,631	79.6%	1,620,050	72,687	897,667	59.8%	1,501,147
Parks & Facility Maintenance	75,775	1,116,715	57.1%	1,954,409	47,534	930,174	54.9%	1,695,042
Total Expenditures	506,349	14,326,920	62.9%	22,772,720	555,954	14,601,902	77.2%	18,914,946
Ending Fund Balance		5,999,550		2,497,025			0.0%	5,844,678

Total Expenditures and Ending Fund Balance		20,326,470		25,269,745				24,759,624
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*Non-Departmental expenditures have been moved to other General Fund Cost Centers

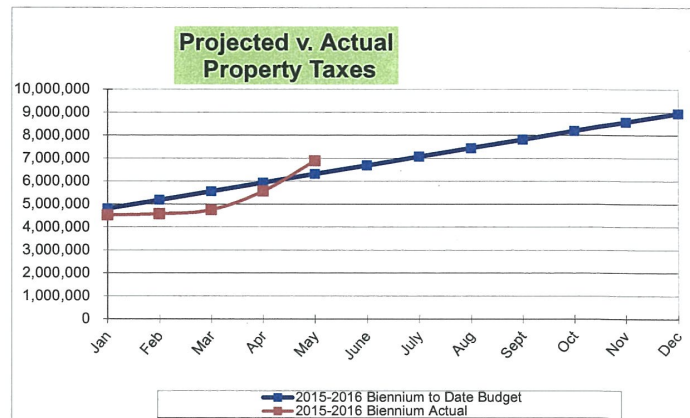
City of Kenmore, Washington
General Fund Revenue Graphs
May 31, 2016

PROPERTY TAXES

	2015-2016 Biennium to Date Budget	2015-2016 Biennium Actual
2015	4,427,247	4,511,047
Jan	4,804,040	4,525,700
Feb	5,180,834	4,582,137
Mar	5,557,627	4,749,727
Apr	5,934,420	5,566,829
May	6,311,213	6,891,038
June	6,688,007	
July	7,064,800	
Aug	7,441,593	
Sept	7,818,386	
Oct	8,195,180	
Nov	8,571,973	
Dec	8,948,766	
2015-16	8,948,766	

Year To Date
 Actual v. Projected

109%

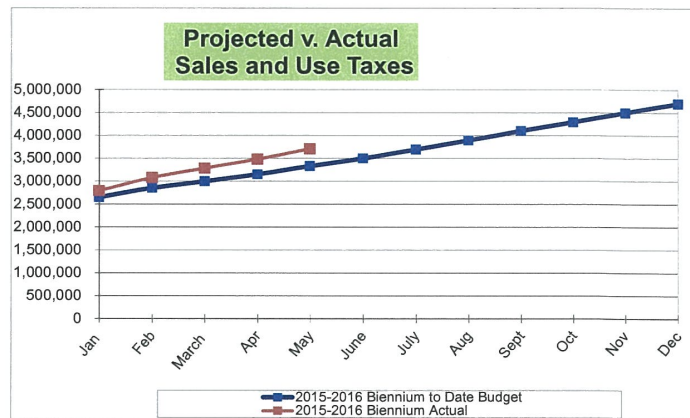


SALES, USE, CRIM JUSTICE TAXES

	2015-2016 Biennium to Date Budget	2015-2016 Biennium Actual
2015	2,491,685	2,592,076
Jan	2,650,828	2,792,417
Feb	2,853,765	3,080,971
March	3,000,413	3,286,344
Apr	3,153,514	3,484,605
May	3,333,030	3,712,580
June	3,501,714	
July	3,696,509	
Aug	3,895,328	
Sept	4,102,013	
Oct	4,294,991	
Nov	4,500,931	
Dec	4,700,532	
2015-16	4,700,532	

Year To Date
 Actual v. Projected

111%

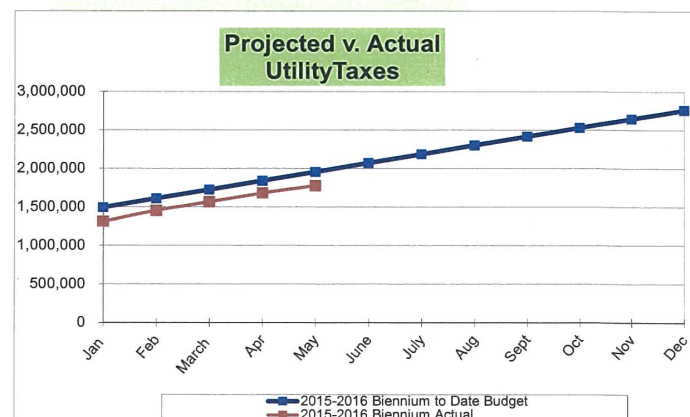


UTILITY TAXES

	2015-2016 Biennium to Date Budget	2015-2016 Biennium Actual
2015	1,381,695	1,185,774
Jan	1,496,836	1,316,335
Feb	1,611,978	1,457,296
March	1,727,119	1,570,026
Apr	1,842,260	1,684,213
May	1,957,401	1,780,173
June	2,072,543	
July	2,187,684	
Aug	2,302,825	
Sept	2,417,966	
Oct	2,533,108	
Nov	2,648,249	
Dec	2,763,390	
2015-16	2,763,390	

Year To Date
 Actual v. Projected

91%

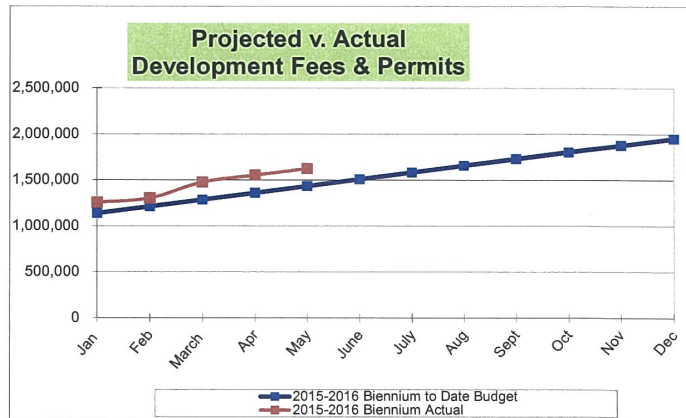


**City of Kenmore, Washington
General Fund Revenue Graphs
May 31, 2016**

DEVELOPMENT FEES & PERMITS

	2015-2016 Biennium to Date Budget	2015-2016 Biennium Actual
2015	1,064,606	1,142,955
Jan	1,138,508	1,256,352
Feb	1,212,410	1,303,426
March	1,286,313	1,476,673
Apr	1,360,215	1,553,688
May	1,434,117	1,624,466
June	1,508,019	
July	1,581,921	
Aug	1,655,823	
Sept	1,729,726	
Oct	1,803,628	
Nov	1,877,530	
Dec	1,951,432	
2015-16	1,951,432	

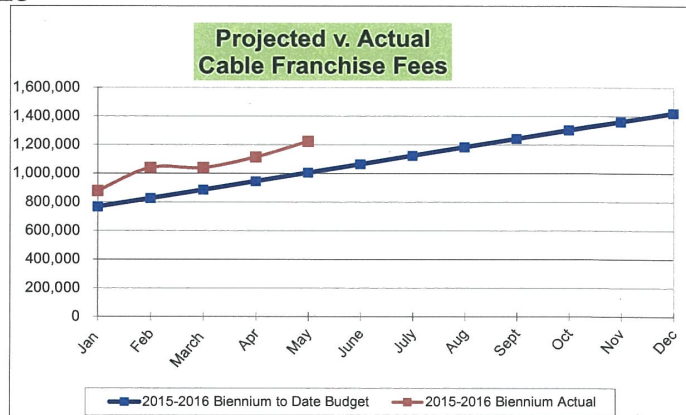
Year To Date
Actual v. Projected 113%



CABLE/WATER/SEWER FRANCHISE FEES

	2015-2016 Biennium to Date Budget	2015-2016 Biennium Actual
2015	708,000	802,881
Jan	767,513	879,309
Feb	827,027	1,040,965
March	886,540	1,040,965
Apr	946,053	1,115,715
May	1,005,567	1,224,237
June	1,065,080	
July	1,124,593	
Aug	1,184,107	
Sept	1,243,620	
Oct	1,303,133	
Nov	1,362,647	
Dec	1,422,160	
2015-16	1,422,160	

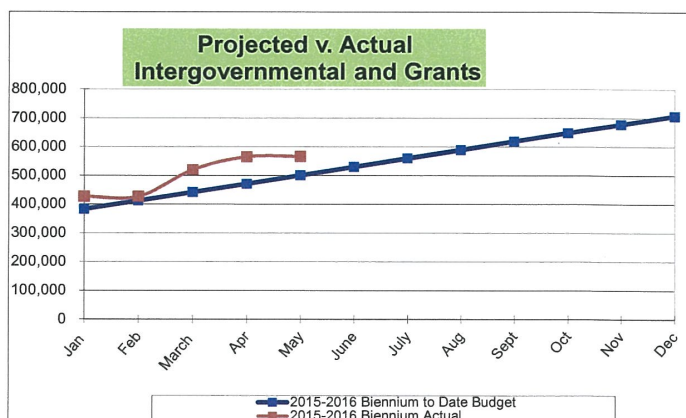
Year To Date
Actual v. Projected 122%



INTERGOVERNMENTAL & GRANTS

	2015-2016 Biennium to Date Budget	2015-2016 Biennium Actual
2015	353,685	387,283
Jan	383,159	427,322
Feb	412,633	427,322
March	442,106	520,174
Apr	471,580	565,989
May	501,054	566,793
June	530,528	
July	560,001	
Aug	589,475	
Sept	618,949	
Oct	648,423	
Nov	677,896	
Dec	707,370	
2015-16	707,370	

Year To Date
Actual v. Projected 113%



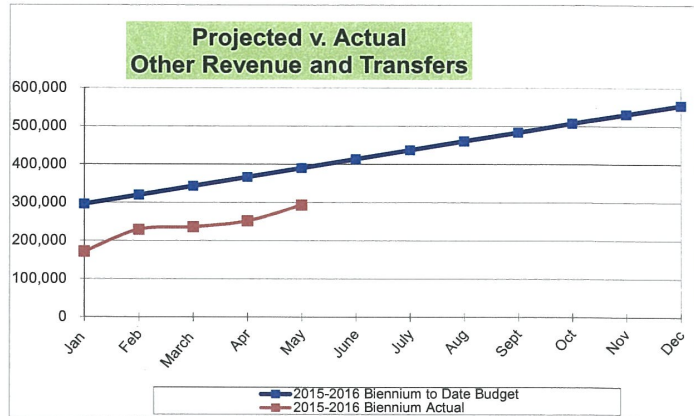
**City of Kenmore, Washington
General Fund Revenue Graphs
May 31, 2016**

OTHER REVENUES AND TRANSFERS

	2015-2016 Biennium to Date Budget	2015-2016 Biennium Actual
2015	272,810	159,157
Jan	296,294	171,910
Feb	319,778	229,302
March	343,263	236,342
Apr	366,747	252,203
May	390,231	293,617
June	413,715	
July	437,199	
Aug	460,683	
Sept	484,168	
Oct	507,652	
Nov	531,136	
Dec	554,620	
2015-16	554,620	

Year To Date
Actual v. Projected

75%

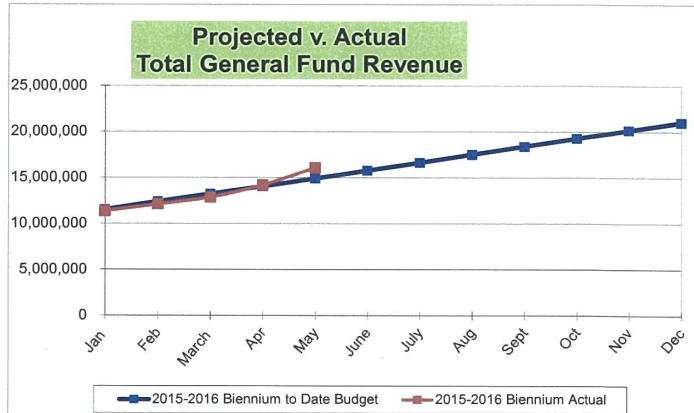


TOTAL GENERAL FUND REVENUE

	2015-2016 Biennium to Date Budget	2015-2016 Biennium Actual
Jan	11,537,179	11,369,345
Feb	12,418,424	12,121,418
March	13,243,380	12,880,252
Apr	14,074,789	14,223,243
May	14,932,612	16,092,903
June	15,779,604	
July	16,652,707	
Aug	17,529,834	
Sept	18,414,827	
Oct	19,286,114	
Nov	20,170,361	
Dec	21,048,270	

Year To Date
Actual v. Projected

108%

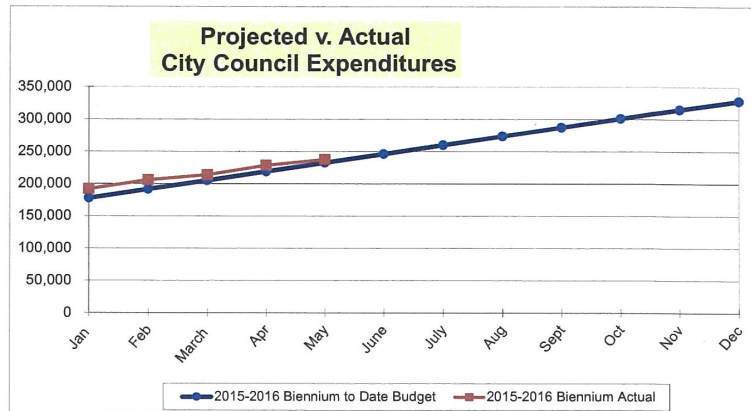


**City of Kenmore, Washington
General Fund Expenditure Graphs
May 31, 2016**

CITY COUNCIL

	2015-2016 Biennium to Date Budget	2015-2016 Biennium Actual
2015	163,989	156,472
Jan	177,693	191,957
Feb	191,397	205,736
March	205,101	213,838
Apr	218,804	228,817
May	232,508	237,389
June	246,212	
July	259,916	
Aug	273,620	
Sept	287,324	
Oct	301,027	
Nov	314,731	
Dec	328,435	
2015-16	328,435	

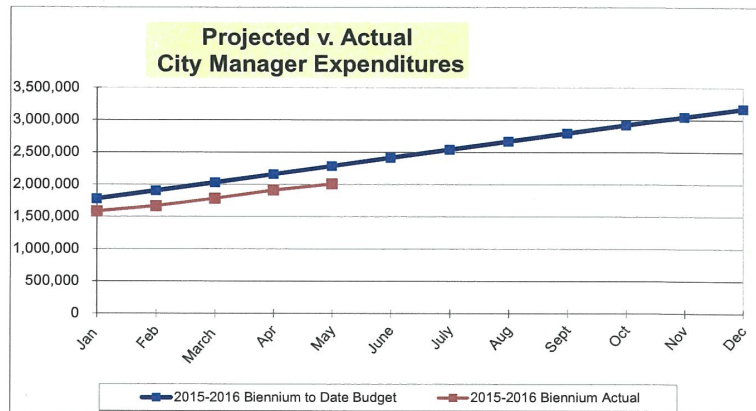
Year To Date
Actual v. Projected 102%



CITY MANAGER

	2015-2016 Biennium to Date Budget	2015-2016 Biennium Actual
2015	1,652,808	1,482,207
Jan	1,779,509	1,582,540
Feb	1,906,210	1,667,211
March	2,032,912	1,785,525
Apr	2,159,613	1,913,330
May	2,286,314	2,011,136
June	2,413,015	
July	2,539,716	
Aug	2,666,417	
Sept	2,793,119	
Oct	2,919,820	
Nov	3,046,521	
Dec	3,173,222	
2015-16	3,173,222	

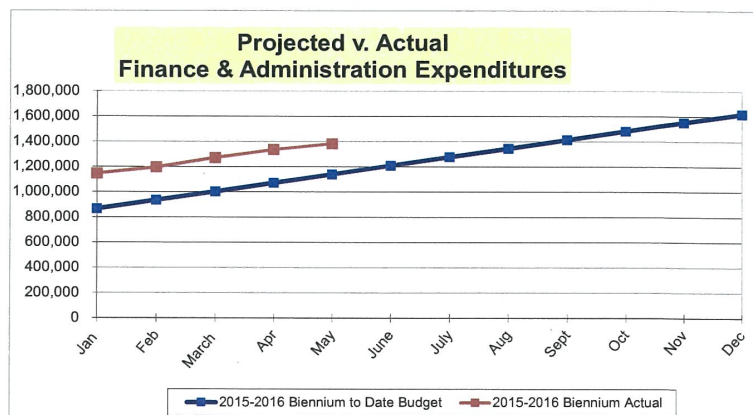
Year To Date
Actual v. Projected 88%



FINANCE & ADMINISTRATION

	2015-2016 Biennium to Date Budget	2015-2016 Biennium Actual
2015	798,363	909,180
Jan	866,819	1,147,482
Feb	935,276	1,198,175
March	1,003,732	1,272,737
Apr	1,072,188	1,337,334
May	1,140,644	1,384,857
June	1,209,101	
July	1,277,557	
Aug	1,346,013	
Sept	1,414,469	
Oct	1,482,926	
Nov	1,551,382	
Dec	1,619,838	
2015-16	1,619,838	

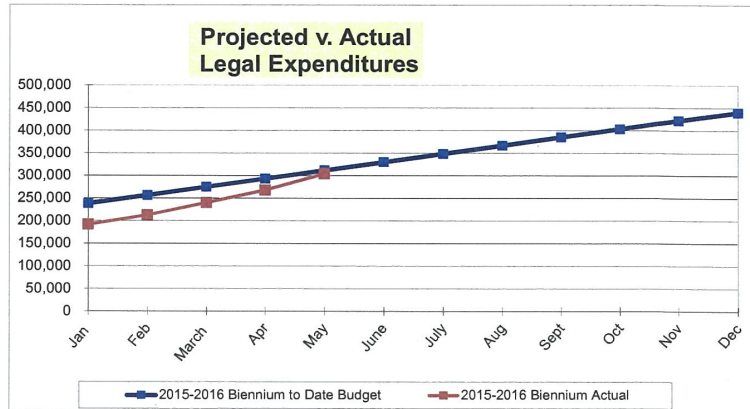
Year To Date
Actual v. Projected 121%



**City of Kenmore, Washington
General Fund Expenditure Graphs
May 31, 2016**

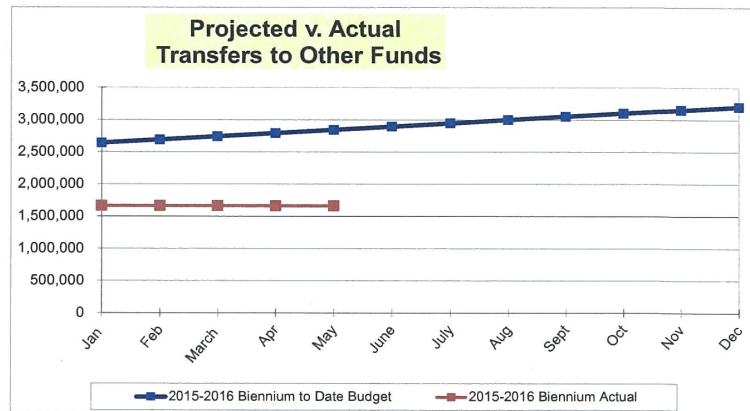
LEGAL

	2015-2016 Biennium to Date Budget	2015-2016 Biennium Actual
2015	220,000	189,956
Jan	238,333	192,069
Feb	256,667	212,773
March	275,000	240,324
Apr	293,333	267,991
May	311,667	304,364
June	330,000	
July	348,333	
Aug	366,667	
Sept	385,000	
Oct	403,333	
Nov	421,667	
Dec	440,000	
2015-16	440,000	
Year To Date		
Actual v. Projected		98%



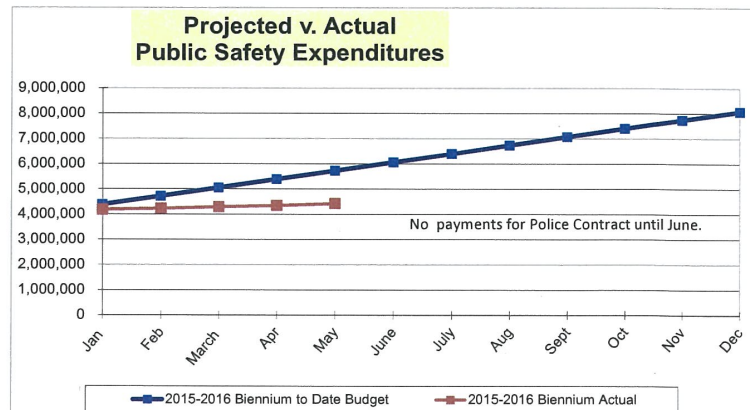
TRANSFERS TO OTHER FUNDS

	2015-2016 Biennium to Date Budget	2015-2016 Biennium Actual
2015	2,588,786	1,666,216
Jan	2,639,943	1,666,216
Feb	2,691,100	1,666,216
March	2,742,257	1,666,216
Apr	2,793,414	1,666,216
May	2,844,571	1,666,216
June	2,895,729	
July	2,946,886	
Aug	2,998,043	
Sept	3,049,200	
Oct	3,100,357	
Nov	3,151,514	
Dec	3,202,671	
2015-16	3,202,671	
Year To Date		
Actual v. Projected		59%



PUBLIC SAFETY

	2015-2016 Biennium to Date Budget	2015-2016 Biennium Actual
2015	4,051,177	4,152,022
Jan	4,386,589	4,187,043
Feb	4,722,000	4,241,000
March	5,057,412	4,299,830
Apr	5,392,823	4,357,174
May	5,728,235	4,426,195
June	6,063,646	
July	6,399,058	
Aug	6,734,469	
Sept	7,069,881	
Oct	7,405,292	
Nov	7,740,704	
Dec	8,076,115	
2015-16	8,076,115	
Year To Date		
Actual v. Projected		77%

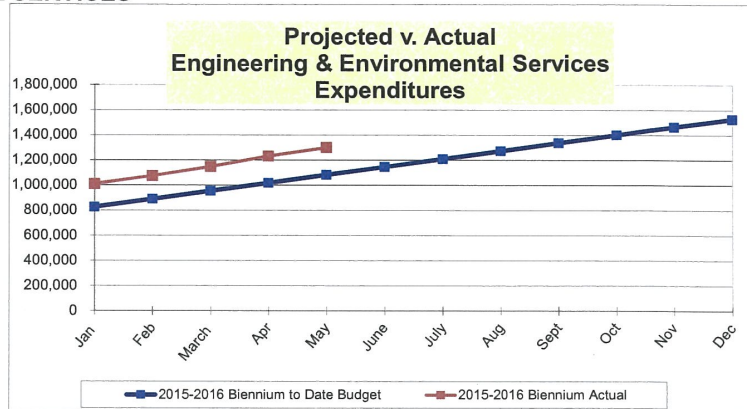


City of Kenmore, Washington
General Fund Expenditure Graphs
May 31, 2016
ENGINEERING & ENVIRONMENTAL SERVICES

	2015-2016 Biennium to Date Budget	2015-2016 Biennium Actual
2015	763,129	937,886
Jan	826,864	1,010,654
Feb	890,599	1,075,095
March	954,334	1,149,254
Apr	1,018,069	1,231,968
May	1,081,804	1,300,931
June	1,145,540	
July	1,209,275	
Aug	1,273,010	
Sept	1,336,745	
Oct	1,400,480	
Nov	1,464,215	
Dec	1,527,950	
2015-16	1,527,950	

Year To Date
 Actual v. Projected

120%

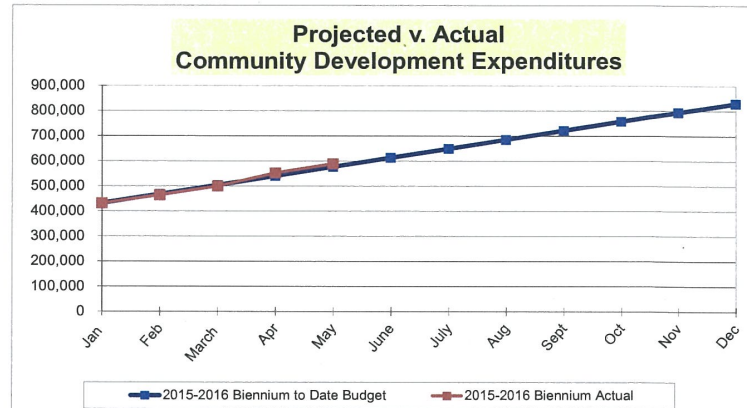


COMMUNITY DEVELOPMENT

	2015-2016 Biennium to Date Budget	2015-2016 Biennium Actual
2015	395,834	401,776
Jan	432,017	431,552
Feb	468,200	464,237
March	504,383	500,153
Apr	540,566	552,279
May	576,749	589,485
June	612,932	
July	649,115	
Aug	685,298	
Sept	721,481	
Oct	757,664	
Nov	793,847	
Dec	830,030	
2015-16	830,030	

Year To Date
 Actual v. Projected

102%

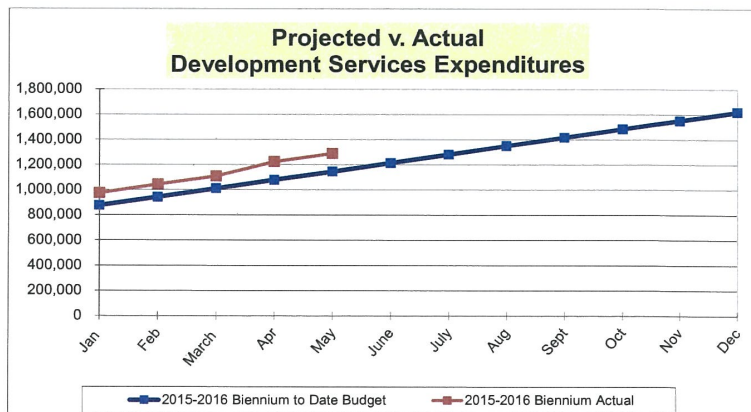


DEVELOPMENT SERVICES

	2015-2016 Biennium to Date Budget	2015-2016 Biennium Actual
2015	808,496	855,249
Jan	876,126	976,587
Feb	943,755	1,045,721
March	1,011,385	1,110,942
Apr	1,079,014	1,224,521
May	1,146,644	1,289,630
June	1,214,273	
July	1,281,903	
Aug	1,349,532	
Sept	1,417,162	
Oct	1,484,791	
Nov	1,552,421	
Dec	1,620,050	
2015-16	1,620,050	

Year To Date
 Actual v. Projected

112%



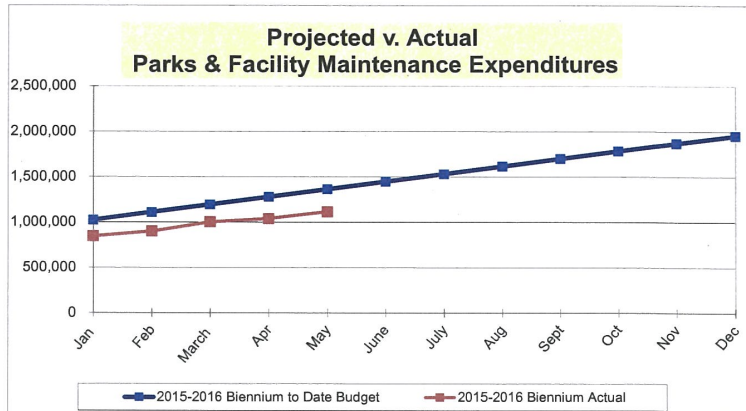
**City of Kenmore, Washington
General Fund Expenditure Graphs
May 31, 2016**

PARKS & FACILITY MAINTENANCE

	2015-2016 Biennium to Date Budget	2015-2016 Biennium Actual
2015	941,427	802,859
Jan	1,025,842	847,373
Feb	1,110,257	901,839
March	1,194,673	1,003,905
Apr	1,279,088	1,040,940
May	1,363,503	1,116,715
June	1,447,918	
July	1,532,333	
Aug	1,616,748	
Sept	1,701,164	
Oct	1,785,579	
Nov	1,869,994	
Dec	1,954,409	
2015-16	1,954,409	

Year To Date
Actual v. Projected

82%

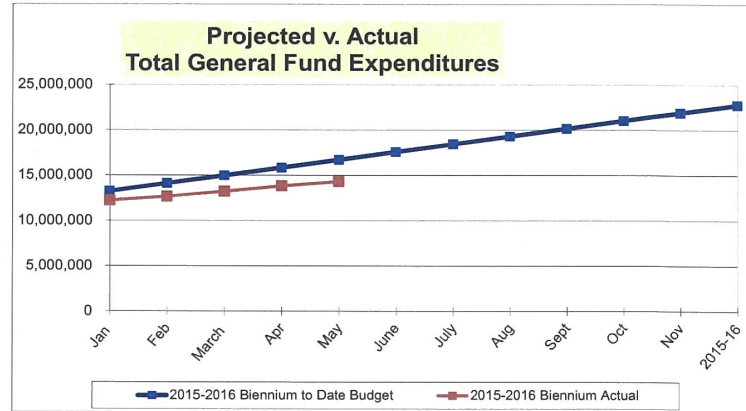


TOTAL GENERAL FUND EXPENDITURES

	2015-2016 Biennium to Date Budget	2015-2016 Biennium Actual
Jan	13,249,735	12,233,472
Feb	14,115,461	12,678,004
March	14,981,187	13,242,725
Apr	15,846,913	13,820,571
May	16,712,639	14,326,920
June	17,578,365	
July	18,444,090	
Aug	19,309,816	
Sept	20,175,542	
Oct	21,041,268	
Nov	21,906,994	
2015-16	22,772,720	

Year To Date
Actual v. Projected

86%



City of Kenmore, Washington
Street Fund Summary Report
May 31, 2016



	MONTH	BIENNIUM TO DATE	% of	BUDGET
	<u>May 2016</u>	<u>2015-2016</u>	<u>BUDGET</u>	<u>2015-2016</u>
REVENUES				
Beginning Fund Balance		899,288		899,288
Fuel Tax	38,537	626,674	71.9%	871,531
Investment Interest	0	4,458	-	0
Miscellaneous	0	1,524	-	0
ROW Permit Fees/Inspections	200	178,770	99.3%	180,000
Multimodal Transportation	0	11,000	-	0
Transfer from General Fund	0	485,430	58.3%	833,000
Transfer from TBD	0	232,000	48.8%	475,000
Total Revenues	38,737	1,539,856	65.3%	2,359,531
Total Revenues & Beginning Fund Balance		2,439,144		3,258,819

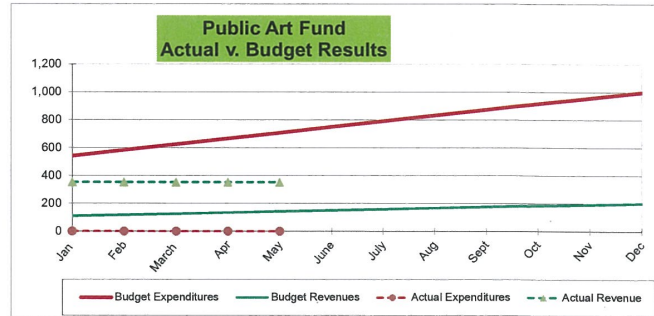
	MONTH	BIENNIUM TO DATE	% of	BUDGET
	<u>May 2016</u>	<u>2015-2016</u>	<u>BUDGET</u>	<u>2015-2016</u>
EXPENDITURES				
Salary and Benefits	22,073	408,275	70.7%	577,783
Maintenance & Operations	110,952	1,031,109	58.6%	1,760,494
Capital	0	32,132	97.4%	33,000
Transfer to Transportation Capital	0	320,597	80.1%	400,000
Total Expenditures	133,025	1,792,113	64.7%	2,771,277
Ending Fund Balance		647,032		487,542
Total Expenditures and Ending Fund Balance		2,439,144		3,258,819

I:\Admin & Finance\Monthly Reports\2016\MayStreet Fund

City of Kenmore, Washington
Other Funds Monthly Activity
May 31, 2016

PUBLIC ART FUND

	2015-2016 Budget Expenditures	2015-2016 Actual Expenditures	2015-2016 Budget Revenue	2015-2016 Actual Revenue
2015	500	0	100	352
Jan	542	0	108	352
Feb	583	0	117	352
March	625	0	125	352
Apr	667	0	133	352
May	708	0	142	352
June	750		150	
July	792		158	
Aug	833		167	
Sept	875		175	
Oct	917		183	
Nov	958		192	
Dec	1,000		200	
2015-16	1,000		200	
Total Actual to Date vs Total Budget		0%		176%

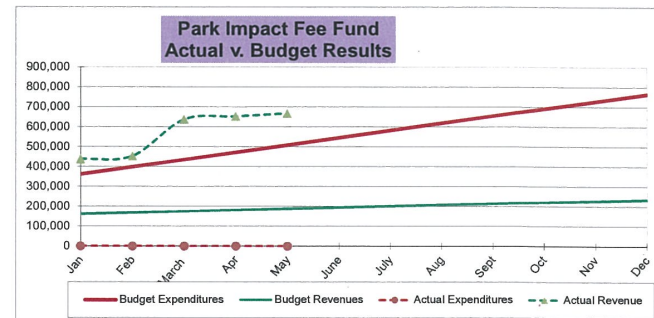


This fund accounts for public art authorized by Ordinance 01-0115. One percent (1%) of public project construction contracts is contributed to this fund to provide for public art displays or performing arts events as authorized by the City Council.

0

PARK IMPACT FEE FUND

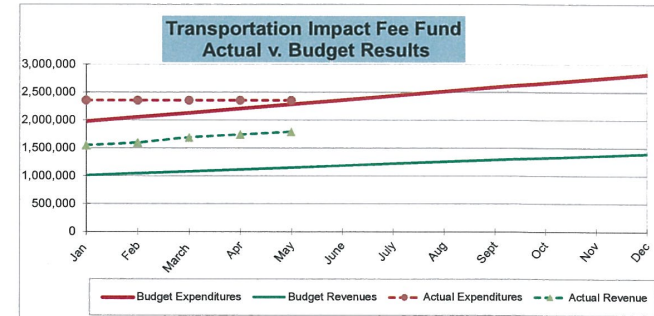
	2015-2016 Budget Expenditures	2015-2016 Actual Expenditures	2015-2016 Budget Revenue	2015-2016 Actual Revenue
2015	325,000	0	154,878	396,247
Jan	361,706	0	161,477	437,063
Feb	398,412	0	168,076	452,453
March	435,118	0	174,674	636,597
Apr	471,824	0	181,273	651,987
May	508,530	0	187,872	667,349
June	545,236		194,471	
July	581,941		201,069	
Aug	618,647		207,668	
Sept	655,353		214,267	
Oct	692,059		220,866	
Nov	728,765		227,464	
Dec	765,471		234,063	
2015-16	765,471		234,063	
Total Actual to Date vs Total Budget		0%		285%



This fund accounts for City imposed park impact fees on new development. Expenditures are for public park acquisitions and improvements.

TRANSPORTATION IMPACT FEE FUND

	2015-2016 Budget Expenditures	2015-2016 Actual Expenditures	2015-2016 Budget Revenue	2015-2016 Actual Revenue
2015	1,904,780	2,360,000	975,257	1,413,466
Jan	1,981,444	2,360,000	1,010,424	1,548,410
Feb	2,058,108	2,360,000	1,045,590	1,599,014
March	2,134,773	2,360,000	1,080,757	1,691,789
Apr	2,211,437	2,360,000	1,115,924	1,742,393
May	2,288,101	2,360,000	1,151,090	1,792,997
June	2,364,765		1,186,257	
July	2,441,429		1,221,424	
Aug	2,518,093		1,256,590	
Sept	2,594,758		1,291,757	
Oct	2,671,422		1,326,924	
Nov	2,748,086		1,362,090	
Dec	2,824,750		1,397,257	
2015-16	2,824,750		1,397,257	
Total Actual to Date vs Total Budget		84%		128%

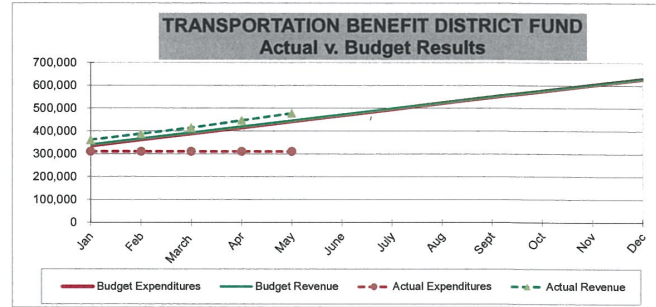


This fund accounts for City imposed transportation impact fees on new development. Expenditures are for public transportation improvements.

City of Kenmore, Washington
Other Funds Monthly Activity
May 31, 2016

TRANSPORTATION BENEFIT DISTRICT FUND

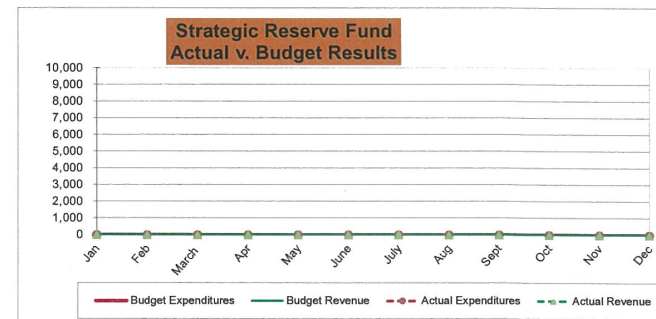
	2015-2016 Budget Expenditures	2015-2016 Actual Expenditures	2015-2016 Budget Revenue	2015-2016 Actual Revenue
2015	309,500	309,500	315,100	334,634
Jan	336,208	312,000	341,358	362,255
Feb	362,917	312,000	367,617	389,104
March	389,625	312,000	393,875	415,913
Apr	416,333	312,000	420,133	447,573
May	443,042	312,000	446,392	478,600
June	469,750		472,650	
July	496,458		498,908	
Aug	523,167		525,167	
Sept	549,875		551,425	
Oct	576,583		577,683	
Nov	603,292		603,942	
Dec	630,000		630,200	
2015-16	630,000		630,200	
Total Actual to Date vs Total Budget		50%		76%



The Transportation Benefit District fund accounts for the \$20 vehicle license tab fees levied on vehicles located in the Kenmore city limits. The revenue generated will be used in maintaining the City's transportation system.

STRATEGIC RESERVE FUND

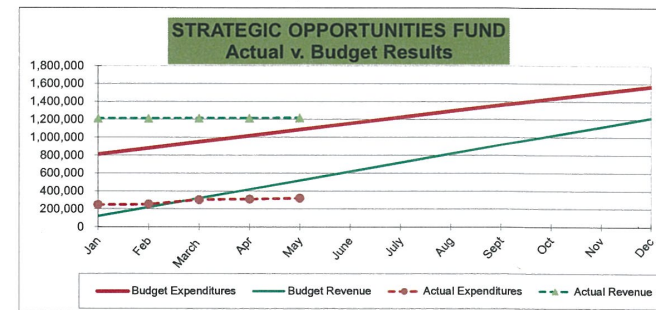
	2015-2016 Budget Expenditures	2015-2016 Actual Expenditures	2015-2016 Budget Revenue	2015-2016 Actual Revenue
2015	0	0	0	0
Jan	0	0	0	0
Feb	0	0	0	0
March	0	0	0	0
Apr	0	0	0	0
May	0	0	0	0
June	0	0	0	0
July	0	0	0	0
Aug	0	0	0	0
Sept	0	0	0	0
Oct	0	0	0	0
Nov	0	0	0	0
Dec	0	0	0	0
2015-16	0	0	0	0
Total Actual to Date vs Total Budget		0%		0%



This fund was created to serve as the City's emergency reserve fund. Per State Statute, the fund cannot exceed \$.375 per \$1,000 of the City's assessed value and is fully funded at \$1,264,464 for 2011. No expenditures are anticipated or have been budgeted at this time.

STRATEGIC OPPORTUNITIES FUND

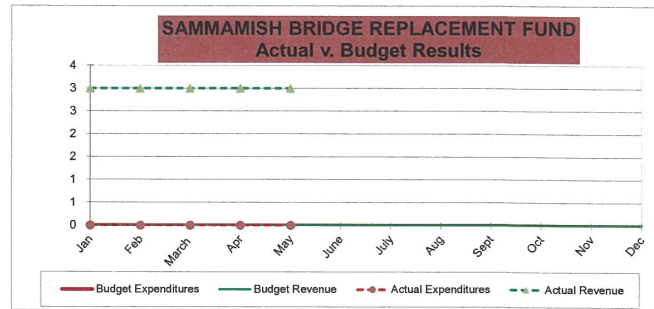
	2015-2016 Budget Expenditures	2015-2016 Actual Expenditures	2015-2016 Budget Revenue	2015-2016 Actual Revenue
2015	746,200	247,741	20,943	1,211,827
Jan	814,950	252,597	120,693	1,214,052
Feb	883,700	260,695	220,444	1,215,602
March	952,450	307,618	320,194	1,217,352
Apr	1,021,200	315,761	419,944	1,218,819
May	1,089,950	326,985	519,694	1,221,144
June	1,158,700		619,445	
July	1,227,450		719,195	
Aug	1,296,200		818,945	
Sept	1,364,950		918,695	
Oct	1,433,700		1,018,446	
Nov	1,502,450		1,118,196	
Dec	1,571,200		1,217,946	
2015-16	1,571,200		1,217,946	
Total Actual to Date vs Total Budget		21%		100%



The purpose of the Strategic Opportunities Fund is to have funds available for the City to make key investments or take advantage of strategic opportunities as they present themselves. For 2015-16, the Business Incubator expenditures are budgeted in this fund.

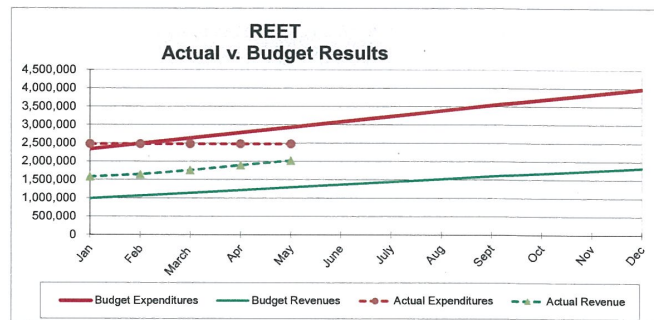
City of Kenmore, Washington
Other Funds Monthly Activity
May 31, 2016

SAMMAMISH BRIDGE REPLACEMENT FUND				
	2015-2016 Budget Expenditures	2015-2016 Actual Expenditures	2015-2016 Budget Revenue	2015-2016 Actual Revenue
2015	0	0	0	3
Jan	0	0	0	3
Feb	0	0	0	3
March	0	0	0	3
Apr	0	0	0	3
May	0	0	0	3
June	0		0	
July	0		0	
Aug	0		0	
Sept	0		0	
Oct	0		0	
Nov	0		0	
Dec	0		0	
2015-16	0		0	
Total Actual to Date vs Total Budget		0%		0%



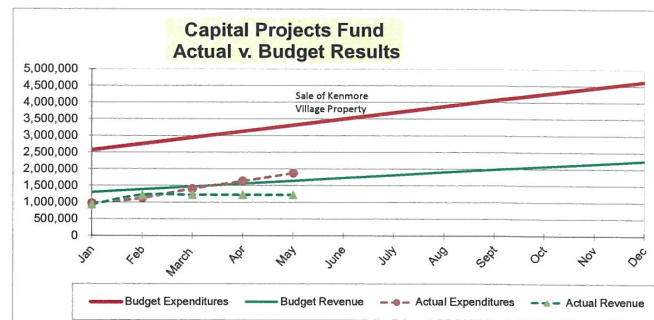
The Sammamish Bridge Replacement fund is a fund used to put money aside for the replacement of the West Sammamish bridge.

REAL ESTATE EXCISE TAX FUND				
	2015-2016 Budget Expenditures	2015-2016 Actual Expenditures	2015-2016 Budget Revenue	2015-2016 Actual Revenue
2015	2,191,250	2,484,359	914,000	1,464,658
Jan	2,340,921	2,484,359	990,083	1,587,477
Feb	2,490,593	2,484,359	1,066,167	1,657,623
March	2,640,264	2,484,359	1,142,250	1,767,689
Apr	2,789,935	2,484,359	1,218,333	1,900,850
May	2,939,607	2,484,359	1,294,417	2,030,449
June	3,089,278		1,370,500	
July	3,238,949		1,446,583	
Aug	3,388,621		1,522,667	
Sept	3,538,292		1,598,750	
Oct	3,687,963		1,674,833	
Nov	3,837,635		1,750,917	
Dec	3,987,306		1,827,000	
2015-16	3,987,306		1,827,000	
Total Actual to Date vs Total Budget		62%		111%



The Real Estate Excise Tax Fund accounts for the 1/2% real estate excise taxes levied by the City which are restricted to capital projects and improvements. Expenditures include transfers to the Park Capital Fund for park improvements and Transportation Capital Fund for transportation improvements.

KENMORE VILLAGE FUND				
	2015-2016 Budget Expenditures	2015-2016 Actual Expenditures	2015-2016 Budget Revenue	2015-2016 Actual Revenue
2015	2,389,500	1,003,897	1,219,200	939,764
Jan	2,576,306	986,635	1,304,842	939,764
Feb	2,763,112	1,139,797	1,390,483	1,230,764
March	2,949,917	1,420,862	1,476,125	1,230,764
Apr	3,136,723	1,646,817	1,561,767	1,230,764
May	3,323,529	1,885,567	1,647,408	1,230,764
June	3,510,335		1,733,050	
July	3,697,140		1,818,692	
Aug	3,883,946		1,904,333	
Sept	4,070,752		1,989,975	
Oct	4,257,558		2,075,617	
Nov	4,444,363		2,161,258	
Dec	4,631,169		2,246,900	
2015-16	4,631,169		2,246,900	
Total Actual to Date vs Total Budget		41%		55%

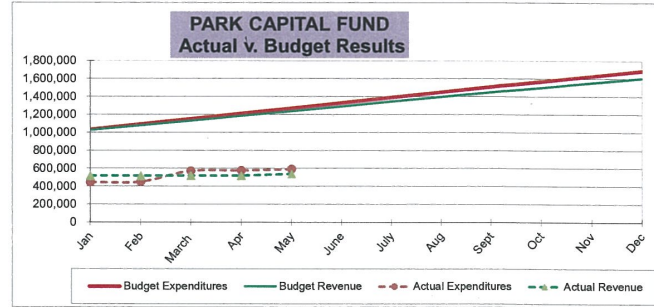


The Kenmore Village Fund accounts for leasing activity and property transactions within Kenmore Village

City of Kenmore, Washington
Other Funds Monthly Activity
May 31, 2016

PARK CAPITAL FUND

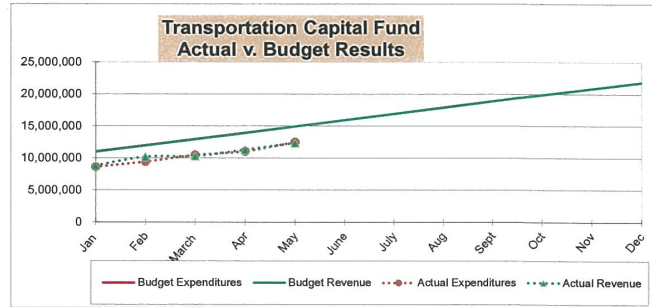
	2015-2016 Budget Expenditures	2015-2016 Actual Expenditures	2015-2016 Budget Revenue	2015-2016 Actual Revenue
2015	974,000	437,373	975,200	521,437
Jan	1,033,769	448,504	1,027,698	521,437
Feb	1,093,539	453,784	1,080,196	521,437
March	1,153,308	575,191	1,132,694	521,437
Apr	1,213,078	579,697	1,185,191	521,437
May	1,272,847	594,898	1,237,689	540,100
June	1,332,617		1,290,187	
July	1,392,386		1,342,685	
Aug	1,452,155		1,395,183	
Sept	1,511,925		1,447,681	
Oct	1,571,694		1,500,178	
Nov	1,631,464		1,552,676	
Dec	1,691,233		1,605,174	
2015-16	1,691,233		1,605,174	
Total Actual to Date vs Total Budget		35%		34%



The Park Capital fund will account for Park Capital Projects formerly included in the Municipal Capital fund. In addition, distributions from the King County Proposition 2 Parks Expansion Levy will be receipted into this fund

TRANSPORTATION CAPITAL FUND

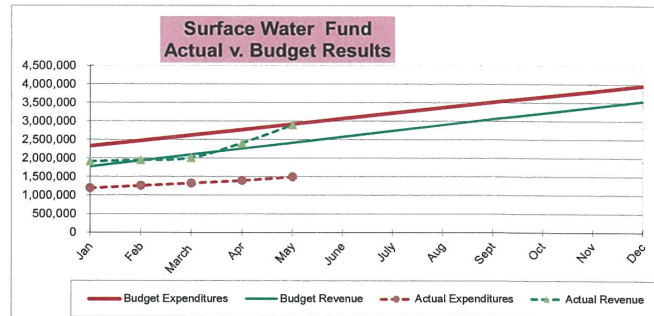
	2015-2016 Budget Expenditures	2015-2016 Actual Expenditures	2015-2016 Budget Revenue	2015-2016 Actual Revenue
2015	10,039,810	8,637,374	9,989,310	8,681,369
Jan	11,023,357	8,669,016	10,977,781	8,856,349
Feb	12,006,905	9,485,351	11,966,251	10,236,046
March	12,990,452	10,529,365	12,954,722	10,363,204
Apr	13,973,999	11,119,674	13,943,192	11,342,241
May	14,957,546	12,551,558	14,931,663	12,391,433
June	15,941,094		15,920,133	
July	16,924,641		16,908,604	
Aug	17,908,188		17,897,074	
Sept	18,891,735		18,885,545	
Oct	19,875,283		19,874,015	
Nov	20,858,830		20,862,486	
Dec	21,842,377		21,850,956	
2015-16	21,842,377		21,850,956	
Total Actual to Date vs Total Budget		57%		57%



The Transportation Capital Fund accounts for capital improvements to the City's streets and SR 522, funded by various grants plus City resources from real estate excise tax and transportation impact fees. All phases of improvements to SR 522 are now accounted for in this fund. There is a time lag between project expenditures and reimbursements from grants; this accounts for the lower revenues compared to the expenditures.

SURFACE WATER MANAGEMENT FUND

	2015-2016 Budget Expenditures	2015-2016 Actual Expenditures	2015-2016 Budget Revenue	2015-2016 Actual Revenue
2015	2,188,308	1,115,684	1,620,000	1,915,280
Jan	2,336,430	1,207,683	1,780,000	1,922,104
Feb	2,484,553	1,275,765	1,940,000	1,955,947
March	2,632,675	1,338,128	2,100,000	2,017,402
Apr	2,780,797	1,411,134	2,260,000	2,414,992
May	2,928,920	1,510,556	2,420,000	2,903,331
June	3,077,042		2,580,000	
July	3,225,164		2,740,000	
Aug	3,373,287		2,900,000	
Sept	3,521,409		3,060,000	
Oct	3,669,531		3,220,000	
Nov	3,817,654		3,380,000	
Dec	3,965,776		3,540,000	
2015-16	3,965,776		3,540,000	
Total Actual to Date vs Total Budget		38%		82%

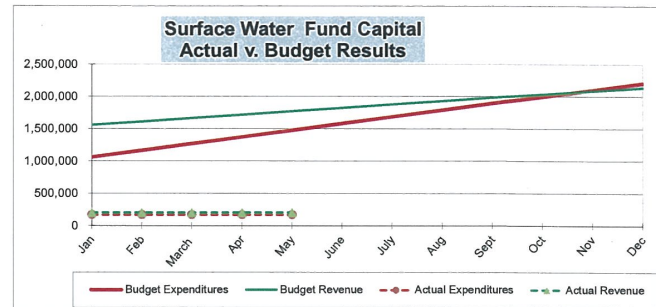


This fund accounts for receipts from surface water assessments. The assessments are collected through the property tax billings; the majority of the receipts are collected in May and November. Expenditures are for surface water maintenance activities such as sweeping and drainage as well as capital improvements.

City of Kenmore, Washington
Other Funds Monthly Activity
May 31, 2016

SURFACE WATER CAPITAL FUND

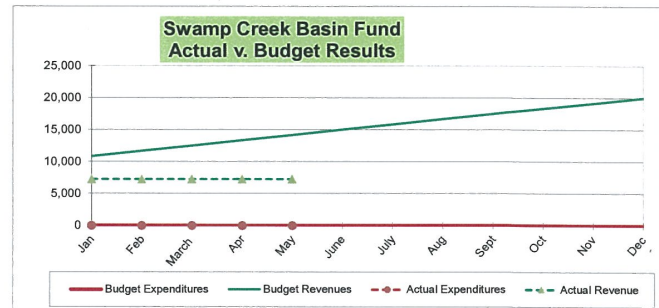
	2015-2016 Budget Expenditures	2015-2016 Actual Expenditures	2015-2016 Budget Revenue	2015-2016 Actual Revenue
2015	960,611	176,312	1,506,266	204,826
Jan	1,064,685	176,312	1,559,036	204,826
Feb	1,168,759	176,312	1,611,805	204,826
March	1,272,833	176,312	1,664,575	204,826
Apr	1,376,907	176,312	1,717,344	204,826
May	1,480,981	176,312	1,770,114	204,826
June	1,585,056		1,822,883	
July	1,689,130		1,875,653	
Aug	1,793,204		1,928,422	
Sept	1,897,278		1,981,192	
Oct	2,001,352		2,033,961	
Nov	2,105,426		2,086,731	
Dec	2,209,500		2,139,500	
2015-16	2,209,500		2,139,500	
Total Actual to Date vs Total Budget		8%		10%



This fund accounts for the expenditures for Surface Water Capital Improvements. Revenue sources for this fund include a variety of federal, state, or local grants, surface water management fees transferred from the Surface Water Management Fund and real estate excise taxes.

SWAMP CREEK BASIN FUND

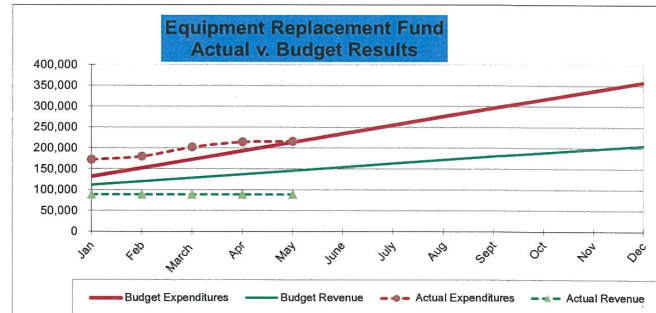
	2015-2016 Budget Expenditures	2015-2016 Actual Expenditures	2015-2016 Budget Revenue	2015-2016 Actual Revenue
2015	0	0	10,000	7,271
Jan	0	0	10,833	7,271
Feb	0	0	11,667	7,271
March	0	0	12,500	7,271
Apr	0	0	13,333	7,271
May	0	0	14,167	7,271
June	0		15,000	
July	0		15,833	
Aug	0		16,667	
Sept	0		17,500	
Oct	0		18,333	
Nov	0		19,167	
Dec	0		20,000	
2015-16	0		20,000	
Total Actual to Date vs Total Budget		0%		36%



This fund accounts for the Memorandum of Agreement with King County which provided funds reserved for surface water projects, improvements, and maintenance within the Swamp Creek Basin.

EQUIPMENT REPLACEMENT FUND

	2015-2016 Budget Expenditures	2015-2016 Actual Expenditures	2015-2016 Budget Revenue	2015-2016 Actual Revenue
2015	112,000	173,486	103,000	89,227
Jan	132,531	173,486	111,583	89,227
Feb	153,063	181,188	120,167	89,227
March	173,594	203,245	128,750	89,227
Apr	194,125	215,636	137,333	89,227
May	214,656	217,102	145,917	89,227
June	235,188		154,500	
July	255,719		163,083	
Aug	276,250		171,667	
Sept	296,781		180,250	
Oct	317,313		188,833	
Nov	337,844		197,417	
Dec	358,375		206,000	
2015-16	358,375		206,000	
Total Actual to Date vs Total Budget		61%		43%



This fund is used to maintain a reserve for future replacement of equipment, including, but not limited to furniture, computers and vehicles. Payments are received from various operating departments and funds that benefit from or use the assets.

City of Kenmore, Washington
Cash and Investment Report
May 31, 2016



<u>Fund</u>	Beg. Cash & Inv. from Prev. Mo.	Monthly Revenues	Monthly Expenditures	End. Cash & Inv. Current Month
General	\$4,650,853	\$1,869,660	\$506,349	6,014,164
Street	741,628	38,737	133,025	647,340
Transportation Capital	222,963	1,049,192	1,431,883	(159,728)
Public Art	67,652	0	0	67,652
Park Impact Fee	1,404,760	15,362	0	1,420,122
Transportation Impact Fee	545,324	50,604	0	595,928
Swamp Creek Basin	1,404,934	0	0	1,404,934
Transportation Benefit District	144,501	31,027	0	175,528
Sammamish Bridge Replacement	516	0	0	516
Real Estate Excise Tax	1,830,704	129,599	0	1,960,303
Kenmore Village	1,970,195	0	238,751	1,731,444
Park Capital	-57,692	18,663	15,201	(54,230)
Surface Water Management	2,486,238	488,339	99,422	2,875,155
Surface Water Capital	12,164	0	0	12,164
Strategic Reserve	1,264,465	0	0	1,264,465
Strategic Opportunities	3,049,949	2,325	11,225	3,041,049
Equipment Replacement	328,265	0	1,466	326,799
Trust & Agency	576,943	8,132	11,049	574,026
Totals	\$20,644,362	\$3,701,639	\$2,448,370	\$21,897,631

<u>Fund</u>	Cash, Savings, Local Govt Investment Pool	(> One Year) Fixed Investments	Total
General	-\$247,130	\$6,254,802	6,007,672
Street	-196,168	850,000	653,832
Transportation Capital	-159,728	0	(159,728)
Public Art	52,652	15,000	67,652
Park Impact Fee	490,122	930,000	1,420,122
Transportation Impact Fee	565,928	30,000	595,928
Swamp Creek Basin	4,934	1,400,000	1,404,934
Transportation Benefit District	175,528	0	175,528
Sammamish Bridge Replacement	516	0	516
Real Estate Excise Tax	1,960,303	0	1,960,303
Kenmore Village	1,281,444	450,000	1,731,444
Park Capital	-54,230	0	(54,230)
Surface Water Management	2,365,155	510,000	2,875,155
Surface Water Capital	12,164	0	12,164
Strategic Reserve	414,465	850,000	1,264,465
Strategic Opportunities	3,041,046	0	3,041,046
Equipment Replacement	-123,202	450,000	326,798
Trust & Agency	474,025	100,000	574,025
Totals	\$10,057,825	\$11,839,802	\$21,897,627

City of Kenmore, Washington
Investment Schedule
May 31, 2016



Report by Security	Investment #	Type	Average Yield to Maturity-Securities				Possible Call Date	Overall Average Yield	
			Maturity Date	Purchase Date	Rate	Yield		Principal or Balance	0.66% Yield Equivalents
Piper Jaffray	31771J4M9	FICO	9/26/2017	8/14/2012	1.13%	1.13%	non callable	894,731.88	10,137.31
Total Piper Jaffrey Purchases								894,731.88	10,137.31
Time Value Investments									
	31359MEL3	FNMA	4/22/2017	10/22/2012	0.86%	0.86%	no call	999,468.08	8,595.43
	31771EAL5	FICO	2/8/2018	1/13/2015	1.15%	1.15%		999,114.48	11,489.82
	3134G43V8	FHLB	5/15/2018	7/23/2014	1.36%	1.36%		988,450.00	13,462.69
	3135G0XK4	FNMA	5/25/2018	11/25/2013	1.38%	1.38%		985,750.00	13,583.64
	3135G0XK4	FNMA	5/25/2018	2/27/2014	1.30%	1.30%		989,691.00	12,865.98
	3133EA5T1	FFCB	1/23/2019	7/23/2014	1.59%	1.59%		984,270.00	15,689.26
	3135G0G23	FNMA	4/29/2019	11/24/2015	1.35%	1.35%	4/26/2016	998,326.00	13,477.40
Total TVI Purchases								6,945,069.56	89,164.21
Banner Bank CD's									
Total Banner Bank CD's								-	-
Sound Community Bank CD's									
	18299229	CD	2/11/2016	2/14/2014	0.80%	0.80%		1,000,000.00	8,000.00
Total Sound Community Bank CD's								1,000,000.00	8,000.00
Opus Bank CD's									
	11495975	CD	2/10/17	6/10/15	0.35%	0.35%		1,000,000.00	3,500.00
	11539715	CD	3/29/18	3/30/16	0.85%	0.85%		1,000,000.00	8,500.00
	11527322	CD	6/30/16	6/30/2015	0.45%	0.45%		1,000,000.00	4,500.00
Total Cascade Bank CD's								3,000,000.00	16,500.00
TOTAL ALL SECURITIES								\$ 11,839,801.44	\$ 123,801.53
Banner Checking and Savings								0.07% Banner	6,294,979.46
Cash									1,005.00
Local Government Investment Pool								0.42% LGIP	3,761,839.44
Total Accounts								\$ 21,897,625.34	144,011.50

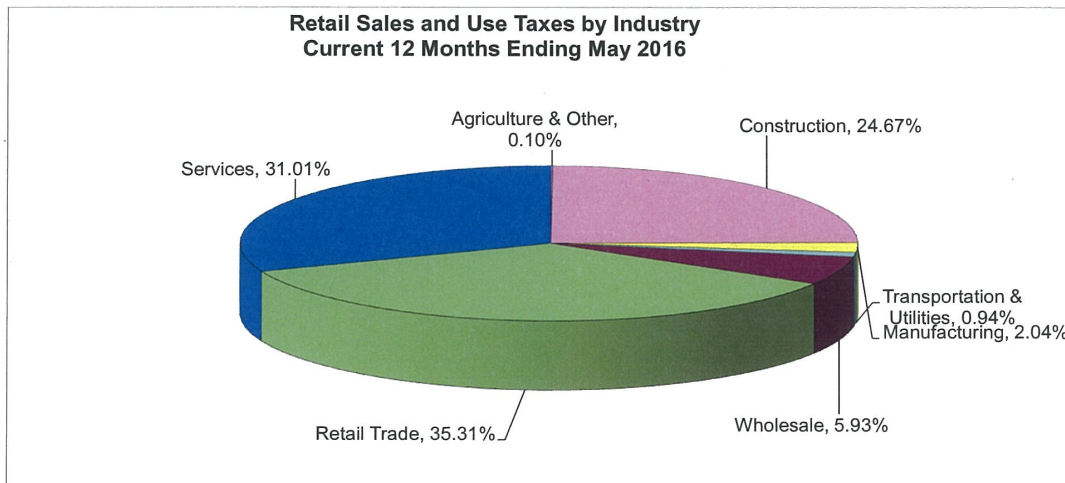
City of Kenmore, Washington
SALES TAX RECEIPTS BY BUSINESS TYPE
 May 2016

	SALES TAX	USE TAX	TOTAL	PERCENT
AGRICULTURE & OTHER	237.70	3.57	241.27	0.1%
CONSTRUCTION	37,169.31	962.44	38,131.74	21.4%
MANUFACTURING	4,218.73	54.77	4,273.50	2.4%
TRANSPORTATION & UTILITIES	1,012.41	305.58	1,317.99	0.7%
WHOLESALE	14,827.21	542.79	15,370.00	8.6%
RETAIL TRADE	65,645.11	138.31	65,783.43	36.9%
SERVICES	38,358.05	809.39	39,167.44	22.0%
INFORMATION	9,176.16	136.51	9,312.67	5.2%
PUBLIC SERVICES	11.39	4,616.14	4,627.53	2.6%
	<u>170,656.06</u>	<u>7,569.51</u>	<u>178,225.57</u>	<u>100.0%</u>

City of Kenmore, Washington
Retail Sales and Use Tax Distribution
May 31, 2016

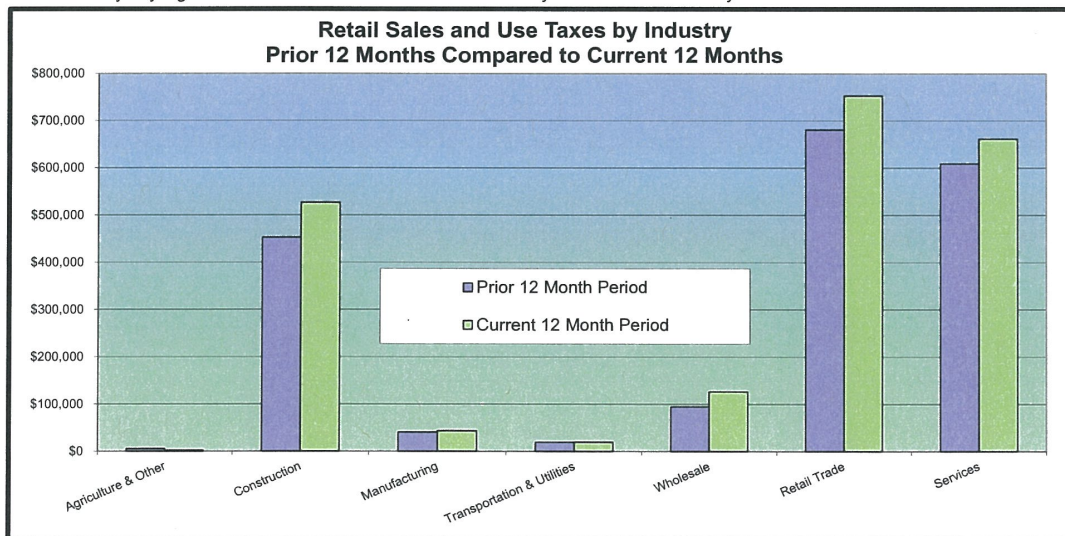


Industry	Prior 12 Months ending May 2015	Current 12 Months ending May 2016	% Increase/ (Decrease)	% of Total
Agriculture & Other (Landscaping, Animal Hospitals)	\$5,452	\$2,108	-61.34%	0.10%
Construction	452,442	526,190 *	16.30%	24.67%
Manufacturing (Printing, Publishing, Other Manuf.)	40,747	43,467	6.68%	2.04%
Transp/Comm/Utilities (Telecomm., Air Transport.)	19,426	19,984	2.87%	0.94%
Wholesale (Lumber, Other Wholesale)	94,425	126,480	33.95%	5.93%
Retail Trade (Eating, Merchandise, Food Stores)	680,660	753,126	10.65%	35.31%
Services (Auction, Recreation, Auto Repair, Financial)	608,876	661,479	8.64%	31.01%
Totals	\$1,902,028	\$2,132,833	12.13%	100%
Increase/(Decrease)		\$230,805	12.13%	



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

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



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City of Kenmore, Washington
Real Estate Excise Tax Report
May 31, 2016

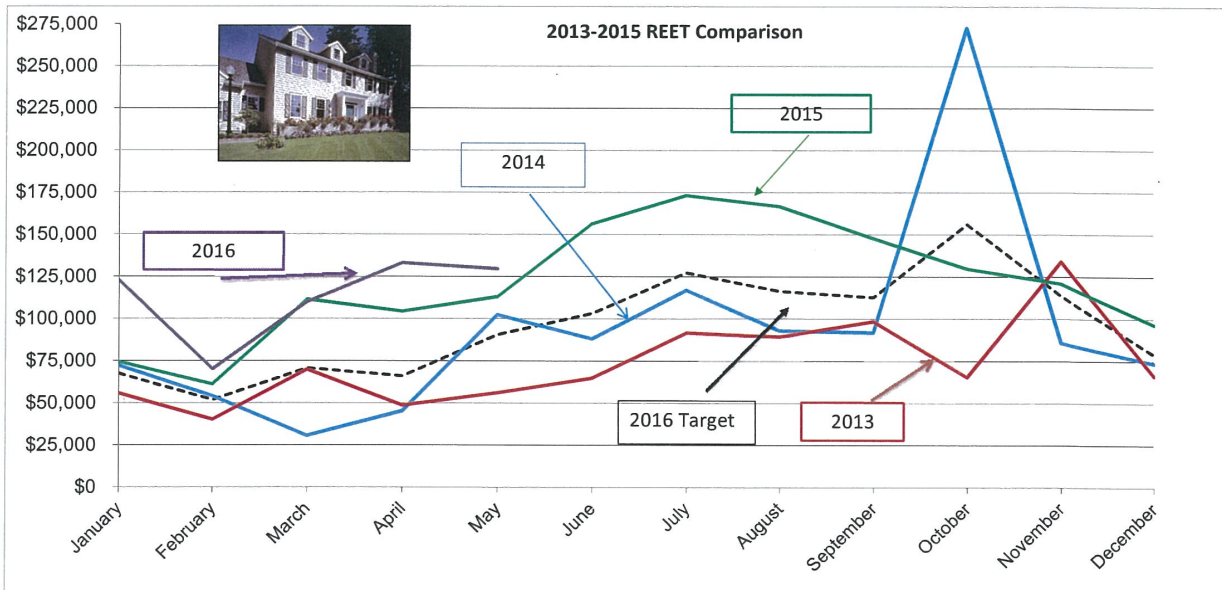


Real Estate Excise Taxes (REET) 2012 - 2016 Monthly Receipts						
	Actual 2012	Actual 2013	Actual 2014	Actual 2015	Actual 2016	Target 2016
January	54,359	55,801	72,106	74,259	122,819	67,389
February	18,064	40,281	54,038	61,070	70,146	51,797
March	29,691	69,946	30,426	111,337	110,066	70,570
April	30,662	48,671	45,118	104,280	133,161	66,023
May	52,575	56,178	102,257	112,927	129,599	90,454
June	60,408	64,938	88,070	156,338		103,116
July	81,316	91,779	116,858	173,095		127,244
August	56,626	89,496	92,932	166,651		116,360
September	82,785	98,573	91,812	147,668		112,684
October	60,265	65,596	272,842	129,678		156,039
November	88,057	134,286	85,748	120,907		113,647
December	152,262	66,342	73,582	96,566		78,830
	\$767,070	\$881,886	\$1,125,790	\$1,454,776	\$565,791	\$924,916

For 2016, REET is \$101,919
more than the same period
last year and more than the 2016
target by \$219,558

* NOTE THE 2016 target
is computed on a 3 year average
(2013-2015) of actual receipts

Real Estate Excise Taxes (REET) 2012 - 2016 Property Sales > \$500,000								
The sales actually occur in the prior month; there is a 30 day lag between sales and when the City receives the revenue								
	Taxes from > \$500,000 Sale Amounts							
	2012	2013	2014	2015	2016	2013	2014	2015
January	5,515,283	3,380,165	4,699,850	7,418,000	18,590,517	16,732	23,264	36,719
February	1,152,000	3,417,500	3,930,920	6,607,900	9,701,034	16,917	19,458	32,709
March	750,000	3,514,000	2,175,430	7,874,934	15,147,174	17,394	10,768	38,981
April	870,000	1,570,450	4,266,725	14,291,370	21,160,913	7,774	21,120	70,742
May	2,796,250	3,634,210	12,347,730	14,068,904	26,065,161	17,989	61,121	69,641
June	1,215,000	2,761,500	7,353,999	20,361,466		13,669	36,402	100,789
July	4,196,500	8,478,706	15,071,601	25,571,387		41,970	74,604	126,578
August	1,756,200	6,131,455	5,882,306	22,614,538		30,351	29,117	111,942
September	4,859,500	10,911,500	8,437,700	18,821,380		54,012	41,767	93,166
October	3,087,500	5,568,400	44,456,605	16,519,240		27,564	220,060	81,770
November	8,334,960	18,620,230	8,922,100	14,736,156		92,170	44,164	72,944
December	23,033,200	4,606,450	7,142,900	13,187,535		22,802	35,357	65,278
	\$57,566,393	\$72,594,566	\$124,687,866	\$182,072,810	\$90,664,799	359,344	617,202	901,259
								448,792



I:\Admin & Finance\Monthly Reports\2016\MayREET

City of Kenmore, Washington
Monthly Report for Kenmore Village Fund
May 31, 2016



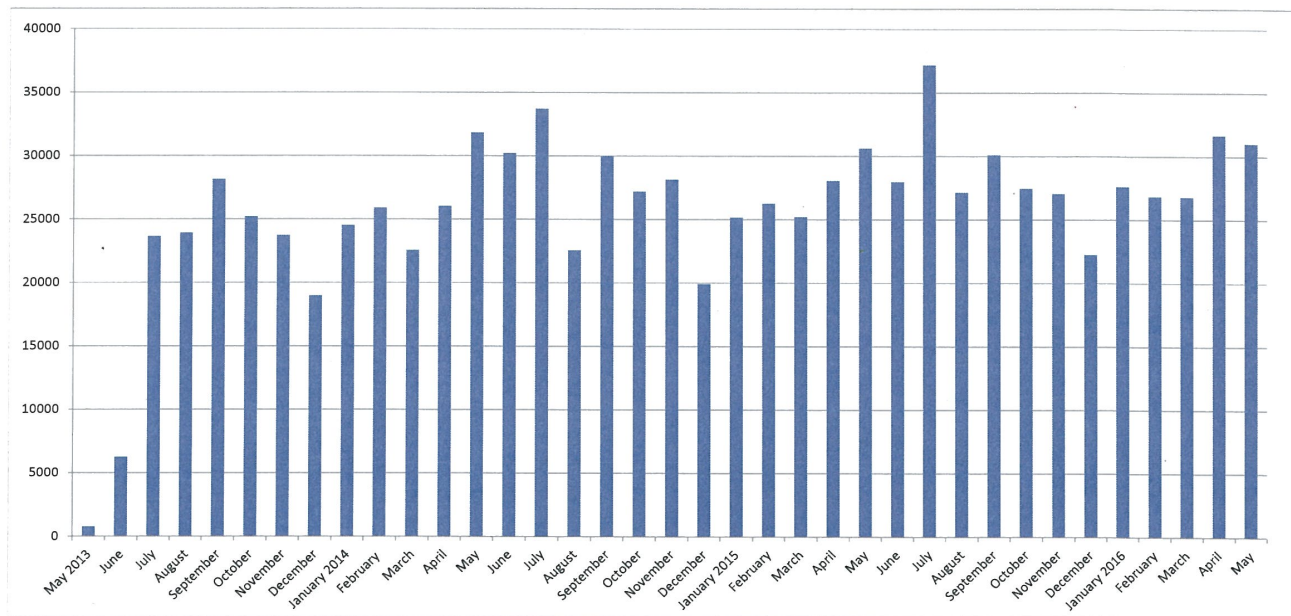
<u>Revenues</u>	<u>May</u>	<u>Biennium-to-</u>	<u>Biennium Budget</u>
	<u>2016</u>	<u>Date</u>	
Lease Income (USPS & Kenmore Village)	0	25,000	67,000
Investment Interest	0	12,216	23,000
Sale of Property	0	901,302	903,000
Event Sponsorship	0	0	1,500
Grant for Public Square	0	291,000	270,000
Transfer From General Fund	0	0	60,000
Leasehold Excise Returned	0	1,246	2,400
Total Revenues	0	1,230,764	1,326,900
<u>Expenditures</u>			
Salaries/Wages/Benefits	480	480	0
6700 Building Improvements	0	72,028	0
Downtown Plan Services	0	56,521	0
Property Management	0	0	19,000
Utilities and Insurance - Kenmore Village	0	3,405	0
Repairs, Maintenance, Other Services	0	11,198	133,240
Surface Water and Fire Benefit Fees	0	8,462	0
Transfer to Park Capital Fund	0	134,929	134,929
Kenmore Village Public Square	238,271	1,598,545	3,365,000
Total Expenditures	238,751	1,885,568	3,652,169
Net Income (Loss)	-238,751	-654,805	-2,325,269

NOTE: This schedule only reflects activity occurring on the City books and does not include the lease revenue and expenditures accounted for by the property management firm.

Kenmore Transportation Benefit District
Monthly Report
May 31, 2016



Revenues	May 2016	Biennium-to- Date	Percent of Budget	Biennium Budget
Vehicle Fees	31,027	478,490	75.93%	630,200
Investment Interest	0	112		
Total Revenues	\$31,027	\$478,602	75.94%	\$630,200
Expenditures				
WCIA Insurance	0	5,000	100.00%	5,000
Reimbursement to Street Fund	0	232,000	48.84%	475,000
Overlay	0	75,000	50.00%	150,000
Total Expenditures	0	312,000	49.52%	630,000
Net Income (Loss)	\$31,027	\$166,602		\$200





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

Subject/Topic: SR 522 West A Change Orders Proposed Council Action/Motion(s): Receive and File SR West A Change Orders 18 – 24 in the amount of \$367,147 and; Authorize the City Manager to execute Change Order 28 in the amount of \$179,838 to convert the businesses within the project limits from aerial to underground utility service.	For Council Meeting Agenda of: 07/11/2016 Department: <u>Engineering</u> Prepared by: <u>Kent Vaughan</u> To Be Presented By: <u>N/A</u> <u>Initial & Date</u> Approved by Department Head: <u>KMO 7/11/16</u> Approved by City Attorney: <u>JA</u> Approved by Finance Director: <u>[Signature] 7/11/16</u> Approved by City Manager: <u>[Signature]</u> Exhibits/Attachments: Attachment A. Resolution No. 15-255 Change Order Policy						
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">Expenditure Required:</td> <td style="width: 33%;">Amount Budgeted</td> <td style="width: 33%;">Appropriation Required</td> </tr> <tr> <td>\$ 557,251 (Cumulative to date)</td> <td>\$1,003,000.00 (Contingency Amount)</td> <td>\$0</td> </tr> </table>		Expenditure Required:	Amount Budgeted	Appropriation Required	\$ 557,251 (Cumulative to date)	\$1,003,000.00 (Contingency Amount)	\$0
Expenditure Required:	Amount Budgeted	Appropriation Required					
\$ 557,251 (Cumulative to date)	\$1,003,000.00 (Contingency Amount)	\$0					
<u>INFORMATION/BACKGROUND:</u> <u>Construction status:</u> The City issued substantial completion for the project on July 1, 2016. Substantial completion was achieved within allotted working days. The contractor will be working to complete additional owner directed work and corrective punch lists items to achieve physical completion, likely in August. Contract definitions of substantial completion and physical completion are provided below for reference: <u>Substantial Completion Date:</u> The day the Contracting Agency has full and unrestricted use and benefit of the facilities, both from the operational and safety standpoint. Any remaining traffic disruptions will be rare and brief. Only minor incidental work, replacement of temporary substitute facilities, plant establishment periods, or correction or repair remains for the Physical Completion of the total Contract. <u>Physical Completion Date:</u> The day all of the Work is physically completed on the project. All documentation required by the Contract and required by law does not necessarily need to be furnished by the Contractor by this date. <u>Change Orders:</u> Since the last receive and file report on January 25, 2016, change orders 18 through 24 were executed, totaling \$367,147. Change order 25 – 35 listed in Table 1 (below) are still pending execution. As a result of the executed change orders to date, eleven (11) working days were added to the construction contract (280+11 = 291). <u>Change Order 28 Discussion:</u> Staff included \$170,000 (\$10,000 each x 17 businesses) in the project budget (independently from the construction contract) to cover costs associated with converting businesses within the project limits from aerial to underground utility service. With City Manager approval, staff directed Marshbank to conduct this work on force account (ie. time, materials and equipment costs) due the uncertainty with each conversion and how much work effort would be required. After the final costs were tallied, it was determined that this work effort would exceed the City Manager's Change Order authority of \$150,000. Therefore, staff is							

requesting City Council approval for this completed work. With City Council approval of Change Order 28, staff will back out the force account charges of \$113,000 which have been paid to Marshbank to date for this work effort and transfer the final cost of \$179,838 into one change order for transparency.

Table 1. List of all change orders executed or still pending

Ref No	Executed Change Orders (CO)	CO Amount
Previously received and filed Change Orders (CO 1 – 17)		\$190,104 (rev)
C18	Traffic control quantity adjustment	\$345,565
C19	Wall 4 lost production	\$14,003
C20	Wall 4 extension	\$8,050
C21	Wall 1 elimination	(\$28,671)
C22	Wall 2 barrier revision	\$15,770
C23	Additional electrical conduit crossing for illumination	\$12,430
C24	Hot mixed asphalt – specification change – no cost	\$0
Total Executed Change Orders to Date		\$557,251
Ref No	Pending Change Orders	
C25	Additional drainage at 61 st and 175 th	\$9,361 (pending)
C26	Extra cost to excavate street light base foundations with a vector truck due to proximity of surrounding infrastructure	\$14,283 (pending)
C27	Added street trees on south side of 522	\$19,500 (pending)
C28	Private utility conversions of businesses within project limits	\$179,838 (pending)
C29	Signal mast arm tendons and pedestrian push button extension arm at 61 st and 522	\$2,500 (pending)
C30	Fire Hydrant Adjustment (NUD)	\$10,000 (pending)
C31	Install handrail along 61 st sidewalk bet. 522 and 175 th	\$19,100 (pending)
C32	Adjust gas valves to grade in roadway (PSE)	\$9,000 (pending)
C33	Additional street signs	\$10,000 (pending)
C34	Re-establish survey monuments in roadway	\$6,000 (pending)
C35	Add pre-level asphalt bid item	\$10,573 (pending)
Total Pending Change Orders		\$290,155
Total Change Orders (Executed + Pending)		\$847,406

STAFF RECOMMENDATION:

Staff recommends that Council receive and file SR West A Change Orders 18 – 24 in the amount of \$367,147, and authorize the City Manager to execute Change Order 28 in the amount of \$179,838.

FISCAL CONSIDERATION: The project is currently projected to be completed within budget. All change orders were executed in accordance with the City's SR 522 project change order policy adopted by Council on April 20, 2015 (Attachment A) and are within the project's budgeted construction contingency. Once the remaining pending change orders are executed and the project utility agreement costs are reconciled (City anticipates payments to PSE and Frontier, and anticipates reimbursements from Comcast, University of Washington, Seattle City Light, MCI Verizon and Northshore Utility District), staff will finalize the total project cost and report final results to Council.

COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:

Council goal 1: To focus and emphasize multimodal transportation safety in the City of Kenmore with a specific focus on pedestrian, bicycle and other means of travel.

Attachment A

CITY OF KENMORE
WASHINGTON
RESOLUTION NO. 15-255

A RESOLUTION OF THE CITY COUNCIL OF KENMORE, WASHINGTON, AMENDING THE CITY'S PURCHASING AND CONTRACTING POLICIES ADOPTED UNDER RESOLUTION NO. 11-190 TO AUTHORIZE CHANGE ORDER AMOUNTS FOR THE SR 522 WEST A PROJECT WITHIN APPROVED BUDGET AND REPEALING RESOLUTION NO. 09-173.

WHEREAS, RCW 35A.11.010 and RCW 35A.11.020 authorize the City Council to contract and purchase on behalf of the City; and

WHEREAS, in 2009 the City Council adopted Resolution No. 09-173, authorizing certain change order amounts for capital construction projects; and

WHEREAS, in 2011 the City Council adopted Resolution No. 11-190, which updated and adopted the City's purchasing and contracting policies, and which also authorized change order amounts for capital construction projects; and

WHEREAS, the City Council desires to repeal Resolution No. 09-173, as it has been updated and superseded by Resolution No. 11-190,

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

Section 1. Amendment. That portion of Section IV.A. of Resolution No. 11-190, entitled "Change Orders," is amended to read as follows:

Change Orders:

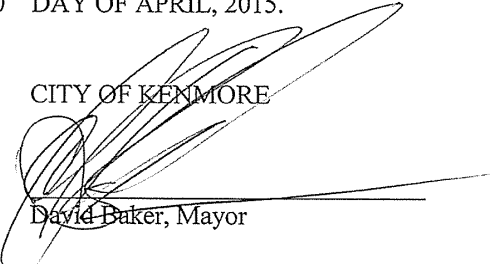
- A. Except as provided in Section B below, the City Council authorizes the City Manager and the City Engineer to approve changes to work or contract for capital construction projects in the following amounts not to exceed in the aggregate the approved project budget:
- | | |
|--------------------------------------|----------|
| City Manager: | \$50,000 |
| City Engineer/Public Works Director: | \$25,000 |
- B. The City Council authorizes the City Manager, City Engineer/Public Works Director and Project Manager to approve changes to work or contract for the SR 522 West A project, in the following amounts not to exceed in the aggregate the approved project budget:

Project Manager:	\$10,000
City Engineer/Public Works Director:	\$50,000
City Manager or Designee:	\$150,000

Section 2. Repealed. Resolution No. 09-173 is hereby repealed

ADOPTED BY THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON,
AT A REGULAR MEETING THEREOF THIS 20th DAY OF APRIL, 2015.

CITY OF KENMORE


David Baker, Mayor

ATTEST/AUTHENTICATED:


Patty Sasin, City Clerk

FILED WITH THE CITY CLERK: April 14, 2015
PASSED BY THE CITY COUNCIL: April 20, 2015
RESOLUTION NO. 15-255

XII. A. Public Hearing to Receive Public Testimony on Resolu...

listed in the TIP. Staff will continue to seek out funding sources to fund those projects currently not fully funded.

COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:

Goal #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 OF KENMORE
WASHINGTON
RESOLUTION NO. 16-283**

**A RESOLUTION OF THE CITY COUNCIL OF KENMORE,
WASHINGTON, ADOPTING THE 2017-2022 SIX-YEAR
TRANSPORTATION IMPROVEMENT PROGRAM.**

WHEREAS, RCW 35.77.010 requires the City to review and adopt annually a revised and extended six-year comprehensive transportation program; and

WHEREAS, on July 11, 2016, the City Council held a public hearing and took public comment on the proposed 2017-2022 Six-Year Transportation Improvement Program; and

WHEREAS, the City Council finds that the proposed 2017-2022 Six-Year Transportation Improvement Program is consistent with the Transportation Element of the City of Kenmore Comprehensive Plan, and includes the facilities, projects, programs and information required by RCW 35.77.010;

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

Section 1. Program Adopted. The 2017-2022 Six-Year Transportation Improvement Program for the City of Kenmore, attached as an Exhibit and incorporated by this reference, is approved and adopted.

Section 2. Filing of Program. As required by RCW 35.77.010, the City Manager or designee is authorized and directed to file a copy of this resolution, together with the attached Exhibit, with the Secretary of the Washington Department of Transportation within thirty (30) days of adoption of this resolution.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON, AT A REGULAR MEETING THEREOF THIS 11th DAY OF JULY 2016.

CITY OF KENMORE

David Baker, Mayor

ATTEST/AUTHENTICATED:

Patty Safrin, City Clerk

APPROVED AS TO FORM:

Rod Kaseguma, City Attorney



CITY OF KENMORE
2017-2022 Transportation Improvement Program
DRAFT

Project ID #	Project Number	Project name	Funding	Year							2017-2022 Totals
				Prior Years	2017	2018	2019	2020	2021	2022	
	T8	SR 522 West B (57th to 61st)	Local	\$ -							\$ -
			Federal/State	\$ -				\$ 600,000	\$ 7,400,000	\$ 4,000,000	\$ 12,000,000
			Unsecured	\$ -							\$ -
			Subtotal	\$ -	\$ -	\$ -	\$ -	\$ 600,000	\$ 7,400,000	\$ 4,000,000	\$ 12,000,000
	T37	West Sammamish River Bridge Replacement	Local	\$ 495,600	\$ 335,000	\$ 220,000	\$ 20,000	\$ 10,000	\$ 890,000		\$ 1,475,000
			Federal/State	\$ 1,074,600	\$ 1,620,000	\$ 690,000	\$ 7,410,000	\$ 7,410,000	\$ 2,860,000		\$ 19,990,000
			Unsecured	\$ -							\$ -
			Subtotal	\$ 1,570,200	\$ 1,955,000	\$ 910,000	\$ 7,430,000	\$ 7,420,000	\$ 3,750,000	\$ -	\$ 21,465,000
	T27	62nd Ave NE Corridor Improvements NE 181st St - NE 187th Place	Local	\$ 12,400	\$ 75,000	\$ 10,000					\$ 85,000
			Federal/State	\$ 98,500	\$ 715,000						\$ 715,000
			Unsecured	\$ -							\$ -
			Subtotal	\$ 110,900	\$ 790,000	\$ 10,000	\$ -	\$ -	\$ -	\$ -	\$ 800,000
	--	Juanita Drive Pedestrian and Bicycle Improvements - South Segment (NE 170th St - NE 160th St)	Local								\$ -
			Federal/State								\$ -
			Unsecured		\$ 200,000	\$ 1,060,000	\$ 600,000	\$ 2,155,000			\$ 4,015,000
			Subtotal	\$ -	\$ 200,000	\$ 1,060,000	\$ 600,000	\$ 2,155,000	\$ -	\$ -	\$ 4,015,000
	--	Juanita Drive Pedestrian and Bicycle Improvements - South Central Segment (NE 160th St - NE 153rd Pl)	Local								\$ -
			Federal/State								\$ -
			Unsecured		\$ 200,000	\$ 1,060,000	\$ 900,000		\$ 2,155,000		\$ 4,315,000
			Subtotal	\$ -	\$ 200,000	\$ 1,060,000	\$ 900,000	\$ -	\$ 2,155,000	\$ -	\$ 4,315,000
	--	Juanita Drive Pedestrian and Bicycle Improvements - North Central Segment (NE 153rd Pl - NE 143rd St)	Local								\$ -
			Federal/State								\$ -
			Unsecured		\$ 200,000	\$ 1,060,000	\$ 981,900		\$ 2,160,000		\$ 4,401,900
			Subtotal	\$ -	\$ 200,000	\$ 1,060,000	\$ 981,900	\$ -	\$ 2,160,000	\$ -	\$ 4,401,900
	T27	NE 202nd Street Sidewalk Improvements 66th Ave NE - NE 198th St	Local	\$ 4,200	\$ 187,700	\$ 10,000					\$ 197,700
			Federal/State	\$ 167,000	\$ 603,300						\$ 603,300
			Unsecured								\$ -
			Subtotal	\$ 171,200	\$ 791,000	\$ 10,000	\$ -	\$ -	\$ -	\$ -	\$ 801,000
	T35	Overlay Program (Prior year Expenditures are from 2016 only)	Local	\$ 450,000	\$ 450,000	\$ 450,000	\$ 450,000	\$ 450,000	\$ 450,000	\$ 450,000	\$ 2,700,000
			Federal/State	\$ -							\$ -
			Unsecured	\$ -		\$ 355,000					\$ 355,000
			Subtotal	\$ 450,000	\$ 450,000	\$ 805,000	\$ 450,000	\$ 450,000	\$ 450,000	\$ 450,000	\$ 3,055,000
	T39	Neighborhood Transportation Program Improvements	Local	\$ 325,000							
			Federal/State								
			Unsecured		\$ 100,000	\$ 100,000					
			Subtotal	\$ 325,000	\$ 100,000	\$ 100,000	\$ -	\$ -	\$ -	\$ -	\$ 200,000
	--	NE Arrowhead Drive Sidewalks Improvements	Local								\$ -
			Federal/State								\$ -
			Unsecured		\$ 5,000	\$ 95,000	\$ 678,000				\$ 778,000
			Subtotal	\$ -	\$ 5,000	\$ 95,000	\$ 678,000	\$ -	\$ -	\$ -	\$ 778,000



CITY OF KENMORE
2017-2022 Transportation Improvement Program
DRAFT

Project ID #	Project Number	Project name	Funding	Year							2017-2022 Totals
				Prior Years	2017	2018	2019	2020	2021	2022	
	--	NE 153rd Place Sidewalk Improvements (South Side) Juanita Drive NE - 70th Ave NE	Local								\$ -
			Federal/State								\$ -
			Unsecured		\$ 5,000	\$ 95,000	\$ 569,000				\$ 669,000
			Subtotal	\$ -	\$ 5,000	\$ 95,000	\$ 569,000	\$ -	\$ -	\$ -	\$ 669,000
	--	SR 522 Pedestrian Crossing Study	Local								\$ -
			Federal/State								\$ -
			Unsecured				\$ 225,000	\$ 230,000			\$ 455,000
			Subtotal	\$ -	\$ -	\$ -	\$ 225,000	\$ 230,000	\$ -	\$ -	\$ 455,000
	--	181st Sidewalk 65th-67th Streets	Local								\$ -
			Federal/State								\$ -
			Unsecured			\$ 155,000	\$ 895,000				\$ 1,050,000
			Subtotal	\$ -	\$ -	\$ 155,000	\$ 895,000	\$ -	\$ -	\$ -	\$ 1,050,000
	--	68th Ave NE Sidewalk (west side) 181st Street - NE 185th St	Local								\$ -
			Federal/State								\$ -
			Unsecured		\$ 78,000			\$ 225,000			\$ 303,000
			Subtotal	\$ -	\$ 78,000	\$ -	\$ -	\$ 225,000	\$ -	\$ -	\$ 303,000
	--	68th Ave NE Sidewalk (East Side) NE 185th St - NE 187th St	Local		\$ -						\$ -
			Federal/State	\$ -	\$ -						\$ -
			Unsecured	\$ -	\$ 70,000	\$ 70,000		\$ 232,000			\$ 372,000
			Subtotal	\$ -	\$ 70,000	\$ 70,000	\$ -	\$ 232,000	\$ -	\$ -	\$ 372,000
	--	68th Ave NE Sidewalk (West Side) 185th Street to 201st Place	Local								\$ -
			Federal/State								\$ -
			Unsecured			\$ 240,000	\$ -	\$ 1,543,000			\$ 1,783,000
			Subtotal	\$ -	\$ -	\$ 240,000	\$ -	\$ 1,543,000	\$ -	\$ -	\$ 1,783,000
	--	NE 202nd St/62nd Ave NE Sidewalk (North Side) 66th Ave NE to 61st Pl NE	Local								\$ -
			Federal/State								\$ -
			Unsecured			\$ 180,000	\$ 60,000		\$ 1,543,000		\$ 1,783,000
			Subtotal	\$ -	\$ -	\$ 180,000	\$ 60,000	\$ -	\$ 1,543,000	\$ -	\$ 1,783,000
	--	73rd Avenue NE Restriping - South Segment	Local								\$ -
			Federal/State								\$ -
			Unsecured						\$ 357,000	\$ 1,693,000	\$ 2,050,000
			Subtotal	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 357,000	\$ 1,693,000	\$ 2,050,000
	--	73rd Avenue NE Buildout/Restriping - North Segment	Local								\$ -
			Federal/State								\$ -
			Unsecured						\$ 60,000		\$ 60,000
			Subtotal	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 60,000	\$ -	\$ 60,000



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

Subject/Topic: Puget Sound Energy Franchise Agreement Status Report Proposed Council Action/Motion: Discussion	For Council Meeting Agenda of: 11 July 2016 Department: Executive Prepared by: Nancy Ousley, Assistant City Manager <u>Initial & Date</u> Approved by Department Head: <u>NKO 1 July 2016</u> Approved by City Attorney: _____ Approved by Finance Director: <u>June 7/1/16</u> Approved by City Manager: <u>NKO 1 July 2016</u> Exhibits/Attachments: 1) Memo from December 14, 2015 Council meeting 2) PSE Planned Reliability Projects for 2016-2017 (distributed June 22, 2016)	
Expenditure Required n/a	Amount Budgeted \$	Appropriation Required \$0
<u>INFORMATION/BACKGROUND:</u> Staff will provide an update on the status of preparing a new Franchise Agreement between the City and Puget Sound Energy (PSE). The most recent Agreement expired in late 2015. Over the past several months staff have had preliminary discussions with PSE staff, researched recent Franchise agreements between PSE and other cities, established contacts with the Washington Utilities and Transportation Commission and service providers, and communicated with a large number of Kenmore residents and commercial customers of PSE. Staff and legal counsel are in the final stage of developing a draft agreement for discussion with PSE, based on the previous discussion with Council on desired points to include in the next Franchise Agreement. The Council approved a contract with Exponent for energy reliability assessment technical assistance on June 27, 2016 and their work is underway. We expect to present a proposed Agreement for Council consideration later this year. PSE held a Community Open House on June 22, 2016 and provided a Circuit 26 site visit for community members on June 28. PSE presented information on Planned Reliability projects in Kenmore at those events.		
<u>FISCAL CONSIDERATION:</u> System reliability is vital for residents, public agencies and businesses in Kenmore. Power reliability is a key factor in economic development competitiveness for any community.		
<u>COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:</u> “A community that is attentive to, and seeks to provide for, the health, safety and welfare of all its citizens”—Kenmore Vision Statement		



City Of Kenmore, Washington

MEMORANDUM

December 10, 2015

TO: Rob Karlinsey, City Manager

FR: Nancy Ousley, Assistant City Manager *NKO*

CC: Dawn Reitan, City Attorney, Inslee Best

RE: Puget Sound Energy Franchise Agreement

The City Administration has recently commenced with discussions with Puget Sound Energy (PSE) for a new Franchise Agreement. The most recent Franchise Agreement between the City of Kenmore and Puget Sound Energy was approved in 2005 and expired in 2015. The Franchise Agreement is a contract that grants the utility the right to make use of the public right of way for the purpose of furnishing utility service to members of the public. The Washington Utilities and Transportation Commission (WUTC) regulates and oversees private and investor owned electric and natural gas utilities, such as PSE, and sets service rates.

As discussed with the City Council in November, PSE is dealing with reliability and power restoration issues in Kenmore, and a number of Kenmore residents and businesses have voiced their concerns with the frequency and length of power outages in recent years.

The City Administration is interested in raising a number of issues in the discussions and offers the following as an initial approach. This does not represent a final or inclusive list, since this is the beginning point of the franchise discussions.

- System Reliability and Regular Reports to the City: The WUTC requires reports from regulated energy companies on the frequency of power outages and duration of power outages. The City can request that PSE provide reports to City concurrent with their reports to the WUTC. This could also include briefings to the Council on a regular basis.
- Planned Improvements to address system reliability: Request regular reports and information on PSE proposed projects that will improve reliability in Kenmore.
- Circuit 26 in Northwest Kenmore: Require a detailed strategy on improving restoration time and reliability in this area of the city, which PSE admits is deficient because a large extent of the distribution line is difficult to access. The utility has long standing easements along the distribution line and these easements need to be enforced by the utility.
- Vegetation Management: Accelerate trimming intervals.

18120 68th Ave NE · PO Box 82607 · Kenmore, WA 98028

Office: (425) 398-8900 · Fax: (425) 481-3236 · cityhall@kenmorewa.gov
 www.kenmorewa.gov

VIII. B. Puget Sound Energy (PSE) Franchise Discussion - Nan...

XIII. B. Puget Sound Energy Franchise Agreement Status Repor...

Memo to Rob Karlinsey, City Manager
December 10, 2015

2

- Pole Replacement Schedule: Potentially accelerate replacement.
- Right of Way Access and Pavement Restoration: Ensure that City facilities are adequately restored when the utility needs to disturb pavement to access their equipment.
- Overall System Capacity Information: PSE is planning to enhance system capacity. The City needs information on how Energize Eastside will affect Kenmore.
- Demonstration Projects and Other Efforts to Promote Energy Efficiency: Signature projects such as the Saint Edward Seminary or Lakepointe could provide an opportunity for innovative energy saving measures. Measures that promote energy efficiency in the city, such as the successful Small Business Direct Install that PSE recently completed, will also be discussed.
- Equal or improved agreement provisions for notice of planned projects in the right of way, indemnification and other standard Franchise Agreement topics.

We expect to gather more information in the coming weeks and will report back to the Council throughout the negotiations.

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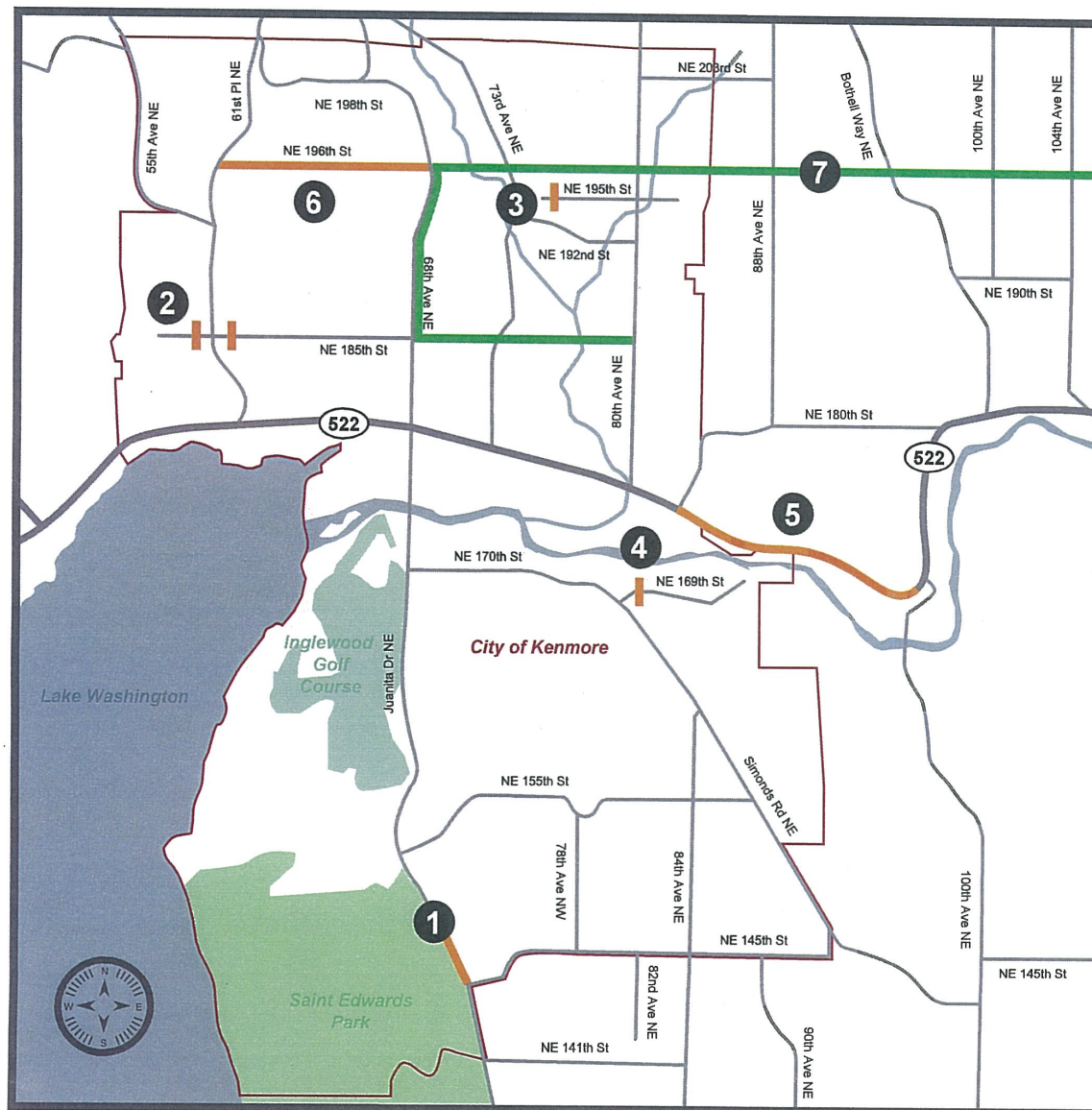
VIII. B. Puget Sound Energy (PSE) Franchise Discussion - Nan...

XIII. B. Puget Sound Energy Franchise Agreement Status Repor...

Reliability Projects Kenmore 2016 - 2017

ATTACHMENT

2



- 1 Distribution automation project (2016)
 - PSE Test Project
 - Automatically detect damage and restore customers within seconds
- 2 New overhead switches on NE 185th St (Sept. 2016)
 - Allow servicemen to reconfigure a distribution circuit to restore customers faster
- 3 New Recloser on NE 195th St (Aug. 2016)
 - Prevents some customers from experiencing an outage
 - Tests circuit automatically to quickly restore power if there isn't permanent damage
 - Sectionalizes circuit to reduce restoration time
- 4 New Recloser on NE 169th St (Sept. 2016)
- 5 Underground conversion east of 83rd Ave NE (2017)
 - Joint project with the City of Bothell that will improve reliability for Kenmore residents living downstream of our lines along Bothell Way (mainly near Simonds Rd)
- 6 Feeder reroute and reconductor with tree wire (2017-2018)
 - Proposed reroute due to access issues
 - Tree wire is insulated conductor that is less likely to go out from tree branches
- 7 Moorlands-Vitulli transmission line upgrade (July-Sept 2016)
 - Rebuild existing 5 mile line between Moorlands substation in Kenmore and Vitulli substation in Bothell
 - Provide more reliable electric service to Kenmore/Bothell area



City Council Business Agenda Item
City of Kenmore, WA

Subject/Topic: Planning Commission's Presentation of the Recommended Wireless Communication Facilities Code Amendments.

Proposed Council Action/Motion:

Consider the wireless communication facilities code amendments presented by the Planning Commission. Determine whether answers to questions or additional code amendments are needed, or whether an ordinance should be prepared.

For Council Meeting Agenda of: 7/11/16

Department: Community Development

Prepared by: Debbie Bent, Community Development Director and Lauri Anderson, Senior Planner

Approved by Department Head: DD 6/28/16

Approved by City Attorney: N/A.

Approved by Finance Director: Ang 6/28/16

Approved by City Manager: NKO FRK 28 Jun 2016

Exhibits/Attachments:

- 1-9. Recommended Wireless Communication Facilities (WCF) Code Amendments
10. Existing KMC Chapter 18.60, Communication Facilities
11. WCF Legal Framework
12. Zoning Map
13. Decisional criteria

Expenditure Required \$0

Amount Budgeted: \$0

Appropriation Required \$0

INFORMATION/BACKGROUND: Attached for your review are the wireless communication facilities (WCF) code amendments recommended by the Planning Commission (see Attachments 1-9). The existing communication facilities chapter, Chapter 18.60, is provided in Attachment 10. Attachment 11 is an overview of the legal framework within which the proposed regulations must be considered to ensure compliance with Federal Communications Commission (FCC) rulings and related court cases.

The Planning Commission recommendations:

- *Categorize wireless communication facilities by type rather than using the existing "major" or "minor" communications facilities language:*
 - Antenna collocation on an existing conforming tower
 - Rooftop antenna
 - Façade antenna
 - Antenna on a utility or light pole
 - Tower (lattice tower prohibited)
 - Satellite dish
 - Amateur (ham) radio facility
- *Develop a hierarchy of preferred communication facility types (from highest priority to lowest priority):*
 - Collocation on an existing conforming tower
 - Rooftop antenna in a nonresidential zone

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- Façade antenna in a nonresidential zone
 - Antenna on a utility/light pole in a nonresidential zone
 - New tower in a nonresidential zone, except in the Urban Corridor West (UC West), Waterfront Commercial (WC) and Community Business (CB) zones. These are considered the “view zones.” See Attachment 12, Zoning Map.
 - Attachment of an antenna to a nonresidential building in a residential zone
 - Attachment of an antenna to a utility/light pole in a residential zone
 - New tower in a residential zone
 - New tower in the UC west, WC or CB zones (view zones)
- *Reviewed exemptions:* The most significant change was to remove amateur (ham) radio facilities from the exempt list and to develop standards for these facilities.
 - *Establish locational priorities, allowable heights and review processes to reinforce the preferred siting hierarchy:*
 - Lower heights and more intensive review processes generally are required in single-family residential areas and view zones. See Attachment 1, Section 18.60.050, for a table showing recommended maximum heights and review processes.
 - Antennas on utility or light poles are limited in height to 55’, with lower heights in the view zones. Heights were determined using Puget Sound Energy (PSE) separation requirements from their conductors.
 - Towers in nonresidential zones are limited to the building height for the zone (35-55’, but up to 75’ with additional property line setbacks).
 - A Minor Adjustment process (Type 2 decision by the Development Services Director after a written public comment period) allows a height increase of up to 5’ beyond the maximum height requirement, except in the view zones.
 - *Address visual compatibility techniques:* The Planning Commission reviewed existing standards and added or strengthened some concepts.
 - Minimize view blockage to Lake Washington
 - Prohibit aluminum mesh satellite dishes
 - Encourage stealth technology
 - Require placement of related equipment underground if practicable
 - Prohibit commercial signage on communication facilities
 - *Incorporate new FCC standards for facility modifications:* Modifications to existing wireless communication facilities other than amateur (ham) radio facilities, whether conforming or legally nonconforming, that do not substantially change the physical dimensions of the communication facility as determined by FCC regulation, must be reviewed by the city as eligible communication facility modifications (ECFM).
 - *Provide a “Major Adjustment” process.* The Major Adjustment process would allow carriers to vary any wireless communication facility standard if they can meet the test of eliminating a significant gap in service coverage and minimizing the impact of the proposed facility. In other words, there would be no outright prohibitions in the amendments as drafted. The Major Adjustment could be used not only to vary development standards, but also to site an otherwise prohibited use. The process for the Major Adjustment would be a Type 3 land use decision (recommendation by the Development Services Director and Hearing Examiner decision after a formal public hearing).
 - *Address potential noise:* A new code section addressing compliance with the City’s noise regulations has been added.

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- *Add special standards for nonconformances:* Modifications to existing nonconforming facilities that do not meet the ECFM criteria would follow the same rules as for other nonconformances in the Zoning Code, with three additional requirements. First, facilities nonconforming as to height could not increase the height of the facility through the 10% allowance in the nonconformance regulations. Second, if a conditional use permit is required to expand or intensify a nonconformance, additional criteria must be considered. Third, compliance with the concealment element standards in KMC 18.60.120 is required to the maximum extent practical. The Minor Adjustment process would allow carriers to replace existing equipment on a new change-out pole if the equipment is generally of the same dimensions.

Background

The City's WCF standards initially were adopted in 2006. Unfortunately, since that time, the chapter has resulted in numerous problems of interpretation and implementation. These problems, coupled with new Federal Communications Commission (FCC) rulings on minor modifications to communications facilities, made review and amendment of this chapter a priority, as recognized by the City Council who placed this item on the 2015 docket. The Planning Commission began their review of the rules in November 2015.

Over the months of their review, the Planning Commission considered standards from all local jurisdictions (Kirkland, Redmond, Bothell, Lake Forest Park, and Shoreline), as well as select code sections from Bellevue, Woodinville, Edmonds, King County, and a variety of jurisdictions around the country.

Representatives from AT&T, T-Mobile and Verizon participated in the process, as did representatives from the City's amateur radio (ham) operator community. Although many issues raised by the carriers were resolved, agreement was not reached on maximum facility heights, particularly with regard to WCF on utility poles. The Planning Commission amended their height recommendations several times to try to address the carriers' concerns while at the same time balancing those concerns with the public interest in protecting single-family residential areas and the view zones. Ultimately, the Commission decided against adopting the carriers' height proposals, particularly as they exceeded the current Zoning Code standards which set a 60' height limit in the Neighborhood Business and residential zones and a 100' height limit in the Regional Business, Waterfront Commercial, Urban Corridor and Downtown Commercial zones (including two of the three view zones).

The Planning Commission's public hearing was held on June 7, 2016. Four people spoke—all representing the carriers—and six letters were submitted. As a result of the public hearing, the Commission changed their recommendation to increase the maximum height of wireless communication facilities on utility poles to 55' in the City's single-family residential zones (from 50').

Attachment 13 contains the decisional criteria for Comprehensive Plan and development regulation amendments. Staff has reviewed these criteria and concludes that the amendments conform. The City Council is not required to hold a public hearing on the proposed amendments unless a modification to the Planning Commission's recommendations is proposed that is not within the scope of the alternatives available at the Planning Commission hearing.

We encourage Council to contact staff with questions or concerns about the recommendations prior to the July 11 meeting so that staff and the Planning Commission will be prepared to address issues on the 11th.

FISCAL CONSIDERATION:

None at this time.

COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:

Comprehensive Plan 20-Year Vision (excerpt): "In 2035, we see Kenmore as a fun, vibrant waterfront community that is connected both visually and physically to its waterfront, recognizing it as a significant local and regional asset; has clear design standards creating attractive, functional, and enduring buildings and places; supports the character of its single family residential neighborhoods; and supports the safety, health, and welfare of all of its citizens."

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Comprehensive Plan Policy LU-1.2.3, "Integrate non-residential uses such as governmental, utility, religious, social, and other institutional uses, where appropriate, into residential neighborhoods to create quality communities which have a full range of public facilities and services. These uses should be sited, designed, and scaled to be compatible with existing residential character."

Comprehensive Plan Policy U-3.1.1, "Ensure City regulations allow for improvements and additions to electric, natural gas, cable television, and telecommunications facilities as needed to accommodate growth, provide reliable service, and support economic development."

Comprehensive Plan Policy U-3.1.7, "Encourage state of the art telecommunication services to mitigate the transportation impacts of development and growth through such means as telecommuting and videoconferencing."

Comprehensive Plan Policy U-3.4.5, "Minimize impacts of personal wireless services, telecommunication facilities, and towers on adjacent land uses through careful siting and design."

Comprehensive Plan Policy U-3.4.6, "Require communication facilities and poles, including cell or radio towers, to consider existing sites and co-locating prior to establishing new sites."

Comprehensive Plan Policy U-3.4.7, "Consider view corridors when reviewing utility pole of facility placement."

Comprehensive Plan Implementation Strategy, "New programs, rules, or regulations may be needed to address updated communication facility regulations addressing co-location, alternate siting, and view corridors."

Comprehensive Plan Implementation Strategy, "Additional or continuing efforts would need to be made to coordinate with adjacent jurisdictions or participate in regional programs, including coordination with private utilities including Puget Sound Energy and telecommunications carriers."

ATTACHMENT 1

Chapter 18.60
WIRELESS COMMUNICATION FACILITIES

(This is a complete rewrite of the existing chapter)

Sections:

- 18.60.010 Purpose.
- 18.60.020 Applicability.
- 18.60.030 Exemptions.
- 18.60.040 Locational priorities.
- 18.60.050 Review processes and maximum allowable heights.
- 18.60.060 Distributed antenna systems (DAS) and small cells.
- 18.60.070 Pre-application community meetings.
- 18.60.080 Criteria for determining infeasibility of alternative sites.
- 18.60.090 Collocation requirements.
- 18.60.100 Setback requirements.
- 18.60.110 Landscaping requirements.
- 18.60.120 Concealment elements.
- 18.60.130 Minor modifications to eligible communication facilities (ECFM).
- 18.60.140 Other modifications to conforming communication facilities.
- 18.60.150 Radio frequency radiation compliance.
- 18.60.160 Fencing and NIER warning signs.
- 18.60.170 Interference.
- 18.60.180 Noise standards.
- 18.60.190 Minor adjustment to requirements.
- 18.60.200 Major adjustment to requirements.
- 18.60.210 Cessation of use.
- 18.60.220 Third party review.
- 18.60.230 Nonconformance.

18.60.010 Purpose.

The purpose of this chapter is to establish guidelines for the siting of *wireless communication facilities*, including *towers, satellite dishes, antennas, and amateur (ham) radio facilities*. The goals of this chapter are to:

- A. Provide for the appropriate location and *development of wireless communication facilities* in locations that promote public safety and the general welfare;

- B. Encourage the location of *towers, satellite dishes, and antennas* in nonresidential areas and non-view zones, and minimize the total number of *towers and alternative transmission support structures* throughout the community;
- C. Strongly encourage the joint use of new and existing *wireless communication facility sites*;
- D. Encourage wireless communication providers to configure *towers, satellite dishes, antennas* and *amateur (ham) radio facilities* in ways that minimize the adverse visual impact;
- E. Enhance the ability of the providers of wireless communication services to provide such services to the community quickly, effectively and efficiently to support personal and business use;
- F. Process requests for *wireless communication facility development* in a timely manner; and
- G. Ensure compliance with Federal Communications Commission rules and applicable law, including standards related to *nonionizing electromagnetic radiation (NIER)*.

18.60.020 Applicability.

The standards and process requirements of this chapter supersede all other review process, *setback* or *landscaping* requirements of this title. In case of conflict with other KMC titles, the provisions of this chapter shall apply. All *wireless communication facilities* which are not exempt pursuant to KMC [18.60.030](#) shall comply with the provisions of this chapter. *Wireless communication facilities* in city rights-of-way also shall comply with the provisions of KMC Chapter 12.58.

18.60.030 Exemptions.

The following are exempt from the provisions of this chapter:

- A. Industrial processing equipment and scientific or medical equipment using frequencies regulated by the Federal Communications Commission (FCC);
- B. The storage, shipment or display for sale of transmission equipment;
- C. Radar systems for military and civilian communication and navigation;
- D. Hand-held, mobile, marine and portable radio transmitters and/or receivers;
- E. Two-way radio utilized for temporary or *emergency* services communications;
- F. Any *antenna* which is treated as exempt under [47](#) Code of Federal Regulations (CFR) Section 1.4000(a)(1), as it may be amended from time to time, including *satellite dishes* with a diameter of

less than one meter or 39.37 inches and VHF and UHF receive-only television *antennas*. Such *antennas* shall not be required to obtain building permit approval unless installed on a mast higher than 12' above the roofline, but installation must comply with any applicable provisions of the city Building Code.

- G. Maintenance or repair of an existing *wireless communication facility*. For any *emergency* maintenance or repair, filing of the permit application shall be required within 30 days after the completion of such *emergency* activities;
- H. Reconstruction or replacement of an existing conforming *wireless communication facility* only if the dimensions of the facility are not changed. If the proposed reconstruction or replacement changes the dimensions of the facility, an ECFM through KMC Section 18.60.130 or a modification through KMC Section 18.60.140 shall be required. For *emergency* reconstruction or replacement, filing of the permit application shall be required within 30 days after the completion of such *emergency* activities.

18.60.040 Locational priorities.

Wireless communication facilities shall be sited according to the following siting hierarchy, with (1) being the highest (most preferable) ranking *site* and (9) being the lowest (least preferable) ranking *site*. A new *wireless communication facility*, with the exception of *amateur (ham) radio facilities*, must be located on the highest ranking *site* unless the *applicant* can demonstrate, through relevant information, including but not limited to, the report of a qualified radio frequency engineer, that the highest ranking *site* is not feasible (see KMC 18.60.080). In order of ranking, from highest to lowest, the *sites* are:

1. *Collocation* on an existing conforming *tower*
2. Rooftop *antenna* in a nonresidential zone
3. Façade *antenna* in a nonresidential zone
4. *Antenna* on a utility/light pole in a nonresidential zone
5. New *tower* in a nonresidential zone, except in the UC west, WC and CB zones (view zones)
6. Attachment of an *antenna* to a nonresidential building in a residential zone
7. Attachment of an *antenna* to a utility/light pole in a residential zone
8. New *tower* in a residential zone
9. New *tower* in the UC west, WC or CB zones (view zones)

The *applicant* shall provide a map showing all existing *towers* or other suitable *alternative transmission support structures* located within one-quarter mile of the proposed *site* with consideration given to engineering and structural requirements. No new *wireless communication facility* shall be permitted if an existing *structure* in a higher priority location, suitable for attachment of an *antenna* or *collocation*, is

located within one-quarter mile, unless the *applicant* demonstrates that these *alternative locations* are not feasible.

18.60.050 Review processes and maximum allowable heights.

P – Permitted Use

C – Conditional Use – reviewed through Type 2 process outlined in KMC 19.25.020.

X – Prohibited Use⁵

	Residential zones R-1 through R-6	Residential zones R-12 through R-24, and DR	Nonresidential zones RB, UC east, DC, and NB	Nonresidential zones UC west, WC, and CB (view zones)	Other non-residential zones PSP, P, and GC
Antenna collocation on an existing conforming tower	P Maximum height: same as existing tower	P Maximum height: same as existing tower	P Maximum height: same as existing tower	P Maximum height: same as existing tower	P Maximum height: same as existing tower
Rooftop antenna	X, C ^{1,2} Maximum height: 15' above the roof height at the antenna location	P Maximum height: 15' above the roof height at the antenna location	P Maximum height: 15' above the roof height at the antenna location	X	P Maximum height: 15' above the roof height at the antenna location
Façade antenna	X, C ^{1,2} Maximum height: 2' above the roofline or parapet wall	P Maximum height: 2' above the roofline or parapet wall	P Maximum height: 2' above the roofline or parapet wall	P Maximum height: May not extend above the roofline or parapet wall	P Maximum height: 2' above the roofline or parapet wall
Amateur (ham) radio facilities	P Maximum height ³ : Ground-mounted facility - 65'. Rooftop facility - 30' above the roof height at the antenna location	P Maximum height ³ : Ground-mounted facility - 65'. Rooftop facility - 30' above the roof height at the antenna location	P Maximum height ³ : Ground-mounted facility - 65'. Rooftop facility - 30' above the roof height at the antenna location	P Maximum height: 35'	P Maximum height ³ : Ground-mounted facility - 65'. Rooftop facility - 30' above the roof height at the antenna location
Antennas on utility or light poles. (Nearest abutting zone is	C ² Maximum height: 55'	P Maximum height: 55'	P Maximum height: 55'	C ² Maximum height: up to	P Maximum height: 55'

used to determine process if in the right-of-way.)				the building height limit as specified in the underlying zoning district	
Satellite dish	C ² if no more than 2 meters (6.6') in diameter; otherwise X Maximum height: Ground-mounted dishes - 15'. Rooftop dishes - 15' above the roof height at the dish location	P if no more than 2 meters (6.6') in diameter and limited to a maximum of 1 dish per site; otherwise C ² Maximum height: Ground-mounted dishes - 15'. Rooftop dishes - 15' above the roof height at the dish location	P if no more than 2 meters (6.6') in diameter and limited to a maximum of 3 dishes per site; otherwise C ² Maximum height: Ground-mounted dishes - 15'. Rooftop dishes - 15' above the roof height at the dish location	P if ground-mounted; otherwise X Maximum height: Ground-mounted dishes - 15'	C ² Maximum height: Ground-mounted dishes - 15'. Rooftop dishes - 15' above the roof height at the dish location
Tower ⁶	X	X	X in the DC zone; otherwise C ^{2,4} Maximum height: up to the building height limit as specified in the underlying zoning district	X	C ^{2,4} Maximum height: up to the building height limit as specified in the underlying zoning district

¹If on a nonresidential building such as a *religious institution*, school, or *utility facility*, or on a multifamily or mixed use building.

²In addition to satisfying the criteria listed in KMC 18.115.040, the *conditional use permit* shall be granted by the city only if the *applicant* also demonstrates that:

- A. Alternative sites, or facilities with less impact to the community have been considered and have been determined to be not feasible per KMC 18.60.080.
- B. Visual impacts of the facility are minimized and the proposal does not significantly impact views to Lake Washington.

³*Amateur (ham) radio facilities* exceeding 65' in height may be permitted only through a conditional use permit. In addition to satisfying the criteria listed in KMC 18.115.040, the conditional use permit shall be granted by the city only if the applicant also demonstrates that:

- A. The proposal in the proposed location is necessary to support *emergency* radio operations in Kenmore.
- B. Smaller facilities, with less impact to the community have been considered and have been determined to be infeasible per KMC 18.60.080.
- C. Visual impacts of the facility are minimized and the proposal does not significantly impact views to Lake Washington.

⁴Prohibited on properties within the jurisdiction of the Shoreline Management Act as set forth in KMC Title 16, Division 1.

⁵Unless a major adjustment has been granted pursuant to KMC 18.60.200.

⁶*Lattice towers* shall not be permitted.

18.60.060 Distributed antenna systems (DAS) and small cells.

- A. A single permit may be used for multiple distributed *antennas* that are part of a larger overall *DAS* network.
- B. A single permit may be used for multiple small cells spaced to provide wireless coverage in a contiguous area.

18.60.070 Pre-application community meetings.

When either a new *wireless communication facility* requiring a *conditional use permit* or a major adjustment under KMC 18.60.200 is proposed within the *city*, a community meeting shall be convened in Kenmore by the applicant prior to submittal of an application.

- A. At least two weeks in advance, notice of the meeting shall be provided by the *applicant* as follows:
 - 1. Published in the local paper and mailed to the *department*; and
 - 2. Mailed notice shall be provided to all property owners within 1000 feet (or at least 20 of the nearest property owners, whichever is greater) of any potential *sites*, identified by the *applicant* for possible *development*, to be discussed at the community meeting. The mailed notice shall at a minimum contain a brief description and purpose of the project, the estimated height, approximate location noted on an assessor map with address and parcel number, a photo or sketch of the proposed facility, a contact name and telephone number to obtain additional information, and such other information as the *city* shall reasonably deem necessary and require of the *applicant* in writing. For facilities other than *amateur (ham) radio facilities*, the mailed notice shall include a statement that alternative *sites* proposed by citizens can be presented at the meeting which will be considered by the *applicant*. Because the purpose of the community meeting is to promote early discussion, *applicants* are encouraged to note any changes to the conceptual information presented in the mailed notice when they submit applications.
- B. At the community meeting, at which at least one employee of the *department*, assigned by the *city manager*, shall be in attendance, the *applicant* shall provide information relative to the

proposal. For facilities other than *amateur (ham) radio facilities*, the *applicant* shall identify existing facilities and other higher priority locations within one-quarter mile of the potential *site*, and shall discuss reasons why those existing locations are infeasible. Furthermore, any alternative *sites* within one-quarter mile, identified by community members and provided to the *applicant* in writing at least five days in advance of the meeting, shall be evaluated by the *applicant* to the extent possible given the timeframe, and discussed at the meeting. A listing of the *sites*, identified in writing and provided to the *applicant* at or before the community meetings, shall be submitted to the *department* with the proposed application. All *applicants* shall provide a list of meeting attendees and those receiving mailed notice and a record of the published meeting notice at the time of application submittal.

18.60.080 Criteria for determining infeasibility of alternative sites.

When an *applicant* is required to demonstrate that a proposed *wireless communication facility* location is not feasible, the evidence submitted to corroborate that finding must demonstrate at least one of the following:

- A. Insufficient structural strength of an existing *structure* to support the *applicant's* proposed *antenna* and related equipment.
- B. The facility would not be of sufficient height to meet the *applicant's* proposed area of coverage in Kenmore or to allow connection to other *sites* operated by the applicant.
- C. The alternative fails to meet engineering requirements for such things as location and size.
- D. The applicant's proposed *antenna* would cause interference between the proposed and existing *antennas*.
- E. The *site* is not made available to the *applicant* for sale or lease at a market rate cost. The *applicant* shall demonstrate that he/she contacted the landowners or owners of structures and was denied permission by those owners to locate the facility on their land or their structures.
- F. The location would result in conflicts with *FAA* height limitations.
- G. The alternative is more intrusive on visual, aesthetic, neighborhood character or other community values, despite having a higher priority in KMC 18.60.040.

18.60.090 Collocation requirements.

- A. Prior to the receipt of a building permit for a new *tower*, the *applicant* shall file a letter with the *department* agreeing to allow *collocation*. The agreement shall commit the *applicant* to provide, either at a market rate cost or at another cost basis agreeable to the affected parties, the opportunity to collocate the *antennas* of other service providers on the *applicant's* proposed *tower* to the extent that such *collocation* is technically feasible for the affected parties.
- B. All new or modified *towers* shall be constructed in a manner that would provide sufficient structural strength to allow the *collocation* of additional *antennas* from other service providers at the standard separation.

18.60.100 Setback requirements.

- A. *Wireless communication facilities* shall meet the following setback standards:

Facility	Setbacks
Rooftop antenna	Building setback as specified in the zoning district
Façade antenna	Building setback as specified in the zoning district. See also KMC 18.30.230, Projections and structures allowed.
Amateur (ham) radio facilities	Building setback as specified in the zoning district. In addition, the facility shall be located as far as practicable from lot lines and residential structures on neighboring lots.
Satellite dish	Building setback as specified in the zoning district
Tower	50' from any residentially zoned property. Otherwise, the building

Facility	Setbacks
	setback as specified in the zoning district.

- B. The *setback* provisions of KMC [18.60.100.A](#) may be waived by the *city manager* in order to achieve greater levels of screening than that which would be available by using the stated *setback*. In waiving the requirement, the *department* shall consider the protection of adjacent residentially-zoned lands.

18.60.110 Landscaping requirements.

A *wireless communication facility site*, with the exception of an *amateur (ham) radio facility*, shall provide *landscaping* as follows:

- A. When the facility is located in:
1. The NB, CB, PSP, RB, WC, UC, DC, or DR zone, the base of any *tower* and any ground equipment, whether or not in a *structure* or cabinet, shall be landscaped with eight feet of Type II *landscaping* as defined by KMC [18.35.040\(B\)](#). This landscaped area shall be increased to ten feet of Type I *landscaping* as defined by KMC [18.35.040\(A\)](#) in areas adjacent to residential development as described in KMC [18.35.030\(A\)](#). For *satellite dishes*, the visual screen may be reduced to the height of the center of the dish on the transmitting side.
 2. The R, GC, and P zones, the base of any *tower* and any ground equipment, whether or not in a *structure* or cabinet, shall be landscaped with 10 feet of Type I *landscaping* as defined by KMC [18.35.040\(A\)](#). For *satellite dishes*, the visual screen may be reduced to the height of the center of the dish on the transmitting side.
- B. When a security *fence* is used to prevent access to a *tower* or ground equipment, any *landscaping* required pursuant to subsection A of this section shall be placed outward of such security *fence*.
- In the R zone, climbing *evergreen* shrubs or vines capable of growing on the *fence* shall supplement any *landscaping* required pursuant to subsection A of this section.
- C. *Landscaping* shall be planted according to KMC [18.35.110](#). The *applicant* shall be required to maintain the installed *landscaping* for the life of the project per KMC [18.35.120](#). A two-year landscape maintenance bond shall be required to be posted at the time of permit issuance and will go into effect

when the *landscaping* has been installed to ensure survivability of the plants. The amount of the bond shall be determined by the Kenmore landscaping bond quantity worksheet. Landscape maintenance will be reviewed any time a modification to an existing facility is proposed. If inadequately maintained, landscaping maintenance, or complete landscaping replacement if necessary, shall be required prior to approval of any modification.

- D. Existing *vegetation* may be used and/or supplemented with additional *vegetation* to comply with the requirements of subsection A of this section.
- E. The *city manager* may waive or modify the provisions for *landscaping* at the base of the *tower* and/or the ground equipment when existing *structures* on the *site* or the screening effects of existing *vegetation* on the *site* or along the *site* perimeter would preclude the ability to view these structures.

18.60.120 Concealment elements.

The goal of this section is to minimize the appearance of *wireless communication facilities*. Wireless facilities shall be designed to be minimally visible through the use of architecture, landscape architecture, siting solutions, and where feasible, through use of the smallest-scale wireless communication technology. *Wireless communication facilities* shall include concealment elements as follows:

A. All facilities:

1. Wherever possible, stealth installations such as *antennas* either hidden within existing *structures* (e.g., church steeples or cupolas) or mounted in new *structures* designed to look like non-purpose-built towers (e.g., flagpoles, fire towers, light standards, trees, art) are required.
2. If stealth installation is not possible, *wireless communication facilities* shall be designed to blend with existing surroundings to the extent feasible. This should be achieved through the use of compatible colors and materials, and alternative *site* placement to allow the use of topography, existing *vegetation* or other *structures* to screen the proposed facility from adjacent lands containing, in descending order of priority: existing residences, public parks and open spaces, and public roadways.
3. Except for *amateur (ham) radio facilities*, transmission and power cables and any other conduit shall be contained within the support structure or located underground.
4. Equipment facilities shall be placed underground if practicable.

5. Except as specifically required by the *FAA* or the Federal Communications Commission (*FCC*), *wireless communication facilities* shall not be illuminated, except ground equipment may use lighting for security reasons which is compatible with the surrounding neighborhood.

6. *Wireless communication facilities* shall be located and oriented in such a way as to minimize view blockage to Lake Washington.

7. No signs, symbols, flags, or banners shall be attached to, painted, or inscribed upon any *wireless communication facilities* except as follows: one sign measuring 18 inches by 12 inches upon or near the wireless communication facility which: (a) states that trespassers will be prosecuted (if applicable); (b) lists the names and telephone numbers of persons to be contacted in the event of an *emergency*; (c) identifies the permittee or person responsible for operating the *wireless communication facility*; and/or (d) contains information necessary and convenient for the permittee or person operating the *wireless communication facility* to identify the *wireless communication facility*. Nothing in this section shall be construed to prohibit the placement of safety or warning signs upon any portion of the *wireless communication facility* which are required by law or which are designed to apprise *emergency* response personnel and the employees and agents of *wireless communication facility* providers of particular hazards associated with equipment located upon the *wireless communication facility*.

B. Rooftop antennas: The *antenna* shall be placed as close to the center of the structure as possible.

C. Façade antennas:

1. *Antennas* shall be flush-mounted within 12 inches of the face of the building or mechanical equipment screening.

2. *Antennas* shall be placed on the portion of the structure less likely to be seen from adjacent lands containing, in descending order of priority: existing residences, public *parks* and open spaces, and public roadways.

3. Colors and materials shall be chosen to provide architectural compatibility with the building.

D. Towers:

1. *Antennas* shall be flush-mounted within six inches of the *tower*.

2. A *tower* in a more open setting such as a field or parking area shall have a backdrop (for example, but not limited to, trees, a hillside, or a structure) on at least two (2) sides, be a color compatible with the backdrop, be made of materials visually compatible with the backdrop, and provide architectural or landscape screening for the remaining sides.

E. Satellite dishes:

1. In nonresidential zones, ground-mounted dishes shall be located outside of any required landscaped area and preferably located in service areas or other less visible locations.
2. In residential zones, screening shall be provided with one or a combination of the following methods to block the view of the facility as much as possible from any street and from neighboring residences: fencing, walls, landscaping, structures, or topography. Screening may be located anywhere between the facility being screened and the above-mentioned viewpoints. Landscaping for the purpose of screening shall be maintained in a healthy condition.
3. For all zones, aluminum mesh dishes are preferable to solid fiberglass dishes.

F. Amateur (ham) radio facilities:

1. Screening shall be provided with one or a combination of the following methods to block the view of the facility as much as practicable from any street and from neighboring residences: fencing, walls, landscaping, structures, or topography. Screening may be located anywhere between the facility being screened and the above-mentioned viewpoints. Landscaping for the purpose of screening shall be maintained in a healthy condition.
2. To the extent technically feasible and in compliance with safety regulations, specific paint colors may be required for camouflage purposes.

G. Antennas on utility or light poles:

1. *Antennas* shall be flush-mounted within six inches of the pole, fully concealed within the utility or light pole, or otherwise camouflaged to appear to be an integrated part of the utility or light pole.
2. Cable and/or conduit should be routed through the inside of the pole. Where this is not feasible or where routing would result in a structure of a substantially different design or substantially greater diameter than that of other similar structures in the vicinity or would otherwise appear out of context with its surroundings, the *city* may allow or require that the cable

or conduit be placed on the outside of the structure. The outside cable or conduit shall be the color of the utility pole, or other support structure, and the *city* may require that the cable be placed in conduit.

3. Equipment associated with an *antenna* on a utility or light pole shall be attached to the pole, placed underground if in the right-of-way, and/or placed on adjacent private property, using stealth technology if feasible and subject to the landscaping requirements in KMC 18.60.110.

18.60.130 Minor modifications to eligible communication facilities (ECFM).

Modifications to existing *wireless communication* facilities other than *amateur (ham) radio facilities*, whether conforming or legally nonconforming, that do not substantially change the physical dimensions of the communication facility as determined by FCC regulation will be reviewed by the city as eligible communication facility modifications (ECFM). To be eligible as an ECFM the request for modification must involve: (A) collocation of new transmission equipment on an existing facility; (B) removal of transmission equipment on an existing facility; or (C) replacement of existing transmission equipment on an existing facility. For purposes of this section only, "collocation" means the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communication purposes. The process provides an expedited timeframe for review and guaranteed approval of the modification. Conditions for approval of the modification may be imposed by the *city* to the extent necessary for consistency with the substantial change test (subsections (A)-(F) below) or to ensure compliance with generally applicable building, structural, electrical, and safety codes, or with other laws codifying objective standards reasonably related to health and safety.

A modification shall be determined to be a "substantial change" and not eligible as an ECFM if any one of the following apply:

A. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten (10) feet, whichever is greater.

Changes in height shall be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or *base station*, inclusive of originally approved appurtenances and any modifications that were approved prior to February 22, 2012.

- B. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet.
- C. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and *base stations*, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure.
- D. It entails any excavation or deployment outside the current site.
- E. It would defeat the concealment elements of the eligible support structure.
- F. It does not comply with the conditions associated with the siting approval of the construction or modification of the eligible support structure or *base station* equipment; provided, however, that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in subsections A through D of this section.

Definitions of terms used in this section, as well as interpretations of this section, shall be guided by Section 6409 of the Spectrum Act; the FCC Eligible Facilities Request Rules, the FCC's Report and Order in, *In re Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies*, WT Docket Nos. 13-238, 13-32; and WC Docket No. 11-59; FCC 14-153.

For eligible ECFM applications meeting the concealment element standards outlined in KMC 18.60.110, the maximum permit review period shall be reduced by up to 15 calendar days.

G. The provisions of this Section shall prevail over any inconsistent provisions set forth in KMC Section 18.60.190 or KMC Chapter 18.100.

18.60.140 Other modifications to conforming communication facilities.

For modifications to conforming *wireless communication facilities* that substantially change the physical dimensions of the communication facility as determined by FCC regulation and do not, therefore, meet the ECFM criteria set forth in KMC 18.60.130, the following standards shall apply:

- A. *Antenna* modifications and replacements which meet the concealment element standards of KMC 18.60.120 and do not increase the overall height of the *wireless communication facility* do not require approval from the *City* or a land use permit; however, testing per KMC [18.60.150](#) is required.
- B. Modifications that propose to increase the height of the conforming facility shall be processed as a new application, consistent with processes outlined in KMC 18.60.050, unless a minor adjustment is granted through KMC 18.60.190.A.3.

18.60.150 Radio frequency radiation compliance.

- A. All *wireless communication facilities* shall comply with applicable Federal Communications Commission (FCC) regulations regarding radio-frequency emissions.
- B. Permit applications for new or modified *wireless communication facilities* other than *amateur (ham) radio facilities* shall include a statement, signed by a licensed professional engineer or other qualified professional competent to perform radio-frequency emissions testing and interpret radio-frequency emissions data, that the proposed communication facility will meet all federal rules and regulations.
- C. Within 14 days of the *wireless communication facility* becoming fully operational, the licensed professional engineer or other qualified professional shall submit a second signed statement verifying that the communication facility as installed meets all federal rules and regulations regarding radio-frequency emissions.
- D. The city manager shall have the authority to take any necessary steps to seek FCC enforcement of the relevant standards, or, to the extent consistent with applicable law and FCC regulations, to take such other steps as may be appropriate to rectify any violation of these requirements.

18.60.160 Fencing and NIER warning signs.

- A. All *wireless communication facility sites* shall comply with all federal guidelines regarding fencing.
- B. When a security *fence* is used, chain link, chain link with slats, plastic, vinyl or wire fencing is prohibited unless it is fully screened from public view.
- C. All *wireless communication facility sites* shall comply with all federal guidelines regarding *NIER* warning signs.

18.60.170 Interference.

Wireless communication facilities shall meet all federal interference rules and regulations. Regulating interference is the responsibility of the federal government.

18.60.180 Noise standards.

Any *wireless communication facility* that requires a generator or other device that will create noise audible beyond the boundaries of the site must demonstrate compliance with KMC Chapter 8.05. A noise report, prepared by an acoustical engineer, may be required; the city may require that the report be reviewed by a third party expert at the expense of the applicant. This Section does not apply to generators temporarily located at a site to operate a *wireless communication facility* in times of emergency

18.60.190 Minor adjustment to requirements.

- A. A *wireless communication facility* minor adjustment is a Type 2 land use decision under KMC 19.25.020. A minor adjustment shall only apply to a request to modify the following standards:
 - 1. Setback requirements established in 18.60.100;
 - 2. Landscaping requirements established in 18.60.110;
 - 3. Requests for up to 5' in additional facility height above the maximum allowable height, except in the UC west, WC and CB zones (view zones); or
 - 4. Replacement of nonconforming *antennas*, communication equipment and/or cabling on a replacement utility or light pole, only if the replacement *antennas*, communication equipment and/or cabling have the same dimensions (height, width, etc.) as the existing *antennas*, communication equipment and/or cabling, or as nearly practicable given the dimensions of the replacement utility or light pole.
- B. Criteria. An application for a *wireless communication facility* minor adjustment shall be approved only if all of the following criteria are met:
 - 1. The adjustment is necessary because of the unique characteristics of the *wireless communication facility* or its location;
 - 2. The adjustment is the minimum necessary to grant relief to the applicant;
 - 3. The applicant has demonstrated that any impacts associated with the adjustment have been minimized to the maximum extent possible through the use of existing site characteristics,

including, but not limited to existing vegetation, topography, or natural features; or through the use of other techniques, such as concealment elements, to improve compatibility with adjacent and nearby existing and permitted land uses; and

4. Approval of the adjustment will result in a better outcome for the community than would strict adherence to the existing standards.

18.60.200 Major adjustment to requirements.

A. A major *wireless communication facility* adjustment is a Type 3 land use decision under KMC 19.25.020. A major adjustment may be used to modify *wireless communication facility* development standards not reviewable through the minor adjustment process, as well as to allow an otherwise prohibited use.

B. Criteria. An application for a *wireless communication facility* major adjustment shall be approved only if the applicant demonstrates all of the following criteria:

1. Significant Gap in Service.

(a) A significant gap exists in the service coverage of the applicant's service network exists such that users are regularly unable to connect to the service network, or are regularly unable to maintain a connection, or are unable to achieve reliable wireless coverage within a building;

(b) The significant service gap can be filled only through an adjustment in one or more of the provisions of this Chapter; and

(c) The adjustment is narrowly tailored to fill the significant service gap such that the *wireless communication facility* conforms to this Chapter's standards to the greatest extent possible, and is the least intrusive alternative.

2. Minimization of Impacts. The adjustment would be the least intrusive means and minimize to the greatest extent possible negative impacts to surrounding properties and their uses, through facility design and/or a utilization of existing site characteristics, including, but not limited to, the site's size, shape, location, topography, improvements, and natural features. In order to demonstrate the proposed adjustment is the least intrusive alternative, the owner must provide a feasibility analysis which provides meaningful comparison of the feasibility of alternative facilities and site locations.

Negative impacts are minimized if there is:

- (a) A reduction in negative visual impacts, including, but not limited to, visual clutter, based on a visual analysis; or
- (b) Better preservation of views or view corridors.

18.60.210 Cessation of use.

An *antenna* shall be removed from a *tower* or *alternative transmission support structure* within 180 days after the *antenna* is no longer operational unless the owner of the *antenna* can show to the *City's* satisfaction that the *antenna* is likely to be used again within the next six months. A *tower* for *wireless communication facilities* shall be removed within one year of the date the last *antenna* is removed. *Antennas* or *towers* that are not removed within the time frames described herein may be removed by the *City* or a contractor designated by the *City*, and the owner of the *antenna* or *tower* shall reimburse the *City* for its costs in removing the *antenna* or *tower*. The *City* may extend the deadlines listed in this section. Nothing herein prevents a landlord from removing *antennas* of tenants who are in default under the terms of a lease agreement.

18.60.220 Third party review.

In certain instances there may be a need for expert review by a third party of the technical data submitted by the *applicant*. The *City* may require such technical review, to be paid for by the *applicant* for the *wireless communication facility*. The selection of the third party expert shall be by mutual agreement between the *applicant* and the *city*, such agreement not to be unreasonably withheld by either party. The third party expert shall have recognized training and qualifications in the field of *radio frequency* engineering.

The expert review is intended to be a site-specific review of technical aspects of the *wireless communication facility* and other matters as described herein. In particular, but without limitation, the expert shall be entitled to provide a recommendation on the location and height of the proposed facilities relative to the *applicant's* coverage objectives and system design parameters. Such review should address the accuracy and completeness of the technical data, whether the analysis techniques and methodologies are legitimate, the validity of the conclusions and any specific technical issues outlined by the *city* or other interested parties. Based on the results of the third party review, the *city* may require changes to the application for the *wireless communication facility* that comply with the recommendations of the expert.

18.60.230 Nonconformance.

Except for eligible communication facility modifications to nonconforming facilities authorized in KMC 18.60.130 or minor adjustments to nonconforming facilities authorized in KMC 18.60.190.A.4, modifications to nonconforming *wireless communication facilities* shall be addressed through KMC Chapter 18.100, with the following additional requirements:

- A. Facilities nonconforming as to height may not increase the height of the facility through the provisions of KMC 18.100.070.A.1.
- B. If a *conditional use permit* is required under KMC 18.100.070.C, the additional permit review criteria specified in KMC 18.60.050 Footnote 2 shall be considered. Compliance with the concealment element standards in KMC 18.60.120 shall also be required to the maximum extent practical, as determined by the *city manager*.

ATTACHMENT 2

**Wireless Communication Facilities
Associated Definitions**

Retain the following definitions:

18.20.870 Effective radiated power.

"Effective radiated power" means the product of the *antenna* power input and the numerical *antenna* power gain.

18.20.1880 Nonionizing electromagnetic radiation (NIER).

"Nonionizing electromagnetic radiation (NIER)" means electromagnetic radiation of low photon energy unable to cause ionization.

18.20.2210 Radio frequency.

"Radio frequency" means the number of times the current from a given source of *nonionizing electromagnetic radiation* changes from a maximum positive level through a maximum negative level and back to a maximum positive level in one second; measured in cycles per second or Hertz (Hz).

Add or amend the following definitions:

18.20. Amateur (ham) radio facility.

"Amateur (ham) radio facility" means a wireless communication facility operated for personal use and without pecuniary interest by an individual licensed by the FCC. Amateur (ham) radio facilities use small shared frequency bands assigned by the FCC.

18.20.180 Antenna.

"Antenna" means any system of poles, panels, rods, reflecting discs or similar devices used for the transmission or reception of radio frequency signals. For purposes of KMC Chapter 18.60, antenna does not include an *amateur (ham) radio facility*.

18.20. Base station.

"Base station" means the structure or equipment at a fixed location that enables wireless communications licensed or authorized by the FCC, between user equipment and a communications

network. The term does not encompass a tower or any equipment associated with a tower. The term includes, but is not limited to:

(i) Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

(ii) Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks).

(iii) Any structure other than a tower that, at the time an eligible communications facility modification (ECFM) application is filed with the city, supports or houses equipment described in paragraphs (i) - (ii) above, and that has been reviewed and approved under the applicable zoning or siting process, or under another State, county or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.

(iv) The term does not include any structure that, at the time a completed eligible communication facilities modification (ECFM) application is filed with the city, does not support or house equipment described in paragraphs (i) - (ii) above.

18.20. Collocation.

"Collocation" means the placement or installation of antennas on existing structures upon which antennas already exist.

18.20. Distributed Antenna System (DAS).

"Distributed Antenna System" or "DAS" means a network consisting of transceiver equipment at a central hub site to support multiple antenna locations throughout the desired coverage area.

18.20.1575 Lattice-work tower.

"Lattice-work tower" means a ~~transmission support structure~~ tower consisting of a self-supporting, multiple-sided, open steel frame structure, that has open-framed supports on three or four sides and is constructed without guy wires and ground anchors.

18.20.1775 Monopole tower.

"Monopole" means a ~~transmission support structure~~ consisting of a single pole, without guy wires or ground anchors.

18.20. Satellite Dish.

"Satellite dish" means a type of antenna, typically in the shape of a shallow dish or cone, that transmits to and/or receives signals from an orbiting satellite.

18.20. Tower.

"Tower" means any wireless communications structure that is designed and constructed primarily for the purpose of supporting one or more antennas. "Tower" includes a lattice tower or monopole. "Tower" does not include a replacement utility pole or an amateur (ham) radio facility.

18.20.3060 Transmission support structure.

"Transmission support structure" means a ~~monopole or lattice-work tower~~ specifically designed and intended to support ~~antennas~~ and related communication equipment. The term does not include ~~monopoles or lattice-work towers~~ supporting above-ground distribution or transmission lines for utility services such as electric, telephone, cable, etc.

18.20.3065 Alternative transmission support structure, alternative.

"Alternative transmission support structure" means the following manmade ~~structures~~ not specifically designed or intended to support antennas and related communication equipment, but that may be used for that purpose, including: clock towers, bell towers, church steeples, water towers, light poles, utility structures, elevated roadways, bridges, flagpoles, ~~existing conforming telecommunications facilities,~~ warehouses, factories, windmills, barns, silos, commercial ~~and buildings,~~ commercial signs, billboards, multifamily buildings, and publicly used ~~structures~~ such as police and fire stations, libraries, community centers, civic centers, courthouses, churches, schools, hospitals, and other similar ~~structures~~ as approved by the city manager.

18.20. Wireless communication facility (WCF).

"Wireless communication facility" or "WCF" generally means an unmanned facility for the transmission and/or reception of radio frequency (RF) signals or other wireless communications, typically consisting of one or more antennas, a transmission or alternative transmission support structure, cables and other transmission equipment, and an equipment enclosure or cabinets. Wireless communication facility shall not include equipment intended solely for internal household or business use such as wireless modems, cellular signal boosters, or personal cellular cellspots.

Eliminate the following definitions:

18.20.498 Communication facility.

A. Major Communication Facility. "Major communication facility" means a communication facility for transmission and reception of UHF and VHF television signals; or FM or AM radio signals.

B. Minor Communication Facility. "Minor communication facility" means a communication facility for transmission and reception of two-way and/or CB radio signals; point-to-point microwave signals; cellular radio signals; signals through FM radio translators; or signals through FM radio boosters under 10 watts effective radiated power (ERP).

May include NAICS 517 (Telecommunications).

18.20.580 Consolidation.

"Consolidation" means the relocation to a consolidated transmission structure of the main transmit antennas of two or more FCC broadcast licensees which prior to such relocation utilized transmission structures located within a 1,500-foot radius of the center of the consolidated transmission structure to support their main transmit antennas.

18.20.860 Earth station.

"Earth station" means a communication facility which transmits and/or receives signals to and from an orbiting satellite using satellite dish antennas.

18.20.1700 Microwave.

"Microwave" means electromagnetic waves with a frequency range of 300 megahertz (MHz) to 300 gigahertz (GHz).

18.20.1762 Modification.

For purposes of Chapter 18.60 KMC, "modification" means any structural change, addition, or alteration that was not included in an approved site plan. Modifications shall include increased heights and changes in antenna type.

18.20.3040 Transmission equipment.

"Transmission equipment" means equipment, such as antennas and satellite or point-to-point microwave dishes, that transmits or receives radio signals.

18.20.3067 Transmission support structure, guyed.

"Guyed transmission support structure" means a transmission support structure that is supported, in whole or in part, by guy wire and ground anchors.

18.20.3070 Transmitter building.

"Transmitter building" means a building used to contain communication transmission equipment.

18.20.3307 Wireless services.

~~"Wireless services" means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange services.~~

ATTACHMENT 3

Revised Use Charts

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
<i>Single Detached Dwelling Unit¹</i>	<i>Single Detached Dwelling Unit¹</i>	<i>Jail</i>	<i>Community Residential Facility II</i>
<i>Townhouse²</i>	<i>Townhouse²</i>	<i>Work Release Facility</i>	<i>Hotel/Motel³</i>
<i>Apartment⁴</i>	<i>Apartment⁴</i>	<i>Hydroelectric</i>	<i>Organization Hotel/Lodging</i>
<i>Designated Manufactured Home¹</i>	<i>Designated Manufactured Home¹</i>	<i>Generation Facility</i>	<i>Houses</i>
<i>Mobile Home and Manufactured Home⁵</i>	<i>Mobile Home Park⁶</i>	<i>Nonhydroelectric Generation Facility</i>	<i>Campgrounds</i>
<i>Senior Citizen Assisted Living⁴</i>	<i>Community Residential Facility I</i>	<i>Communication Facility⁹</i>	<i>Destination Resorts</i>
<i>Residential Accessory Uses⁸</i>	<i>Dormitory⁷</i>	<i>Earth Station</i>	<i>Recreational Vehicle Park</i>
<i>Home Occupation</i>	<i>Home Industry</i>	<i>Oil and Gas Extraction</i>	<i>Adult Entertainment Business</i>
<i>Park¹²</i>	<i>Bed and Breakfast</i>	<i>Energy Resource</i>	<i>Theater</i>
<i>Trails</i>	<i>Guesthouse¹⁰</i>	<i>Recovery Facility</i>	<i>Theater, Drive-in</i>
<i>Golf Course Facility¹⁵</i>	<i>Marina¹³</i>	<i>Landfill</i>	<i>Bowling Center</i>
<i>Amusement and Recreation Services^{16,17,18}</i>	<i>Sports Club^{13,14}</i>	<i>Transfer Station</i>	<i>Shooting Range</i>
<i>Library²⁰</i>	<i>Amusement and Recreation Services^{16,17,19}</i>	<i>Wastewater Treatment Facility</i>	<i>Amusement Arcades</i>
<i>Museum²⁰</i>	<i>Library</i>	<i>Municipal Water Production</i>	<i>Amusement Park</i>
<i>Arboretum</i>	<i>Museum</i>	<i>Airport/Heliport</i>	<i>Outdoor Performance Center</i>
<i>Conference Center²⁰</i>	<i>Conference Center</i>	<i>Transit Bus Base</i>	<i>Drycleaning Plants</i>
	<i>General Personal Service²¹</i>	<i>School Bus Base</i>	<i>Industrial Launderers</i>
		<i>Racetrack²²</i>	<i>Veterinary Clinic</i>
			<i>Automotive Repair</i>
			<i>Automotive Service</i>
			<i>Miscellaneous Repair</i>
			<i>Kenel or Cattery</i>
<i>Cemetery, Columbarium or Mausoleum²³</i>	<i>Funeral Home/Crematory²²</i>	<i>Zoo/Wildlife Exhibit²³</i>	<i>Theatrical Production Services</i>
<i>Family Child-Care Home²⁵</i>	<i>Cemetery, Columbarium or Mausoleum²⁴</i>	<i>College/University²⁴</i>	<i>Nursing and Personal Care Facilities</i>

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

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
<i>Day Care I</i> ²⁶	<i>Day Care I</i>		Medical/Dental Lab
<i>Day Care II</i> ²⁶	<i>Day Care II</i>		Miscellaneous Health
<i>Church, Synagogue,</i>	<i>Church, Synagogue,</i>		Services
<i>Mosque, Temple</i> ²⁷	<i>Mosque, Temple</i>		Public Agency Archives
<i>Social Services</i> ^{27,28}	<i>Social Services</i> ^{28,29}		Court
<i>Stable</i> ³⁰	<i>Stable</i>		Construction and Trade
<i>Artist Studios</i> ³¹	<i>Medical/Dental</i>		Individual Transportation and
<i>Interim Recycling Facility</i> ³²	<i>Office/Outpatient Clinic</i> ²⁰		Taxi
<i>Medical/Dental</i>	<i>Hospital</i> ²⁰		Trucking and Courier Service
<i>Office/Outpatient Clinic</i> ²⁷	<i>Secondary or High School</i> ³³		Warehousing and Wholesale
<i>Elementary School</i>	<i>Vocational School</i>		Trade ⁴⁶
<i>Middle/Junior High School</i>	<i>Specialized Instruction</i>		Self-Service Storage
<i>Secondary or High</i>	<i>School</i> ³⁵		Farm Product Warehousing,
<i>School</i> ³³	<i>School District Support</i>		Refrigeration and Storage
<i>Vocational School</i> ²⁰	<i>Facility</i>		Log Storage
<i>Specialized Instruction</i>	<i>Public Agency or Utility</i>		Transportation Service
<i>School</i> ³⁴	<i>Office</i>		Freight and Cargo Service
<i>School District Support</i>	<i>Fire Facility</i> ⁴⁰		Passenger Transportation
<i>Facility</i> ³⁶	<i>Utility Facility</i> ⁴²		Service
<i>Public Agency or Utility</i>	<i>Commuter Parking Lot</i>		Communication Offices
<i>Office</i> ³⁷	<i>Helistop</i> ⁴⁷		Telegraph and Other
<i>Public Agency or Utility</i>	<i>Department and Variety</i>		Communications
<i>Yard</i> ³⁸	<i>Stores</i> ⁴⁸		General Business Service
<i>Police Facility</i> ³⁹	<i>Food Stores</i> ⁴⁹		Professional Office
<i>Utility Facility</i> ⁴¹	<i>Eating and Drinking</i>		Outdoor Advertising Service
<i>Commuter Parking Lot</i> ⁴³	<i>Places</i> ^{51,52}		Miscellaneous Equipment
<i>Private Stormwater</i>	<i>Drug Stores</i> ⁴⁹		Rental
<i>Management Facility</i> ⁴⁴	<i>Book, Stationery, Video</i>		Automotive Rental and
<i>Vector Waste Receiving</i>	<i>and Art Supply Stores</i> ⁴⁹		Leasing
<i>Facility</i> ⁴⁵	<i>Florist Shops</i> ⁴⁹		Professional Sports
<i>Automotive Parking</i> ⁴³	<i>Hatchery/Fish Preserve</i> ⁵⁰		Teams/Promoters
	<i>Aquaculture</i> ⁵⁶		

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

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
<i>Agricultural Product Sales⁶⁰</i> <i>Livestock Sales^{53,54}</i> Growing and Harvesting Crops Raising Livestock and Small Animals ⁵⁵	<i>Hydroelectric Generation Facility⁶⁷</i> <i>Nonhydroelectric Generation Facility⁶⁸</i> <i>Communication Facility^{60,60a}</i> <i>Earth Station^{60a}</i> School Bus Base		Research, Development and Testing Heavy Equipment and Truck Repair Commercial/Industrial Accessory Uses Building, Hardware and Garden Materials Stores Forest Product Sales Motor Vehicle and Boat Dealers Auto Supply Stores
Growing and Harvesting Forest Products <i>School Bus Base⁶¹</i> College/University ^{64,65}	College/University ^{64,66}		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 Personal Medical Supply Stores

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

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
			<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> Mineral Extraction and Processing Asphalt/Concrete Mixtures and Block Manufacture <i>Resource Accessory Uses</i> <i>Jail Farm/Camp</i> <i>Public Agency Animal Control</i> <i>Facility</i> <i>Public Agency Training</i> <i>Facility</i> <i>Soil Recycling Facility</i> <i>Fairground</i> Stadium/Arena Secure Community Transition Facilities <i>Marijuana Business</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 Only subject to the residential density incentive provisions of Chapter [18.80](#) KMC.

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.

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;

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.

- 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.

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;
- (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*.

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:

(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 ~~The provisions apply only to major communication facilities. Minor communication facilities shall be reviewed in accordance with the processes and standards outlined in Chapter 18.60 KMC.~~

⁶⁰ ~~a. Limited to no more than three satellite dish antennas.~~

~~b. Limited to one satellite dish antenna.~~

~~c. Limited to tower consolidations.~~

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.

18.21.040 Residential zones R-12, R-18, 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.

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

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
<i>Single Detached Dwelling Unit¹</i>	<i>Single Detached Dwelling Unit¹</i>	<i>Jail</i>	<i>Home Industry</i>
<i>Townhouse</i>	<i>Designated Manufactured Home¹</i>	<i>Work Release Facility</i>	<i>Hotel/Motel⁴</i>
<i>Apartment</i>	<i>Bed and Breakfast</i>	<i>Nonhydroelectric Generation Facility</i>	<i>Organization Hotel/Lodging</i>
<i>Designated Manufactured Home¹</i>	<i>Guesthouse⁵</i>	<i>Communication Facility⁶</i>	<i>Houses</i>
<i>Mobile Home and Manufactured Home²</i>	<i>Marina⁸</i>	<i>Earth Station</i>	<i>Campgrounds</i>
<i>Mobile Home Park</i>	<i>Sports Club^{8,9}</i>	<i>Oil and Gas Extraction</i>	<i>Destination Resorts</i>
<i>Community Residential Facility I</i>	<i>Amusement and Recreation Services^{11,12,13,14}</i>	<i>Recovery Facility</i>	<i>Recreational Vehicle Park</i>
<i>Community Residential Facility II</i>	<i>Library</i>	<i>Energy Resource</i>	<i>Adult Entertainment Business</i>
<i>Dormitory</i>	<i>Museum</i>	<i>Landfill</i>	<i>Theater</i>
<i>Senior Citizen Assisted Living</i>	<i>Conference Center</i>	<i>Transfer Station</i>	<i>Theater, Drive-in</i>
<i>Residential Accessory Uses³</i>	<i>General Personal Service¹⁶</i>	<i>Wastewater Treatment Facility</i>	<i>Bowling Center</i>
<i>Home Occupation Park⁷</i>	<i>Funeral Home/Crematory¹⁷</i>	<i>Municipal Water Production</i>	<i>Shooting Range</i>
<i>Trails</i>	<i>Cemetery, Columbarium or Mausoleum¹⁸</i>	<i>Airport/Heliport</i>	<i>Amusement Arcades</i>
<i>Golf Course Facility¹⁰</i>	<i>Day Care II</i>	<i>Transit Bus Base</i>	<i>Amusement Park</i>
<i>Amusement and Recreation Services^{11,12,13}</i>	<i>Church, Synagogue, Mosque, Temple</i>	<i>School Bus Base</i>	<i>Outdoor Performance Center</i>
<i>Library¹⁵</i>	<i>Social Services^{22,23}</i>	<i>Racetrack⁴²</i>	<i>Drycleaning Plants</i>
<i>Museum¹⁵</i>	<i>Medical/Dental Office/Outpatient Clinic²³</i>	<i>Zoo/Wildlife Exhibit⁴³</i>	<i>Industrial Launderers</i>
<i>Arboretum</i>	<i>Nursing and Personal Care Facilities</i>	<i>College/University⁴⁴</i>	<i>Veterinary Clinic</i>
<i>Conference Center¹⁵</i>	<i>Hospital²³</i>		<i>Automotive Repair</i>
<i>Cemetery, Columbarium or Mausoleum¹⁸</i>	<i>Secondary or High School⁴⁰</i>		<i>Automotive Service</i>
<i>Family Child-Care Home⁴⁷</i>	<i>Vocational School</i>		<i>Miscellaneous Repair</i>
<i>Day Care I</i>	<i>Specialized Instruction</i>		<i>Stable</i>
	<i>School⁴⁸</i>		<i>Kennel or Cattery</i>
	<i>School District Support Facility</i>		<i>Theatrical Production Services</i>
			<i>Medical/Dental Lab</i>
			<i>Miscellaneous Health Services</i>
			<i>Public Agency Archives</i>
			<i>Court</i>
			<i>Individual Transportation and Taxi</i>
			<i>Trucking and Courier Service</i>

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

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
<i>Day Care II²⁰</i> <i>Church, Synagogue,</i> <i>Mosque, Temple²¹</i> <i>Social Services^{21,22}</i> <i>Artist Studios²⁴</i> <i>Interim Recycling Facility²⁵</i> <i>Medical/Dental</i> <i>Office/Outpatient Clinic²¹</i> <i>Elementary School</i>	<i>Public Agency or Utility</i> <i>Office</i> <i>Fire Facility³³</i> <i>Utility Facility³⁵</i> <i>Commuter Parking Lot</i> <i>Self-Service Storage⁴¹</i> <i>Helistop⁴³</i>		<i>Warehousing and Wholesale Trade⁴⁰</i> <i>Farm Product Warehousing,</i> <i>Refrigeration and Storage</i> <i>Log Storage</i> <i>Transportation Service</i> <i>Freight and Cargo Service</i> <i>Passenger Transportation Service</i> <i>Communication Offices</i> <i>Telegraph and Other Communications</i> <i>General Business Service</i>
<i>Middle/Junior High School</i> <i>Secondary or High School²⁶</i> <i>Vocational School²³</i> <i>Specialized Instruction</i> <i>School²⁷</i> <i>School District Support Facility²⁹</i> <i>Public Agency or Utility Office³⁰</i> <i>Public Agency or Utility Yard³¹</i> <i>Police Facility³²</i> <i>Utility Facility³⁴</i> <i>Commuter Parking Lot³⁶</i> <i>Private Stormwater Management Facility³⁷</i>	<i>Department and Variety Stores⁴⁴</i> <i>Food Stores⁴⁵</i> <i>Eating and Drinking Places^{40,47}</i> <i>Drug Stores⁴⁵</i> <i>Book, Stationery, Video and Art Supply Stores⁴⁸</i> <i>Florist Shops⁴⁵</i> <i>Nonhydroelectric Generation Facility⁴⁸</i> <i>Communication Facility^{40,60a}</i> <i>Earth Station^{50a}</i> <i>School Bus Base⁵¹</i> <i>College/University^{54,56}</i>		<i>Outdoor Advertising Service</i> <i>Miscellaneous Equipment Rental</i> <i>Automotive Rental and Leasing</i> <i>Professional Sports</i> <i>Teams/Promoters</i> <i>Research, Development and Testing</i> <i>Heavy Equipment and Truck Repair</i> <i>Commercial/Industrial Accessory Uses</i> <i>Building, Hardware and Garden Materials Stores</i> <i>Forest Product Sales</i> <i>Agricultural Product Sales</i>

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

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
<i>Vactor Waste Receiving Facility³⁸</i> <i>Construction and Trade³⁹</i> <i>Professional Office⁴²</i> <i>Automotive Parking³⁶</i> <i>College/University^{54,55}</i>			<i>Motor Vehicle and Boat Dealers</i> <i>Auto Supply Stores</i> <i>Gasoline Service Stations</i> <i>Apparel and Accessory Stores</i> <i>Furniture and Home Furnishings Stores</i> <i>Liquor Stores</i> <i>Used Goods:</i> <i>Antiques/Secondhand Shops</i> <i>Sporting Goods and Related Stores</i> <i>Jewelry Stores</i> <i>Monuments, Tombstones and Gravestones Sales</i> <i>Hobby, Toy, Game Shops</i> <i>Photographic and Electronic Shops</i> <i>Fabric Shops</i> <i>Fuel Dealers</i> <i>Personal Medical Supply Stores</i> <i>Pet Shops</i> <i>Bulk Retail</i> <i>Auction Houses</i> <i>Livestock Sales</i> <i>Manufacturing Land Uses</i> <i>Resource Land Uses</i>
			<i>Jail Farm/Camp</i> <i>Public Agency Animal Control Facility</i>

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

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
			<i>Public Agency Training Facility</i> <i>Hydroelectric Generation Facility</i> <i>Soil Recycling Facility</i> <i>Fairground</i> <i>Stadium/Arena</i> <i>Secure Community Transition Facilities</i> <i>Marijuana Business</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 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*.

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.

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:
- 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
 - (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 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
- 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 ~~The provisions apply only to major communication facilities. Minor communication facilities shall be reviewed in accordance with the processes and standards outlined in Chapter [18.60](#) KMC.~~

⁵⁰ ~~a. Limited to no more than three satellite dish antennas.~~

~~b. Limited to one satellite dish antenna.~~

~~c. Limited to tower consolidations.~~

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.

18.21. . Wireless communication facilities. Use allowances and development regulations for wireless communication facilities are located in Chapter 18.60 KMC.

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 ⁷	Jail	Single Detached Dwelling Unit
Apartment ¹	School District Support Facility	Work Release Facility	Family Child-Care Home
Community Residential Facility I ¹	Helistop ²²	Nonhydroelectric Generation Facility	Designated Manufactured Home
Community Residential Facility II ¹	Nonhydroelectric Generation Facility ²³	Communication Facility ²⁴	Mobile Home and Manufactured Home
Senior Citizen Assisted Living ¹	Communication Facility ^{24,25}	Oil and Gas Extraction Energy Resource	Mobile Home Park
Residential Accessory Uses ²	Earth Station	Recovery Facility	Dormitory
Home Occupation	College/University ^{23,35}	Landfill	Home Industry
Bed and Breakfast		Transfer Station	Hotel/Motel ³
Guesthouse ⁴		Wastewater Treatment Facility	Organization Hotel/Lodging
Park		Municipal Water Production	Houses
Trails		Airport/Heliport	Campgrounds
Marina ⁶		Transit Bus Base	Destination Resorts
Library		School Bus Base	Recreational Vehicle Park
Museum		Racetrack ³¹	Adult Entertainment Business
Arboretum		College/University ³³	Theater
Conference Center			Theater, Drive-in
General Personal Service			Bowling Center
			Golf Course Facility

Table A. Neighborhood Business Zone Use Allowances

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
Cemetery, Columbarium or Mausoleum ¹⁰ Day Care I Day Care II Veterinary Clinic ¹¹ Automotive Repair ^{12,13} Automotive Service ¹³ Church, Synagogue, Mosque, Temple Social Services ^{14,15} Artist Studios Interim Recycling Facility ¹⁶ Medical/Dental Office/Outpatient Clinic		Secure Community Transition Facilities ²⁰	Amusement and Recreation Services ^{8,9} Shooting Range Amusement Arcades Amusement Park Outdoor Performance Center 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 Professional Office Automotive Parking ²⁰			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 Individual Transportation and Taxi Trucking and Courier Service

Table A. Neighborhood Business Zone Use Allowances

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
<i>Commercial/Industrial Accessory Uses²¹ Building, Hardware and Garden Materials Stores²³ Department and Variety Stores²⁴ Food Stores Gasoline Service Stations Eating and Drinking Places^{25,26} Drug Stores Book, Stationery, Video and Art Supply Stores Hobby, Toy, Game Shops Photographic and Electronic Shops Florist Shops Pet Shops Printing and Publishing²⁷ Earth Station^{20b} College/University^{33,34}</i>			<i>Warehousing and Wholesale Trade 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 Outdoor Advertising Service Miscellaneous Equipment Rental Automotive Rental and Leasing Professional Sports Teams/Promoters 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</i>

Table A. Neighborhood Business Zone Use Allowances

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
			Liquor Stores Used Goods: Antiques/Secondhand Shops <i>Sporting Goods</i> and Related Stores <i>Jewelry Stores</i> Monuments, Tombstones and Gravestones Sales <i>Fabric Shops</i> Fuel Dealers <i>Personal Medical Supply</i> Stores <i>Bulk Retail</i> <i>Auction Houses</i> <i>Livestock Sales</i> <i>Manufacturing Land Uses</i> , except Printing and Publishing <i>Resource Land Uses</i> <i>Jail Farm/Camp</i> <i>Public Agency Animal Control</i> <i>Facility</i> <i>Public Agency Training</i> <i>Facility</i> <i>Hydroelectric Generation</i> <i>Facility</i> <i>Soil Recycling Facility</i> <i>Fairground</i> Zoo/Wildlife Exhibit ³² Stadium/Arena <i>Marijuana Business</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](#);

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.
- 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 *Vector 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 ~~The provisions apply only to major communication facilities. Minor communication facilities shall be reviewed in accordance with the processes and standards outlined in Chapter 18.60 KMC.~~

³⁰ ~~a. Limited to no more than three satellite dish antennas.~~

~~b. Limited to one satellite dish antenna.~~

~~c. Limited to tower consolidations.~~

³¹ Except racing of motorized vehicles.

³² Except arboretum.

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.
- 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.

18.22. . Wireless communication facilities. Use allowances and development regulations for wireless communication facilities are located in Chapter 18.60 KMC.

18.23.020 Use allowances.

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 Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
Artist Studios	City Government Facilities and Offices	Adult Entertainment
Arts and Crafts	College/University	Business
Schools/Studios	Communication Facility, Major and Minor, only when	Auto Supply Stores
Bed and Breakfast	on a building; prohibit stand alone	Automotive Rental and
Guesthouses	Community Residential Facility I or II	Leasing
Family Child-Care Home	Conference Centers	Automotive Repair
Day Care Centers I and II	Cultural Facilities	Automotive Service
Eating and Drinking Places	Fire Facility	Bulk Retail
General Business Services	K – 12 Educational Institution (Public or Private)	Car Wash
Home Occupation	Medical/Dental Labs	Construction and Trade
Medical/Dental	Nursing and Personal Care Facilities	Drive-Through Service
Office/Outpatient Clinic	Police Facility	Helistop
Multiple-Family Dwelling	Public Agency or Utility Office: Non-City	Hospitals
Professional Offices	Recreational Facilities, Indoor	Hotel
Parks		Indoor Storage

Table A. Community Business Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Private Stormwater Management Facility</i> <i>Rental Services, No Outside Storage</i> <i>Retail Sales, Indoor¹</i> <i>Services, On-Site¹</i> <i>Single Detached Dwelling Unit, Existing Legal Trails</i>	<i>Religious Institutions: Church, Synagogue, Mosque, Temple</i> <i>Services, Off-Site</i> <i>Social Services, Noncorrectional</i> <i>Specialized Instruction School</i> <i>Utility Facility: Limited to Sewer Lift Stations and Pipes/Electrical Wires and Associated Structure Supports</i> <i>Veterinary Offices/Clinics</i> <i>Vocational Schools</i>	<i>Interim Recycling Facility</i> <i>Manufacturing</i> <i>Marijuana Business</i> <i>Mobile Food Vendor</i> <i>Mobile Home Parks</i> <i>Motel</i> <i>Motor Vehicle and Boat Dealers</i> <i>Outdoor Performance Center</i> <i>Outdoor Retail Display/Sidewalk Sale</i> <i>Outdoor Storage</i> <i>Recreational Facilities, Outdoor</i> <i>Rental Services with Outside Storage</i> <i>Retail Sales, Outdoor</i> <i>Self-Service Storage</i> <i>Single Detached Dwelling Unit, New</i> <i>Social Services, Correctional</i> <i>Taxi Stand</i> <i>Theater</i> <i>Theatrical Production Services</i> <i>Tow Truck Operation/Auto Yard</i> <i>Transit Center</i> <i>Trucking and Courier Service</i>

Table A. Community Business Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
		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.

18.23. . Wireless communication facilities. Use allowances and development regulations for wireless communication facilities are located in Chapter 18.60 KMC.

18.24.020 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
<i>Auction House, Existing⁶</i> <i>Automotive Service, Accessory¹</i> <i>Bed and Breakfast Guesthouse</i> <i>City Government Facilities and Offices</i> <i>Community Residential Facility I or II</i> <i>Cultural Facilities</i> <i>Family Child-Care Home⁸</i> <i>Day Care I or II²</i> <i>Home Occupation</i> <i>Multiple-Family Dwelling³</i> <i>On-Site Services⁴</i> <i>Parking: Off-Street Required</i> <i>Parking Lot or Structure</i> <i>Parks</i> <i>Professional Office⁴</i> <i>Recreation, Indoor: Sports Club</i> <i>Retail Sales, Indoor⁴</i> <i>Single Detached Dwelling Unit, Existing Legal Trails</i> <i>Vehicle Auction, Existing⁷</i>	<i>Communication Facility, Major⁵</i> Eating and Drinking Places Nursing and Personal Care Facilities Religious Institutions: <i>Church, Synagogue, Mosque, Temple</i> Social Services, Noncorrectional Utility Facility: Limited to Sewer Lift Stations and Pipes/Electrical Wires and Associated Structural Supports	<i>Indoor Storage</i> <i>Marijuana Business</i> <i>Mobile Home Parks</i> <i>Outdoor Storage</i> <i>Public Agency or Utility Office: Non-City</i> <i>Retail Sales, Outdoor</i> <i>Self-Service Storage</i> <i>Single Detached Dwelling Unit, New</i> <i>Social Services, Correctional</i>

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 Limited to tower consolidations.~~

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;
- 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.

* 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.

[Ord. 14-0384 § 5; Ord. 11-0329 § 3 (Exh. 1).]

18.24. . Wireless communication facilities. Use allowances and development regulations for wireless communication facilities are located in Chapter 18.60 KMC.

18.25.020 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 ¹¹	College/University	Automotive Rental and
Artist Studios	Communication Facility, Major and Minor;	Leasing, New,
Arts and Crafts Schools/Studios	Only when on building; prohibit stand-alone	Nonaccessory
Auction House, Existing ¹²	Community Residential Facility I or II	Automotive Repair, New,
Auto Supply Stores	Fire Facility	Nonaccessory
Automotive Rental and Leasing,	Helistop	Automotive Service, New,
Accessory ¹	Hospitals	Nonaccessory
Automotive Repair, Accessory ¹	K – 12 Educational Institution (Public or	Bulk Retail
Automotive Repair, Existing Legal ¹⁰	Private)	Car Wash, Nonaccessory
Automotive Service, Accessory ¹	Medical/Dental Labs	Construction and Trade
Automotive Service, Existing Legal ¹	Police Facility	Gasoline Service Stations,
Bed and Breakfast Guesthouse ²	Public Agency or Utility Office: Non-City	New
Car Wash, Accessory ¹	Religious Institutions: Church, Synagogue,	Indoor Storage
City Government Facilities and Offices	Mosque, Temple	Interim Recycling Facility
Conference Centers	Social Services, Correctional	Manufacturing
Cultural Facilities	Specialized Instruction School	Marijuana Business
Day Care Centers I and II	Utility Facility: Limited to Sewer Lift Stations	Motel
Drive-Through Service ³	and Pipes/Electrical Wires and Associated	Motor Vehicle and Boat
Eating and Drinking Places	Structural Supports	Dealers, Nonaccessory
Gasoline Service Stations, Existing	Vocational School	
Legal		
General Business Services		
Home Occupation		
Hotel		
Medical/Dental Office/Outpatient Clinic		

Table A. Downtown Commercial Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Mobile Food Vendor¹</i> <i>Motor Vehicle and Boat Dealers, Accessory¹</i> <i>Multiple-Family Dwelling⁶</i> <i>Off-Site Services⁶</i> <i>Outdoor Performance Center⁶</i> <i>Outdoor Retail Display/Sidewalk Sale⁷</i> <i>Professional Offices</i> <i>Parking: Commuter Parking Lot or Structure, Off-Street Required Parking Lot or Structure⁸</i> <i>Parks</i> <i>Private Stormwater Management Facility</i> <i>Recreational Facilities, Indoor</i> <i>Rental Services, No Outside Storage</i> <i>Retail Sales, Indoor</i> <i>Services, On-Site</i> <i>Social Services, Noncorrectional</i> <i>Taxi Stand</i> <i>Theater</i> <i>Theatrical Production Services</i> <i>Trails</i> <i>Transit Center⁹</i> <i>Vehicle Auction, Existing¹³</i> <i>Veterinary Offices/Clinics: No outdoor kennels or facilities</i>		<i>Nursing and Personal Care Facilities</i> <i>Outdoor Storage</i> <i>Recreational Facilities, Outdoor</i> <i>Rental Services, with Outside Storage</i> <i>Retail Sales, Outdoor</i> <i>Self-Service Storage</i> <i>Tow Truck Operation/Auto Impoundment Yard</i> <i>Trucking and Courier Service</i> <i>Warehousing and Wholesale Trade</i>

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.
- 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 (c) containing automotive repair or automotive service *uses* as of April 28, 2003, shall be considered *existing legal uses*. Otherwise prohibited.

¹¹ 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](#);
- 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.

18.25. . Wireless communication facilities. Use allowances and development regulations for wireless communication facilities are located in Chapter 18.60 KMC.

18.25A.030 Use allowances – Urban corridor west subarea.

The following *uses* listed in Table A are identified as permitted, conditionally permitted, or *prohibited uses* in the urban corridor west subarea:

Table A. Urban Corridor West Subarea Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
Adult entertainment business ¹	Arts, entertainment, outdoor ¹¹	Air transportation service
Ambulatory surgery center	College/university	Auction house
Animal kennel/shelter ²	Communication facility ¹²	Automotive sales and service, marine
Arts, entertainment, indoor	Fire or police facility	Automotive sales and service, nonmarine
Business service, standard	Laboratory ⁵	Business service, intensive
Cemetery, columbarium or mausoleum ³	Recreational facility, indoor ⁸	Construction and trade
Community residential facility	Recreational facility, outdoor ¹³	Family child-care home
Day care		Hospital
Eating and drinking place ⁴		Manufacturing, heavy
Educational service		Mobile home park
Funeral home/crematory		Recreational facility, outdoor ¹³
Health care and social assistance		Regional land use
Laboratory ⁵		Resource land use
Manufacturing, light		Retail sales, bulk
Marijuana business		Secure facility
Mobile food service ⁶		Single detached dwelling unit
Multiple-family dwelling ⁷		Transportation
Office		Utility facility
Park		Vehicle or equipment rental
Personal service		Vehicle refueling station
Recreational facility, indoor ⁸		Warehousing
Religious institution		Wholesale trade
Retail sales ⁹		
Standalone parking ¹⁰		
Supportive living facility		
Temporary lodging		

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 subsection, without regard to intervening *structures* or objects, of 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 Highway 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*, measured from the property line of the parcel or parcels containing the *adult entertainment business* and the proposed *adult entertainment business*.

² Provided:

- 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;

c. Outdoor runs shall be prohibited on properties adjacent to residential zones; and

d. The provisions of Chapter [18.70](#) KMC relative to animal keeping shall be met.

³ Limited to indoor columbariums and mausoleums only.

⁴ *Social card games*, as defined by this title, are prohibited.

⁵ *Laboratories* that must comply with special containment procedures for large quantities of hazardous materials are subject to a *conditional use permit*.

⁶ Provided:

a. No permanent fencing, walls, or other structures shall be installed which hinder removal of the structure from the site, unless the structure is permanently permitted.

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.

⁷ North of SR-522, allowed only as part of a *mixed use development* subject to the conditions of Chapter [18.50](#) KMC.

⁸ South of SR-522, *indoor recreational facility* is a conditional use.

⁹ South of SR-522, allowed only as part of a *mixed use development* subject to the conditions of Chapter [18.50](#) KMC.

¹⁰ Standalone surface parking and boat racks shall not be permitted.

¹¹ Outdoor activities shall be at least 50 feet from adjoining residential zones and lighting shall be directed away from adjoining residential zones. Hours of operation may be restricted to ensure compatibility.

¹² Applies only to major communication facilities. Minor communication facilities shall be reviewed in accordance with the processes and standards outlined in Chapter 18.60 KMC.

¹³ North of SR-522, outdoor recreational facility is a prohibited use. Campgrounds and RV parks shall not be permitted south of SR-522.

18.25A.040 Use allowances – Urban corridor east subarea.

The following uses listed in Table B are identified as permitted, conditionally permitted, or *prohibited uses* in the urban corridor east subarea:

Table B. Urban Corridor East Subarea Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
Adult entertainment business ¹	College/university	Air transportation service
Ambulatory surgery center	Communication facility ¹³	Arts, entertainment, outdoor ³
Animal kennel/shelter ²	Fire or police facility	Auction house
Arts, entertainment, indoor	Hospital ⁵	Automotive sales and service, marine
Arts, entertainment, outdoor ³	Laboratory ⁷	Automotive sales and service, nonmarine
Business service, standard	Regional land use ⁵	Business service, intensive
Cemetery, columbarium or mausoleum ⁴	Retail sales, bulk ^{5,10}	Community residential facility ⁵
Community residential facility ⁵		Construction and trade
Day care		Family child-care home
Eating and drinking place ⁶		Hospital ⁵
Educational service		Manufacturing, heavy
Funeral home/crematory		Mobile home park
Health care and social assistance		Recreational facility, outdoor ³
Laboratory ⁷		Regional land use ⁵
Manufacturing, light		Resource land use
Marijuana business		Retail sales, bulk ⁵
Mobile food service ⁸		Secure facility
Multiple-family dwelling		Single detached dwelling unit
Office		Standalone parking ¹¹
Park		Transportation
Personal service		Utility facility
Recreational facility, indoor		Vehicle or equipment rental

Table B. Urban Corridor East Subarea Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Recreational facility, outdoor</i> ^{3,9} <i>Religious institution</i> <i>Retail sales</i> <i>Retail sales, bulk</i> ^{5,10} <i>Standalone parking</i> ¹¹ <i>Supportive living facility</i> <i>Temporary lodging</i> <i>Vehicle refueling station</i> ¹²		<i>Vehicle refueling station</i> ¹² <i>Warehousing</i> <i>Wholesale trade</i>

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 subsection, without regard to intervening *structures* or objects, of 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 Highway 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*, measured from the property line of the parcel or parcels containing the *adult entertainment business* and the proposed *adult entertainment business*.

² Provided:

- 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;
- c. Outdoor runs shall be prohibited on properties adjacent to residential zones; and
- d. The provisions of Chapter [18.70](#) KMC relative to animal keeping shall be met.

³ Prohibited east of 80th Avenue NE. West of 80th Avenue NE, outdoor activities shall be at least 50 feet from adjoining residential zones and lighting shall be directed away from adjoining residential zones. Hours of operation may be restricted to ensure compatibility.

⁴ East of 80th Avenue NE, limited to indoor columbariums and mausoleums only.

⁵ Prohibited east of 80th Avenue NE.

⁶ *Social card games*, as defined by this title, are prohibited.

⁷ *Laboratories* that must comply with special containment procedures for large quantities of hazardous materials are subject to a *conditional use permit*.

⁸ Provided:

- a. No permanent fencing, walls, or other structures shall be installed which hinder removal of the structure from the site, unless the structure is permanently permitted.
- 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.
- ° Campgrounds and RV parks shall not be permitted.
- ¹⁰ A *conditional use permit* is required if the building footprint is greater than 65,000 sq. ft.
- ¹¹ Prohibited east of 80th Avenue NE. Standalone surface parking lots for vehicles, boats or boat racks shall not exceed 10,000 sq. ft. in size west of 80th Avenue NE.
- ¹² Permitted only within 250 feet of the intersection of 80th Avenue NE and SR-522. Prohibited in other portions of the east subarea.

¹³ Applies only to major communication facilities. Minor communication facilities shall be reviewed in accordance with the processes and standards outlined in Chapter 18.60 KMC.

18.25A. . Wireless communication facilities. Use allowances and development regulations for *wireless communication facilities* are located in Chapter 18.60 KMC.

18.25B.020 Use allowances.

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

Table A. Waterfront Commercial Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
Adult entertainment business ¹	Air transportation service	Auction house
Ambulatory surgery center	College/university	Automotive sales and service, nonmarine
Animal kennel/shelter ²	Communication facility ¹³	Business service, intensive
Arts, entertainment, indoor	Fire or police facility	Construction and trade
Arts, entertainment, outdoor ³	Hospital	Family child-care home
	Laboratory ⁶	

Table A. Waterfront Commercial Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Automotive sales and service, marine</i> <i>Business service, standard</i> <i>Cemetery, columbarium or mausoleum⁴</i> <i>Community residential facility (CRF)</i> <i>Day care</i> <i>Eating and drinking place⁵</i> <i>Educational service</i> <i>Funeral home/crematory</i> <i>Health care and social assistance</i> <i>Laboratory⁶</i> <i>Manufacturing, light</i> <i>Marijuana business</i> <i>Mobile food service⁷</i> <i>Multiple-family dwelling⁸</i> <i>Office</i> <i>Park</i> <i>Personal service</i> <i>Recreational facility, indoor</i> <i>Recreational facility, outdoor^{3,9}</i> <i>Religious institution</i> <i>Retail sales</i> <i>Standalone parking¹⁰</i>	<i>Regional land use</i>	<i>Manufacturing, heavy</i> <i>Mobile home park</i> <i>Resource land use</i> <i>Retail sales, bulk</i> <i>Secure facility</i> <i>Single detached dwelling unit</i> <i>Utility facility</i> <i>Warehousing</i> <i>Wholesale trade</i>
<i>Supportive living facility</i> <i>Temporary lodging</i> <i>Transportation¹¹</i> <i>Vehicle or equipment rental¹²</i> <i>Vehicle refueling station</i>		

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 subsection, without regard to intervening structures or objects, of 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 Highway 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*, measured from the property line of the parcel or parcels containing the *adult entertainment business* and the proposed *adult entertainment business*.

² Provided:

- 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;
- c. Outdoor runs shall be prohibited on properties adjacent to residential zones; and

d. The provisions of Chapter [18.70](#) KMC relative to animal keeping shall be met.

³ Outdoor activities shall be at least 50 feet from adjoining residential zones and lighting shall be directed away from adjoining residential zones. Hours of operation may be restricted to ensure compatibility.

⁴ Limited to indoor columbariums and mausoleums only.

⁵ *Social card games*, as defined by this title, are prohibited.

⁶ *Laboratories* that must comply with special containment procedures for large quantities of hazardous materials are subject to a *conditional use permit*.

⁷ Provided:

a. No permanent fencing, walls, or other structures shall be installed which hinder removal of the structure from the site, unless the structure is permanently permitted.

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.

⁸ Allowed only as part of a *mixed use development* subject to the conditions of Chapter [18.50](#) KMC.

⁹ Campgrounds and RV parks shall not be permitted.

¹⁰ Standalone surface parking lots for vehicles, boats or boat racks shall not exceed 10,000 sq. ft. in size.

¹¹ Only passenger transportation uses shall be permitted (no trucking or towing).

¹² Equipment rental is prohibited.

¹² Applies only to major communication facilities. Minor communication facilities shall be reviewed in accordance with the processes and standards outlined in Chapter 18.60 KMC.

18.25B. . **Wireless communication facilities.** Use allowances and development regulations for *wireless communication facilities* are located in Chapter 18.60 KMC.

18.26.030 Use allowances – Regional business north subarea.

The following *uses* listed in Table A are identified as permitted, conditionally permitted, or *prohibited uses* in the regional business north subarea:

Table A. Regional Business North Subarea Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
Adult entertainment business ¹	College/university	Air transportation service
Ambulatory surgery center	Communication facility ¹²	Auction house
Animal kennel/shelter ²	Laboratory ⁶	Automotive sales and service, nonmarine ⁴
Arts, entertainment, indoor	Recreational facility, outdoor ³	Business service, intensive
Arts, entertainment, outdoor	Regional land use	Cemetery, columbarium or mausoleum
Automotive sales and service, marine ³	Utility facility	Family child-care home
Automotive sales and service, nonmarine ⁴		Funeral home/crematory
Business service, standard		Hospital
Community residential facility		Manufacturing, heavy
Construction and trade		Mobile home park
Day care		Resource land use
Eating and drinking place ⁵		Retail sales, bulk
Educational service		Secure facility
Fire or police facility		Single detached dwelling unit
Health care and social assistance		Vehicle or equipment rental ¹¹
Laboratory ⁶		Vehicle refueling station
Manufacturing, light		Warehousing
Marijuana business		
Mobile food service ⁷		
Multiple-family dwelling ⁸		
Office		

Table A. Regional Business North Subarea Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Park</i> <i>Personal service</i> <i>Recreational facility, indoor</i> <i>Religious institution</i> <i>Retail sales</i> <i>Standalone parking</i> ⁹ <i>Supportive living facility</i> <i>Temporary lodging</i> <i>Transportation</i> ¹⁰ <i>Vehicle or equipment rental</i> ¹¹ <i>Wholesale trade</i>		

⁹ 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 subsection, without regard to intervening *structures* or objects, of 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 Highway 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*, measured from the property line of the parcel or parcels containing the *adult entertainment business* and the proposed *adult entertainment business*.

² Provided:

- 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;
- c. Outdoor runs shall be prohibited on properties adjacent to residential zones; and
- d. The provisions of Chapter [18.70](#) KMC relative to animal keeping shall be met.

³ Outdoor sales lots shall not exceed 20,000 sq. ft. in size.

⁴ Automotive sales are prohibited. Service of trucks exceeding eight-ton capacity (FHWA Classes 5-8) and heavy equipment is prohibited.

⁵ *Social card games*, as defined by this title, are prohibited.

⁶ *Laboratories* that must comply with special containment procedures for large quantities of hazardous materials are subject to a *conditional use permit*.

⁷ Provided:

- a. No permanent fencing, walls, or other structures shall be installed which hinder removal of the structure from the site, unless the structure is permanently permitted.
- 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.

⁸ Allowed only as part of a *mixed use development* subject to the conditions of Chapter [18.50](#) KMC.

⁹ Standalone surface parking lots and boat racks are not permitted.

¹⁰ Trucking and freight hauling businesses are not permitted.

¹¹ Equipment rental is prohibited.

¹² ~~Applies only to major communication facilities. Minor communication facilities shall be reviewed in accordance with the processes and standards outlined in Chapter [18.60](#) KMC.~~

¹³ Campgrounds and RV parks shall not be permitted.

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:

Table B. Regional Business East Subarea Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
Adult entertainment business ¹	College/university	Air transportation service
Ambulatory surgery center	Communication facility¹²	Automotive sales and service, nonmarine ⁵
Animal kennel/shelter ²	Hospital	Business service, intensive
Arts, entertainment, indoor	Laboratory ⁶	Family child-care home
Arts, entertainment, outdoor ³	Regional land use	Manufacturing, heavy
Auction house ⁴	Secure facility ¹⁷	Mobile home park
Automotive sales and service, marine	Utility facility	Resource land use
Automotive sales and service, nonmarine ⁵		Retail sales, bulk
Business service, standard		Single detached dwelling unit
		Vehicle refueling station

Table B. Regional Business East Subarea Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
Cemetery, columbarium or mausoleum ⁶ Community residential facility Construction and trade Day care Eating and drinking place ⁷ Educational service Fire or police facility Funeral home/crematory Health care and social assistance Laboratory ⁸ Manufacturing, light Marijuana business Mobile food service ⁹ Multiple-family dwelling ¹⁰ Office Park Personal service Recreational facility, indoor Recreational facility, outdoor ^{3,11} Religious institution Retail sales ¹² Standalone parking ¹³ Supportive living facility Temporary lodging Transportation ¹⁴ Vehicle or equipment rental Warehousing ¹⁵ Wholesale trade		

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 subsection, without regard to intervening *structures* or objects, of 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 Highway 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*, measured from the property line of the parcel or parcels containing the *adult entertainment business* and the proposed *adult entertainment business*.

² Provided:

- 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;
- c. Outdoor runs shall be prohibited on properties adjacent to residential zones; and

- d. The provisions of Chapter [18.70](#) KMC relative to animal keeping shall be met.
- ³ Outdoor activities shall be at least 50 feet from adjoining residential zones and lighting shall be directed away from adjoining residential zones. Hours of operation may be restricted to ensure compatibility.
- ⁴ Excluding animal auctions.
- ⁵ Automotive sales are prohibited. Service of trucks exceeding eight-ton capacity (FHWA Classes 5-8) and heavy equipment is prohibited.
- ⁶ Limited to indoor columbariums and mausoleums.
- ⁷ *Social card games*, as defined by this title, are prohibited.
- ⁸ *Laboratories* that must comply with special containment procedures for large quantities of hazardous materials are subject to a *conditional use permit*.
- ⁹ Provided:
 - a. No permanent fencing, walls, or other structures shall be installed which hinder removal of the structure from the site, unless the structure is permanently permitted.
 - 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.
- ¹⁰ Allowed only as part of a *mixed use development* subject to the conditions of Chapter [18.50](#) KMC.
- ¹¹ Campgrounds and RV parks shall not be permitted.
- ¹² Allowed only as part of a *mixed use development*.

¹³ Only standalone boat parking is permitted. Parking lots are limited in size to 10,000 sq. ft.

¹⁴ Trucking and freight hauling businesses are not permitted.

¹⁵ A warehouse shall not exceed 20,000 sq. ft. in size. Standalone outdoor storage shall not be permitted.

¹⁶ ~~Applies only to major communication facilities. Minor communication facilities shall be reviewed in accordance with the processes and standards outlined in Chapter 18.60 KMC.~~

¹⁷ Jail 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; 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:

- (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.

18.26.050 Use allowances – Regional business west subarea.

The following *uses* listed in Table C are identified as permitted, conditionally permitted, or *prohibited uses* in the regional business west subarea:

Table C. Regional Business West Subarea Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
Adult entertainment business ¹	College/university	Air transportation service
Ambulatory surgery center	Communication facility ^{2,3}	Animal kennel/shelter
Arts, entertainment, indoor	Laboratory ⁴	Auction house
Arts, entertainment, outdoor	Manufacturing, light	Automotive sales and service,
Automotive sales and service,	Regional land use	nonmarine
marine ²		Business service, intensive
Business service, standard		Cemetery, columbarium or
Community residential facility		mausoleum
Day care		Construction and trade

Table C. Regional Business West Subarea Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Eating and drinking place³</i> <i>Educational service</i> <i>Fire or police facility</i> <i>Health care and social assistance</i> <i>Laboratory⁴</i> <i>Marijuana business</i> <i>Mobile food service⁵</i> <i>Multiple-family dwelling⁶</i> <i>Office</i>		<i>Family child-care home</i> <i>Funeral home/crematory</i> <i>Hospital</i> <i>Manufacturing, heavy</i> <i>Mobile home park</i> <i>Resource land use</i> <i>Retail sales, bulk</i> <i>Secure facility</i> <i>Single detached dwelling unit</i>
<i>Park</i> <i>Personal service</i> <i>Recreational facility, indoor</i> <i>Recreational facility, outdoor⁷</i> <i>Religious institution</i> <i>Retail sales⁸</i> <i>Standalone parking⁹</i> <i>Supportive living facility</i> <i>Temporary lodging</i> <i>Transportation¹⁰</i> <i>Vehicle or equipment rental¹¹</i> <i>Vehicle refueling station¹²</i>		<i>Utility facility</i> <i>Warehousing</i> <i>Wholesale trade</i>

³ 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 subsection, without regard to intervening *structures* or objects, of 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 Highway 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*, measured from the property line of the parcel or parcels containing the *adult entertainment business* and the proposed *adult entertainment business*.

² Repair work or service shall only be performed in an enclosed building, with no outdoor storage of materials.

³ *Social card games*, as defined by this title, are prohibited.

⁴ *Laboratories* that must comply with special containment procedures for large quantities of hazardous materials are subject to a *conditional use permit*.

⁵ Provided:

- a. No permanent fencing, walls, or other structures shall be installed which hinder removal of the structure from the site, unless the structure is permanently permitted.
- 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.

⁶ Allowed only as part of a *mixed use development* subject to the conditions of Chapter [18.50](#) KMC.

⁷ Campgrounds and RV parks shall not be permitted.

⁸ Allowed only as part of a *mixed use development*.

⁹ All standalone surface parking lots for vehicles, boats and/or boat racks are limited in size to 10,000 sq. ft.

¹⁰ Only passenger transportation uses are permitted.

¹¹ Equipment rental is prohibited. Vehicle rental is allowed only as an accessory to a permitted use.

¹² Allowed only as an accessory to a permitted use.

¹³ ~~Applies only to major communication facilities. Minor communication facilities shall be reviewed in accordance with the processes and standards outlined in Chapter [18.60](#) KMC.~~

18.26. . Wireless communication facilities. Use allowances and development regulations for wireless communication facilities are located in Chapter [18.60](#) KMC.

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 Caretaker Residence, Accessory City Government Facilities and Offices Commuter Parking Lot Conference Center Cultural Facilities Fire Facility Indoor Recreational Facilities; Excluding Sports Clubs K – 12 Educational Institutions (Public or Private) Open Space Outdoor Recreational Facilities Parks Police Facility Private Stormwater Management Facility Public Agency or Utility Office: Non-City Trails Utility Facility	Communication Facility, Major and Minor: only when on building: prohibit stand-alone Maintenance Yards or Facilities, Accessory Outdoor Performance Center Colleges/Universities	Jail Work Release Facility Landfill Transfer Station Marijuana Business

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. [Ord. 14-0384 § 5; Ord. 11-0329 § 3 (Exh. 1).]

18.27. . Wireless communication facilities. Use allowances and development regulations for wireless communication facilities are located in Chapter 18.60 KMC.

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 Clubhouse Conference Center, Accessory Cultural Facilities Driving Range Eating and Drinking Places, Accessory Golf Course Facility Maintenance Facility, Accessory Open Space Private Stormwater Management Facility Recreational Facilities, Indoor Recreational Facilities, Outdoor Retail Sales, Indoor, Accessory Trails Utility Facility	Communication Facility, Major and Minor, only when on building; prohibit stand-alone Outdoor Performance Center	Marijuana Business Residential Dwellings, Nonaccessory

Table A. Golf Course Zone Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED (OR EXCLUDED IN DEFINITIONS)
<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.

18.28A. . Wireless communication facilities. Use allowances and development regulations for *wireless communication facilities* are located in Chapter 18.60 KMC.

ATTACHMENT 4

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, DW, 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-48 zones;
4. Five feet into rear *setbacks* in the R-1 through R-6 zones; and
5. Five feet into *street setbacks*;

C. Uncovered porches and decks not exceeding 18 inches above the finished grade may project to the property line;

D. Eaves may not project more than:

1. Eighteen inches into an interior *setback*;
2. Twenty-four inches into a *street setback*; or
3. Eighteen inches across a lot line in a *zero-lot-line development*;

E. Facade antennas approved under KMC Chapter 18.60 may project into any setback, provided such projections are:

1. Limited to two per facade;

2. Not wider than 3 feet; and

3. Not more than 24 inches into an interior *setback* or 30 inches into a *street setback*;

F. Fences with a height of eight feet or less may project into or be located in any *setback*;

FG. Rockeries, *retaining walls* and curbs may project into or be located in any *setback*, provided these structures:

1. Do not exceed a height of six feet in the R-1 through R-18, parks and golf course zones;
2. Do not exceed a height of eight feet in the R-24, R-48 and downtown residential zones; and
3. Do not exceed the building height for the zone in commercial and public/semi-public zones, measured in accordance with the standards established in the *City* building code, KMC Title [15](#);

GH. Fences located on top of rockeries, *retaining walls* or *berms* are subject to the requirements of KMC [18.30.040](#);

HI. Telephone, power, light and flag poles;

IJ. The following may project into or be located within a *setback*, but may only project into or be located within a five-foot interior *setback* area if an agreement documenting consent between the owners of record of the abutting properties is recorded with the *City* prior to the installment or construction of the structure:

1. Sprinkler systems, electrical and cellular equipment cabinets, air conditioning units, and other similar utility boxes and vaults;
2. Security system access controls;
3. Structures, except for *buildings*, associated with *trails* and on-site recreation spaces required in KMC [18.30.130](#) such as benches, picnic tables and drinking fountains; and
4. Surface water management facilities as required by Chapter [13.35](#) KMC;

JK. Mailboxes and newspaper boxes may project into or be located within *street setbacks*;

KL. Fire hydrants and associated appendages;

LM. Metro bus shelters may be located within *street setbacks*;

MN. Unless otherwise allowed in KMC [18.42.090](#), freestanding and *monument signs* four feet or less in height, with a maximum *sign* area of 20 square feet, may project into or be located within *street setbacks*; and

NO. Stormwater conveyance and control facilities, both above and below ground, provided such projections are:

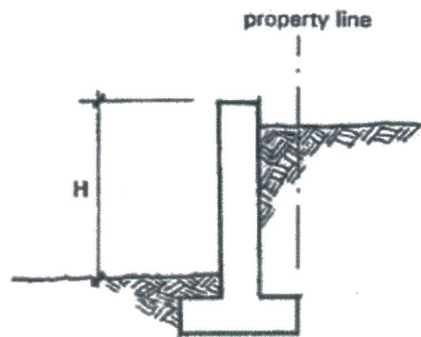
1. Consistent with *setback*, easement and access requirements specified in the Surface Water Design Manual; or
2. In the absence of said specifications, not within five feet of the property line;

OP. Minor improvements such as garden sculpture, *landscape water features*, trellises not attached to a building, and similar decorative *structures*;

PQ. In a rear *setback* in the R-4 and R-6 residential zones, the following *structures* are permitted if it is determined by the *city manager* that they will not have any substantial detrimental effect on abutting properties or the *City* as a whole; and provided, that they shall be no closer than five feet to the rear lot line:

1. Children's play *structures* not otherwise regulated by this title;
2. No more than one storage shed or similar *use*, limited in height to eight feet for a flat roof or 10 feet for a pitched roof, with a maximum dimension of 15 feet on any side and a total area not exceeding 200 square feet;
3. An *arbor*, not attached to a building and limited in height to eight feet, with a maximum footprint of 100 square feet, including eaves. If latticework is used, there shall be a minimum opening of two inches between crosspieces.

RETAINING WALL IN SETBACK



H maximum 6' in R-1— R18, P and GC zones

H maximum of 8' in R-24, R-48 and DR zones

**H not to exceed building height requirement in
commercial and PSP zones**

[Ord. 14-0391 § 2 (Exh. 1); Ord. 11-
0329 § 3 (Exh. 1).]

ATTACHMENT 5

18.52.200 Outdoor service and storage areas.

A. Intent.

1. Screening. To maintain design continuity by screening mechanical, service, and storage areas.

B. Standards – Required.

1. Siting of On-Site Storage Areas. All outdoor service and storage areas such as mechanical equipment, *outdoor storage*, trash/recycling containers, ~~satellite dishes, accessory telecommunications devices~~, etc., shall be fully screened and shall not be visible from adjacent public *streets* or from views above from adjacent *buildings*. The Kenmore development standards and design requirements of KMC 18.30.250 also apply.

2. At-Grade Service Areas. At-grade storage areas such as *outdoor storage* and/or trash/recycling containers shall be screened from adjacent *streets* and public rights-of-way and from views above from adjacent *buildings*. Pedestrian-oriented trash receptacles along walkways and in *public spaces* are excepted from this requirement.

3. Screening Techniques. Service area screening shall be 100 percent sight-obscuring, year-round, utilizing one or more of the following screening techniques:

- a. *Fences and Walls*. Fencing and wall materials shall be integrated and compatible with the design of the *building* (i.e., use the *building's* materials on *fence* columns);
- b. *Adjacent to Pedestrian Walkways*. Where an *outdoor storage* area is adjacent to a *pedestrian walkway*, *fences* installed for screening may be used only in combination with either landscaping, vines, trellis, or similar landscaping screening technique;
- c. *Evergreen Hedges and Shrubs*. *Landscaping* shall meet the *City's landscaping* requirements for Type I *landscaping*;
- d. *Trees*. A mixture of *evergreen* and *deciduous trees*. *Landscaping* shall meet the *City's landscaping* requirements for Type I *landscaping*.

4. Mechanical Equipment. Locate mechanical equipment early in the design process to ensure integration with the *building* design. Roof-mounted mechanical equipment shall be grouped together, integrated into the *building* design, and thoroughly screened from view from the street level and above from adjacent *buildings*. Roof-mounted screening techniques include but are not limited to:

- a. Roof Treatment. Roofline designed to screen visibility of mechanical equipment from an adjacent public *street(s)*;
- b. Paint. Paint mechanical equipment to match or approximate the color of the roof;
- c. Setbacks. Position mechanical equipment away from *building* edges.

ATTACHMENT 6

18.23.040 Zoning standards.

The following zone-specific development standards in Table B apply in the community business zone:

Table B

STANDARD	REQUIREMENT
Base Density: <i>Dwelling Units/Gross Acre</i>	24
Minimum Density: <i>Dwelling Units/Gross Acre</i>	18
Maximum Density: <i>Dwelling Units/Gross Acre</i>	36 for <i>mixed use development</i> .
Minimum <i>Street Setback</i> ¹	10 feet; or 0 feet for a <i>mixed use building</i> with commercial on the <i>ground floor</i> or for any <i>building</i> with structured parking.
Minimum Interior <i>Setback</i> ¹	0 feet for commercial or <i>mixed use development</i> except for <i>interior lot lines</i> adjoining property zoned R-1 to R-6. 5 feet landscaped <i>setback</i> for residential except for <i>interior lot lines</i> adjoining property zoned R-1 to R-6. For all <i>interior lot lines</i> adjoining a property zoned R-1 to R-6 a 15-foot landscaped <i>setback</i> is required.
Base Height ²	35 feet.
Maximum <i>Impervious Surface</i> : Percentage	90%
Pedestrian Connections	Pedestrian connections are required to be provided in accordance with Chapter 18.52 KMC, Downtown Design Standards.

¹ Any portion of *development* that occurs underground is exempt from property line *setback* requirements of this code section.

² The exceptions to height limits listed in KMC [18.30.060](#) do not apply to the base height allowed in the CB zone. Any *development* utilizing the exception to height limits for the CB zone

between 61st Avenue NE and 65th Avenue NE shall dedicate 25 percent of the average lot width above 35 feet in height as a view corridor to Lake Washington.

Exceptions to height limitations for the base height in the CB zone shall be:

- a. Roof *structures* housing or screening elevators, stairways, tanks, ventilating fans or similar equipment required for *building* operations and maintenance, ~~or for communication transmission and receiving structures~~, may extend up to 10 feet above the 35-foot base height for a maximum of 25 percent of the average lot width.
- b. Fire or parapet walls, skylights, flagpoles, chimneys, smokestacks, church steeples, crosses, spires, utility line towers and poles, and similar *structures* may extend up to three feet above the maximum base height of 35 feet.
- c. Roof details or features that are used to comply with the roof form requirements of KMC [18.52.220](#) may extend a maximum of 10 feet above the 35-foot base height.

ATTACHMENT 7

ADDITIONAL RECOMMENDED CODE AMENDMENTS**18.29.040 Use allowances.**

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

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

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

Permitted	Conditionally Permitted	Prohibited
Arts, entertainment, indoor ^{1,3}	Ambulatory surgery center ²	Adult entertainment business
Business service, standard ^{1,3}	Animal kennel/shelter ^{2,5}	Air transportation service
Day care	College/university ²	Arts, entertainment, outdoor
Eating and drinking place ¹	Communication facility	Auction house
Educational service ¹	Fire or police facility ²	Automotive sales and service, marine
Health care and social assistance ^{1,3}	Laboratory ²	Automotive sales and service, nonmarine

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

Permitted	Conditionally Permitted	Prohibited
Manufacturing, light ^{1,3,5}	Park	Business service, intensive
Mobile food service ⁴	Regional land use	Cemetery, columbarium or mausoleum
Multiple-family dwelling	Religious institution ²	Community residential facility
Office ¹	Supportive living facility ²	Construction and trade
Personal service ^{1,3}		Family child- care home
Recreational facility, indoor ^{1,3}		Funeral home/ crematory
Retail sales ^{1,3,5}		Hospital
Temporary lodging ^{1,3}		Manufacturing, heavy
		Marijuana business
		Mobile home park
		Recreational facility, outdoor

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

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

- ¹ Commercial use limitations in residentially oriented underlying zones: If these uses are proposed for property with underlying zoning of R-12, R-18, or R-24, then each use is limited to maximum 5,000 square feet per use and 15,000 square feet total contiguous nonresidential area within the development.

- ² Conditional use permit required in underlying urban corridor, downtown commercial, and public/semi-public zones. Prohibited in all other underlying zones within the TOD district overlay area.
- ³ Conditional use permit required in underlying R-12, R-18, R-24 zones. Permitted in underlying urban corridor, downtown commercial, and public/semi-public zones within the TOD district overlay area.
- ⁴ Mobile food vendors are 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;
 - 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 No outdoor storage of materials shall be permitted.

18.29. . Wireless communication facilities. Use allowances and development regulations for wireless communication facilities in the TOD District Overlay shall be as specified in KMC Chapter 18.60 for the underlying zoning district.

18.30.060 Height – Exceptions to limits.

The following *structures* may be erected above the height limits:

A. Roof *structures* housing or screening elevators, stairways, tanks, ventilating fans or similar equipment required for *building* operation and maintenance; and

B. Fire or parapet walls, skylights, flagpoles, chimneys, smokestacks, church steeples, crosses, spires, ~~communication transmission and receiving structures~~, utility line towers and poles, and similar *structures*.

Development in the CB zone (see KMC [18.23.040](#)) is specifically excluded from the exceptions to height limitations of this section. All height provisions and exceptions to height limitations for the CB zone are found in KMC [18.23.040](#).

18.35.020 Application.

Except for ~~wireless~~ *communication facilities* regulated pursuant to Chapter [18.60](#) KMC, all new *development* shall be subject to the *landscaping* provisions of this chapter; provided, that specific *landscaping* and *tree* retention provisions for *uses* established through a *conditional use permit* or *special use permit* shall be determined during the applicable review process.

18.50.230 Hazardous liquid and gas transmission pipelines.

A. Tracts and easements containing *hazardous liquid and gas transmission pipelines* and required *setbacks* from such pipelines may include the following *uses*, subject to other regulations applicable to each *use* and approval of the holder of the easement: utility *structures* not normally occupied necessary for the operation of the pipeline, landscaping, *trails, open space*, keeping of animals, agriculture, forestry, commercial signage, ~~minor wireless communication facilities and the utility structures not normally occupied necessary for the operation of the minor communication facility~~, and other compatible *uses* as specified on the face of the recorded plat or short plat; provided, that *structures* designed for human occupancy shall never be allowed within pipeline tracts, easements or *setbacks*.

B. *Hazardous liquid and gas transmission pipelines* shall not be located in aquifer recharge areas, *landslide hazard areas* or *erosion hazard areas*. When it is impractical to avoid such areas, special engineering precautions should be taken to protect public health, safety and welfare.

ATTACHMENT 8

19.25.020 Classifications of land use decision processes.

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

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

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

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

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

Exhibit A

LAND USE DECISION TYPES

TYPE 1 ²	Decision by <i>city manager</i> ; no administrative appeal	Building; demolition; moving; engineering; clearing and grading; sign; change of use and/or classification under KMC Title 15 ; accessory dwelling unit; home occupation; boundary line adjustment; right-of-way; street standards variance; adjustment under Chapter 13.35 KMC; shoreline exemption; temporary use; binding site plan; preliminary subdivision or short subdivision revision if not a substantial change; short plat alteration if not a substantial change.
TYPE 2	Decision by <i>city manager</i> ; appealable to <i>hearing examiner</i> ; no further administrative appeal ^{1, 6}	Home industry; short subdivision; preliminary short subdivision revision; short plat alteration; zoning variance; conditional use permit; shoreline substantial development permit; shoreline variance; shoreline conditional use permit; site plan review for uses allowed by zone; wireless communication facilities permit minor adjustment under Chapter 18.60 KMC; approval of residential density incentives or transfer of development credits; reuse of public schools; reasonable use exceptions under KMC 18.55.180 ; public agency and utility exceptions under KMC 18.55.160 ; other critical areas exceptions, variances and decisions to require studies or to approve, condition or deny a development proposal based on Chapter 18.55 KMC.
TYPE 3	Recommendation by <i>city manager</i> ; hearing and decision by <i>hearing examiner</i> ; appealable directly to King County superior court, pursuant to Chapter 36.70C RCW, the Land Use Petition Act, on the record	Preliminary subdivision; plat alteration; preliminary subdivision revision; special use; wireless communication facility major adjustment under Chapter 18.60 KMC .
TYPE 4	Recommendation by <i>city manager</i> ; hearing and recommendation by <i>hearing examiner</i> ; decision by city council on the record	Zone <i>reclassification</i> not related to a <i>site-specific comprehensive plan land use map amendment</i> ³ ; shoreline environment redesignation; plat vacation; short plat vacation;

		site plan review for uses not allowed by zone pursuant to Chapter 18.105 KMC; master plans other than those required in order to obtain a <i>comprehensive plan</i> amendment or related zoning map or text amendment.
TYPE 5	Hearing and recommendation by planning commission or other city council-appointed advisory body ¹ ; decision by city council on the record. Appealable to Growth Management Hearings Board pursuant to Chapter 36.70A RCW	<i>Comprehensive plan</i> amendment; <i>development regulation</i> amendment; zoning map amendment related to a <i>site-specific comprehensive plan land use map amendment</i> ; master plans required in order to obtain a <i>comprehensive plan</i> amendment or related zoning map or text amendment pursuant to Chapter 18.120 KMC.

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

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

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

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

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

[Ord. 12-0334 § 18; Ord. 11-0329 § 3 (Exh. 1).]

ATTACHMENT 9

Chapter 12.58
WIRELESS ~~MINOR~~ COMMUNICATION FACILITIES WITHIN CITY RIGHTS-OF-WAY

Sections:

- 12.58.010 Purpose.**
- 12.58.020 Definitions.**
- 12.58.030 Exemptions.**
- 12.58.040 Grant of authority – Right-of-way use agreement required.**
- 12.58.050 Grant of authority – Effective period.**
- 12.58.060 Application – Contents.**
- 12.58.070 Application review.**
- 12.58.080 Application review and inspection fees.**
- 12.58.090 Annual compensation for use of right-of-way.**
- 12.58.100 Insurance requirements.**
- 12.58.110 Liquidated damages.**
- 12.58.120 Liability and indemnification.**
- ~~12.58.130 Antenna and equipment cabinets/buildings abutting residential zones.~~**

12.58.010 Purpose.

The purpose of this chapter is to grant, through right-of-way use agreements, authority for the placement of ~~minor~~wireless communication facilities within the City rights-of-way, and to establish standards for right-of-way use agreements which:

- A. Compensate the City for the value of the use of the City right-of-way by wireless telecommunications providers; and
- B. Reimburse the City for ongoing costs associated with those uses of the City right-of-way; and
- C. Encourage competition by establishing consistent terms and conditions under which wireless telecommunications providers may use valuable public property to serve the public; and
- D. Fully protect the public and the City from any harm that may flow from such private use of City right-of-way; and
- E. Protect and carry out the authority of the City over activities in the City right-of-way, while recovering costs; and

F. Allow the City to exercise its stewardship responsibilities with regard to City right-of-way in a manner consistent with all applicable City policies and codes, including but not limited to the zoning code, the City comprehensive plan, City street standards; and

G. Otherwise protect the public interests in the development and use of the City right-of-way infrastructure and in preserving and improving the aesthetics of the community. [Ord. 03-0180 §§ 1, 2; (KCC 14.45.010).]

12.58.020 Definitions.

The following terms shall be applicable to this chapter:

A. "City manager" means the City of Kenmore city manager or his or her designee(s).

AB. "Right-of-way" is land, property or property interest, such as an easement, usually in a strip, as well as bridges, trestles, or other structures, dedicated to, or otherwise acquired by the City for public motor vehicle transportation purposes, including, but not limited to, streets, avenues, and alleys, whether or not opened, improved or maintained for public motor vehicle transportation purposes.

BC. "Right-of-way use agreement" is an agreement between the City and a wireless telecommunications provider through which is granted a site-specific and revocable privilege to use county/city right-of-way at a location identified in the agreement for wireless telecommunications facilities, and through which are set forth the terms and conditions for exercising the granted privilege to use the City right-of-way.

CD. "Wireless telecommunications facility" is the capital, equipment and property, including but not limited to the poles, pipes, mains, conduits, ducts, pedestals, and electronic equipment within the right-of-way used for the purpose of transmitting, receiving, distributing, providing, or offering wireless telecommunications.

DE. "Wireless telecommunications provider" is every person that owns, controls, operates or manages a wireless minor telecommunication facility within the City right-of-way for the purpose of offering wireless telecommunication services (i.e., transmission for hire of information in electronic or optical form, including, but not limited to, voice, video, or data).

EF. "Wireless" means transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, microwave, or satellite. [Ord. 03-0180 §§ 1, 2; (KCC 14.45.020).]

12.58.030 Exemptions.

The following wireless minor telecommunication facilities are not subject to the provisions of this chapter:

A. Facilities located or constructed by the City of Kenmore; and

B. Facilities located or constructed by emergency services within the City of Kenmore. [Ord. 05-0228 § 2; Ord. 03-0180 §§ 1, 2; (KCC 14.45.030).]

12.58.040 Grant of authority – Right-of-way use agreement required.

Wireless ~~minor~~ communication facilities shall only be located or constructed within City of Kenmore rights-of-way after a right-of-way use agreement is ~~issued~~approved by the ~~City of Kenmore~~city manager. Prior to ~~issuing~~approving the agreement, the City shall ensure that the proposed facility is located, designed and proposed to be constructed in a manner that complies with all applicable City policies and codes, including but not limited to the provisions of KMC Title 18, Zoning, the City comprehensive plan, City street standards, and the regulation for accommodations of utilities on City street rights-of-way adopted by KMC 12.55.080. Furthermore, the right-of-way use agreement shall only allow placement of wireless ~~tele~~communication facilities on improved and maintained City street rights-of-way. [Ord. 03-0180 §§ 1, 2; (KCC 14.45.040).]

12.58.050 Grant of authority – Effective period.

The right-of-way use agreement constitutes authorization for the applicant to use the City right-of-way at the location specified in the agreement for no more than 10 years. Failure to comply with the terms and conditions of the right-of-way agreement, including payment of required annual compensation, is cause for revoking of the use agreement. The agreement holder shall remove facilities authorized by the agreement from the City right-of-way upon expiration of the agreement, unless renewed, or upon revocation of the agreement for cause. [Ord. 03-0180 §§ 1, 2; (KCC 14.45.050).]

12.58.060 Application – Contents.

A. The City shall not commence review of any application set forth in this chapter until the applicant has submitted the following:

1. An application form provided by the City and completed by the applicant;
2. The name of the applicant and a designated contact person;
3. Plans and specifications for any structures, antenna or other equipment to be placed in the right-of-way or, if applicable, on abutting private property;
4. A vicinity map showing the specific location of right-of-way subject to the application;
5. When structures and equipment are to be located on abutting properties:

- a. A site plan illustrating the relationship to property lines and other structures on the site;
 - b. Legal description of the site abutting property; and
 - c. Proof that the abutting property is a legally recognized lot pursuant to KMC Title [17](#);
- 6. A critical areas affidavit if required by Chapter [18.55](#) KMC;
 - 7. A completed environmental checklist, if required by Chapter [19.35](#) KMC; and
 - 8. Payment of any review fees established by KMC Title [21](#);
- B. The applicant shall attest by written oath to the accuracy of all information submitted for an application.
[Ord. 03-0180 §§ 1, 2; (KCC 14.45.060).]

12.58.070 Application review.

The department of ~~public works~~[engineering and environmental services](#) and the ~~community development~~[development services](#) department shall coordinate review and inspection of the application for a right-of-way use agreement and, to the extent required, any zoning approvals, building permits and environmental review under the State Environmental Policy Act, as follows:

- A. The department of ~~community development~~[development services](#) shall coordinate the review by all departments of right-of-way use agreement applications.
- B. The department of ~~public works~~[engineering and environmental services](#) shall review and evaluate applications with respect to the hazard and risk of the proposed construction and location of the proposed construction in relation to other utilities in the right-of-way.
- C. The department of ~~community development~~[development services](#) shall review and evaluate all applications to determine consistency with respect to the standards and requirements of Chapter [18.60](#) KMC and KMC Title [21](#). The department shall also be the lead agency for purposes of any environmental review required under Chapter [19.35](#) KMC. [Ord. 11-0329 § 6; Ord. 03-0180 §§ 1, 2; (KCC 14.45.070).]

12.58.080 Application review and inspection fees.

The following fees shall be required for the administrative costs and expenses of processing and inspecting a right-of-way use agreement application.

Review Agency	Fee
Community development Development services department (application processing)	Imposed by the city council by resolution
Community development Development services department (zoning review)	
Public works Engineering and environmental services department (inspection)	

[Ord. 03-0180 §§ 1, 2; Ord. 02-0139 §
1; (KCC 14.45.080).]

12.58.090 Annual compensation for use of right-of-way.

A. In consideration for continuing use of the City rights-of-way, an agreement holder shall commit to provide an annual use payment. The amount of the use payment shall be as follows:

Type of Equipment/Facility within the Right-of-Way	Use Payment
Separate support structure (such as a monopole or lattice) used solely for wireless antenna, with antenna/ receiver transmitter and/or equipment cabinet	Imposed by the city council by resolution
Antenna/receiver transmitter (on an existing or replacement pole) and equipment cabinet	
Antenna/receiver transmitter (on an existing or replacement pole) or equipment cabinet, but not both	

B. For the purpose of this section, "replacement pole" means a new utility pole replacing an existing utility pole in the City right-of-way with no increase in the total number of utility poles in the right-of-way. Replacement poles provide extra capacity to support attached wireless telecommunications facilities.

C. Use payments shall be paid to the City and are due upon the signing of the agreement, prorated to the end of the year, and the first of January every year thereafter.

D. All use payments prescribed by subsection A of this section shall be automatically escalated annually, beginning January 1, 2001, and every year thereafter, for the change in the U.S. Department of Labor, Bureau of Labor Statistics Consumer Price Index for All Urban Consumers ("CPI-U") for the Seattle Tacoma-Bremerton Statistical Metropolitan Area for the preceding calendar year. In the event the CPI-U (or a successor or substitute index) is no longer published, a reliable government or other non-partisan index of inflation selected by the county shall be used to calculate the adjusted amounts. [Ord. 03-0180 §§ 1, 2; Ord. 02-0139 § 1; (KCC 14.45.090).]

12.58.100 Insurance requirements.

A. For any right-of-way use agreement, the agreement holder must carry commercial general liability, automobile liability and stop gap or employers liability coverage, each in minimum limits of not less than \$1,000,000, in an amount approved by the City of Kenmore. All policies must name the City of Kenmore as an additional named insured.

B. All policies shall be placed with insurers having a Bests' rating of no less than A:VIII or, if not rated by Bests, with surpluses equivalent to or greater than Bests' A:VIII rating. The agreement holder shall send copies of certificates, endorsements or other adequate evidence of compliance with this section to the office so designated in the application prior to the City's execution of the agreement. [Ord. 03-0180 §§ 1, 2; (KCC 14.45.100).]

12.58.110 Liquidated damages.

All right-of-way use agreements may provide for liquidated damages to compensate the City for harm caused by violation of an agreement or this chapter, or any applicable law in an amount which is a reasonable forecast of just compensation for the harm caused by the violation. [Ord. 03-0180 §§ 1, 2; (KCC 14.45.110).]

12.58.120 Liability and indemnification.

A. All right-of-way use agreements shall contain the following provision: the holder of agreement shall have no recourse whatsoever against the county or its officials, boards, commissions, agents, or employees for any loss, costs, expenses, or damages arising out of any provision or requirement of the agreement, or KMC Title [21](#) because of the enforcement of the agreement, or KMC Title [21](#) except if such

loss, costs, expenses or damages are the result of the sole negligence or misconduct on the part of the City or its agents.

B. All right-of-way use agreements shall contain the following provision: to the extent permitted by law, the holder of the agreement shall, at its sole cost and expense, indemnify, hold harmless, and defend the City and its officers, boards, commissions, agents and employees, against any and all claims, including but not limited to third-party claims, suits, causes of action, proceedings and judgments for damages or equitable relief arising out of the construction, repair, maintenance or operation of its wireless telecommunication facilities, or in any way arising out of the agreement holder's enjoyment or exercise of the right-of-way use agreement granted pursuant, or otherwise subject to KMC Title 21, regardless of whether the act or omission complained of is authorized, allowed or prohibited by KMC Title 21 or an agreement. This provision includes, but is not limited to, expenses for reasonable legal fees and for disbursements and liabilities assumed by the City as follows:

1. To persons or property, in any way arising out of or through the acts or omissions of the agreement, its officers, employees, or agents or to which the agreement holders negligence shall in any way contribute;
2. Arising out of an agreement holder's failure to comply with the provisions of any federal, State or local statute, ordinance, rule, or regulation applicable to the agreement holder.

C. The City shall give the agreement holder timely written notice of the making of any claim or the commencement of any action, suit or other proceeding covered by KMC Title 21. In the event any such claim arises, the City or any other indemnified party shall tender the defense thereof to the permit and the agreement holder shall have the right to defend, settle, or compromise any claims arising hereunder and the City shall cooperate fully therein. [Ord. 03-0180 §§ 1, 2; (KCC 14.45.120).]

~~12.58.130 Antenna and equipment cabinets/buildings abutting residential zones.~~

~~Antenna and equipment cabinets/buildings abutting R zones shall be subject to the following:~~

~~A. Antennas shall not extend horizontally more than three feet from any pole to which it is mounted. This provision shall be reviewed one year after March 16, 2000, to evaluate aesthetic benefits upon residential neighborhoods and to determine the effects upon the ability of wireless service providers to reasonably and efficiently place facilities within the right-of-way. In order to facilitate this review, wireless service providers shall provide photographs documenting antennas located on all current facilities that are subject to right-of-way use agreements.~~

B. Electronic equipment cabinets or buildings shall be constructed underground when there is an existing residential dwelling unit within 300 feet, unless the required excavation will occur within the required buffers of critical areas, such as wetlands, streams and steep slopes, thus posing greater potential for environmental degradation of the critical area. [Ord. 03-0180 §§ 1, 2; (KCC 14.45.130).]

Chapter 18.60**COMMUNICATION FACILITIES**

Sections:

- 18.60.010 Purpose.
- 18.60.020 Applicability.
- 18.60.030 Exemptions.
- 18.60.050 Minor communication facilities – Review process.
- 18.60.060 Minor communication facilities – Location within street, utility and railroad rights-of-way.
- 18.60.070 Minor communication facilities – Public parks, open spaces and other property owned by the city.
- 18.60.080 Minor communication facilities – Pre-application community meetings.
- 18.60.090 Application requirements for new transmission support structures.
- 18.60.100 Application requirements for new antennas on all existing support structures.
- 18.60.110 Modifications to all communication facilities.
- 18.60.120 Minor communication facilities – Modifications to transmission support structures and alternative transmission support structures.
- 18.60.130 Minor communication facilities – Collocation.
- 18.60.140 Consolidation.
- 18.60.150 Notification requirements.
- 18.60.160 Setback requirements.
- 18.60.170 Color and lighting standards.
- 18.60.180 Minor communication facilities – Development standards for transmission support structures and alternative transmission support structures.
- 18.60.190 Minor communication facilities – Visual compatibility standards.
- 18.60.200 Minor communication facilities – Additional standards to reduce degree of visual impact.
- 18.60.210 Minor communication facilities – Antenna development standards.
- 18.60.220 NIER exposure standards.
- 18.60.230 Fencing and NIER warning signs.
- 18.60.240 Shock and burn standard.
- 18.60.250 Landscaping requirements.

- 18.60.260 Testing of wireless telecommunications facilities required – Radio frequency radiation.
- 18.60.270 Interference.
- 18.60.280 NIER enforcement.
- 18.60.290 Minor communication facilities – Time limits and establishment period.
- 18.60.300 Minor communication facilities – Cessation of use.
- 18.60.310 Minor communication facilities – Criteria for determining technical feasibility.
- 18.60.320 Third party review.

18.60.010 Purpose.

The purpose of this chapter is to establish guidelines for the siting of *transmission support structures* and *antennas*. The goals of this chapter are to:

A. Provide for the appropriate location and *development* of wireless telecommunications facilities in locations that promote the public safety and general welfare;

B. Encourage the location of *transmission support structures* in nonresidential areas and minimize the total number of *transmission support structures* throughout the community;

C. Strongly encourage the joint use of new and existing *transmission support structure sites*;

D. Promote telecommunications facility safety through proper engineering and siting;

E. Accommodate in reasonable time requests for wireless telecommunications facility *development*;

F. Support all decisions made regarding siting of wireless telecommunications facilities with substantial evidence contained in a written record;

G. Encourage users of *transmission support structures* and *antennas* to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;

H. Encourage users of *transmission support structures* and *antennas* to configure them in a way that minimizes the adverse visual impact of the *transmission support structures* and *antennas*;

I. Enhance the ability of the providers of wireless telecommunications services to provide such services to the community quickly, effectively and efficiently; and

J. Ensure compliance with Federal Communications Commission rules and applicable law regarding *nonionizing electromagnetic radiation (NIER)*. [Ord. 11-0329 § 3 (Exh. 1).]

18.60.020 Applicability.

The standards and process requirements of this chapter supersede all other review process, *setback* or *landscaping* requirements of this title. All *communication facilities* which are not exempt pursuant to KMC 18.60.030 shall comply with the provisions of this chapter as follows:

A. New *communication facilities*, with the exception of *consolidations*, shall comply with the provisions of KMC 18.60.030, 18.60.090, 18.60.100, 18.60.150, 18.60.170 and 18.60.220 through 18.60.280; new *minor communication facilities* shall also comply with applicable provisions of this chapter, and, in case of conflict, the provisions of this chapter shall apply;

B. Modified *communication facilities*, with the exception of *consolidations*, shall comply with standards as provided in KMC 18.60.030, 18.60.140 through 18.60.170, and 18.60.220 and 18.60.280; *modifications* to *minor communication facilities* shall also comply with the applicable provisions of this chapter, and, in case of conflict, the provisions of this chapter shall apply;

C. *Consolidations* shall comply with standards as provided in KMC 18.60.030, 18.60.090, 18.60.100, 18.60.150, 18.60.170, and 18.60.220 through 18.60.280; *consolidations* to *minor communication facilities* shall also comply with the applicable provisions of this chapter, and, in the case of conflict, the provisions of this chapter shall apply. [Ord. 11-0329 § 3 (Exh. 1).]

18.60.030 Exemptions.

The following are exempt from the provisions of this chapter and shall be permitted in all zones:

A. Industrial processing equipment and scientific or medical equipment using frequencies regulated by the Federal Communications Commission (FCC);

B. Machines and equipment that are designed and marketed as consumer products, such as microwave ovens and remote control toys;

C. The storage, shipment or display for sale of *transmission equipment*;

D. Radar systems for military and civilian communication and navigation;

E. Hand-held, mobile, marine and portable radio transmitters and/or receivers;

F. Two-way radio utilized for temporary or emergency services communications;

G. Licensed amateur (ham) radio stations and citizen band stations;

H. *Earth station* downlink using satellite dish *antennas* with a diameter of less than two meters or 6.6 feet; provided, that stations in excess of one dish *antenna* are subject to *conditional use permits*;

I. Any *antenna* which is treated as exempt under 47 Code of Federal Regulations (CFR) Section 1.4000(a)(1), as it may be amended from time to time;

J. Any maintenance, reconstruction, repair or replacement of a conforming or nonconforming *communication facility*, *transmission equipment*, *transmission support structure* or *transmitter building*; provided, that the *transmission equipment* does not result in noncompliance with KMC 18.60.220 and 18.60.240;

K. In the event a building permit is required for any *emergency* maintenance, reconstruction, repair or replacement, filing of the building permit application shall not be required until 30 days after the completion of such *emergency* activities. In the event a building permit is required for non-emergency maintenance, reconstruction, repair or replacement, filing of the building permit application shall be required prior to the commencement of such non-emergency activities;

L. Change-out of equipment that is located on the ground, on an existing *transmission support structure* or on an *alternative transmission support structure* that is replaced in the same location and is the same size or smaller. [Ord. 11-0329 § 3 (Exh. 1).]

18.60.050 Minor communication facilities – Review process.

Minor communication facilities shall be reviewed as follows:

Minor Communication Facilities – Review Process

Zone District(s)	Antenna	Transmission Support Structure
UC, WC, RB, NB, DC	P	C
R-1 – R-6, P	P ² , C	C ³ , S
R-12 – R-48, DR	P	C ³ , S

P – Permitted Use – reviewed through Type 2 process outlined in KMC 19.25.020.

C – Conditional Use – reviewed through Type 2 process outlined in KMC 19.25.020.

S – Special Use – reviewed through Type 3 process outlined in KMC 19.25.020.

¹ Reserved.

² Only if the proposal is for a location which is in improved right-of-way or located on a parcel abutting 61st Avenue NE, Simonds Rd NE, Juanita Drive, NE 170th Street or State Route 522; or located on an *alternative transmission support structure* or *transmission support structure* with existing telecommunication facilities per KMC 18.60.270.

³ Only if the proposal is for a location which is in improved right-of-way or located on a parcel abutting 61st Avenue NE, Simonds Road NE, Juanita Drive, NE 170th Street or State Route 522.

[Ord. 14-0391 § 2 (Exh. 1); Ord. 11-0329 § 3 (Exh. 1).]

**18.60.060 Minor communication facilities –
Location within street, utility and
railroad rights-of-way.**

A. The mounting of *antennas* upon existing *structures*, such as power poles, located within publicly or privately maintained *street*, utility and railroad rights-of-way is permitted. The process by which these facilities are approved is outlined in KMC 18.60.050, by first determining the most restrictive zone that abuts the right-of-way. However, this authorization shall not be construed as granting a right to use any property without the permission of the property owner. If an existing *structure* within a *street*, utility, or railroad right-of-way cannot accommodate an *antenna* due to structural deficiency, the *structure* may be replaced with a new *structure* that will serve the original purpose. The replacement *structure* must also remain the same diameter of the existing *structure*, unless the *applicant* can provide information stating that it is infeasible to locate all transmission and power cables and any other conduit within the pole without increasing the diameter and will not exceed the height and *setback* requirements of KMC 18.60.180.

Exception: *Structures* that operate solely as light poles may be replaced; however, they are not to exceed the height of the existing *structure*. The replacement *structure* must also remain the same diameter of the existing *structure*, unless the *applicant* can provide information stating that it is infeasible to locate all transmission and power cables and any other conduit within the pole without increasing the diameter. Replacement *structures*

must meet the criteria in KMC 18.60.170, 18.60.190 and 18.60.200. In addition, if poles were originally installed as a decorative light standard, then the pole must match the other existing poles within the *development* in color, form and any decorative elements.

B. *Minor communication facilities* within *street*, utility and railroad rights-of-way that propose the construction of a separate *structure* used solely for *antenna* shall be subject to the zoning provisions applicable to the property abutting the portion of right-of-way where the *structure* is proposed except that the *setbacks* specified in the zoning code shall not apply. *Setbacks* shall be those specified in the *street* design standards. In cases where the abutting property on either side of the right-of-way has different zoning, the more restrictive zoning provisions shall apply.

C. The placement of *antennas* on existing or replacement *structures* within *street*, utility or railroad rights-of-way is the preferred alternative in residential neighborhoods and the feasibility of such placement shall be considered by the *City* whenever evaluating a proposal for a new *transmission support structure*, except for a new *structure* that is proposed to collocate *antennas* for two or more separate service providers. [Ord. 11-0329 § 3 (Exh. 1).]

**18.60.070 Minor communication facilities –
Public parks, open spaces and other
property owned by the City.**

Within public *parks* and open spaces owned by the *City*, the placement of *antennas* on existing *structures*, such as power poles, light poles for *streets* and parking lots, light standards for recreational fields and existing *transmission support structures*, is the preferred option. As property owner, the *City*, separate from any permitting issues related to the project, has complete control over the placement of a facility in a *park* or on any other *City*-owned property. If an existing *structure* within a *City*-owned *park* or open space cannot accommodate an *antenna* due to structural deficiency, or does not have the height required to provide adequate signal coverage, the *structure* may be replaced with a new *structure*; provided, that the new *structure* will serve the original purpose and not exceed the original height. Any height increase which exceeds the original height of the *structure* will require a new application for a use permit per KMC 18.60.050. The construction of a new free-standing tower within public *parks* and open

spaces owned by the *city* shall be subject to the requirements of this chapter. [Ord. 11-0329 § 3 (Exh. 1).]

18.60.080 Minor communication facilities – Pre-application community meetings.

When a new *transmission support structure* is proposed in any zone within the *city*, a community meeting shall be convened by the *applicant* prior to submittal of an application.

A. At least two weeks in advance, notice of the meeting shall be provided by the *applicant* as follows:

1. Published in the local paper and mailed to the *department* and to the *city council*; and
2. Mailed notice shall be provided to all property owners within 500 feet (or at least 20 of the nearest property owners, whichever is greater) as required by KMC 18.60.150 of any potential *sites*, identified by the *applicant* for possible *development*, to be discussed at the community meeting. The mailed notice shall at a minimum contain a brief description and purpose of the project, the estimated height, approximate location noted on an assessor map with address and parcel number, photo or sketch of proposed facility, a statement that alternative *sites* proposed by citizens can be presented at the meeting which will be considered by the *applicant*, a contact name and telephone number to obtain additional information, and such other information as the *city* shall reasonably deem necessary and require of the *applicant* in writing. Because the purpose of the community meeting is to promote early discussion, *applicants* are encouraged to note any changes to the conceptual information presented in the mailed notice when they submit applications.

B. At the community meeting, at which at least one employee of the *department*, assigned by the *city manager*, shall be in attendance, the *applicant* shall provide information relative to existing *transmission support structures* and other nonresidential *structures*, such as water towers and electrical transmission lines, within one-quarter mile of potential *sites*, and shall discuss reasons why those existing *structures* are unfeasible. Furthermore, any alternative *sites* within one-quarter mile, identified by community members and provided to the *applicant* in writing at least five days in advance of the meeting, shall be evaluated by the *applicant* to the extent possible given the timeframe, and discussed at the meeting. A listing of the *sites*, identi-

fied in writing and provided to the *applicant* at or before the community meetings, shall be submitted to the *department* with the proposed application. *Applicants* shall also provide a list of meeting attendees and those receiving mailed notice and a record of the published meeting notice at the time of application submittal. [Ord. 11-0329 § 3 (Exh. 1).]

18.60.090 Application requirements for new transmission support structures.

A. In addition to any required site plan, a permit application for any *communication facility* shall also include:

1. A site plan which shows existing and proposed *transmission support structures*; guy wire anchors; warning *signs*; fencing and access restrictions;
2. A report by a registered professional civil or structural engineer demonstrating compliance with applicable structural standards in Chapter 15.25 KMC, and describing the general structural capacity of any proposed *transmission support structure(s)*, including:
 - a. The number and type of *antennas* that can be accommodated; and
 - b. The basis for the calculation of capacity;
3. A report by a registered professional engineer that includes the following:
 - a. A description of any proposed *transmission support structure(s)*, including height above grade, materials, color and lighting; and
 - b. Statement related to interference and exposure as required by KMC 18.60.220 and 18.60.270;
4. A completed "Checklist to Determine Whether a Facility is *Categorically Excluded*," which will be provided by the *city*.

B. In addition to any required site plan and the information listed in subsection A of this section, a permit application for any *major communication facility* or any *minor communication facility* which is subject to the *special use permit* procedure shall also include:

1. The name and address of the operator(s) of proposed and existing *antennas* on the *site*;
2. The height of any proposed *antennas*;
3. A statement from a registered professional electrical engineer accredited by the state of Washington who holds a federal communications general radio telephone operator license which includes:

a. The calculated *NIER* levels attributable to the proposed *antennas* at points along the property line and other areas off-site which are higher than the property line points, as well as calculated power density (*NIER* levels) in areas that are expected to be unfenced on-site;

b. For a *major communication facility*, if there is another *major communication facility* within one mile of the *site* of the proposed facility, the level of *NIER* at the points identified in subsection (B)(3)(a) of this section as measured within 30 days prior to application; and

c. For a *minor communication facility*, if there is an existing *major communication facility* within one-half mile of the *site* of the proposed facility, the level of *NIER* at the points identified in subsection (B)(3)(a) of this section as measured within 30 days prior to the application.

C. Each *applicant* for a building permit if required by Chapter 15.20 KMC for construction of a *minor communication facility* shall post cash, an irrevocable bond, or an irrevocable letter of credit. The amount required must be computed in the following manner: 20 percent of the cost of construction for the proposed facility; provided, that if the *applicant* can demonstrate that the cost of removal of those facilities is less than this amount, the *applicant* need only provide a bond in the amount of the cost of removal. This bond will remain in effect throughout the operation and use of the facility as security for removal of the *minor communication facility* or any part thereof. [Ord. 11-0329 § 3 (Exh. 1).]

18.60.100 Application requirements for new antennas on all existing support structures.

A permit application for *antennas* to be located on any existing *structures* shall include:

A. A site plan which shows the existing *transmission support structure* or *alternative transmission support structure*; guy wire anchors; warning signs; landscaping; fencing and access restrictions.

B. A description of any proposed *transmission support structure* or *alternative transmission support structure*, including height above grade, materials, color and lighting.

C. A letter from the owner of the *structure* for which the *antennas* are proposed to be located on, giving permission for the proposal to be processed.

D. A report by a registered professional engineer that includes a statement relating to interference and exposure as required by KMC 18.60.220 and 18.60.270.

E. A completed "Checklist to Determine Whether a Facility is *Categorically Excluded*," which will be provided by the *city*. [Ord. 11-0329 § 3 (Exh. 1).]

18.60.110 Modifications to all communication facilities.

A. Cumulative *modifications* of conforming or nonconforming *communication facilities*, *transmission support structures*, *alternative transmission support structures* or *transmission equipment* which do not increase the overall height of the *transmission support structure* or *transmission equipment* and which do not cause an increase in *effective radiated power* or *antenna location* shall be allowed provided:

1. A *nonconformance* with respect to the height of the *transmission support structure* or *alternative transmission support structure* shall not be created or increased;

2. Existing perimeter *vegetation* or landscaping shall not be reduced;

3. The *modification* results in compliance with KMC 18.60.220 and 18.60.240. The *applicant* shall provide the *city* a detailed certification of compliance with these provisions which has been prepared by a licensed professional engineer; and

4. For *minor communication facilities*, the allowances for increased height established by this chapter, including without limitation KMC 18.60.120, shall be complied with.

B. Except for *consolidations* allowed by KMC 18.60.140, *modifications* which increase the overall height of the *transmission support structure* or *transmission equipment* shall be subject to the following provisions:

1. Applications for such *transmission support structures* shall be reviewed pursuant to the applicable process specified in this chapter; and

2. Such *transmission support structures* shall comply with the provisions of KMC 18.60.030, 18.60.090, 18.60.100, 18.60.150, 18.60.170, and 18.60.220 through 18.60.270. [Ord. 11-0329 § 3 (Exh. 1).]

**18.60.120 Minor communication facilities –
Modifications to transmission
support structures and alternative
transmission support structures.**

A. *Modifications to transmission support structures and alternative transmission support structures* are permitted through the Type 2 process outlined in KMC 19.25.020 when the *modification(s)* is necessary to accommodate the actual collocation of the *antenna* of other service providers, or to accommodate the current provider's *antenna* required to utilize new technology, such as digital transmissions, and the *transmission support structure* including the proposed *modification* does not increase the height of the existing *transmission support structure* or modify any of the original conditions of approval.

B. *Modifications to the height or conditions of approval of existing transmission support structures* are permitted through the *transmission support structure* process outlined in KMC 18.60.050.

C. *Modifications to the height or conditions of approval of existing alternative transmission support structures* are permitted through the *antenna* process outlined in KMC 18.60.050.

D. *Modifications to existing legal nonconforming transmission support structures and alternative transmission support structures* shall be subject to the applicable procedure set forth in KMC 18.60.050 and may not increase the height of the *structure* more than what is permitted in KMC 18.60.180. [Ord. 11-0329 § 3 (Exh. 1).]

**18.60.130 Minor communication facilities –
Collocation.**

A. Upon application for a permit for a new *transmission support structure* or *antenna*, the *applicant* shall provide a map showing all existing *transmission support structures* or other suitable nonresidential *structures* located within one-quarter mile of the proposed *structure* with consideration given to engineering and structural requirements. No new *transmission support structure* shall be permitted if an existing *structure* suitable for attachment of an *antenna* or collocation is located within one-quarter mile, unless the *applicant* demonstrates that the existing *structure* or a new *structure* complying with KMC 18.60.120:

1. Would be physically or technologically unfeasible pursuant to KMC 18.60.310; or
2. Is not made available for sale or lease by the owner; or

3. Is not made available at a market rate cost; or

4. Would result in conflicts with Federal Aviation Administration height limitations; or

5. Cannot be collocated within an existing facility due to interference with a third carrier.

B. The burden of proof shall be on the *applicant* to show that a suitable existing, modified or replacement *structure* for mounting of *antenna* or collocation cannot be reasonably or economically used in accordance with these criteria.

C. Prior to the receipt of a building permit to construct a new *transmission support structure*, the *applicant* shall file a letter with the *department* agreeing to allow collocation on the *transmission support structure*. The agreement shall commit the *applicant* to provide, either at a market rate cost or at another cost basis agreeable to the affected parties, the opportunity to collocate the *antennas* of other service providers on the *applicant's* proposed *transmission support structure* to the extent that such collocation is technically feasible for the affected parties.

D. All new or modified *transmission support structures* shall be constructed in a manner that would provide sufficient structural strength to allow the collocation of additional *antennas* from other service providers at the standard 10-foot separation.

E. Applications to collocate new *minor communications facilities* on existing *transmission support structures* and/or *alternative transmission support structures* with no increase in height shall comply with all applicable provisions of KMC Title 19 and be processed as a Type 2 permit. [Ord. 11-0329 § 3 (Exh. 1).]

18.60.140 Consolidation.

Consolidation of two or more existing *transmission support structures* may be permitted subject to the following:

A. If the consolidated *transmission support structure* cannot meet the requirements of KMC 18.60.160, it shall be located on the portion of the parcel on which it is situated which, giving consideration to the following, provides the optimum practical setback from adjacent properties as determined by the *city manager*:

1. Topography and dimensions of the *site*;
2. (In the case of a *consolidation*) to any existing *structures* to be retained;

3. (In the case of a *guyed transmission support structure*) to guy anchor placement necessary to assure structural integrity of the consolidated transmission tower; and

4. Consolidated *transmission support structures* shall be set back from abutting residential property as required in KMC 18.60.180;

B. If a *consolidation* involves the removal of *transmission support structures* from two or more different *sites* and if a consolidated *transmission support structure* is to be erected on one of those *sites*, it shall be erected on the *site* which provides for the greatest compliance with the standards of this chapter;

C. All existing *transmission equipment* on the *site* of a *communication facility* which does not comply with the provisions of this chapter shall be relocated to the consolidated *transmission support structure* before the relocation of *transmission equipment* from a nonexempt off-site, conforming *communication facility* is permitted;

D. The *consolidation* shall not exceed *NIER* and electrical current level limits specified in KMC 18.60.220 and 18.60.240;

E. Any *transmission support structure* to be removed as part of a *consolidation* shall be removed within 12 months of relocation of the transmitting equipment;

F. *Consolidation* shall result in a net reduction in the number of *transmission support structures*; and

G. Consolidated facilities shall require a *conditional use permit*, unless a new *transmission support structure* in the same location would require a *special use permit*, in which case consolidated facilities shall require a *special use permit*. [Ord. 11-0329 § 3 (Exh. 1).]

18.60.150 Notification requirements.

An *applicant* shall comply with all requirements for notification of a permit application set out in KMC Title 19. [Ord. 11-0329 § 3 (Exh. 1).]

18.60.160 Setback requirements.

Except as outlined for *modifications* and *consolidations* pursuant to KMC 18.60.110 and 18.60.120 or when *setbacks* are increased to ensure compliance with *NIER* exposure limits, communication facilities shall comply with the following *setbacks*:

A. *Transmission support structures*, for *major communication facilities* which do not exceed the height limit of the zone in which they are located,

shall be set back from the property line as provided for *minor communications facilities* in KMC 18.60.180;

B. *Transmission support structures*, for *major communication facilities*, which exceed the height limit of the zone in which they are located, and which are located in zones other than NB, DC, DR, UC, WC, or RB, shall be set back from property lines as set forth in KMC 18.60.180;

C. *Transmission support structures* for *minor communication facilities* shall be set back from the property line as provided in KMC 18.60.180;

D. When two or more *communication facilities* share a common boundary, the *setback* from such boundary shall comply with the requirements of the zone in which the facilities are located, unless easements are provided:

1. On the adjoining *sites* which limit *development to communication facilities*;

2. Of sufficient depth to provide the *setbacks* required in subsections A and B of this section;

3. Which provide for the *City* as a third party signatory to the agreement; and

4. *Transmitter buildings* shall be subject to the *setback* requirements of the zone in which they are located. [Ord. 14-0391 § 2 (Exh. 1); Ord. 11-0329 § 3 (Exh. 1).]

18.60.170 Color and lighting standards.

Except as specifically required by the Federal Aviation Administration (*FAA*) or the Federal Communications Commission (*FCC*), *transmission support structures* and *alternative transmission support structures* and all equipment attached to such *structures* shall:

A. Use nonreflective colors such as gray, blue, brown or green which reduce their visual impacts; provided, wooden poles do not have to be painted.

B. If a replacement pole is proposed, then it must match the color of the original pole, unless the use of an alternate color would have less visual impact. For example, if *evergreen* trees surround an existing metal pole, then instead of replacing the pole with a metal or gray pole, the pole may be replaced with a dark green pole.

C. Not be illuminated, except *transmitter buildings* may use lighting for security reasons which is compatible with the surrounding neighborhood.

D. If a replacement *structure* is proposed, the replacement pole must meet the criteria listed in subsection A of this section. [Ord. 11-0329 § 3 (Exh. 1).]

**18.60.180 Minor communication facilities –
Development standards for
transmission support structures and
alternative transmission support
structures.**

A new *transmission support structure* may not exceed the standards of this section.

Minor Communication Facilities – Development Standards

Zone District(s)	Maximum Height ² of Transmission Support Structure or Alternative Transmission Support Structure	Setbacks ¹ for New Transmission Support Structure
RB, WC, UC, DC	100 feet high	Either (a) 50 feet, or (b) a <i>setback</i> of one foot for every one foot in height from any A or R-1 – R-48 zoned property, whichever provides the greater <i>setback</i> .
NB, R-1 – R-6, R-12 – R-48, DR	60 feet high	Either (a) 50 feet, or (b) a <i>setback</i> of one foot for every one foot in height from any R-1 – R-48 zoned property, whichever provides the greater <i>setback</i> .

¹ *Setbacks* may be modified to achieve additional screening; see KMC 18.60.190(C) or as provided in KMC 18.60.160.

² “Height” shall mean the vertical distance of any support structure as measured from the bottom of the base of the support structure ground level to the highest point of such support structure.

[Ord. 14-0391 § 2 (Exh. 1); Ord. 11-0329 § 3 (Exh. 1).]

**18.60.190 Minor communication facilities –
Visual compatibility standards.**

With consideration to engineering and structural requirements, and the coverage patterns the provider is seeking to achieve, *minor communication facilities* shall be subject to the following visual compatibility standards in addition to KMC 18.60.170:

A. When located on *alternative transmission support structures* such as *buildings* or water towers, the placement of the *antenna* on the *structure* should reflect the following order of priority in order to minimize visual impact:

1. When located on a utility pole, *antennas* shall be either fully concealed within the utility pole or camouflaged to appear to be an integrated part of the utility pole. *Antennas* not flush-mounted on the side of the utility pole shall be centered on the top of the utility pole to which they are mounted and camouflaged or disguised.

2. A location as close as possible to the center of the *structure*;

3. Along the outer edges or side-mounted; provided, that in this instance, additional means such as screens should be considered and may be required by the *department* on a case-by-case basis;

4. When located on the outer edge or side-mounted, be placed on the portion of the *structure* less likely to be seen from adjacent lands containing, in descending order of priority: existing residences, public *parks* and open spaces, and public roadways; and

5. Transmission and power cables and any other conduit shall be contained within the support structure or *alternative transmission support structure* or located underground.

B. To the extent that there is no conflict with the color and lighting requirements of the Federal Aviation Administration for aircraft safety purposes, *transmission support structures* and *alternative transmission support structures* shall be designed to blend with existing surroundings to the extent feasible. This should be achieved through the use

of compatible colors and materials, and alternative site placement to allow the use of topography, existing *vegetation* or other *structures* to screen the proposed *transmission support structure* from adjacent lands containing, in descending order of priority: existing residences, public *parks* and open spaces, and public roadways.

C. The *setback* provisions of KMC 18.60.180 may be waived by the *city manager* or the *hearing examiner* in order to achieve greater levels of screening than that which would be available by using the stated *setback*, during the course of the review process described in KMC 18.60.180. In waiving the requirement, the *department* or *hearing examiner* shall consider the protection of adjacent lands on the basis of the priorities stated in subsections A and B of this section. [Ord. 11-0329 § 3 (Exh. 1).]

18.60.200 Minor communication facilities – Additional standards to reduce degree of visual impact.

The *department* shall also consider the following criteria and give substantial consideration to on-site location and *setback* flexibility authorized in KMC 18.60.190(C) when reviewing applications for new *transmission support structures* and determining appropriate levels of *mitigation*:

A. Whether existing *trees* and *vegetation* can be preserved in such a manner that would most effectively screen the proposed *transmission support structure* from residences on adjacent properties;

B. Whether there are any natural landforms, such as hills or other topographic breaks, that can be utilized to screen the *transmission support structure* from adjacent residences;

C. Whether the *applicant* has utilized a tower design that reduces the silhouette of the portion of the *transmission support structure* extending above the height of surrounding *trees*; and

D. Whether the factors of subsections B and C of this section can be addressed and the height of the proposed tower be reduced and still provide the level of coverage proposed by the *applicant*. [Ord. 11-0329 § 3 (Exh. 1).]

18.60.210 Minor communication facilities – Antenna development standards.

A. If *antennas* are located on a *transmission support structure* or utility pole, then the *antenna* array shall be flush-mounted within six inches of the support structure or pole, or contained in a canister that is a continuation of the diameter of the

support structure. If located on a *building*, then the *antenna* array must be flush-mounted within 12 inches of the face of the *building* or mechanical equipment screening.

B. *Antennas* shall not extend vertically above the uppermost portion of the *structure* to which they are mounted or attached, as follows:

1. Not more than the height of the *antenna* on the *transmission support structure* or *alternative transmission support structure* or three feet (36 inches), whichever is more restrictive;

2. Not more than 20 feet on a nonresidential *structure*; and

3. Not more than 15 feet on a residential *structure*, such as a garage, carport, shed, etc.

C. *Antennas* must be located at least 33 feet (10 meters) in any one direction from all residential living spaces and schools.

D. *Antenna modifications* and replacements which meet the requirements of subsection A of this section do not require approval from the *City* or a permit; however, testing per KMC 18.60.260 is required. [Ord. 11-0329 § 3 (Exh. 1).]

18.60.220 NIER exposure standards.

A. A *communication facility*, by itself or in combination with others, shall not expose the public to *NIER* that exceeds the electric or magnetic field strength, or the power density, for the frequency ranges and durations described in 47 CFR 1.1310 or any other applicable federal law or regulation. A statement signed by a licensed professional electrical engineer shall be submitted that states that the proposed communications facilities meet all federal interference rules and regulations.

B. Permit applications for communication facilities shall include a statement, signed by a registered professional electrical engineer licensed in the State of Washington who holds a valid *FCC* General Radiotelephone License, that the proposed communications facilities meet all federal *NIER* rules and regulations. The report must also include the proposed levels of exposure and how they comply with *FCC* guidelines. [Ord. 11-0329 § 3 (Exh. 1).]

18.60.230 Fencing and NIER warning signs.

All *communication facility sites* shall comply with all federal guidelines regarding fencing and *NIER* warning signs. [Ord. 11-0329 § 3 (Exh. 1).]

18.60.240 Shock and burn standard.

The *communication facility* shall comply with 47 CFR 1.1310. [Ord. 11-0329 § 3 (Exh. 1).]

18.60.250 Landscaping requirements.

A *communication facility site* shall provide landscaping as follows:

A. When the facility is located in:

1. The NB, CB, PSP, RB, WC, UC, DC, or DR zone, the base of any *transmission support structure* or *transmitter building* shall be landscaped with eight feet of Type II landscaping as defined by KMC 18.35.040(B).

2. The R, GC, and P zones, the base of any *transmission support structure*, *alternative transmission support structure* or *transmitter building* shall be landscaped with 10 feet of Type I landscaping as defined by KMC 18.35.040(A).

B. When a security fence is used to prevent access onto a *transmission support structure*, *alternative transmission support structure* or *transmitter building*, any landscaping required pursuant to subsection A of this section shall be placed outward of such security fence.

C. When a security fence is used:

1. In the NB, WC, UC, or RB zone, wood slats shall be woven into the security fence if made of chain-link material.

2. In the R zone, climbing evergreen shrubs or vines capable of growing on the fence shall supplement any landscaping required pursuant to subsection A of this section.

D. Landscaping shall be planted according to KMC 18.35.110. The applicant shall be required to maintain the installed landscaping per KMC 18.35.120. A two-year landscape maintenance bond shall be required to be posted at the time of permit issuance and will go into effect when the landscaping has been installed to ensure survivability of the plants. The amount of the bond shall be determined by the Kenmore landscaping bond quantity worksheet.

E. Existing vegetation may be used and/or supplemented with additional vegetation to comply with the requirements of subsection A of this section.

F. The city manager may waive or modify the provisions for landscaping at the base of the *transmission support structure*, *alternative transmission support structure* and/or the equipment buildings when:

1. Existing structures on the site or the screening effects of existing vegetation on the site or along the site perimeter would preclude the ability to view the base of the *transmission support structure*, *alternative transmission support structure* or equipment building; or

2. The required landscaping is accessible to grazing animals and the animals would be better protected by placement of landscape materials within any proposed fencing or by the use of alternative landscaping vegetation that would not be toxic to the animals. [Ord. 14-0391 § 2 (Exh. 1); Ord. 11-0329 § 3 (Exh. 1).]

18.60.260 Testing of wireless telecommunications facilities required – Radio frequency radiation.

A. All licensed carriers shall conduct tests necessary to demonstrate compliance with all applicable FCC regulations regarding the radio frequency emissions of the wireless telecommunication facility. All such tests shall be performed by or under the supervision of a radio frequency engineer competent to perform such tests and interpret the data gathered.

B. All licensed carriers shall submit a report, certified by a radio frequency engineer, setting forth the following:

1. Measurement of existing or ambient radio frequency radiation (RFR);

2. Existing RFR plus proposed wireless telecommunication facility: maximum estimate of RFR from the proposed wireless telecommunication facility plus existing ambient RFR;

3. Existing RFR plus proposed wireless telecommunication facility plus cumulative: maximum estimate of RFR from the proposed wireless telecommunication facility plus the maximum estimate of RFR from the total addition of collocated wireless telecommunication facilities, if any, plus the existing ambient RFR; and

4. Certification, signed by a radio frequency engineer, stating that the RFR measurements are accurate and meet FCC guidelines.

C. Initial field measurements shall be performed prior to placing the wireless telecommunication facility into service and the initial compliance report shall be submitted within 14 days of the wireless telecommunication facility becoming fully operational.

D. Compliance reports shall be required to be submitted to the *City* when a facility is to be modified under *FCC* guidelines or when an *FCC* license renewal application is made.

E. The *City* may retain a technical expert in the field of radio frequency engineering to verify the RFR measurements and certification. The cost of such a technical expert shall be borne by the licensed carrier or *applicant*. [Ord. 11-0329 § 3 (Exh. 1).]

18.60.270 Interference.

Permit applications for *communication facilities* shall include a statement, signed by a licensed professional electrical engineer, that the proposed *communications facilities* meet all federal interference rules and regulations. [Ord. 11-0329 § 3 (Exh. 1).]

18.60.280 NIER enforcement.

The *city manager* shall have the authority to take any necessary steps to seek *FCC* enforcement of the relevant standards, or, to the extent consistent with applicable law and *FCC* regulations, to take such other steps as may be appropriate to rectify such a violation. [Ord. 11-0329 § 3 (Exh. 1).]

18.60.290 Minor communication facilities – Time limits and establishment period.

The building permit shall become null and void if construction of the *transmission support structure* has not begun within one year after the effective date of permit approval or if *antennas* are not installed within 180 days after construction of the *transmission support structure*. Extensions shall be allowed only in accordance with the criteria specified for building permit extensions in KMC Title 15. [Ord. 11-0329 § 3 (Exh. 1).]

18.60.300 Minor communication facilities – Cessation of use.

An *antenna* shall be removed from a *transmission support structure* or *alternative transmission support structure* within 180 days after the *antenna* is no longer operational unless the owner of the *antenna* can show to the *City's* satisfaction that the *antenna* is likely to be used again within the next six months. A *transmission support structure* for wireless communication facilities shall be removed within one year of the date the last *antenna* is removed. *Antennas* or *transmission support structures* that are not removed within the

time frames described herein may be removed by the *City* or a contractor designated by the *City*, and the owner of the *antenna* or *transmission support structure* shall reimburse the *City* for its costs in removing the *antenna* or *transmission support structure*. The *City* may extend the deadlines listed in this section. Nothing herein prevents a landlord from removing *antennas* of tenants which are in default under the terms of a lease agreement. [Ord. 11-0329 § 3 (Exh. 1).]

18.60.310 Minor communication facilities – Criteria for determining technical feasibility.

When an *applicant* is required to demonstrate that an existing, modified or replacement structure is not technically feasible for collocation, the evidence submitted to corroborate that finding may consist of any of the following:

A. No existing structures are located within the geographic area required to meet the *applicant's* proposed area of coverage.

B. Existing structures are not of sufficient structural strength to support the *applicant's* proposed *antenna* and related equipment and the cost of *modification* or replacement of an existing structure to allow collocation would equal or exceed that of the construction of the new structure.

C. Existing structures or structures modified consistent with KMC 18.60.120 would not be of sufficient height required to meet the *applicant's* proposed area of coverage or allow *microwave* connection to other *sites* operated by the *applicant*.

D. The *applicant's* proposed *antenna* would cause interference between the proposed and existing *antennas*, and that even the additional height permitted for collocations pursuant to KMC 18.60.130 would not ensure enough separation to avoid such interference. [Ord. 11-0329 § 3 (Exh. 1).]

18.60.320 Third party review.

In certain instances there may be a need for expert review by a third party of the technical data submitted by the personal wireless service provider. The *City* may require such technical review, to be paid for by the *applicant* for the personal wireless service facilities. The selection of the third party expert shall be by mutual agreement between the *applicant* and the *City*, such agreement not to be unreasonably withheld by either party. The third

party expert shall have recognized training and qualifications in the field of *radio frequency* engineering.

The expert review is intended to be a site-specific review of technical aspects of the personal *wireless services*, facilities and other matters as described herein, and not a subjective review of the *site* selection. In particular, but without limitation, the expert shall be entitled to provide a recommendation on the height of the proposed facilities relative to the *applicant's* coverage objectives and system design parameters. Such review should address the accuracy and completeness of the technical data, whether the analysis techniques and methodologies are legitimate, the validity of the conclusions and any specific technical issues outlined by the *city* or other interested parties. Based on the results of the third party review, the *city* may require changes to the application for the personal wireless service facilities that comply with the recommendations of the expert. [Ord. 11-0329 § 3 (Exh. 1).]

Chapter 18.70

ANIMALS

Sections:

- 18.70.010 Purpose.
- 18.70.020 Animal regulations – Small animals and household pets.
- 18.70.025 Kennels and catteries.
- 18.70.030 Animal regulations – Livestock – Purpose.
- 18.70.040 Animal regulations – Livestock – Densities.
- 18.70.060 Animal regulations – Livestock – Management standards.
- 18.70.070 Animal regulations – Livestock – Building requirements.
- 18.70.075 Animal regulations – Livestock – Setbacks for buildings and manure storage areas.
- 18.70.080 Animal regulations – Livestock – Education and enforcement.
- 18.70.090 Nonconformances.

18.70.010 Purpose.

The purpose of this chapter is to enhance and preserve the compatibility between neighboring properties by regulating the scope and intensity of *accessory uses* or activities involving the keeping of animals. [Ord. 11-0329 § 3 (Exh. 1).]

18.70.020 Animal regulations – Small animals and household pets.

The raising, keeping, breeding or boarding of *small animals* and *household pets* are subject to Chapter 6.05 KMC, Animal Care and Control, and the following requirements:

A. The following *household pets* shall not be limited in number, except as may be provided in KMC Title 6:

1. Household pets in aquariums, terrariums, cages or similar containers;
2. Cats kept indoors.

B. Dogs kept indoors as *household pets* shall be limited to five.

C. *Small animals*, including cats and dogs not kept indoors as *household pets* but excluding bees, shall be limited as follows:

1. Three per household on *lots* less than 20,000 square feet in size;
2. Five per household on *lots* of 20,000 to 35,000 square feet in size;

ATTACHMENT 11

The City Attorney's Office has provided a summary of the legal framework applicable to the City's review and adoption of Wireless Communication Facilities (WCF) regulations under Chapter 18.60 KMC.

A. Legal Framework.

In order to better understand the City's scope of authority to adopt WCF regulations, the relevant sections of the federal Telecommunications Act (TCA) are provided as follows:

47 U.S.C.A. Sec. 332

* * *

(7) Preservation of local zoning authority

(A) General authority

Except as provided in this paragraph, nothing in this chapter shall limit or affect the authority of a State or local government or instrumentality thereof over decisions regarding the placement, construction, and modification of personal wireless service facilities.

(B) Limitations

(i) The regulation of the placement, construction, and modification of personal wireless service facilities by any State or local government or instrumentality thereof--

(I) shall not unreasonably discriminate among providers of functionally equivalent services; and

(II) shall not prohibit or have the effect of prohibiting the provision of personal wireless services.

(ii) A State or local government or instrumentality thereof shall act on any request for authorization to place, construct, or modify personal wireless service facilities within a reasonable period of time

(iii) Any decision by a State or local government or instrumentality thereof to deny a request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record.

(iv) No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions.

47 U.S.C.A. Sec. 332(c)(7)(A)-(B).

Under the TCA, Congress expressly preserved a local government's authority to adopt regulations relating to the placement, construction and modification of wireless facilities. But, Congress also limited the City's authority under Subsection (c)(7)(B)(i) "Limitations", which states that it shall not "unreasonably discriminate" among providers and "shall not prohibit or have the effect of prohibiting the provision of personal wireless services."

The Ninth Circuit has explained what the TCA means when it states that a local government shall not "unreasonably discriminate" or "prohibit or have the effect of prohibiting" such services:

As the bulk of the cases on this issue have recognized, by using this language "the Act explicitly contemplates that some discrimination 'among providers of functionally equivalent services' is allowed. Any discrimination need only be reasonable." (citations omitted).

More specifically, most courts have held that discrimination based on "traditional bases of zoning regulation" such as "preserving the character of the neighborhood and avoiding aesthetic blight" are reasonable and thus permissible. (citations omitted). Aside from reflecting the plain meaning of the TCA's text, this interpretation is also supported by the Act's legislative history. The House Conference Report on the TCA explained the Act's nondiscrimination clause as follows:

The conferees also intend that the phrase "unreasonably discriminate among providers of functionally equivalent services" will *provide localities with the flexibility to treat facilities that create different visual, aesthetic, or safety concerns differently to the extent permitted under generally applicable zoning requirements even if those facilities provide functionally equivalent services*. For example, the conferees do not intend that if a State or local government grants a permit in a commercial district, it must also grant a permit for a competitor's 50-foot tower in a residential district.

H.R. Conf. Rep. No. 104-458, at 208 (1996) (emphasis added).

MetroPCS, Inc. v. City and County of San Francisco, 400 F.3d 715, 727 (9th Cir. 2005) (emphasis in original).

Thus, under the TCA, the City retains its local zoning powers, subject to the two limitations noted above.¹ The TCA does not require the City to permit WCF towers in all zones, unless such prohibition would equate "unreasonable discrimination" or "prohibit or have the effect of prohibiting" such services.

The Ninth Circuit has further explained that "unreasonable discrimination" means that a provider must show "that they have been treated differently from other providers whose facilities are *similarly situated* in terms of the *structure, placement, or cumulative impact* as the facilities in

¹ While the TCA prohibits a local government from regulating the placement, construction and modification of WCF facilities based on "environmental effects of radio frequency emissions", no such regulations are being proposed in Chap. 18.60 KMC.

question.” American Tower Corporation v. City of San Diego, 763 F.3d 1035, 1055 (9th Cir. 2014); MetroPCS, Inc., 400 F.3d at 727.

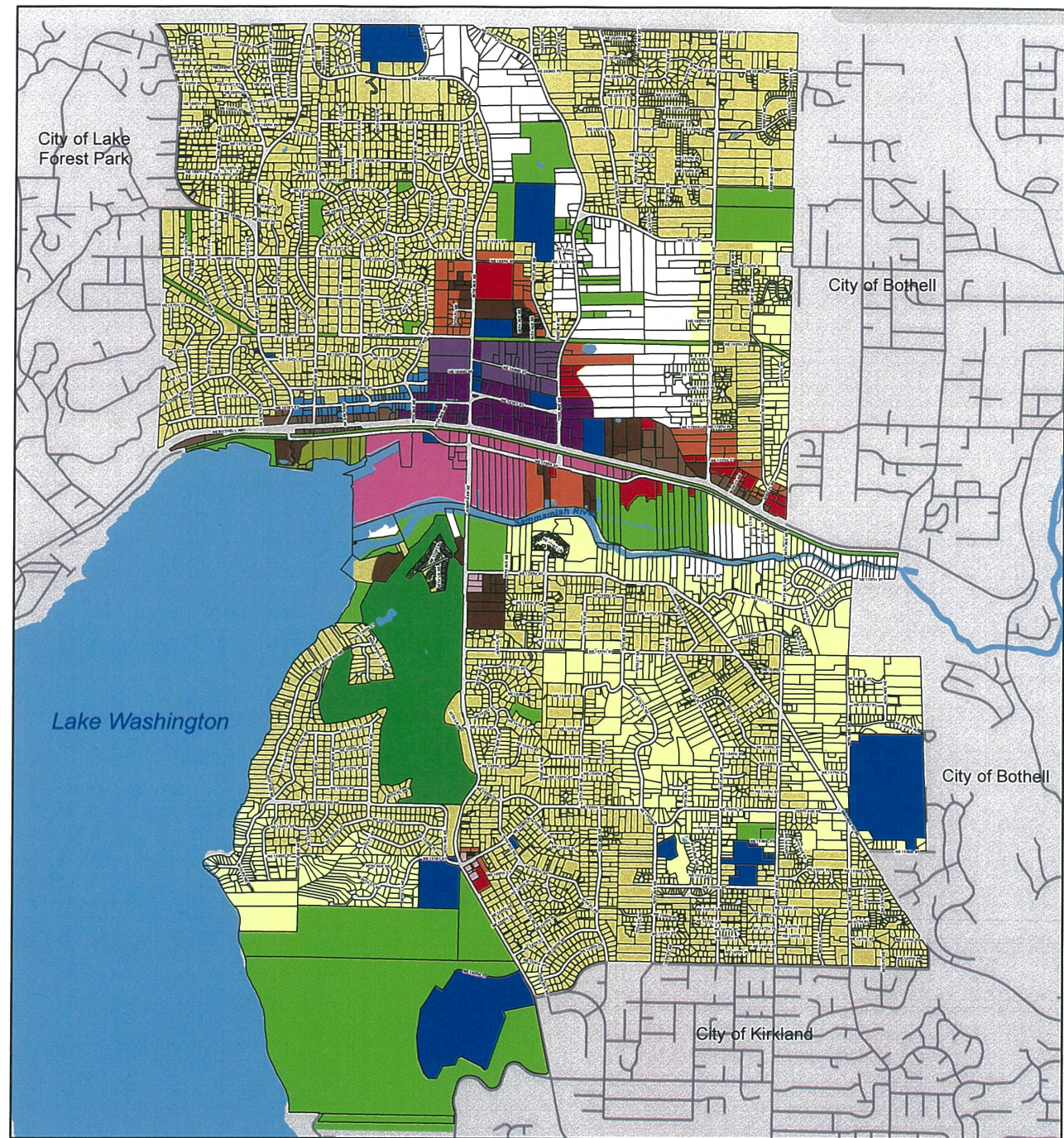
The Ninth Circuit has also explained what it means to “prohibit or have the effect of prohibiting” wireless services.

A locality violates this provision “if it prevent[s] a wireless provider from closing a ‘significant gap’ in service coverage.” (citation omitted). We have adopted a two-pronged analysis, “requiring (1) the showing of a ‘significant gap’ in service coverage and (2) some inquiry into the feasibility of alternative facilities or site locations.” *Id.* (internal quotation marks and citation omitted). The significant gap prong is satisfied “**whenever a provider is prevented from filling a significant gap in its own service coverage.**” (citation omitted). We evaluate the feasibility prong under a “least intrusive means” standard, which “requires that the provider show that the manner in which it proposes to fill the significant gap in services is the *least intrusive on the values that the denial sought to serve.*” (citation omitted).

American Tower Corp. v. City of San Diego, 763 F.3d at 1056 (emphasis in original).

The Ninth Circuit adopted the two-prong test above to determine if the “effectively prohibit” limitation has occurred. Accordingly, the proposed adjustment process (KMC 18.60.180) was established to balance the City’s zoning goals with the TCA’s restrictions. The proposed adjustment process incorporates the Ninth Circuit’s test, which requires the WCF provider to show a “significant gap” in the service provider’s coverage and that the “least intrusive means” are being requested.

The TCA does not prohibit the City from adopting zoning regulations that regulate new towers and limit pole heights in certain zones based on neighborhood character and aesthetic impacts. When interpreting the TCA, Courts have affirmed that factors such as safety, aesthetics, and “preserving the character of the neighborhood and avoiding aesthetic blight” are reasonable and permissible. MetroPCS, 400 F.3d at 727. Thus, the TCA does not preclude the City from including such factors in its WCF regulations, but rather, such zoning decisions have been left to local governments to determine.



Official Zoning Map | City of Kenmore

Regional Business	Downtown Residential	Parks*	R-6 (Residential 6 Dwellings Per Acre)
Urban Corridor	Community Business	Golf Course	R-12 (Residential 12 Dwellings Per Acre)
Waterfront Commercial	Neighborhood Business	R-1 (Residential 1 Dwelling Per Acre)	R-18 (Residential 18 Dwellings Per Acre)
Downtown Commercial	Public/Semi-Public	R-4 (Residential 4 Dwellings Per Acre)	R-24 (Residential 24 Dwellings Per Acre)

* Portions of the Burke-Gilman Trail & Tolt Pipeline occur in rights-of-way and not as separate parcels. However, these facilities are considered to be Parks along their full length.

Map Date: December 2014

0 4,000
Feet



This map is intended for planning purposes only and is not guaranteed to show accurate measurements.

1. One fee waiver is allowed per *applicant* per year.

2. The fee waiver request shall only be granted in the following cases: requests involving a topic of a *city-wide* nature; or a neighborhood-wide request; or a request made by a nonprofit organization when involving more than one property. Fee waivers are not allowed for *site-specific comprehensive plan land use map amendments*.

3. *City-Sponsored Proposals Exempt*. *City-sponsored proposals* are exempt from application fees.

G. Unless one or more of the submittal requirements outlined in this section is waived by the *city manager*, then an application that does not contain all of the submittal requirements so enumerated by the deadline set forth in KMC 19.20.060(B) shall be considered incomplete and ineligible for consideration in the annual amendment cycle. [Ord. 11-0329 § 3 (Exh. 1).]

19.20.080 Threshold review criteria.

The *city* shall use the following criteria in selecting proposals for further consideration in the annual *docketing* process. Proposals shall meet subsections A and B of this section, and either subsection C or D of this section:

A. The *city* has the resources, including staff and budget, necessary to review the proposal; and

B. It has been more than two years since the proposed amendment has been considered unless a compelling reason for changed circumstances can be made; and

C. The proposal would correct an inconsistency within or make a clarification to a provision of the *comprehensive plan*; or

D. All of the following:

1. The proposal demonstrates a strong potential to serve the public interest by implementing specifically identified goals and policies of the *comprehensive plan*; and

2. The public interest would best be served by considering the proposal in the current year, rather than delaying consideration to a later *sub-area plan* review or plan amendment process. [Ord. 11-0329 § 3 (Exh. 1).]

19.20.090 Amendment decision criteria.

All proposed amendments, whether or not considered through the annual amendment process, must meet the decision criteria in subsection A of this section. If the proposal is a *site-specific comprehensive plan land use map amendment*, then it

must meet the decision criteria of subsections A and B of this section. If the proposal is an amendment to *development regulations*, then it must meet the decision criteria of subsections A and C of this section.

A. *Review Criteria Applicable to All Proposed Amendments*. All proposed amendments must meet the following criteria:

1. The proposed amendment is consistent with the Growth Management Act and the county-wide planning policies; and

2. The proposed amendment eliminates an inconsistency or does not create an inconsistency within the *comprehensive plan*; and

3. The proposed amendment meets at least one of the following criteria:

a. The proposed amendment is beneficial to the *city* as a whole and will not adversely affect public health, safety, and welfare; or

b. The proposed amendment addresses changed circumstances within the *city* as a whole; or

c. The proposed amendment accommodates new policy direction from the city council.

B. *Additional Review Criteria Applicable to Site-Specific Amendments*. All *site-specific comprehensive plan land use map amendments* must meet the following additional decision criteria:

1. The proposed amendment is consistent with the policies, objectives and goals of the *comprehensive plan* (including any applicable *subarea plans*), the countywide planning policies and the State Growth Management Act; and

2. The subject property is suitable for development in conformance with the standards under the classification being proposed; and

3. The proposed amendment is compatible with adjacent and nearby existing and permitted land uses; and

4. The proposed amendment is compatible with the surrounding development pattern; and

5. The proposed amendment meets the zoning map decision criteria of KMC 19.30.210 and 19.30.220.

C. *Additional Review Criteria for Development Regulations*.

1. The proposed amendment is consistent with the policies, objectives, and goals of the *comprehensive plan*; and

2. The proposed amendment does not duplicate or conflict with other portions of the Kenmore Municipal Code. [Ord. 11-0329 § 3 (Exh. 1).]



Wireless Communication Facilities

Planning Commission Presentation of Recommendations

July 11, 2016

Review of Chapter 18.60 of the Zoning Code

- ▶ Chapter developed in 2006
- ▶ Problems of interpretation
- ▶ Federal Communications Commission (FCC) issued new rulings on minor modifications to communication facilities
- ▶ Amendments became a priority
- ▶ Project assigned to the Planning Commission on the 2015 docket

Purpose and goals of the project

- ▶ Provide for wireless communication facilities
- ▶ Encourage location in nonresidential areas
- ▶ Encourage joint use of facilities and minimize the number of support structures
- ▶ Minimize adverse visual impacts
- ▶ Promote facility safety
- ▶ Comply with FCC rules

Process

- ▶ Planning Commission began review in November 2015
- ▶ Reviewed standards from all local jurisdictions (Kirkland, Redmond, Bothell, Lake Forest Park, and Shoreline), as well as select code sections from Bellevue, Woodinville, Edmonds, King County, and a variety of jurisdictions around the country
- ▶ Notified wireless carriers. AT&T, TMobile and Verizon have participated
- ▶ Heard from amateur radio (ham) operators
- ▶ Balancing desire to provide wireless service to the community with other community values (supporting character of single-family neighborhoods and preserving visual connections to the waterfront)

Types of facilities

- ▶ Change from “major” and “minor” facilities based on type of signal to actual physical descriptions:
 - ▶ Antenna collocation on an existing conforming tower
 - ▶ Rooftop antenna
 - ▶ Façade antenna
 - ▶ Antenna on a utility or light pole
 - ▶ Tower (lattice towers prohibited)
 - ▶ Satellite dish
 - ▶ Amateur (ham) radio facility

Prioritized facility types and locations

- ▶ From highest to lowest priority:
 - ▶ Collocation on an existing conforming tower
 - ▶ Rooftop antenna in a nonresidential zone
 - ▶ Façade antenna in a nonresidential zone
 - ▶ Antenna on a utility/light pole in a nonresidential zone
 - ▶ New tower in a nonresidential zone, except in the UC west, WC and CB zones (view zones)
 - ▶ Attachment of an antenna to a nonresidential building in a residential zone
 - ▶ Attachment of an antenna to a utility/light pole in a residential zone
 - ▶ New tower in a residential zone
 - ▶ New tower in the UC west, WC or CB zones (view zones)

(Code Section 18.60.040)

Exemptions

- ▶ The most significant change removes amateur (ham) radio facilities from the exempt list and develops standards for those facilities.

(Code Section 18.60.030)

Review processes and heights

- ▶ Allowable heights and review processes reinforce the preferred siting hierarchy
- ▶ Lower heights and more intensive review processes applied in single-family residential areas and view zones
- ▶ Multiple small cell facilities may be permitted through a single permit

(Code Sections 18.60.050 and 18.60.060)

Overview of permit processes

- ▶ Current rules: Conditional use permit or Special Use permit required for all transmission support structures and for antennas in single-family zones (with some exceptions)
- ▶ Proposed rules: (Code Section 18.60.050)
 - ▶ Rooftop antennas – permitted in all zones except view zones. In single-family residential zones, a conditional use permit is required
 - ▶ Façade antennas – permitted in all zones. In single-family residential areas, a conditional use permit is required
 - ▶ Antennas on utility/light poles – permitted in all zones. In single-family residential areas and view zones, a conditional use permit is required
 - ▶ New towers – prohibited in all zones except Regional Business, Urban Corridor East, Neighborhood Business, Public/Semi-Public, Parks, and Golf Course. In these zones, a conditional use permit is required
 - ▶ To site a prohibited use in a zone, a “major adjustment” process is available. Criteria are that a gap in service exists and that impacts are minimized (Code Section 18.60.200)

Maximum height limits

- ▶ Current rules: 60' in R, NB and DR zones. 100' in RB, WC, UC and DC zones.
- ▶ Proposed rules: (Code Section 18.60.050)
 - ▶ Rooftop antennas – 15' above the roof at the antenna location
 - ▶ Façade antennas – 2' above the roofline or parapet wall, except in view zones
 - ▶ Antennas on utility/light poles – 55', except in view zones
 - ▶ New towers - up to the building height limit as specified in the underlying zoning district. This ranges from 35' to 55', with additional height up to 75' if setbacks are provided
 - ▶ The “minor adjustment process” allows up to an additional 5' in height (Code Section 18.60.190)
 - ▶ The FCC-mandated “ECFM” process allows modifications to existing facilities of from 10-20' in additional height (Code Section 18.60.130)
 - ▶ The “major adjustment” process allows up to an unlimited height if a gap in service is demonstrated and impacts are minimized (Code Section 18.60.200)

Visual compatibility techniques

- ▶ Concealment elements are identified for all types of facilities
- ▶ New standards included to minimize view blockage to Lake Washington
- ▶ Aluminum mesh satellite dishes preferred
- ▶ Encourage stealth technology, including disguising towers as trees, art, etc.
- ▶ Require placement of related equipment underground if practicable
- ▶ Prohibit commercial signage on communication facilities

(Code Section 18.60.120)

New FCC standards for modifications

- ▶ FCC rules allow modifications to existing wireless communication facilities other than amateur (ham) radio facilities, whether conforming or legally nonconforming, that do not substantially change the physical dimensions of the communication facility as determined by FCC regulation
- ▶ Permitted dimensional changes are from approximately 10-20' in additional height and from approximately 6-20' in additional width
- ▶ Reviewed by the city as eligible communication facility modifications (ECFM)

(Code Section 18.60.130)

Major Adjustment process

- ▶ *Major Adjustment Process* would allow carriers to vary any wireless communication facility standard if they can meet the test of (1) eliminating a significant gap in service coverage and (2) minimizing the impact of the proposed facility
- ▶ In other words, there would be no outright prohibitions in the chapter as drafted. The adjustment could be used not only to vary development standards, but also to site an otherwise prohibited use.
- ▶ **Type 3** land use decision (recommendation by the Development Services Director and Hearing Examiner decision after a formal public hearing)

(Code Section 18.60.200)

Noise

- ▶ Added a new code section addressing compliance with the City's noise regulations

(Code Section 18.60.180)

Nonconformance

- ▶ Modifications to existing nonconforming facilities that do not meet the ECFM criteria would follow the same rules as for other nonconformances in the Zoning Code, with three additional requirements: (Code Section 18.60.230)
 - ▶ Facilities nonconforming as to height may not increase the height of the facility through the regular nonconformance code provisions
 - ▶ Additional review criteria are added
 - ▶ Compliance with the concealment element standards is required to the maximum extent practical
- ▶ A *minor adjustment* process allows replacement of existing nonconforming equipment on a new change-out utility or light pole if the equipment is generally of the same dimensions (Code Section 18.60.190)

Nonconforming towers

- ▶ All existing cell towers (5) would become nonconforming (range from 75' to 96' in height) (Code Section 18.60.050)
- ▶ These towers could be maintained and repaired (Code Section 18.60.030)
- ▶ These towers could be modified through the ECFM process, which allows from 10'-20' in additional height and from 6'-20' in additional width for existing nonconforming facilities (Code Section 18.60.130)
- ▶ These towers could be modified except for height through the conditional use permit process (Code Section 18.60.230)
- ▶ Height modifications could be considered through the "major adjustment" process (unlimited height if a gap in service is demonstrated and impacts are minimized) (Code Section 18.60.200)

Other components

- ▶ Continuation of several existing standards:
 - ▶ Feasibility analysis for alternative locations (Code Section 18.60.080)
 - ▶ Pre-application community meeting (Code Section 18.60.070)
 - ▶ Ability to retain expert review (Code Section 18.60.220)
 - ▶ Compliance with FCC's radio frequency radiation and interference standards (Code Sections 18.60.150, 18.60.170)
 - ▶ Fencing, signage and landscaping standards (Code Sections 18.60.110, 18.60.160)
 - ▶ Requirement to remove facilities that are no longer in use (Code Sections 18.60.210)