



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](mailto:cityhall@kenmorewa.gov)

**City of Kenmore**  
**Regular City Council Meeting Agenda**  
**7:00 p.m., Monday, September 24, 2018**  
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](http://www.kenmorewa.gov).

**I. CALL MEETING TO ORDER**

**II. ROLL CALL**

**III. FLAG SALUTE**

**IV. AGENDA APPROVAL**

**V. PRESENTATION**

- A. Introduction of Andrew Vaabene, Police Officer - Pete Horvath, Police Chief
- B. Introduction of Tobin Bennett-Gold, Traffic Engineer - John Vicente, City Engineer
- C. Resources Addressing the Homeless Crisis including Low Barrier Shelters - Kira Zylstra, Acting Director, All Home  
[Presentation](#)

**VI. PROCLAMATION**

- A. Diaper Awareness Week - September 24 through September 30, 2018  
[Proclamation](#)
- B. Welcoming the Seaplane Pilots Association Conference that will be in Kenmore/Seattle - October 1-6, 2018  
[Proclamation](#)

**VII. 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.

## **VIII. CONSENT AGENDA**

- A. City Council Meeting Minutes of August 13, 2018 and August 27, 2018  
[8-13-18 Minutes](#)  
[8-27-18 Minutes](#)
- B. Alternative Service Demonstration Project (Community Van) Agreement - John Vicente, City Engineer  
[Agenda Item](#)
- C. Direct the City Manager to Waive the City of Kenmore Permit Fees Associated with Lakemore Estates Bridge Repair  
[Agenda Item](#)

## **IX. PUBLIC HEARING**

- A. Ordinance 18-0466 Temporary Homeless Shelter - Jack Urquhart, Management Intern  
[Agenda Item](#)

## **X. BUSINESS AGENDA**

- A. Ordinance 18-0466 Relating to Zoning and Land Use Controls and Temporary Homeless Shelters and Cold-Weather Low-Barrier Shelters to the Kenmore Municipal Code to Enact Regulations for Indoor and Outdoor Temporary Homeless Shelters and Cold-Weather Low-Barrier Shelters - Jack Urquhart, Management Intern  
[Agenda Item](#)
- B. Estimates of Revenue and Expenditures for Current 2017-2018 Budget and Preliminary 2019-2020 Budget - Joanne Gregory, Finance and Administration Director  
[Agenda Item](#)
- C. Ordinance 18-0468 Amending Chapter 5.105 Kenmore Business Registration Program - Nancy Ousley, Assistant City Manager  
[Agenda Item](#)

## **XI. STAFF REPORT**

## **XII. COUNCILMEMBER REPORTS & COMMENTS & INITIATIVES**

## **XIII. ADJOURNMENT**

**Upcoming Meetings:**

- A. Monday, October 8, 2018 - Regular Council Meeting
- Monday, October 15, 2018 - Regular Council Meeting
- Monday, October 22, 2018 - Regular Council Meeting



# Homelessness in Seattle/King County

## 9.24.2018



# STRATEGIC PLAN: JULY 2015-JUNE 2019

A Regional, Aligned, Community Plan to End the Experience of Homelessness among Residents of Seattle/King County



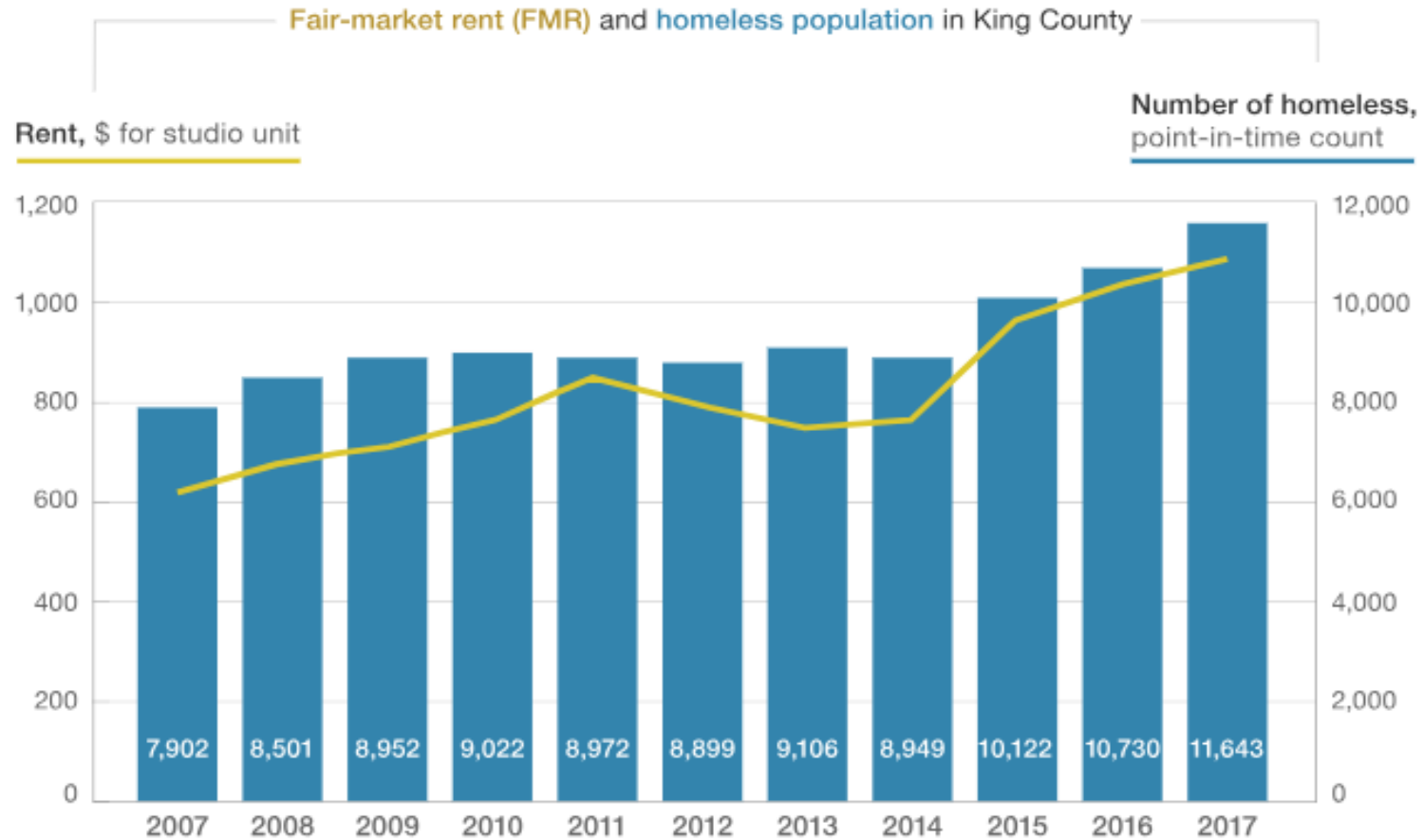
# Community-level Determinants of Homelessness

Research of 300+ cities and states found statistical correlation between these factors and rising homelessness:

|                         |                                                                                                                  |
|-------------------------|------------------------------------------------------------------------------------------------------------------|
| Housing market          | Increasing rents have a direct correlation on homelessness in urban and suburban areas                           |
| Economic conditions     | Areas with high poverty and unemployment rates associated with higher rates of homelessness                      |
| Demographic composition | Areas with more Hispanic, baby boomer, and single person households associated with higher rates of homelessness |
| Safety net              | States with lower mental health expenditures associated with higher rates of homelessness                        |
| Transience              | Areas with more recently moved people associated with higher rates of homelessness                               |

Resource: Byrne, T., Culhane, D., et. al., "New Perspectives on Community-level Determinants of Homelessness" (2013): [Article](#) and [Summary](#)

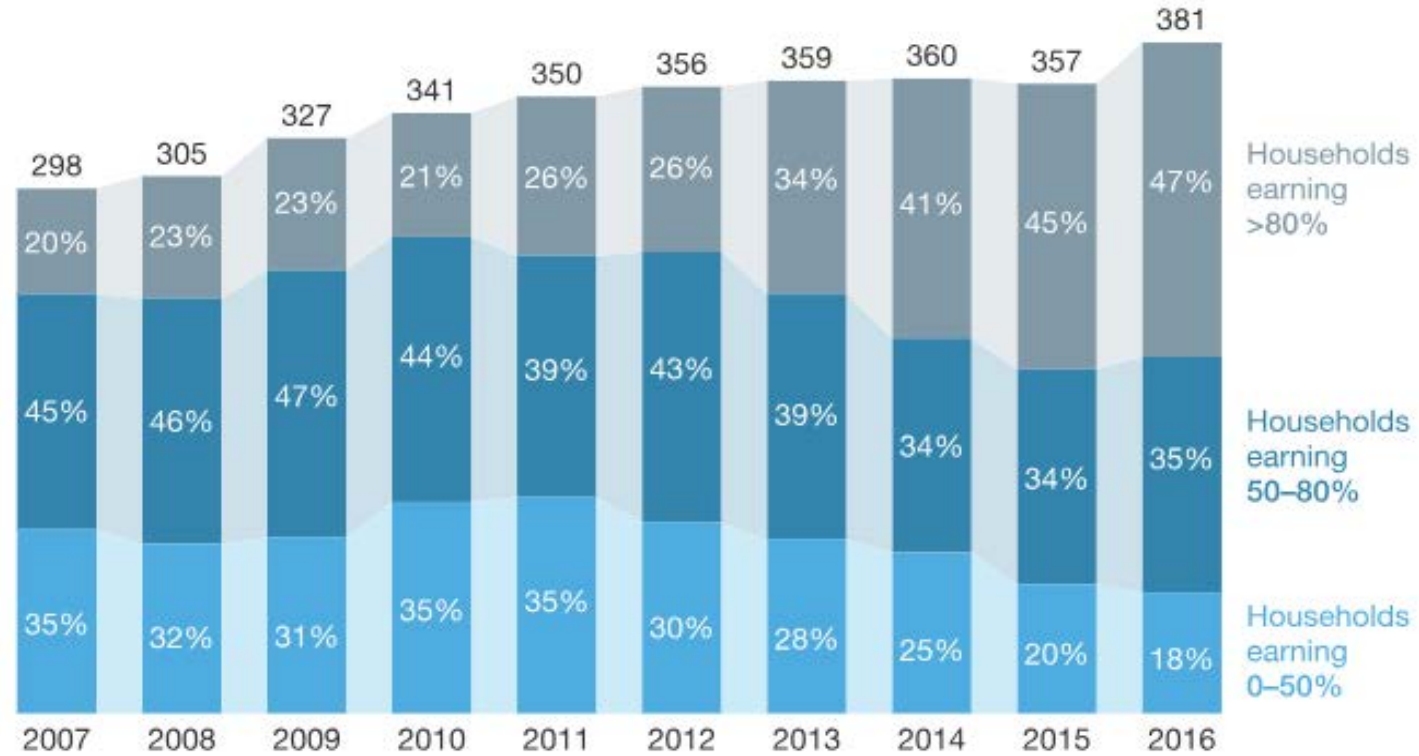
## Rent increases in Seattle's King County show a strong correlation with homelessness.



Source: Stringfellow & Wagle with McKinsey & Company (May 2018). The Economics of Homelessness in Seattle and King County ([article](#)).

## Supply of affordable rental units by area-median-income tier in King County

Number of rental units,<sup>1</sup> by area-median-income tier,<sup>2</sup> thousand



<sup>1</sup>Figures may not sum to 100%, because of rounding.

<sup>2</sup>All estimates shown are midpoints of confidence intervals.

Source: Stringfellow & Wagle with McKinsey & Company (May 2018). The Economics of Homelessness in Seattle and King County ([article](#)).

# 2018 King County Point-in-Time Count Results



## 12,112

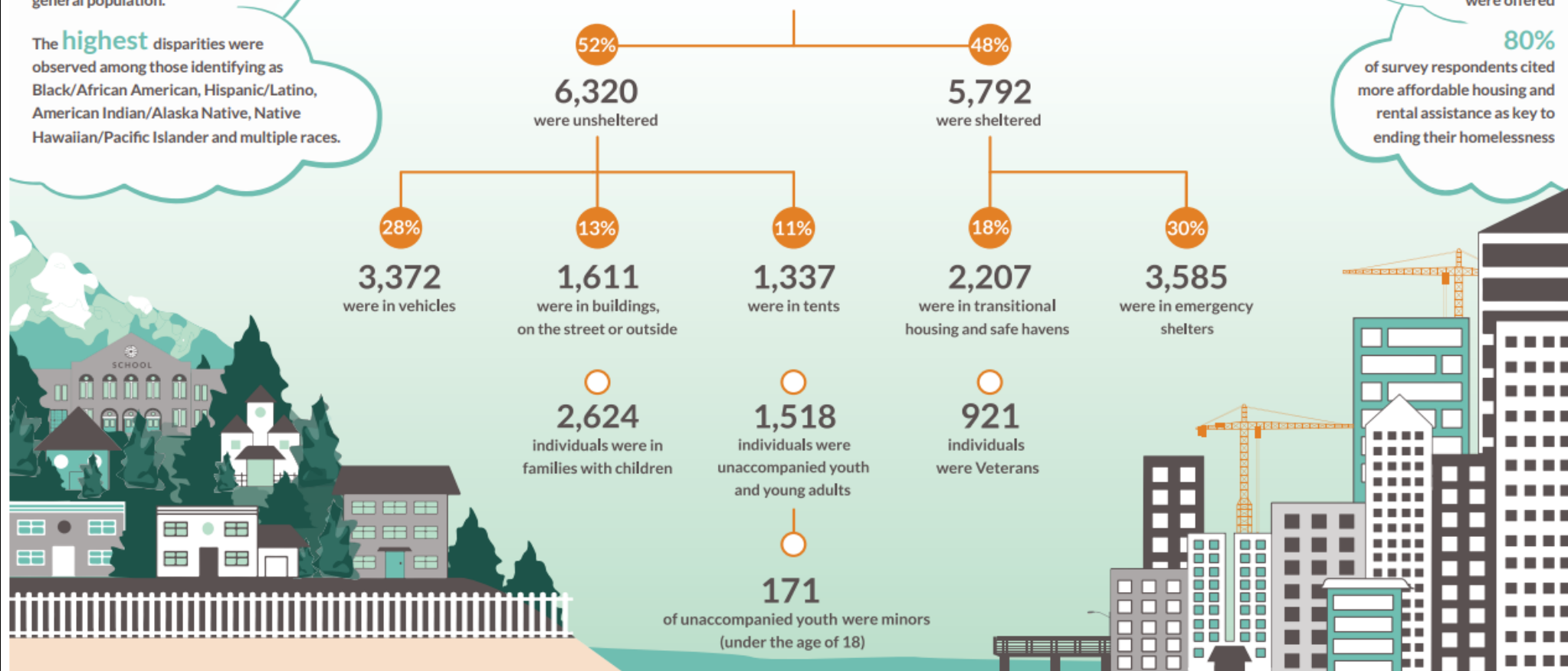
People were experiencing homelessness in King County on January 26, 2018

52% of people experiencing homelessness identified as people of color; however, people of color make up only 33% of the King County general population.

The **highest** disparities were observed among those identifying as Black/African American, Hispanic/Latino, American Indian/Alaska Native, Native Hawaiian/Pacific Islander and multiple races.

98% of survey respondents said they would move into safe and affordable housing if it were offered

80% of survey respondents cited more affordable housing and rental assistance as key to ending their homelessness



# COUNT US IN RESULTS

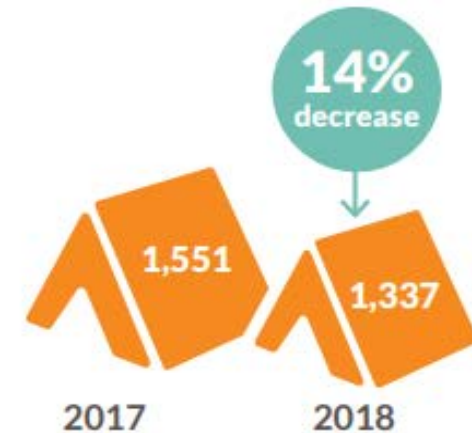
THE UNSHELTERED POPULATION IS CHANGING AND WE WILL NEED TO FIND SOLUTIONS TO ADDRESS THE NEEDS OF OUR COMMUNITY

## The unsheltered population is changing.

An increasing number of people experiencing homelessness are living in vehicles.



Fewer people are living in tents.

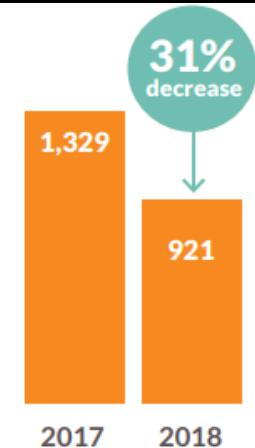


# COUNT US IN RESULTS

## AREAS OF PROGRESS DEMONSTRATE THE IMPACT OF COORDINATED, PERSON-CENTERED APPROACHES WITH TARGETED AND INCREASED INVESTMENTS

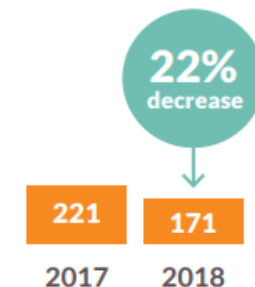
### Targeted investments have significantly reduced veterans' homelessness.

Increased and targeted investments from the federal and local level have helped us better coordinate regional resources and streamline our response system resulting in significant progress towards ending Veteran homelessness.



### We are also making progress on youth homelessness, specifically for those under the age of 18.

While the overall number of youth and young adults experiencing homelessness remains steady, similar to veterans homelessness, we've started to see a reduction in homelessness among minors after considerable state and local efforts to address youth homelessness. With a continued investment of resources and coordinated approaches, we can make an even greater impact.



# COUNT US IN RESULTS

**52%** of people experiencing homelessness identified as people of color; however, people of color make up only **33%** of the King County general population.

The **highest** disparities were observed among those identifying as Black/African American, Hispanic/Latino, American Indian/Alaska Native, Native Hawaiian/Pacific Islander and multiple races.

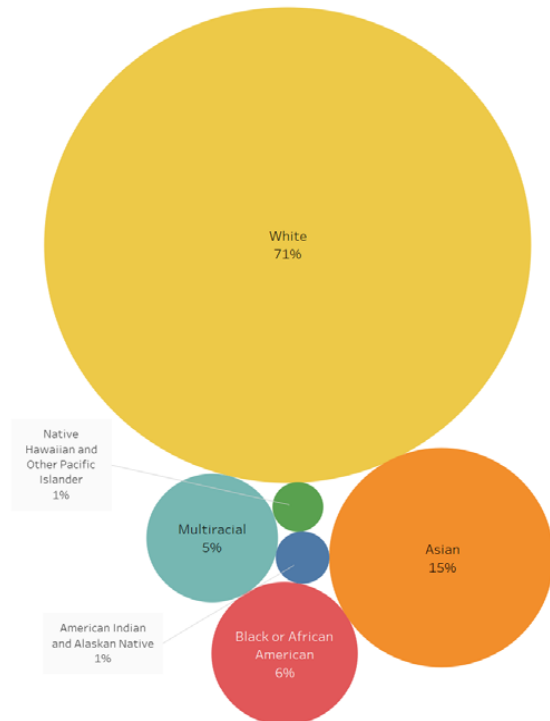
**HOMELESSNESS DISPROPORTIONATELY IMPACTS PEOPLE OF COLOR AND OTHER HISTORICALLY MARGINALIZED POPULATIONS**

**COMMUNITIES OF COLOR AND PEOPLE WHO IDENTIFY AS LGBTQ ARE MORE LIKELY TO EXPERIENCE HOMELESSNESS AND MORE LIKELY TO BE UNSHELTERED**

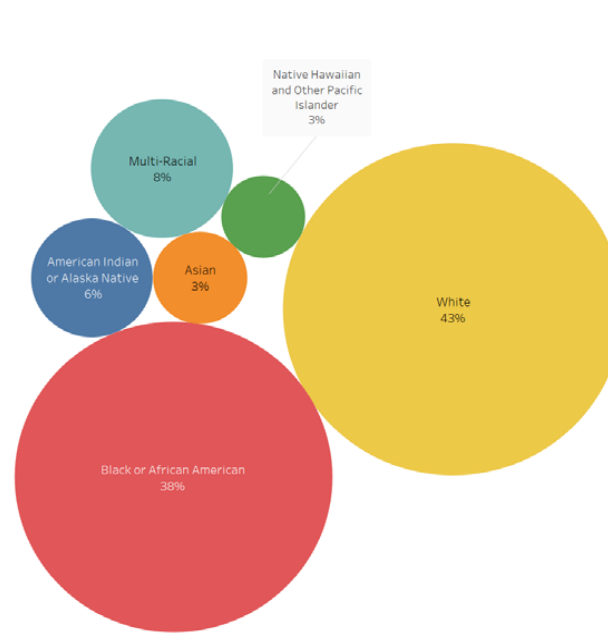
# WHAT THE DATA TELLS US

In King County, People of Color are overrepresented as a proportion of the homeless population when compared to the general population.

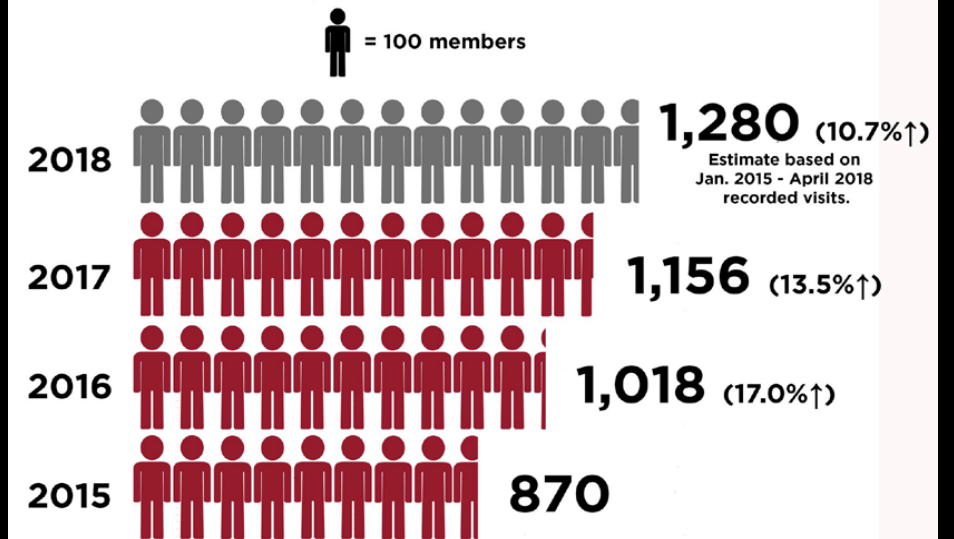
King County General Population



King County Homeless Population



## Homeless Crisis: Native Population's Continual Increase Chief Seattle Club Members, 2015-2018

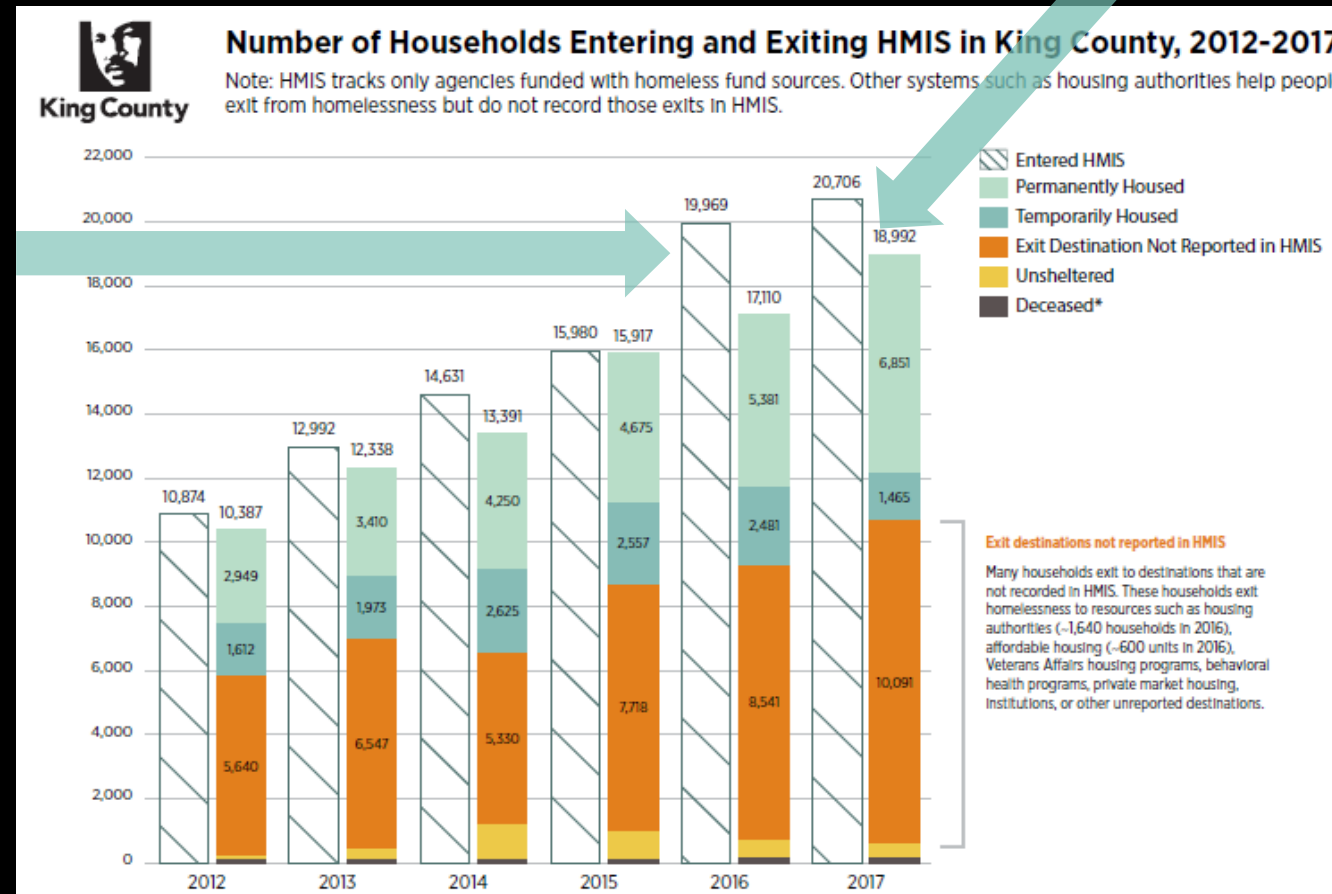


Data from Chief Seattle Club. Prepared by the Urban Indian Health Institute.

# Homelessness Over the Course of a Year

Expanding RRH & Permanent Housing options to increase PH exits & reduce LOS

Targeting prevention to reduce the # of people entering the system





Reduce the number of people who experience homelessness by targeting our **prevention** resources



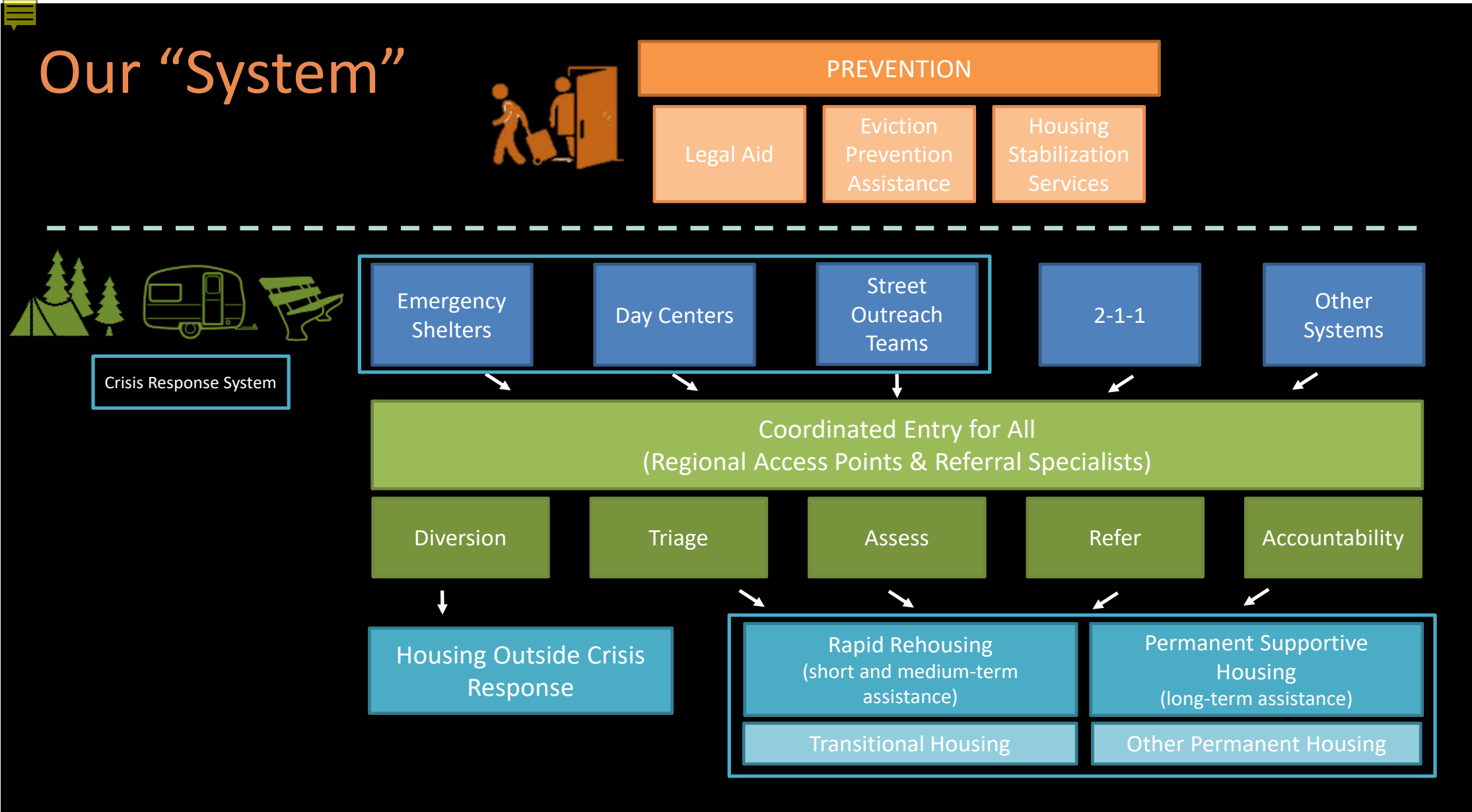
Reduce the number of people who need shelter by utilizing **Diversion**

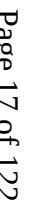


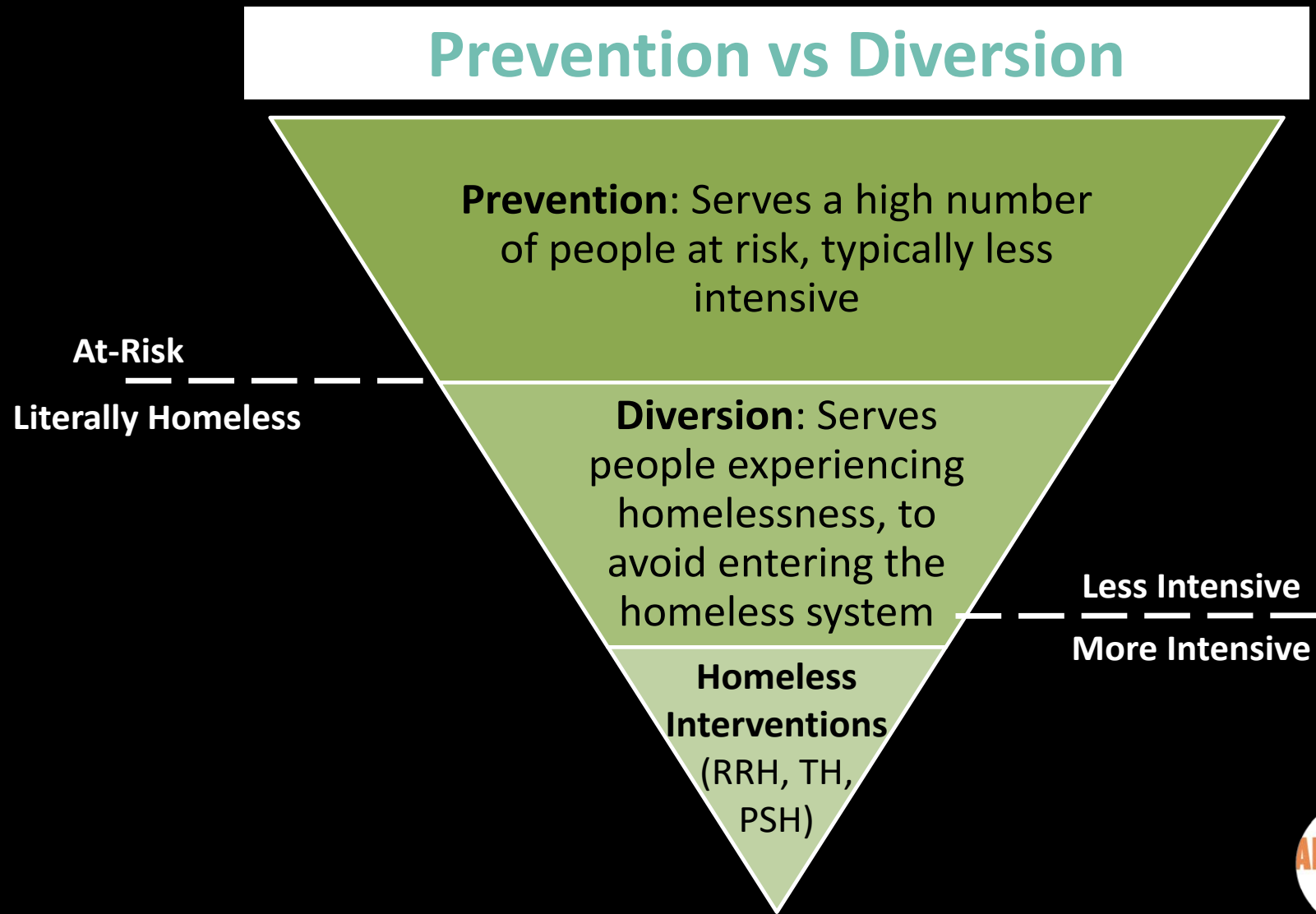
Increase the number of people who move into **permanent housing** and the time in which they do so



**Functional Zero:**  
When everyone who needs emergency assistance can receive it without waiting and exits to PH within 20 days





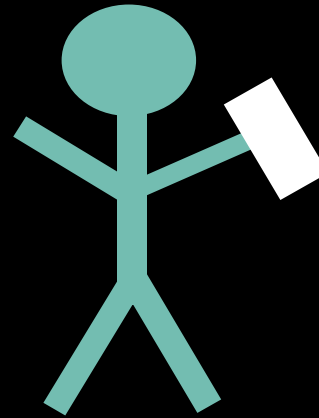


# Rapid Re-housing

*Rapid re-housing is a cost-effective strategy to help people successfully exit homelessness and maintain permanent housing by integrating three components: employment assistance, case management, and housing services.*



**Housing  
Services**



**Case  
Management**



**Employment  
Assistance**



## Tracking and Monitoring System Performance

### System Performance Dashboard

1/1/2017 to 12/31/2017

How is our system performing?

| Exits to Permanent Housing | Average Length of Stay | Returns to Homelessness | Homeless Entries | Utilization Rate |
|----------------------------|------------------------|-------------------------|------------------|------------------|
| 35%                        | 92                     | 10%                     | 75%              | 91%              |



## THE WORK AHEAD

Homelessness will only be solved with the commitment and resources of our  
**ENTIRE COMMUNITY.**

### Join Us



Say Hello



Share Your Time



Speak Up



Rent Or Hire



Kira Zylstra

Kira.zylstra@allhomekc.org

www.allhomekc.org



**City of Kenmore, Washington  
Proclamation**

WHEREAS, Diaper Need, the condition of not having a sufficient supply of clean diapers to ensure that infants and toddlers are clean, healthy and dry, can adversely affect the health and welfare of infants, toddlers and their families; and

WHEREAS, national surveys report that one in three mothers experiencing diaper need at some time while their children are less than three years of age and forty-eight percent of families delay changing a diaper to extend their supply; and

WHEREAS, the average infant or toddler requires an average of at least 50 diaper changes per week over three years; and

WHEREAS, there are no government assistance programs for the purchase or provision of diapers, and a monthly supply of diapers can cost as much as six percent of a full-time minimum wage worker's salary, therefore obtaining a sufficient supply of diapers can cause economic hardship to families; and

WHEREAS, a supply of diapers is generally an eligibility requirement for infant and toddlers to participate in childcare programs and quality early education programs; and

WHEREAS, the people of Kenmore recognize that addressing Diaper Need can lead to economic opportunity for the state's low-income families and can lead to improved health for families and their communities; and

WHEREAS, the City of Kenmore is proud to be home to various community organizations that recognize the importance of diapers in helping provide economic stability for families and distribute diapers to poor families through various channels; now

Therefore, I, David Baker, Mayor of the City of Kenmore do hereby proclaim the week of September 24 through September 30, 2018 as

**DIAPER NEED AWARENESS WEEK**

in the City of Kenmore and encourage the citizens of the City of Kenmore to donate generously to diaper banks, diaper drives, and those organizations that distribute diapers to families in need to help alleviate diaper need in the City of Kenmore and environs.

**IN WITNESS WHEREOF**, signed this 24<sup>th</sup> day of September, 2018.



*Signed:* \_\_\_\_\_  
David Baker, Mayor

*Attested:* \_\_\_\_\_  
Kelly Chelin, City Clerk

## **City of Kenmore, Washington Proclamation**

**WHEREAS**, with Kenmore Air's headquarters operations in Kenmore since the 1940s, the seaplane is a distinctive and emblematic feature of the city; and

**WHEREAS**, Kenmore Air Harbor is the largest air harbor in the United States, serving passengers traveling on scheduled and charter flights in the US and Canada; and

**WHEREAS**, seaplanes are featured in a variety of ways in Kenmore: in the City logo; the name of a local craft brewer's IPA ; the community gathering place called The Hangar; and the name of the soon-to-open downtown restaurant; and

**WHEREAS**, the Seaplane Pilots Association, a non-profit international organization founded in 1972, is the largest organization of its kind, with over 5000 members; and

**WHEREAS**, the Association is the primary advocacy group responsible for promoting and protecting the water flying community, and the Washington Seaplane Pilots Association is a key statewide organization; and

**WHEREAS**, the Seaplane Pilots Association will hold its second annual member trip and meeting in Kenmore/Seattle October 1-6, 2018, with the first member trip having taken place in Como, Italy in 2017; and

**WHEREAS**, the City of Kenmore is proud to welcome the Seaplane Pilots Association to the Seaplane Capital of the US.

**NOW, THEREFORE**, I, David Baker, Mayor of the City of Kenmore, Washington, on behalf of the City Council, am pleased to proclaim the week of October 1-6, 2018 to be

### **"Seaplane Week"**

in the City of Kenmore, and I urge all citizens to join with the City Council in this observance.

**IN WITNESS WHEREOF**, signed this 24<sup>th</sup> day of September, 2018.

*Signed:* \_\_\_\_\_  
David Baker, Mayor

*Attested:* \_\_\_\_\_  
Kelly Chelin, City Clerk

**City of Kenmore  
City Council Regular Meeting  
Minutes  
August 13, 2018**

**CALL TO ORDER** - Mayor David Baker called the meeting to order at 6:00 p.m.

**ROLL CALL**

**Councilmembers present:**

Mayor David Baker  
Deputy Mayor Nigel Herbig  
Councilmember Joe Marshall  
Councilmember Milton Curtis  
Councilmember Debra Srebnik  
Councilmember Stacey Denuski (Absent)  
Councilmember Brent Smith

**FLAG SALUTE**

**AGENDA APPROVAL**

**CONSENT AGENDA**

**MOTION:** Councilmember Denuski made a motion to approve the consent agenda, Deputy Mayor Herbig seconded the motion. The motion passed unanimously.

The consent agenda included the following:

Total Check #s 40267 Through 40386 in the Amount of \$548,082.45. Total Payroll/Taxes/Flexible Spending & Health Savings Account Electronic Deposits Dated: 7/20/18 in the Amount of \$100,785.17. Payroll Check #10098-10103 in the Amount of \$3,602.81.

Authorize the City Manager to Execute the Amendment #2 to Contract 15-C1483 with PACE Engineers, Inc. for on-call surface water and engineering services, to increase the current budget from \$720,000 to \$1,053,500

Authorize the City Manager to Execute the Amendment to Contract 18-C1852 with Huizenga Enterprises, LLC for the 2018 Crack Sealing Project

City of Kenmore - City Council Meeting Minutes  
August 13, 2018

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## **BUSINESS AGENDA**

### Lakepointe Update:

- Introduction - Rob Karlinsey, City Manager
- Lakepointe Feasibility & Benefits Study Report - HR&A Advisors
- Comments from Dean Weidner, President of Weidner Apartment Homes

City Manager Karlinsey presented an introduction to the Lakepointe project. He explained that HR&A Advisors (HR &A) has prepared a memo that gives a summary of the Feasibility & Benefits Findings and provided an update.

The developer, Weidner Apartment Homes, was also at the Council meeting to give an update on the Lakepointe project. As authorized by Council and the Extension and Funding agreement pertaining to the Lakepointe site Commercial Site Development Permit (CSDP), the City contracted with HR&A to analyze the economic impacts that may result from the proposed Lakepointe project. The City consulted with other experts to review, analyze and provide additional input on the materials and study prepared by HR&A. Brian O'Connor, with O'Connor Consulting Group, LLC,, assisted with the market analyses, valuations and rates. Adam Wirthlin, with Wirthlin Consulting Group, assisted with the horizontal and infrastructure costs.

The Feasibility & Benefits Study analyzed three development scenarios which were reviewed with the Council:

1. The existing CSDP project with 1,200 residential units, 175,000 sf of office, 277,000 sf of retail, 150 room hotel, marina and 3,532 parking spaces;
2. Weidner's proposed project with 2,000 residential units, 600,000 sf office, 126,000 sf retail, 150 room hotel, and 5,003 parking spaces, includes three 25-story high rise buildings;
3. HR&A Alternative with 1,650 residential units, 357,000 sf office, 126,000 retail, no hotel, and 3,284 parking spaces, with only one 25-story high rise building for office.

With the exception of the undercrossing of SR-522 at 67th Ave the analyses did not include off -site transportation mitigation costs.

The Feasibility & Benefits Study conducted by HR&A demonstrated a financial gap. The next steps for both the City and the developer is to continue working on the general agreement and evaluate ways to potentially reduce the financial gap. For example, the developer can review alternative phasing, or the City could investigate financial tools available to help reduce the gap. City staff and the Weidner team will be bringing this topic back to Council for possible direction and acceptance of the Feasibility & Benefits Study in the next month or two.

- Public Comments
- City Council Discussion and Next Steps

City of Kenmore - City Council Meeting Minutes  
August 13, 2018

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Mayor Baker opened the meeting for public comments on Lakepointe.  
Stacey Valenzuela  
(Address on file)

Ms. Valenzeuela stated that she doesn't want the City to look like Kirkland or Seattle. She does not want to see a lot of traffic.

Carl Michelman  
(Address on file)

Mr. Michelman stated he has a business owner in the City and he would like to see this development happen.

Dale Robinson  
6121 NE 175<sup>th</sup> #B301  
Kenmore, Washington 98028

Mr. Robinson stated that he was concerned with traffic and the amount of buildings. He does not want to see Kenmore Air impacted.

Laura Hodge  
6626 NE 182<sup>nd</sup> Street #209  
Kenmore, Washington 98028

Ms. Hodge stated that she believes the development may not be right for Kenmore.

Vicki Grayland  
20308 73<sup>rd</sup> Avenue NE  
Kenmore, Washington 98028

Ms. Grayland asked the Council to consider the environment and the surrounding businesses.

Phyllis Finley  
5962 Arrowhead Drive  
Kenmore, Washington 98028

Ms. Finley spoke about what she called the good, bad and ugly in Kenmore. She also suggested that Lakepointe include a ballfield. She is not happy with a proposed 25 story building.

This agenda item will come back to a Council meeting in September for further discussion.

The Council took a break for 10 minutes.

City of Kenmore - City Council Meeting Minutes  
August 13, 2018

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Public Works Operations In-House Transition - Rob Karlinsey, City Manager; Jennifer Gordon, Public Works Operations Manager; Richard Sawyer, Surface Water Manager and Ben Yazici, Muni Manage LLC

Mr. Yazici explained that the City of Kenmore recently received notice that the City of Lake Forest Park will no longer be providing public works operations services to the City of Kenmore after 2018. As a result, the City of Kenmore will need to provide “in-house” public works operations services in 2019.

The public works partnership with Lake Forest Park worked well while Kenmore was a new city. However, as workload needs and demands changed over the years and as competing priorities for shared resources increased, it made sense for Kenmore to begin transitioning from contracting for public works services to providing those services “in-house.”

We are optimistic about this change and believe it will result in improved local control of public works services for the same or less cost, especially over the long term.

Startup costs in 2018 are estimated to be \$847,000, and, as shown in the presentation, those startup costs should be recovered over time.

Funding sources for the startup costs can come from budget savings in the current biennium. The General Fund expenditures are projected to be approximately \$800,000 lower than budgeted for the 2017-2018 biennium. Surface Water Management (SWM) Fund expenditures are expected to be \$160,000 lower than budgeted for this year, and approximately \$200,000 can be used from the \$500,000 projected balance in the Equipment Replacement Fund. The combined budget savings of the General, SWM, and Equipment Replacement funds will more than cover the startup costs needed for public works in-house operations.

Mr. Yazici explained that this report tonight was informational only. The next steps, including position authorizations, will come to the Council in September.

**ADJOURNMENT**

The meeting adjourned at 9:10 p.m.

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David Baker, Mayor

ATTEST:

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Kelly M. Chelin, City Clerk

**City of Kenmore  
City Council Regular Meeting  
Minutes  
August 27, 2018**

**CALL TO ORDER** - Mayor David Baker called the meeting to order at 6:30 p.m.

Mayor David Baker  
Deputy Mayor Nigel Herbig  
Councilmember Joe Marshall  
Councilmember Milton Curtis (Absent)  
Councilmember Debra Srebnik  
Councilmember Stacey Denuski  
Councilmember Brent Smith (Absent)

**RECESS TO EXECUTIVE SESSION**

The meeting recessed to executive session at 6:30 p.m. to discuss property acquisition pursuant to RCW 42.30.110(1)(b) for approximately 10 minutes.

At 6:40 p.m., the executive session was extended to 6:45 p.m.

At 6:45 p.m., the executive session was extended to 6:48 p.m.

**RECONVENE TO REGULAR SESSION**

The meeting reconvened to regular session at 6:48 p.m.

**BUSINESS AGENDA**

**6646 NE 202nd Street, Kenmore Property Acquisition**

Councilmember Denuski made a motion pursuant to Section 5 of the “Commercial & Investment Real Estate Purchase & Sale Agreement” between Gerald P. Huck, Sr. and Susan M. Huck (Seller) and the City of Kenmore (City), (1), the City shall not give written notice to the Seller by the end of the feasibility period that the feasibility contingency is satisfied, and (2) the City shall immediately give a courtesy written notice to the Seller that the City will not be giving such written notice and that the Seller must return the earnest money, Deputy Mayor Herbig seconded the motion. The motion passed 5-0.

**ADJOURNMENT**

The meeting adjourned at 6:33 p.m.

City of Kenmore - City Council Meeting Minutes  
August 27, 2018

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David Baker, Mayor

ATTEST:

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Kelly M. Chelin, City Clerk



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

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|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Subject/Topic:</b></p> <p>ALTERNATIVE SERVICE<br/>DEMONSTRATION PROJECT<br/>("Community Van") Agreement</p> <p><b>Proposed Council Action/Motion:</b> Authorize the City Manager to enter into an agreement with King County Metro and the City of Kirkland for participation in Community Van Pilot Project.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <p>For Council Meeting Agenda of: 9/24/2018</p> <p>Departments: Public Works</p> <p>Prepared by: John Vicente, PE</p> <div style="text-align: right; margin-top: 10px;"> <u>Initial &amp; Date</u><br/>       Approved by Department Head: <u>Q 9/13/18</u><br/>       Approved by City Attorney: <u>VIA Email</u><br/>       Approved by Finance Director: <u>[Signature]</u><br/>       Approved by City Manager: <u>[Signature] FOK</u> </div> <p>Exhibits/Attachments: NA</p> |
| <p><b><u>INFORMATION/BACKGROUND:</u></b></p> <p>The Alternative Service Demonstration Project is a pilot program for the implementation of a community van service for trips originating within Kenmore and Kirkland, with destinations within less than 60 miles from the trip point of origination. The intent of the van service is to provide a first- and last-mile transit solution, as well as provide an alternative transportation option for single-occupancy vehicle trips.</p> <p>The extent of Kenmore's obligation to the project would be to provide a parking space for one van (which would serve as a pick-up point for volunteer drivers) and provide the accompanying signage and pavement marking, as well as an exterior lockbox for keys to the van. The parking space for the van would be located on 181<sup>st</sup> St, east of city hall. Additionally, Kenmore would participate in the advisory group for the pilot program, direct inquiries regarding the program to the appropriate contact for the program, and assist with the collection, analysis and reporting of program data when appropriate.</p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <p><b><u>RECOMMENDATION:</u></b></p> <p>Staff recommends Council authorize the City Manager to enter into a Project Partnership Agreement with King County Metro and the City of Kirkland to participate in the Alternative Service Demonstration Project.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <p><b><u>FISCAL CONSIDERATION:</u></b></p> <p>The extent of the financial liability of the City of Kenmore is the cost of sign installation, pavement marking, and lockbox installation. Cost for these improvements are expected to be under \$5,000 with funding coming from the Streets Fund.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <p><b><u>COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:</u></b></p> <p>Council Goal 9: To build community and create fun</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

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|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Subject/Topic:</b> Lakemore Estates Bridge Repair</p>                                                                                                                                            | <p><b>For Council Meeting Agenda of:</b> 9/24/18</p> <p><b>Department:</b> <u>Development Services</u></p> <p><b>Prepared by:</b> <u>Bryan Hampson</u></p>                                                                |
| <p><b>Proposed Council Action/Motion:</b> Motion to Direct the City Manager to Waive the City of Kenmore Permit Fees Associated to Permit No. ENG18-0527</p>                                           | <p><b>Initial &amp; Date</b></p> <p>Approved by Department Head: <u>BA 9/19/18</u></p> <p>Approved by City Attorney: <u>NA</u></p> <p>Approved by Finance Director: _____</p> <p>Approved by City Manager: <u>POK</u></p> |
| <p><b>Exhibits/Attachments:</b></p> <ul style="list-style-type: none"> <li>A. Vicinity Map;</li> <li>B. Recorded Plat Map;</li> <li>C. Copy of HPA; and</li> <li>D. Critical Area Site Plan</li> </ul> |                                                                                                                                                                                                                           |

**INFORMATION/BACKGROUND:**

The Lakemore Estates bridge is located east of 61<sup>st</sup> Avenue NE along NE 192<sup>nd</sup> Place and spans Stream 0056, a Type 2 stream-bearing stream, and associated wetland (Exhibits A & B). The bridge provides access to 21 properties and 79 single-family and multi-family residential dwelling units.

The bridge is privately owned and maintained by Lakemore Estates Div. No. 2 Homeowners Association (HOA) and was constructed as part of the Lakemore Estates development in the 1970's (approximate). Together, the City of Kenmore and Northshore Fire Department assessed the bridge and determined that it was failing and unsafe for vehicle usage. The City required the bridge to be barricaded off and residents were unable to cross. The bridge is in disrepair and needs to be rebuilt. Fortunately, an alternative access point is available at NE 190<sup>th</sup> Street (Exhibit A). However, this access point is considered temporary as it is not a viable long-term solution as it is narrow and could reduce fire and emergency response time. Leaving the bridge as-is (closed and in disrepair) would result in decreased traffic circulation for the area and a lengthy dead-end street (61<sup>st</sup> Place NE).

Reconstruction of the bridge is estimated to cost between \$60,000 – \$70,000, which does not include the City's permit costs (\$2,000 – \$3,000). The applicant has provided the necessary permit materials and the permit application is currently under review. A Hydraulic Project Approval (HPA) was issued by Washington State Department of Fish & Wildlife, and the applicant awaits permit approval by the City (Exhibit C).

If constructed under today's codes, a development like Lakemore Estates would require a public road and publicly owned bridge. While that is not the case here, it does create a unique and costly burden for the 21 property owners. The City recognizes the uniqueness of the situation and requests a waiver of the City permit fees.

**FISCAL CONSIDERATION:**

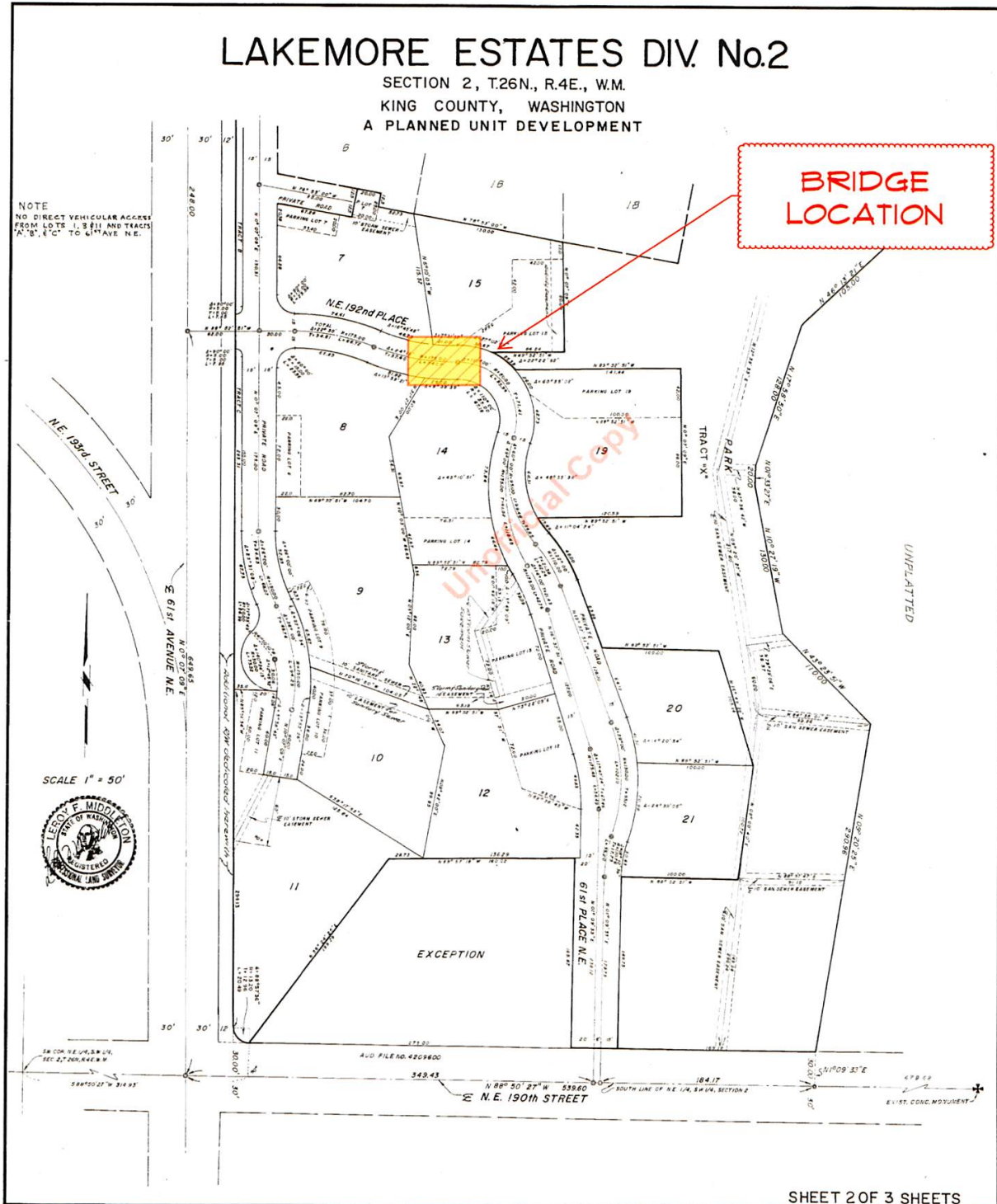
Fees associated with engineering permit will be waived.

**COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:**

Building community.







PR 8-4511 (PR 6-0092)

# LAKEMORE ESTATES DIV. No.2

SECTION 2, T.26N., R.4E., W.M.  
KING COUNTY, WASHINGTON  
A PLANNED UNIT DEVELOPMENT

## DEDICATION

KNOW ALL MEN BY THESE PRESENTS, THAT WE THE UNDERSIGNED, OWNERS IN FEE SIMPLE AND MORTGAGEES OF THE LAND HEREBY PLATTED, DO BY DECLARE THIS PLAT AND DEDICATE TO THE USE OF THE PUBLIC FOR THE PURPOSES OF THE PLAT AND THE USE THEREOF FOR ALL PUBLIC PURPOSES NOT INCONSISTENT WITH THE USE THEREOF FOR PUBLIC HIGHWAY PURPOSES, ALSO THE RIGHT TO MAKE ALL NECESSARY STREET FOR CURB OR FILL UPON THE LOTS AND BLOCKS SHOWN ON THIS PLAT IN THE ORIGINAL REASONABLE GRAD-ING OF THE STREETS AND AVENUES SHOWN HEREON ALL STREETS SHOWN AT PRIVATE ARE INCLUDED IN THE PLATTING UNDER DECLARATION OF CON-SENTS AS RECORDED UNDER JUDICIAL FILE NO. \_\_\_\_\_

## JABIL DEVELOPMENT CORPORATION

*Frank J. Dwyer*  
PRESIDENT

*Robert A. Dwyer*  
SECRETARY

## HODGSON LAND COMPANY

*James J. Hodgson*

*Helen E. Hodgson*

*Frank J. Dwyer*  
JOHN M. DAVISON

*Virginia W. Taylor*

*Joseph E. Hodgson*  
NOTARIAL HODGSON AND ASSOCIATES  
and Trustees for Daniel S. Hodgson

*Marie J. Hodgson*  
MARIE J. HODGSON  
AND HODGSON

## ACKNOWLEDGEMENTS

THIS IS TO CERTIFY THAT ON THIS 14<sup>TH</sup> DAY OF JUNE, 1970, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF WASH-INGTON, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED *James J. Hodgson* AND *Helen E. Hodgson* TO ME KNOWN TO BE THE PRESIDENT AND SECRETARY, RESPECTIVELY, OF JABIL DEVELOPMENT CORPORATION, THE CORPORATION THAT EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAID INSTRUMENT TO BE THE FREE AND VOLUNTARY ACT AND DEED OF SAID CORPORATION FOR THE USES AND PURPOSES HEREIN MENTIONED, AND ON OATH STATED THAT THEY ARE AUTHORIZED TO EXECUTE THE SAID INSTRUMENT AND THAT THE SEAL AFFIXED IS THE CORPORATE SEAL OF SAID CORPORATION.

WITNESS MY HAND AND OFFICIAL SEAL HEREUNTO AFFIXED THE DAY AND YEAR FIRST ABOVE WRITTEN.

*Joseph E. Hodgson*  
NOTARY PUBLIC IN AND FOR THE  
STATE OF WASHINGTON RESIDING  
AT *SEATTLE, WASHINGTON*

STATE OF WASHINGTON }  
COUNTY OF *SEATTLE* }

THIS IS TO CERTIFY THAT ON THIS 14<sup>TH</sup> DAY OF JUNE, 1970, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF WASH-INGTON, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED *James J. Hodgson* AND *Helen E. Hodgson* TO ME KNOWN TO BE THE PRESIDENT AND SECRETARY, RESPECTIVELY, OF JABIL DEVELOPMENT CORPORATION, THE CORPORATION THAT EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAID INSTRUMENT TO BE THE FREE AND VOLUNTARY ACT AND DEED OF SAID CORPORATION FOR THE USES AND PURPOSES HEREIN MENTIONED, AND ON OATH STATED THAT THEY ARE AUTHORIZED TO EXECUTE THE SAID INSTRUMENT AND THAT THE SEAL AFFIXED IS THE CORPORATE SEAL OF SAID CORPORATION.

WITNESS MY HAND AND OFFICIAL SEAL HEREUNTO AFFIXED THE DAY AND YEAR FIRST ABOVE WRITTEN.

*Joseph E. Hodgson*  
NOTARY PUBLIC IN AND FOR THE  
STATE OF WASHINGTON RESIDING  
AT *SEATTLE, WASHINGTON*

STATE OF WASHINGTON }  
COUNTY OF *SEATTLE* }

THIS IS TO CERTIFY THAT ON THIS 14<sup>TH</sup> DAY OF JUNE, 1970, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC, PERSONALLY APPEARED *James J. Hodgson* AND *Helen E. Hodgson* TO ME KNOWN TO BE THE PRESIDENT AND SECRETARY, RESPECTIVELY, OF JABIL DEVELOPMENT CORPORATION, THE CORPORATION THAT EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAID INSTRUMENT TO BE THE FREE AND VOLUNTARY ACT AND DEED OF SAID CORPORATION FOR THE USES AND PURPOSES HEREIN MENTIONED, AND ON OATH STATED THAT THEY ARE AUTHORIZED TO EXECUTE THE SAID INSTRUMENT AND THAT THE SEAL AFFIXED IS THE CORPORATE SEAL OF SAID CORPORATION.

WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR FIRST ABOVE WRITTEN.

*Joseph E. Hodgson*  
NOTARY PUBLIC IN AND FOR THE  
STATE OF WASHINGTON RESIDING  
AT *SEATTLE, WASHINGTON*

STATE OF ARIZONA }  
COUNTY OF *COCHISE* }

THIS IS TO CERTIFY THAT ON THIS 9<sup>TH</sup> DAY OF JUNE, 1970, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC, PERSONALLY APPEARED *James J. Hodgson* AND *Helen E. Hodgson* TO ME KNOWN TO BE THE PRESIDENT AND SECRETARY, RESPECTIVELY, OF JABIL DEVELOPMENT CORPORATION, THE CORPORATION THAT EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAID INSTRUMENT TO BE THE FREE AND VOLUNTARY ACT AND DEED OF SAID CORPORATION FOR THE USES AND PURPOSES HEREIN MENTIONED, AND ON OATH STATED THAT THEY ARE AUTHORIZED TO EXECUTE THE SAID INSTRUMENT AND THAT THE SEAL AFFIXED IS THE CORPORATE SEAL OF SAID CORPORATION.

WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR FIRST ABOVE WRITTEN.

*Joseph E. Hodgson*  
NOTARY PUBLIC IN AND FOR THE  
STATE OF WASHINGTON RESIDING  
AT *SEATTLE, WASHINGTON*

## SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE PLAT OF LAKEMORE ESTATES DIV. No. 2 IS BASED UPON AN ACTUAL SURVEY AND SUBDIVISION OF SECTION 2, TOWNSHIP 26 NORTH, RANGE 4 EAST, W.M., THAT THE COURTESY AND DISTANCES ARE SHOWN CORRECTLY THEREON, THAT THE MONUMENTS WILL BE SET AND THE LOT AND BLOCK CORNERS PLACED CORRECTLY ON THE GROUND AND THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF THE STATUTES AND PLATTING REGULATIONS.

*Robert A. Dwyer*  
LAND SURVEYOR, CERT. NO. 4541  
REGISTERED LAND SURVEYOR  
REID MIDDLETON AND ASSOC., INC.



## APPROVALS

I HEREBY CERTIFY THAT THIS PLAT COMPLETES THE CONDITIONS SET FORTH BY THE KING COUNTY PLANNING COMMISSION AND IS DULY APPROVED THIS 30<sup>TH</sup> DAY OF JULY, 1970.

## DEPARTMENT OF PLANNING

*Edward A. Bond*  
DIRECTOR

EXAMINED AND APPROVED THIS 30<sup>TH</sup> DAY OF JULY, 1970.

## KING COUNTY COUNCIL

*Chairman, King County Council* ATTEST: *Clerk, King County Council*  
EXAMINED AND APPROVED THIS 30<sup>TH</sup> DAY OF JULY, 1970.

## DEPARTMENT OF PUBLIC WORKS

*Director*

EXAMINED AND APPROVED THIS 30<sup>TH</sup> DAY OF JULY, 1970.

## DEPARTMENT OF ASSESSMENT

*King County Assessor* ATTEST: *Deputy, King County Assessor*

## RECORDING CERTIFICATE 6678786

FILED FOR RECORD AT THE REQUEST OF THE KING COUNTY COUNCIL THIS 30<sup>TH</sup> DAY OF JULY, 1970, AT 2:26 MINUTES P.M. AND RECORDED IN VOLUME 98 OF PLATS, PAGE 3651, RECORDS OF KING COUNTY, WASHINGTON.

## DEPARTMENT OF RECORDS AND ELECTIONS

*Norward J. Brooks*  
DIRECTOR ATTEST: *Deputy Director*

## TREASURER'S CERTIFICATE

I HEREBY CERTIFY THAT ALL PROPERTY TAXES ARE PAID THAT THERE ARE NO DELINQUENT SPECIAL ASSESSMENTS CERTIFIED TO THIS OFFICE FOR COLLECTION AND THAT ALL SPECIAL ASSESSMENTS CERTIFIED TO THIS OFFICE FOR COLLECTION ON ANY OF THE PROPERTIES HEREIN CONTAINED, DEDICATED AT 1<sup>ST</sup> CLASS ALLEYS OR FOR OTHER PUBLIC USE, ARE PAID IN FULL THIS 31<sup>ST</sup> DAY OF JULY, 1970.

## DEPARTMENT OF FINANCE

*Mrs. Williams*  
KING COUNTY TREASURER

*Deputy King County Treasurer*

## RESTRICTION

NO LOT OR PORTION OF A LOT IN THIS PLAT SHALL BE DIVIDED AND SOLD OR REDEEMED, OR OWNERSHIP CHANGED OR TRANSFERRED WHEREBY THE OWNERSHIP OF ANY PORTION OF THIS PLAT SHALL BE LESS THAN THE AREA REQUIRED FOR THE USE DISTRICT IN WHICH LOCATED.

## EASEMENT PROVISIONS

"AN EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO THE N.E. LAKEMORE ESTATES DIVISION, INC. (N.E. LAKEMORE) AS SUCCESSORS TO JABIL DEVELOPMENT CORPORATION AND UPON THE EXTERIOR FIVE (5) FEET ALONG SIDE BOUNDARY LINE OF ALL LOTS, FOR A DISTANCE OF FIVE (5) FEET FROM THE FRONT LOT LINE, AND OVER AND ACROSS ALL PRIVATE ROADWAYS, IN WHICH TRAIL, LAY, CONSTRUCT AND REMOVE DRAINAGE AND MAINTAIN FOR THE LOTS."

"AN EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO PUBLIC UTILITY POWER AND LIGHT CO. AND PACIFIC NORTHWEST BELL AND THEIR RESPECTIVE SUCCESSORS AND ATTORNEYS UNDER AND UPON THE LOTS, FOR THE EXTERIOR FIVE (5) FEET ALONG SIDE BOUNDARY LINE OF ALL LOTS AND OVER AND ACROSS ALL PRIVATE ROADWAYS, IN WHICH TRAIL, LAY, CONSTRUCT AND REMOVE DRAINAGE AND MAINTAIN UNDERGROUND CABLES, CABLES AND WIRES WITH NECESSARY FACILITIES AND OTHER EQUIPMENT FOR THE PURPOSES OF SERVING THE SUBDIVISION AND OTHER PROPERTY WITH ELECTRICAL AND TELEPHONE SERVICES, TOGETHER WITH THE RIGHT TO ENTER UPON THE LOTS, AT ALL TIMES FOR THE PURPOSES STATED."

"AN EASEMENT FOR INGRESS, EGRESS AND UTILITIES IS HEREBY GRANTED TO LAKEMORE ESTATES DIVISION, INC. (LAKEMORE) OVER AND UPON ITS FIVE FOOT STRIP ON ALL LOTS ABUTTING AND ADJACENT TO ALL PRIVATE ROADWAYS SHOWN HEREON."

SHEET 3 OF 3 SHEETS



## HYDRAULIC PROJECT APPROVAL

**EXHIBIT C**  
 Washington Department of  
 Fish & Wildlife  
 PO Box 43234  
 Olympia, WA 98504-3234  
 (360) 902-2200

Issued Date: August 13, 2018  
 Project End Date: August 12, 2023

Permit Number: 2018-4-578+01  
 FPA/Public Notice Number: N/A  
 Application ID: 15442

| PERMITTEE                                                                                | AUTHORIZED AGENT OR CONTRACTOR                                                                     |
|------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|
| Lakemore Estates HOA<br>ATTENTION: Paul Albers<br>19220 61st Ave NE<br>Kenmore, WA 98028 | Wetland Resources, Inc.<br>ATTENTION: Meryl Kamowski<br>9505 19th Ave SE<br>Everett, WA 98208-3841 |

**Project Name:** Lakemore Estates Bridge Repair

**Project Description:** The proposed project is to repair the bridge-type structure over the stream on NE 192nd Place. The southern wall will be reconstructed and the bridge deck will be resurfaced.

### PROVISIONS

1. This STANDARD Hydraulic Project Approval (HPA) is issued for:

- a) Replacement of headwalls, roadway components, and resurfacing of a roadway over a stream conveyed through an associated culvert;
- b) Installation of Large Woody Material (LWM) downstream of the water crossing; and
- c) Implementation of a native planting to cover a minimum of 250 square feet of riparian area.

2. **TIMING LIMITATION:** You may begin the project August 13, 2018 and you must complete the project by August 12, 2023, provided, all work below the ordinary high water line be completed between June 15 and October 15 of a given year.

3. **APPROVED PLANS:** You must accomplish the work per plans and specifications submitted with the application and approved by the Washington Department of Fish and Wildlife, entitled, 'Lakemore Estates Bridge Washout Hilfiker Retaining Wall NE 192nd Place,' dated July 24, 2018, the mitigation plan, 'CRITICAL AREAS REPORT AND RESTORATION PLAN FOR LAKEMORE ESTATES – BRIDGE REPAIR CITY OF KENMORE, WA,' dated July 5, 2018 and all supporting documents and communications uploaded to the Aquatic Protection Permitting System (APPS) project file; except as modified by this HPA. You must have a copy of these plans available on site during all phases of the project.

4. **INVASIVE SPECIES CONTROL:** Follow Level 1 Decontamination protocol for low risk locations. Thoroughly remove visible dirt and organic debris from all equipment and gear (including drive mechanisms, wheels, tires, tracks, buckets and undercarriage) before arriving and leaving the job site to prevent the transport and introduction of invasive species. Properly dispose of any water and chemicals used to clean gear and equipment. For contaminated or high risk sites please refer to the Level 2 Decontamination protocol. You can find this and additional information in the Washington Department of Fish and Wildlife's Invasive Species Management Protocols (November 2012), available online at <http://wdfw.wa.gov/publications/01490/wdfw01490.pdf>.

5. **PRE- AND POST-CONSTRUCTION NOTIFICATION:** You, your agent, or contractor must contact the Washington Department of Fish and Wildlife by e-mail at [HPAapplications@dfw.wa.gov](mailto:HPAapplications@dfw.wa.gov); mail to Post Office Box 43234, Olympia, Washington 98504-3234; or fax to (360) 902-2946 at least three business days before starting work, and again within seven days after completing the work. The notification must include the permittee's name, project location, starting date



## HYDRAULIC PROJECT APPROVAL

Washington Department of  
Fish & Wildlife  
PO Box 43234  
Olympia, WA 98504-3234  
(360) 902-2200

Issued Date: August 13, 2018  
Project End Date: August 12, 2023

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FPA/Public Notice Number: N/A  
Application ID: 15442

for work or date the work was completed, and the permit number. The Washington Department of Fish and Wildlife may conduct inspections during and after construction; however, the Washington Department of Fish and Wildlife will notify you or your agent before conducting the inspection.

6. PHOTOGRAPHS: You, your agent, or contractor must take photographs of the job site before the work begins and after the work is completed. You must upload the photographs to the project file on the Aquatic Protection Permitting System (APPS) database, email them to [HPAapplications@dfw.wa.gov](mailto:HPAapplications@dfw.wa.gov), or mail them to the Washington Department of Fish and Wildlife at Post Office Box 43234, Olympia, Washington 98504-3234 within 30-days after the work is completed.

7. FISH KILL/ WATER QUALITY PROBLEM NOTIFICATION: If a fish kill occurs or fish are observed in distress at the job site, immediately stop all activities causing harm. Immediately notify the Washington Department of Fish and Wildlife of the problem. If the likely cause of the fish kill or fish distress is related to water quality, also notify the Washington Military Department Emergency Management Division at 1-800-258-5990. Activities related to the fish kill or fish distress must not resume until the Washington Department of Fish and Wildlife gives approval. The Washington Department of Fish and Wildlife may require additional measures to mitigate impacts.

### STAGING, JOB SITE ACCESS, AND EQUIPMENT

8. Establish staging areas (used for equipment storage, vehicle storage, fueling, servicing, and hazardous material storage) in a location and manner that will prevent contaminants such as petroleum products, hydraulic fluid, fresh concrete, sediments, sediment-laden water, chemicals, or any other toxic or harmful materials from entering waters of the state.

9. Check equipment daily for leaks and complete any required repairs in an upland location before using the equipment in or near the water.

10. Limit the removal of native bankline vegetation to the minimum amount needed to construct the project.

11. Retain all natural habitat features on the bed or banks including large woody material and boulders. You may move these natural habitat features during construction but you must place them near the pre-project location before leaving the job site.

12. Confine the use of equipment to the specific access and work corridor shown in the approved plans.

13. Equipment used for this project may operate waterward of the ordinary high water line, provided the drive mechanisms (wheels, tracks, tires, etc.) do not enter or operate waterward of the ordinary high water line.

### CONSTRUCTION-RELATED SEDIMENT, EROSION AND POLLUTION CONTAINMENT

14. Protect all disturbed areas from erosion. Maintain erosion and sediment control until all work and cleanup of the job site is complete.

15. All erosion control materials that will remain onsite must be composed of 100% biodegradable materials.

16. Stop all hydraulic project activities except those needed to control erosion and siltation, if flow conditions arise that will result in erosion or siltation of waters of the state.

17. Prevent project contaminants, such as petroleum products, hydraulic fluid, fresh concrete, sediments, sediment laden water, chemicals, or any other toxic or harmful materials, from entering or leaching into waters of the state.



## HYDRAULIC PROJECT APPROVAL

Washington Department of  
Fish & Wildlife  
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### CONSTRUCTION MATERIALS

18. Store all construction and deconstruction material in a location and manner that will prevent contaminants such as petroleum products, hydraulic fluid, fresh cement, sediments, sediment-laden water, chemicals, or any other toxic or harmful materials from entering waters of the state.

19. Do not stockpile construction material waterward of the ordinary high water line.

### ROAD REPAIRS

20. Repair of road shoulders, headwalls, and deck resurfacing is limited to restoring to as-built condition and function. No expansion, extension, or structural modification to existing culvert is authorized.

### LARGE WOODY MATERIAL AND RIPARIAN ENHANCEMENT

21. As shown in figure 10 of the approved plans, 'Lakemore Estates Bridge Washout Hilfiker Retaining Wall NE 192nd Place,' dated July 24, 2018, a minimum of 2 pieces of large woody material will be installed in the associated watercourse downstream of the outlet.

22. Use of fir, cedar, or other coniferous species is recommended for large woody material pieces.

23. Complete riparian restoration and associated plantings as per page 10 of the mitigation plan, 'CRITICAL AREAS REPORT AND RESTORATION PLAN FOR LAKEMORE ESTATES – BRIDGE REPAIR CITY OF KENMORE, WA,' dated July 5, 2018.

24. Complete plantings during the appropriate season (fall or spring for potted stock, winter for bare-root seedlings, fall through spring for whips and cuttings) after project completion per the approved plan. Maintain plantings for at least three years to ensure at least eighty percent of the plantings survive. Failure to achieve the eighty percent survival in year three will require you to submit a plan with follow-up measures to achieve requirements or reasons to modify requirements.

### DEMOBILIZATION

25. Upon completion of the project, restore the disturbed banks and riparian zone to pre-project condition.

26. Remove any temporary erosion and sediment control methods after job site is stabilized or within three months of project completion, whichever is sooner.

27. Upon completion of the project, remove all materials or equipment from the site and dispose of all excess spoils, including trash and waste materials found in the project area at an appropriate upland disposal location.

LOCATION #1: Site Name: Lakemore Estates  
19220 61st Ave NE, Kenmore, WA 98028-3217

WORK START: August 13, 2018

WORK END: August 12, 2023

WRIA

Waterbody:

Tributary to:



## HYDRAULIC PROJECT APPROVAL

Washington Department of  
Fish & Wildlife  
PO Box 43234  
Olympia, WA 98504-3234  
(360) 902-2200

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|                                                                                                                                                                                                                                                                                                                                                |                 |                       |               |                  |                   |                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-----------------------|---------------|------------------|-------------------|----------------|
| 08 - Cedar - Sammamish                                                                                                                                                                                                                                                                                                                         |                 | Unknown Stream Number |               |                  | Unknown           |                |
| <u>1/4 SEC:</u>                                                                                                                                                                                                                                                                                                                                | <u>Section:</u> | <u>Township:</u>      | <u>Range:</u> | <u>Latitude:</u> | <u>Longitude:</u> | <u>County:</u> |
|                                                                                                                                                                                                                                                                                                                                                | 02              | 26 N                  | 04 E          | 47.76855         | -122.26368        | King           |
| <u>Location #1 Driving Directions</u>                                                                                                                                                                                                                                                                                                          |                 |                       |               |                  |                   |                |
| From I-405 N, take exit 23 for WA-522 west (use right two lanes to exit). Follow WA-522 through Bothell and turn right onto 61st Ave NE. There is a Jack in the Box at the intersection of 61st Ave NE and WA-522. Turn right on NE 192nd Place. The bridge is about 1/2 block to the east of the intersection of NE 192nd PI and 61st Ave NE. |                 |                       |               |                  |                   |                |

### APPLY TO ALL HYDRAULIC PROJECT APPROVALS

This Hydraulic Project Approval pertains only to those requirements of the Washington State Hydraulic Code, specifically Chapter 77.55 RCW. Additional authorization from other public agencies may be necessary for this project. The person(s) to whom this Hydraulic Project Approval is issued is responsible for applying for and obtaining any additional authorization from other public agencies (local, state and/or federal) that may be necessary for this project.

This Hydraulic Project Approval shall be available on the job site at all times and all its provisions followed by the person(s) to whom this Hydraulic Project Approval is issued and operator(s) performing the work.

This Hydraulic Project Approval does not authorize trespass.

The person(s) to whom this Hydraulic Project Approval is issued and operator(s) performing the work may be held liable for any loss or damage to fish life or fish habitat that results from failure to comply with the provisions of this Hydraulic Project Approval.

Failure to comply with the provisions of this Hydraulic Project Approval could result in a civil penalty of up to one hundred dollars per day and/or a gross misdemeanor charge, possibly punishable by fine and/or imprisonment.

All Hydraulic Project Approvals issued under RCW 77.55.021 are subject to additional restrictions, conditions, or revocation if the Department of Fish and Wildlife determines that changed conditions require such action. The person(s) to whom this Hydraulic Project Approval is issued has the right to appeal those decisions. Procedures for filing appeals are listed below.



## HYDRAULIC PROJECT APPROVAL

Washington Department of  
Fish & Wildlife  
PO Box 43234  
Olympia, WA 98504-3234  
(360) 902-2200

Issued Date: August 13, 2018  
Project End Date: August 12, 2023

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Application ID: 15442

**MINOR MODIFICATIONS TO THIS HPA:** You may request approval of minor modifications to the required work timing or to the plans and specifications approved in this HPA unless this is a General HPA. If this is a General HPA you must use the Major Modification process described below. Any approved minor modification will require issuance of a letter documenting the approval. A minor modification to the required work timing means any change to the work start or end dates of the current work season to enable project or work phase completion. Minor modifications will be approved only if spawning or incubating fish are not present within the vicinity of the project. You may request subsequent minor modifications to the required work timing. A minor modification of the plans and specifications means any changes in the materials, characteristics or construction of your project that does not alter the project's impact to fish life or habitat and does not require a change in the provisions of the HPA to mitigate the impacts of the modification. If you originally applied for your HPA through the online Aquatic Protection Permitting System (APPS), you may request a minor modification through APPS. A link to APPS is at <http://wdfw.wa.gov/licensing/hpa/>. If you did not use APPS you must submit a written request that clearly indicates you are seeking a minor modification to an existing HPA. Written requests must include the name of the applicant, the name of the authorized agent if one is acting for the applicant, the APP ID number of the HPA, the date issued, the permitting biologist, the requested changes to the HPA, the reason for the requested change, the date of the request, and the requestor's signature. Send by mail to: Washington Department of Fish and Wildlife, PO Box 43234, Olympia, Washington 98504-3234, or by email to [HPAapplications@dfw.wa.gov](mailto:HPAapplications@dfw.wa.gov). You should allow up to 45 days for the department to process your request.

**MAJOR MODIFICATIONS TO THIS HPA:** You may request approval of major modifications to any aspect of your HPA. Any approved change other than a minor modification to your HPA will require issuance of a new HPA. If you originally applied for your HPA through the online Aquatic Protection Permitting System (APPS), you may request a major modification through APPS. A link to APPS is at <http://wdfw.wa.gov/licensing/hpa/>. If you did not use APPS you must submit a written request that clearly indicates you are requesting a major modification to an existing HPA. Written requests must include the name of the applicant, the name of the authorized agent if one is acting for the applicant, the APP ID number of the HPA, the date issued, the permitting biologist, the requested changes to the HPA, the reason for the requested change, the date of the request, and the requestor's signature. Send your written request by mail to: Washington Department of Fish and Wildlife, PO Box 43234, Olympia, Washington 98504-3234. You may email your request for a major modification to [HPAapplications@dfw.wa.gov](mailto:HPAapplications@dfw.wa.gov). You should allow up to 45 days for the department to process your request.

### APPEALS INFORMATION

If you wish to appeal the issuance, denial, conditioning, or modification of a Hydraulic Project Approval (HPA), Washington Department of Fish and Wildlife (WDFW) recommends that you first contact the department employee who issued or denied the HPA to discuss your concerns. Such a discussion may resolve your concerns without the need for further appeal action. If you proceed with an appeal, you may request an informal or formal appeal. WDFW encourages you to take advantage of the informal appeal process before initiating a formal appeal. The informal appeal process includes a review by department management of the HPA or denial and often resolves issues faster and with less legal complexity than the formal appeal process. If the informal appeal process does not resolve your concerns, you may advance your appeal to the formal process. You may contact the HPA Appeals Coordinator at (360) 902-2534 for more information.

**A. INFORMAL APPEALS:** WAC 220-660-460 is the rule describing how to request an informal appeal of WDFW actions taken under Chapter 77.55 RCW. Please refer to that rule for complete informal appeal procedures. The following information summarizes that rule.



## HYDRAULIC PROJECT APPROVAL

Washington Department of  
Fish & Wildlife  
PO Box 43234  
Olympia, WA 98504-3234  
(360) 902-2200

Issued Date: August 13, 2018  
Project End Date: August 12, 2023

Permit Number: 2018-4-578+01  
FPA/Public Notice Number: N/A  
Application ID: 15442

A person who is aggrieved by the issuance, denial, conditioning, or modification of an HPA may request an informal appeal of that action. You must send your request to WDFW by mail to the HPA Appeals Coordinator, Department of Fish and Wildlife, Habitat Program, PO Box 43234, Olympia, Washington 98504-3234; e-mail to [HPAapplications@dfw.wa.gov](mailto:HPAapplications@dfw.wa.gov); fax to (360) 902-2946; or hand-delivery to the Natural Resources Building, 1111 Washington St SE, Habitat Program, Fifth floor. WDFW must receive your request within 30 days from the date you receive notice of the decision. If you agree, and you applied for the HPA, resolution of the appeal may be facilitated through an informal conference with the WDFW employee responsible for the decision and a supervisor. If a resolution is not reached through the informal conference, or you are not the person who applied for the HPA, the HPA Appeals Coordinator or designee may conduct an informal hearing or review and recommend a decision to the Director or designee. If you are not satisfied with the results of the informal appeal, you may file a request for a formal appeal.

B. FORMAL APPEALS: WAC 220-660-470 is the rule describing how to request a formal appeal of WDFW actions taken under Chapter 77.55 RCW. Please refer to that rule for complete formal appeal procedures. The following information summarizes that rule.

A person who is aggrieved by the issuance, denial, conditioning, or modification of an HPA may request a formal appeal of that action. You must send your request for a formal appeal to the clerk of the Pollution Control Hearings Boards and serve a copy on WDFW within 30 days from the date you receive notice of the decision. You may serve WDFW by mail to the HPA Appeals Coordinator, Department of Fish and Wildlife, Habitat Program, PO Box 43234, Olympia, Washington 98504-3234; e-mail to [HPAapplications@dfw.wa.gov](mailto:HPAapplications@dfw.wa.gov); fax to (360) 902-2946; or hand-delivery to the Natural Resources Building, 1111 Washington St SE, Habitat Program, Fifth floor. The time period for requesting a formal appeal is suspended during consideration of a timely informal appeal. If there has been an informal appeal, you may request a formal appeal within 30 days from the date you receive the Director's or designee's written decision in response to the informal appeal.

C. FAILURE TO APPEAL WITHIN THE REQUIRED TIME PERIODS: If there is no timely request for an appeal, the WDFW action shall be final and unappealable.

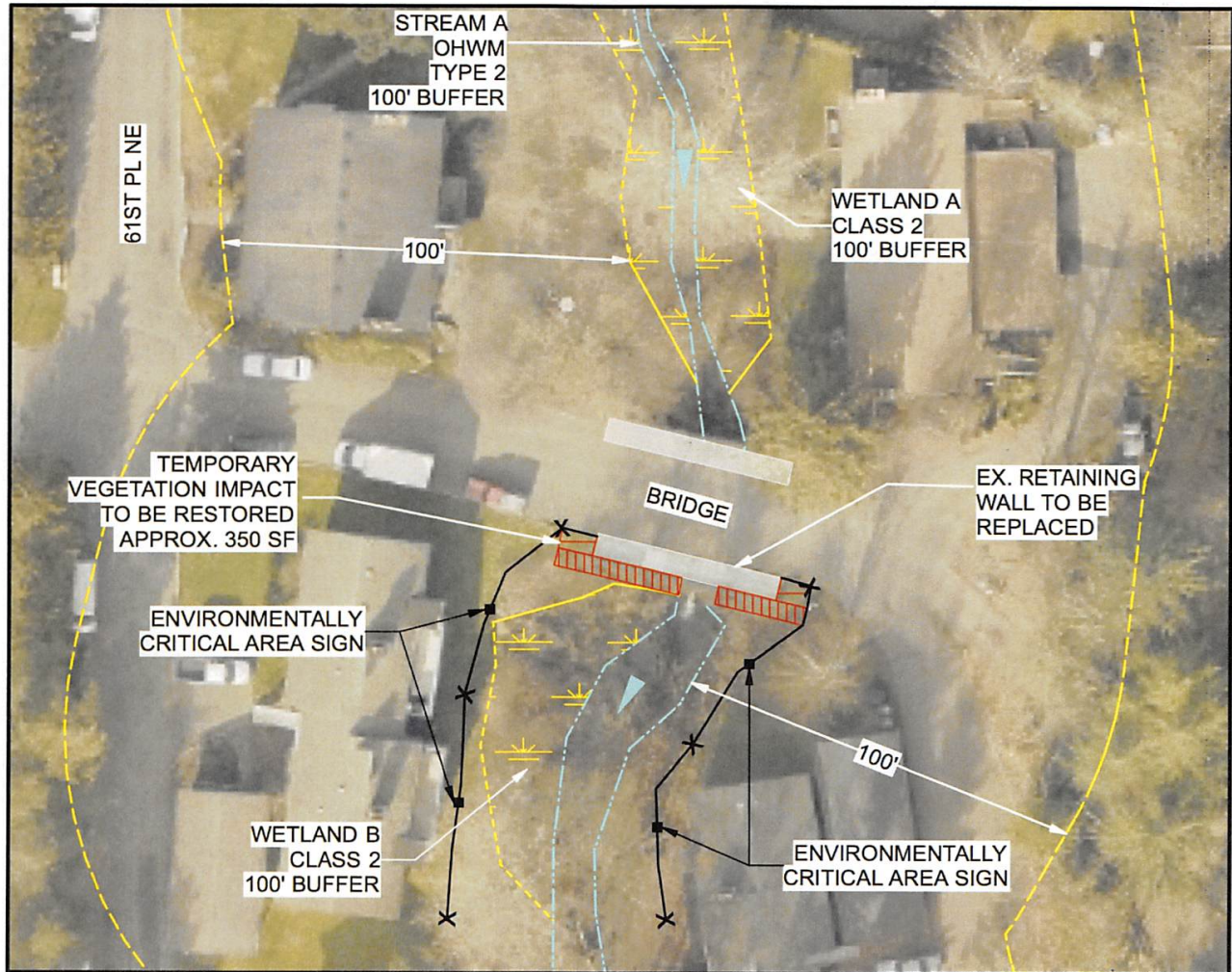
Habitat Biologist Casey.costello@dfw.wa.gov  
Casey Costello 425-427-0969

  for Director  
WDFW

# CRITICAL AREAS AND VEGETATION RESTORATION PLAN MAP

## Lakemore Estates Bridge Repair **EXHIBIT D**

PORTION OF SECTION 2, TOWNSHIP 26N, RANGE 04E, W.M.



### LEGEND

- WETLAND (DELINEATED)
- WETLAND (ESTIMATED)
- STREAM (OHWM)
- BUFFER
- VEGETATION RESTORATION (GRASS SEEDING)
- VEGETATION RESTORATION (SHRUBS)
- SPLIT-RAIL FENCING & SIGNS



Scale 1" = 40'



**Wetland Resources, Inc.**  
 Delineation / Mitigation / Restoration / Habitat Creation / Permit Assistance  
 9505 19th Avenue S.E. Suite 106 Everett, Washington 98208  
 Phone: (425) 337-3174  
 Fax: (425) 337-3045  
 Email: mailbox@wetlandresources.com

Critical Areas and Vegetation  
 Restoration Plan Map  
**Lakemore Estates Bridge Repair**  
 Lakemore Estates HOA Sheet 1/1  
 Attn: Tim Albers Project Number: 18148  
 c/o Ponderosa Pacific Inc Drawn by: MK  
 31444 Rosewood Dr Original Submittal: 7/5/2018  
 Sultan, WA 98294 Revision 1: 9/13/2018



City Council Business Agenda Item  
City of Kenmore, WA

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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| <p><b>Subject/Topic:</b><br/>Ordinance #18-0466 “Temporary Homeless Shelters”</p> <p><b>Proposed Council Action/Motion:</b><br/>Approve Ordinance #18-0466.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <p>For Council Meeting Agenda of:<br/>September 24, 2018</p> <p>Department: City Manager’s Office</p> <p>Prepared by: Jack Urquhart, Management Intern</p> <p style="text-align: right;"><u>Initial &amp; Date</u></p> <p>Approved by Department Head: _____</p> <p>Approved by City Attorney: ✓ reviewed by Rod Kaseguma</p> <p>Approved by Finance Director: _____</p> <p>Approved by City Manager: RK 9-14-18</p> <p>Exhibits/Attachments:<br/>Ordinance #18-0466<br/>Policy Memo</p> |
| <p><b><u>INFORMATION/BACKGROUND:</u></b></p> <p>Over the last year, Kenmore has received multiple requests to use sites as temporary shelters. The City has appropriately conditioned applications through its Temporary Use Permit process. However, the question has been raised as to whether Kenmore should have specific code provisions for temporary shelters to address concerns of safety and security, and establish expectations for temporary shelter permit applicants. At the January 2018 retreat, the City Council directed staff to produce a policy memo in summer 2018 with research and recommendations for a temporary shelter ordinance.</p> <p>On June 18, staff presented a recommendation for temporary homeless shelter regulations and low-barrier temporary shelter regulations. The City Council determined to revisit low-barrier shelters at another time and directed staff to draft an ordinance for temporary homeless shelters in accordance with what was presented.</p> <p>On July 23, a temporary homeless shelter ordinance draft was presented to Council for adoption. The ordinance failed with Council suggestions on adjustments.</p> <p>In addition to adjusting the requirements for temporary homeless shelters, Council directed staff to draft a combined ordinance proposing regulations for both indoor and outdoor temporary homeless shelters and cold-weather low-barrier shelters.</p> <p>After researching policies of low-barrier shelter organizations and conversing with stakeholders, staff drafted an ordinance with a section for indoor and outdoor temporary homeless shelters (KMC 18.100.200) and a section for cold-weather low-barrier shelters (KMC 18.100.210). The ordinance draft will be presented as directed by Council on Sept. 24.</p> <p><b><u>FISCAL CONSIDERATION:</u></b></p> <p>\$1566 for a SEPA Review.<br/>Staff will take time to review applications.<br/>Enforcement of the policy would require occasional inspections (a couple times per 125-day stay) to the site and emergency response (rare occurrences) from Police and Fire.<br/>City Council would establish a permit fee.</p> <p><b><u>COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:</u></b></p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

Kenmore 20-year Vision, item No. 9: offers a diversity of housing types to provide a choice of attractive living accommodations for all residents

Kenmore 20-year Vision, item No. 11: supports the safety, health, and welfare of all of its citizens

**CITY OF KENMORE  
WASHINGTON  
ORDINANCE NO. 18-0466**

**AN ORDINANCE OF THE CITY OF KENMORE,  
WASHINGTON RELATING TO ZONING AND LAND USE  
CONTROLS AND TEMPORARY HOMELESS SHELTERS  
AND COLD-WEATHER LOW-BARRIER SHELTERS; AND  
ADDING NEW SECTIONS 18.100.200 AND 18.100.210 TO  
THE KENMORE MUNICIPAL CODE TO ENACT  
REGULATIONS FOR INDOOR AND OUTDOOR  
TEMPORARY HOMELESS SHELTERS AND COLD-  
WEATHER LOW-BARRIER SHELTERS.**

WHEREAS, the City Council desires to “provide access to adequate housing options and access to services to meet the basic needs of all income levels,” in order to foster a “connected, involved and family-oriented community that values diversity,” as established in its priority-based budgeting process; and

WHEREAS, as declared by Seattle and King County in a state of emergency in 2015 and reported in The Seattle Times in December 2017, King County has the third-largest concentration of homeless persons in the United States; and

WHEREAS, the City Council directed staff to report to the City Council possible amendments to the City code to establish a consistent and not burdensome permitting process for temporary homeless shelters; and

WHEREAS, to prepare the report, City staff worked with interested members of the public, churches, and human service organizations and reviewed regulations of other municipalities on this topic; and

WHEREAS, on July 9, 2018, the City Council held a public hearing on amendments to the City code proposed by City staff on this topic and received public testimony on the proposed amendments and on this topic; and

WHEREAS RCW 35.21.915(1) states that “a religious organization may host temporary encampments for the homeless on property owned or controlled by the religious organization whether within buildings located on the property or elsewhere on the property outside of buildings;” and

WHEREAS RCW 35.21.915(2) states that “a city or town may not enact an ordinance or regulation or take any other action that imposes conditions other than those necessary to protect public health and safety and that do not substantially burden the decisions or actions of a religious

organization regarding the location of housing or shelter for homeless persons on property owned by the religious organization;" and

WHEREAS, in its 20-year Vision Statement adopted in 2015, the City Council envisions a community that "supports the safety, health, and welfare of all of its citizens;" and

WHEREAS, KMC 18.100.125 states that an applicant for a temporary use must demonstrate that the proposed temporary use "will not be materially detrimental to the public welfare;"

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON, DO ORDAIN that new Sections 18.100.200 and 18.100.210 are added to the Kenmore Municipal Code as set forth in the attached Exhibit "A."

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2018.

CITY OF KENMORE

\_\_\_\_\_  
David Baker, Mayor

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
Kelly Chelin, City Clerk

Approved as to form:

\_\_\_\_\_  
Rod Kaseguma, City Attorney

FILED WITH THE CITY CLERK:

PASSED BY THE CITY COUNCIL:

ORDINANCE NO.:

DATE OF PUBLICATION:

EFFECTIVE DATE:

**EXHIBIT "A"**

**Chapter 18.100**

**GENERAL PROVISIONS – NONCONFORMANCE, EXISTING LEGAL USES, AND TEMPORARY USES**

\*\*\*

**18.100.100 Temporary use permits.**

A temporary use permit is a mechanism by which the City may permit a use to locate within the City on an interim basis, without requiring full compliance with the development standards, or by which the City may permit seasonal or transient uses not otherwise permitted.

Except as provided by KMC 18.100.110, a temporary use permit shall be required for:

- A. Uses not otherwise permitted in the zone that can be made compatible for periods of limited duration and/or frequency;
- B. Uses permitted in a zone which do not meet all of the required development standards but that can be made compatible for periods of limited duration and/or frequency; or
- C. Limited expansion of any use that is otherwise allowed in the zone but which exceeds the intended scope of the original land use approval. [Ord. 11-0329 § 3 (Exh. 1).]

**18.100.110 Temporary use permits – Exemptions to permit requirement.**

- A. Any use not exceeding a cumulative total of two days each calendar year shall be exempt from requirements for a temporary use permit.
- B. The following uses shall be exempt from requirements for a temporary use permit when located in the RB, WC, UC, CB, DC, PSP, P, or NB zone for the time period specified below:
  - 1. Uses not to exceed a total of 30 days each calendar year:
    - a. Christmas tree lots; and
    - b. Produce stands.
  - 2. Uses not to exceed a total of 14 days each calendar year:
    - a. Amusement rides, carnivals, or circuses;
    - b. Community festivals; and
    - c. Parking lot sales.
- C. Any community event held in a park and not exceeding a period of seven days shall be exempt from requirements for a temporary use permit.

D. Temporary uses or activities, conducted during an emergency event, or training exercises conducted at emergency sites, designated pursuant to an emergency management plan, shall not be subject to the provisions of this title. [Ord. 14-0391 § 2 (Exh. 1); Ord. 11-0329 § 3 (Exh. 1).]

**18.100.120 Temporary use permits – Duration and frequency.**

Temporary use permits shall be limited in duration and frequency as follows:

- A. The temporary use permit shall be effective for up to 365 days after issuance by the city manager;
- B. The temporary use shall not exceed a total of 90 days or as otherwise provided in this title; provided, that this requirement applies only to the days that the event(s) authorized by the permit actually takes place. This time limit may be extended by the city council following a public hearing on the proposal;
- C. The temporary use permit shall specify a date upon which the use shall be terminated and removed; and
- D. A temporary use permit shall not be granted for the same temporary use on a property more than once per calendar year; provided, that a temporary use permit may be granted for multiple events during the approval period. [Ord. 11-0329 § 3 (Exh. 1).]

**18.100.125 Temporary use permits – Decision criteria.**

A temporary use permit shall be granted by the City only if the applicant demonstrates that:

- A. The proposed temporary use will not be materially detrimental to the public welfare;
- B. The proposed temporary use is compatible with existing land uses in the immediate vicinity in terms of noise and hours of operation; and
- C. Adequate public off-street parking and traffic control for the exclusive use of the proposed temporary use can be provided in a safe manner. [Ord. 11-0329 § 3 (Exh. 1).]

**18.100.130 Temporary use permits – Parking.**

Parking and access for proposed temporary uses shall be approved by the City. [Ord. 11-0329 § 3 (Exh. 1).]

**18.100.140 Temporary use permits – Traffic control.**

The applicant for a proposed temporary use shall provide any parking/traffic control attendants as specified by the department. [Ord. 11-0329 § 3 (Exh. 1).]

**18.100.150 Temporary construction buildings.**

Temporary structures for storage of tools and equipment, or for supervisory offices, may be permitted for construction projects; provided, that such structures are:

- A. Allowed only during periods of active construction; and
- B. Removed within 30 days of project completion or cessation of work. [Ord. 11-0329 § 3 (Exh. 1).]

**18.100.160 Temporary construction residence.**

A. A mobile home, motor home, travel trailer, or truck camper may be permitted on a lot as a temporary dwelling for the property owner, provided a building permit for a permanent dwelling on the site has been obtained and adequate provisions are made for utility services, including potable water and waste water disposal.

B. The temporary construction residence permit shall be effective as long as the building permit for the permanent dwelling on the site is active.

C. The temporary construction residence shall be removed within 90 days of:

1. The expiration of the building permit for the permanent dwelling on the site; or
2. The issuance of a certificate of occupancy for the permanent residence, whichever occurs first. [Ord. 11-0329 § 3 (Exh. 1).]

**18.100.170 Temporary mobile home for medical hardship.**

A. A mobile home may be permitted as a temporary dwelling on the same lot as a permanent dwelling, provided:

1. The mobile home together with the permanent residence shall meet the setback, height, building footprint, and lot coverage provisions of the applicable zone; and
2. The applicant submits with the permit application a notarized affidavit that contains the following:
  - a. Certification that the temporary dwelling is necessary to provide daily care, as defined in Chapter 18.20 KMC;
  - b. Certification that the primary provider of such daily care will reside on-site;
  - c. Certification that the applicant understands the temporary nature of the permit, subject to the limitations outlined in subsections B and C of this section;
  - d. Certification that the physician's signature is both current and valid; and
  - e. Certification signed by a physician that a resident of the subject property requires daily care, as defined in Chapter 18.20 KMC.

B. Temporary mobile home permits for medical hardships shall be effective for 12 months. Extensions of the temporary mobile home permit may be approved in 12-month increments subject to demonstration of continuing medical hardship in accordance with the procedures and standards set forth in subsection A of this section.

C. The mobile home shall be removed within 90 days of:

1. The expiration of the temporary mobile home permit; or
2. The cessation of provision of daily care. [Ord. 11-0329 § 3 (Exh. 1).]

**18.100.180 Temporary real estate offices.**

One temporary real estate office may be located on any new residential development; provided, that activities are limited to the initial sale or rental of property or units within the development. The office

use shall be discontinued within one year of recording of a short subdivision of four lots or less or issuance of a final certificate of occupancy for an apartment development, and within two years of the recording of a formal subdivision or short subdivision of more than four lots. [Ord. 11-0329 § 3 (Exh. 1).]

**18.100.190 Temporary school facilities.**

Temporary school structures may be permitted during construction of new school facilities or during remodeling of existing facilities; provided, that such structures:

- A. Are allowed only during periods of active construction or remodeling;
- B. Do not expand the student capacity beyond the capacity under construction or remodeling; and
- C. Are removed within 30 days of project completion or cessation of work. [Ord. 11-0329 § 3 (Exh. 1).]

**18.100.200 Indoor and Outdoor Temporary homeless shelters.**

A. This section regulates indoor and outdoor temporary homeless shelters, which include temporary homeless encampments ("tent cities") and temporary homeless indoor shelters, but exclude cold-weather low-barrier shelters, which are regulated by KMC 18.100.210.

B. In recognition of the need for temporary housing for homeless persons, the purpose of this section is to allow sponsoring religious, non-profit, and governmental organizations (hereafter, "sponsoring organizations") to use property owned or controlled by them for indoor and outdoor temporary homeless shelters (hereafter, "temporary homeless shelters" or "shelters"), while preventing harmful effects associated with such uses, including but not limited to the possibility of impediments to emergency services, the possibility of environmental degradation, the use of improper sanitary facilities, and the possibility of any other factors that would be considered a nuisance under applicable laws. An outdoor temporary homeless shelter shall include all land and buildings that are used for the shelter, and an indoor temporary homeless shelter shall include all buildings and outdoor areas that are used for the shelter (hereafter, "shelter site").

C. Temporary homeless shelters may be permitted in accordance with the following procedures, requirements and standards, which shall apply instead of KMC 18.100.120 through 18.100.140:

1. The city manager is authorized to issue temporary use permits for shelters only upon demonstration by the sponsoring organization that all public health and safety requirements of this section have been satisfied or adequately addressed. The city manager may administratively adjust such requirements upon entry of findings and conclusions to support the adjustment. The city manager may terminate a permit upon a determination that the shelter is unfit for human habitation due to safety concerns, bad sanitary conditions or health related concerns, or disorderly or disorganized activities that adversely impact the safety, health, and welfare of the neighborhood adjacent to the shelter site.

2. An application for a temporary homeless shelter shall include the following:

- a. The dates of the start and termination of the shelter;
- b. The maximum number of residents proposed;
- c. The location, including parcel number(s) and address(es);

d. The name(s) of the sponsoring organization(s);

e. A proposed plan regarding self-management;

f. A site plan, which shall:

i. Show components of the shelter, including but not limited to: dwelling, eating, living, potable water, sanitary, solid waste, and administrative facilities and areas; entry and exit points; pathways; parking areas; and access routes for emergency services; and

ii. Demonstrate compliance with all safety and health requirements of this section, as applicable;

g. A transportation plan, which shall detail the plan for the pick-up and delivery of residents, if any, and include the walking routes from nearby transit stops to the shelter, and provisions for public transit tickets for residents, if any; and

h. A code of conduct, which shall at a minimum:

i. Require residents to agree to the code prior to being permitted to dwell on site; and

ii. Prohibit drugs, alcohol, weapons, and open flames; prohibit violent behavior and loitering in the area surrounding the site; and establish and require observance to quiet hours.

3. A temporary homeless shelter must meet or the sponsoring organization must implement all of the following health and safety standards:

a. Have a maximum of 50 residents, which the city manager may reduce due to property and shelter conditions or considerations.

b. For outdoor shelters, have a total site area of at least 150 square feet per resident.

c. Have a maximum duration of 125 consecutive days.

d. At approximately the 60-day mark, file a report with the city manager that contains topics, data and information required by the city manager, and thereafter summarize the report at a City Council meeting.

e. Enclose outdoor shelters on all sides with a minimum six-foot tall, sight-obscuring fence; provided, that if the shelter cannot be viewed by a person standing on the ground of or looking out of the window of a building on an abutting property, the fence does not need to be constructed along such abutting property.

f. Use existing permanent structures and not construct new permanent structures.

g. At all times, have a point of contact who can be reached by phone.

h. Prohibit overnight stays by children under the age of 18, unless accompanied by a parent or guardian.

i. Screen each potential resident before initial admission for active warrants and sex offender status. Prohibit sex offenders as residents of the shelter. Upon identification of a sex offender or active warrant, notify the City Police immediately.

j. Provide adequate sanitary facilities and satisfy all applicable public health requirements.

k. Allow Inspections by City and King County Health, Fire, and Police Departments at any reasonable time and without notice.

l. Provide a minimum of two off-street parking spaces per 25 residents, except for an indoor shelter with a fluctuating number of residents, which shall require a minimum of four off-street parking spaces. Not displace any required parking for the principal/existing use on the property as a result of the shelter.

m. Restrict smoking to a designated smoking area, which must be a minimum of 25 feet from adjacent properties.

n. Observe quiet hours in accordance with KMC 8.05.025.

4. The sponsoring organization applicant shall accomplish the following:

a. A minimum of 30 days before submittal of the application, mail a notice by first class mail to owners, residents, and tenants of all property within 1,000 feet of the shelter site. The notice at a minimum shall inform these persons of the proposed duration and operation of the shelter, the applicable standards and requirements of this section, the provisions of the proposed code of conduct, and the mechanisms for obtaining information regarding shelters in general and the proposed shelter in particular. At least two business days before mailing the notice, the sponsoring organization shall submit a copy of the draft notice to the city manager.

b. Hold an informational meeting before the city manager's decision on the application. A minimum of 14 calendar days before the city manager's decision on the application, the sponsoring organization shall mail notice by first class mail to owners, residents, and tenants of all property within 1,000 feet of the subject property, advising them of the date, time and location of a public informational meeting regarding the application. At least two business days before mailing the notice, the sponsoring organization shall submit a copy of the draft notice to the city manager. At the meeting, the sponsoring organization shall inform the attendees of the proposed duration and operation of the shelter, conditions that will likely be placed on the operation of the shelter, and provisions of the code of conduct, and shall answer questions regarding the proposed shelter.

5. A minimum of 14 calendar days before the city manager's decision on the application, the City shall update the City's website with the date of the application, shelter location, and proposed duration and operation of the shelter.

D. The following conditions shall apply to all temporary homeless shelters:

1. Only one indoor or outdoor temporary shelter shall operate in the City per calendar year.

a. The City will accept notices of intent to file an application for a temporary shelter during the month of October.

b. The notice of intent must be for operation of a temporary shelter in the subsequent calendar year only.

c. If more than one letter of intent is filed during the month of October, the City must hold a lottery for all potential applicants during the first full week of November.

d. The potential applicant with the lowest lottery number must file a complete application and pay all applicable fees on or before December 30.

e. If the potential applicant with the lowest lottery number fails to file a complete application and pay all applicable fees by the deadline or withdraws a complete application, or if the City denies the application, the City shall accept and process applications from other potential applicants, in the order of the lottery numbers.

2. There can be one temporary homeless shelter under this section and one cold-weather low-barrier shelter under KMC 18.100.210 in the same calendar year.

3. Shelters are prohibited in critical areas and their buffers.

**18.100.210 Cold-weather low-barrier shelters.**

A. This section regulates cold-weather low-barrier shelters. Cold-weather low-barrier shelters are indoor emergency shelters for the homeless that operate for thirty consecutive days or less between October and April, restrict operation to night-time hours and do not screen potential residents for sex offender status or active warrants.

B. In recognition of the need for shelter from the cold for homeless persons, the purpose of this section is to allow sponsoring religious, non-profit, and governmental organizations (hereafter, "sponsoring organizations") to use property owned or controlled by them for cold-weather low-barrier shelters (hereafter, "cold-weather shelters" or "shelters"), while preventing harmful effects associated with such uses, including but not limited to the possibility of impediments to emergency services, the possibility of environmental degradation, the use of improper sanitary facilities, and the possibility of any other factors that would be considered a nuisance under applicable laws. A cold-weather shelter shall include all buildings and outdoor areas that are used for the shelter (hereafter, "shelter site").

C. Cold-weather shelters may be permitted in accordance with the following procedures, requirements and standards, which shall apply instead of KMC 18.100.120 through 18.100.140 and 18.100.200:

1. The city manager is authorized to issue temporary use permits for shelters only upon demonstration by the sponsoring organization that all public health and safety requirements of this section have been satisfied or adequately addressed. The city manager may administratively adjust such requirements upon entry of findings and conclusions to support the adjustment. The city manager may terminate a permit upon a determination that the shelter is unfit for human habitation due to safety concerns, bad sanitary conditions or health related concerns, or disorderly or disorganized activities that adversely impact the safety, health, and welfare of the neighborhood adjacent to the shelter site.

2. An application for a cold-weather shelter shall include the following:

a. The dates of the start and termination of the shelter;

- b. The maximum number of residents proposed;
  - c. The address of the proposed shelter site;
  - d. The name(s) of the sponsoring organization(s);
  - e. A proposed plan regarding self-management;
  - f. A site plan, which shall:
    - i. Show components of the shelter, including but not limited to: dwelling, eating, living, potable water, sanitary, solid waste, and administrative facilities and areas; entry and exit points; pathways; parking areas; and access routes for emergency services; and
    - ii. Demonstrate compliance with all safety and health requirements of this section, as applicable;
  - g. A transportation plan, which shall detail the plan for the pick-up and delivery of residents, if any, and include the walking routes from nearby transit stops to the shelter, and provisions for public transit tickets for residents, if any; and
  - h. A code of conduct, which shall at a minimum:
    - i. Require residents to agree to the code prior to being permitted to dwell on site; and
    - ii. Prohibit drugs, alcohol, and weapons; prohibit violent behavior and loitering in the area surrounding the shelter site; and establish and require observance to quiet hours.
3. A cold-weather shelter must meet or the sponsoring organization must implement all of the following health and safety standards:
- a. Have a maximum of 40 residents, which the city manager may reduce due to property and shelter conditions or considerations.
  - b. Limit operating hours to between 7:00 p.m. and 7:00 a.m.
  - c. Restrict smoking to a designated smoking area, which must be located outside of the building and a minimum of 25 feet from adjacent properties.
  - d. Prohibit re-entry to residents after 10:00 p.m., including a return from the outside designated smoking area.
  - e. Limit duration of operation to thirty consecutive days or less between October and April.
  - f. Use existing permanent structures and not construct new permanent structures.
  - g. For up to 30 residents, have a minimum of two staff members who have been trained in de-escalation tactics present in the shelter during all operating hours. For more than 30 residents, have a minimum of three staff members who have been trained in de-escalation tactics present in the shelter during all operating hours.
  - h. At all times, have a point of contact who can be reached by phone.

i. Prohibit children under the age of 18 from the shelter.

j. Provide adequate sanitary facilities and satisfy all applicable public health requirements.

k. Allow Inspections by City and King County Health, Fire, and Police Departments at any reasonable time and without notice.

l. Observe quiet hours in accordance with KMC 8.05.025.

4. The sponsoring organization applicant shall accomplish the following:

a. A minimum of 30 days before submittal of the application, mail a notice by first class mail to owners, residents, and tenants of all property within 1,000 feet of the shelter site. The notice at a minimum shall inform these persons of the proposed duration and operation of the shelter, the applicable standards and requirements of this section, the provisions of the proposed code of conduct, and mechanisms for obtaining information regarding shelters in general and the proposed shelter in particular. At least two business days before mailing the notice, the sponsoring organization shall submit a copy of the draft notice to the city manager.

b. Hold an informational meeting before the city manager's decision on the application. A minimum of 14 calendar days before the city manager's decision on the application, the sponsoring organization shall mail notice by first class mail to owners, residents, and tenants of all property within 1,000 feet of the subject property, advising them of the date, time and location of a public informational meeting regarding the application. At least two business days before mailing the notice, the sponsoring organization shall submit a copy of the draft notice to the city manager. At the meeting, the sponsoring organization shall inform the attendees of the proposed duration and operation of the shelter, conditions that will likely be placed on the operation of the shelter, and provisions of the code of conduct, and shall answer questions regarding the proposed shelter.

5. A minimum of 14 calendar days before the city manager's decision on the application, the City shall update the City's website with the date of the application, shelter location, and proposed duration and operation of the shelter.

D. The following conditions shall apply to all cold-weather shelters:

1. Only one cold-weather shelter shall operate in the City per calendar year.

a. The City will accept notices of intent to file an application for a shelter during the month of June.

b. The notice of intent must be for operation of a shelter in the subsequent cold-weather period (October to April only).

c. If more than one letter of intent is filed during the month of June, the City must hold a lottery for all potential applicants during the first full week of July.

d. The potential applicant with the lowest lottery number must file a complete application and pay all applicable fees on or before August 31.

e. If the potential applicant with the lowest lottery number fails to file a complete application and pay all applicable fees by the deadline or withdraws a complete application, or if the City denies the application, the City shall accept and process applications from other potential applicants, in the order of the lottery numbers.

2. There can be one cold-weather shelter under this section and one temporary homeless shelter under KMC 18.100.200 in the same calendar year.

3. Shelters are prohibited in critical areas and their buffers.

4. The City shall not accept, process or approve any application for operation of a cold-weather shelter during the year of 2018.



## City of Kenmore, Washington

### Memorandum

Date: August 28, 2018

To: Rob Karlinsey, City Manager  
From: Jack Urquhart, Management Intern

Re: Temporary Homeless Shelter Regulations

### Recommendation

Staff recommends that City Council considers proposed regulations and determines whether to suggest changes before staff presents the ordinance on Sept. 24 City Council meeting.

### Background

The City of Kenmore has issued temporary use permits to a temporary homeless encampment and an emergency winter low-barrier shelter for operation in the last year. Demand for the shelters to return regularly and the municipal code's lack of regulations specific to health and safety concerns of temporary homeless shelters have given rise to the necessity for such regulations.

Two types of temporary homeless shelters or encampments have operated in Kenmore, and the Council has determined that the two should be regulated differently. The two types of shelters are as follows:

1. Outdoor encampments, which have been allowed to operate for multiple months at a time on church-owned property. These shelters pre-screen potential residents by checking for sex offender status and active warrants. If a potential resident is identified as a sex offender or has an active warrant, he or she is denied entrance and police is immediately notified.
2. Cold-weather low-barrier shelters, which rotate from indoor site to site (typically city to city) for one month at a time during cold-weather months. These shelters apply a "take you as you are" method to sheltering residents from the cold and do not pre-screen for sex offender or active warrant status. Residents limit their time in the shelter to nighttime hours.

Ongoing discussions among the Kenmore City Council and staff have resulted in Council's direction to present a draft of an ordinance for regulations for temporary homeless shelters of all kinds. Based on the kinds of temporary homeless shelters that have operated in the City and in anticipation of future applications, staff has determined

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that an appropriate way to classify any shelter is as either an “**indoor or outdoor temporary homeless shelter**,” or a “**cold-weather low-barrier shelter**.”

The proposed ordinance includes two sets of separate regulations – one set for indoor and outdoor temporary homeless shelters, and one for cold-weather low-barrier shelters. Regulations for indoor and outdoor temporary homeless shelters were presented for adoption to Council on July 23. The ordinance failed, with Council directing staff to adjust the ordinance to allow for only one shelter to operate in the City per calendar year. That direction has been addressed in the proposed ordinance. Regulations for cold-weather low-barrier shelters have been developed from staff research and have not yet been presented to Council.

### Key Regulations

The matrix in this section shows proposed regulations in key areas for both types of shelters, with staff explanations and notes where appropriate:

Matrix: Key Regulation Areas

|                                    | Regular Indoor and Outdoor Temporary Homeless Shelters                                                                                                                                             | Cold-Weather Low-Barrier Shelters                                                                                                                                                                  | Notes                                                                                                                   |
|------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|
| <i>Application Includes</i>        | -Dates of start and termination<br>-Maximum residents proposed<br>-Location<br>-Name of sponsoring organization<br>-Self-management plan<br>-Site plan<br>-Transportation plan<br>-Code of conduct | -Dates of start and termination<br>-Maximum residents proposed<br>-Location<br>-Name of sponsoring organization<br>-Self-management plan<br>-Site plan<br>-Transportation plan<br>-Code of conduct |                                                                                                                         |
| <i>Code of Conduct</i>             | At a minimum:<br>-Prohibits drugs, alcohol, weapons and open flames<br>-Prohibits violence and loitering in surrounding area<br>-Requires observance of quiet hours                                | At a minimum:<br>-Prohibits drugs, alcohol, weapons and open flames<br>-Prohibits violence and loitering in surrounding area<br>-Requires observance of quiet hours                                | CWLB shelters typically don't search potential residents for drugs and weapons, but they will be confiscated if visible |
| <i>Maximum number of residents</i> | 50                                                                                                                                                                                                 | 30                                                                                                                                                                                                 |                                                                                                                         |

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|                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                     |
|------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Operating hours</i>       | No restriction                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Nightly between 7:30 p.m. and 6:30 a.m. Entry prohibited after 10 p.m., including returns from outside smoking area.                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                     |
| <i>Smoking</i>               | Only in a designated area, a minimum of 25 feet from adjacent properties                                                                                                                                                                                                                                                                                                                                                                                                   | Only in a designated area, a minimum of 25 feet from adjacent properties                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                     |
| <i>Minimum site size</i>     | For outdoor shelters, a total site area of 150 sq. ft. per resident                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                     |
| <i>Maximum duration</i>      | 125 days                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 30 consecutive days between November and March                                                                                                                                                                                                                                                                                                                                                                                                                             | On average, these are the five coldest months of the year in Kenmore. While some CWLB shelters operate in October, April is actually colder on average than October |
| <i>Sight-obscuring fence</i> | A minimum six-foot tall fence unless shelter is out of view                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                     |
| <i>Safety and security</i>   | -A point of contact who can be reached by phone at all times<br>-Allow inspections by City and King County Health, Fire, and Police Departments                                                                                                                                                                                                                                                                                                                            | -A point of contact who can be reached by phone at all times<br>-Allow inspections by City and King County Health, Fire, and Police Departments<br>-A minimum of two staff members trained in de-escalation tactics present during all operating hours                                                                                                                                                                                                                     |                                                                                                                                                                     |
| <i>Health</i>                | Adequate sanitary facilities and satisfaction of all applicable public health requirements                                                                                                                                                                                                                                                                                                                                                                                 | Adequate sanitary facilities and satisfaction of all applicable public health requirements                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                     |
| <i>Children</i>              | No children under 18 permitted overnight unless accompanied by a parent or guardian                                                                                                                                                                                                                                                                                                                                                                                        | No children under 18 permitted                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                     |
| <i>City Council report</i>   | Around 60 day mark, report provided to City Manager and presented at City Council meeting                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                     |
| <i>Neighbor notice</i>       | -Mailed notice to property owners, tenants, and residents within 1,000 ft. of site 30 days before submittal of application<br>-Informational meeting before city manager's decision. Notice of meeting sent to property owners, tenants, and residents within 1,000 ft. of site 14 days before city manager's decision<br>-City website shows date of application, shelter location, and proposed duration and operation of shelter 14 days before city manager's decision | -Mailed notice to property owners, tenants, and residents within 1,000 ft. of site 30 days before submittal of application<br>-Informational meeting before city manager's decision. Notice of meeting sent to property owners, tenants, and residents within 1,000 ft. of site 14 days before city manager's decision<br>-City website shows date of application, shelter location, and proposed duration and operation of shelter 14 days before city manager's decision |                                                                                                                                                                     |

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|                                                 |                                                  |                                                                                  |                                                                                                                                                                  |
|-------------------------------------------------|--------------------------------------------------|----------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Frequency</i>                                | No more than one in city per calendar year       | No more than one in city per calendar year                                       | One of each type may operate in City per calendar year                                                                                                           |
| <i>Notice of intent to file</i>                 | Accepted in month of October for subsequent year | Accepted in month of July for subsequent cold-weather period (November to March) |                                                                                                                                                                  |
| <i>If multiple applications are received...</i> | Lottery                                          | Lottery                                                                          | Despite appearing overly complicated, this seemed to city attorney and staff as best way to handle multiple applications when only one can be permitted per year |
| <i>Other</i>                                    |                                                  | Must be indoor                                                                   |                                                                                                                                                                  |

### Cold-Weather Low-barrier Guide for Regulations

The suggestions for regulations for cold-weather low-barrier shelters come in large part from rules used at Lake City Partners Ending Homelessness' shelters. Their resident agreement is attached to this memo as an appendix.

### Conclusion

This proposal represents a reflection of staff's understanding of Council direction, research, and best practices. Staff recommends that City Council considers proposed regulations and determines whether to suggest changes before staff presents the ordinance on Sept. 24 City Council meeting.

Appendix: Lake City Partners Ending Homelessness' Resident Agreement

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**Guest agreement**

December 2017 - March 2018

This agreement is intended to create safety for guests, staff and volunteers of the North King County Winter Shelter and ensure the respect for the congregations that host the shelter. Please review and take seriously the following concerns:

\_\_\_\_\_ I will cooperate with staff and follow their instructions. I understand that failing to listen to staff in a timely manner can create both personal and community safety issues. *If non-compliant, a notice will be given. If behavior continues, one night bar.*

\_\_\_\_\_ I **will not use violence or threats of violence**. This includes instigating and inciting aggression out of another person. *If non-compliant, staff will proceed with appropriate consequence depending upon the level of severity. Serious safety threats can receive a bar without a prior warning.* If I feel threatened by another person(s) I will **contact the shelter staff** and let them resolve it.

\_\_\_\_\_ I will not bring any visible weapon onto the premises. Weapons include guns, knives, and any other objects designated as a dangerous weapon by applicable law, or any items staff or volunteers feel poses a risk to yourself or others. Self-defense items (knives, etc) may be turned into staff **immediately** for holding overnight and will be returned in the morning. *If non-compliant, the guest will be given the option to turn in their weapon or to leave with it. For repeat occurrences, one night bar.*

\_\_\_\_\_ I understand discriminatory language or behavior related to any of the following categories is not acceptable: **race, religious affiliation, economic status, national origin, gender identity, and sexual orientation**. I will not harass any other guests. *If non-compliant, a notice will be given. If behavior continues, one night bar. Depending on the severity, a harsher consequence may be given. Slurs will be met with a bar without prior warning. Sexual assault will be met with a permanent bar without prior warning.*

\_\_\_\_\_ I agree to abstain from possessing, using, selling, or assisting in the possession, use, and sale of any intoxicant or controlled substance inside the shelter **or on the property**. This includes alcohol, marijuana, federally illegal substances, federally controlled substances, and any abused legal substances. *If non-compliant on possession only, the guest will be given an opportunity to turn in the substance to staff, or leave with it. Non-compliant on anything else will be given a warning. If behavior continues, one night bar.*

\_\_\_\_\_ I will not take anything that doesn't belong to me. *If non-compliant, minimum one night bar. Longer bans will be given for repeated behavior.*

\_\_\_\_\_ I will be fully dressed in public areas of the shelter. *If non-compliant, a notice will be given.*

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\_\_\_\_ Female-identified guests should not be found in their unidentified sleeping area(s) **9:45p-5:45a unless there is expressed permission from staff**. Male-identified guests should not be found in their unidentified sleeping area(s) **AT ALL unless there is expressed permission from staff**. *If non-compliant, a two night bar will be given. Note: This rule is subject to change depending on the location of the shelter and the use of the men's area as the only common area. If the shelter supplies two separate gendered sleeping areas AND a separate common area, neither gender should be found in their unidentified sleeping area(s) at all.*

\_\_\_\_ I understand that the staff and volunteers of Lake City Partners Ending Homelessness and the applicable church do not assume any responsibility for personal property during my stay in the shelter.

\_\_\_\_ Due to the close proximity of the shelter mats, I will try my best to keep my belongings and mat/area reasonably tidy. *If non-compliant, a notice will be given.*

\_\_\_\_ Once I leave the building, I understand there is no re-entry after **10:00PM, unless given permission from and/or under the supervision of shelter staff**. Please keep in mind that **signing in, but not staying the whole night** (until 5:45a or earlier with staff discretion for reasonable exceptions, ie work) *forfeits my bed privileges for the next night.*

\_\_\_\_ I understand that if I leave the shelter I have **7 nights** to retrieve my belongings from on-site storage before it is donated to the community.

\_\_\_\_ I will restrict the amount of food eaten in sleeping areas outside of the designated meal times and will keep **absolutely no food in the storage bins**. *If non-compliant, a notice will be given/food will be thrown away.*

\_\_\_\_ I will look after my pet and ensure that they are not a hazard or disturbance to other guests. This includes, but is not limited to: picking up after my pet, leashing my pet in common areas (common areas include the meal area, sleeping areas, and hallways), or quieting my pet if they are disruptive. *If non-compliant, a notice will be given. For safety risks: minimum one night bar.*

\_\_\_\_ I understand that if I break any of the above rules I can be given a documented warning or asked to leave for the night, multiple nights, or be legally trespassed from the shelter, depending on the frequency and severity.

\_\_\_\_ I understand that if I continue to break the same rules, I may be asked to leave for longer periods, or asked to talk to staff to come up with a plan before being allowed back. Shelter staff are available for aid and resources if I find myself struggling.

\_\_\_\_ I understand that anytime I **harm or pose a serious or immediate threat of harm to an individual or the community, I will be barred until it is safe for me to return**. If the issue is serious enough, **I may be legally trespassed from the shelter**.

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\_\_\_\_\_  
Client Signature Date

\_\_\_\_\_  
Staff Signature Date

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City Council Business Agenda Item  
City of Kenmore, WA

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Subject/Topic:</b><br/>Ordinance #18-0466 “Temporary Homeless Shelters”</p> <p><b>Proposed Council Action/Motion:</b><br/>Approve Ordinance #18-0466.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <p>For Council Meeting Agenda of:<br/>September 24, 2018</p> <p>Department: City Manager’s Office</p> <p>Prepared by: Jack Urquhart, Management Intern</p> <p style="text-align: right;"><u>Initial &amp; Date</u></p> <p>Approved by Department Head: _____</p> <p>Approved by City Attorney: ✓ reviewed by Rod Kaseguma</p> <p>Approved by Finance Director: _____</p> <p>Approved by City Manager: RK 9-14-18</p> <p>Exhibits/Attachments:<br/>Ordinance #18-0466<br/>Policy Memo</p> |
| <p><b><u>INFORMATION/BACKGROUND:</u></b></p> <p>Over the last year, Kenmore has received multiple requests to use sites as temporary shelters. The City has appropriately conditioned applications through its Temporary Use Permit process. However, the question has been raised as to whether Kenmore should have specific code provisions for temporary shelters to address concerns of safety and security, and establish expectations for temporary shelter permit applicants. At the January 2018 retreat, the City Council directed staff to produce a policy memo in summer 2018 with research and recommendations for a temporary shelter ordinance.</p> <p>On June 18, staff presented a recommendation for temporary homeless shelter regulations and low-barrier temporary shelter regulations. The City Council determined to revisit low-barrier shelters at another time and directed staff to draft an ordinance for temporary homeless shelters in accordance with what was presented.</p> <p>On July 23, a temporary homeless shelter ordinance draft was presented to Council for adoption. The ordinance failed with Council suggestions on adjustments.</p> <p>In addition to adjusting the requirements for temporary homeless shelters, Council directed staff to draft a combined ordinance proposing regulations for both indoor and outdoor temporary homeless shelters and cold-weather low-barrier shelters.</p> <p>After researching policies of low-barrier shelter organizations and conversing with stakeholders, staff drafted an ordinance with a section for indoor and outdoor temporary homeless shelters (KMC 18.100.200) and a section for cold-weather low-barrier shelters (KMC 18.100.210). The ordinance draft will be presented as directed by Council on Sept. 24.</p> <p><b><u>FISCAL CONSIDERATION:</u></b></p> <p>\$1566 for a SEPA Review.<br/>Staff will take time to review applications.<br/>Enforcement of the policy would require occasional inspections (a couple times per 125-day stay) to the site and emergency response (rare occurrences) from Police and Fire.<br/>City Council would establish a permit fee.</p> <p><b><u>COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:</u></b></p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

Kenmore 20-year Vision, item No. 9: offers a diversity of housing types to provide a choice of attractive living accommodations for all residents

Kenmore 20-year Vision, item No. 11: supports the safety, health, and welfare of all of its citizens

**CITY OF KENMORE  
WASHINGTON  
ORDINANCE NO. 18-0466**

**AN ORDINANCE OF THE CITY OF KENMORE,  
WASHINGTON RELATING TO ZONING AND LAND USE  
CONTROLS AND TEMPORARY HOMELESS SHELTERS  
AND COLD-WEATHER LOW-BARRIER SHELTERS; AND  
ADDING NEW SECTIONS 18.100.200 AND 18.100.210 TO  
THE KENMORE MUNICIPAL CODE TO ENACT  
REGULATIONS FOR INDOOR AND OUTDOOR  
TEMPORARY HOMELESS SHELTERS AND COLD-  
WEATHER LOW-BARRIER SHELTERS.**

WHEREAS, the City Council desires to “provide access to adequate housing options and access to services to meet the basic needs of all income levels,” in order to foster a “connected, involved and family-oriented community that values diversity,” as established in its priority-based budgeting process; and

WHEREAS, as declared by Seattle and King County in a state of emergency in 2015 and reported in The Seattle Times in December 2017, King County has the third-largest concentration of homeless persons in the United States; and

WHEREAS, the City Council directed staff to report to the City Council possible amendments to the City code to establish a consistent and not burdensome permitting process for temporary homeless shelters; and

WHEREAS, to prepare the report, City staff worked with interested members of the public, churches, and human service organizations and reviewed regulations of other municipalities on this topic; and

WHEREAS, on July 9, 2018, the City Council held a public hearing on amendments to the City code proposed by City staff on this topic and received public testimony on the proposed amendments and on this topic; and

WHEREAS RCW 35.21.915(1) states that “a religious organization may host temporary encampments for the homeless on property owned or controlled by the religious organization whether within buildings located on the property or elsewhere on the property outside of buildings;” and

WHEREAS RCW 35.21.915(2) states that “a city or town may not enact an ordinance or regulation or take any other action that imposes conditions other than those necessary to protect public health and safety and that do not substantially burden the decisions or actions of a religious

organization regarding the location of housing or shelter for homeless persons on property owned by the religious organization;" and

WHEREAS, in its 20-year Vision Statement adopted in 2015, the City Council envisions a community that "supports the safety, health, and welfare of all of its citizens;" and

WHEREAS, KMC 18.100.125 states that an applicant for a temporary use must demonstrate that the proposed temporary use "will not be materially detrimental to the public welfare;"

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON, DO ORDAIN that new Sections 18.100.200 and 18.100.210 are added to the Kenmore Municipal Code as set forth in the attached Exhibit "A."

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2018.

CITY OF KENMORE

\_\_\_\_\_  
David Baker, Mayor

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
Kelly Chelin, City Clerk

Approved as to form:

\_\_\_\_\_  
Rod Kaseguma, City Attorney

FILED WITH THE CITY CLERK:

PASSED BY THE CITY COUNCIL:

ORDINANCE NO.:

DATE OF PUBLICATION:

EFFECTIVE DATE:

**EXHIBIT "A"**

Chapter 18.100

GENERAL PROVISIONS – NONCONFORMANCE, EXISTING LEGAL USES, AND TEMPORARY USES

\*\*\*

**18.100.100 Temporary use permits.**

A temporary use permit is a mechanism by which the City may permit a use to locate within the City on an interim basis, without requiring full compliance with the development standards, or by which the City may permit seasonal or transient uses not otherwise permitted.

Except as provided by KMC 18.100.110, a temporary use permit shall be required for:

- A. Uses not otherwise permitted in the zone that can be made compatible for periods of limited duration and/or frequency;
- B. Uses permitted in a zone which do not meet all of the required development standards but that can be made compatible for periods of limited duration and/or frequency; or
- C. Limited expansion of any use that is otherwise allowed in the zone but which exceeds the intended scope of the original land use approval. [Ord. 11-0329 § 3 (Exh. 1).]

**18.100.110 Temporary use permits – Exemptions to permit requirement.**

- A. Any use not exceeding a cumulative total of two days each calendar year shall be exempt from requirements for a temporary use permit.
- B. The following uses shall be exempt from requirements for a temporary use permit when located in the RB, WC, UC, CB, DC, PSP, P, or NB zone for the time period specified below:
  - 1. Uses not to exceed a total of 30 days each calendar year:
    - a. Christmas tree lots; and
    - b. Produce stands.
  - 2. Uses not to exceed a total of 14 days each calendar year:
    - a. Amusement rides, carnivals, or circuses;
    - b. Community festivals; and
    - c. Parking lot sales.
- C. Any community event held in a park and not exceeding a period of seven days shall be exempt from requirements for a temporary use permit.

D. Temporary uses or activities, conducted during an emergency event, or training exercises conducted at emergency sites, designated pursuant to an emergency management plan, shall not be subject to the provisions of this title. [Ord. 14-0391 § 2 (Exh. 1); Ord. 11-0329 § 3 (Exh. 1).]

**18.100.120 Temporary use permits – Duration and frequency.**

Temporary use permits shall be limited in duration and frequency as follows:

- A. The temporary use permit shall be effective for up to 365 days after issuance by the city manager;
- B. The temporary use shall not exceed a total of 90 days or as otherwise provided in this title; provided, that this requirement applies only to the days that the event(s) authorized by the permit actually takes place. This time limit may be extended by the city council following a public hearing on the proposal;
- C. The temporary use permit shall specify a date upon which the use shall be terminated and removed; and
- D. A temporary use permit shall not be granted for the same temporary use on a property more than once per calendar year; provided, that a temporary use permit may be granted for multiple events during the approval period. [Ord. 11-0329 § 3 (Exh. 1).]

**18.100.125 Temporary use permits – Decision criteria.**

A temporary use permit shall be granted by the City only if the applicant demonstrates that:

- A. The proposed temporary use will not be materially detrimental to the public welfare;
- B. The proposed temporary use is compatible with existing land uses in the immediate vicinity in terms of noise and hours of operation; and
- C. Adequate public off-street parking and traffic control for the exclusive use of the proposed temporary use can be provided in a safe manner. [Ord. 11-0329 § 3 (Exh. 1).]

**18.100.130 Temporary use permits – Parking.**

Parking and access for proposed temporary uses shall be approved by the City. [Ord. 11-0329 § 3 (Exh. 1).]

**18.100.140 Temporary use permits – Traffic control.**

The applicant for a proposed temporary use shall provide any parking/traffic control attendants as specified by the department. [Ord. 11-0329 § 3 (Exh. 1).]

**18.100.150 Temporary construction buildings.**

Temporary structures for storage of tools and equipment, or for supervisory offices, may be permitted for construction projects; provided, that such structures are:

- A. Allowed only during periods of active construction; and
- B. Removed within 30 days of project completion or cessation of work. [Ord. 11-0329 § 3 (Exh. 1).]

**18.100.160 Temporary construction residence.**

A. A mobile home, motor home, travel trailer, or truck camper may be permitted on a lot as a temporary dwelling for the property owner, provided a building permit for a permanent dwelling on the site has been obtained and adequate provisions are made for utility services, including potable water and waste water disposal.

B. The temporary construction residence permit shall be effective as long as the building permit for the permanent dwelling on the site is active.

C. The temporary construction residence shall be removed within 90 days of:

1. The expiration of the building permit for the permanent dwelling on the site; or
2. The issuance of a certificate of occupancy for the permanent residence, whichever occurs first. [Ord. 11-0329 § 3 (Exh. 1).]

**18.100.170 Temporary mobile home for medical hardship.**

A. A mobile home may be permitted as a temporary dwelling on the same lot as a permanent dwelling, provided:

1. The mobile home together with the permanent residence shall meet the setback, height, building footprint, and lot coverage provisions of the applicable zone; and
2. The applicant submits with the permit application a notarized affidavit that contains the following:
  - a. Certification that the temporary dwelling is necessary to provide daily care, as defined in Chapter 18.20 KMC;
  - b. Certification that the primary provider of such daily care will reside on-site;
  - c. Certification that the applicant understands the temporary nature of the permit, subject to the limitations outlined in subsections B and C of this section;
  - d. Certification that the physician's signature is both current and valid; and
  - e. Certification signed by a physician that a resident of the subject property requires daily care, as defined in Chapter 18.20 KMC.

B. Temporary mobile home permits for medical hardships shall be effective for 12 months. Extensions of the temporary mobile home permit may be approved in 12-month increments subject to demonstration of continuing medical hardship in accordance with the procedures and standards set forth in subsection A of this section.

C. The mobile home shall be removed within 90 days of:

1. The expiration of the temporary mobile home permit; or
2. The cessation of provision of daily care. [Ord. 11-0329 § 3 (Exh. 1).]

**18.100.180 Temporary real estate offices.**

One temporary real estate office may be located on any new residential development; provided, that activities are limited to the initial sale or rental of property or units within the development. The office

use shall be discontinued within one year of recording of a short subdivision of four lots or less or issuance of a final certificate of occupancy for an apartment development, and within two years of the recording of a formal subdivision or short subdivision of more than four lots. [Ord. 11-0329 § 3 (Exh. 1).]

**18.100.190 Temporary school facilities.**

Temporary school structures may be permitted during construction of new school facilities or during remodeling of existing facilities; provided, that such structures:

- A. Are allowed only during periods of active construction or remodeling;
- B. Do not expand the student capacity beyond the capacity under construction or remodeling; and
- C. Are removed within 30 days of project completion or cessation of work. [Ord. 11-0329 § 3 (Exh. 1).]

**18.100.200 Indoor and Outdoor Temporary homeless shelters.**

A. This section regulates indoor and outdoor temporary homeless shelters, which include temporary homeless encampments ("tent cities") and temporary homeless indoor shelters, but exclude cold-weather low-barrier shelters, which are regulated by KMC 18.100.210.

B. In recognition of the need for temporary housing for homeless persons, the purpose of this section is to allow sponsoring religious, non-profit, and governmental organizations (hereafter, "sponsoring organizations") to use property owned or controlled by them for indoor and outdoor temporary homeless shelters (hereafter, "temporary homeless shelters" or "shelters"), while preventing harmful effects associated with such uses, including but not limited to the possibility of impediments to emergency services, the possibility of environmental degradation, the use of improper sanitary facilities, and the possibility of any other factors that would be considered a nuisance under applicable laws. An outdoor temporary homeless shelter shall include all land and buildings that are used for the shelter, and an indoor temporary homeless shelter shall include all buildings and outdoor areas that are used for the shelter (hereafter, "shelter site").

C. Temporary homeless shelters may be permitted in accordance with the following procedures, requirements and standards, which shall apply instead of KMC 18.100.120 through 18.100.140:

1. The city manager is authorized to issue temporary use permits for shelters only upon demonstration by the sponsoring organization that all public health and safety requirements of this section have been satisfied or adequately addressed. The city manager may administratively adjust such requirements upon entry of findings and conclusions to support the adjustment. The city manager may terminate a permit upon a determination that the shelter is unfit for human habitation due to safety concerns, bad sanitary conditions or health related concerns, or disorderly or disorganized activities that adversely impact the safety, health, and welfare of the neighborhood adjacent to the shelter site.

2. An application for a temporary homeless shelter shall include the following:

- a. The dates of the start and termination of the shelter;
- b. The maximum number of residents proposed;
- c. The location, including parcel number(s) and address(es);

d. The name(s) of the sponsoring organization(s);

e. A proposed plan regarding self-management;

f. A site plan, which shall:

i. Show components of the shelter, including but not limited to: dwelling, eating, living, potable water, sanitary, solid waste, and administrative facilities and areas; entry and exit points; pathways; parking areas; and access routes for emergency services; and

ii. Demonstrate compliance with all safety and health requirements of this section, as applicable;

g. A transportation plan, which shall detail the plan for the pick-up and delivery of residents, if any, and include the walking routes from nearby transit stops to the shelter, and provisions for public transit tickets for residents, if any; and

h. A code of conduct, which shall at a minimum:

i. Require residents to agree to the code prior to being permitted to dwell on site; and

ii. Prohibit drugs, alcohol, weapons, and open flames; prohibit violent behavior and loitering in the area surrounding the site; and establish and require observance to quiet hours.

3. A temporary homeless shelter must meet or the sponsoring organization must implement all of the following health and safety standards:

a. Have a maximum of 50 residents, which the city manager may reduce due to property and shelter conditions or considerations.

b. For outdoor shelters, have a total site area of at least 150 square feet per resident.

c. Have a maximum duration of 125 consecutive days.

d. At approximately the 60-day mark, file a report with the city manager that contains topics, data and information required by the city manager, and thereafter summarize the report at a City Council meeting.

e. Enclose outdoor shelters on all sides with a minimum six-foot tall, sight-obscuring fence; provided, that if the shelter cannot be viewed by a person standing on the ground of or looking out of the window of a building on an abutting property, the fence does not need to be constructed along such abutting property.

f. Use existing permanent structures and not construct new permanent structures.

g. At all times, have a point of contact who can be reached by phone.

h. Prohibit overnight stays by children under the age of 18, unless accompanied by a parent or guardian.

i. Screen each potential resident before initial admission for active warrants and sex offender status. Prohibit sex offenders as residents of the shelter. Upon identification of a sex offender or active warrant, notify the City Police immediately.

j. Provide adequate sanitary facilities and satisfy all applicable public health requirements.

k. Allow Inspections by City and King County Health, Fire, and Police Departments at any reasonable time and without notice.

l. Provide a minimum of two off-street parking spaces per 25 residents, except for an indoor shelter with a fluctuating number of residents, which shall require a minimum of four off-street parking spaces. Not displace any required parking for the principal/existing use on the property as a result of the shelter.

m. Restrict smoking to a designated smoking area, which must be a minimum of 25 feet from adjacent properties.

n. Observe quiet hours in accordance with KMC 8.05.025.

4. The sponsoring organization applicant shall accomplish the following:

a. A minimum of 30 days before submittal of the application, mail a notice by first class mail to owners, residents, and tenants of all property within 1,000 feet of the shelter site. The notice at a minimum shall inform these persons of the proposed duration and operation of the shelter, the applicable standards and requirements of this section, the provisions of the proposed code of conduct, and the mechanisms for obtaining information regarding shelters in general and the proposed shelter in particular. At least two business days before mailing the notice, the sponsoring organization shall submit a copy of the draft notice to the city manager.

b. Hold an informational meeting before the city manager's decision on the application. A minimum of 14 calendar days before the city manager's decision on the application, the sponsoring organization shall mail notice by first class mail to owners, residents, and tenants of all property within 1,000 feet of the subject property, advising them of the date, time and location of a public informational meeting regarding the application. At least two business days before mailing the notice, the sponsoring organization shall submit a copy of the draft notice to the city manager. At the meeting, the sponsoring organization shall inform the attendees of the proposed duration and operation of the shelter, conditions that will likely be placed on the operation of the shelter, and provisions of the code of conduct, and shall answer questions regarding the proposed shelter.

5. A minimum of 14 calendar days before the city manager's decision on the application, the City shall update the City's website with the date of the application, shelter location, and proposed duration and operation of the shelter.

D. The following conditions shall apply to all temporary homeless shelters:

1. Only one indoor or outdoor temporary shelter shall operate in the City per calendar year.

a. The City will accept notices of intent to file an application for a temporary shelter during the month of October.

b. The notice of intent must be for operation of a temporary shelter in the subsequent calendar year only.

c. If more than one letter of intent is filed during the month of October, the City must hold a lottery for all potential applicants during the first full week of November.

d. The potential applicant with the lowest lottery number must file a complete application and pay all applicable fees on or before December 30.

e. If the potential applicant with the lowest lottery number fails to file a complete application and pay all applicable fees by the deadline or withdraws a complete application, or if the City denies the application, the City shall accept and process applications from other potential applicants, in the order of the lottery numbers.

2. There can be one temporary homeless shelter under this section and one cold-weather low-barrier shelter under KMC 18.100.210 in the same calendar year.

3. Shelters are prohibited in critical areas and their buffers.

**18.100.210 Cold-weather low-barrier shelters.**

A. This section regulates cold-weather low-barrier shelters. Cold-weather low-barrier shelters are indoor emergency shelters for the homeless that operate for thirty consecutive days or less between October and April, restrict operation to night-time hours and do not screen potential residents for sex offender status or active warrants.

B. In recognition of the need for shelter from the cold for homeless persons, the purpose of this section is to allow sponsoring religious, non-profit, and governmental organizations (hereafter, "sponsoring organizations") to use property owned or controlled by them for cold-weather low-barrier shelters (hereafter, "cold-weather shelters" or "shelters"), while preventing harmful effects associated with such uses, including but not limited to the possibility of impediments to emergency services, the possibility of environmental degradation, the use of improper sanitary facilities, and the possibility of any other factors that would be considered a nuisance under applicable laws. A cold-weather shelter shall include all buildings and outdoor areas that are used for the shelter (hereafter, "shelter site").

C. Cold-weather shelters may be permitted in accordance with the following procedures, requirements and standards, which shall apply instead of KMC 18.100.120 through 18.100.140 and 18.100.200:

1. The city manager is authorized to issue temporary use permits for shelters only upon demonstration by the sponsoring organization that all public health and safety requirements of this section have been satisfied or adequately addressed. The city manager may administratively adjust such requirements upon entry of findings and conclusions to support the adjustment. The city manager may terminate a permit upon a determination that the shelter is unfit for human habitation due to safety concerns, bad sanitary conditions or health related concerns, or disorderly or disorganized activities that adversely impact the safety, health, and welfare of the neighborhood adjacent to the shelter site.

2. An application for a cold-weather shelter shall include the following:

a. The dates of the start and termination of the shelter;

- b. The maximum number of residents proposed;
  - c. The address of the proposed shelter site;
  - d. The name(s) of the sponsoring organization(s);
  - e. A proposed plan regarding self-management;
  - f. A site plan, which shall:
    - i. Show components of the shelter, including but not limited to: dwelling, eating, living, potable water, sanitary, solid waste, and administrative facilities and areas; entry and exit points; pathways; parking areas; and access routes for emergency services; and
    - ii. Demonstrate compliance with all safety and health requirements of this section, as applicable;
  - g. A transportation plan, which shall detail the plan for the pick-up and delivery of residents, if any, and include the walking routes from nearby transit stops to the shelter, and provisions for public transit tickets for residents, if any; and
  - h. A code of conduct, which shall at a minimum:
    - i. Require residents to agree to the code prior to being permitted to dwell on site; and
    - ii. Prohibit drugs, alcohol, and weapons; prohibit violent behavior and loitering in the area surrounding the shelter site; and establish and require observance to quiet hours.
3. A cold-weather shelter must meet or the sponsoring organization must implement all of the following health and safety standards:
- a. Have a maximum of 40 residents, which the city manager may reduce due to property and shelter conditions or considerations.
  - b. Limit operating hours to between 7:00 p.m. and 7:00 a.m.
  - c. Restrict smoking to a designated smoking area, which must be located outside of the building and a minimum of 25 feet from adjacent properties.
  - d. Prohibit re-entry to residents after 10:00 p.m., including a return from the outside designated smoking area.
  - e. Limit duration of operation to thirty consecutive days or less between October and April.
  - f. Use existing permanent structures and not construct new permanent structures.
  - g. For up to 30 residents, have a minimum of two staff members who have been trained in de-escalation tactics present in the shelter during all operating hours. For more than 30 residents, have a minimum of three staff members who have been trained in de-escalation tactics present in the shelter during all operating hours.
  - h. At all times, have a point of contact who can be reached by phone.

i. Prohibit children under the age of 18 from the shelter.

j. Provide adequate sanitary facilities and satisfy all applicable public health requirements.

k. Allow Inspections by City and King County Health, Fire, and Police Departments at any reasonable time and without notice.

l. Observe quiet hours in accordance with KMC 8.05.025.

4. The sponsoring organization applicant shall accomplish the following:

a. A minimum of 30 days before submittal of the application, mail a notice by first class mail to owners, residents, and tenants of all property within 1,000 feet of the shelter site. The notice at a minimum shall inform these persons of the proposed duration and operation of the shelter, the applicable standards and requirements of this section, the provisions of the proposed code of conduct, and mechanisms for obtaining information regarding shelters in general and the proposed shelter in particular. At least two business days before mailing the notice, the sponsoring organization shall submit a copy of the draft notice to the city manager.

b. Hold an informational meeting before the city manager's decision on the application. A minimum of 14 calendar days before the city manager's decision on the application, the sponsoring organization shall mail notice by first class mail to owners, residents, and tenants of all property within 1,000 feet of the subject property, advising them of the date, time and location of a public informational meeting regarding the application. At least two business days before mailing the notice, the sponsoring organization shall submit a copy of the draft notice to the city manager. At the meeting, the sponsoring organization shall inform the attendees of the proposed duration and operation of the shelter, conditions that will likely be placed on the operation of the shelter, and provisions of the code of conduct, and shall answer questions regarding the proposed shelter.

5. A minimum of 14 calendar days before the city manager's decision on the application, the City shall update the City's website with the date of the application, shelter location, and proposed duration and operation of the shelter.

D. The following conditions shall apply to all cold-weather shelters:

1. Only one cold-weather shelter shall operate in the City per calendar year.

a. The City will accept notices of intent to file an application for a shelter during the month of June.

b. The notice of intent must be for operation of a shelter in the subsequent cold-weather period (October to April only).

c. If more than one letter of intent is filed during the month of June, the City must hold a lottery for all potential applicants during the first full week of July.

d. The potential applicant with the lowest lottery number must file a complete application and pay all applicable fees on or before August 31.

e. If the potential applicant with the lowest lottery number fails to file a complete application and pay all applicable fees by the deadline or withdraws a complete application, or if the City denies the application, the City shall accept and process applications from other potential applicants, in the order of the lottery numbers.

2. There can be one cold-weather shelter under this section and one temporary homeless shelter under KMC 18.100.200 in the same calendar year.

3. Shelters are prohibited in critical areas and their buffers.

4. The City shall not accept, process or approve any application for operation of a cold-weather shelter during the year of 2018.



## City of Kenmore, Washington

### Memorandum

Date: August 28, 2018

To: Rob Karlinsey, City Manager  
From: Jack Urquhart, Management Intern

Re: Temporary Homeless Shelter Regulations

### Recommendation

Staff recommends that City Council considers proposed regulations and determines whether to suggest changes before staff presents the ordinance on Sept. 24 City Council meeting.

### Background

The City of Kenmore has issued temporary use permits to a temporary homeless encampment and an emergency winter low-barrier shelter for operation in the last year. Demand for the shelters to return regularly and the municipal code's lack of regulations specific to health and safety concerns of temporary homeless shelters have given rise to the necessity for such regulations.

Two types of temporary homeless shelters or encampments have operated in Kenmore, and the Council has determined that the two should be regulated differently. The two types of shelters are as follows:

1. Outdoor encampments, which have been allowed to operate for multiple months at a time on church-owned property. These shelters pre-screen potential residents by checking for sex offender status and active warrants. If a potential resident is identified as a sex offender or has an active warrant, he or she is denied entrance and police is immediately notified.
2. Cold-weather low-barrier shelters, which rotate from indoor site to site (typically city to city) for one month at a time during cold-weather months. These shelters apply a "take you as you are" method to sheltering residents from the cold and do not pre-screen for sex offender or active warrant status. Residents limit their time in the shelter to nighttime hours.

Ongoing discussions among the Kenmore City Council and staff have resulted in Council's direction to present a draft of an ordinance for regulations for temporary homeless shelters of all kinds. Based on the kinds of temporary homeless shelters that have operated in the City and in anticipation of future applications, staff has determined

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that an appropriate way to classify any shelter is as either an “**indoor or outdoor temporary homeless shelter**,” or a “**cold-weather low-barrier shelter**.”

The proposed ordinance includes two sets of separate regulations – one set for indoor and outdoor temporary homeless shelters, and one for cold-weather low-barrier shelters. Regulations for indoor and outdoor temporary homeless shelters were presented for adoption to Council on July 23. The ordinance failed, with Council directing staff to adjust the ordinance to allow for only one shelter to operate in the City per calendar year. That direction has been addressed in the proposed ordinance. Regulations for cold-weather low-barrier shelters have been developed from staff research and have not yet been presented to Council.

### Key Regulations

The matrix in this section shows proposed regulations in key areas for both types of shelters, with staff explanations and notes where appropriate:

Matrix: Key Regulation Areas

|                                    | Regular Indoor and Outdoor Temporary Homeless Shelters                                                                                                                                             | Cold-Weather Low-Barrier Shelters                                                                                                                                                                  | Notes                                                                                                                   |
|------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|
| <i>Application Includes</i>        | -Dates of start and termination<br>-Maximum residents proposed<br>-Location<br>-Name of sponsoring organization<br>-Self-management plan<br>-Site plan<br>-Transportation plan<br>-Code of conduct | -Dates of start and termination<br>-Maximum residents proposed<br>-Location<br>-Name of sponsoring organization<br>-Self-management plan<br>-Site plan<br>-Transportation plan<br>-Code of conduct |                                                                                                                         |
| <i>Code of Conduct</i>             | At a minimum:<br>-Prohibits drugs, alcohol, weapons and open flames<br>-Prohibits violence and loitering in surrounding area<br>-Requires observance of quiet hours                                | At a minimum:<br>-Prohibits drugs, alcohol, weapons and open flames<br>-Prohibits violence and loitering in surrounding area<br>-Requires observance of quiet hours                                | CWLB shelters typically don't search potential residents for drugs and weapons, but they will be confiscated if visible |
| <i>Maximum number of residents</i> | 50                                                                                                                                                                                                 | 30                                                                                                                                                                                                 |                                                                                                                         |

|                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                     |
|------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Operating hours</i>       | No restriction                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Nightly between 7:30 p.m. and 6:30 a.m. Entry prohibited after 10 p.m., including returns from outside smoking area.                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                     |
| <i>Smoking</i>               | Only in a designated area, a minimum of 25 feet from adjacent properties                                                                                                                                                                                                                                                                                                                                                                                                   | Only in a designated area, a minimum of 25 feet from adjacent properties                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                     |
| <i>Minimum site size</i>     | For outdoor shelters, a total site area of 150 sq. ft. per resident                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                     |
| <i>Maximum duration</i>      | 125 days                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 30 consecutive days between November and March                                                                                                                                                                                                                                                                                                                                                                                                                             | On average, these are the five coldest months of the year in Kenmore. While some CWLB shelters operate in October, April is actually colder on average than October |
| <i>Sight-obscuring fence</i> | A minimum six-foot tall fence unless shelter is out of view                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                     |
| <i>Safety and security</i>   | -A point of contact who can be reached by phone at all times<br>-Allow inspections by City and King County Health, Fire, and Police Departments                                                                                                                                                                                                                                                                                                                            | -A point of contact who can be reached by phone at all times<br>-Allow inspections by City and King County Health, Fire, and Police Departments<br>-A minimum of two staff members trained in de-escalation tactics present during all operating hours                                                                                                                                                                                                                     |                                                                                                                                                                     |
| <i>Health</i>                | Adequate sanitary facilities and satisfaction of all applicable public health requirements                                                                                                                                                                                                                                                                                                                                                                                 | Adequate sanitary facilities and satisfaction of all applicable public health requirements                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                     |
| <i>Children</i>              | No children under 18 permitted overnight unless accompanied by a parent or guardian                                                                                                                                                                                                                                                                                                                                                                                        | No children under 18 permitted                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                     |
| <i>City Council report</i>   | Around 60 day mark, report provided to City Manager and presented at City Council meeting                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                     |
| <i>Neighbor notice</i>       | -Mailed notice to property owners, tenants, and residents within 1,000 ft. of site 30 days before submittal of application<br>-Informational meeting before city manager's decision. Notice of meeting sent to property owners, tenants, and residents within 1,000 ft. of site 14 days before city manager's decision<br>-City website shows date of application, shelter location, and proposed duration and operation of shelter 14 days before city manager's decision | -Mailed notice to property owners, tenants, and residents within 1,000 ft. of site 30 days before submittal of application<br>-Informational meeting before city manager's decision. Notice of meeting sent to property owners, tenants, and residents within 1,000 ft. of site 14 days before city manager's decision<br>-City website shows date of application, shelter location, and proposed duration and operation of shelter 14 days before city manager's decision |                                                                                                                                                                     |

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|                                                 |                                                  |                                                                                  |                                                                                                                                                                  |
|-------------------------------------------------|--------------------------------------------------|----------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Frequency</i>                                | No more than one in city per calendar year       | No more than one in city per calendar year                                       | One of each type may operate in City per calendar year                                                                                                           |
| <i>Notice of intent to file</i>                 | Accepted in month of October for subsequent year | Accepted in month of July for subsequent cold-weather period (November to March) |                                                                                                                                                                  |
| <i>If multiple applications are received...</i> | Lottery                                          | Lottery                                                                          | Despite appearing overly complicated, this seemed to city attorney and staff as best way to handle multiple applications when only one can be permitted per year |
| <i>Other</i>                                    |                                                  | Must be indoor                                                                   |                                                                                                                                                                  |

### Cold-Weather Low-barrier Guide for Regulations

The suggestions for regulations for cold-weather low-barrier shelters come in large part from rules used at Lake City Partners Ending Homelessness' shelters. Their resident agreement is attached to this memo as an appendix.

### Conclusion

This proposal represents a reflection of staff's understanding of Council direction, research, and best practices. Staff recommends that City Council considers proposed regulations and determines whether to suggest changes before staff presents the ordinance on Sept. 24 City Council meeting.

Appendix: Lake City Partners Ending Homelessness' Resident Agreement

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**Guest agreement**

December 2017 - March 2018

This agreement is intended to create safety for guests, staff and volunteers of the North King County Winter Shelter and ensure the respect for the congregations that host the shelter. Please review and take seriously the following concerns:

\_\_\_\_\_ I will cooperate with staff and follow their instructions. I understand that failing to listen to staff in a timely manner can create both personal and community safety issues. *If non-compliant, a notice will be given. If behavior continues, one night bar.*

\_\_\_\_\_ I **will not use violence or threats of violence**. This includes instigating and inciting aggression out of another person. *If non-compliant, staff will proceed with appropriate consequence depending upon the level of severity. Serious safety threats can receive a bar without a prior warning.* If I feel threatened by another person(s) I will **contact the shelter staff** and let them resolve it.

\_\_\_\_\_ I will not bring any visible weapon onto the premises. Weapons include guns, knives, and any other objects designated as a dangerous weapon by applicable law, or any items staff or volunteers feel poses a risk to yourself or others. Self-defense items (knives, etc) may be turned into staff **immediately** for holding overnight and will be returned in the morning. *If non-compliant, the guest will be given the option to turn in their weapon or to leave with it. For repeat occurrences, one night bar.*

\_\_\_\_\_ I understand discriminatory language or behavior related to any of the following categories is not acceptable: **race, religious affiliation, economic status, national origin, gender identity, and sexual orientation**. I will not harass any other guests. *If non-compliant, a notice will be given. If behavior continues, one night bar. Depending on the severity, a harsher consequence may be given. Slurs will be met with a bar without prior warning. Sexual assault will be met with a permanent bar without prior warning.*

\_\_\_\_\_ I agree to abstain from possessing, using, selling, or assisting in the possession, use, and sale of any intoxicant or controlled substance inside the shelter **or on the property**. This includes alcohol, marijuana, federally illegal substances, federally controlled substances, and any abused legal substances. *If non-compliant on possession only, the guest will be given an opportunity to turn in the substance to staff, or leave with it. Non-compliant on anything else will be given a warning. If behavior continues, one night bar.*

\_\_\_\_\_ I will not take anything that doesn't belong to me. *If non-compliant, minimum one night bar. Longer bans will be given for repeated behavior.*

\_\_\_\_\_ I will be fully dressed in public areas of the shelter. *If non-compliant, a notice will be given.*

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\_\_\_\_ Female-identified guests should not be found in their unidentified sleeping area(s) **9:45p-5:45a unless there is expressed permission from staff**. Male-identified guests should not be found in their unidentified sleeping area(s) **AT ALL unless there is expressed permission from staff**. *If non-compliant, a two night bar will be given. Note: This rule is subject to change depending on the location of the shelter and the use of the men's area as the only common area. If the shelter supplies two separate gendered sleeping areas AND a separate common area, neither gender should be found in their unidentified sleeping area(s) at all.*

\_\_\_\_ I understand that the staff and volunteers of Lake City Partners Ending Homelessness and the applicable church do not assume any responsibility for personal property during my stay in the shelter.

\_\_\_\_ Due to the close proximity of the shelter mats, I will try my best to keep my belongings and mat/area reasonably tidy. *If non-compliant, a notice will be given.*

\_\_\_\_ Once I leave the building, I understand there is no re-entry after **10:00PM, unless given permission from and/or under the supervision of shelter staff**. Please keep in mind that **signing in, but not staying the whole night** (until 5:45a or earlier with staff discretion for reasonable exceptions, ie work) *forfeits my bed privileges for the next night.*

\_\_\_\_ I understand that if I leave the shelter I have **7 nights** to retrieve my belongings from on-site storage before it is donated to the community.

\_\_\_\_ I will restrict the amount of food eaten in sleeping areas outside of the designated meal times and will keep **absolutely no food in the storage bins**. *If non-compliant, a notice will be given/food will be thrown away.*

\_\_\_\_ I will look after my pet and ensure that they are not a hazard or disturbance to other guests. This includes, but is not limited to: picking up after my pet, leashing my pet in common areas (common areas include the meal area, sleeping areas, and hallways), or quieting my pet if they are disruptive. *If non-compliant, a notice will be given. For safety risks: minimum one night bar.*

\_\_\_\_ I understand that if I break any of the above rules I can be given a documented warning or asked to leave for the night, multiple nights, or be legally trespassed from the shelter, depending on the frequency and severity.

\_\_\_\_ I understand that if I continue to break the same rules, I may be asked to leave for longer periods, or asked to talk to staff to come up with a plan before being allowed back. Shelter staff are available for aid and resources if I find myself struggling.

\_\_\_\_ I understand that anytime I **harm or pose a serious or immediate threat of harm to an individual or the community, I will be barred until it is safe for me to return**. If the issue is serious enough, **I may be legally trespassed from the shelter**.

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\_\_\_\_\_  
Client Signature Date

\_\_\_\_\_  
Staff Signature Date

18120 68<sup>th</sup> Ave NE · Kenmore, WA 98028

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|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Subject/Topic:</b> Estimates of Revenue and Expenditures for Current 2017-2018 Budget and Proposed 2019-2020 Budget</p><br><br><p><b>Proposed Council Action/Motion:</b> Receive and File Estimates of Revenue and Expenditures for Current 2017-2018 Budget and Proposed 2019-2020 Budget for the City of Kenmore, Washington</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <p><b>For Council Meeting Agenda of:</b> September 24, 2018</p> <p><b>Department:</b> Executive Department<br/>Finance and Administration</p> <p><b>Prepared by:</b> Rob Karlinsey, City Manager<br/>Joanne Gregory, Finance Director</p> <div style="text-align: right; margin-top: 10px;"> <u>Initial &amp; Date</u><br/>             Approved by Department Head: <u>Jmg 9-20-18</u><br/>             Approved by City Attorney:<br/>             Approved by Finance Director: <u>Jmg 9-20-18</u><br/>             Approved by City Manager: <u>RJK</u> </div> <p><b>Exhibits/Attachments:</b><br/>             Estimates of Revenue and Expenditures for 2017-2018 Budget and Proposed 2019-2020 Biennium Budget<br/>             2019-2020 Budget Calendar</p> |
| <p><b><u>INFORMATION/BACKGROUND:</u></b><br/>                 RCW 35A.34 provides statutory deadlines for budget development, review, and approval.</p> <p>On or before the first business day in October, a proposed preliminary budget must be submitted to the City Manager. The budget should set forth the complete financial program, showing expenditures requested by each department and the proposed sources of revenue by which those programs will be financed. The RCW additionally requires that the revenue and expenditure sections be presented for each fund in a comparative form that will display the actual for the last fiscal year, the estimates for the current fiscal year, and the budget projections for the ensuing fiscal year.</p> <p>No later than the first Monday in October, the City Manager must present it to the City Council . Subsequently, the Council must hold public hearings on the proposed preliminary budget and on revenue sources for the coming year including consideration of possible increases in property tax revenues.</p> <p>The estimates of revenue and expenditures for the current 2017-2018 Budget and the proposed 2019-2020 Budget for the City of Kenmore will be provided to the City Council at the September 24, 2018 City Council meeting.</p> <p>A calendar is attached which indicates the dates for budget presentations and discussions as well as public hearings. The 2019-2010 Biennial Budget is expected to be adopted on November 19, 2018.</p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <p><b><u>FISCAL CONSIDERATION:</u></b></p> <p>Attached is a summary of the City funds which presents the adopted 2017-2018 Biennium Budget, the 2017 Total Activity, the 2018 Projection, 2019 Proposed Budget, 2020 Proposed Budget, and 2019-2020</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

**Total Proposed Budget.**

Some of the more significant assumptions and new requests included in the 2019-2020 Proposed Preliminary Budgets for the operational funds such as General Fund, Street Fund and Surface Water Management include:

- A 3% increase in the tax levy in 2019 and 2020 utilizing banked tax levy capacity. This generates revenue of \$294,963 over the biennium and provides a compounding benefit in future years.
- Up to \$250,000 in reimbursements for costs related to the Lakepointe development project.
- A temporary Capital Project Engineer to manage the West Samm Bridge project which would be 90% funded by the project.
- An increase in salaries and wages of 3.6% effective January 1, 2019.
- An increase in medical insurance premiums of 4.5%.
- An increase in dental insurance premiums of 4.0%.
- Elimination of the Kenmore Village Fund and all activities and accounts rolled up to the General Fund as of 2019.
- Transfer of the Kenmore Business Incubator activities and accounts to the General Fund.
- \$100,000 to support the need for GIS services; likely through a contractual arrangement.
- \$35,000 for a new telephone system.
- An increase of \$60,000 in the contribution to ARCH which is funded temporarily from the Strategic Opportunities Fund for 2019 and 2010.
- A 5% increase in the Police Services contract with \$58,000 additionally set aside for a possible retroactive pay increase back to 2017, pending settlement of the collective bargaining agreement with the Police Guild.
- \$40,000 for website improvement.
- Increases in landscape maintenance contract costs due to a 110% increase in the Labor and Industries prescribed prevailing wage for landscape workers.
- A new fund for development of a Public Works Shop plus salaries, benefits and other operational costs associated with park, facility, streets and surface water maintenance.
- One additional position in Surface Water Management funded by SWM fees
- The rate study for Surface Water Management is nearing completion and may result in additional fee revenue not yet included in the Proposed Budget. A General Facilities Charge has been assumed as a new revenue source to support Surface Water Capital projects and this topic will soon be presented to the City Council.

These and other budget highlights will be reviewed in more detail during the budget review meetings with the City Council during the months of October and November, 2018. The Proposed Preliminary Budget book is scheduled to be distributed on October 8.

**COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:**

Per RCW 35A.34, the City Manager must provide the legislative body with current information on estimates of revenues from all sources as adopted in the budget for the current year, no later than the first Monday in October. The City Manager must also provide the legislative body with the preliminary budget setting forth the complete financial program, showing expenditures requested and sources of revenue.

## Estimates of Revenues and Expenditures for 2017-2018 Budget and Proposed 2019-2020 Biennium Budget

| 2017-2018 Budget Revenues do not include Beginning Fund Balance and Budget Expenditures do not include Ending Fund Balance |                              |                        |                    |                          |                         |                                    |
|----------------------------------------------------------------------------------------------------------------------------|------------------------------|------------------------|--------------------|--------------------------|-------------------------|------------------------------------|
|                                                                                                                            | 2017-2018<br>Biennium Budget | 2017<br>Total Activity | 2018<br>Projection | 2019<br>Proposed Budget. | 2020<br>Proposed Budget | 2019-2020<br>Total Proposed Budget |
| <b>Fund: 001 - General Fund</b>                                                                                            |                              |                        |                    |                          |                         |                                    |
| Revenue                                                                                                                    | \$23,646,174                 | \$11,721,120           | \$12,792,660       | \$12,801,867             | \$12,974,705            | \$25,776,572                       |
| Expenditures                                                                                                               | \$23,691,246                 | \$11,154,974           | \$12,688,730       | \$12,671,671             | \$12,848,386            | \$25,520,057                       |
| <b>Fund: 032 - Kenmore Village Fund</b>                                                                                    |                              |                        |                    |                          |                         |                                    |
| Revenue                                                                                                                    | \$424,628                    | \$317,063              | \$42,776           | \$50,600                 | \$50,700                | \$101,300                          |
| Expenditures                                                                                                               | \$576,794                    | \$462,039              | \$143,989          | \$172,125                | \$172,125               | \$344,250                          |
| <b>Fund: 045 - Strategic Reserve Fund</b>                                                                                  |                              |                        |                    |                          |                         |                                    |
| Revenue                                                                                                                    | \$0                          | \$12,814               | \$13,000           | \$0                      | \$0                     | \$0                                |
| Expenditures                                                                                                               | \$0                          | \$0                    | \$0                | \$0                      | \$0                     | \$0                                |
| <b>Fund: 046 - Strategic Opportunities Fund</b>                                                                            |                              |                        |                    |                          |                         |                                    |
| Revenue                                                                                                                    | \$280,000                    | \$157,176              | \$140,000          | \$0                      | \$0                     | \$0                                |
| Expenditures                                                                                                               | \$368,700                    | \$191,649              | \$148,803          | \$30,000                 | \$30,000                | \$60,000                           |
| <b>Fund: 101 - Street Fund</b>                                                                                             |                              |                        |                    |                          |                         |                                    |
| Revenue                                                                                                                    | \$2,912,304                  | \$1,470,114            | \$1,473,709        | \$1,608,041              | \$1,599,173             | \$3,207,214                        |
| Expenditures                                                                                                               | \$2,909,009                  | \$1,609,409            | \$1,194,780        | \$1,608,041              | \$1,599,173             | \$3,207,214                        |
| <b>Fund: 110 - Public Art Fund</b>                                                                                         |                              |                        |                    |                          |                         |                                    |
| Revenue                                                                                                                    | \$150                        | \$680                  | \$700              | \$0                      | \$0                     | \$0                                |
| Expenditures                                                                                                               | \$11,000                     | \$0                    | \$500              | \$500                    | \$500                   | \$1,000                            |
| <b>Fund: 115 - Transportation Benefit District</b>                                                                         |                              |                        |                    |                          |                         |                                    |
| Revenue                                                                                                                    | \$680,800                    | \$357,602              | \$323,198          | \$359,000                | \$359,000               | \$718,000                          |
| Expenditures                                                                                                               | \$669,000                    | \$334,500              | \$372,000          | \$358,000                | \$358,000               | \$716,000                          |

## Estimates of Revenues and Expenditures for 2017-2018 Budget and Proposed 2019-2020 Biennium Budget

|                                                   | 2017-2018<br>Biennium Budget | 2017<br>Total Activity | 2018<br>Projection | 2019<br>Proposed Budget. | 2020<br>Proposed Budget | 2019-2020<br>Total Proposed Budget |
|---------------------------------------------------|------------------------------|------------------------|--------------------|--------------------------|-------------------------|------------------------------------|
| <b>Fund: 200 - 2016 UTGO Debt Service Fund</b>    |                              |                        |                    |                          |                         |                                    |
| Revenue                                           | \$2,500,000                  | \$1,301,272            | \$1,300,000        | \$1,223,150              | \$529,650               | \$1,752,800                        |
| Expenditures                                      | \$2,358,253                  | \$1,136,503            | \$1,136,503        | \$1,223,150              | \$529,650               | \$1,752,800                        |
| <b>Fund: 300 - Transportation Capital Fund</b>    |                              |                        |                    |                          |                         |                                    |
| Revenue                                           | \$9,316,326                  | \$4,812,486            | not avail          | \$10,682,094             | \$12,807,312            | \$23,489,406                       |
| Expenditures                                      | \$9,529,005                  | \$3,962,031            | not avail          | \$10,316,938             | \$12,776,692            | \$23,093,630                       |
| <b>Fund: 301 - Real Estate Excise Tax Fund</b>    |                              |                        |                    |                          |                         |                                    |
| Revenue                                           | \$2,203,000                  | \$1,943,691            | \$1,612,070        | \$1,437,842              | \$1,228,074             | \$2,665,916                        |
| Expenditures                                      | \$3,622,825                  | \$2,027,786            | \$941,852          | \$2,314,650              | \$2,890,400             | \$5,205,050                        |
| <b>Fund: 302 - W&amp;W Bond Project Fund</b>      |                              |                        |                    |                          |                         |                                    |
| Revenue                                           | \$100,000                    | \$94,180               | \$94,000           | \$30,000                 | \$15,000                | \$45,000                           |
| Expenditures                                      | \$5,575,000                  | \$2,111,671            | not avail          | \$6,797,325              | \$1,887,569             | \$8,684,894                        |
| <b>Fund: 303 - Park Capital Fund</b>              |                              |                        |                    |                          |                         |                                    |
| Revenue                                           | \$7,890,896                  | \$3,788,171            | not avail          | \$3,502,000              | \$357,000               | \$3,859,000                        |
| Expenditures                                      | \$8,243,456                  | \$3,903,989            | not avail          | \$3,502,000              | \$357,000               | \$3,859,000                        |
| <b>Fund: 304 - Park Impact Fee Fund</b>           |                              |                        |                    |                          |                         |                                    |
| Revenue                                           | \$412,000                    | \$157,195              | \$145,000          | \$257,825                | \$234,039               | \$491,864                          |
| Expenditures                                      | \$1,271,876                  | \$881,377              | \$268,222          | \$341,000                | \$6,000                 | \$347,000                          |
| <b>Fund: 305 - Transportation Impact Fee Fund</b> |                              |                        |                    |                          |                         |                                    |
| Revenue                                           | \$905,500                    | \$482,822              | \$905,656          | \$1,049,168              | \$932,823               | \$1,981,991                        |
| Expenditures                                      | \$533,783                    | \$350,000              | \$502,709          | \$1,152,913              | \$63,750                | \$1,216,663                        |
| <b>Fund: 306 - Sammamish Bridge Replacement</b>   |                              |                        |                    |                          |                         |                                    |

## Estimates of Revenues and Expenditures for 2017-2018 Budget and Proposed 2019-2020 Biennium Budget

|                                           | <u>2017-2018<br/>Biennium Budget</u> | <u>2017<br/>Total Activity</u> | <u>2018<br/>Projection</u> | <u>2019<br/>Proposed Budget</u> | <u>2020<br/>Proposed Budget</u> | <u>2019-2020<br/>Total Proposed Budget</u> |
|-------------------------------------------|--------------------------------------|--------------------------------|----------------------------|---------------------------------|---------------------------------|--------------------------------------------|
| Revenue                                   | \$3,009,961                          | \$748,320                      | not avail                  | \$11,174,635                    | \$10,052,645                    | \$21,227,280                               |
| Expenditures                              | \$3,009,961                          | \$730,007                      | not avail                  | \$11,539,791                    | \$10,083,265                    | \$21,623,056                               |
| Fund: 401 - Surface Water Management Fund |                                      |                                |                            |                                 |                                 |                                            |
| Revenue                                   | \$3,543,400                          | \$1,904,373                    | \$1,851,710                | \$1,820,000                     | \$1,850,000                     | \$3,670,000                                |
| Expenditures                              | \$4,865,487                          | \$2,456,063                    | \$1,815,343                | \$2,549,046                     | \$1,816,724                     | \$4,365,770                                |
| Fund: 402 - SWM Capital Fund              |                                      |                                |                            |                                 |                                 |                                            |
| Revenue                                   | \$3,750,634                          | \$1,306,617                    | not avail                  | \$2,472,450                     | \$231,650                       | \$2,704,100                                |
| Expenditures                              | \$3,583,634                          | \$1,310,242                    | not avail                  | \$2,472,450                     | \$231,650                       | \$2,704,100                                |
| Fund: 501 - Equipment Replacement Fund    |                                      |                                |                            |                                 |                                 |                                            |
| Revenue                                   | \$210,986                            | \$91,288                       | \$92,000                   | \$67,141                        | \$67,141                        | \$134,282                                  |
| Expenditures                              | \$119,000                            | \$24,882                       | \$25,000                   | \$0                             | \$0                             | \$0                                        |

**City of Kenmore, Washington  
2019-2020 Budget Calendar**

| <b>Major Task</b>                                                                                                                                                           | <b>2018<br/>Target Date and/or Deadline</b> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|
| City Council Review and Validation of Priority Based Budget (PBB) Results                                                                                                   | January -February                           |
| Departments Update PBB Program Inventories                                                                                                                                  | March                                       |
| Departments Update PBB Personnel Allocations                                                                                                                                | April                                       |
| PBB Citizen Survey                                                                                                                                                          | April - May                                 |
| Departments Update PBB Program Costs                                                                                                                                        | May                                         |
| City Council Budget Retreat and Update on Priority Based Budgeting                                                                                                          | May                                         |
| Departments Participate in PBB Program Scoring Process                                                                                                                      | May - June                                  |
| Training to Departments on Incode Budget Preparation                                                                                                                        | June                                        |
| Departments Begin Preparation of 2019-2020 Budget Estimates for Revenue and Expenditures                                                                                    | June – July 31                              |
| Staff Teams Participate in PBB Peer Reviews of Program Scores                                                                                                               | June - July                                 |
| Department Complete Revenue Projections and Expenditure Requests For 2019-2020                                                                                              | July 31                                     |
| Department Complete Update Accomplishments, Goals, Workload and Performance Measures, Budget Highlights Final Department YE 2018 Projections of Expenditures Due to Finance | August                                      |
| City Manager Reviews Department Estimates of Revenues and Expenditure Requests for 2019-2020                                                                                | August                                      |
| Review and Update to 2019-2024 Capital Improvement Program                                                                                                                  | August                                      |
| City Finalizes PBB Peer Review and Program Costs                                                                                                                            | August                                      |
| Develop PBB Final Program Scores and Quartile Rankings                                                                                                                      | August                                      |
| Create PBB Model: Resource Alignment Diagnostic Tool                                                                                                                        | August/September                            |
| Present PBB Model to City Council                                                                                                                                           | October 8                                   |

**City of Kenmore, Washington  
2019-2020 Budget Calendar**

| <b>Major Task</b>                                                                                                                                                                                                                                  | <b>2018<br/>Target Date and/or Deadline</b>                                                      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| Adopt 2019-2024 Capital Improvement Program                                                                                                                                                                                                        | September 10                                                                                     |
| City Clerk Publishes Notice of Filing of Proposed Preliminary Budget and Notice of Public Hearing on Revenues and Proposed Preliminary Budget (scheduled for Nov 5, Nov 12)                                                                        | September 24<br>Publish once a week for two consecutive weeks for Hearings in October & November |
| Preliminary Budget is filed with the City Clerk and distributed to the City Council                                                                                                                                                                | September 24                                                                                     |
| 2019-2020 Estimates of Revenue and Overview of Proposed Preliminary Budget to City Council                                                                                                                                                         | September 24                                                                                     |
| Copies of Preliminary Budget Document are made Available to the Public, including the City Manager's Budget Message<br>2019-2020 Proposed Budget Revenue                                                                                           | October 8                                                                                        |
| Presentation of 2019-2020 Proposed Biennial Budget: City Council, City Manager, Finance & Admin, City Clerk, Legal, Police, Development Services<br>Presentation of Proposed Employee Medical Benefit Plans, HRA-VEBA, and Health Savings Accounts | October 15                                                                                       |
| Presentation of 2019-2020 Proposed Biennial Budget: Community Development, Public Works Engineering, Maintenance, Street Fund                                                                                                                      | October 22                                                                                       |
| Presentation of 2019-2020 Proposed Biennial Budget: SWM, Impact Fee Funds, TBD Fund, Other<br>Presentation of Proposed 2019 Salary Plan                                                                                                            | October 29                                                                                       |
| Review 2017- 2018 Budget Amendments<br>Public Hearing on the 2019 Property Tax Levy                                                                                                                                                                | November 5-                                                                                      |
| Public Hearing On 2019-2020 Final Biennial Budget                                                                                                                                                                                                  | November 12                                                                                      |
| Adopt 2017-2018 Budget Amendment Ordinance<br>Adopt 2019-2020 Biennial Budget Ordinance<br>Adopt 2019 Property Tax Levy Ordinance                                                                                                                  | November 19                                                                                      |



City Council Business Agenda Item  
City of Kenmore, WA

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |  |                           |                              |                         |                            |                |                               |                    |                           |            |
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| <p><b>Subject/Topic:</b></p> <p>Ordinance No. 18-0468, Amending Chapter 5.105 Kenmore Business Registration Program, to Define Engaging in Business and Revise Exemptions Applicable to the Program.</p> <p><b>Proposed Council Action/Motion:</b></p> <p>Adopt Ordinance No. 10-0468</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p>For Council Meeting Agenda of: 24 September 2018</p> <p>Department: Executive</p> <p>Prepared by: Nancy Ousley, Assistant City Manager</p> <table border="0"> <tr> <td></td> <td style="text-align: right;"><u>Initial &amp; Date</u></td> </tr> <tr> <td>Approved by Department Head:</td> <td style="text-align: right;"><u>NKO 18 SEPT 2018</u></td> </tr> <tr> <td>Approved by City Attorney:</td> <td style="text-align: right;"><u>DER/NKO</u></td> </tr> <tr> <td>Approved by Finance Director:</td> <td style="text-align: right;"><u>gms 9/19/18</u></td> </tr> <tr> <td>Approved by City Manager:</td> <td style="text-align: right;"><u>POK</u></td> </tr> </table> <p><b>Exhibits/Attachments:</b></p> <ol style="list-style-type: none"> <li>1. Proposed Ordinance No. 18-0468</li> <li>2. Engrossed House Bill 2005</li> <li>3. Model Ordinance Language (June 2018)</li> <li>4. Kenmore Business Registration Fact Sheet (2017)</li> </ol> |  | <u>Initial &amp; Date</u> | Approved by Department Head: | <u>NKO 18 SEPT 2018</u> | Approved by City Attorney: | <u>DER/NKO</u> | Approved by Finance Director: | <u>gms 9/19/18</u> | Approved by City Manager: | <u>POK</u> |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <u>Initial &amp; Date</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |  |                           |                              |                         |                            |                |                               |                    |                           |            |
| Approved by Department Head:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <u>NKO 18 SEPT 2018</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |  |                           |                              |                         |                            |                |                               |                    |                           |            |
| Approved by City Attorney:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <u>DER/NKO</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |  |                           |                              |                         |                            |                |                               |                    |                           |            |
| Approved by Finance Director:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <u>gms 9/19/18</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |  |                           |                              |                         |                            |                |                               |                    |                           |            |
| Approved by City Manager:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <u>POK</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  |                           |                              |                         |                            |                |                               |                    |                           |            |
| <p><b><u>INFORMATION/BACKGROUND:</u></b></p> <p>The Washington State Legislature adopted Engrossed House Bill 2005 in 2017, which requires cities with general business licenses to adopt model ordinance language relating to business licenses, and to partner with the WA Department of Revenue or FileLocal to process business licenses. The proposed Ordinance amends the Kenmore Municipal Code to be consistent with the new legislation. The Ordinance also maintains exemptions currently in place for businesses doing business in the city who do not have a physical location in the city.</p> <p>The legislation required cities, through the Association of Washington Cities (AWC) to form a committee to develop a model ordinance. The model ordinance language was completed in June 2018. Cities that currently partner (as does Kenmore) with the Washington Department of Revenue Business Licensing Service are required to adopt the model ordinance language by October 17, 2018. Any city that fails to adopt the model ordinance language may not enforce its general business license requirements until the model ordinance language is adopted.</p> <p>The State Legislation requires all cities and towns with general business licensing requirements to adopt uniform model ordinance language relating to the definition of “engaging in business.” The model ordinance also establishes a minimum threshold exemption from the business license requirement for businesses that are not physically located in the city if they have \$2000 per year or less in gross proceeds of sales, annual value of products or gross income of the business in the city.</p> <p>In addition to the required model ordinance language, the proposed Ordinance clarifies that businesses with no physical location in Kenmore that are currently exempt from Kenmore Business Registration requirements remain exempt. The City Attorney conferred with the WA Department of Revenue and AWC legal counsel</p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |  |                           |                              |                         |                            |                |                               |                    |                           |            |

while preparing the Ordinance. Kenmore is one of six cities in the state that do not require businesses located outside the city but doing business in the city to have a general business license or registration.

ESB 2005 and the model ordinance only applies to general business licensing requirements. It does not apply to temporary licenses (e.g., special use permits) or regulatory licenses. The legislation and model ordinance do not change the City's authority relating to other business license provisions, such as fees, penalties, or exemptions.

The City of Kenmore adopted Ordinance No. 13-0356 in 2013 establishing a general Business Registration program and Kenmore partners with the Department of Revenue's Business Licensing service to process license applications and annual renewals. Main features of the existing program in the Kenmore Municipal Code are:

- 1) Businesses and non profit organizations with a physical location in Kenmore are required to register. Businesses that are physically located in another city but are doing business in Kenmore are not required to register.
- 2) Businesses physically located in Kenmore with annual gross income under \$12,000 are not required to register
- 3) Businesses that are required to obtain Kenmore Regulatory Licenses (second-hand stores, massage, among others) and meet the location and revenue requirement are required to obtain a general Business Registration.

There are currently approximately 1000 businesses in Kenmore holding a Kenmore Business Registration and the program has clearly enhanced the City's ability to connect with the local business community. Revenues from the program are directed to programs that serve the local business community, such as the Bothell Kenmore Chamber of Commerce's staffing the Kenmore Business Alliance.

**FISCAL CONSIDERATION:**

There is no expected change to revenue or expenses related to the Ordinance.

**COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:**

Council Goal #5: Update and continue to implement the Economic Development Plan: Attract new businesses and support existing businesses

CITY OF KENMORE

WASHINGTON

ORDINANCE NO. 18-0468

**AN ORDINANCE OF THE CITY OF KENMORE,  
WASHINGTON, AMENDING CHAPTER 5.105 KENMORE,  
BUSINESS REGISTRATION PROGRAM, TO DEFINE  
ENGAGING IN BUSINESS AND REVISE EXEMPTIONS  
APPLICABLE TO THE PROGRAM.**

WHEREAS, the Washington State Legislature adopted Engrossed House Bill 2005 (“EHB 2005”), which require cities to take specific actions by certain dates relating to business licensing requirements; and

WHEREAS, EHB 2005 requires all cities that require a general business license to partner with the Department of Revenue (“Department”) to issue and renew licenses through its Business Licensing Service (“BLS”); and

WHEREAS, EHB 2005 requires all cities and towns with general business licensing requirements to adopt uniform “model ordinance” language that identifies what types of commercial activities are and are not subject to business licensing requirements; and

WHEREAS, a task force was created and formulated the “model ordinance” language that includes the definition of “engaging in business” and a minimum threshold standard for requiring business licenses; and

WHEREAS, the City must adopt the model ordinance language by October 17, 2018, as it already partners with the BLS for the issuance and renewal of its business registration; and

WHEREAS, the City Council desires to amend Chapter 5.105 of the Kenmore Municipal Code, entitled “Kenmore Business Registration Program”, to be consistent with EHB 2005 and adopt the required “model ordinance” language regarding the definition of “engaging in business” and the minimum threshold option for business registration requirements;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON, DO ORDAIN:

Section 1. Amendment. Chapter 5.105 of the Kenmore Municipal Code is as set forth in the attached Exhibit “A”, incorporated herein by reference as if set forth in full.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

CITY OF KENMORE

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David Baker, Mayor

ATTEST/AUTHENTICATED:

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Kelly Chelin, City Clerk

Approved as to form:

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Rod Kaseguma, City Attorney

FILED WITH THE CITY CLERK:

PASSED BY THE CITY COUNCIL:

ORDINANCE NO.:

DATE OF PUBLICATION:

EFFECTIVE DATE:

**EXHIBIT "A" TO ORDINANCE -NO. 18-0468**

**Chapter 5.105  
KENMORE BUSINESS REGISTRATION PROGRAM**

Sections:

- 5.105.010 Chapter and purpose.**
- 5.105.020 Definitions – General.**
- 5.105.025 Engaging in business.
- 5.105.030 Business registration required – Posting.**
- 5.105.040 Exceptions – Applicability of provisions.**
- 5.105.050 Nonprofit businesses and organizations.**
- 5.105.060 Program application and renewal.**
- 5.105.070 Registration term or expiration.**
- 5.105.080 Fee.**
- 5.105.090 Late renewal.**
- 5.105.100 Registration denial or revocation.**
- 5.105.110 Violation – Civil infraction, enforcement.**
- 5.105.120 Rules and rulings.**

**5.105.010 Chapter and purpose.**

Maintenance of current information with respect to business, trade, service, commercial and professional activities carried on within the City allows the City to carry out the duties and authorities delegated to it by the Washington State Constitution and the laws of the State of Washington as a noncharter code city. Such information can best be accumulated and maintained on a current basis through the establishment of a program for the registration of such business activities. The business registration program ("program") is hereby established to protect the public and promote economic development and not intended to benefit any individual or class. [Ord. 15-0402 § 1 (Att. A); Ord. 13-0356 § 1 (Exh. 1).]

**5.105.020 Definitions – General.**

For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings given in this section:

- A. "Business," "occupation" or "pursuit" means and includes all activities, occupations, trades, pursuits, professions, and matters located or engaged in within the City with the object of gain, benefit, or advantage to the applicant for business registration or other *person*, directly or indirectly, whether part-time or full-time, whether resident or nonresident.
- B. "City" means the City of Kenmore, Washington.
- C. "Engaging in business" is defined in KMC 5.105.025.
- D. "Person," "firm," or "corporation," used interchangeably in this chapter, means any individual, receiver, assignee, trustee in bankruptcy, trust, estate, firm, co-partnership, joint venture, club, company, joint stock company, business trust, corporation, association, canvasser, peddler, solicitor, society, or any group of individuals acting as a unit, whether mutual cooperative, fraternal, nonprofit or otherwise, and includes the United States or any instrumentality thereof. [Ord. 15-0402 § 1 (Att. A); Ord. 13-0356 § 1 (Exh. 1).]

**5.105.025 Engaging in business.**

A. For purposes of this Chapter, the term "engaging in business" means commencing, conducting, or continuing in business, and also the exercise of corporate or franchise powers, as well as liquidating a business when the liquidators thereof hold themselves out to the public as conducting such business.

B. This section sets forth examples of activities that constitute engaging in business in the City, and establishes safe harbors for certain of those activities so that a person who meets the criteria may engage in de minimus business activities in the City without having to pay a business license fee. The activities listed in this section are illustrative only and are not intended to narrow the definition of "engaging in business" in subsection A. If an activity is not listed, whether it constitutes engaging in business in the City shall be determined by considering all the facts and circumstances and applicable law.

C. Without being all inclusive, any one of the following activities conducted within the City by a person, or its employee, agent, representative, independent contractor, broker or another acting on its behalf constitutes engaging in business and requires a person to register and obtain a business license.

1. Owning, renting, leasing, maintaining, or having the right to use, or using, tangible personal property, intangible personal property, or real property permanently or temporarily located in the City.

2. Owning, renting, leasing, using, or maintaining, an office, place of business, or other establishment in the City.

3. Soliciting sales.
4. Making repairs or providing maintenance or service to real or tangible personal property, including warranty work and property maintenance.
5. Providing technical assistance or service, including quality control, product inspections, warranty work, or similar services on or in connection with tangible personal property sold by the person or on its behalf.
6. Installing, constructing, or supervising installation or construction of, real or tangible personal property.
7. Soliciting, negotiating, or approving franchise, license, or other similar agreements.
8. Collecting current or delinquent accounts.
9. Picking up and transporting tangible personal property, solid waste, construction debris, or excavated materials.
10. Providing disinfecting and pest control services, employment and labor pool services, home nursing care, janitorial services, appraising, landscape architectural services, security system services, surveying, and real estate services including the listing of homes and managing real property.
11. Rendering professional services such as those provided by accountants, architects, attorneys, auctioneers, consultants, engineers, professional athletes, barbers, baseball clubs and other sports organizations, chemists, consultants, psychologists, court reporters, dentists, doctors, detectives, laboratory operators, teachers, veterinarians.
12. Meeting with customers or potential customers, even when no sales or orders are solicited at the meetings.
13. Training or recruiting agents, representatives, independent contractors, brokers or others, domiciled or operating on a job in the City, acting on its behalf, or for customers or potential customers.
14. Investigating, resolving, or otherwise assisting in resolving customer complaints.
15. In-store stocking or manipulating products or goods, sold to and owned by a customer, regardless of where sale and delivery of the goods took place.

16. Delivering goods in vehicles owned, rented, leased, used, or maintained by the person or another acting on its behalf.

D. If a person, or its employee, agent, representative, independent contractor, broker or another acting on the person's behalf, engages in no other activities in or with the City but the following, it need not register and obtain a business license.

1. Meeting with suppliers of goods and services as a customer.

2. Meeting with government representatives in their official capacity, other than those performing contracting or purchasing functions.

3. Attending meetings, such as board meetings, retreats, seminars, and conferences, or other meetings wherein the person does not provide training in connection with tangible personal property sold by the person or on its behalf. This provision does not apply to any board of director member or attendee engaging in business such as a member of a board of directors who attends a board meeting.

4. Renting tangible or intangible property as a customer when the property is not used in the City.

5. Attending, but not participating in a "trade show" or "multiple vendor events". Persons participating at a trade show shall review the City's trade show or multiple vendor event ordinances.

6. Conducting advertising through the mail.

7. Soliciting sales by phone from a location outside the City.

E. A seller located outside the City merely delivering goods into the City by means of common carrier is not required to register and obtain a business license, provided that it engages in no other business activities in the City. Such activities do not include those in subsection D.

F. The City expressly intends that engaging in business include any activity sufficient to establish nexus for purposes of applying the license fee under the law and the constitutions of the United States and the State of Washington. Nexus is presumed to continue as long as the taxpayer benefits from the activity that constituted the original nexus generating contact or subsequent contacts.

**5.105.030 Business registration required – Posting.**

A. Any person ~~that engages~~ in ~~any~~ business, occupation, ~~or~~ home occupation (see Chapter 18.73 KMC), or pursuit in the City shall register that business with the City's program. To register

under the program, a person must submit an application to the State Department of Revenue and pay the applicable registration fee.

B. A *business* located within the City must be registered with the program.

C. A *business* registration shall be posted in a conspicuous location at the place of the *business*. [Ord. 15-0402 § 1 (Att. A); Ord. 13-0356 § 1 (Exh. 1).]

**5.105.040 Exceptions – Applicability of provisions.**

This chapter does not apply to:

A. The performance of governmental or proprietary functions by any instrumentality of the United States, the State of Washington, or any political subdivision thereof, including City sponsored civic events.

B. The delivery of goods by vehicle to a customer or client by a business where the sale occurred on a *business* premises outside of the City and the only event occurring within the City is a delivery.

C. Accredited public or private schools, colleges, or universities, as to their education endeavors only; churches and other religious bodies, as to their religious activities only; political groups and organizations as to their political activities only.

D. Minors, a *person* under the age of 18, engaged in *business* or operating a *business* concern where no other *person* is employed by the minor.

E. A business located within the City with an annual gross income of \$12,000 or less.

F. To the extent set forth in this section, the following persons and businesses shall be exempt from the registration, license and/or license fee requirements as outlined in this chapter:

(1) Any person or business whose annual value of products, gross proceeds of sales, or gross income of the business in the city is equal to or less than \$12,000 and who does not maintain a place of business within the city shall be exempt from the general business license requirements in this chapter. The exemption does not apply to regulatory requirements or activities that require a specialized permit.

G. Notwithstanding KMC 5.105.040.F, a business that is not located within the City is exempt from this chapter regardless of the annual value of products, gross proceeds of sales, or gross income of the business in the city.

HG. Farmers selling fruit, vegetables, berries, eggs, or any farm produce or edibles raised, gathered, produced or manufactured by such *person*; provided, that nothing herein authorizes any *person* to sell, deliver or peddle any dairy product, meat, poultry, eel, fish, mollusk or shellfish without a license as otherwise required by the State of Washington.

IH. Where preempted by federal or State constitutions or laws. [Ord. 15-0402 § 1 (Att. A); Ord. 13-0356 § 1 (Exh. 1).]

**5.105.050 Nonprofit businesses and organizations.**

Organizations exempt from taxation under 26 USC 501(c)(3) and (4) must register under the *business* registration program, but shall be exempt from paying the registration fee. This shall not constitute an exemption from all other applicable taxes and fees. Such organization must be able to show satisfactory proof of such status to the City. [Ord. 15-0402 § 1 (Att. A); Ord. 13-0356 § 1 (Exh. 1).]

**5.105.060 Program application and renewal.**

A. A *person* shall register a business with the program by submitting an application to the State Department of Revenue (with its Business Licensing Service), in coordination with the *city manager*, giving such information as is deemed reasonably necessary to enable the enforcement of this chapter. Businesses that are not required to be registered because they do not exceed the annual gross income threshold may be voluntarily registered with the program, in the same manner set forth in KMC 5.105.030.

B. Only one registration is necessary if a business is located at two or more separate locations within the City, if the same *business* name and type of *business* is operated at the separate locations in the City.

C. If more than one *business* is conducted or operated on premises, a separate business registration shall be required for each *business* that meets the requirements for business registration. Each *business* owner must separately register a business with the program.

D. A *business* registration is nontransferable. A *person* engaged in *business* within the City shall notify the *city manager* and State Department of Revenue of a change of *business* location within 30 days of the location change or by the next registration renewal date, whichever date occurs first.

E. A *person* who has registered a business under the City's program shall renew the registration on an annual basis, in the same manner as the original application for registration including payment of fees.

F. A *person* engaged in business within the City must comply with all applicable City ordinances and code provisions, and State and federal laws. [Ord. 15-0402 § 1 (Att. A); Ord. 13-0356 § 1 (Exh. 1).]

**5.105.070 Registration term or expiration.**

*Business* registration shall be valid for a term of 12 months, and shall expire on the date determined by the Department of Revenue, in coordination with the City. [Ord. 15-0402 § 1 (Att. A); Ord. 13-0356 § 1 (Exh. 1).]

**5.105.080 Fee.**

A. The fee to register with the City's program, or renew such registration, shall be as set forth in a fee resolution adopted by the city council.

B. From July 1, 2013, to December 31, 2013, program registration fees may be prorated to coincide with the Washington State Department of Revenue's (its Business Licensing Service) registration term of 12 months. The prorated fee shall be as set forth in a fee resolution adopted by the city council. Thereafter, all registration fees shall be the full amount identified in subsection A of this section. [Ord. 15-0402 § 1 (Att. A); Ord. 13-0356 § 1 (Exh. 1).]

**5.105.090 Late renewal.**

Each *business* registration issued must be renewed annually on or before the expiration date, or expiration of any prorated period. Failure to renew a *business* registration by the expiration date may result in an increase in the amount of the renewal fee by 50 percent. [Ord. 15-0402 § 1 (Att. A); Ord. 13-0356 § 1 (Exh. 1).]

**5.105.100 Registration denial or revocation.**

A. An application for registration required under this chapter may be denied or revoked by the City based on any of the grounds provided below:

1. If the *person* who obtains the registration or any of the *business* officers, directors, agents, owners or employees of the *business* fail to comply with the requirements of this chapter.
2. If a *person* procures registration by fraud or misrepresentation of fact, or the *person* who obtains the registration or any of the *business* officers, directors, agents, owners or employees of the *business* obtain registration so as to practice some illegal act or some act injurious to the public health, safety and welfare.
3. Whenever a *person* fails or refuses to pay the registration or renewal fee.

B. The City shall not deny or revoke a *business* registration without cause. [Ord. 15-0402 § 1 (Att. A); Ord. 13-0356 § 1 (Exh. 1).]

**5.105.110 Violation – Civil infraction, enforcement.**

A. A violation of this chapter shall constitute a civil infraction. A *person* who violates any provision of this chapter shall be subject to a civil fine in an amount not to exceed \$100.00.

B. The *city manager* and officers authorized to provide police services to the City shall enforce this chapter and are authorized to issue civil infractions for violations of this chapter. The disposition of a civil infraction issued under this chapter shall follow the procedures adopted under the following statutes:

1. A notice of civil infraction issued under this chapter shall comply with the procedures of RCW 46.63.060(1), (2)(a) through (g) and (3), hereby adopted by reference as if set forth in full. A response to the notice of civil infraction and/or request for hearing shall comply with RCW 46.63.070(1) through (4) and (6), hereby adopted by reference as if set forth in full.
2. RCW 46.63.090 and 46.63.100, which regulate hearings on contested infractions and hearings to explain mitigating circumstances, are hereby adopted by reference as if set forth in full.
3. The phrase "traffic infraction" referenced in the above-cited statutes shall mean a "civil infraction" issued under this chapter.

C. A civil infraction issued under this chapter shall be filed with the King County district court, which shall have the exclusive jurisdiction to hear and determine the same. Rules of procedures for the conduct of hearings filed under this chapter may be established by rule of the court. [Ord. 15-0402 § 1 (Att. A); Ord. 13-0356 § 1 (Exh. 1).]

**5.105.120 Rules and rulings.**

The *city manager* may, from time to time, adopt, publish and enforce rules and regulations not inconsistent with this chapter or with State law. The purpose of such rules and regulations is to carry out the provisions of this chapter. The *city manager* may also issue letter rulings from time to time which are applicable only to specific *businesses*. Such administrative rulings shall be binding on the City and the applicable *business*. [Ord. 15-0402 § 1 (Att. A); Ord. 13-0356 § 1 (Exh. 1).]

CERTIFICATION OF ENROLLMENT

**ENGROSSED HOUSE BILL 2005**

Chapter 209, Laws of 2017

65th Legislature  
2017 Regular Session

MUNICIPAL BUSINESS LICENSING---STATE PARTNERSHIP---TAX APPORTIONMENT

EFFECTIVE DATE: 7/23/2017

Passed by the House April 17, 2017  
Yeas 97 Nays 0

FRANK CHOPP

**Speaker of the House of Representatives**

Passed by the Senate April 12, 2017  
Yeas 49 Nays 0

CYRUS HABIB

**President of the Senate**

Approved May 5, 2017 10:37 AM

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 2005** as passed by House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

**Chief Clerk**

FILED

May 5, 2017

JAY INSLEE

**Governor of the State of Washington**

**Secretary of State  
State of Washington**

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ENGROSSED HOUSE BILL 2005

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AS AMENDED BY THE SENATE

Passed Legislature - 2017 Regular Session

State of Washington                      65th Legislature                      2017 Regular Session

By Representatives Lytton, Nealey, Kagi, and Ormsby

Read first time 02/07/17. Referred to Committee on Finance.

1            AN ACT Relating to improving the business climate in this state  
2      by simplifying the administration of municipal general business  
3      licenses; adding a new chapter to Title 35 RCW; and creating a new  
4      section.

5      BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6            NEW SECTION.      **Sec. 1.**      The definitions in this section apply  
7      throughout this chapter unless the context clearly requires  
8      otherwise.

9            (1) "Business licensing service," "business licensing system,"  
10     and "business license" have the same meaning as in RCW 19.02.020.

11           (2) "City" means a city, town, or code city.

12           (3) "Department" means the department of revenue.

13           (4) "General business license" means a license, not including a  
14     regulatory license or a temporary license, that a city requires all  
15     or most businesses to obtain to conduct business within that city.

16           (5) "Partner" means the relationship between a city and the  
17     department under which general business licenses are issued and  
18     renewed through the business licensing service in accordance with  
19     chapter 19.02 RCW.

20           (6) "Regulatory business license" means a license, other than a  
21     general business license, required for certain types of businesses

1 that a city has determined warrants additional regulation, such as  
 2 taxicab or other for-hire vehicle operators, adult entertainment  
 3 businesses, amusement device operators, massage parlors, debt  
 4 collectors, door-to-door sales persons, trade-show operators, and  
 5 home-based businesses.

6 NEW SECTION. **Sec. 2.** (1) Except as otherwise provided in  
 7 subsection (7) of this section, a city that requires a general  
 8 business license of any person that engages in business activities  
 9 within that city must partner with the department to have such  
 10 license issued, and renewed if the city requires renewal, through the  
 11 business licensing service in accordance with chapter 19.02 RCW.

12 (a) Except as otherwise provided in subsection (3) of this  
 13 section, the department must phase in the issuance and renewal of  
 14 general business licenses of cities that required a general business  
 15 license as of July 1, 2017, and are not already partnering with the  
 16 department, as follows:

17 (i) Between January 1, 2018, and December 31, 2021, the  
 18 department must partner with at least six cities per year;

19 (ii) Between January 1, 2022, and December 31, 2027, the  
 20 department must partner with the remaining cities; or

21 (iii) Between July 1, 2017 and December 31, 2022, the department  
 22 must partner with all cities requiring a general business license if  
 23 specific funding for the purposes of this subsection (iii) is  
 24 appropriated in the omnibus appropriations act.

25 (b) A city that imposes a general business license requirement  
 26 and does not partner with the department as of January 1, 2018, may  
 27 continue to issue and renew its general business licenses until the  
 28 city partners with the department as provided in subsection (4) of  
 29 this section.

30 (2)(a) A city that did not require a general business license as  
 31 of July 1, 2017, but imposes a new general business license  
 32 requirement after that date must advise the department in writing of  
 33 its intent to do so at least ninety days before the requirement takes  
 34 effect.

35 (b) If a city subject to (a) of this subsection (2) imposes a new  
 36 general business license requirement after July 1, 2017, the  
 37 department, in its sole discretion, may adjust resources to partner  
 38 with the imposing city as of the date that the new general business  
 39 licensing requirement takes effect. If the department cannot

1 reallocate resources, the city may issue and renew its general  
2 business license until the department is able to partner with the  
3 city.

4 (3) The department may delay assuming the duties of issuing and  
5 renewing general business licenses beyond the dates provided in  
6 subsection (1)(a) of this section if:

7 (a) Insufficient funds are appropriated for this specific  
8 purpose;

9 (b) The department cannot ensure the business licensing system is  
10 adequately prepared to handle all general business licenses due to  
11 unforeseen circumstances;

12 (c) The department determines that a delay is necessary to ensure  
13 that the transition to mandatory department issuance and renewal of  
14 general business licenses is as seamless as possible; or

15 (d) The department receives a written notice from a city within  
16 sixty days of the date that the city appears on the department's  
17 biennial partnership plan, which includes an explanation of the  
18 fiscal or technical challenges causing the city to delay joining the  
19 system. A delay under this subsection (3)(d) may be for no more than  
20 three years.

21 (4)(a) In consultation with affected cities and in accordance  
22 with the priorities established in subsection (5) of this section,  
23 the department must establish a biennial plan for partnering with  
24 cities to assume the issuance and renewal of general business  
25 licenses as required by this section. The plan must identify the  
26 cities that the department will partner with and the dates targeted  
27 for the department to assume the duties of issuing and renewing  
28 general business licenses.

29 (b) By January 1, 2018, and January 1st of each even-numbered  
30 year thereafter, the department must submit the partnering plan  
31 required in (a) of this subsection (4) to the governor; legislative  
32 fiscal committees; house local government committee; senate  
33 agriculture, water, trade and economic development committee; senate  
34 local government committee; affected cities; association of  
35 Washington cities; association of Washington business; national  
36 federation of independent business; and Washington retail  
37 association.

38 (c) The department may, in its sole discretion, alter the plan  
39 required in (a) of this subsection (4) with a minimum notice of  
40 thirty days to affected cities.

(5) When determining the plan to partner with cities for the issuance and renewal of general business licenses as required in subsection (4) of this section, cities that notified the department of their wish to partner with the department before January 1, 2017, must be allowed to partner before other cities.

(6) A city that partners with the department for the issuance and renewal of general business licenses through the business licensing service in accordance with chapter 19.02 RCW may not issue and renew those licenses.

(7) A city may decline to partner with the department for the issuance and renewal of a general business license as provided in subsection (1) of this section if the city participates in the online local business license and tax filing portal known as "FileLocal" as of July 1, 2020. For the purposes of this subsection (7), a city is considered to be a FileLocal participant as of the date that a business may access FileLocal for purposes of applying for or renewing that city's general business license and reporting and paying that city's local business and occupation taxes. A city that ceases participation in FileLocal after July 1, 2020, must partner with the department for the issuance and renewal of its general business license as provided in subsection (1) of this section.

(8) By January 1, 2019, and each January 1st thereafter through January 1, 2028, the department must submit a progress report to the legislature. The report required by this subsection must provide information about the progress of the department's efforts to partner with all cities that impose a general business license requirement and include:

(a) A list of cities that have partnered with the department as required in subsection (1) of this section;

(b) A list of cities that have not partnered with the department;

(c) A list of cities that are scheduled to partner with the department during the upcoming calendar year;

(d) A list of cities that have declined to partner with the department as provided in subsection (7) of this section;

(e) An explanation of lessons learned and any process efficiencies incorporated by the department;

(f) Any recommendations to further simplify the issuance and renewal of general business licenses by the department; and

(g) Any other information the department considers relevant.

1        NEW SECTION.    **Sec. 3.**    (1) A general business license that must  
2    be issued and renewed through the business licensing service in  
3    accordance with chapter 19.02 RCW is subject to the provisions of  
4    this section.

5        (2)(a) A city has broad authority to impose a fee structure as  
6    provided by RCW 35.22.280, 35.23.440, and 35A.82.020. However, any  
7    fee structure selected by a city must be within the department's  
8    technical ability to administer. The department has the sole  
9    discretion to determine if it can administer a city's fee structure.

10       (b) If the department is unable to administer a city's fee  
11    structure, the city must work with the department to adopt a fee  
12    structure that is administrable by the department. If a city fails to  
13    comply with this subsection (2)(b), it may not enforce its general  
14    business licensing requirements on any person until the effective  
15    date of a fee structure that is administrable by the department.

16       (3) A general business license may not be renewed more frequently  
17    than once per year except that the department may require a more  
18    frequent renewal date as may be necessary to synchronize the renewal  
19    date for the general business license with the business's business  
20    license expiration date.

21       (4) The business licensing system need not accommodate any  
22    monetary penalty imposed by a city for failing to obtain or renew a  
23    general business license. The penalty imposed in RCW 19.02.085  
24    applies to general business licenses that are not renewed by their  
25    expiration date.

26       (5) The department may refuse to administer any provision of a  
27    city business license ordinance that is inconsistent with this  
28    chapter.

29       NEW SECTION.    **Sec. 4.**    The department is not authorized to  
30    enforce a city's licensing laws except to the extent of issuing or  
31    renewing a license in accordance with this chapter and chapter 19.02  
32    RCW or refusing to issue a license due to an incomplete application,  
33    nonpayment of the appropriate fees as indicated by the license  
34    application or renewal application, or the nonpayment of any  
35    applicable penalty for late renewal.

36       NEW SECTION.    **Sec. 5.**    Cities whose general business licenses are  
37    issued through the business licensing system retain the authority to  
38    set license fees, provide exemptions and thresholds for these

1 licenses, approve or deny license applicants, and take appropriate  
2 administrative actions against licensees.

3 NEW SECTION. **Sec. 6.** Cities may not require a person to obtain  
4 or renew a general business license unless the person engages in  
5 business within its respective city. For the purposes of this  
6 section, a person may not be considered to be engaging in business  
7 within a city unless the person is subject to the taxing jurisdiction  
8 of a city under the standards established for interstate commerce  
9 under the commerce clause of the United States Constitution.

10 NEW SECTION. **Sec. 7.** A general business license change enacted  
11 by a city whose general business license is issued through the  
12 business licensing system takes effect no sooner than seventy-five  
13 days after the department receives notice of the change if the change  
14 affects in any way who must obtain a license, who is exempt from  
15 obtaining a license, or the amount or method of determining any fee  
16 for the issuance or renewal of a license.

17 NEW SECTION. **Sec. 8.** (1)(a) The cities, working through the  
18 association of Washington cities, must form a model ordinance  
19 development committee made up of a representative sampling of cities  
20 that impose a general business license requirement. This committee  
21 must work through the association of Washington cities to adopt a  
22 model ordinance on general business license requirements by July 1,  
23 2018. The model ordinance and subsequent amendments developed by the  
24 committee must be adopted using a process that includes opportunity  
25 for substantial input from business stakeholders and other members of  
26 the public. Input must be solicited from statewide business  
27 associations and from local chambers of commerce and downtown  
28 business associations in cities that require a person that conducts  
29 business in the city to obtain a general business license.

30 (b) The department, association of Washington cities, and  
31 municipal research and services center must post copies of, or links  
32 to, the model ordinance on their internet web sites. Additionally, a  
33 city that imposes a general business license requirement must make  
34 copies of its general business license ordinance or ordinances  
35 available for inspection and copying as provided in chapter 42.56  
36 RCW.

(c) The definitions in the model ordinance may not be amended more frequently than once every four years, except that the model ordinance may be amended at any time to comply with changes in state law or court decisions. Any amendment to a mandatory provision of the model ordinance must be adopted with the same effective date by all cities.

(2) A city that imposes a general business license requirement must adopt the mandatory provisions of the model ordinance by January 1, 2019. The following provisions are mandatory:

(a) A definition of "engaging in business within the city" for purposes of delineating the circumstances under which a general business license is required;

(b) A uniform minimum licensing threshold under which a person would be relieved of the requirement to obtain a city's general business license. A city retains the authority to create a higher threshold for the requirement to obtain a general business license but must not deviate lower than the level required by the model ordinance.

(3)(a) A city may require a person that is under the uniform minimum licensing threshold as provided in subsection (2) of this section to obtain a city registration with no fee due to the city.

(b) A city that requires a city registration as provided in (a) of this subsection must partner with the department to have such registration issued through the business licensing service in accordance with chapter 19.02 RCW. This subsection (3)(b) does not apply to a city that is excluded from the requirement to partner with the department for the issuance and renewal of general business licenses as provided in section 2 of this act.

NEW SECTION. **Sec. 9.** Cities that impose a general business license must adopt the mandatory provisions of the model ordinance as provided in section 8 of this act by January 1, 2019. A city that has not complied with the requirements of this section by January 1, 2019, may not enforce its general business licensing requirements on any person until the date that the mandatory provisions of the model ordinance take effect within the city.

NEW SECTION. **Sec. 10.** Cities must coordinate with the association of Washington cities to submit a report to the governor; legislative fiscal committees; house local government committee; and

1 the senate agriculture, water, trade and economic development  
 2 committee by January 1, 2019. The report must:  
 3 (1) Provide information about the model ordinance adopted by the  
 4 cities as required in section 8 of this act;  
 5 (2) Identify cities that have and have not adopted the mandatory  
 6 provisions of the model ordinance; and  
 7 (3) Incorporate comments from statewide business organizations  
 8 concerning the process and substance of the model ordinance.  
 9 Statewide business organizations must be allowed thirty days to  
 10 submit comments for inclusion in the report.

11 NEW SECTION. **Sec. 11.** (1) The legislature directs cities,  
 12 towns, and identified business organizations to partner in  
 13 recommending changes to simplify the two factor apportionment formula  
 14 provided in RCW 35.102.130.

15 (2)(a) The local business and occupation tax apportionment task  
 16 force is established. The task force must consist of the following  
 17 seven representatives:

18 (i) Three voting representatives selected by the association of  
 19 Washington cities that are tax managers representing municipalities  
 20 that impose a local business and occupation tax, including at least  
 21 one jurisdiction that has performed an audit where apportionment  
 22 errors were discovered.

23 (ii) Three voting representatives selected by the association of  
 24 Washington business, including at least one tax practitioner or legal  
 25 counsel with experience representing business clients during  
 26 municipal audits that involved apportionment errors or disputes.

27 (iii) One nonvoting representative from the department.

28 (b) The task force may seek input or collaborate with other  
 29 parties, as it deems necessary. The department must serve as the task  
 30 force chair and must staff the task force.

31 (c) Beginning in the first month following the effective date of  
 32 this section, the task force must meet no less frequently than once  
 33 per month until it reports to the legislature as provided under  
 34 subsection (3) of this section.

35 (3) By October 31, 2018, the task force established in subsection  
 36 (2) of this section must prepare a report to the legislature to  
 37 recommend changes to RCW 35.102.130 and related sections, as needed,  
 38 to develop a method for assigning gross receipts to a local  
 39 jurisdiction using a market-based model. The task force must focus on

1 methods that rely on information typically available in commercial  
2 transaction receipts and captured by common business recordkeeping  
3 systems.

4 (4) The task force terminates January 1, 2019, unless legislation  
5 is enacted to extend such termination date.

6 NEW SECTION. **Sec. 12.** Sections 1 through 10 of this act  
7 constitute a new chapter in Title 35 RCW.

Passed by the House April 17, 2017.  
Passed by the Senate April 12, 2017.  
Approved by the Governor May 5, 2017.  
Filed in Office of Secretary of State May 5, 2017.

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**Model Business License Threshold Final Version**

**June 2018**

**Model business license threshold options: (cities would adopt one of the options)**

**1. Threshold Exemption:**

To the extent set forth in this section, the following persons and businesses shall be exempt from the registration, license and/or license fee requirements as outlined in this chapter:

- (1) Any person or business whose annual value of products, gross proceeds of sales, or gross income of the business in the city is equal to or less than \$2,000 (or higher threshold as determined by city) and who does not maintain a place of business within the city shall be exempt from the general business license requirements in this chapter. The exemption does not apply to regulatory license requirements or activities that require a specialized permit.

**2. Threshold with Fee-free License/Registration-only Option:**

For purposes of the license by this chapter, any person or business whose annual value of products, gross proceeds of sales, or gross income of the business in the city is equal to or less than \$2,000 (or higher threshold as determined by city) and who does not maintain a place of business within the city, shall submit a business license registration to the Director or designee. The threshold does not apply to regulatory license requirements or activities that require a specialized permit.

[City would list this fee-free license in its business license rates section as \$0 or no fee.]

**Engaging in business model definition:**

"Engaging in business"

(1) The term "engaging in business" means commencing, conducting, or continuing in business, and also the exercise of corporate or franchise powers, as well as liquidating a business when the liquidators thereof hold themselves out to the public as conducting such business.

(2) This section sets forth examples of activities that constitute engaging in business in the City, and establishes safe harbors for certain of those activities so that a person who meets the criteria may engage in de minimus business activities in the City without having to pay a business license fee. The activities listed in this section are illustrative only and are not intended to narrow the definition of "engaging in business" in subsection (1). If an activity is not listed, whether it constitutes engaging in business in the City shall be determined by considering all the facts and circumstances and applicable law.

(3) Without being all inclusive, any one of the following activities conducted within the City by a person, or its employee, agent, representative, independent contractor, broker or another acting on its behalf constitutes engaging in business and requires a person to register and obtain a business license.

(a) Owning, renting, leasing, maintaining, or having the right to use, or using, tangible personal property, intangible personal property, or real property permanently or temporarily located in the City.

(b) Owning, renting, leasing, using, or maintaining, an office, place of business, or other establishment in the City.

(c) Soliciting sales.

(d) Making repairs or providing maintenance or service to real or tangible personal property, including warranty work and property maintenance.

(e) Providing technical assistance or service, including quality control, product inspections, warranty work, or similar services on or in connection with tangible personal property sold by the person or on its behalf.

(f) Installing, constructing, or supervising installation or construction of, real or tangible personal property.

(g) Soliciting, negotiating, or approving franchise, license, or other similar agreements.

(h) Collecting current or delinquent accounts.

(i) Picking up and transporting tangible personal property, solid waste, construction debris, or excavated materials.

(j) Providing disinfecting and pest control services, employment and labor pool services, home nursing care, janitorial services, appraising, landscape architectural services, security system services, surveying, and real estate services including the listing of homes and managing real property.

- (k) Rendering professional services such as those provided by accountants, architects, attorneys, auctioneers, consultants, engineers, professional athletes, barbers, baseball clubs and other sports organizations, chemists, consultants, psychologists, court reporters, dentists, doctors, detectives, laboratory operators, teachers, veterinarians.
  - (l) Meeting with customers or potential customers, even when no sales or orders are solicited at the meetings.
  - (m) Training or recruiting agents, representatives, independent contractors, brokers or others, domiciled or operating on a job in the City, acting on its behalf, or for customers or potential customers.
  - (n) Investigating, resolving, or otherwise assisting in resolving customer complaints.
  - (o) In-store stocking or manipulating products or goods, sold to and owned by a customer, regardless of where sale and delivery of the goods took place.
  - (p) Delivering goods in vehicles owned, rented, leased, used, or maintained by the person or another acting on its behalf.
- (4) If a person, or its employee, agent, representative, independent contractor, broker or another acting on the person's behalf, engages in no other activities in or with the City but the following, it need not register and obtain a business license.
- (a) Meeting with suppliers of goods and services as a customer.
  - (b) Meeting with government representatives in their official capacity, other than those performing contracting or purchasing functions.
  - (c) Attending meetings, such as board meetings, retreats, seminars, and conferences, or other meetings wherein the person does not provide training in connection with tangible personal property sold by the person or on its behalf. This provision does not apply to any board of director member or attendee engaging in business such as a member of a board of directors who attends a board meeting.
  - (d) Renting tangible or intangible property as a customer when the property is not used in the City.
  - (e) Attending, but not participating in a "trade show" or "multiple vendor events". Persons participating at a trade show shall review the City's trade show or multiple vendor event ordinances.
  - (f) Conducting advertising through the mail.
  - (g) Soliciting sales by phone from a location outside the City.
- (5) A seller located outside the City merely delivering goods into the City by means of common carrier is not required to register and obtain a business license, provided that it engages in no other business activities in the City. Such activities do not include those in subsection (4).

The City expressly intends that engaging in business include any activity sufficient to establish nexus for purposes of applying the license fee under the law and the constitutions of the United States and the State of Washington. Nexus is presumed to continue as long as the taxpayer benefits from the activity that constituted the original nexus generating contact or subsequent contacts.



## CITY OF KENMORE

**BUSINESS REGISTRATION PROGRAM**

The City Council adopted Ordinance No. 13-0356 on April 22, 2013 which establishes an annual Business Registration Program for businesses that are physically located in Kenmore, Washington. (Kenmore Municipal Code Chapter 5.105)

The 2009 Economic Development Strategy recommended a Business Registration as a good way for the City to connect with local businesses to be able to learn more about the needs of local businesses. Other expected benefits are:

- Provides the foundation for creating a **Kenmore Business Directory** for those businesses with a Kenmore Business Registration who wish to be included in it;
- Helps identify business clusters and other information that helps the City in marketing and designing initiatives aiding local businesses—an example is home based businesses;
- Revenue from the program will be directed to promoting the Kenmore business community and other programs for local businesses, such as the Kenmore Business Alliance; and
- Helpful emergency contact and safety information will be available for public safety agencies.

The City has joined about 60 Washington cities who work with the Washington Department of Revenue's (DOR) Business Licensing Service, for convenient, online registration and renewal services.

Effective March 31, 2014, new and established businesses physically located in Kenmore and businesses that are moving into Kenmore that meet the Kenmore Business Registration requirements listed below, will be required to get a City of Kenmore Business Registration.

**Who Needs to Have a City Business Registration?**

- Businesses who are located in Kenmore, with a gross annual income over \$12,000
- Nonprofit organizations located in Kenmore
- Kenmore businesses with gross annual income under \$12,000 may register voluntarily (only registered businesses may be listed in the Kenmore Business Directory)

**Who is Exempt from City Business Registration?**

- Businesses located outside Kenmore that are doing business with Kenmore customers
- Minors
- Schools and Universities
- Churches
- Farmers selling their own products
- Government agencies, including Vendors at City sponsored events

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### How Do I Register My Business?

**It's Easy!** For convenient online registration, go to <http://bls.dor.wa.gov/> You can reach DOR's Business Licensing Service by telephone at **1.800.451.7985**. You can also get information on registering your business by visiting Kenmore City Hall.

### What is the Cost to Register?

|                                        |                                                                                                                                                                                                                                                                                     |
|----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| New City Business Registration:        | \$29 (\$10 City of Kenmore; \$19 Department of Revenue Administrative Fee)                                                                                                                                                                                                          |
| Renewal Fee (effective 2015)*:         | \$21 (\$10 City of Kenmore; \$11 Department of Revenue Administrative Fee)                                                                                                                                                                                                          |
| New Non Profit Organizations:          | \$19 (\$0 City of Kenmore; \$19 Department of Revenue Administrative Fee for initial registration; a copy of your 501(c) is required) Non Profit Organizations with existing State tax registrations will not be subject to a fee at the time of City Business Registration in 2014 |
| Non Profit Organizations 2015 Renewal: | \$11 (\$0 City of Kenmore; \$11 Department of Revenue Administrative Fee)                                                                                                                                                                                                           |

\*Please note that if your business requires other State of Washington endorsements for certain activities (such as beer/wine sales), your annual renewal date may change. City Business Registration fees may be prorated at the first renewal. Your business will have **one** renewal date and **one** annual payment for all applicable state and local registrations.

In addition to the new Business Registration, the City of Kenmore will continue to require regulatory business licenses for certain types of businesses, such as second-hand sales and some entertainment businesses.

Note: Pursuant to Kenmore Municipal Code 5.105.060.F, a person engaged in business in the City must comply with all applicable City ordinances and code provisions, and state and federal laws. Receipt of a business registration does not waive this requirement.

**How Do I Get My Business Listed in the Kenmore Business Directory?** Businesses with a Kenmore Business Registration have the option of being included in the online Kenmore Business Directory. Please go to <http://dor.wa.gov/kenmore> to provide your business information as you want it listed in the Directory. The directory is updated monthly as new business listings are added. You can view the Directory by going to [www.findkenmore.org](http://www.findkenmore.org) Your business must have a Kenmore Business Registration in order to be listed in the Directory.

For more information please go to the City website [www.kenmorewa.gov](http://www.kenmorewa.gov) or call 425-398-8900

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