



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

City of Kenmore
City Council Special & Regular Meeting Agenda

6:00 p.m., Monday, October 10, 2016

Kenmore City Hall, Council Chambers
18120 68th Ave. NE, Kenmore, WA 98028

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

I. 6:00 p.m. CALL SPECIAL MEETING TO ORDER

II. EXECUTIVE SESSION

Pursuant to RCW42.30.110(1)(i), Potential Litigation and Litigation

III. POSSIBLE ACTION RELATING TO EXECUTIVE SESSION

IV. ADJOURN SPECIAL MEETING

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

VI. ROLL CALL

VII. FLAG SALUTE

VIII. AGENDA APPROVAL

IX. PRESENTATION

- A. Recognition of Joanne Gregory, Finance & Administration Director, and Brian Randall, Accountant, for Receipt of the Washington Finance Officers Association (WFOA) Professional Finance Officer Award
[Award Letters](#)

X. CITIZEN COMMENTS

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

XI. CONSENT AGENDA

- A. Adopt Minutes for the September 12, 2016 City Council Meeting
[DRAFT 09 12 2016 Minutes](#)
- B. The Following Checks and Electronic Payments are Approved for Payment:
Total Check Numbers 35252 through 35350 in the amount of \$847,063.55
Payroll Check Number 9102 in the amount of \$1,216.69
Total Payroll Electronic Deposits Dated 09/16/2016 in the amount of \$79,360.75
[Checks & Electronic Payments](#)
- C. Receive and File August Financial Report for the City of Kenmore, Washington
[Agenda Bill & Attachment](#)
- D. Authorize the City Manager to Execute Amendment No. 5 to Contract No. 14-C1324 with Hewitt Architects for Professional Services in the Amount of \$35,500
[Agenda Bill](#)

XII. PUBLIC HEARINGS

- A. Proposed Changes to Single-Family Zoning Rules - Debbie Bent, Community Development Director, and Lauri Anderson, Senior Planner
[Agenda Bill & Attachments](#)
- B. Wireless Communications Facilities Code Amendments, Ordinance No. 16-0426 - Debbie Bent, Community Development Director, and Lauri Anderson, Senior Planner
[Agenda Bill, Draft Ordinance \(Attachment 1\), and Attachments A & B Attachment C Attachments D - G and Attachments 2 - 4](#)

XIII. BUSINESS AGENDA

- A. Adopt Ordinance No. 16-0426, Wireless Communication Facilities Code Amendments - Debbie Bent, Community Development Director, and Lauri Anderson, Senior Planner
[See PUBLIC HEARING VIII. B. for Agenda Bill & Attachments](#)
- B. Discussion of Proposed Changes to Single-Family Zoning Rules - Debbie Bent, Community Development Director, and Lauri Anderson, Senior Planner
[See PUBLIC HEARING VIII. A. for Agenda Bill & Attachments](#)
- C. Receive and File Estimates of Revenue and Expenditures for Current 2015-2016 Budget and Preliminary 2017-2018 Budget for the City of Kenmore, Washington - Joanne Gregory, Finance & Administration Director
[Agenda Bill](#)

XIV. STAFF REPORT

XV. COUNCILMEMBER REPORTS, COMMENTS & INITIATIVES

XVI. ADJOURNMENT

Upcoming Meetings:

Mon., October 17, 2016 7:00 City Council Regular Meeting

Tues., October 18, 2016 7:00 Planning Commission Regular Meeting

Mon., October 24, 2016 7:00 City Council Regular Meeting



Washington
Finance Officers
Association

RECEIVED
AUG 10 2016

CITY OF KENMORE

June 29, 2016

Rob Karlinsey, City Manager
City of Kenmore
P O Box 82607
Kenmore, WA 98028

Dear Mr. Karlinsey:

The Washington Finance Officers Association and I would like to inform you that **Joanne Gregory** has earned the "Professional Finance Officer Award" for the State of Washington from the Washington Finance Officers Association. This annual award requires ongoing educational and professional excellence on the part of each individual and is not automatically awarded.

Joanne is committed to achieving educational and professional excellence as acknowledged in the receipt of this award for 14 years.

The Association would like to thank you for your continued support and encourage you to recognize this accomplishment in some manner.

Sincerely,

Dawn Masko

Dawn Masko, PFO Chairperson
Assistant City Administrator
City of North Bend
PO Box 896
North Bend, WA 98045
(425) 888-7630
DMasko@northbendwa.gov

Washington Finance Officers Association * 2601 Fourth Avenue, Suite 800 * Seattle, Washington * 98121-1280



RECEIVED
AUG 10 2016

CITY OF KENMORE

June 29, 2016

Joanne Gregory, Finance Director
City of Kenmore
P O Box 82607
Kenmore, WA 98028

Dear Ms. Gregory:

The Washington Finance Officers Association and I would like to inform you that **Brian Randall** has earned the "Professional Finance Officer Award" for the State of Washington from the Washington Finance Officers Association. This annual award requires ongoing educational and professional excellence on the part of each individual and is not automatically awarded.

Brian is committed to achieving educational and professional excellence as acknowledged in the receipt of this award for 8 years.

The Association would like to thank you for your continued support and encourage you to recognize this accomplishment in some manner.

Sincerely,

Dawn Masko

Dawn Masko, PFO Chairperson
Assistant City Administrator
City of North Bend
PO Box 896
North Bend, WA 98045
(425) 888-7630
DMasko@northbendwa.gov

Washington Finance Officers Association * 2601 Fourth Avenue, Suite 800 * Seattle, Washington * 98121-1280

**City of Kenmore, Washington
City Council Special & Regular Meeting
Minutes
September 12, 2016**

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

EXECUTIVE SESSION

Mayor Baker recessed the regular meeting to an executive session at 6:00 p.m. to discuss Potential Litigation, pursuant to RCW 42.30.110(1)(i). He stated that the executive session will last for approximately 60 minutes and that action may be taken when the meeting is reconvened. Mayor Baker extended the executive session for 15 minutes at 7:02 p.m.

CALL REGULAR MEETING TO ORDER – The Kenmore City Council meeting was called to order by Mayor David Baker at 7:17 p.m.

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

Staff present: Rob Karlinsey, City Manager; Nancy Ousley, Assistant City Manager; Joanne Gregory, Finance & Administration Director; Kris Overleese, Public Works Director/City Engineer; Debbie Bent, Community Development Director; Bryan Hampson, Development Services Director; Lauri Anderson, Senior Planner; Janet Quinn, Project Coordinator; Cliff Sether, Police Chief; Dawn Reitan, City Attorney; and Nancy Meehan, Executive Assistant

FLAG SALUTE

Mayor Baker led the flag salute.

AGENDA APPROVAL

Councilmember Smith moved to amend the agenda by adding a Business Item for discussion of Potential Action Relating to Enforcement of the Frontier Franchise Agreement, as the first item on the Business Agenda. The motion passed unanimously.

PROCLAMATION

Mayor's Day of Concern for the Hungry, September 17, 2016 – Mayor Baker read the proclamation into the record.

CITIZEN COMMENTS

Sharon Hawkins, 7301 NE 175th Street, #308, Kenmore, was present to represent Inglewood East Shores Mobile Home Park, asking for help because the owners have raised the rent significantly every year, while most of the residents are elderly people on fixed incomes. She also submitted a letter to the Council.

Liz Cairasquero, 19807 N. Creek Parkway N, Bothell, was present representing T-Mobile Wireless, to ask Council to consider the letter that was submitted by Davis Wright Tremaine, LLP, regarding the wireless communication facilities ordinance.

Carol Tagayun, 19807 NE 160th Place, Woodinville, was present on behalf of AT&T, regarding the wireless communication facilities ordinance.

Ken Lyons, 113 Cherry Street, Seattle, was present was present on behalf of AT&T, regarding the wireless communication facilities ordinance.

Kim Allen, 113 Cherry Street, Seattle, was present on behalf of AT&T, regarding the wireless communication facilities ordinance.

Kate Donaldson, 6401 NE 181st Street, Kenmore, was present to state her concerns regarding heavy manufacturing activities in the City.

Chuck Madwell, 6041 118th Avenue SE, Bellevue, was present on behalf of Verizon Wireless, regarding the wireless communication facilities ordinance.

Corina Pfeil, 18904 68th Avenue NE, Kenmore, was present to address several issues.

Dennis Mendrey, 6410 NE 182nd Street, Kenmore, was present to speak about several issues. He submitted "Let's Beautify This" invitation cards for distribution.

Robert Burens, 6423 NE 175th Street, Kenmore, was present on behalf of CalPortland, to speak about noise complaints and their efforts to ensure their compliance with recently passed legislation which affects their operation.

Noel Barnett, 420 SW 11th Avenue, Canby, Oregon, Environmental Manager for Cemex, was present to speak about heavy manufacturing operations and activities regulations and their compliance.

Linda Atkins, of Davis Wright Tremaine, LLP, submitted a letter and other documents, via e-mail prior to the meeting, regarding proposed Ordinance No. 16-0426 and some recommended amendments.

Mayor Baker thanked the citizens for their comments.

CONSENT AGENDA

Councilmember Curtis moved to approve the consent agenda as submitted. Councilmember Sperry seconded the motion to Adopt the Minutes of the July 25 and August 15, 2016 City Council Meetings; Receive and File the June City Council Budget Retreat Summary Report; Approve the Following Checks and Electronic Payments for Payment: Total Check Numbers 34976 through 35068 in the Amount of \$1,078,780.37, and Total Payroll Check Number 8957 in the Amount of \$1,065.97, and Total Payroll Electronic Deposits Dated 08/05/2016 in the Amount of \$78,326.85; Approve the Following

Checks and Electronic Payments for Payment: Total Check Numbers 35069 through 35164 in the Amount of \$606,483.88, and Total Payroll Check Numbers 9006 through 9007 in the Amount of \$1,015.54, and Total Payroll Electronic Deposits Dated 08/19/2016 in the Amount of \$80,618.95; Receive and File the July 2016 Financial Report for the City of Kenmore, Washington; Receive and File the 2016 Transportation Grans Summary; Authorize Contract No. 16-C1601, Department of Ecology (DOE) Water Quality Grant Funding Interlocal Agreement; Adopt Resolution No. 16-287 Granting Final Approval for Walters Plat; Authorize Contract No. 16-C1609, Settlement Agreement Between the City and Wesley Boyd; Authorize Contract No.16-C1605, Interlocal Agreement with the Port of Seattle for Economic Development Partnership Program Grant Funded Projects; Authorize Contract No. 16-C1604, Interlocal Agreement with Seattle Public Utilities for Tolt Pipeline Trail; Authorize Contract No. 16-C1603, Interlocal Agreement with Northshore School District for School Resource Officer; Approve Amendment No. 2 to Contract No. 15-C1456 with Coast & Harbor Engineering, a Division of Hatch Mott MacDonald, for Squires Landing Park Conceptual Plans; Approve Amendment No. 2 to Contract No. 15-C1457 with Coast & Harbor Engineering, a Division of Hatch Mott MacDonald, for Log Boom Park Conceptual Plans; Approve Amendment No. 1 to Contract No. 15-C1484 with KPFF Consulting Engineers for On-Call Services for Traffic Engineering, Transportation and Parks; Authorize Contract No. 16-C1583 with Jaymarc AV for Town Green Audio/Visual Equipment Purchase and Installation. The motion passed unanimously.

BUSINESS AGENDA

Potential Action Relating to Enforcement of the Frontier Franchise Agreement

Councilmember Smith moved to authorize and direct the City Manager and City Attorney's office to enforce the Frontier franchise agreement with actions that include, but are not limited to, seeking liquidated damages and/or filing a lawsuit in King County Superior Court seeking all potential legal and equitable remedies afforded to the City under the franchise. Mayor Baker seconded the motion. The motion passed 7 - 0.

Heavy Manufacturing Operations and Activities – Bryan Hampson, Development Services Director, was present to give a brief report. He was also available to answer any questions.

June 2016 Financial Report for the City of Kenmore, Washington – Joanne Gregory, Finance & Administration Director, was present to give a brief report. She was also available to answer any questions.

Councilmember Curtis moved to Receive and File the June 2016 Financial Report for the City of Kenmore, Washington. Councilmember Denuski seconded the motion. The motion passed 7 - 0.

Comcast Master Service Agreement, City of Kenmore Contract No. 16-C1598 – Joanne Gregory, Finance & Administration Director, was present to give a brief report. She was also available to answer any questions.

Councilmember Sperry moved to authorize the City Manager to execute Contract No. 16-C1598, Comcast Master Service Agreement. Councilmember Denuski seconded the motion. The motion passed 7 - 0.

Adoption of Resolution No. 16-288, Authorizing the Establishment of an Employee Recognition Program and an Annual Recognition Event – Rob Karlinsey, City Manager, and Janet Quinn, Project Coordinator, were present to provide a PowerPoint presentation and a brief report. They were also available to answer any questions.

Councilmember Curtis moved to Adopt Resolution No. 16-288, Authorizing the Establishment of an Employee Recognition Program and an Annual Recognition Event. Councilmember Herbig seconded the motion. The motion passed 7 - 0.

Consideration of Ordinance No. 16-0426, Wireless Communication Facilities Code Amendments – Debbie Bent, Community Development Director, and Lauri Anderson, Senior Planner, were present to give a brief report. They were also available to answer any questions.

It was Council consensus to have staff make two changes to the Ordinance, 1) make “small cells” a permitted use rather than requiring a conditional use permit, and 2) clarify that the major adjustment criterion that requires a “significant gap in service” applies to both a gap in service coverage and a gap in service capacity, and then bring the Ordinance back to the Council for adoption at a later meeting.

Adoption of Ordinance No. 16-0427, Complete Streets Policy for Design and Implementation of Transportation Projects in the City of Kenmore, Washington – Brett Schock, Traffic Engineer, and Kris Overleese, Public Works Director/City Engineer, were present to provide a PowerPoint presentation and a brief report. They were also available to answer any questions.

Councilmember Sperry moved to Adopt Ordinance No. 16-0427, Complete Streets Policy for Design and Implementation of Transportation Projects in the City of Kenmore, Washington. Councilmember Herbig seconded the motion. The motion passed 7 - 0.

STAFF REPORT

City Manager Karlinsey stated that the City had another sunny, warm day power outage, and got a lot of citizen complaints. This morning the City sent out a statement detailing what we are doing. He updated the Council on the status of the PSE franchise agreement. There was some discussion among Council on this issue.

CITY COUNCILMEMBER REPORTS, COMMENTS & INITIATIVES

Councilmember Sperry stated that the mural dedication was lots of fun and very special.

Councilmember Herbig stated that the mural dedication was pretty amazing.

Deputy Mayor stated that Mayor Baker is coming close to 15 years on the City Council. He noted that he has a WRIA 8 meeting this Thursday. ETP is planning a second conference on planning and technology on December 2nd.

Mayor Baker stated that he would like to do a proclamation in honor of Evelyn LaBorn's 100th birthday, which he will present to her on September 23rd. He will participate in a panel at the Downtown Seattle Association on Friday morning. He recently met with Dave Reichert about a few issues in Kenmore and some senior issues. He stated that he received an AWC Advocacy Award last Wednesday night. He and Kris Overleese represented the City at the recent Metro Connects Long-Range Plan kickoff. He was elected Chair of the Sound Cities Association Legislative Committee, and he serves on the AWC Legislative Committee. He stated that he will be gone for the next two meetings.

ADJOURNMENT

Mayor Baker adjourned the regular meeting at 9:53 p.m.

David Baker, Mayor

ATTEST:

Patty Safrin, City Clerk

Voucher Certification and Approval

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due and unpaid obligation against the City of Kenmore and that I am authorized to authenticate and certify to said claim.

The following checks and electronic payments are approved for payment:

Total Check numbers: 35252 through 35350 \$ 847,063.55

Payroll check number: 9102 \$ 1,216.69

Total Payroll electronic deposits dated: 09/16/2016 \$ 79,360.75

 9-30-16

City Manager Date

 9/23/16

Finance Director Date

Check #	Vendor Name	Description	Check Amount
35252	WA STATE DEPARTMENT OF AGRICULTURE	Pesticide Exam Fee - Quinn Proffitt	25.00
35253	AQUATECHNEX LLC	Parks Aquatic Weed Control Treatment	24,768.90
35254	NATIONWIDE FINANCIAL 401a	Social Security Replacement Plan	11,877.97
35255	NATIONWIDE RETIREMENT SOLUTIONS 457	Deferred Comp Payroll Deduction	195.00
35256	ICMA RETIREMENT TRUST 457 - 304745	Deferred Comp Payroll Deduction	3,103.81
35257	DRS 457	Deferred Comp Payroll Deduction	1,160.00
35258	AFLAC	Private Medical/ Disability Plans	348.94
35259	CITY OF KENMORE FS	Flexible Spending Medical Plans	396.38
35260	BANK OF AMERICA 941	Payroll Taxes	17,169.39
35261	DEPARTMENT OF RETIREMENT SYSTEMS	WA State Retirement	19,397.02
35262	DEPARTMENT OF LABOR AND INDUSTRIES	Worker's Compensation	2,438.94
35263	UNITED WAY OF KING COUNTY	Employee Charitable Contribution	442.00
35264	NATIONAL LIFE OF VERMONT	Life Insurance	123.17
35265	AMERICAN GENERAL LIFE GPO-400S	Life Insurance	432.17
35266	STATE OF FLORIDA DISBURSEMENT UNIT	Payroll Deduction	275.00
35267	HSA BANK	Employee Health Savings Acct. Contribution	80.76
35268	AWC EMPLOYEE BENEFITS	Employee Health Insurance	46,410.57
35269	LINCOLN NATIONAL LIFE INSURANCE	Life/Long Term Disability/AD&D	926.48
35270	GOOD TO GO	405 Toll Vehicle #301 (LFP) 8/17/16	2.75
35271	AQUATECHNEX LLC	Task One of Aquatic Plant Management	2,518.50
35272	UNITED STATES POSTMASTER	Postage for Fall Newsletter	1,558.12
35273	BAKER, DAVID	Aug/Sept. Mileage Reimbursement	394.20
35274	CITY OF LAKE FOREST PARK	August Public Works Crew/Equipment	73,682.55
35275	COASTWIDE LABORATORIES	City Hall Maintenance Supplies	109.75
35276	CODE PUBLISHING COMPANY	Kenmore Municipal Code Electronic Update	258.37
35277	REPUBLIC SERVICES	August City Hall & Rhod. Park Solid Waste Svcs	1,028.64

35278	FERGUSON ENTERPRISES INC #1539	Drainage Materials	363.64
35279	FRUHLING SAND & TOPSOIL	Dump Fees & Crushed Rock Purchased	628.92
35280	CALPORTLAND COMPANY	Drainage Materials	128.03
35281	HOME DEPOT CREDIT SERVICES	Landscape Timber	8.68
35282	JET CITY PRINTING	Walkways & Waterways Fact Sheet	279.23
35283	KING COUNTY RADIO COMM SERVICES	8/1-10/31 Emergency Telecommunications	283.61
35284	KING COUNTY SHERIFF	July Fireworks Police Dept. Overtime	2,507.90
35285	KING COUNTY SHERIFF	August Police Services	277,866.66
35286	FEDEX OFFICE	Display Boards	941.05
35287	LIGHTHOUSE CONSULTING INC	August IT Services	5,005.90
35288	NEOPOST NORTHWEST	Postage Machine Tape	58.02
35289	NORTHSHORE FIRE DEPT	August Fire Marshal Plan Review	480.00
35290	NORTHSHORE UTILITY DIST	August Vehicle Fuel & Maintenance	2,530.50
35291	NORTHSHORE UTILITY DIST	Moorlands Park Wtr/Swr Availability Certificate	160.00
35292	OFFICE DEPOT	Office Supplies	72.53
35293	OFFICE TEAM	Development Svcs & City Clerk Temporary Help	2,436.92
35294	OGDEN, MURPHY, WALLACE	Aug. St. Edward Ballfields Professional Services	2,697.50
35295	PACIFIC TOPSOILS	Vegetation Disposal Fees	1,234.81
35296	PUGET SOUND ENERGY	8/15-9/14 Incubator Bldg. Elec	13,117.06
35297	CEMEX	Asphalt for Drainage Repairs	115.99
35298	SEATTLE TIMES	Legal Advertising	979.63
35299	STATE AUDITOR'S OFFICE	2015 TBD & Federal/Financial Audit 08/16 Svcs	5,068.64
35300	STEWART MACNICHOLS HARMELL, INC.	August Public Defender Service	5,000.00
35301	US POSTAL SERVICE (HASLER)	Postage Meter Refill	2,367.53
35302	DANSOUND INC	Replacement for Lost Ck/Concert #5 Sound Svcs	1,261.44
35303	MACLEOD RECKORD	Aug. Prof. Services - 16-C1502 Moorlands Park	3,845.00
35304	VAN NESS, ALLAN	NLC Airfare Reimbursement	435.20
35305	KONICA MINOLTA BUSINESS SOLUTIONS	August Incubator & KBA Copier Leases	488.79
35306	SOUND LAW CENTER	Hearing Examiner Svcs - HEA-2016-02	1,050.00
35307	DIGITAL REPROGRAPHICS SERVICES INC.	St. Edward's Maps/Printing	95.21
35308	HDR ENGINEERING, INC	7/24-8/20 13-C1214 SR522 West A Prof. Svcs,	6,846.86
35309	QUALITY BUSINESS SYSTEMS INC.	8/2-9/1 1st & 2nd Floor Xerox Leases	1,090.99
35310	BANNER BANK JG	Wellness Supplies/Registration/Recruitment Ad	311.69
35311	BANNER BANK KENMORE	Tools/Supplies/Materials	468.79
35312	BANNER BANK KENMORE	Supplies/Registration/Advertising/Emerg. Mgmt	1,093.95
35313	A+ CONFERENCING	8/29 Conference Call Seminary DEIS Alternatives	40.00
35314	BANNER BANK JGORDON	Twedt Property Display Kiosk/Adjustable Desk	1,596.85
35315	ZUMAR	Signage Supplies/Adopt a Park Sign	452.13
35316	COMCAST	9/14-10/13 City Hall Internet/Cable	288.77
35317	TOWN CENTER HARDWARE	August Public Works Materials & Supplies	158.47
35318	HORIZON DISTRIBUTORS INC	SR522 & Northshore Summit Irrigation Parts	42.32
35319	SARAH ROBERTS	July & August Prosecution Services	21,247.24
35320	INTEGRA TELECOM	9/8-10/7 City Hall Phone Service	904.37
35321	FRONTIER	8/28-9/27 City Hall Phones	1,041.09
35322	AM TEST, INC	Swamp Creek Water Sampling	200.00
35323	LAW OFFICE OF JOHN RONGERUDE, PS	August & September Defense Services	900.00
35324	SCHINDLER ELEVATOR CORPORATION	City Hall Elevator Maintenance	2,732.02
35325	BANNER BANK BH	Office Supplies	18.99
35326	MILLER STEPHENS, MARY	August Public Defense Svcs @ SCORE Facility	1,250.00
35327	KAMINS, CHAD	NE 181st St. Sidewalk Improvements	10,390.21

35328	KING COUNTY FINANCE/ GIS	Aerial & Data Aquisition	23.36
35329	BANNER BANK BAKER	Parking	8.00
35330	BANNER BANK PS	Supplies/Binders for Records Management	984.23
35331	PETERSON, JANET	Ergonomics Class & Evaluations	700.00
35332	WAGE WORKS	August FSA/Flex Plan/Aflac Administration Fee	116.00
35333	KENMORE COMMERCIAL LLC	October Incubator Building Lease Payment	3,281.00
35334	UTILITIES UNDERGROUND LOCATION CTR	August Utility Locates	210.27
35335	NORTHWEST LANDSCAPE SERVICES	Sept. SR522 ROW Landscaping 13-C1160	1,745.12
35336	SCORE	August Inmate Housing & July Health Services	31,421.96
35337	NORTHWEST TROPHY	Twedt Property Memorial & Bronze Castings	2,433.28
35338	HERMANSON COMPANY, LLP	City Hall HVAC Preventative Maintenance	2,832.76
35339	MARSHBANK CONSTRUCTION	14-C1328 SR522 West A through 8/25/16	160,658.18
35340	PHSI PURE WATER FINANCE	Incubator Water System Yearly Taxes/Admin. Fee	15.35
35341	SITTS & HILL ENGINEERS, INC.	C15-1464 Rhododendron Park Professional Svcs	1,279.00
35342	BANNER BANK RK	Supplies & Meals	314.52
35343	TOP TO BOTTOM JANITORIAL, INC.	September City Hall Janitorial Service	3,500.00
35344	SWANK MOTION PICTURES, INC.	Halloween Event Movie "Toy Story of Terror"	386.55
35345	ECOSS	16-C1593 SWM Business Outreach 7/1-8/31	1,300.78
35346	TYLER TECHNOLOGIES, INC.	Financial Software License Fees	13,770.99
35347	ESA ADOLFSON	16-C1499 St. Edward Ballfields Professional Svcs	7,236.20
35348	PUGET SOUND ENERGY	8/16-9/14 6734 181st Town Green Natural Gas	34.70
35349	KBA INC.	Aug. Town Green 15-C1475 Construction Mgmt.	17,286.91
35350	SITTS & HILL ENGINEERS, INC.	15-C1464 Aug. Rhododendron & Squires Svcs	5,816.88
9102	QUINN, JANET	Payroll Check	1,216.69
9/16/2016	PAYROLL	Direct Deposit	79,360.75
			<u>\$ 927,640.99</u>

2016	PRIOR VENDOR ACTIVITY	TOTAL	FOR 2016
	A & A LIMOUSINE & BUS SERVICE		1,653.00
	A+ CONFERENCING		823.15
	AA ASPHALTING, INC		11,389.51
	AAA FLAG & BANNER MFG. CO., INC.		4,918.36
	AAA PRINTING		1,100.65
	AABCO BARRICADE COMPANY INC.		2,726.55
	ABIGANIA, ALBERT		300.00
	ACF WEST INC		3,533.01
	ACTION ENTERTAINMENT		395.00
	ACTIVE SHOOTER TRAINING LLC		1,425.00
	ADMAN, STACI		6,296.26
	ADVANCE TESTING & SERVICE INC		702.00
	AFLAC		2,791.52
	AGORA NW LLC		336.39
	ALCALDE & FAY		41,031.21
	ALEXANDER, JEFF		400.00
	ALL CLIMATE HEATING AND AIR		36.05
	ALL TRAFFIC SOLUTIONS		2,625.00
	ALLPLAY SYSTEMS LLC		58.04
	ALPHAGRAPHICS US718		946.78
	ALTA MAXINE MELVIN		14,674.00
	AM TEST, INC		1,350.00
	AMERICAN GENERAL LIFE GPO-400S		3,457.36
	AMERICAN PLANNING ASSOCIATION		2,124.00
	AMERICAN PUBLIC WORKS ASSOCIATION		1,225.00
	AMERICAN SOCIETY OF CIVIL ENGINEERS		225.00
	AMERICAN SOCIETY OF COMPOSERS		336.63
	ANCHOR QEA, LLC		7,611.50
	APPLIED CONCEPTS, INC.		2,979.50
	ARC - PACIFIC NORTHWEST		2,711.51
	ARTS OF KENMORE		4,344.76
	ARTSITE LTD, LLC		1,435.76
	ASPLUNDH		5,420.25
	ASSOCIATION OF WA CITIES		16,935.04
	ATHENAS		320.00
	AURORA RENTS		1,545.42
	AUTO BEE		150.00
	AV CAPTURE ALL		4,718.57
	AVCA HARDWARE		341.33
	AWC EMPLOYEE BENEFITS		361,839.70
	BAKER, BRIDGIT		138.62
	BAKER, DAVID		2,684.88
	BANK OF AMERICA 941		266,096.04
	BANNER BANK		3,774.45
	BANNER BANK DB		1,204.04
	BANNER BANK LD		2,264.98
	BANNER BANK BAKER		7,853.97
	BANNER BANK BH		3,831.50
	BANNER BANK CS		4,034.05

BANNER BANK	DB	1,681.46
BANNER BANK	JG	3,076.60
BANNER BANK	JGORDON	6,498.59
BANNER BANK	KENMORE	23,286.50
BANNER BANK	LD	3,071.35
BANNER BANK	NO	3,074.99
BANNER BANK	PS	1,205.44
BANNER BANK	RK	2,721.45
BANNER BANK	VAN NESS	4,381.46
BARTLETT TREE EXPERTS		394.20
BASTYR UNIVERSITY		50,200.00
BELLEVUE COLLEGE		219.12
BELMARK, LLC		7,776.05
BEN HOLT INDUSTRIES		6,050.00
BERK CONSULTING		76,376.03
BEST BUY BUSINESS ADVANTAGE ACCOUNT		21,943.51
BJELDE, LAUREN		1,750.00
BLACKBAUD		7,225.80
BRAVO ENVIRONMENTAL SERVICE		14,076.30
BRIEN, GAYLYNN		450.00
BRUCE DEES & ASSOCIATES		56,089.28
BUILDERS EXCHANGE OF WASHINGTON INC		451.95
BULGER SAFE & LOCK, INC.		363.54
CALPORTLAND COMPANY		1,154.22
CAPITAL ONE COMMERCIAL/ COSTCO		19.37
CAPPS, DAWNA		50.00
CARSTAR		1,793.19
CASCADE PEST CONTROL		996.45
CASCADE RECREATION, INC		301.13
CATHOUSE PIZZA		112.00
CEMEX		2,430.25
CENTER FOR HUMAN SERVICES		5,000.00
CHICAGO TITLE		1,099.78
CITY OF BELLEVUE		119,804.72
CITY OF KENMORE FS		4,738.46
CITY OF KENT		500.00
CITY OF LAKE FOREST PARK		618,761.17
CITY OF SHORELINE		1,357.68
CITY OF TACOMA		40.00
CITYWORKS/ AZTECA SYSTEMS INC.		21,900.00
CLOWNS UNLIMITED, INC.		897.90
COAST & HARBOR ENGINEERING		63,329.05
COASTAL WEAR PRODUCTS INC		1,356.71
COASTWIDE LABORATORIES		6,293.05
COBRA BEC, INC.		8,945.94
CODE PUBLISHING COMPANY		8,091.27
COLUMBIA RIDGE LANDFILL		8,019.72
COMCAST		4,018.60
CONSOLIDATED PRESS		9,239.49
CONTOUR FENCE CO. INC.		4,789.53

CORT PARTY RENTAL	582.98
COX PRINTING & SIGNS	766.40
CULLEY, AMBERLY	6,296.26
CURTIS, DR. MILTON	60.16
D.R. HORTON	15,000.00
DAILY JOURNAL OF COMMERCE	2,381.55
DANSOUND INC	7,568.64
DAY WIRELESS SYSTEMS	76.44
DEPARTMENT OF ECOLOGY	34,739.65
DEPARTMENT OF LABOR AND INDUSTRIES	19,076.07
DEPARTMENT OF RETIREMENT SYSTEMS	301,817.20
DEPPA, DOUG	127.50
DEVRIES, DENIS	394.23
DIGITAL REPROGRAPHICS SERVICES INC.	219.66
DRS 457	21,360.00
DURRANT, JEFF	178.50
EA ENGINEERING SCIENCE & TECHNOLOGY	3,160.00
ECONOMIC DEV COUNCIL OF SEATTLE/KC	5,000.00
EJ USA, INC.	2,868.72
EMERALD FIRE LLC	289.08
EMPLOYMENT SECURITY DEPT	13,988.75
ENVIRONMENTAL SYSTEMS RESEARCH INST	5,694.00
ESA ADOLFSON	27,692.85
EVERGREEN PRINT SOLUTIONS	715.24
EVERGREEN SAFETY COUNCIL	299.00
EVER-MARK, LLC	1,570.73
FAZZARI MARKETING	1,007.46
FCS GROUP, INC.	5,934.25
FEENEY WIRELESS	1,195.81
FERGUSON ENTERPRISES INC #1539	5,600.09
FINANCIAL CONSULTANTS INT'L INC	495.50
FIRE PROTECTION, INC	5,002.92
FIRE SYSTEMS WEST, INC.	547.50
FIX AUTO	1,000.00
FLEMINGS HOLIDAY LIGHTING LLC	1,394.66
FLOW TECHNOLOGIES INC.	54,497.61
FOOTPRINT PROMOTIONS	1,912.53
FRONTIER	8,373.19
FRUHLING SAND & TOPSOIL	3,379.87
FUJII, GLORIA	1,700.00
G & H PRINTING	298.99
GALLATIN PUBLIC AFFAIRS	30,425.03
GOOD TO GO	16.00
GOODSELL POWER EQUIPMENT #2 INC.	49.13
GORDON THOMAS HONEYWELL	30,035.56
GOVDELIVERY, INC.	11,025.00
GOVERNMENT FINANCE OFFICERS ASSOC	190.00
GRAINGER	1,760.57
GREATER BOTHELL CHAMBER OF COMMERCE	4,600.00
GREGORY, JOANNE	459.50

GRINDLINE SKATEPARKS INC.	12,850.01
GROUP FOUR INC.	7,620.00
HANSEN, COREY	27,400.00
HATFIELD, CHRISTOPHER	75.00
HDR ENGINEERING, INC	526,093.47
HERBIG, NIGEL	61.56
HERMANSON COMPANY, LLP	2,520.18
HESTON VISUAL ARTS	1,051.75
HEWITT	114,314.14
HOME DEPOT CREDIT SERVICES	398.61
HONEY BUCKET	3,551.33
HOPELINK	7,500.00
HOPKINS, CRAIG	687.42
HORIZON DISTRIBUTORS INC	1,701.23
HSA BANK	1,372.92
IAP2 PUGET SOUND CHAPTER	1,550.00
ICMA RETIREMENT TRUST 457 - 304745	51,914.77
iCOMPASS TECHNOLOGIES, INC.	9,650.00
INDEPENDENT STATIONERS	1,265.05
INGLEWOOD GOLF COURSE	1,248.30
INSLEE, BEST, DOEZIE & RYDER, P.S.	315,041.27
INTEGRA TELECOM	7,272.64
INTERNATIONAL BUSINESS INNOVATION	525.00
INTERNATIONAL CITY/CNTY MGMT ASSOC	1,528.46
INTERNATIONAL CODE COUNCIL	135.00
INTERNATIONAL INST OF MUNI CLERKS	220.00
iWORQ SYSTEMS	2,800.00
JACOBS ENGINEERING GROUP	181,302.08
JD PLUMBING & FIRE PROTECTION INC.	214.03
JET CITY PRINTING	3,580.83
JOYCE ZIKER PARKINSON	9,325.00
JP HENNESSY	500.00
JUSTIN BREWER WEB DESIGN	555.00
KAMINS, CHAD	519,470.58
KARLINSEY, ROB	154.72
KBA INC.	84,481.00
KCDA PURCHASING COOP	1,693.69
KD CANOPY	771.00
KEEP POSTED INC	304.00
KENMORE COMMERCIAL LLC	26,672.19
KENMORE HERITAGE SOCIETY	475.00
KIMBERLY LANE 9, LLC	8,645.82
KING COUNTY ANIMAL SVCS	2,349.00
KING COUNTY FINANCE	275,618.69
KING COUNTY FINANCE W.L.R.D.	56,951.80
KING COUNTY FINANCE/ GIS	2,621.11
KING COUNTY FLEET ADMIN	882.17
KING COUNTY MUNICIPAL CLERKS ASSOC	25.00
KING COUNTY OFFICE OF FINANCE	1,838.87
KING COUNTY RADIO COMM SERVICES	567.22

KING COUNTY RECORDER'S OFFICE	166.00
KING COUNTY SHERIFF	1,857,678.65
KING COUNTY TREASURY	12,024.01
KING'S DRYWALL REPAIR LLC	2,299.50
KINGS HEATING	28.84
KOMPAN, INC	169.73
KONICA MINOLTA BUSINESS SOLUTIONS	5,979.98
KORTE, BRENT	27.61
KPFF CONSULTING ENGINEERS	186,575.90
KRAZAN & ASSOCIATES, INC.	8,522.50
KVO INDUSTRIES, INC	1,245.00
LANEY JONES AND THE SPIRITS	1,000.00
LANGTON SPIETH, LLC	35,000.00
LANGUAGE LINE SERVICES, INC.	4.83
LAW OFFICE OF JOHN RUNGERUDE, PS	900.00
LENNAR NORTHWEST, INC.	13,334.10
LIGHTHOUSE CONSULTING INC	50,730.98
LINCOLN NATIONAL LIFE INSURANCE	7,313.61
LOVE BOMB GO-GO	1,500.00
LOYUK, SAMANTHA	52.92
MACDONALD MILLER FACILITY SOLUTIONS	2,079.05
MACLEOD RECKORD	8,511.30
MAGEE, STEVEN	49.44
MAIL FINANCE	2,109.00
MAINSTREET MASONRY RESTORATION LLC	1,228.25
MARINE FLOATS CORPORATION	2,222.85
MARSHBANK CONSTRUCTION	4,421,824.81
MARY BRABEC	3,500.00
MCALLISTER, TERESA	186.18
MCKINNEI, SHAHIN	102.35
METROPOLITAN TRANS. COMMISSION	1,500.00
MILLER STEPHENS, MARY	12,500.00
MIWONGTUM, RACHEL	120.99
MOBILE MINI, INC.	2,528.85
MOON CONSTRUCTION COMPANY	27,199.81
MORGAN SOUND INC	2,131.97
MOTT MACDONALD GROUP, INC.	945.00
MR. T'S TROPHIES	239.47
MUMMA, RYAN	58.32
MUNIMANAGE, LLC	18,125.00
NATIONAL LIFE OF VERMONT	985.36
NATIONWIDE FINANCIAL 401a	210,292.62
NATIONWIDE RETIREMENT SOLUTIONS 457	5,265.00
NORTHLAKE LUTHERAN CHURCH	100.00
NORTHSHORE FIRE DEPT	5,003.00
NORTHSHORE PARK & REC SERVICE AREA	1,360.00
NORTHSHORE ROTARY CLUB	714.00
NORTHSHORE SCHOOL DISTRICT	2,500.00
NORTHSHORE SENIOR CENTER	7,150.00
NORTHSHORE UTILITY DIST	109,154.62

NORTHSHORE YOUTH & FAMILY SERVICES	4,000.00
NORTHWEST ARBORICULTURE LLC	1,235.00
NORTHWEST LANDSCAPE SERVICES	28,711.71
NORTHWEST MARINE TRADE ASSOCIATION	425.00
NORTHWEST PLAYGROUND EQUIPMENT INC.	14.97
NORTHWESTERN COLLECTION SERVICE INC	690.00
NRC ENVIRONMENTAL SERVICES, INC.	4,975.10
OAC SERVICES, INC	307.97
OFFICE DEPOT	8,659.52
OFFICE TEAM	10,935.13
OGDEN, MURPHY, WALLACE	12,122.50
OLYMPIC ENVIRONMENTAL RESOURCES INC	20,457.68
OSBORN CONSULTING INC.	44,365.79
OUSLEY, NANCY	758.38
OVERLEESE, KRISTEN	62.40
OWEN EQUIPMENT COMPANY	1,246.98
PACE ENGINEERS, INC.	18,381.48
PACIFIC TOPSOILS	3,195.34
PACIFICA LAW GROUP LLP	632.50
PAJEK, KELLY	22.00
PAMPLIN MEDIA GROUP	190.00
PARAMETRIX INC	26,969.40
PASSPORT TRAVEL AND TOURS	596.20
PAT'S TREES AND LANDSCAPE INC.	4,043.52
PAWS	1,925.00
PCS MOBILE	4,741.35
PEARSON ESTATES LLC	14,897.46
PEMBERTON, JIM	3,086.64
PENDLETON, MICHAEL	3,186.34
PEOPLES STORAGE	1,608.00
PERFORMANCE SYSTEMS INTEGRATION LLC	826.73
PERSONAL BEST/ TOPHEALTH	117.20
PERTEET INC.	145,394.35
PETERSON, JANET	1,550.00
PETTY CASH CUSTODIAN	838.59
PHSI PURE WATER FINANCE	1,408.76
PRINTWEST	492.75
PROTECTION TECHNOLOGIES, INC	1,224.63
PROTHMAN COMPANY	14,275.80
PRSA	307.00
PUBLIC HEALTH DEPT. OF KING COUNTY	430.00
PUGET SOUND BUSINESS JOURNAL	105.00
PUGET SOUND CLEAN AIR AGENCY	17,411.00
PUGET SOUND ENERGY	165,047.56
PUGET SOUND FINANCE OFFICERS ASSOC	50.00
QUALITY BUSINESS SYSTEMS INC.	7,128.01
R.C. PAINTING & SONS, INC.	1,314.00
RAMCO CONSULTING SERVICES, INC.	185.00
REID, JAMES FALCONER	5,400.00
REIQUAM, PETER	19,500.00

REPUBLIC SERVICES	4,900.94
RESOURCE EXPLORATION, LLC	12,000.00
RFI ENTERPRISES INC.	2,075.03
RICHARDSON, ZACK	116.00
RICHMOND AMERICAN HOMES OF WA	47.00
SALTER, JON	444.00
SAMYN, DR. JEFFREY	250.00
SANDRA OWEN DESIGN	260.00
SARAH ROBERTS	63,741.72
SAUVE, GAYLEN	350.00
SAWYER, RICHARD	124.11
SCHINDLER ELEVATOR CORPORATION	2,787.45
SCHOCK, BRETT	116.00
SCORE	232,671.77
SEATTLE TIMES	10,533.96
SELECT AIR SERVICES DBA GREENWOOD	32.14
SESAC	378.00
SHRED-IT USA LLC	512.80
SIGN UP, SIGN CO, INC	1,474.97
SITEIMPROVE, INC.	2,499.00
SITTS & HILL ENGINEERS, INC.	10,377.67
SKILLET	404.00
SKYWARD CONSTRUCTION	2,509,793.51
SMITH, BRENT	63.72
SNOHOMISH COUNTY	8,680.00
SNO-KING WATERSHED COUNCIL	3,000.00
SOFTRESOURCES LLC	4,243.75
SOFTWAREONE, INC.	10,353.38
SOLOMON ARTS & ENTERTAINMENT	300.00
SOLTERRA	298.65
SOUND CITIES ASSOC	13,018.25
SOUND LAW CENTER	16,898.00
SOUND OCEAN	188.96
SOUND PUBLISHING, INC.	6,338.02
SPERRY, LAURIE	64.80
ST EDWARD STATE PARK	7,410.40
STARDOM SERVICES, INC.	4,080.00
STATE AUDITOR'S OFFICE	20,078.04
STATE OF FLORIDA DISBURSEMENT UNIT	4,675.00
STEWART MACNICHOLS HARMELL, INC.	40,803.00
SUNGARD PUBLIC SECTOR INC.	37,796.00
TACOS LA FLACA	40.00
TECHNEX	24,768.90
TELESYSTEMS WEST	634.12
TERREBONNE LIMITED	301.83
THE DAVEY TREE EXPERT COMPANY	3,613.50
THE TILLERS, LLC	1,750.00
THE WIDE FORMAT COMPANY	1,045.73
THOMAS, MICHAEL	223.30
TOP TO BOTTOM JANITORIAL, INC.	17,900.00

TOPIA TECHNOLOGY/ BIS	1,300.00
TOTAL LANDSCAPE CORP	70,040.32
TOWN CENTER HARDWARE	789.99
TRAFFICALM SYSTEMS	4,515.00
TWO STORY ZORI	1,750.00
UNITED RENTALS NW, INC	1,355.45
UNITED STATES POSTMASTER	3,102.71
UNITED STATES TREASURY	4.10
UNITED WAY OF KING COUNTY	3,757.00
UPS STORE	277.62
US POSTAL SERVICE (HASLER)	7,191.75
UTILITIES UNDERGROUND LOCATION CTR	1,145.52
V2WORKS	935.55
VAN NESS, ALLAN	1,905.55
VAUGHAN, KENT	198.00
VERIZON WIRELESS	8,977.54
VERTICAL VISUAL SOLUTIONS INC.	793.88
VICENTE, JOHN	47.00
VOLGISTICS, INC	540.00
W.S.S.O. Advanced Training	520.00
WA ASSOC OF BUILDING OFFICIALS	1,575.00
WA ASSOC OF PUBLIC RECORDS OFFICERS	175.00
WA CITIES INSURANCE AUTHORITY	229,194.00
WA FINANCE OFFICERS ASSOCIATION	475.00
WA STATE DEPT OF LABOR & INDUSTRIES	141.60
WA STATE DEPT OF TRANSPORTATION	29,913.70
WAGE WORKS	762.00
WALL, JOHN	187.83
WALTERS, GEORGE	7,500.00
WASHINGTON ARCHITECTURAL HARDWARE	1,664.41
WASHINGTON AWARDS	546.39
WASHINGTON CITY/COUNTY MGMT ASSOC	630.00
WASHINGTON STATE DEPT OF REVENUE	2,667.11
WASHINGTON STATE OFFICE CASH MGMT	2,847.50
WASHINGTON STATE PATROL	1,059.80
WASHINGTON TREE SERVICE INC	1,533.00
WATSON, ELIZABETH	500.00
WELLS FARGO FINANCIAL	8,743.77
WELWEST CONSTRUCTION INC.	36,050.00
WESTERN DISPLAY FIREWORKS, LTD.	17,000.00
WETLANDS & WOODLANDS INC	730.91
WHELHAM, STEPHANIE	250.00
WINTERBOURNE LANDSCAPE	574.88
WONDERLAND DEVELOPMENT	1,250.00
WRIGHT, MARCI	1,500.00
WSU URBAN IPM & PESTICIDE SAFEETY	58.00
YOURMEMBERSHIP.COM, INC	150.00
ZONAR SYSTEMS	525.33
ZONES	1,122.80
ZORNES, GARY	641.50
ZUMAR	102.15
	<u>16,102,057.55</u>



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

Subject/Topic: August 2016 Financial Report Presentation Proposed Council Action/Motion: Receive and File August 2016 Financial Report for the City of Kenmore, Washington	For Council Meeting Agenda of: October 10, 2016 Department: Finance and Administration Prepared by: Joanne Gregory <table border="0"> <tr> <td></td> <td align="right"><u>Initial & Date</u></td> </tr> <tr> <td>Approved by Department Head:</td> <td align="right"><i>JWG/9/29/16</i></td> </tr> <tr> <td>Approved by City Attorney:</td> <td></td> </tr> <tr> <td>Approved by Finance Director:</td> <td align="right"><i>JWG/9/29/16</i></td> </tr> <tr> <td>Approved by City Manager:</td> <td align="right"><i>JWG</i></td> </tr> </table> Exhibits/Attachments: August 2016 Financial Report for the City of Kenmore, Washington.		<u>Initial & Date</u>	Approved by Department Head:	<i>JWG/9/29/16</i>	Approved by City Attorney:		Approved by Finance Director:	<i>JWG/9/29/16</i>	Approved by City Manager:	<i>JWG</i>
	<u>Initial & Date</u>										
Approved by Department Head:	<i>JWG/9/29/16</i>										
Approved by City Attorney:											
Approved by Finance Director:	<i>JWG/9/29/16</i>										
Approved by City Manager:	<i>JWG</i>										
Expenditure Required N/A	Amount Budgeted \$59,692,797 Revenues \$69,265,349 Expenditures	Appropriation Required N/A									
<u>INFORMATION/BACKGROUND:</u> The August 2016 monthly financial report is presented for Council review. This provides the opportunity for the City Council and the community to receive information on the City of Kenmore's biennium to date revenues and expenditures in comparison to the City's 2015-2016 adopted biennial budget. The budget was adopted on December 8, 2014. It also provides an opportunity to identify any potential variances or fluctuations from the budget. The mid-biennium budget review process has been completed and the December monthly report reflects the amended budgets approved by the City Council on November 23, 2015. Prior to the close of the current biennium, another budget amendment will be proposed in consideration of programs and actions taken since November 2016.											
<u>FISCAL CONSIDERATION:</u> August is the 19th month (83%) of the 24 month 2015-2016 biennium. The monthly schedules attached include the Transportation Benefit District Fund for informational purposes although it is a separate entity. Total General Fund revenues are at 85% of the amended budget and expenditures are at 79%. Sales taxes, development revenues, and franchise fees are trending ahead of budget. All segments of sales taxes (retail, construction, wholesale, other) continue to be strong. Utility tax revenues continue to be below budget projections.											
<u>COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:</u> Kenmore Budget Policy 9a: A revenue/expenditure report will be produced monthly so that it can be directly compared to the actual results of the fiscal year to date. Kenmore Budget Policy 9b: All budget amendments, both revenues and expenditures, will be noted in the monthly report.											

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PO Box 82607
KENMORE, WASHINGTON 98028

MEMORANDUM

TO: Rob Karlinsey, City Manager
FROM: Joanne Gregory, Finance Director
DATE: September 19, 2016
RE: August 2016 Financial Reports for the City of Kenmore, Washington

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

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

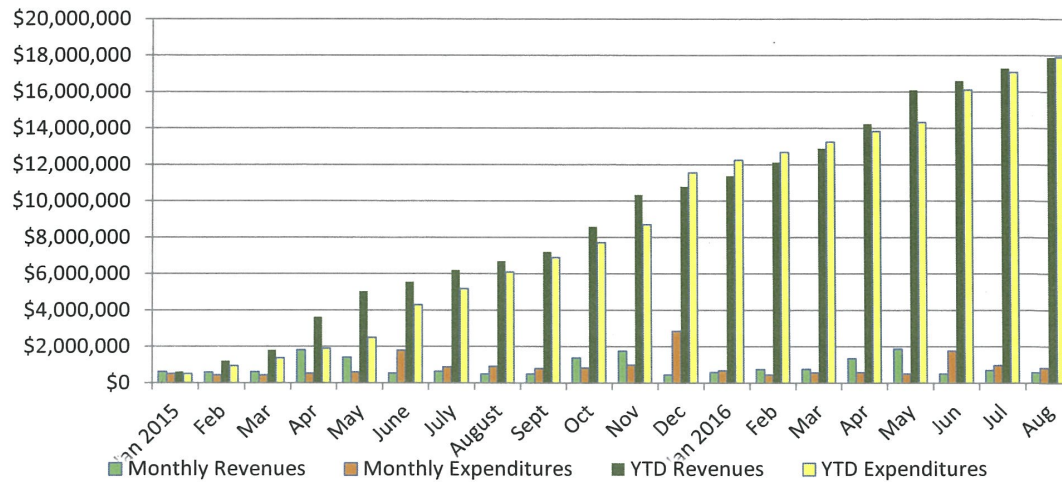
If you would like additional information or have any questions regarding the financial reports, please feel free to contact me.

GENERAL FUND

The first section of the monthly financial report is a review of the General Fund. This fund accounts for operational activities and includes all financial resources except those required or elected to be accounted for in another fund. Revenues include various taxes, per capita distributions from the State, fines and forfeitures, permits and licenses, and fees for service. In the context of the biennial budget, August is the twentieth month (83%) of the 2015-2016 biennial budget period. For the month of August, expenditures exceeded revenues in the General Fund by \$240,867. During the biennium expenditures exceed revenues by \$19,260.

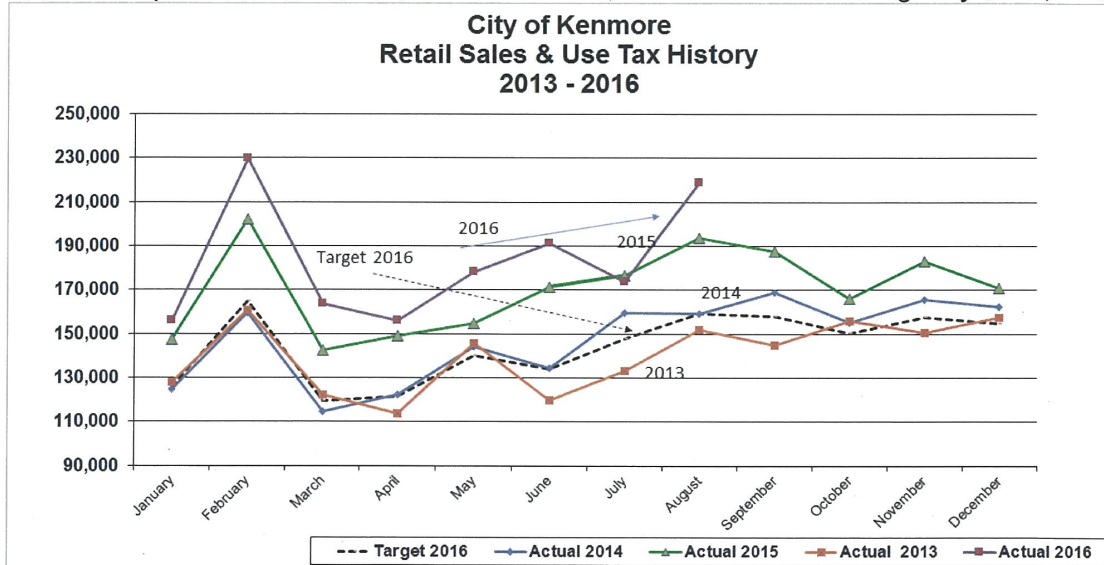
The following chart illustrates the monthly revenue and expenditure activity in the General Fund through August 2016.

City of Kenmore, Washington
Monthly Financial Report
August 2016



Total **revenues** for the month were **\$587,662**. Biennium to date revenues are \$17,879,396, which is 85% of the amended budgeted revenues of \$21,048,270. Primary sources of revenue for the month included property taxes in the amount of \$13,434, development fees & permits in the amount of \$180,924, cable/water/sewer franchise fees in the amount of \$6,755, retail sales and use taxes in the amount of \$218,824, and utility taxes in the amount of \$73,934.

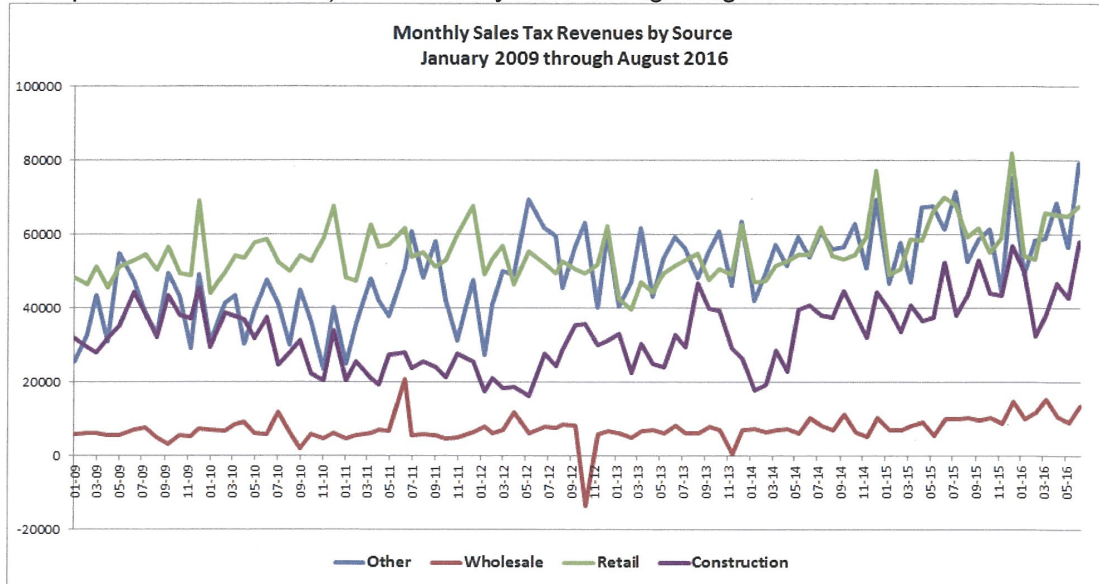
A summary of sales tax revenues received in August is attached. These receipts are based on June sales activity. The chart below gives a historical perspective of monthly sales tax receipts over the last several years. The black dotted Target 2016 line is a monthly average of actual receipts during 2013, 2014, and 2015. The purple line represents 2016 actual receipts, which are \$128,883 above 2015, and ahead of 2016 target by \$354,129.



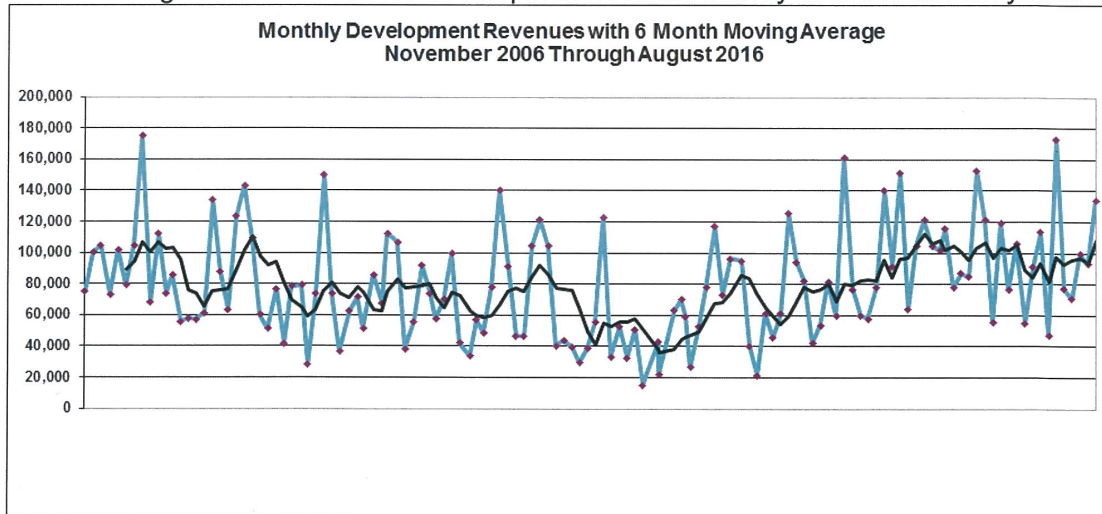
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City of Kenmore, Washington
 Monthly Financial Report
 August 2016

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



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



August 2016 expenditures were **\$828,529**. Biennium to date expenditures are \$17,898,656, which is 79% of the amended biennial budget expenditures of \$22,772,720.

Total City cash (\$7,786,209) and long term investments (\$10,855,531), at the end of August, totaled \$18,641,740. The Other Funds Monthly Activity graphs compare biennium to date revenues and expenditures to the 2015-2016 biennial budget.

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City of Kenmore, Washington
Monthly Financial Report
August 2016

Total non-General Fund revenues were \$482,455 and total non-General Fund expenditures were \$1,028,198.

In the **Street Fund** revenue from gas tax distributions was \$40,891. \$89,996 was expended for maintenance and operations during the month.

In the **Transportation Capital Fund** expenditures were \$42,720 for SR 522 West A construction. The fund also had Sidewalk projects expenditures of \$188,413 during the month. The fund received \$32,373 in grant reimbursements related to SR 522 West A project. The fund also received \$18,353 in reimbursements related to the Sammamish Bridge replacement project and \$9,930 in reimbursements for sidewalk and other street improvements.

The **Park Impact Fee** fund received \$38,447 in revenues during the month.

There was \$137,147 in revenues for the **Transportation Impact Fee** fund during the month.

The **Real Estate Excise Tax** Fund received \$165,397 of real estate excise taxes (REET) in August from sales activity that occurred in July. 65 transactions were reported this month. The 2016 year to date revenue exceeds the 2015 revenue by \$116,232 and by the 2016 Target by \$383,236.

The **Kenmore Village** Fund expended \$430,962 during the month for the Town Green project.

The **Transportation Benefit District** Fund received \$24,512 in vehicle license fees during August bringing the total for the biennium to \$567,945.

SUMMARY

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

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



	CURRENT PERIOD 2015-2016				PRIOR PERIOD 2013-2014			
	MONTH	BIENNIUM TO DATE	% of	BIENNIUM BUDGET	MONTH	BIENNIUM TO DATE	% of	BIENNIUM BUDGET
	August 2016	2015-2016	BUDGET	2015-2016	August 2014	2013-2014	BUDGET	2013-2014
REVENUES								
Beginning Fund Balance		4,233,568		4,221,475				5,525,153
Property Taxes	13,434	6,929,862	77.4%	8,948,766	17,774	6,649,513	77.8%	8,542,053
Sales and Use Taxes	273,837	4,445,072	94.6%	4,700,532	204,689	3,596,725	90.8%	3,960,331
Utility Taxes	73,934	2,027,084	73.4%	2,763,390	92,549	2,302,824	78.3%	2,942,395
Other Taxes	23,084	149,721	132.8%	112,720	11,792	85,495	139.5%	61,300
Development Fees & Permits	180,924	1,998,060	102.4%	1,951,432	63,969	1,608,155	109.8%	1,465,185
Franchise Fees	6,755	1,444,401	101.6%	1,422,160	0	605,947	61.1%	992,405
Intergovernmental and Grants	416	668,149	94.5%	707,370	8,760	585,558	91.5%	639,866
Investment Interest	3,950	116,940	230.6%	50,700	4,941	116,375	199.3%	58,400
Fines and Forfeitures	-50	-6,290	0.0%	0	-98	-2,598	n/a	0
Transfers and Other Revenues	11,377	106,398	27.2%	391,200	7,139	468,485	81.8%	572,536
Total Revenues	587,662	17,879,396	84.9%	21,048,270	411,515	16,016,479	83.3%	19,234,471
Total Revenues & Beginning Fund Balance		22,112,964		25,269,745				24,759,624

	CURRENT PERIOD 2015-2016				PRIOR PERIOD 2013-2014			
	MONTH	BIENNIUM TO DATE	% of	BUDGET	MONTH	BIENNIUM TO DATE	% of	BIENNIUM BUDGET
	August	2015-2016	BUDGET	2015-2016	August 2014	2013-2014	BUDGET	2013-2014
EXPENDITURES								
Cost Center								
City Council	13,931	266,963	81.3%	328,435	9,723	180,469	82.9%	217,644
City Manager	146,934	2,412,925	76.0%	3,173,222	93,692	1,782,668	99.2%	1,796,600
City Clerk	12,945	282,922	101.9%	277,683	15,417	175,163	32.7%	536,261
Finance	54,977	1,284,669	95.7%	1,342,155	34,907	543,579	85.0%	639,213
Legal	55,021	484,366	110.1%	440,000	44,607	370,625	75.0%	494,285
Non-Departmental *	0	0	0.0%	0	78,139	1,351,929	88.2%	1,532,818
Interfund Transfers	0	1,666,216	52.0%	3,202,671	0	3,316,000	212.0%	1,564,000
Public Safety	306,963	6,407,734	79.3%	8,076,115	447,638	6,110,102	85.1%	7,179,563
Engineering & Environmental Services	59,536	1,520,662	99.5%	1,527,950	113,551	1,220,050	116.7%	1,045,741
Community Development	41,419	722,236	87.0%	830,030	35,410	787,160	110.5%	712,632
Developmental Services	61,948	1,484,739	91.6%	1,620,050	52,198	1,062,755	70.8%	1,501,147
Parks & Facility Maintenance	74,856	1,365,224	69.9%	1,954,409	68,995	1,089,498	64.3%	1,695,042
Total Expenditures	828,529	17,898,656	78.6%	22,772,720	994,277	17,989,997	95.1%	18,914,946
Ending Fund Balance		4,214,308		2,497,025			0.0%	5,844,678
Total Expenditures and Ending Fund Balance		22,112,964		25,269,745				24,759,624

*Non-Departmental expenditures have been moved to other General Fund Cost Centers

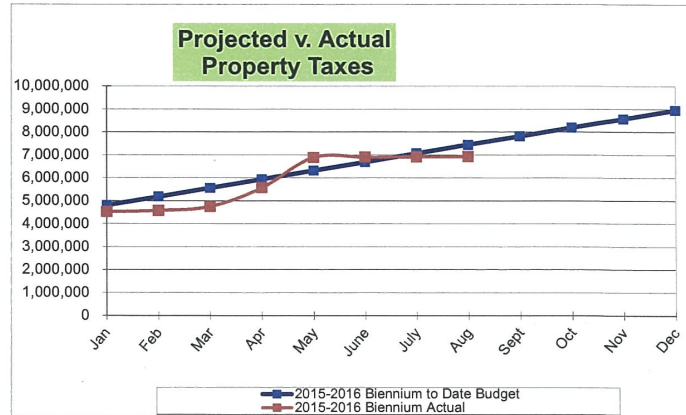
**City of Kenmore, Washington
General Fund Revenue Graphs
August 31, 2016**

PROPERTY TAXES

	2015-2016 Biennium to Date Budget	2015-2016 Biennium Actual
2015	4,427,247	4,511,047
Jan	4,804,040	4,525,700
Feb	5,180,834	4,582,137
Mar	5,557,627	4,749,727
Apr	5,934,420	5,566,829
May	6,311,213	6,891,038
June	6,688,007	6,903,787
July	7,064,800	6,916,428
Aug	7,441,593	6,929,862
Sept	7,818,386	
Oct	8,195,180	
Nov	8,571,973	
Dec	8,948,766	
2015-16	8,948,766	

Year To Date
Actual v. Projected

93%

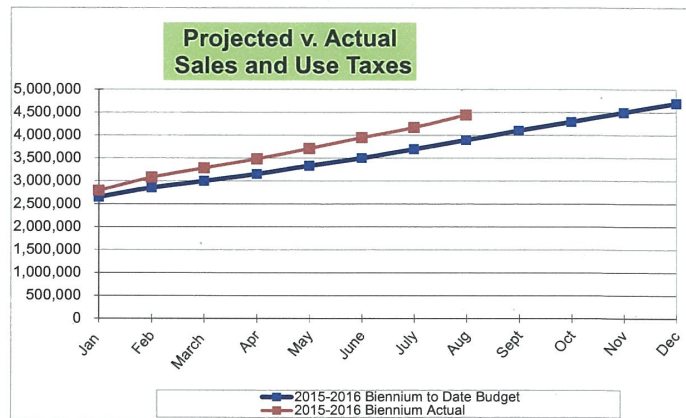


SALES, USE, CRIM JUSTICE TAXES

	2015-2016 Biennium to Date Budget	2015-2016 Biennium Actual
2015	2,491,685	2,592,076
Jan	2,650,828	2,792,417
Feb	2,853,765	3,080,971
March	3,000,413	3,286,344
Apr	3,153,514	3,484,605
May	3,333,030	3,712,580
June	3,501,714	3,950,070
July	3,696,509	4,171,235
Aug	3,895,328	4,445,072
Sept	4,102,013	
Oct	4,294,991	
Nov	4,500,931	
Dec	4,700,532	
2015-16	4,700,532	

Year To Date
Actual v. Projected

114%

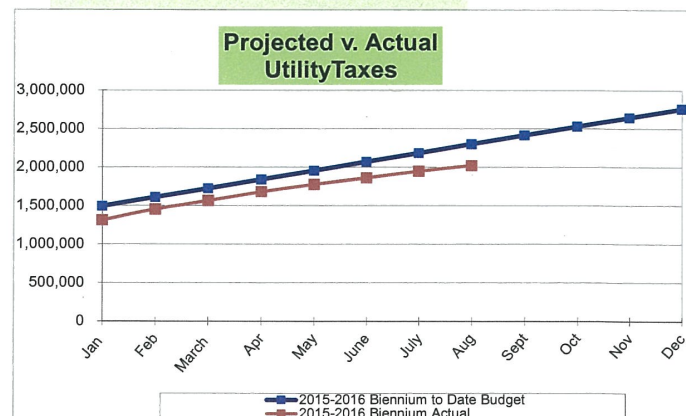


UTILITY TAXES

	2015-2016 Biennium to Date Budget	2015-2016 Biennium Actual
2015	1,381,695	1,185,774
Jan	1,496,836	1,316,335
Feb	1,611,978	1,457,296
March	1,727,119	1,570,026
Apr	1,842,260	1,684,213
May	1,957,401	1,780,173
June	2,072,543	1,866,813
July	2,187,684	1,953,151
Aug	2,302,825	2,027,085
Sept	2,417,966	
Oct	2,533,108	
Nov	2,648,249	
Dec	2,763,390	
2015-16	2,763,390	

Year To Date
Actual v. Projected

88%



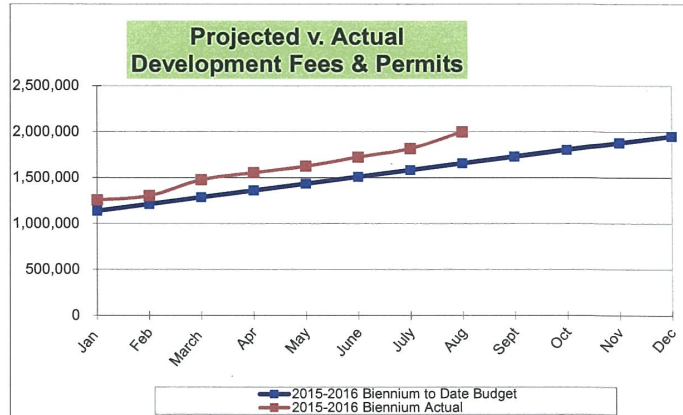
**City of Kenmore, Washington
General Fund Revenue Graphs
August 31, 2016**

DEVELOPMENT FEES & PERMITS

	2015-2016 Biennium to Date Budget	2015-2016 Biennium Actual
2015	1,064,606	1,142,955
Jan	1,138,508	1,256,352
Feb	1,212,410	1,303,426
March	1,286,313	1,476,673
Apr	1,360,215	1,553,688
May	1,434,117	1,624,466
June	1,508,019	1,724,014
July	1,581,921	1,817,136
Aug	1,655,823	1,998,060
Sept	1,729,726	
Oct	1,803,628	
Nov	1,877,530	
Dec	1,951,432	
2015-16	1,951,432	

Year To Date
Actual v. Projected

121%

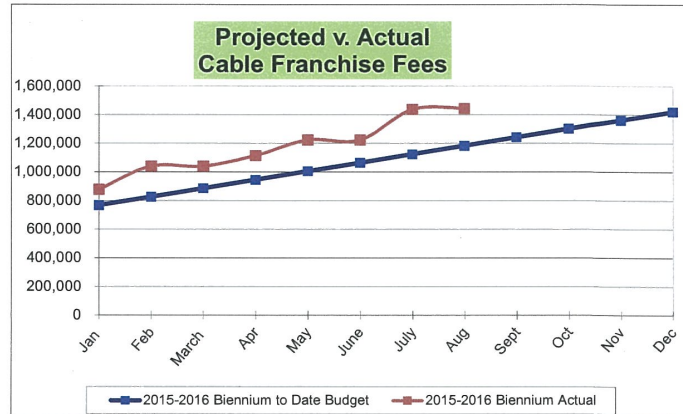


CABLE/WATER/SEWER FRANCHISE FEES

	2015-2016 Biennium to Date Budget	2015-2016 Biennium Actual
2015	708,000	802,881
Jan	767,513	879,309
Feb	827,027	1,040,965
March	886,540	1,040,965
Apr	946,053	1,115,715
May	1,005,567	1,224,237
June	1,065,080	1,224,237
July	1,124,593	1,437,647
Aug	1,184,107	1,444,402
Sept	1,243,620	
Oct	1,303,133	
Nov	1,362,647	
Dec	1,422,160	
2015-16	1,422,160	

Year To Date
Actual v. Projected

122%

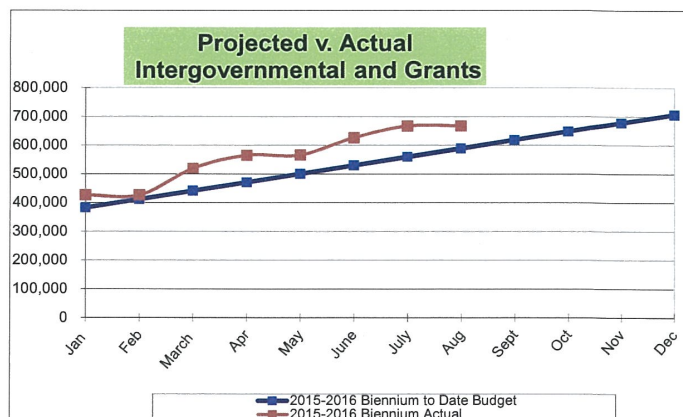


INTERGOVERNMENTAL & GRANTS

	2015-2016 Biennium to Date Budget	2015-2016 Biennium Actual
2015	353,685	387,283
Jan	383,159	427,322
Feb	412,633	427,322
March	442,106	520,174
Apr	471,580	565,989
May	501,054	566,793
June	530,528	627,257
July	560,001	667,732
Aug	589,475	668,148
Sept	618,949	
Oct	648,423	
Nov	677,896	
Dec	707,370	
2015-16	707,370	

Year To Date
Actual v. Projected

113%



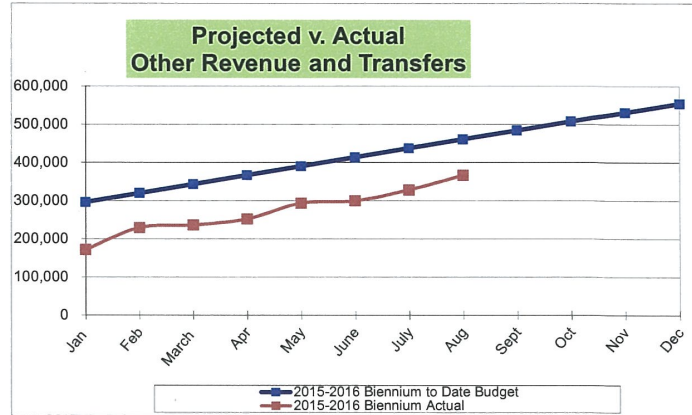
**City of Kenmore, Washington
General Fund Revenue Graphs
August 31, 2016**

OTHER REVENUES AND TRANSFERS

	2015-2016 Biennium to Date Budget	2015-2016 Biennium Actual
2015	272,810	159,157
Jan	296,294	171,910
Feb	319,778	229,302
March	343,263	236,342
Apr	366,747	252,203
May	390,231	293,617
June	413,715	299,699
July	437,199	328,406
Aug	460,683	366,768
Sept	484,168	
Oct	507,652	
Nov	531,136	
Dec	554,620	
2015-16	554,620	

Year To Date
Actual v. Projected

80%

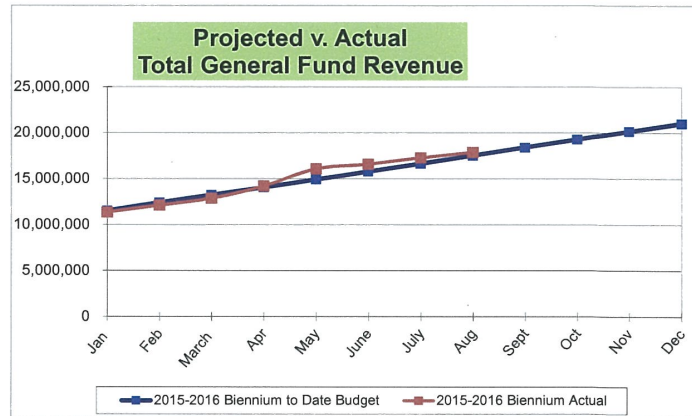


TOTAL GENERAL FUND REVENUE

	2015-2016 Biennium to Date Budget	2015-2016 Biennium Actual
Jan	11,537,179	11,369,345
Feb	12,418,424	12,121,418
March	13,243,380	12,880,252
Apr	14,074,789	14,223,243
May	14,932,612	16,092,903
June	15,779,604	16,595,876
July	16,652,707	17,291,735
Aug	17,529,834	17,879,397
Sept	18,414,827	
Oct	19,286,114	
Nov	20,170,361	
Dec	21,048,270	

Year To Date
Actual v. Projected

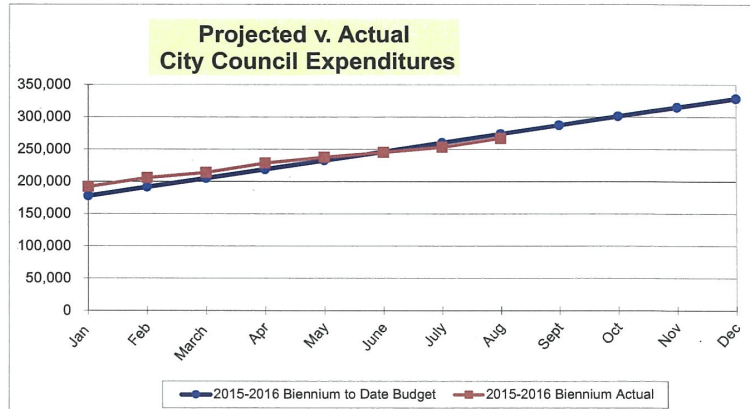
102%



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

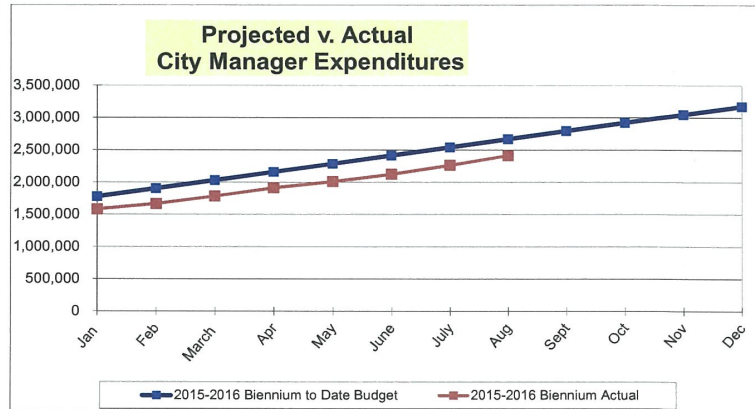
CITY COUNCIL

	2015-2016 Biennium to Date Budget	2015-2016 Biennium Actual
2015	163,989	156,472
Jan	177,693	191,957
Feb	191,397	205,736
March	205,101	213,838
Apr	218,804	228,817
May	232,508	237,389
June	246,212	245,235
July	259,916	253,033
Aug	273,620	266,963
Sept	287,324	
Oct	301,027	
Nov	314,731	
Dec	328,435	
2015-16	328,435	
Year To Date		
Actual v. Projected		98%



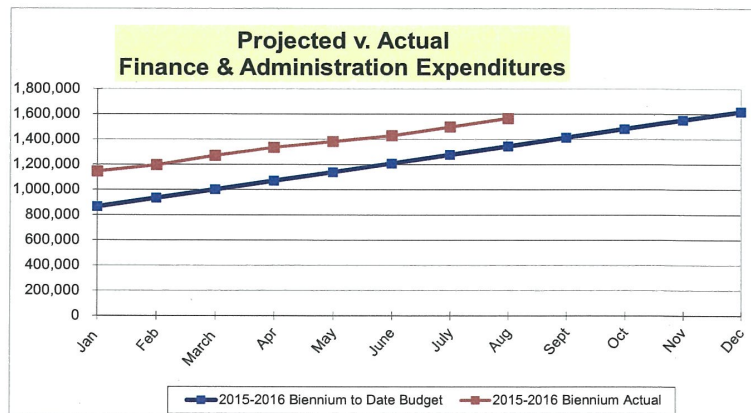
CITY MANAGER

	2015-2016 Biennium to Date Budget	2015-2016 Biennium Actual
2015	1,652,808	1,482,207
Jan	1,779,509	1,582,540
Feb	1,906,210	1,667,211
March	2,032,912	1,785,525
Apr	2,159,613	1,913,330
May	2,286,314	2,011,136
June	2,413,015	2,123,685
July	2,539,716	2,265,991
Aug	2,666,417	2,412,925
Sept	2,793,119	
Oct	2,919,820	
Nov	3,046,521	
Dec	3,173,222	
2015-16	3,173,222	
Year To Date		
Actual v. Projected		90%



FINANCE & ADMINISTRATION

	2015-2016 Biennium to Date Budget	2015-2016 Biennium Actual
2015	798,363	909,180
Jan	866,819	1,147,482
Feb	935,276	1,198,175
March	1,003,732	1,272,737
Apr	1,072,188	1,337,334
May	1,140,644	1,384,857
June	1,209,101	1,430,113
July	1,277,557	1,499,669
Aug	1,346,013	1,567,591
Sept	1,414,469	
Oct	1,482,926	
Nov	1,551,382	
Dec	1,619,838	
2015-16	1,619,838	
Year To Date		
Actual v. Projected		116%



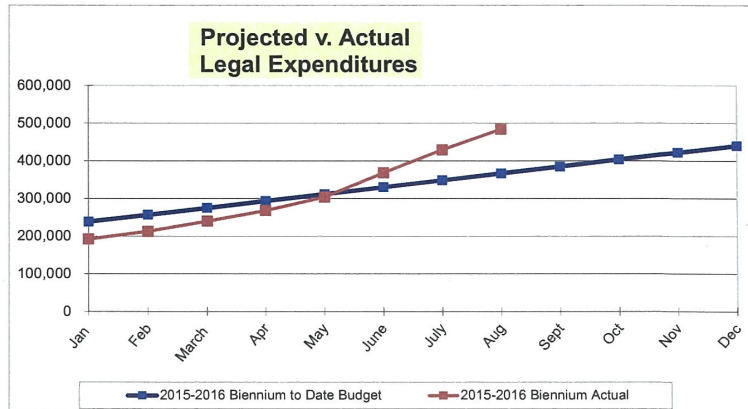
**City of Kenmore, Washington
General Fund Expenditure Graphs
August 31, 2016**

LEGAL

	2015-2016 Biennium to Date Budget	2015-2016 Biennium Actual
2015	220,000	189,956
Jan	238,333	192,069
Feb	256,667	212,773
March	275,000	240,324
Apr	293,333	267,991
May	311,667	304,364
June	330,000	368,508
July	348,333	429,345
Aug	366,667	484,366
Sept	385,000	
Oct	403,333	
Nov	421,667	
Dec	440,000	
2015-16	440,000	

Year To Date
Actual v. Projected

132%

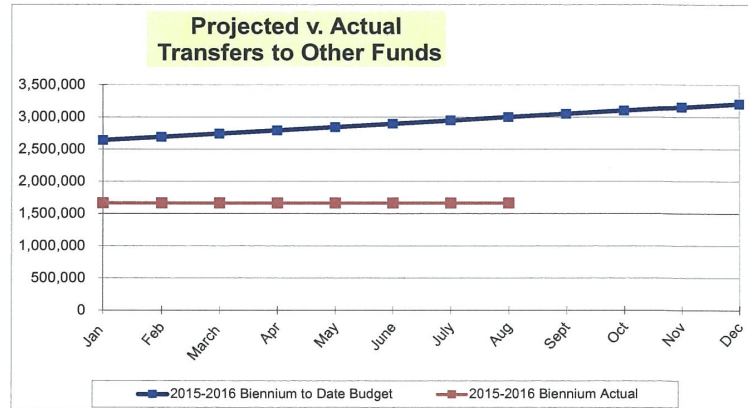


TRANSFERS TO OTHER FUNDS

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

Year To Date
Actual v. Projected

56%

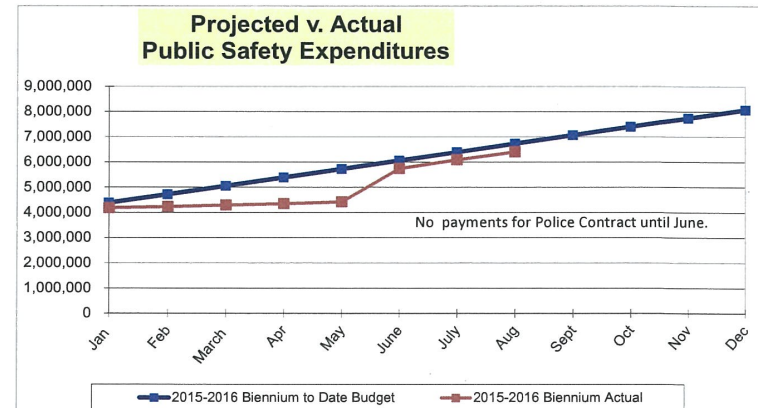


PUBLIC SAFETY

	2015-2016 Biennium to Date Budget	2015-2016 Biennium Actual
2015	4,051,177	4,152,022
Jan	4,386,589	4,187,043
Feb	4,722,000	4,241,000
March	5,057,412	4,299,830
Apr	5,392,823	4,357,174
May	5,728,235	4,426,195
June	6,063,646	5,747,844
July	6,399,058	6,100,771
Aug	6,734,469	6,407,734
Sept	7,069,881	
Oct	7,405,292	
Nov	7,740,704	
Dec	8,076,115	
2015-16	8,076,115	

Year To Date
Actual v. Projected

95%

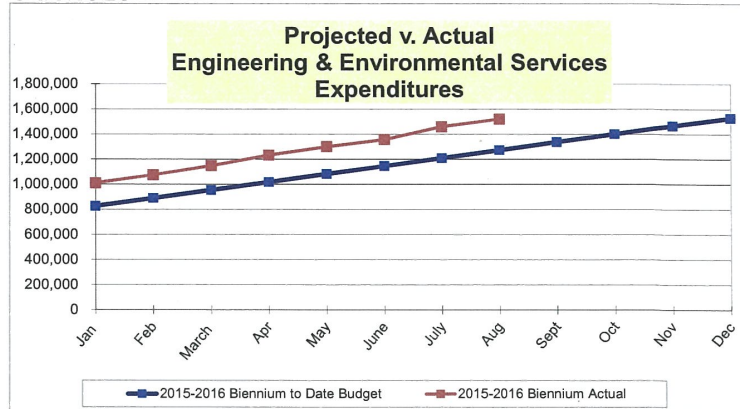


City of Kenmore, Washington
General Fund Expenditure Graphs
August 31, 2016
ENGINEERING & ENVIRONMENTAL SERVICES

	2015-2016 Biennium to Date Budget	2015-2016 Biennium Actual
2015	763,129	937,886
Jan	826,864	1,010,654
Feb	890,599	1,075,095
March	954,334	1,149,254
Apr	1,018,069	1,231,968
May	1,081,804	1,300,931
June	1,145,540	1,358,154
July	1,209,275	1,461,127
Aug	1,273,010	1,520,662
Sept	1,336,745	
Oct	1,400,480	
Nov	1,464,215	
Dec	1,527,950	
2015-16	1,527,950	

Year To Date
 Actual v. Projected

119%

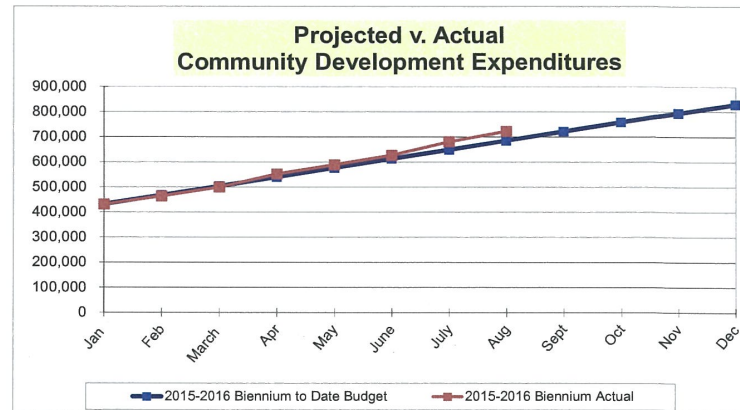


COMMUNITY DEVELOPMENT

	2015-2016 Biennium to Date Budget	2015-2016 Biennium Actual
2015	395,834	401,776
Jan	432,017	431,552
Feb	468,200	464,237
March	504,383	500,153
Apr	540,566	552,279
May	576,749	589,485
June	612,932	626,915
July	649,115	680,816
Aug	685,298	722,236
Sept	721,481	
Oct	757,664	
Nov	793,847	
Dec	830,030	
2015-16	830,030	

Year To Date
 Actual v. Projected

105%

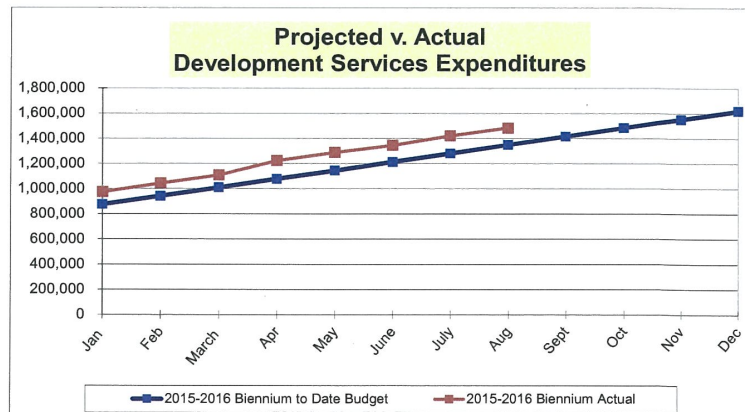


DEVELOPMENT SERVICES

	2015-2016 Biennium to Date Budget	2015-2016 Biennium Actual
2015	808,496	855,249
Jan	876,126	976,587
Feb	943,755	1,045,721
March	1,011,385	1,110,942
Apr	1,079,014	1,224,521
May	1,146,644	1,289,630
June	1,214,273	1,346,544
July	1,281,903	1,422,790
Aug	1,349,532	1,484,738
Sept	1,417,162	
Oct	1,484,791	
Nov	1,552,421	
Dec	1,620,050	
2015-16	1,620,050	

Year To Date
 Actual v. Projected

110%



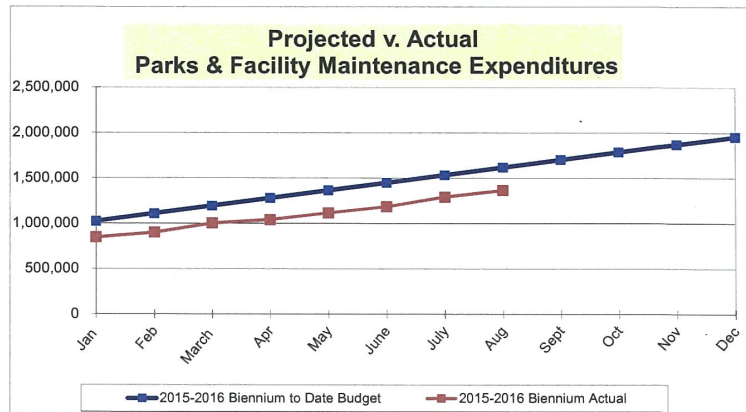
**City of Kenmore, Washington
General Fund Expenditure Graphs
August 31, 2016**

PARKS & FACILITY MAINTENANCE

	2015-2016 Biennium to Date Budget	2015-2016 Biennium Actual
2015	941,427	802,859
Jan	1,025,842	847,373
Feb	1,110,257	901,839
March	1,194,673	1,003,905
Apr	1,279,088	1,040,940
May	1,363,503	1,116,715
June	1,447,918	1,185,208
July	1,532,333	1,290,368
Aug	1,616,748	1,365,223
Sept	1,701,164	
Oct	1,785,579	
Nov	1,869,994	
Dec	1,954,409	
2015-16	1,954,409	

Year To Date
Actual v. Projected

84%

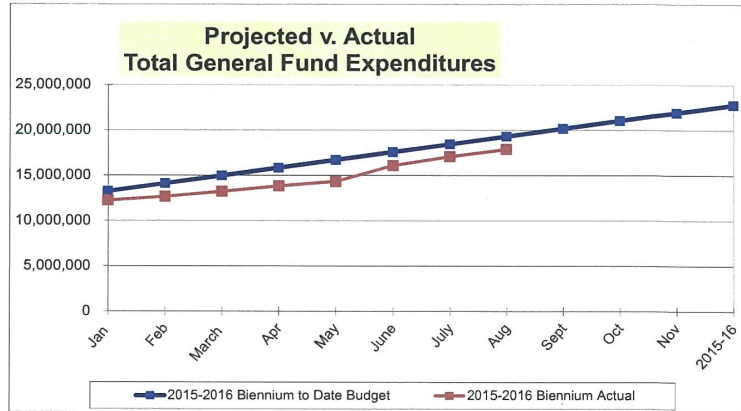


TOTAL GENERAL FUND EXPENDITURES

	2015-2016 Biennium to Date Budget	2015-2016 Biennium Actual
Jan	13,249,735	12,233,472
Feb	14,115,461	12,678,004
March	14,981,187	13,242,725
Apr	15,846,913	13,820,571
May	16,712,639	14,326,920
June	17,578,365	16,098,424
July	18,444,090	17,070,127
Aug	19,309,816	17,898,656
Sept	20,175,542	
Oct	21,041,268	
Nov	21,906,994	
2015-16	22,772,720	

Year To Date
Actual v. Projected

93%



**City of Kenmore, Washington
Street Fund Summary Report
August 31, 2016**



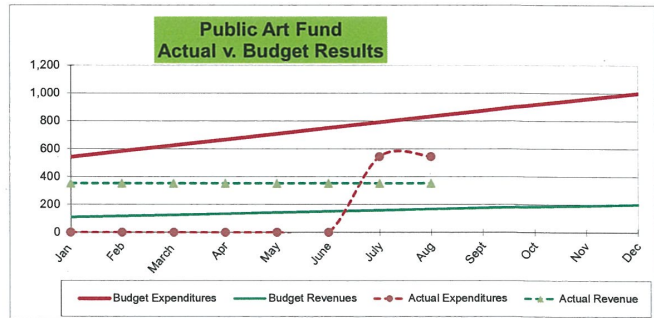
	MONTH	BIENNIUM TO DATE	% of	BUDGET
	<u>August 2016</u>	<u>2015-2016</u>	<u>BUDGET</u>	<u>2015-2016</u>
<u>REVENUES</u>				
Beginning Fund Balance		899,288		899,288
Fuel Tax	40,869	747,122	85.7%	871,531
Investment Interest	0	4,458	-	0
Miscellaneous	22	5,696	-	0
ROW Permit Fees/Inspections	0	178,770	99.3%	180,000
Multimodal Transportation	0	11,000	-	0
Transfer from General Fund	0	485,430	58.3%	833,000
Transfer from TBD	0	232,000	48.8%	475,000
Total Revenues	40,891	1,664,477	70.5%	2,359,531
Total Revenues & Beginning Fund Balance		2,563,765		3,258,819

	MONTH	BIENNIUM TO DATE	% of	BUDGET
	<u>August 2016</u>	<u>2015-2016</u>	<u>BUDGET</u>	<u>2015-2016</u>
<u>EXPENDITURES</u>				
Salary and Benefits	22,974	474,702	82.2%	577,783
Maintenance & Operations	89,996	1,319,402	74.9%	1,760,494
Capital	0	43,175	130.8%	33,000
Transfer to Transportation Capital	0	320,597	80.1%	400,000
Total Expenditures	112,970	2,157,876	77.9%	2,771,277
Ending Fund Balance		405,888		487,542
Total Expenditures and Ending Fund Balance		2,563,765		3,258,819

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

PUBLIC ART FUND

	2015-2016 Budget Expenditures	2015-2016 Actual Expenditures	2015-2016 Budget Revenue	2015-2016 Actual Revenue
2015	500	0	100	352
Jan	542	0	108	352
Feb	583	0	117	352
March	625	0	125	352
Apr	667	0	133	352
May	708	0	142	352
June	750	0	150	352
July	792	545	158	352
Aug	833	545	167	352
Sept	875		175	
Oct	917		183	
Nov	958		192	
Dec	1,000		200	
2015-16	1,000		200	
Total Actual to Date vs Total Budget		54%		176%

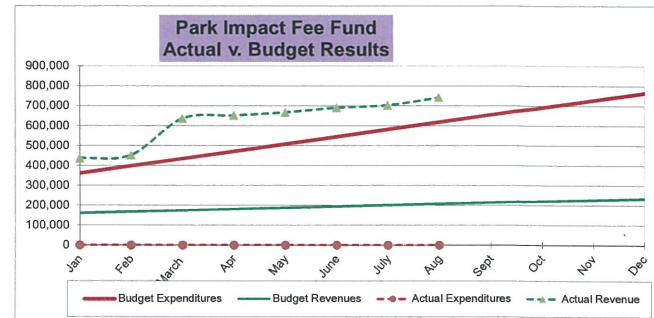


This fund accounts for public art authorized by Ordinance 01-0115. One percent (1%) of public project construction contracts is contributed to this fund to provide for public art displays or performing arts events as authorized by the City Council.

0

PARK IMPACT FEE FUND

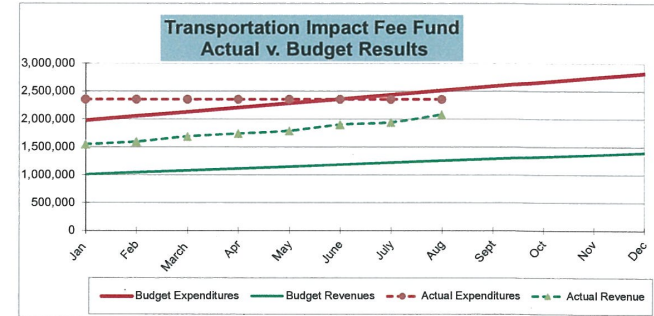
	2015-2016 Budget Expenditures	2015-2016 Actual Expenditures	2015-2016 Budget Revenue	2015-2016 Actual Revenue
2015	325,000	0	154,878	396,247
Jan	361,706	0	161,477	437,063
Feb	398,412	0	168,076	452,453
March	435,118	0	174,674	636,597
Apr	471,824	0	181,273	651,987
May	508,530	0	187,872	667,349
June	545,236	0	194,471	690,434
July	581,941	0	201,069	703,259
Aug	618,647	0	207,668	741,706
Sept	655,353		214,267	
Oct	692,059		220,866	
Nov	728,765		227,464	
Dec	765,471		234,063	
2015-16	765,471		234,063	
Total Actual to Date vs Total Budget		0%		317%



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

TRANSPORTATION IMPACT FEE FUND

	2015-2016 Budget Expenditures	2015-2016 Actual Expenditures	2015-2016 Budget Revenue	2015-2016 Actual Revenue
2015	1,904,780	2,360,000	975,257	1,413,466
Jan	1,981,444	2,360,000	1,010,424	1,548,410
Feb	2,058,108	2,360,000	1,045,590	1,599,014
March	2,134,773	2,360,000	1,080,757	1,691,789
Apr	2,211,437	2,360,000	1,115,924	1,742,393
May	2,288,101	2,360,000	1,151,090	1,792,997
June	2,364,765	2,360,000	1,186,257	1,901,872
July	2,441,429	2,360,000	1,221,424	1,944,929
Aug	2,518,093	2,360,000	1,256,590	2,082,076
Sept	2,594,758		1,291,757	
Oct	2,671,422		1,326,924	
Nov	2,748,086		1,362,090	
Dec	2,824,750		1,397,257	
2015-16	2,824,750		1,397,257	
Total Actual to Date vs Total Budget		84%		149%

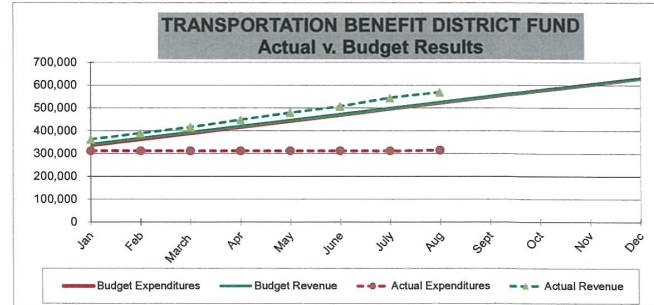


This fund accounts for City imposed transportation impact fees on new development. Expenditures are for public transportation improvements.

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

TRANSPORTATION BENEFIT DISTRICT FUND

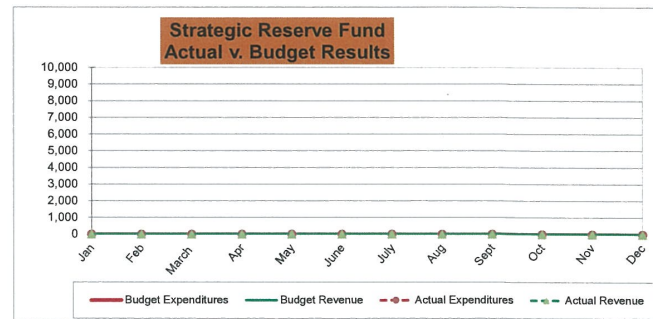
	2015-2016 Budget Expenditures	2015-2016 Actual Expenditures	2015-2016 Budget Revenue	2015-2016 Actual Revenue
2015	309,500	309,500	315,100	334,634
Jan	336,208	312,000	341,358	362,255
Feb	362,917	312,000	367,617	389,104
March	389,625	312,000	393,875	415,913
Apr	416,333	312,000	420,133	447,573
May	443,042	312,000	446,392	478,600
June	469,750	312,000	472,650	506,795
July	496,458	312,000	498,908	543,544
Aug	523,167	315,220	525,167	568,056
Sept	549,875		551,425	
Oct	576,583		577,683	
Nov	603,292		603,942	
Dec	630,000		630,200	
2015-16	630,000		630,200	
Total Actual to Date vs Total Budget		50%		90%



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

STRATEGIC RESERVE FUND

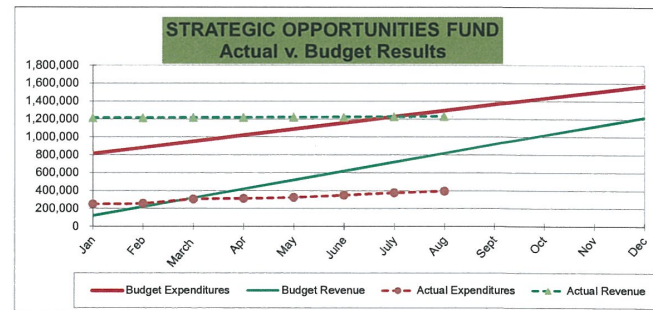
	2015-2016 Budget Expenditures	2015-2016 Actual Expenditures	2015-2016 Budget Revenue	2015-2016 Actual Revenue
2015	0	0	0	0
Jan	0	0	0	0
Feb	0	0	0	0
March	0	0	0	0
Apr	0	0	0	0
May	0	0	0	0
June	0	0	0	0
July	0	0	0	0
Aug	0	0	0	0
Sept	0	0	0	0
Oct	0	0	0	0
Nov	0	0	0	0
Dec	0	0	0	0
2015-16	0	0	0	0
Total Actual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



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

STRATEGIC OPPORTUNITIES FUND

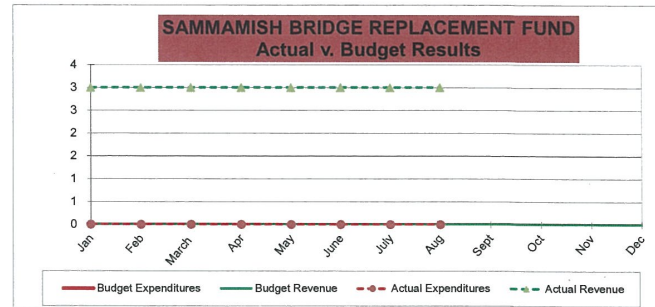
	2015-2016 Budget Expenditures	2015-2016 Actual Expenditures	2015-2016 Budget Revenue	2015-2016 Actual Revenue
2015	746,200	247,741	20,943	1,211,827
Jan	814,950	252,597	120,693	1,214,052
Feb	883,700	260,695	220,444	1,215,602
March	952,450	307,618	320,194	1,217,352
Apr	1,021,200	315,761	419,944	1,218,819
May	1,089,950	326,985	519,694	1,221,144
June	1,158,700	352,460	619,445	1,223,519
July	1,227,450	378,363	719,195	1,226,639
Aug	1,296,200	398,429	818,945	1,231,214
Sept	1,364,950		918,695	
Oct	1,433,700		1,018,446	
Nov	1,502,450		1,118,196	
Dec	1,571,200		1,217,946	
2015-16	1,571,200		1,217,946	
Total Actual to Date vs Total Budget		25%		101%



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

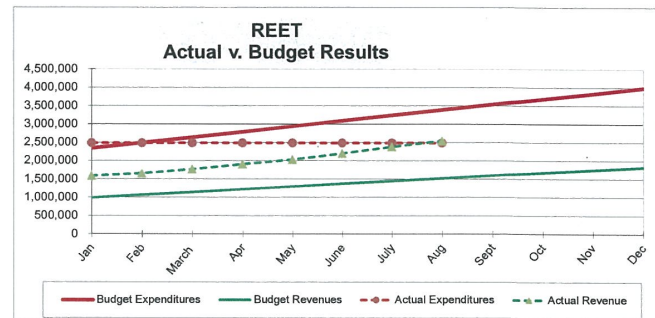
**City of Kenmore, Washington
Other Funds Monthly Activity
August 31, 2016**

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



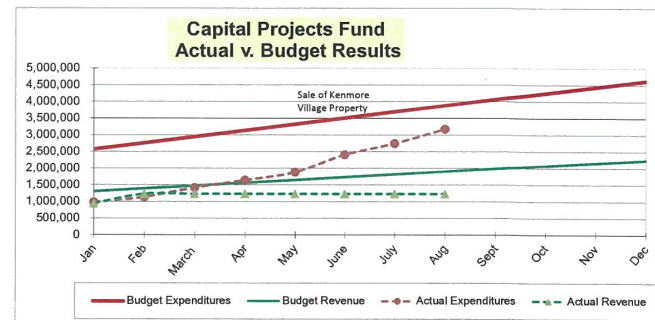
The Sammamish Bridge Replacement fund is a fund used to put money aside for the replacement of the West Sammamish bridge.

REAL ESTATE EXCISE TAX FUND				
	2015-2016 Budget Expenditures	2015-2016 Actual Expenditures	2015-2016 Budget Revenue	2015-2016 Actual Revenue
2015	2,191,250	2,484,359	914,000	1,464,658
Jan	2,340,921	2,484,359	990,083	1,587,477
Feb	2,490,593	2,484,359	1,066,167	1,657,623
March	2,640,264	2,484,359	1,142,250	1,767,689
Apr	2,789,935	2,484,359	1,218,333	1,900,850
May	2,939,607	2,484,359	1,294,417	2,030,449
June	3,089,278	2,484,359	1,370,500	2,198,025
July	3,238,949	2,484,359	1,446,583	2,375,450
Aug	3,388,621	2,484,359	1,522,667	2,540,847
Sept	3,538,292		1,598,750	
Oct	3,687,963		1,674,833	
Nov	3,837,635		1,750,917	
Dec	3,987,306		1,827,000	
2015-16	3,987,306		1,827,000	
Total Actual to Date vs Total Budget		62%		139%



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

KENMORE VILLAGE FUND				
	2015-2016 Budget Expenditures	2015-2016 Actual Expenditures	2015-2016 Budget Revenue	2015-2016 Actual Revenue
2015	2,389,500	1,003,897	1,219,200	939,764
Jan	2,576,306	986,635	1,304,842	939,764
Feb	2,763,112	1,139,797	1,390,483	1,230,764
March	2,949,917	1,420,862	1,476,125	1,230,764
Apr	3,136,723	1,646,817	1,561,767	1,230,764
May	3,323,529	1,885,567	1,647,408	1,230,764
June	3,510,335	2,406,844	1,733,050	1,230,825
July	3,697,140	2,743,193	1,818,692	1,230,825
Aug	3,883,946	3,175,933	1,904,333	1,230,825
Sept	4,070,752		1,989,975	
Oct	4,257,558		2,075,617	
Nov	4,444,363		2,161,258	
Dec	4,631,169		2,246,900	
2015-16	4,631,169		2,246,900	
Total Actual to Date vs Total Budget		69%		55%

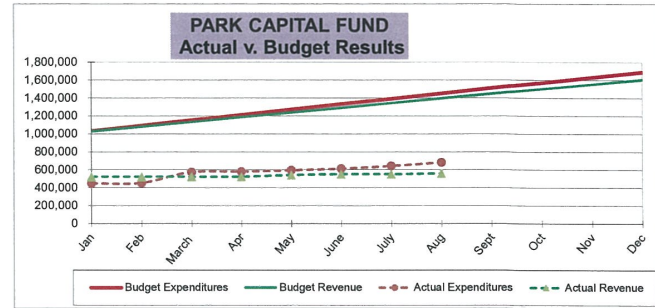


The Kenmore Village Fund accounts for leasing activity and property transactions within Kenmore Village

**City of Kenmore, Washington
Other Funds Monthly Activity
August 31, 2016**

PARK CAPITAL FUND

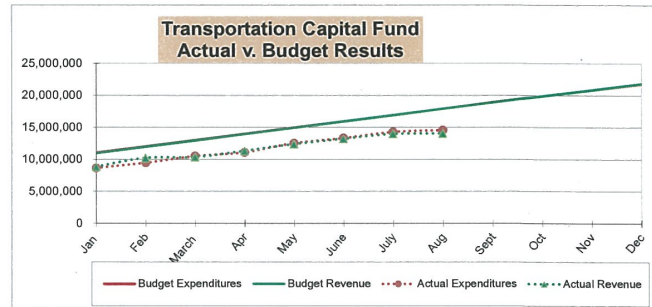
	2015-2016 Budget Expenditures	2015-2016 Actual Expenditures	2015-2016 Budget Revenue	2015-2016 Actual Revenue
2015	974,000	437,373	975,200	521,437
Jan	1,033,769	448,504	1,027,698	521,437
Feb	1,093,539	453,784	1,080,196	521,437
March	1,153,308	575,191	1,132,694	521,437
Apr	1,213,078	579,697	1,185,191	521,437
May	1,272,847	594,898	1,237,689	540,100
June	1,332,617	612,207	1,290,187	550,100
July	1,392,386	642,264	1,342,685	550,100
Aug	1,452,155	681,534	1,395,183	558,632
Sept	1,511,925		1,447,681	
Oct	1,571,694		1,500,178	
Nov	1,631,464		1,552,676	
Dec	1,691,233		1,605,174	
2015-16	1,691,233		1,605,174	
Total Actual to Date vs Total Budget		40%		35%



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

TRANSPORTATION CAPITAL FUND

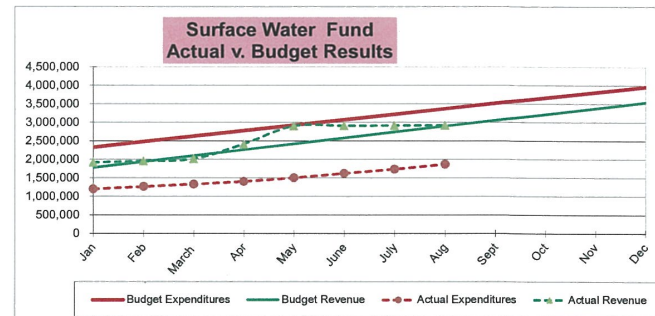
	2015-2016 Budget Expenditures	2015-2016 Actual Expenditures	2015-2016 Budget Revenue	2015-2016 Actual Revenue
2015	10,039,810	8,637,374	9,989,310	8,681,369
Jan	11,023,357	8,669,016	10,977,781	8,856,349
Feb	12,006,905	9,485,351	11,966,251	10,236,046
March	12,990,452	10,529,365	12,954,722	10,363,204
Apr	13,973,999	11,119,674	13,943,192	11,342,241
May	14,957,546	12,551,558	14,931,663	12,391,433
June	15,941,094	13,336,533	15,920,133	13,237,420
July	16,924,641	14,305,057	16,908,604	13,997,197
Aug	17,908,188	14,578,716	17,897,074	14,057,854
Sept	18,891,735		18,885,545	
Oct	19,875,283		19,874,015	
Nov	20,858,830		20,862,486	
Dec	21,842,377		21,850,956	
2015-16	21,842,377		21,850,956	
Total Actual to Date vs Total Budget		67%		64%



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

SURFACE WATER MANAGEMENT FUND

	2015-2016 Budget Expenditures	2015-2016 Actual Expenditures	2015-2016 Budget Revenue	2015-2016 Actual Revenue
2015	2,188,308	1,115,684	1,620,000	1,915,280
Jan	2,336,430	1,207,683	1,780,000	1,922,104
Feb	2,484,553	1,275,765	1,940,000	1,955,947
March	2,632,675	1,338,128	2,100,000	2,017,402
Apr	2,780,797	1,411,134	2,260,000	2,414,992
May	2,928,920	1,510,556	2,420,000	2,903,331
June	3,077,042	1,627,886	2,580,000	2,910,391
July	3,225,164	1,742,858	2,740,000	2,915,373
Aug	3,373,287	1,874,837	2,900,000	2,917,128
Sept	3,521,409		3,060,000	
Oct	3,669,531		3,220,000	
Nov	3,817,654		3,380,000	
Dec	3,965,776		3,540,000	
2015-16	3,965,776		3,540,000	
Total Actual to Date vs Total Budget		47%		82%

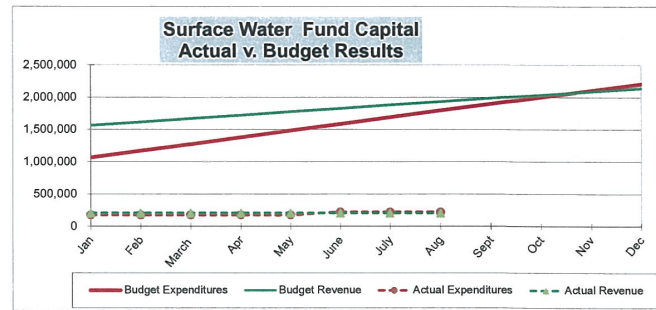


This fund accounts for receipts from surface water assessments. The assessments are collected through the property tax billings; the majority of the receipts are collected in May and November. Expenditures are for surface water maintenance activities such as sweeping and drainage as well as capital improvements.

**City of Kenmore, Washington
Other Funds Monthly Activity
August 31, 2016**

SURFACE WATER CAPITAL FUND

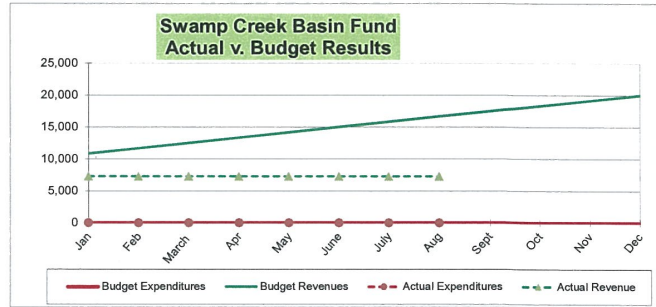
	2015-2016 Budget Expenditures	2015-2016 Actual Expenditures	2015-2016 Budget Revenue	2015-2016 Actual Revenue
2015	960,611	176,312	1,506,266	204,826
Jan	1,064,685	176,312	1,559,036	204,826
Feb	1,168,759	176,312	1,611,805	204,826
March	1,272,833	176,312	1,664,575	204,826
Apr	1,376,907	176,312	1,717,344	204,826
May	1,480,981	176,312	1,770,114	204,826
June	1,585,056	220,678	1,822,883	204,826
July	1,689,130	220,678	1,875,653	204,826
Aug	1,793,204	220,678	1,928,422	204,826
Sept	1,897,278		1,981,192	
Oct	2,001,352		2,033,961	
Nov	2,105,426		2,086,731	
Dec	2,209,500		2,139,500	
2015-16	2,209,500		2,139,500	
Total Actual to Date vs Total Budget		10%		10%



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

SWAMP CREEK BASIN FUND

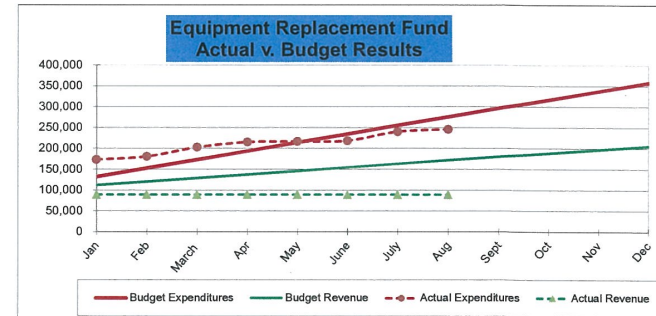
	2015-2016 Budget Expenditures	2015-2016 Actual Expenditures	2015-2016 Budget Revenue	2015-2016 Actual Revenue
2015	0	0	10,000	7,271
Jan	0	0	10,833	7,271
Feb	0	0	11,667	7,271
March	0	0	12,500	7,271
Apr	0	0	13,333	7,271
May	0	0	14,167	7,271
June	0	0	15,000	7,271
July	0	0	15,833	7,271
Aug	0	0	16,667	7,271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



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

EQUIPMENT REPLACEMENT FUND

	2015-2016 Budget Expenditures	2015-2016 Actual Expenditures	2015-2016 Budget Revenue	2015-2016 Actual Revenue
2015	112,000	173,486	103,000	89,227
Jan	132,531	173,486	111,583	89,227
Feb	153,063	181,188	120,167	89,227
March	173,594	203,245	128,750	89,227
Apr	194,125	215,636	137,333	89,227
May	214,656	217,102	145,917	89,227
June	235,188	218,920	154,500	89,227
July	255,719	240,629	163,083	89,227
Aug	276,250	246,347	171,667	89,227
Sept	296,781		180,250	
Oct	317,313		188,833	
Nov	337,844		197,417	
Dec	358,375		206,000	
2015-16	358,375		206,000	
Total Actual to Date vs Total Budget		69%		43%



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

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



<u>Fund</u>	Beg. Cash & Inv. from Prev. Mo.	Monthly Revenues	Monthly Expenditures	End. Cash & Inv. Current Month
General	\$4,463,297	\$587,662	\$828,529	4,222,430
Street	484,768	40,891	112,970	412,689
Transportation Capital	-307,463	60,656	273,659	(520,465)
Public Art	67,107	0	0	67,107
Park Impact Fee	1,456,032	38,447	0	1,494,479
Transportation Impact Fee	747,860	137,147	0	885,008
Swamp Creek Basin	1,404,934	0	0	1,404,934
Transportation Benefit District	240,472	24,512	3,220	261,764
Sammamish Bridge Replacement	516	0	0	516
Real Estate Excise Tax	2,305,304	165,397	0	2,470,701
Kenmore Village	873,879	0	432,740	441,139
Park Capital	-91,596	8,532	39,270	(122,335)
Surface Water Management	2,654,894	1,755	131,979	2,524,671
Surface Water Capital	-32,202	0	0	(32,202)
Strategic Reserve	1,264,465	0	0	1,264,465
Strategic Opportunities	2,995,166	4,575	20,066	2,979,675
Equipment Replacement	303,272	0	5,718	297,554
Trust & Agency	597,649	543	8,576	589,615
Totals	\$19,428,356	\$1,070,117	\$1,856,727	\$18,641,745

<u>Fund</u>	Cash, Savings, Local Govt Investment Pool	(> One Year) Fixed Investments	Total
General	-\$1,048,101	\$5,270,532	4,222,430
Street	-437,311	850,000	412,689
Transportation Capital	-520,465	0	(520,465)
Public Art	52,107	15,000	67,107
Park Impact Fee	564,479	930,000	1,494,479
Transportation Impact Fee	855,008	30,000	885,008
Swamp Creek Basin	4,934	1,400,000	1,404,934
Transportation Benefit District	261,764	0	261,764
Sammamish Bridge Replacement	516	0	516
Real Estate Excise Tax	2,470,701	0	2,470,701
Kenmore Village	-8,861	450,000	441,139
Park Capital	-122,335	0	(122,335)
Surface Water Management	2,014,671	510,000	2,524,671
Surface Water Capital	-32,202	0	(32,202)
Strategic Reserve	414,465	850,000	1,264,465
Strategic Opportunities	2,979,672	0	2,979,672
Equipment Replacement	-152,446	450,000	297,554
Trust & Agency	489,614	100,000	589,614
Totals	\$7,786,210	\$10,855,532	\$18,641,741

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City of Kenmore, Washington
Investment Schedule
August 31, 2016



			Average Yield to Maturity-Securities				Overall Average Yield	0.68%	
Report by Security	Investment #	Type	Maturity Date	Purchase Date	Rate	Yield	Possible Call Date	Principal or Balance	Yield Equivalents
Piper Jaffray									
	31771J4M9	FICO	9/26/2017	8/14/2012	1.13%	1.13%	non callable	894,731.88	10,137.31
Total Piper Jaffrey Purchases								894,731.88	10,137.31
Time Value Investments									
	31359MEL3	FNMA	4/22/2017	10/22/2012	0.86%	0.86%	no call	999,468.08	8,595.43
	31771EAL5	FICO	2/8/2018	1/13/2015	1.15%	1.15%		999,114.48	11,489.82
	3134G43V8	FHLB	5/15/2018	7/23/2014	1.36%	1.36%		988,450.00	13,462.69
	3135G0XK4	FNMA	5/25/2018	11/25/2013	1.38%	1.38%		985,750.00	13,583.64
	3135G0XK4	FNMA	5/25/2018	2/27/2014	1.30%	1.30%		989,691.00	12,865.98
	3135G0G23	FNMA	4/29/2019	11/24/2015	1.35%	1.35%	4/26/2016	998,326.00	13,477.40
Total TVI Purchases								5,960,799.56	73,474.95
Banner Bank CD's									
Total Banner Bank CD's								-	-
Sound Community Bank CD's									
	18299229	CD	2/11/2016	2/14/2014	0.80%	0.80%		1,000,000.00	8,000.00
Total Sound Community Bank CD's								1,000,000.00	8,000.00
Opus Bank CD's									
	11495975	CD	2/10/17	6/10/15	0.35%	0.35%		1,000,000.00	3,500.00
	11539715	CD	3/29/18	3/30/16	0.85%	0.85%		1,000,000.00	8,500.00
	11527322	CD	6/30/16	6/30/2015	0.45%	0.45%		1,000,000.00	4,500.00
Total Cascade Bank CD's								3,000,000.00	16,500.00
TOTAL ALL SECURITIES								\$ 10,855,531.44	\$ 108,112.26
Banner Checking and Savings						0.07% Banner		4,018,721.56	2,813.11
Cash								1,005.00	-
Local Government Investment Pool						0.42% LGIP		3,766,481.66	15,822.99
Total Accounts								\$ 18,641,739.66	126,748.36

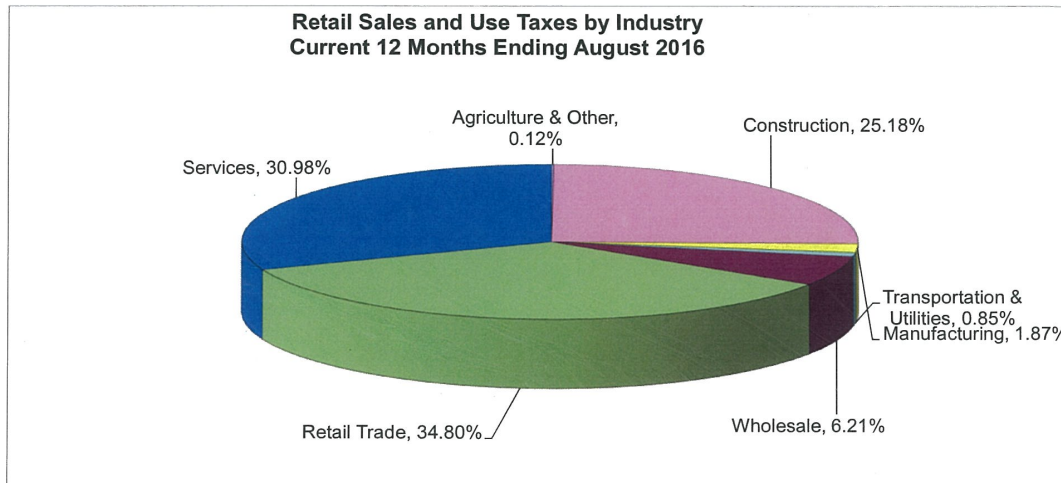
City of Kenmore, Washington
SALES TAX RECEIPTS BY BUSINESS TYPE
 August 2016

	SALES TAX	USE TAX	TOTAL	PERCENT
AGRICULTURE & OTHER	332.72	0.00	332.72	0.2%
CONSTRUCTION	56,676.48	1,465.41	58,141.88	26.6%
MANUFACTURING	4,285.41	90.27	4,375.68	2.0%
TRANSPORTATION & UTILITIES	1,127.95	904.54	2,032.49	0.9%
WHOLESALE	13,414.33	163.44	13,577.77	6.2%
RETAIL TRADE	67,646.27	135.10	67,781.37	31.0%
SERVICES	59,059.41	988.10	60,047.51	27.4%
INFORMATION	9,346.71	47.02	9,393.74	4.3%
PUBLIC SERVICES	12.35	3,128.18	3,140.53	1.4%
	<u>211,901.64</u>	<u>6,922.04</u>	<u>218,823.68</u>	<u>100.0%</u>

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

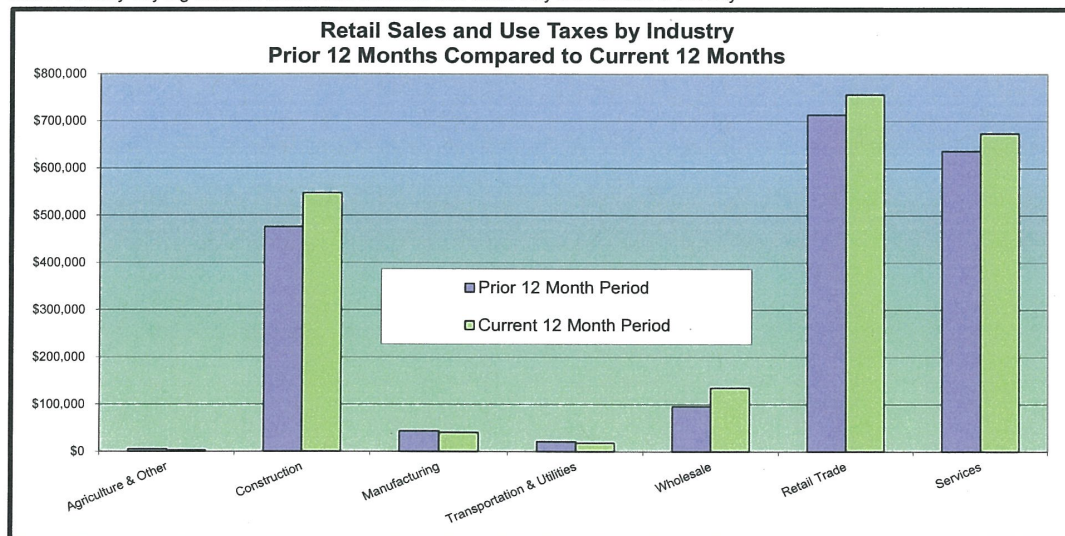


Industry	Prior 12 Months ending August 2015	Current 12 Months ending August 2016	% Increase/ (Decrease)	% of Total
Agriculture & Other (Landscaping, Animal Hospitals)	\$4,980	\$2,581	-48.16%	0.12%
Construction	475,710	547,490 *	15.09%	25.18%
Manufacturing (Printing, Publishing, Other Manuf.)	43,542	40,593	-6.77%	1.87%
Transp/Comm/Utilities (Telecomm., Air Transport.)	21,085	18,452	-12.49%	0.85%
Wholesale (Lumber, Other Wholesale)	95,619	135,090	41.28%	6.21%
Retail Trade (Eating, Merchandise, Food Stores)	713,492	756,804	6.07%	34.80%
Services (Auction, Recreation, Auto Repair, Financial)	636,196	673,661	5.89%	30.98%
Totals	\$1,990,625	\$2,174,672	9.25%	100%
Increase/(Decrease)		\$184,047	9.25%	



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

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



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

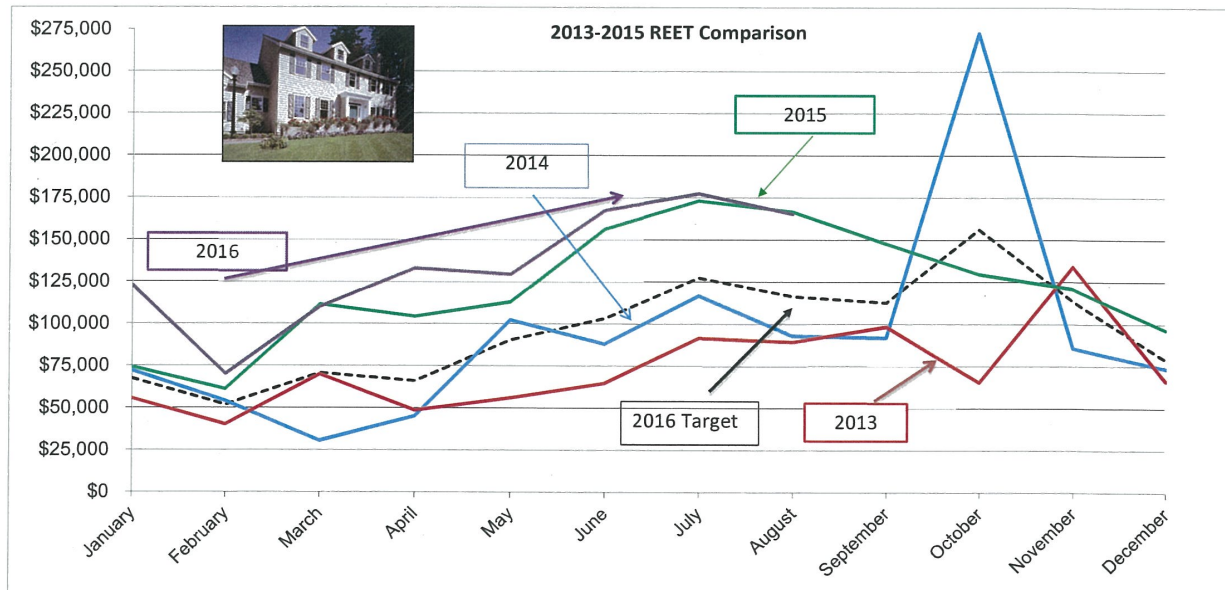


Real Estate Excise Taxes (REET) 2012 - 2016 Monthly Receipts						
	Actual 2012	Actual 2013	Actual 2014	Actual 2015	Actual 2016	Target 2016
January	54,359	55,801	72,106	74,259	122,819	67,389
February	18,064	40,281	54,038	61,070	70,146	51,797
March	29,691	69,946	30,426	111,337	110,066	70,570
April	30,662	48,671	45,118	104,280	133,161	66,023
May	52,575	56,178	102,257	112,927	129,599	90,454
June	60,408	64,938	88,070	156,338	167,575	103,116
July	81,316	91,779	116,858	173,095	177,426	127,244
August	56,626	89,496	92,932	166,651	165,397	116,360
September	82,785	98,573	91,812	147,668		112,684
October	60,265	65,596	272,842	129,678		156,039
November	88,057	134,286	85,748	120,907		113,647
December	152,262	66,342	73,582	96,566		78,830
	\$767,070	\$881,886	\$1,125,790	\$1,454,776	\$1,076,189	\$924,916

For 2016, REET is \$116,232 more than the same period last year and more than the 2016 target by \$383,236

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

Real Estate Excise Taxes (REET) 2012 - 2016 Property Sales > \$500,000								
The sales actually occur in the prior month; there is a 30 day lag between sales and when the City receives the revenue								
	Taxes from > \$500,000 Sale Amounts							
	2012	2013	2014	2015	2016	2013	2014	2015
January	5,515,283	3,380,165	4,699,850	7,418,000	18,590,517	16,732	23,264	36,719
February	1,152,000	3,417,500	3,930,920	6,607,900	9,701,034	16,917	19,458	32,709
March	750,000	3,514,000	2,175,430	7,874,934	15,147,174	17,394	10,768	38,981
April	870,000	1,570,450	4,266,725	14,291,370	21,160,913	7,774	21,120	70,742
May	2,796,250	3,634,210	12,347,730	14,068,904	19,813,122	17,989	61,121	69,641
June	1,215,000	2,761,500	7,353,999	20,361,466	26,065,161	13,669	36,402	100,789
July	4,196,500	8,478,706	15,071,601	25,571,387	24,020,546	41,970	74,604	126,578
August	1,756,200	6,131,455	5,882,306	22,614,538	21,648,781	30,351	29,117	111,942
September	4,859,500	10,911,500	8,437,700	18,821,380		54,012	41,767	93,166
October	3,087,500	5,568,400	44,456,605	16,519,240		27,564	220,060	81,770
November	8,334,960	18,620,230	8,922,100	14,736,156		92,170	44,164	72,944
December	23,033,200	4,606,450	7,142,900	13,187,535		22,802	35,357	65,278
	\$57,566,393	\$72,594,566	\$124,687,866	\$182,072,810	\$156,147,248	359,344	617,202	901,259
								772,930



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



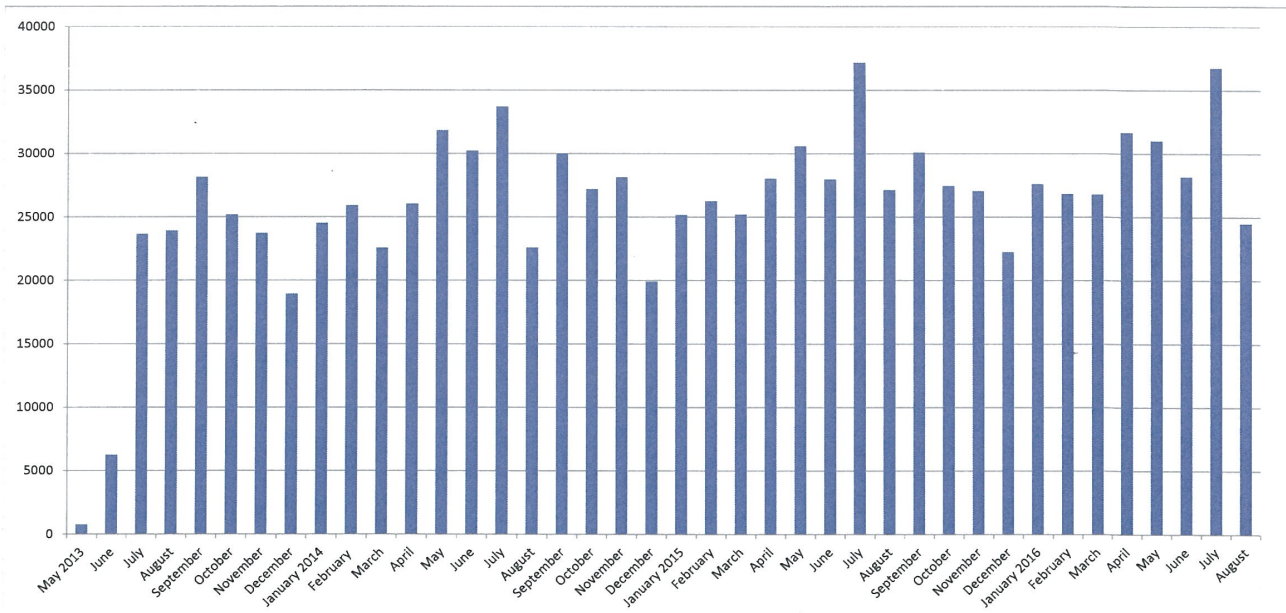
<u>Revenues</u>	<u>August 2016</u>	<u>Biennium-to-Date</u>	<u>Biennium Budget</u>
Lease Income (USPS & Kenmore Village)	0	25,000	67,000
Investment Interest	0	12,216	23,000
Sale of Property	0	901,302	903,000
Event Sponsorship	0	0	1,500
Grant for Public Square	0	291,000	270,000
Transfer From General Fund	0	0	60,000
Leasehold Excise Returned	0	1,307	2,400
Total Revenues	0	1,230,825	1,326,900
<u>Expenditures</u>			
Salaries/Wages/Benefits	1,778	5,813	0
6700 Building Improvements	0	72,028	0
Downtown Plan Services	0	59,270	0
Property Management	0	0	19,000
Utilities and Insurance - Kenmore Village	0	3,405	0
Repairs, Maintenance, Other Services	0	11,198	133,240
Surface Water and Fire Benefit Fees	0	8,462	0
Transfer to Park Capital Fund	0	134,929	134,929
Kenmore Village Public Square	430,962	2,880,830	3,365,000
Total Expenditures	432,740	3,175,934	3,652,169
 Net Income (Loss)	 -432,740	 -1,945,109	 -2,325,269

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

**Kenmore Transportation Benefit District
Monthly Report
August 31, 2016**



Revenues	August 2016	Biennium-to- Date	Percent of Budget	Biennium Budget
Vehicle Fees	24,512	567,946	90.12%	630,200
Investment Interest	0	112		
Total Revenues	<u>\$24,512</u>	<u>\$568,058</u>	90.14%	<u>\$630,200</u>
Expenditures				
WCIA Insurance	0	5,000	100.00%	5,000
Reimbursement to Street Fund	0	232,000	48.84%	475,000
State Auditor	3,220	3,220		0
Overlay		75,000	50.00%	150,000
Total Expenditures	<u>3,220</u>	<u>315,220</u>	50.03%	<u>630,000</u>
Net Income (Loss)	\$21,292	\$252,838		\$200





City Council Business Agenda Item
City of Kenmore, WA

Subject/Topic: Contract Amendment to Contract No. 14-C1324 with Hewitt Architects for the Town Green Project Proposed Council Action/Motion: Authorize the City Manager to execute amendment no. 5 to Contract No. 14-C1324 with Hewitt Architects for Professional Services in the amount of \$35,500.	For Council Meeting Agenda of: October 10, 2016 Department: Community Development Prepared by: John Vicente, Capital Projects Manager <table style="width: 100%; border: none;"> <tr> <td style="text-align: right;">Initial & Date</td> <td></td> </tr> <tr> <td style="text-align: right;">Approved by Department Head:</td> <td><u>OS 9/29/16</u></td> </tr> <tr> <td style="text-align: right;">Approved by City Attorney:</td> <td><u>N/A</u></td> </tr> <tr> <td style="text-align: right;">Approved by Finance Director:</td> <td><u>[Signature] 9/29/16</u></td> </tr> <tr> <td style="text-align: right;">Approved by City Manager:</td> <td><u>[Signature]</u></td> </tr> </table> Exhibits/Attachments:	Initial & Date		Approved by Department Head:	<u>OS 9/29/16</u>	Approved by City Attorney:	<u>N/A</u>	Approved by Finance Director:	<u>[Signature] 9/29/16</u>	Approved by City Manager:	<u>[Signature]</u>
Initial & Date											
Approved by Department Head:	<u>OS 9/29/16</u>										
Approved by City Attorney:	<u>N/A</u>										
Approved by Finance Director:	<u>[Signature] 9/29/16</u>										
Approved by City Manager:	<u>[Signature]</u>										
Expenditure Required \$4.265M (includes design, construction and contingencies)	Amount Budgeted \$4.265 million	Appropriation Required NA									
<u>INFORMATION/BACKGROUND:</u> On 04/18/16 Council authorized the City Manager to execute amendment no. 4 to Contract No. 14-C1324 with a Hewitt Architects for additional design effort needed to complete the plans and specifications. The total authorized contract amount through amendment no. 4 is \$603,039. During construction, unforeseen issues as well and modifications to the design have increased the effort needed to review documentation, answer questions, and to inspect the work progress. To provide the necessary services to complete assistance during construction, an amendment is needed to increase the total fees with Hewitt Architects. This increase in fees will provide for additional review of material submittals, responses to questions, and on-site review of construction progress for the remainder of construction. If approved, the total contract amount for Hewitt Architects will be \$638,539. Staff is requesting that Council authorize the City Manager to execute amendment no. 5 to Contract No. 14-C1324 with Hewitt Architects in the amount of \$35,500.											
<u>FISCAL CONSIDERATION:</u> There is sufficient budget to cover this amendment.											
<u>COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:</u> Council goal #2 develop downtown is part of implementing the Economic Development Plan. A central gathering space is identified in the positioning statement for Kenmore Village. Developing a central gathering space is also consistent with the adopted Downtown Plan and Park and Recreation Open Space (PROS) plan.											



City Council Business Agenda Item
City of Kenmore, WA

Subject/Topic: Public Hearing on, and discussion of, proposed changes to single-family zoning rules (Zoning Districts R-1, R-4 and R-6) Proposed Council Action/Motion: Hold a Public Hearing, and discuss the proposed recommendations	For Council Meeting Agenda of: 10/10/16 Department: <u>Community Development</u> Prepared by: <u>Debbie Bent, Community Development Director and Lauri Anderson, Senior Planner</u> Initial & Date Approved by Department Head: <u>[Signature] 9/21/16</u> Approved by City Attorney: <u>[Signature]</u> Approved by Finance Director: <u>[Signature]</u> Approved by City Manager: <u>[Signature]</u> Exhibits/Attachments: 1. Proposed amendments 2. RDI provisions 3. Maximum heights in the single-family zones
Expenditure Required \$0 Amount Budgeted: \$0 Appropriation Required \$0	
INFORMATION/BACKGROUND: A public hearing will be held on October 10 to obtain input on proposed changes to the single-family zoning rules (see Attachment 1). These rules impact the R-1, R-4 and R-6 zoning districts. The proposed amendments would eliminate apartments as a permitted or conditional use. Too, staff is recommending a reduction in the allowable height of structures in these zones. Following the public hearing, Council has the opportunity to discuss the proposed changes and could direct staff to prepare an adopting ordinance if no substantive modifications are proposed. If Council directs staff to prepare an adopting ordinance it would be brought back for Council action in early November. <u>Background</u> The City Council requested review of the apartment allowance in single-family zoning districts as part of the 2016 docket discussion. Currently, to be a permitted use in the single-family zones, an apartment project must use the residential density incentive (RDI) provisions of Chapter 18.80 KMC (see Attachment 2). These provisions (in the R-4 and R-6 zoning districts) allow increased densities and apartments in exchange for affordable housing or the provision of open space, trails and parks. The RDI provisions cannot be used in the R-1 zoning district, so apartments cannot be a permitted use in that zone. Apartments may be conditionally permitted in the single-family residential zones if they are located in a building listed on the National Register as an historic site or designated as a King County landmark subject to the provisions of Chapter 2.20 KMC. Staff is aware of only one such structure in the R-1 through R-6 zoning districts: the Charles Thomsen House at 7330 NE 170th Street. The proposed amendments would make all apartments a prohibited use in the R-1, R-4 and R-6 zoning districts. Comprehensive Plan Policy LU-1.3.1 states, "Ensure that zoning regulations emphasize single-family dwellings as the principal use in the City's established single-family neighborhoods." The proposed code changes are consistent with this direction. It is possible that future discussions of housing affordability (after completion of the Housing Strategy Plan) could result in a revisiting of this standard, given that allowing apartment development could be an incentive to providing affordable housing. However, the RDI provisions have never been used in the City and are not, currently, contributing to the creation of affordable housing.	

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As staff was reviewing the development standards for the single-family zoning districts, concerns were raised about the current height limits in those zones. Comprehensive Plan Policy LU-1.3.2, states “Provide development standards that create a consistent and compatible pattern of development within residential neighborhoods. Development standards should address housing densities, lot dimensions, building setbacks and height, impervious surface limitations, access, parking, and other standards.” Currently, rules allow a maximum height of 75’ if additional property line setbacks are provided (see Attachment 3). A 75’ height limit would permit a structure 6-7 stories tall in a single-family zone with only 40’ to 55’ in setbacks from property lines. Staff does not believe that this height limit is either consistent or compatible with the bulk of existing development in the City’s single-family residential zones.

FISCAL CONSIDERATION:

None at this time.

COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:

- Comprehensive Plan 20-Year Vision: In 2035, we see Kenmore as a fun, vibrant waterfront community that supports the character of its single family residential neighborhoods.
- Land Use Element Policy LU-1.3.1: Ensure that zoning regulations emphasize single-family dwellings as the principal use in the City’s established single-family neighborhoods.
- Land Use Element Policy LU-1.3.2: Provide development standards that create a consistent and compatible pattern of development within residential neighborhoods...
- Community Design Sub-Element Policy LU-11.1.1: Consider amendments to permitted uses, lot and building dimensional standards, street allowances, and other requirements to achieve compatible development in single-family, multi-family, and mixed use districts.
- Community Design Sub-Element Objective 11.2: Ensure that new housing is compatible with surrounding development in scale and/or design...
- Housing Element Policy H-1.2.3: Prepare and implement development and design standards that acknowledge neighborhood character and address compatibility with surrounding development consistent with Land Use and Community Design Element goals and policies.

ATTACHMENT 1

SINGLE-FAMILY ZONING CODE AMENDMENTS

Chapter 18.21
RESIDENTIAL ZONES

Sections:

- 18.21.020 Residential zones R-1, R-4 and R-6 – Use allowances.**
18.21.030 Residential zones R-1, R-4 and R-6 – Development standards.
18.21.040 Residential zones R-12, R-18, R-24, and R-48 – Use allowances.
18.21.050 Residential zones R-12, R-18, R-24 and R-48 – Development standards.
18.21.060 Nonresidential land uses in residential zones.
18.21.070 Personal services and retail uses in R-4 through R-48 zones.

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

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

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

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
<i>Single Detached Dwelling Unit¹</i>	<i>Single Detached Dwelling Unit¹</i>	<i>Jail</i>	<i>Community Residential Facility II</i>
<i>Townhouse²</i>	<i>Townhouse²</i>	<i>Work Release Facility</i>	<i>Hotel/Motel³</i>
<i>Apartment⁴</i>	<i>Apartment⁴</i>	<i>Hydroelectric</i>	<i>Organization Hotel/Lodging</i>
<i>Designated Manufactured Home¹</i>	<i>Designated Manufactured Home¹</i>	<i>Generation Facility</i>	<i>Houses</i>
<i>Mobile Home and Manufactured Home⁵</i>	<i>Mobile Home Park⁶</i>	<i>Nonhydroelectric Generation Facility</i>	<i>Campgrounds</i>
<i>Senior Citizen Assisted Living⁴</i>	<i>Community Residential Facility I</i>	<i>Communication Facility⁵⁰</i>	<i>Destination Resorts</i>
<i>Residential Accessory Uses⁸</i>	<i>Dormitory⁷</i>	<i>Earth Station</i>	<i>Recreational Vehicle Park</i>
<i>Home Occupation</i>	<i>Home Industry</i>	<i>Oil and Gas Extraction</i>	<i>Adult Entertainment Business</i>
<i>Park¹²</i>	<i>Bed and Breakfast</i>	<i>Energy Resource</i>	<i>Theater</i>
	<i>Guesthouse¹⁰</i>	<i>Recovery Facility</i>	<i>Theater, Drive-in</i>
	<i>Marina¹³</i>	<i>Landfill</i>	<i>Bowling Center</i>
		<i>Transfer Station</i>	<i>Shooting Range</i>
			<i>Amusement Arcades</i>

ATTACHMENT 1

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

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
<i>Trails</i> <i>Golf Course Facility</i> ¹⁵ <i>Amusement and Recreation Services</i> ^{16, 17, 18} <i>Library</i> ²⁰ <i>Museum</i> ²⁰ <i>Arboretum</i> <i>Conference Center</i> ²⁰	<i>Sports Club</i> ^{13, 14} <i>Amusement and Recreation Services</i> ^{16, 17, 19} <i>Library</i> <i>Museum</i> <i>Conference Center</i> <i>General Personal Service</i> ²¹	<i>Wastewater Treatment Facility</i> <i>Municipal Water Production</i> <i>Airport/Heliport</i> <i>Transit Bus Base</i> <i>School Bus Base</i> <i>Racetrack</i> ⁶²	<i>Amusement Park</i> <i>Outdoor Performance Center</i> <i>Drycleaning Plants</i> <i>Industrial Launderers</i> <i>Veterinary Clinic</i> <i>Automotive Repair</i> <i>Automotive Service</i> <i>Miscellaneous Repair</i> <i>Kennel or Cattery</i>
<i>Cemetery, Columbarium or Mausoleum</i> ²³ <i>Family Child-Care Home</i> ²⁵ <i>Day Care I</i> ²⁶ <i>Day Care II</i> ²⁶ <i>Church, Synagogue, Mosque, Temple</i> ²⁷ <i>Social Services</i> ^{27, 28} <i>Stable</i> ³⁰ <i>Artist Studios</i> ³¹ <i>Interim Recycling Facility</i> ³² <i>Medical/Dental</i> <i>Office/Outpatient Clinic</i> ²⁷ <i>Elementary School</i> <i>Middle/Junior High School</i> <i>Secondary or High School</i> ³³ <i>Vocational School</i> ²⁹ <i>Specialized Instruction</i> <i>School</i> ³⁴ <i>School District Support</i> <i>Facility</i> ³⁶	<i>Funeral Home/Crematory</i> ²² <i>Cemetery, Columbarium or Mausoleum</i> ²⁴ <i>Day Care I</i> <i>Day Care II</i> <i>Church, Synagogue, Mosque, Temple</i> <i>Social Services</i> ^{28, 29} <i>Stable</i> <i>Medical/Dental</i> <i>Office/Outpatient Clinic</i> ²⁹ <i>Hospital</i> ²⁹ <i>Secondary or High School</i> ³³ <i>Vocational School</i> <i>Specialized Instruction</i> <i>School</i> ³⁵ <i>School District Support</i> <i>Facility</i> <i>Public Agency or Utility</i> <i>Office</i> <i>Fire Facility</i> ⁴⁰ <i>Utility Facility</i> ⁴²	<i>Zoo/Wildlife Exhibit</i> ⁶³ <i>College/University</i> ⁶⁴	<i>Theatrical Production Services</i> <i>Nursing and Personal Care Facilities</i> <i>Medical/Dental Lab</i> <i>Miscellaneous Health Services</i> <i>Public Agency Archives</i> <i>Court</i> <i>Construction and Trade</i> <i>Individual Transportation and Taxi</i> <i>Trucking and Courier Service</i> <i>Warehousing and Wholesale Trade</i> ⁴⁶ <i>Self-Service Storage</i> <i>Farm Product Warehousing, Refrigeration and Storage</i> <i>Log Storage</i> <i>Transportation Service</i> <i>Freight and Cargo Service</i> <i>Passenger Transportation Service</i>

ATTACHMENT 1

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

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
<i>Public Agency or Utility Office³⁷</i> <i>Public Agency or Utility Yard³⁸</i> <i>Police Facility³⁹</i> <i>Utility Facility⁴¹</i> <i>Commuter Parking Lot⁴³</i> <i>Private Stormwater Management Facility⁴⁴</i> <i>Vector Waste Receiving Facility⁴⁵</i> <i>Automotive Parking⁴³</i> <i>Agricultural Product Sales⁵⁰</i> <i>Livestock Sales^{53, 54}</i> <i>Growing and Harvesting Crops</i> <i>Raising Livestock and Small Animals⁵⁵</i>	<i>Commuter Parking Lot</i> <i>Helistop⁴⁷</i> <i>Department and Variety Stores⁴⁸</i> <i>Food Stores⁴⁹</i> <i>Eating and Drinking Places^{51, 52}</i> <i>Drug Stores⁴⁹</i> <i>Book, Stationery, Video and Art Supply Stores⁴⁹</i> <i>Florist Shops⁴⁹</i> <i>Hatchery/Fish Preserve⁵⁶</i> <i>Aquaculture⁵⁶</i> <i>Hydroelectric Generation Facility⁵⁷</i> <i>Nonhydroelectric Generation Facility⁵⁸</i> <i>Communication Facility^{59, 60c}</i> <i>Earth Station^{60a}</i> <i>School Bus Base</i>		<i>Communication Offices</i> <i>Telegraph and Other Communications</i> <i>General Business Service</i> <i>Professional Office</i> <i>Outdoor Advertising Service</i> <i>Miscellaneous Equipment Rental</i> <i>Automotive Rental and Leasing</i> <i>Professional Sports Teams/Promoters</i> <i>Research, Development and Testing</i> <i>Heavy Equipment and Truck Repair</i> <i>Commercial/Industrial Accessory Uses</i> <i>Building, Hardware and Garden Materials Stores</i> <i>Forest Product Sales</i> <i>Motor Vehicle and Boat Dealers</i> <i>Auto Supply Stores</i>
<i>Growing and Harvesting Forest Products</i> <i>School Bus Base⁶¹</i> <i>College/University^{64, 65}</i>	<i>College/University^{64, 66}</i>		<i>Gasoline Service Stations</i> <i>Apparel and Accessory Stores</i> <i>Furniture and Home Furnishings Stores</i> <i>Liquor Stores</i> <i>Used Goods:</i> <i>Antiques/Secondhand Shops</i>

ATTACHMENT 1

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

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
			<i>Sporting Goods and Related Stores</i> <i>Jewelry Stores</i> Monuments, Tombstones and Gravestones Sales <i>Hobby, Toy, Game Shops</i> <i>Photographic and Electronic Shops</i> <i>Fabric Shops</i> Fuel Dealers <i>Personal Medical Supply Stores</i> <i>Pet Shops</i> <i>Bulk Retail</i> <i>Auction Houses</i> <i>Manufacturing Land Uses</i> <i>Forest Research</i> <i>Wildlife Shelters</i> Mineral Extraction and Processing Asphalt/Concrete Mixtures and Block Manufacture <i>Resource Accessory Uses</i> <i>Jail Farm/Camp</i> <i>Public Agency Animal Control Facility</i> <i>Public Agency Training Facility</i> <i>Soil Recycling Facility</i> <i>Fairground</i> Stadium/Arena

ATTACHMENT 1

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

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
			Secure Community Transition Facilities Marijuana Business

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

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

³ Only subject to the residential density incentive provisions of Chapter 18.80 KMC Reserved.

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

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

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

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

⁸ a. See KMC 18.73.100 regarding accessory dwelling units.

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

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

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

⁹ Except bed and breakfast guesthouses.

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

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

¹¹ Reserved.

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

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

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

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

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

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- ¹⁵ Clubhouses, maintenance buildings, equipment storage areas and driving range tees shall be at least 50 feet from residential property lines. Lighting for practice greens and driving range ball impact areas shall be directed away from adjoining residential zones. Applications shall comply with adopted *best management practices* for golf course development.
- ¹⁶ Excluding amusement and recreational *uses* classified elsewhere in this chapter.
- ¹⁷ *Social card games*, as defined by this title, are prohibited.
- ¹⁸ Limited to a golf driving range as an accessory to golf courses.
- ¹⁹ Limited to golf driving ranges and subject to subsection 15 of this section.
- ²⁰ Only as accessory to a *park* or in a *building* listed on the National Register as an historic site or designated as a *City* landmark subject to Chapter [18.50](#) KMC.
- ²¹ Not permitted in R-1 and limited to a maximum of 5,000 square feet per establishment and subject to the additional requirements in KMC [18.21.070](#).
- ²² Only as an accessory to a cemetery.
- ²³ Limited to columbariums accessory to a church, but required *landscaping* and parking shall not be reduced.
- ²⁴ *Structures* shall maintain a minimum distance of 100 feet from property lines adjoining residential zones.
- ²⁵ A *family child-care home* is subject to the requirements established by the Washington State Department of Early Learning (DEL) in WAC Title [170](#). The *family child-care home* shall meet the following requirements:
- a. The family child-care provider shall be licensed by DEL to operate a *family child-care home*;
 - b. A safe passenger loading area as certified by the DEL licensor shall be provided;
 - c. The *family child-care home* shall comply with all applicable building, fire, safety, and health codes enforced by the *City*;
 - d. The *family child-care home* shall comply with all applicable development standards of the *City*, unless determined to be legally nonconforming;

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- e. All signage shall conform to the applicable requirements of Chapter [18.42](#) KMC;
 - f. The *City* has the authority to limit the hours of operation to facilitate neighborhood compatibility;
and
 - g. Prior to receiving State licensing, the family child-care provider shall provide the *City* with proof of written notification informing immediately adjoining property owners of the intent to locate and maintain the *family child-care home*. The notification shall inform the notified parties that comments may be submitted to the DEL and provide contact information for submitting such comments to the DEL. The proof of notification shall be in the form of a written affidavit containing (1) the date and means of notification; (2) a copy of the notification; and (3) a list of the parties to whom the notification was distributed.
- ²⁶ Only as a re-use of a public school facility subject to Chapter [18.50](#) KMC, or an *accessory use* to a school, church, *park*, *sport club* or public housing administered by a *public agency*, and:
- a. Outdoor play areas shall be completely enclosed by a solid wall or *fence*, with no openings except for gates and have a minimum height of six feet;
 - b. Outdoor play equipment shall maintain a minimum distance of 20 feet from property lines adjoining residential zones;
 - c. Direct access to a developed arterial *street* shall be required in any residential zone; and
 - d. Hours of operation may be restricted to assure compatibility with surrounding *development*.
- ²⁷ Only as a re-use of a public school facility subject to Chapter [18.50](#) KMC.
- ²⁸ Except day care services and residential care.
- ²⁹ Only as a re-use of a surplus nonresidential facility subject to Chapter [18.50](#) KMC.
- ³⁰ Covered riding arenas are subject to KMC [18.70.030](#) and shall not exceed 20,000 square feet, but stabling areas, whether attached or detached, shall not be counted in this calculation.
- ³¹ Only as a re-use of a surplus nonresidential facility subject to Chapter [18.50](#) KMC or as a joint use of an existing public school facility.
- ³² Limited to *drop box facilities* accessory to a public or community *use* such as a school, fire station or community center.

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

³⁴ Only as an accessory to residential *use*, and:

- a. Students shall be limited to 12 per one-hour session;
- b. All instruction must be within an enclosed *structure*; and
- c. *Structures* used for the school shall maintain a distance of 25 feet from property lines adjoining residential zones.

³⁵ Subject to the following:

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

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

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

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

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

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

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

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

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

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- (4) The *use* shall be integrated with allowable agricultural *uses* on the *site*;
 - (5) Advertised special events shall comply with the temporary use requirements of this title; and
 - (6) Existing *structures* that are damaged or destroyed by fire or natural event, if damaged by more than 50 percent of their prior value, may reconstruct and expand an additional 65 percent of the original floor area but need not be approved as a conditional use if their *use* otherwise complies with the development conditions in this subsection (35)(c) and this title.
- ³⁶ Only if adjacent to an existing or proposed school.
- ³⁷ a. Only as a re-use of a public school facility or a surplus nonresidential facility subject to the provisions of Chapter [18.50](#) KMC; or
- b. Only when accessory to a fire facility and the office is no greater than 1,500 square feet of floor area.
- ³⁸ a. Utility yards only on *sites* with utility district offices; or
- b. *Public agency* yards are limited to material storage for road maintenance facilities.
- ³⁹ Limited to "storefront" police offices. Such offices shall not have:
- a. Holding cells;
 - b. Suspect interview rooms; or
 - c. Long-term storage of stolen properties.
- ⁴⁰ a. All *buildings* and *structures* shall maintain a minimum distance of 20 feet from property lines adjoining residential zones;
- b. Any *buildings* from which fire-fighting equipment emerges onto a *street* shall maintain a distance of 35 feet from such *street*; and
- c. No *outdoor storage*.
- ⁴¹ Excluding *bulk gas storage tanks*.
- ⁴² Limited to *bulk gas storage tanks* which pipe to individual residences but excluding liquefied natural gas storage tanks.

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

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

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

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

⁴⁶ Except *self-service storage*.

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

⁴⁸ Not in R-1 and limited to *variety stores*, with a maximum of 5,000 square feet of gross floor area, and subject to KMC [18.21.070](#).

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

⁵⁰ a. Limited to products produced on-site.

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

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

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

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

⁵⁴ Limited to the R-1 zone.

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⁵⁵ *Large livestock* allowed in accordance with Chapter [18.70](#) KMC.

⁵⁶ May be further subject to KMC Title [16](#), Division I, Shoreline Management.

⁵⁷ Limited to facilities that comply with the following:

a. Any new diversion *structure* shall not:

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

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

b. There shall be no active storage;

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

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

e. Any transmission line shall be limited to a:

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

(2) Capacity of 230 kV or less;

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

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

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

⁵⁹ The provisions apply only to *major communication facilities*. *Minor communication facilities* shall be reviewed in accordance with the processes and standards outlined in Chapter [18.60](#) KMC.

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

b. Limited to one satellite dish *antenna*.

c. Limited to tower *consolidations*.

⁶¹ Only in conjunction with an existing or proposed school.

⁶² Except racing of motorized vehicles.

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⁶³ Except arboretum.

⁶⁴ Except technical institutions. See *vocational schools*.

⁶⁵ Only as a re-use of a public school facility subject to Chapter [18.50](#) KMC.

⁶⁶ Only as a re-use of a surplus nonresidential facility subject to Chapter [18.50](#) KMC.

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

18.21.030 Residential zones R-1, R-4 and R-6 – Development standards.

The following zone-specific development standards in Table B apply in the R-1, R-4 and R-6 residential zones:

Table B. R-1, R-4 and R-6 Residential Zones Development Standards

STANDARDS	Z O N E S	R-1 ¹	R-4	R-6
Base Density: <i>Dwelling Unit/Acre</i> ²		1 du/ac	4 du/ac ³	6 du/ac
Maximum Density: <i>Dwelling Unit/Acre</i> ⁴			6 du/ac	9 du/ac
Minimum Density				
Minimum Lot Width ⁶		35 ft. ⁷	30 ft.	30 ft.
Minimum <i>Street Setback</i>		20 ft. ⁷	15 ft. ^{8,9}	15 ft. ^{8,9}
Minimum Side <i>Setback</i> ^{5,10}		5 ft. ⁷	15 ft. total ¹¹	15 ft. total ¹¹
Minimum Rear <i>Setback</i> ^{5,10}		5 ft. ⁷	20 ft.	20 ft.
BaseMaximum Height ¹²		35 ft.	35 ft.	35 ft. 45 ft. ¹³
Maximum <i>Impervious Surface</i> : Percentage ¹⁴		30% ¹⁵	55%	70%
Minimum Lot Size		2,500 sq. ft.	7,200 sq. ft. ^{16,17}	5,400 sq. ft. ^{16,17}

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- ¹ a. All subdivisions and short subdivisions in the R-1 zone shall be required to be *clustered* when the property is located within or contains:
- (1) A *floodplain*;
 - (2) A regionally or locally significant resource area;
 - (3) Existing or planned public *parks* or *trails*, or connections to such facilities;
 - (4) A Class I or II *stream* or *wetland*;
 - (5) A "greenbelt/urban separator" or "wildlife corridor" area designated by the comprehensive plan.
- b. The *development* shall be *clustered* away from *critical areas* or corridors such as urban separators or the wildlife habitat network to the extent possible and the *open space* shall be placed in a separate tract that includes at least 50 percent of the *site*. *Open space* tracts shall be permanent and meet the provisions of KMC [17.20.130](#).
- ² Density applies only to *dwelling units* and not to sleeping units.
- ³ *Mobile home parks* shall be allowed a base density of six *dwelling units* per acre.
- ⁴ This maximum density may be achieved only through the application of residential density incentives pursuant to Chapter [18.80](#) KMC or *transfers of density credits*, or any combination of density incentive or density transfer. Maximum density may only be exceeded pursuant to KMC [18.80.040\(E\)\(1\)\(f\)](#).
- ⁵ These standards may be modified under the provisions for *zero-lot-line developments*.
- ⁶ The *building envelope* is determined through meeting minimum lot size and minimum lot width measurement requirements (KMC [18.30.110](#)).
- ⁷ The standards of the R-4 zone shall apply if a *lot* is less than 15,000 square feet in area.
- ⁸ If *development* provides *alleys* or consists of *townhouses*, then the *street setback* may equal 10 feet.
- ⁹ At least 20 linear feet of driveway shall be provided between any garage, carport or other fenced parking area and the *street* property line. The linear distance shall be measured along the

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centerline of the driveway from the access point to such garage, carport or fenced area to the *street* property line.

¹⁰ Vehicle access points from garages, carports or fenced parking areas shall be set back from the property line on which a *joint use driveway* is located to provide a straight line length of at least 26 feet as measured from the centerline of the garage, carport or fenced parking area, from the access point to the opposite side of the *joint use driveway*.

¹¹ Any side yard shall equal a minimum of five feet but the two side yards combined must equal a minimum of 15 feet.

¹² Height limits may be increased when portions of the *structure* which exceed the base height limit provide one additional foot of *street* and interior *setback* for each foot above the base height limit, provided the maximum height may not exceed 75 feet. Netting or fencing and support *structures* for the netting or fencing used to contain golf balls in the operation of golf courses or golf driving ranges are exempt from the additional interior *setback* requirements; provided, that the maximum height shall not exceed 75 feet. Reserved.

¹³ The basemaximum height to be used only for projects as follows:

a. In R-6 zones, a *building* with a footprint built on slopes exceeding a 15 percent finished grade.

¹⁴ Applies to each individual *lot*. *Impervious surface* area standards for:

a. Regional *uses* shall be established at the time of permit review;

b. Nonresidential *uses* in residential zones shall comply with KMC 18.21.060 and 18.30.170;

c. Individual *lots* in the R-4 through R-6 zones which are less than 9,076 square feet in area shall be subject to the applicable provisions of the nearest comparable R-6 zone;

d. *Lots* may be increased beyond the total amount permitted in this chapter subject to approval of a *conditional use permit*.

¹⁵ *Lots* smaller than one-half acre in area shall comply with standards of the nearest comparable R-4 through R-6 zone. For *lots* that are one-half acre in area or larger, the maximum *impervious surface* area allowed shall be at least 10,000 square feet. On any *lot* over one acre in area, an additional five percent of the lot area may be used for *buildings* related to agricultural or forestry practices. For *lots* smaller than two acres but larger than one-half acre,

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an additional 10 percent of the lot area may be used for *structures* which are determined to be medically necessary, provided the *applicant* submits with the permit application a notarized affidavit, conforming with the requirements of KMC 18.100.170(A)(2).

¹⁶ For properties with *critical areas* or topographic constraints, up to 20 percent of the number of *lots* in a subdivision or a short subdivision of more than four *lots*, and one of the *lots* in a short plat of four *lots* or less, may contain an area less than the prescribed minimum for this zoning district. In no case shall any *lots* be created which contain an area more than 10 percent less than the prescribed minimum for this zoning district. These smaller *lots* shall be located so as to have the least impact on surrounding properties in terms of consistency of *street frontages* and privacy of abutting properties.

¹⁷ This excludes any area required for public or *private streets*, access easements, access tracts, and access panhandles.

[Ord. 11-0329 § 3 (Exh. 1).]

Chapter 18.80 RESIDENTIAL DENSITY INCENTIVES

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Attachment 2

**Chapter 18.80
RESIDENTIAL DENSITY INCENTIVES**

Sections:

- 18.80.010 Purpose.**
- 18.80.020 Permitted locations of residential density incentives.**
- 18.80.030 Maximum densities permitted through residential density incentive review.**
- 18.80.040 Public benefits and density incentives.**
- 18.80.050 Rules for calculating total permitted dwelling units.**
- 18.80.060 Review process.**
- 18.80.070 Minor adjustments in final site plans.**
- 18.80.080 Applicability of development standards.**
- 18.80.090 Transfer rules.**

18.80.010 Purpose.

The purpose of this chapter is to provide density incentives to *developers* of residential property, in exchange for public benefits to help achieve comprehensive plan goals of affordable housing, *open space* protection, and parkland acquisition, by:

- A. Defining in quantified terms the public benefits that can be used to earn density incentives;
- B. Providing rules and formulae for computing density incentives earned by each benefit;
- C. Providing a method to realize the development potential of *sites* containing unique features of size, topography, environmental features or shape; and
- D. Providing a review process to allow evaluation of proposed density increases and the public benefits offered to earn them, and to give the public opportunities to review and comment. [Ord. 11-0329 § 3 (Exh. 1).]

18.80.020 Permitted locations of residential density incentives.

Residential density incentives (RDIs) shall be used only on *sites* served by public sewers and only in the following zones:

- A. In R-4 through R-24 and downtown residential zones; and
- B. In DC, NB, CB, UC, WC, and RB zones when part of a *multiple-family dwelling* or *mixed use development*. [Ord. 14-0391 § 2 (Exh. 1); Ord. 11-0329 § 3 (Exh. 1).]

18.80.030 Maximum densities permitted through residential density incentive review.

The maximum density permitted through RDI review shall be 150 percent of the base density of the underlying zone of the *development site*. [Ord. 11-0329 § 3 (Exh. 1).]

18.80.040 Public benefits and density incentives.

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A. The public benefits eligible to earn increased densities, and the maximum incentive to be earned by each benefit, are in subsection E of this section. The density incentive is expressed as additional bonus *dwelling units*, or fractions of *dwelling units*, earned per amount of public benefit provided.

B. Bonus *dwelling units* may be earned through any combination of the listed public benefits.

C. Bonus *dwelling units* may also be earned and transferred to the project *site* through the *transfer of density credit (TDC)* process by providing any of the *open space, park* site public benefits set forth in subsection (E)(2) of this section on *sites* other than that of the RDI *development*.

D. Residential *development* in R-4 through R-24 and downtown residential zones with property-specific development standards requiring any public benefit enumerated in this chapter shall be eligible to earn bonus *dwelling units* in accordance with subsection E of this section if the public benefits provided exceed the basic development standards of this title. If a *development* is located in a special overlay district, bonus units may be earned if the *development* provides public benefits exceeding corresponding standards of the special district.

E. The following are the public benefits eligible to earn density incentives through RDI review:

BENEFIT	DENSITY INCENTIVE
1. AFFORDABLE HOUSING	
a. Benefit units consisting of rental housing permanently priced to serve low-income households (i.e., no greater than 30 percent of gross income for households at or below 50 percent of King County median income, adjusted for household size). A covenant on the <i>site</i> that specifies the income level being served, rent levels and requirements for reporting to the <i>City</i> shall be recorded at final approval.	2.0 bonus units per benefit unit.
b. Benefit units consisting of assisted housing units 600 square feet or less.	1.0 bonus unit per benefit unit.
c. Benefit units consisting of rental housing permanently priced to serve moderate-income households (i.e., no greater than 30 percent of gross income for households at or below 70 percent of King County median income, adjusted for household size). A covenant on the <i>site</i> that specifies the income level being served, rent levels and requirements for reporting to the <i>City</i> shall be recorded at final approval.	1.0 bonus unit per benefit unit.

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BENEFIT	DENSITY INCENTIVE
d. Benefit units consisting of moderate income housing reserved for income- and asset-qualified home buyers (total household income at or below 80 percent of King County median, adjusted for household size). Benefit units shall be limited to owner-occupied housing, with prices restricted to same income group, based on current underwriting ratios and other lending standards for 30 years from date of first sale. A covenant on the <i>site</i> that specifies the income level and other aspects of buyer eligibility, price levels and requirements for reporting to the <i>City</i> shall be recorded at final approval.	1.0 bonus unit per benefit unit.
e. Projects in which units are reserved for moderate-income- and asset-qualified buyers (total household income at or below 50 percent of the King County median, adjusted for household size). All units shall be limited to owner-occupied housing with prices restricted based on current underwriting ratios and other lending standards, and with prices restricted to same income group, for 30 years from date of first sale. Final approval conditions shall specify requirements for reporting to the <i>City</i> on both buyer eligibility and housing prices.	2.0 bonus units per benefit unit.
f. Benefit units consisting of <i>mobile home park</i> space or pad reserved for the relocation of an insignia or noninsignia <i>mobile home</i> , that has been or will be displaced due to closure of a <i>mobile home park</i> located in the <i>City</i> .	1.0 bonus unit per benefit unit.
2. OPEN SPACE, TRAILS AND PARKS	
a. Dedication of <i>park</i> site or <i>trail</i> right-of-way meeting the <i>City</i> location and size standards for neighborhood, community or regional <i>park</i> , or <i>trail</i> , and accepted by the <i>department</i> .	0.5 bonus unit per acre of <i>park</i> area or quarter-mile of <i>trail</i> exceeding the minimum requirement of Chapter <u>18.30</u> KMC for on-site recreation space or <i>trail</i> corridors, computed on the number of <i>dwelling units</i> permitted by the <i>site's</i> base density.
b. Improvement of dedicated <i>park</i> site to <i>City</i> standards for developed <i>parks</i> .	0.75 bonus unit per acre of <i>park</i> improvement. If the <i>applicant</i> is dedicating the site of the improvements, the bonus units earned by improvements shall be added to the bonus units earned by the dedication.

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BENEFIT	DENSITY INCENTIVE
c. Improvement of dedicated <i>trail</i> segment to <i>City</i> standards.	1.8 bonus units per quarter-mile of <i>trail</i> constructed to <i>City</i> standard for pedestrian <i>trails</i> ; or 2.5 bonus units per quarter-mile of <i>trail</i> constructed to <i>City</i> standard for multipurpose <i>trails</i> (pedestrian/bicycle/equestrian). Shorter segments shall be awarded bonus units on a pro rata basis. If the <i>applicant</i> is dedicating the site of the improvements, the bonus units earned by improvements shall be added to the bonus units earned by the dedication.
d. Dedication of <i>open space</i> , meeting <i>City</i> acquisition standards to the <i>City</i> or a qualified public or <i>private</i> organization such as a nature conservancy.	0.5 bonus unit per acre of <i>open space</i> .

[Ord. 11-0329 § 3 (Exh. 1).]

18.80.050 Rules for calculating total permitted dwelling units.

A. The formula for calculating the total number of *dwelling units* permitted through RDI review is as follows:

$$\begin{array}{rclcl}
 \text{DUs} & + & \text{Bonus} & + & \text{DUs} & = & \text{TOTAL} \\
 \text{allowed} & & \text{DUs} & & \text{allowed} & & \text{RDI} \\
 \text{by RDI} & & & & \text{by} & & \text{DUs} \\
 \text{site} & & & & \text{sending} & & \\
 \text{base} & & & & \text{site} & & \\
 \text{Density} & & & & \text{density} & & \\
 & & & & \text{(if any)} & &
 \end{array}$$

B. The total *dwelling units* permitted through RDI review shall be calculated using the following steps:

1. Calculate the number of dwellings permitted by the base density of the *site* in accordance with Chapter 18.30 KMC;
2. Calculate the total number of bonus *dwelling units* earned by providing the public benefits listed in KMC 18.80.040;
3. Add the number of bonus *dwelling units* earned to the number of *dwelling units* permitted by the base density;
4. Add the number of *dwelling units* permitted by the base density of the *site* sending *TDCs*, if any;
5. Round fractional *dwelling units* to the nearest whole number; 0.49 or less *dwelling units* are rounded down; and
6. On *sites* with more than one zone or zone density, the maximum density shall be calculated for the *site area* of each zone. Bonus units may be reallocated within the zones in the same manner set forth for base units. [Ord. 11-0329 § 3 (Exh. 1).]

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18.80.060 Review process.

A. All RDI proposals shall be reviewed concurrently with a primary proposal to consider the proposed site plan and methods used to earn extra density as follows:

1. For the purpose of this section, a "primary proposal" is defined as a proposed subdivision, short subdivision of more than four lots, *conditional use permit* or commercial building permit;
2. When the primary proposal requires a public hearing under this code or KMC Title 17, the public hearing on the primary proposal shall serve as the hearing on the RDI proposal, and the reviewing authority shall make a consolidated decision on the proposed *development* and use of RDI;
3. When the primary proposal does not require a public hearing under this code or KMC Title 17, the RDI proposal shall be subject to the decision criteria for *conditional use permits* outlined in Chapter 18.115 KMC and to the procedures set forth for *city manager/hearing examiner* review in this title; and
4. The notice for the RDI proposal also shall include the *development's* proposed density and a general description of the public benefits offered to earn extra density.

B. RDI applications which propose to earn bonus units by dedicating real property or public facilities shall include a letter from the receiving agency certifying that the proposed dedication qualifies for the density incentive and will be accepted by the agency or other qualifying organization. [Ord. 11-0329 § 3 (Exh. 1).]

18.80.070 Minor adjustments in final site plans.

When issuing building permits in an approved RDI *development*, the *department* may allow minor adjustments in the approved site plan involving the location or dimensions of *buildings* or *landscaping*, provided such adjustments shall not:

- A. Increase the number of *dwelling units*;
- B. Decrease the amount of perimeter *landscaping* (if any);
- C. Decrease residential parking facilities (unless the number of *dwelling units* is decreased);
- D. Locate *structures* closer to any *site* boundary line; or
- E. Change the locations of any points of ingress and egress to the *site*. [Ord. 11-0329 § 3 (Exh. 1).]

18.80.080 Applicability of development standards.

A. RDI *developments* shall comply with dimensional standards of the zone with a base density most closely comparable to the total approved density of the RDI *development*; provided, that an RDI proposal in the R-4 through R-6 zones shall conform to the height requirements of the underlying zone in which it is located.

B. RDI *developments* in the R-4 through R-6 zones shall be landscaped as follows:

1. When 75 percent or more of the units in the RDI *development* consist of *townhouses* or *apartments*, the *development* shall provide perimeter *landscaping* and *tree* retention in accordance with Chapters 18.35 and 18.57 KMC for *townhouse* or *apartment* projects.
2. When less than 75 percent of the units in the RDI consist of *townhouses* or *apartments*, the *development* shall provide *landscaping* and *tree* retention in accordance with Chapters 18.35 and

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18.57 KMC for *townhouses* or *apartments* on the portion(s) of the *development* containing such units; provided, that if *buildings* containing such units are more than 100 feet from the *development's* perimeter, the required *landscaping* may be reduced by 50 percent.

3. All other portions of the RDI shall provide *landscaping* or retain *trees* in accordance with Chapters 18.35 and 18.57 KMC.

C. RDI *developments* in all other zones shall be landscaped or retain *trees* in accordance with Chapters 18.35 and 18.57 KMC.

D. RDI *developments* shall provide parking as follows:

1. Projects with 100 percent affordable housing shall provide one off-street *parking space* per unit. The *city manager* may require additional parking, up to the maximum standards for attached *dwelling units*, which may be provided in common parking areas.

2. All other RDI proposals shall provide parking for:

a. Market rate/bonus units at levels consistent with Chapter 18.40 KMC; and

b. Benefit units at:

(1) One or two bedrooms: one *parking space* per unit;

(2) Three bedrooms: 1.5 *parking spaces* per unit;

(3) Parking may be further reduced if a parking demand analysis is provided per KMC 18.40.030(B).

E. RDI *developments* shall provide on-site recreation space as follows:

1. Projects with 100 percent affordable housing shall provide recreation space at 50 percent of the levels required in Chapter 18.30 KMC.

2. All other RDI proposals shall provide recreation space for:

a. Market rate/bonus units at levels consistent with Chapter 18.30 KMC; and

b. Benefit units at 50 percent of the levels required for market rate/bonus units. [Ord. 11-0329 § 3 (Exh. 1).]

18.80.090 Transfer rules.

A. The number of density credits that a *sending site* is eligible to send to a *receiving site* shall be determined by applying the base density of the zone the *sending site* is located in to the total *sending site area*, less any portion of the *sending site* already in a conservation easement or other encumbrance, or any land area already used to calculate residential density for other *development*. A plot plan showing *critical areas* and *buffers*, conservation easements or other encumbrances shall be submitted as part of the development application to demonstrate compliance with the density calculation rules set forth in Chapter 18.30 KMC.

B. *Sending sites* with *critical areas* that have been declared unbuildable under Chapter 18.30 KMC shall be considered to have a base density calculated in accordance with that chapter, except that the areas of the *sending* and *receiving sites* shall be combined to calculate the overall *site* percentage of *critical*

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areas and *buffers* necessary for determining the allowable density credit as set forth in Chapter [18.55](#) KMC.

C. Density credits from one *sending site* may be allocated to more than one *receiving site*. The credit from each segment shall be allocated to a specified *receiving site*.

D. When the *sending site* consists only of a portion(s) of an unsubdivided parcel, said portion(s) shall be segregated from the remainder of the *lot* pursuant to KMC Title [17](#) or deed restrictions documenting the density credit transfers shall be recorded with the title to both the *sending* and *receiving sites*. A parcel need not segregate a *sending site* from the remainder of the parcel when the entire parcel is subject to a conservation easement pursuant to subsection E of this section.

E. Conservation easements shall be required for land contained in the *sending site*, whether or not such land is dedicated, as follows: a conservation easement as defined in the *open space* plan shall be recorded on the *sending site* to indicate development limitations on the *sending site*.

F. Upon submitting an application to develop a *receiving site* under the provisions of this chapter, the *applicant* shall provide evidence of ownership or full legal control of all *sending sites* proposed to be used in calculating total density on the *receiving site*. It shall be the *applicant's* responsibility, prior to application, to ascertain what form of permanent protection of the *sending site* will be acceptable to the *City*.

G. Density credits from a *sending site* shall be considered transferred to a *receiving site* when the *sending site* is permanently protected by a completed and recorded land dedication or conservation easement.

H. *TDC developments* shall comply with dimensional standards of the zone with a base density most closely comparable to the total approved density of the *TDC development*. [Ord. 11-0329 § 3 (Exh. 1).]

[Mobile Version](#)

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18.21.030 Residential zones R-1, R-4 and R-6 – Development standards.

The following zone-specific development standards in Table B apply in the R-1, R-4 and R-6 residential zones:

Table B. R-1, R-4 and R-6 Residential Zones Development Standards

STANDARDS	Z O N E S			
		R-1 ¹	R-4	R-6
Base Density: <i>Dwelling Unit/Acre</i> ²		1 du/ac	4 du/ac ³	6 du/ac
Maximum Density: <i>Dwelling Unit/Acre</i> ⁴			6 du/ac	9 du/ac
Minimum Density				
Minimum Lot Width ⁶		35 ft. ⁷	30 ft.	30 ft.
Minimum <i>Street Setback</i>		20 ft. ⁷	15 ft. ^{8,9}	15 ft. ^{8,9}
Minimum Side <i>Setback</i> ^{5,10}		5 ft. ⁷	15 ft. total ¹¹	15 ft. total ¹¹
Minimum Rear <i>Setback</i> ^{5,10}		5 ft. ⁷	20 ft.	20 ft.
Base Height ¹²		35 ft.	35 ft.	35 ft. 45 ft. ¹³
Maximum <i>Impervious Surface</i> : Percentage ¹⁴		30% ¹⁵	55%	70%
Minimum Lot Size		2,500 sq. ft.	7,200 sq. ft. ^{16,17}	5,400 sq. ft. ^{16,17}

¹ a. All subdivisions and short subdivisions in the R-1 zone shall be required to be *clustered* when the property is located within or contains:

- (1) A *floodplain*;
- (2) A regionally or locally significant resource area;
- (3) Existing or planned public *parks* or *trails*, or connections to such facilities;
- (4) A Class I or II *stream* or *wetland*;

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(5) A "greenbelt/urban separator" or "wildlife corridor" area designated by the comprehensive plan.

b. The *development* shall be *clustered* away from *critical areas* or corridors such as urban separators or the wildlife habitat network to the extent possible and the *open space* shall be placed in a separate tract that includes at least 50 percent of the *site*. *Open space* tracts shall be permanent and meet the provisions of KMC [17.20.130](#).

² Density applies only to *dwelling units* and not to sleeping units.

³ *Mobile home parks* shall be allowed a base density of six *dwelling units* per acre.

⁴ This maximum density may be achieved only through the application of residential density incentives pursuant to Chapter [18.80](#) KMC or *transfers of density credits*, or any combination of density incentive or density transfer. Maximum density may only be exceeded pursuant to KMC [18.80.040](#)(E)(1)(f).

⁵ These standards may be modified under the provisions for *zero-lot-line developments*.

⁶ The *building envelope* is determined through meeting minimum lot size and minimum lot width measurement requirements (KMC [18.30.110](#)).

⁷ The standards of the R-4 zone shall apply if a *lot* is less than 15,000 square feet in area.

⁸ If *development* provides *alleys* or consists of *townhouses*, then the *street setback* may equal 10 feet.

⁹ At least 20 linear feet of driveway shall be provided between any garage, carport or other fenced parking area and the *street* property line. The linear distance shall be measured along the centerline of the driveway from the access point to such garage, carport or fenced area to the *street* property line.

¹⁰ Vehicle access points from garages, carports or fenced parking areas shall be set back from the property line on which a *joint use driveway* is located to provide a straight line length of at least 26 feet as measured from the centerline of the garage, carport or fenced parking area, from the access point to the opposite side of the *joint use driveway*.

¹¹ Any side yard shall equal a minimum of five feet but the two side yards combined must equal a minimum of 15 feet.

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¹² Height limits may be increased when portions of the *structure* which exceed the base height limit provide one additional foot of *street* and interior *setback* for each foot above the base height limit, provided the maximum height may not exceed 75 feet. Netting or fencing and support *structures* for the netting or fencing used to contain golf balls in the operation of golf courses or golf driving ranges are exempt from the additional interior *setback* requirements; provided, that the maximum height shall not exceed 75 feet.

¹³ The base height to be used only for projects as follows:

a. In R-6 zones, a *building* with a footprint built on slopes exceeding a 15 percent finished grade.

¹⁴ Applies to each individual *lot*. *Impervious surface* area standards for:

a. Regional *uses* shall be established at the time of permit review;

b. Nonresidential *uses* in residential zones shall comply with KMC [18.21.060](#) and [18.30.170](#);

c. Individual *lots* in the R-4 through R-6 zones which are less than 9,076 square feet in area shall be subject to the applicable provisions of the nearest comparable R-6 zone;

d. *Lots* may be increased beyond the total amount permitted in this chapter subject to approval of a *conditional use permit*.

¹⁵ *Lots* smaller than one-half acre in area shall comply with standards of the nearest comparable R-4 through R-6 zone. For *lots* that are one-half acre in area or larger, the maximum *impervious surface* area allowed shall be at least 10,000 square feet. On any *lot* over one acre in area, an additional five percent of the lot area may be used for *buildings* related to agricultural or forestry practices. For *lots* smaller than two acres but larger than one-half acre, an additional 10 percent of the lot area may be used for *structures* which are determined to be medically necessary, provided the *applicant* submits with the permit application a notarized affidavit, conforming with the requirements of KMC [18.100.170](#)(A)(2).

¹⁶ For properties with *critical areas* or topographic constraints, up to 20 percent of the number of *lots* in a subdivision or a short subdivision of more than four *lots*, and one of the *lots* in a short plat of four *lots* or less, may contain an area less than the prescribed minimum for this zoning district. In no case shall any *lots* be created which contain an area more than 10 percent less than the prescribed minimum for this zoning district. These smaller *lots* shall be located so as to have the least impact on surrounding properties in terms of consistency of *street frontages* and privacy of abutting properties.

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¹⁷ This excludes any area required for public or *private streets*, access easements, access tracts, and access panhandles.

[Ord. 11-0329 § 3 (Exh. 1).]



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

Subject/Topic: Public Hearing on, and Potential Adoption of, Ordinance 16-0426, Wireless Communication Facilities Code Amendments.

Proposed Council Action/Motion:

Hold a public hearing on Ordinance 16-0426. After the public hearing, adopt Ordinance 16-0426, the Wireless Communication Facilities Code Amendments.

For Council Meeting Agenda of: 10/10/16

Department: Community Development

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

Initial & Date

Approved by Department Head: 9/21/16
 Approved by City Attorney: DR email, 9/16/16
 Approved by Finance Director: [Signature] 9/21/16
 Approved by City Manager: [Signature]

Exhibits/Attachments:

1. Draft Ordinance 16-0426
2. Email from Ken Lyons, AT&T
3. Email from Liz Carrasquero, T-Mobile
4. Email from Linda Atkins, representing AT&T, T-Mobile and Verizon

Expenditure Required \$0 Amount Budgeted: \$0 Appropriation Required \$0

INFORMATION/BACKGROUND: As requested at your September 12 City Council meeting, staff has made two changes to the draft ordinance for adopting the wireless communication facilities (WCF) code amendments: 1) make small cells (now a defined term) a permitted use rather than requiring a conditional use permit; and 2) clarify that the major adjustment criterion that requires a "significant gap in service" applies both to a gap in service coverage and to a gap in service capacity.

Small cells

The revised ordinance defines small cells and adds them as a permitted use, rather than a conditional use, on building facades; utility or light poles; and on some rooftops. While considering the standards for rooftop antennas in the Community Business, Waterfront Commercial and Urban Corridor west zones, staff noted that rooftop antennas are actually prohibited uses in these zones, rather than conditional uses. As staff was unclear about whether Council wished to allow rooftop small cells where they could impact views to Lake Washington, staff retained the existing rooftop prohibition, even for small cells. The City Council specifically discussed allowing small cell facilities on utility poles in these same zones and staff has incorporated that change.

If it was, in fact, Council's intent to allow small cells on rooftops in the Community Business, Waterfront Commercial and Urban Corridor west zones, a motion could be made to add "P7" to the relevant cell in the chart in Section 18.60.050. A height limit for these small cells on rooftops would have to be added and staff would recommend, "Maximum height: 3' above the roof height at the antenna location," matching existing height limitations on rooftop appurtenances in the Community Business zone. This change, too, could be made by motion at the Council meeting.

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Major adjustment

The major adjustment amendments make it clear that both “coverage” and “capacity” are included in the assessment of a significant gap in service. A concern expressed by Councilmember Sperry was that a delay in submitting a major adjustment application (if needed) until after a service gap has been identified could leave service gaps in the community for the time it takes to process the permit and install the facility. While staff continues to believe that a criterion that considers a gap in an unlimited future service would make the test meaningless, we do think a near-term future gap should be considered.

Staff consulted with the wireless carriers about their system planning horizons. Ken Lyons with AT&T initially proposed a “gap reasonably expected in two years” as a means to address future service needs (see Attachment 2). Liz Carrasquero with T-Mobile stated that “impact to the system is reviewed 2-5 years in advance, so as to be ahead of the capacity crunch.” She noted that, as with AT&T, the T-Mobile development cycle is two years (see Attachment 3). Linda Atkins, attorney representing AT&T, Verizon and T-Mobile, proposed “demonstrable future need” as the limiting factor (see Attachment 4).

Ultimately, staff has concluded that a specific time horizon should be established for assessing future significant gaps in service. “Demonstrable future need” as a standard could lead to a service assessment many years into the future. Given that a major adjustment is to be a “last resort” used to vary city standards, staff has included in the ordinance a more conservative two year future time period for the service gap assessment, as suggested by one of the service providers. The two year horizon was chosen as it seems to best reflect the actual development cycle of the carriers.

We encourage Council to contact staff with questions or concerns about the draft ordinance prior to the October 10 meeting so that staff will be prepared to address any issues on the 10th.

FISCAL CONSIDERATION:

None at this time.

COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:

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

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

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

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

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

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

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

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

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

**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 16-0426**

AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON, ADDRESSING KENMORE MUNICIPAL CODE REGULATIONS FOR WIRELESS COMMUNICATION FACILITIES WITHIN THE CITY; REPEALING EXISTING CHAPTER 18.60, COMMUNICATION FACILITIES; ADOPTING A NEW CHAPTER 18.60, WIRELESS COMMUNICATION FACILITIES; AMENDING CHAPTER 18.20, TECHNICAL TERMS AND LAND USE DEFINITIONS; AMENDING SECTIONS 18.21.020, 18.21.040, 18.22.010, 18.23.020, 18.24.020, 18.25.020, 18.25A.030, 18.25A.040, 18.25B.020, 18.26.030, 18.26.040, 18.26.050, 18.27.020, 18.28A.020, AND 18.29.040, USE ALLOWANCES; ADDING NEW SECTIONS 18.21.080, 18.22.030, 18.23.050, 18.24.045, 18.25.045, 18.25A.075, 18.25B.060, 18.26.085, 18.27.055, 18.28.055, 18.28A.055, AND 18.29.055, WIRELESS COMMUNICATION FACILITIES; AMENDING SECTION 18.23.040, ZONING STANDARDS; AMENDING SECTION 18.30.060, HEIGHT, EXCEPTION TO LIMITS; AMENDING SECTION 18.30.230, SETBACKS – PROJECTIONS AND STRUCTURES ALLOWED; AMENDING SECTION 18.35.020, APPLICATION; AMENDING SECTION 18.50.230, HAZARDOUS LIQUID AND GAS TRANSMISSION PIPELINES; AMENDING SECTION 18.52.200, OUTDOOR SERVICE AND STORAGE AREAS; AMENDING SECTION 19.25.020, CLASSIFICATION OF LAND USE DECISION PROCESSES; AMENDING CHAPTER 12.58, WIRELESS COMMUNICATION FACILITIES WITHIN CITY RIGHTS-OF-WAY; ADOPTING SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, between November 2015 and June 2016, the Planning Commission reviewed and recommended amendments to the Kenmore Municipal Code to address wireless communication facilities; and

WHEREAS, on June 7, 2016, the Planning Commission held a public hearing on the proposed amendments to obtain public input before making their final recommendations; and

WHEREAS, the City's Responsible Official under the State Environmental Policy Act issued a determination of non-significance for the proposed amendments; and

WHEREAS, the Washington State Department of Commerce was notified of the proposed amendments pursuant to RCW 36.70A.106; and

WHEREAS, on July 11, 2016, the City Council reviewed and discussed the wireless communication facility code amendment recommendations; and

WHEREAS, on September 12, 2016, the City Council continued its review and consideration of the proposed amendments; and

WHEREAS, on October 10, 2016, the City Council held a public hearing and continued its review and consideration of the proposed amendments; and

WHEREAS, Section 19.20.090 of the Kenmore Municipal Code sets forth the decision criteria for the amendment of development regulations; and

WHEREAS, the proposed amendments are consistent with the Growth Management Act and the countywide planning policies through planning for infrastructure growth while protecting a high quality of life; and

WHEREAS, the proposed amendments are beneficial to the City as a whole and will not adversely affect public health, safety, and welfare through balancing the desire to provide wireless communication services with protection of the community; and

WHEREAS, the proposed amendments are consistent with the policies, objectives, and goals of the Comprehensive Plan, including the 20-Year Vision Statement, Policy LU-1.2.3, Policy U-3.1.1, Policy U-3.1.7, Policy U-3.4.5, Policy U-3.4.6, Policy U-3.4.7, and the Comprehensive Plan Implementation Strategy that states, "New programs, rules, or regulations may be needed to address updated communication facility regulations addressing co-location, alternate siting, and view corridors," and do not create an inconsistency within the Plan; and

WHEREAS, amendments to multiple chapters of the municipal code are proposed to eliminate inconsistencies and ensure that the proposed amendments do not duplicate or conflict with other portions of the Kenmore Municipal Code; and

WHEREAS, the proposed amendments also address changed circumstances by adopting regulations that are consistent with federal law relating to wireless communication facilities; and

WHEREAS, the City Council adopted Ordinance No. 08-0291 and Ordinance No. 14-0391, which reduced maximum height allowances in the Community Business, Urban Corridor west, and Waterfront Commercial zoning districts to protect public views of Lake Washington; and

WHEREAS, the City Council desires to adopt revised regulations to address wireless communication facilities in ways that balance the needs of the wireless carriers with the community's goals, objectives and policies as set forth in the City's Comprehensive Plan and other adopted City policies;

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

Section 1. Findings. The recitals set forth above are hereby adopted as the City Council's findings in support of this Ordinance. The City Council hereby finds that decision criteria set forth in KMC 19.20.090, for the amendment of development regulations, has been met. This finding is based on the incorporated recitals and the record created before the Planning Commission and City Council.

Section 2. Repeal of Chapter 18.60 of the Kenmore Municipal Code. The City Council repeals existing Chapter 18.60, Communication Facilities, of the Kenmore Municipal Code.

Section 3. Adoption of new Chapter 18.60 of the Kenmore Municipal Code. The City Council adopts a new Chapter 18.60, Wireless Communication Facilities, of the Kenmore Municipal Code to read as set forth in Attachment A, attached hereto and incorporated herein by reference.

Section 4. Amendments to Chapter 18.20 of the Kenmore Municipal Code. The City Council amends Chapter 18.20, Technical Terms and Land Use Definitions, of the Kenmore Municipal Code to read as set forth in Attachment B, attached hereto and incorporated herein by reference.

Section 5. Amendments to Sections 18.21.020, 18.21.040, 18.22.010, 18.23.020, 18.24.020, 18.25.020, 18.25A.030, 18.25A.040, 18.25B.020, 18.26.030, 18.26.040, 18.26.050, 18.27.020, 18.28A.020, and 18.29.040 of the Kenmore Municipal Code. The City Council amends Sections 18.21.020, 18.21.040, 18.22.010, 18.23.020, 18.24.020, 18.25.020, 18.25A.030, 18.25A.040, 18.25B.020, 18.26.030, 18.26.040, 18.26.050, 18.27.020, 18.28A.020, and 18.29.040, Use Allowances, of the Kenmore Municipal Code to read as set forth in Attachment C, attached hereto and incorporated herein by reference.

Section 6. Adoption of new Sections 18.21.080, 18.22.030, 18.23.050, 18.24.045, 18.25.045, 18.25A.075, 18.25B.060, 18.26.085, 18.27.055, 18.28.055, 18.28A.055, and 18.29.055 of the Kenmore Municipal Code. The City Council adopts new Sections 18.21.080, 18.22.030, 18.23.050, 18.24.045, 18.25.045, 18.25A.075, 18.25B.060, 18.26.085, 18.27.055, 18.28.055, 18.28A.055, and 18.29.055, Wireless Communication Facilities, of the Kenmore Municipal Code to read as set forth in Attachment D, attached hereto and incorporated herein by reference.

Section 7. Amendments to Sections 18.23.040, 18.30.060, 18.30.230, 18.35.020, 18.50.230, and 18.52.200 of the Kenmore Municipal Code. The City Council amends Sections 18.23.040, Zoning Standards, 18.30.060, Height, Exception to Limits, 18.30.230, Setbacks – Projections and Structures Allowed, 18.35.020, Application, 18.50.230, Hazardous Liquid and Gas Transmission Pipelines, and 18.52.200, Outdoor Service and Storage Areas, of the Kenmore Municipal Code to read as set forth in Attachment E, attached hereto and incorporated herein by reference.

Section 8. Amendments to Section 19.25.020 of the Kenmore Municipal Code. The City Council amends Section 19.25.020, Classification of Land Use Decision Processes, of the Kenmore Municipal Code to read as set forth in Attachment F, attached hereto and incorporated herein by reference.

Section 9. Amendments to Chapter 12.58 of the Kenmore Municipal Code. The City Council adopts amendments to Chapter 12.58, Wireless Minor Communication Facilities within City Rights-of-Way, of the Kenmore Municipal Code to read as set forth in Attachment G, attached hereto and incorporated herein by reference.

Section 10. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, the remainder of the Ordinance, or the application of the provision to other persons or circumstances, is not affected.

Section 11. Effective Date. This Ordinance shall be published in the official newspaper of the City and shall take effect and be in force five (5) days after the date of publication.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 10th DAY OF OCTOBER, 2016.

CITY OF KENMORE

David Baker, Mayor

ATTEST/AUTHENTICATED:

Patty Safrin, City Clerk

Approved as to form:

Rod P. Kaseguma, City Attorney

Filed with the City Clerk:
Passed by the City Council:
Ordinance No.:
Date of Publication:
Effective Date:

ATTACHMENT A

Chapter 18.60
WIRELESS COMMUNICATION FACILITIES

(This is a completely new replacement chapter)

Sections:

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

18.60.010 Purpose.

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

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

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

18.60.020 Applicability.

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

18.60.030 Exemptions.

The following are exempt from the provisions of this chapter:

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

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

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

18.60.040 Locational priorities.

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

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

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

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

18.60.050 Wireless communication facility review processes and maximum allowable heights.

P – Permitted Use

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

X – Prohibited Use⁵

Type of wireless communication facility	Residential zones R-1 through R-6	Residential zones R-12 through R-24, and DR	Nonresidential zones RB, UC east, DC, and NB	Nonresidential zones UC west, WC, and CB (view zones)	Other non-residential zones PSP, P, and GC
Antenna collocation on an existing conforming tower	P Maximum height: same as existing tower	P Maximum height: same as existing tower	P Maximum height: same as existing tower	P Maximum height: same as existing tower	P Maximum height: same as existing tower
Rooftop antenna	X, C ^{1,2} , P ^{1,7} Maximum height: 15' above the roof height at the antenna location	P Maximum height: 15' above the roof height at the antenna location	P Maximum height: 15' above the roof height at the antenna location	X	P Maximum height: 15' above the roof height at the antenna location
Façade antenna	X, C ^{1,2} , P ^{1,7} Maximum height: 2' above the roofline or parapet wall	P Maximum height: 2' above the roofline or parapet wall	P Maximum height: 2' above the roofline or parapet wall	P Maximum height: May not extend above the roofline or parapet wall	P Maximum height: 2' above the roofline or parapet wall
Amateur (ham) radio facilities	P Maximum height ³ : Ground-mounted facility - 65'. Rooftop facility - 30' above the roof height at the antenna location	P Maximum height ³ : Ground-mounted facility - 65'. Rooftop facility - 30' above the roof height at the antenna location	P Maximum height ³ : Ground-mounted facility - 65'. Rooftop facility - 30' above the roof height at the antenna location	P Maximum height: 35'	P Maximum height ³ : Ground-mounted facility - 65'. Rooftop facility - 30' above the roof height at the antenna location
Antennas on utility or light poles. (Nearest abutting zone is	C ² , P ⁷ Maximum height: 55'	P Maximum height: 55'	P Maximum height: 55'	C ² , P ⁷ Maximum height: up to	P Maximum height: 55'

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

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

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

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

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

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

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

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

⁶*Lattice towers* shall not be permitted.

⁷*Small cells* only.

18.60.060 Distributed antenna systems (DAS) and small cells.

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

18.60.070 Pre-application community meetings.

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

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

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

18.60.080 Criteria for determining infeasibility of alternative sites.

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

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

18.60.090 Collocation requirements.

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

18.60.100 Setback requirements.

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

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

Facility	Setbacks
	setback as specified in the zoning district.

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

18.60.110 Landscaping requirements.

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

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

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

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

18.60.120 Concealment elements.

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

A. All facilities:

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

5. Except as specifically required by the *FAA* or the Federal Communications Commission (*FCC*), *wireless communication facilities* shall not be illuminated, except ground equipment may use lighting for security reasons which is compatible with the surrounding neighborhood.
 6. *Wireless communication facilities* shall be located and oriented in such a way as to minimize view blockage to Lake Washington.
 7. No signs, symbols, flags, or banners shall be attached to, painted, or inscribed upon any *wireless communication facilities* except as follows: one sign measuring 18 inches by 12 inches upon or near the wireless communication facility which: (a) states that trespassers will be prosecuted (if applicable); (b) lists the names and telephone numbers of persons to be contacted in the event of an *emergency*; (c) identifies the permittee or person responsible for operating the *wireless communication facility*; and/or (d) contains information necessary and convenient for the permittee or person operating the *wireless communication facility* to identify the *wireless communication facility*. Nothing in this section shall be construed to prohibit the placement of safety or warning signs upon any portion of the *wireless communication facility* which are required by law or which are designed to apprise *emergency* response personnel and the employees and agents of *wireless communication facility* providers of particular hazards associated with equipment located upon the *wireless communication facility*.
- B. Rooftop antennas: The *antenna* shall be placed as close to the center of the structure as possible.
- C. Façade antennas:
1. *Antennas* shall be flush-mounted within 12 inches of the face of the building or mechanical equipment screening.
 2. *Antennas* shall be placed on the portion of the structure less likely to be seen from adjacent lands containing, in descending order of priority: existing residences, public *parks* and open spaces, and public roadways.
 3. Colors and materials shall be chosen to provide architectural compatibility with the building.
- D. Towers:
1. *Antennas* shall be flush-mounted within six inches of the *tower*.

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

E. Satellite dishes:

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

F. Amateur (ham) radio facilities:

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

G. Antennas on utility or light poles:

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

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

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

18.60.130 Minor modifications to eligible communication facilities (ECFM).

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

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

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

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

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

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

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

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

18.60.140 Other modifications to conforming communication facilities.

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

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

18.60.150 Radio frequency radiation compliance.

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

18.60.160 Fencing and NIER warning signs.

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

18.60.170 Interference.

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

18.60.180 Noise standards.

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

18.60.190 Minor adjustment to requirements.

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

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

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

18.60.200 Major adjustment to requirements.

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

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

1. Significant Gap in Service Coverage or Capacity.

(a) A significant gap exists in the service coverage or capacity of the applicant's network. The gap must exist under present conditions or be expected to occur within two years following submittal of the application for the facility, as demonstrated in a report provided to the city by the applicant.

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

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

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

Negative impacts are minimized if there is:

(a) A reduction in negative visual impacts, including, but not limited to, visual clutter, based on a visual analysis; or

(b) Better preservation of views or view corridors.

18.60.210 Cessation of use.

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

18.60.220 Third party review.

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

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

18.60.230 Nonconformance.

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

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

ATTACHMENT B

**Wireless Communication Facilities
Changes to Chapter 18.20, Technical Terms and Land Use Definitions**

Eliminate the following definitions:

18.20.1775 Monopole tower.

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

18.20.3060 Transmission support structure.

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

18.20.498 Communication facility.

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

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

May include NAICS 517 (Telecommunications).

18.20.580 Consolidation.

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

18.20.860 Earth station.

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

18.20.1700 Microwave.

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

18.20.1762 Modification.

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

18.20.3040 Transmission equipment.

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

18.20.3067 Transmission support structure, guyed.

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

18.20.3070 Transmitter building.

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

18.20.3307 Wireless services.

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

Amend the following definitions:

18.20.180 Antenna.

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

18.20.1575 Lattice-work tower.

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

18.20.3065 147 Alternative t Transmission support structure, alternative.

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

Add the following new definitions:

18.20.149 Amateur (ham) radio facility.

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

18.20.243 Base station.

"Base station" means the structure or equipment at a fixed location that enables wireless communications licensed or authorized by the FCC, between user equipment and a communications network. The term does not encompass a tower or any equipment associated with a tower. The term includes, but is not limited to:

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

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

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

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

18.20.494 Collocation.

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

18.20.760 Distributed Antenna System (DAS).

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

18.20.2415 Satellite Dish.

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

18.20.2765 Small Cell.

"Small cell" means a wireless communication facility that meets both of the following qualifications:

A. Antennas are located inside an antenna enclosure of no more than three cubic feet in volume or, in the case of a facility that has exposed elements, the antennas and all exposed elements could fit within an imaginary enclosure of no more than three cubic feet; and

(b) Primary equipment enclosures are no larger than seventeen cubic feet in volume. The following associated equipment may be located outside the primary equipment enclosure and if so located, is not included in the calculation of equipment volume: Electric meter, concealment, telecom demarcation box, ground-based enclosures, battery back-up power systems, grounding equipment, power transfer switch, and cut-off switch.

18.20.2990 Tower.

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

18.20.3306 Wireless communication facility (WCF).

"Wireless communication facility" or "WCF" generally means an unmanned facility for the transmission and/or reception of radio frequency (RF) signals or other wireless communications, typically consisting of one or more antennas, a transmission or alternative transmission support structure, cables and other

transmission equipment, and an equipment enclosure or cabinets. Wireless communication facility shall not include equipment intended solely for internal household or business use such as wireless modems, cellular signal boosters, or personal cellular cellspots.

ATTACHMENT C

**Wireless Communication Facilities
Revised Use Allowance Code Sections**

Amend the Use Allowance Code Sections as follows:

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

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

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

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
<i>Single Detached Dwelling Unit¹</i>	<i>Single Detached Dwelling Unit¹</i>	<i>Jail</i>	<i>Community Residential Facility II</i>
<i>Townhouse²</i>	<i>Townhouse²</i>	<i>Hydroelectric</i>	<i>Hotel/Motel³</i>
<i>Apartment³</i>	<i>Apartment⁴</i>	<i>Generation Facility</i>	<i>Organization Hotel/Lodging</i>
<i>Designated Manufactured Home¹</i>	<i>Designated Manufactured Home¹</i>	<i>Nonhydroelectric Generation Facility</i>	<i>Houses</i>
<i>Mobile Home and Manufactured Home⁵</i>	<i>Mobile Home Park⁶</i>	<i>Communication Facility^{4a}</i>	<i>Campgrounds</i>
<i>Senior Citizen Assisted Living⁴</i>	<i>Community Residential Facility I</i>	<i>Earth Station</i>	<i>Destination Resorts</i>
<i>Residential Accessory Uses⁶</i>	<i>Dormitory⁷</i>	<i>Oil and Gas Extraction</i>	<i>Recreational Vehicle Park</i>
<i>Home Occupation</i>	<i>Home Industry</i>	<i>Energy Resource</i>	<i>Adult Entertainment Business</i>
<i>Park¹²</i>	<i>Bed and Breakfast</i>	<i>Recovery Facility</i>	<i>Theater</i>
<i>Trails</i>	<i>Guesthouse¹⁰</i>	<i>Landfill</i>	<i>Theater, Drive-in</i>
<i>Golf Course Facility¹⁵</i>	<i>Marina¹³</i>	<i>Transfer Station</i>	<i>Bowling Center</i>
<i>Amusement and Recreation Services^{16, 17, 18}</i>	<i>Sports Club^{13, 14}</i>	<i>Wastewater Treatment Facility</i>	<i>Shooting Range</i>
<i>Library²⁰</i>	<i>Amusement and Recreation Services^{16, 17, 18}</i>	<i>Municipal Water Production</i>	<i>Amusement Arcades</i>
<i>Museum²⁰</i>	<i>Library</i>	<i>Airport/Heliport</i>	<i>Amusement Park</i>
<i>Arboretum</i>	<i>Museum</i>	<i>Transit Bus Base</i>	<i>Outdoor Performance Center</i>
<i>Conference Center²⁰</i>	<i>Conference Center</i>	<i>School Bus Base</i>	<i>Drycleaning Plants</i>
	<i>General Personal Service²¹</i>	<i>Racetrack²²</i>	<i>Industrial Launderers</i>
			<i>Veterinary Clinic</i>
			<i>Automotive Repair</i>
			<i>Automotive Service</i>
			<i>Miscellaneous Repair</i>
			<i>Kennel or Cattery</i>

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

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
<i>Cemetery, Columbarium or Mausoleum²³</i>	<i>Funeral Home/Crematory²²</i>	<i>Zoo/Wildlife Exhibit⁶³</i>	<i>Theatrical Production Services</i>
<i>Family Child-Care Home²⁵</i>	<i>Cemetery, Columbarium or Mausoleum²⁴</i>	<i>College/University⁶⁴</i>	<i>Nursing and Personal Care Facilities</i>
<i>Day Care I²⁶</i>	<i>Day Care I</i>		<i>Medical/Dental Lab</i>
<i>Day Care II²⁶</i>	<i>Day Care II</i>		<i>Miscellaneous Health Services</i>
<i>Church, Synagogue, Mosque, Temple²⁷</i>	<i>Church, Synagogue, Mosque, Temple</i>		<i>Public Agency Archives</i>
<i>Social Services^{27,28}</i>	<i>Social Services^{28,29}</i>		<i>Court</i>
<i>Stable³⁰</i>	<i>Stable</i>		<i>Construction and Trade</i>
<i>Artist Studios³¹</i>	<i>Medical/Dental</i>		<i>Individual Transportation and Taxi</i>
<i>Interim Recycling Facility³²</i>	<i>Office/Outpatient Clinic³⁰</i>		<i>Trucking and Courier Service</i>
<i>Medical/Dental</i>	<i>Hospital³⁰</i>		<i>Warehousing and Wholesale Trade⁴⁵</i>
<i>Office/Outpatient Clinic³⁷</i>	<i>Secondary or High School³³</i>		<i>Self-Service Storage</i>
<i>Elementary School</i>	<i>Vocational School</i>		<i>Farm Product Warehousing, Refrigeration and Storage</i>
<i>Middle/Junior High School</i>	<i>Specialized Instruction</i>		<i>Log Storage</i>
<i>Secondary or High School³³</i>	<i>School³⁵</i>		<i>Transportation Service</i>
<i>Vocational School³⁶</i>	<i>School District Support Facility</i>		<i>Freight and Cargo Service</i>
<i>Specialized Instruction</i>	<i>Public Agency or Utility Office</i>		<i>Passenger Transportation Service</i>
<i>School³⁴</i>	<i>Fire Facility⁴⁰</i>		<i>Communication Offices</i>
<i>School District Support Facility³⁶</i>	<i>Utility Facility⁴²</i>		<i>Telegraph and Other Communications</i>
<i>Public Agency or Utility Office³⁷</i>	<i>Commuter Parking Lot</i>		<i>General Business Service</i>
<i>Public Agency or Utility Yard³⁸</i>	<i>Helistop⁴⁷</i>		<i>Professional Office</i>
<i>Police Facility³⁰</i>	<i>Department and Variety Stores⁴⁸</i>		<i>Outdoor Advertising Service</i>
<i>Utility Facility⁴¹</i>	<i>Food Stores⁴⁸</i>		<i>Miscellaneous Equipment</i>
<i>Commuter Parking Lot⁴³</i>	<i>Eating and Drinking Places^{51,52}</i>		<i>Rental</i>
<i>Private Stormwater Management Facility⁴⁴</i>	<i>Drug Stores⁴⁹</i>		<i>Automotive Rental and Leasing</i>
	<i>Book, Stationery, Video and Art Supply Stores⁴⁹</i>		

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

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
<i>Vector Waste Receiving Facility</i> ⁴⁵ Automotive Parking ⁴³ Agricultural Product Sales ⁵⁰ Livestock Sales ^{53,54} Growing and Harvesting Crops Raising Livestock and Small Animals ⁵⁵	Florist Shops ⁴⁹ Hatchery/Fish Preserve ⁵⁶ Aquaculture ⁵⁶ Hydroelectric Generation Facility ⁵⁷ Nonhydroelectric Generation Facility ⁵⁸ Communication Facility ^{60,60a} Earth Station ^{60a} School Bus Base		Professional Sports Teams/Promoters Research, Development and Testing Heavy Equipment and Truck Repair Commercial/Industrial Accessory Uses Building, Hardware and Garden Materials Stores Forest Product Sales Motor Vehicle and Boat Dealers Auto Supply Stores
Growing and Harvesting Forest Products School Bus Base ⁶¹ College/University ^{64,65}	College/University ^{64,65}		Gasoline Service Stations Apparel and Accessory Stores Furniture and Home Furnishings Stores Liquor Stores Used Goods: Antiques/Secondhand Shops Sporting Goods and Related Stores Jewelry Stores Monuments, Tombstones and Gravestones Sales Hobby, Toy, Game Shops Photographic and Electronic Shops Fabric Shops Fuel Dealers

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

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

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

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

³ Only subject to the residential density incentive provisions of Chapter 18.80 KMC.

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

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

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

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

⁸ a. See KMC 18.73.100 regarding *accessory dwelling units*.

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

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

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

⁹ Except *bed and breakfast guesthouses*.

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

a. The guesthouse shall be owner-occupied;

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

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

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

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

¹¹ Reserved.

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

- a. No stadiums on *sites* less than 10 acres;
 - b. Lighting for *structures* and fields shall be directed away from residential areas;
 - c. *Structures* or service yards shall maintain a minimum distance of 50 feet from property lines adjoining residential zones, except for *structures* in on-site recreation areas required in KMC 18.30.130 and 20.47.155. *Setback* requirements for *structures* in these on-site required recreation areas shall be maintained in accordance with the zoning standards for the underlying residential zone;
 - d. Overnight camping is allowed only in an approved *campground*.
- ¹³ Limited to recreation facilities subject to the following conditions and limitations:
- a. The bulk and scale shall be compatible with residential character of the area;
 - b. For *sports clubs*, the gross floor area shall not exceed 10,000 square feet unless the *building* is on the same *site* or adjacent to a *site* where a public facility is located or unless the *building* is a nonprofit facility; and
 - c. Use is limited to residents of a specified residential *development* or to *sports clubs* providing supervised instructional or athletic programs.
- ¹⁴ Only for stand-alone *sports clubs* that are not part of a *park*.
- ¹⁵ Clubhouses, maintenance buildings, equipment storage areas and driving range tees shall be at least 50 feet from residential property lines. Lighting for practice greens and driving range ball impact areas shall be directed away from adjoining residential zones. Applications shall comply with adopted *best management practices* for golf course *development*.
- ¹⁶ Excluding amusement and recreational *uses* classified elsewhere in this chapter.
- ¹⁷ *Social card games*, as defined by this title, are prohibited.
- ¹⁸ Limited to a golf driving range as an accessory to golf courses.
- ¹⁹ Limited to golf driving ranges and subject to subsection 15 of this section.
- ²⁰ Only as accessory to a *park* or in a *building* listed on the National Register as an historic site or designated as a *City* landmark subject to Chapter 18.50 KMC.

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

²² Only as an accessory to a cemetery.

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

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

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

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

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

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

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

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

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

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

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

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

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

²⁸ Except day care services and residential care.

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

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

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

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

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

³⁴ Only as an accessory to residential *use*, and:

- a. Students shall be limited to 12 per one-hour session;
- b. All instruction must be within an enclosed *structure*; and
- c. *Structures* used for the school shall maintain a distance of 25 feet from property lines adjoining residential zones.

³⁶ Subject to the following:

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

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

- (1) *Retail sales* of items related to the instructional courses are permitted, if total floor area for *retail sales* is limited to 2,000 square feet;
- (2) Sales of food prepared in the instructional courses are permitted with Seattle/King County public health and *City* approval, if total floor area for food sales is limited to 1,000 square feet and is located in the same *structure* as the school; and
- (3) Other incidental student-supporting *uses* are allowed, if such *uses* are found to be both compatible with and incidental to the principal *use*; and

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

- (1) *Retail sales* of items related to the instructional courses are permitted, provided total floor area for *retail sales* is limited to 2,000 square feet;
- (2) Sales of food prepared in the instructional courses are permitted with Seattle/King County public health and *City* approval, if total floor area for food sales is limited to 1,750 square feet and is located in the same *structure* as the school;
- (3) Other incidental student-supporting *uses* are allowed, if the *uses* are found to be functionally related, subordinate, compatible with and incidental to the principal *use*;
- (4) The *use* shall be integrated with allowable agricultural *uses* on the *site*;
- (5) Advertised special events shall comply with the temporary use requirements of this title; and
- (6) Existing *structures* that are damaged or destroyed by fire or natural event, if damaged by more than 50 percent of their prior value, may reconstruct and expand an additional 65 percent of the original floor area but need not be approved as a conditional use if their *use* otherwise complies with the development conditions in this subsection (35)(c) and this title.

³⁶ Only if adjacent to an existing or proposed school.

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

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

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

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

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

a. Holding cells;

b. Suspect interview rooms; or

c. Long-term storage of stolen properties.

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

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

c. No *outdoor storage*.

⁴¹ Excluding *bulk gas storage tanks*.

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

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

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

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

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

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

⁴⁶ Except *self-service storage*.

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

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

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

⁵⁰ a. Limited to products produced on-site.

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

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

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

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

⁵⁴ Limited to the R-1 zone.

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

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

⁵⁷ Limited to facilities that comply with the following:

a. Any new diversion *structure* shall not:

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

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

b. There shall be no active storage;

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

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

e. Any transmission line shall be limited to a:

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

(2) Capacity of 230 kV or less;

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

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

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

⁵⁹ ~~The provisions apply only to major communication facilities. Minor communication facilities shall be reviewed in accordance with the processes and standards outlined in Chapter 18.60 KMC.~~

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

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

~~c. Limited to tower consolidations.~~

⁶¹ Only in conjunction with an existing or proposed school.

⁶² Except racing of motorized vehicles.

⁶³ Except arboretum.

⁶⁴ Except technical institutions. See *vocational schools*.

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

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

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

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

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

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
<i>Single Detached Dwelling Unit¹</i>	<i>Single Detached Dwelling Unit¹</i>	<i>Jail</i>	<i>Home Industry</i>
<i>Townhouse</i>	<i>Designated Manufactured Home¹</i>	<i>Work Release Facility</i>	<i>Hotel/Motel¹</i>
<i>Apartment</i>	<i>Bed and Breakfast</i>	<i>Nonhydroelectric Generation Facility</i>	<i>Organization Hotel/Lodging</i>
<i>Designated Manufactured Home¹</i>	<i>Guesthouse⁵</i>	<i>Communication Facility⁴⁹</i>	<i>Houses</i>
<i>Mobile Home and Manufactured Home²</i>	<i>Marina⁸</i>	<i>Earth Station</i>	<i>Campgrounds</i>
<i>Mobile Home Park</i>	<i>Sports Club^{8,9}</i>	<i>Oil and Gas Extraction</i>	<i>Destination Resorts</i>
<i>Community Residential Facility I</i>	<i>Amusement and Recreation Services^{11,12,13,14}</i>	<i>Energy Resource</i>	<i>Recreational Vehicle Park</i>
<i>Community Residential Facility II</i>	<i>Library</i>	<i>Recovery Facility</i>	<i>Adult Entertainment Business</i>
<i>Dormitory</i>	<i>Museum</i>	<i>Landfill</i>	<i>Theater</i>
<i>Senior Citizen Assisted Living</i>	<i>Conference Center</i>	<i>Transfer Station</i>	<i>Theater, Drive-in</i>
<i>Residential Accessory Uses⁹</i>	<i>General Personal Service¹⁶</i>	<i>Wastewater Treatment Facility</i>	<i>Bowling Center</i>
<i>Home Occupation</i>	<i>Funeral Home/Crematory¹⁷</i>	<i>Municipal Water</i>	<i>Shooting Range</i>
<i>Park⁷</i>	<i>Cemetery, Columbarium or Mausoleum¹⁹</i>	<i>Production</i>	<i>Amusement Arcades</i>
<i>Trails</i>	<i>Day Care II</i>	<i>Airport/Heliport</i>	<i>Amusement Park</i>
<i>Golf Course Facility¹⁰</i>	<i>Church, Synagogue, Mosque, Temple</i>	<i>Transit Bus Base</i>	<i>Outdoor Performance Center</i>
<i>Amusement and Recreation Services^{11,12,13}</i>	<i>Social Services^{22,23}</i>	<i>School Bus Base</i>	<i>Drycleaning Plants</i>
<i>Library¹⁵</i>	<i>Medical/Dental Office/Outpatient Clinic²³</i>	<i>Racetrack⁵²</i>	<i>Industrial Launderers</i>
<i>Museum¹⁵</i>	<i>Nursing and Personal Care Facilities</i>	<i>Zoo/Wildlife Exhibit⁵³</i>	<i>Veterinary Clinic</i>
<i>Arboretum</i>	<i>Hospital²³</i>	<i>College/University⁵⁴</i>	<i>Automotive Repair</i>
<i>Conference Center¹⁵</i>	<i>Secondary or High School²⁶</i>		<i>Automotive Service</i>
<i>Cemetery, Columbarium or Mausoleum¹⁸</i>	<i>Vocational School</i>		<i>Miscellaneous Repair</i>
<i>Family Child-Care Home⁵⁷</i>	<i>Specialized Instruction</i>		<i>Stable</i>
<i>Day Care I</i>	<i>School²⁸</i>		<i>Kennel or Cattery</i>
	<i>School District Support Facility</i>		<i>Theatrical Production Services</i>
			<i>Medical/Dental Lab</i>
			<i>Miscellaneous Health Services</i>
			<i>Public Agency Archives</i>
			<i>Court</i>
			<i>Individual Transportation and Taxi</i>
			<i>Trucking and Courier Service</i>

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

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
<i>Day Care II</i> ²⁰ <i>Church, Synagogue,</i> <i>Mosque, Temple</i> ²¹ <i>Social Services</i> ^{21,22} <i>Artist Studios</i> ²⁴ <i>Interim Recycling Facility</i> ²⁵ <i>Medical/Dental</i> <i>Office/Outpatient Clinic</i> ²¹ <i>Elementary School</i>	<i>Public Agency or Utility</i> <i>Office</i> <i>Fire Facility</i> ³³ <i>Utility Facility</i> ³⁵ <i>Commuter Parking Lot</i> <i>Self-Service Storage</i> ⁴¹ <i>Helistop</i> ⁴³		<i>Warehousing and Wholesale</i> <i>Trade</i> ⁴⁰ <i>Farm Product Warehousing,</i> <i>Refrigeration and Storage</i> <i>Log Storage</i> <i>Transportation Service</i> <i>Freight and Cargo Service</i> <i>Passenger Transportation</i> <i>Service</i> <i>Communication Offices</i> <i>Telegraph and Other</i> <i>Communications</i> <i>General Business Service</i>
<i>Middle/Junior High School</i> <i>Secondary or High</i> <i>School</i> ²⁶ <i>Vocational School</i> ²³ <i>Specialized Instruction</i> <i>School</i> ²⁷ <i>School District Support</i> <i>Facility</i> ²⁹ <i>Public Agency or Utility</i> <i>Office</i> ³⁰ <i>Public Agency or Utility</i> <i>Yard</i> ³¹ <i>Police Facility</i> ³² <i>Utility Facility</i> ³⁴ <i>Commuter Parking Lot</i> ³⁶ <i>Private Stormwater</i> <i>Management Facility</i> ³⁷	<i>Department and Variety</i> <i>Stores</i> ⁴⁴ <i>Food Stores</i> ⁴⁵ <i>Eating and Drinking</i> <i>Places</i> ^{46,47} <i>Drug Stores</i> ⁴⁵ <i>Book, Stationery, Video</i> <i>and Art Supply Stores</i> ⁴⁵ <i>Florist Shops</i> ⁴⁵ <i>Nonhydroelectric</i> <i>Generation Facility</i> ⁴⁵ <i>Communication Facility</i> ^{40, 60a} <i>Earth Station</i> ^{40a} <i>School Bus Base</i> ⁵¹ <i>College/University</i> ^{54,56}		<i>Outdoor Advertising Service</i> <i>Miscellaneous Equipment</i> <i>Rental</i> <i>Automotive Rental and</i> <i>Leasing</i> <i>Professional Sports</i> <i>Teams/Promoters</i> <i>Research, Development and</i> <i>Testing</i> <i>Heavy Equipment and Truck</i> <i>Repair</i> <i>Commercial/Industrial</i> <i>Accessory Uses</i> <i>Building, Hardware and</i> <i>Garden Materials Stores</i> <i>Forest Product Sales</i> <i>Agricultural Product Sales</i>

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

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

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

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

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

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

³ a. See KMC [18.73.100](#) regarding *accessory dwelling units*.

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

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

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

⁴ Except *bed and breakfast guesthouses*.

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

a. The guesthouse shall be owner-occupied;

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

- c. The number of guestrooms shall not be greater than that authorized by the International Building and Fire Codes;
- d. Parking shall be provided as required by this title; and
- e. The guesthouse shall be compatible with the neighborhood character as determined by the *city manager*, and shall not create significant adverse neighborhood effects that cannot be mitigated.

⁶ Reserved.

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

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

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

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

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

¹⁰ Clubhouses, maintenance buildings, equipment storage areas and driving range tees shall be at least 50 feet from residential property lines. Lighting for practice greens and driving range ball

impact areas shall be directed away from adjoining residential zones. Applications shall comply with adopted *best management practices* for golf course *development*.

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

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

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

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

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

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

¹⁷ Only as an accessory to a cemetery.

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

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

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

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

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

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

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

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

²² Except day care services and residential care.

- ²³ Only as a re-use of a surplus nonresidential facility subject to Chapter 18.50 KMC.
- ²⁴ Only as a re-use of a surplus nonresidential facility subject to Chapter 18.50 KMC or as a joint use of an existing public school facility.
- ²⁵ Limited to *drop box facilities* accessory to a public or community use such as a school, fire station or community center.
- ²⁶ Renovation, expansion, modernization, or reconstruction of a school, or the addition of *relocatable facilities*, is permitted.
- ²⁷ Only as an accessory to residential use, and:
- a. Students shall be limited to 12 per one-hour session;
 - b. All instruction must be within an enclosed *structure*; and
 - c. *Structures* used for the school shall maintain a distance of 25 feet from property lines adjoining residential zones.
- ²⁸ Subject to the following:
- a. *Structures* used for the school and *accessory uses* shall maintain a minimum distance of 25 feet from property lines adjoining residential zones;
 - b. On *lots* over two and one-half acres:
 - (1) *Retail sales* of items related to the instructional courses are permitted, if total floor area for *retail sales* is limited to 2,000 square feet;
 - (2) Sales of food prepared in the instructional courses are permitted with Seattle/King County public health and *City* approval, if total floor area for food sales is limited to 1,000 square feet and is located in the same *structure* as the school; and
 - (3) Other incidental student-supporting *uses* are allowed, if such *uses* are found to be both compatible with and incidental to the principal use; and
 - c. On *sites* over 10 acres, zoned R-1 and/or R-4:
 - (1) *Retail sales* of items related to the instructional courses are permitted, provided total floor area for *retail sales* is limited to 2,000 square feet;

- (2) Sales of food prepared in the instructional courses are permitted with Seattle/King County public health and *City* approval, if total floor area for food sales is limited to 1,750 square feet and is located in the same *structure* as the school;
- (3) Other incidental student-supporting *uses* are allowed, if the *uses* are found to be functionally related, subordinate, compatible with and incidental to the principal *use*;
- (4) The *use* shall be integrated with allowable agricultural *uses* on the *site*;
- (5) Advertised special events shall comply with the temporary use requirements of this title; and
- (6) Existing *structures* that are damaged or destroyed by fire or natural event, if damaged by more than 50 percent of their prior value, may reconstruct and expand an additional 65 percent of the original floor area but need not be approved as a conditional use if their *use* otherwise complies with the development conditions in this subsection (28)(c) and this title.

²⁹ Only if adjacent to an existing or proposed school.

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

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

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

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

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

a. Holding cells;

b. Suspect interview rooms; or

c. Long-term storage of stolen properties.

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

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

c. No *outdoor storage*.

³⁴ Excluding *bulk gas storage tanks*.

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

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

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

³⁷ Except when participating in an approved shared facility drainage plan; such facilities shall be located on the same *lot* that they are designed to serve except in subdivisions or short subdivisions that set aside a separate tract for such facilities. For shared facilities, such facilities which are not located on the *lot* they are designed to serve shall be located on a *lot* with the same or more intensive zoning designation.

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

³⁹ Permitted when:

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

⁴⁰ Except *self-service storage*.

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

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

⁴² Permitted when:

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

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

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

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

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

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

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

⁴⁹ ~~The provisions apply only to major communication facilities. Minor communication facilities shall be reviewed in accordance with the processes and standards outlined in Chapter 18.60 KMC.~~

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

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

~~c. Limited to tower consolidations.~~

⁵¹ Only in conjunction with an existing or proposed school.

⁵² Except racing of motorized vehicles.

⁵³ Except arboretum.

⁵⁴ Except technical institutions. See *vocational schools*.

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

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

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

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

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

18.22.010 Neighborhood business zone – Use allowances.

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

Table A. Neighborhood Business Zone Use Allowances

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
<i>Townhouse¹</i>	<i>Sports Club²</i>	<i>Jail</i>	<i>Single Detached Dwelling Unit</i>
<i>Apartment¹</i>	<i>School District Support Facility</i>	<i>Work Release Facility</i>	<i>Family Child-Care Home</i>
<i>Community Residential Facility I¹</i>	<i>Helistop²²</i>	<i>Nonhydroelectric Generation Facility</i>	<i>Designated Manufactured Home</i>
<i>Community Residential Facility II¹</i>	<i>Nonhydroelectric Generation Facility²⁸</i>	<i>Communication Facility²⁹</i>	<i>Mobile Home and Manufactured Home</i>
<i>Senior Citizen Assisted Living¹</i>	<i>Communication Facility^{29,30}</i>	<i>Oil and Gas Extraction Energy Resource</i>	<i>Mobile Home Park</i>
<i>Residential Accessory Uses³</i>	<i>Earth Station</i>	<i>Recovery Facility</i>	<i>Dormitory</i>
<i>Home Occupation</i>	<i>College/University^{33,35}</i>	<i>Landfill</i>	<i>Home Industry</i>
<i>Bed and Breakfast</i>		<i>Transfer Station</i>	<i>Hotel/Motel³</i>
<i>Guesthouse⁴</i>		<i>Wastewater Treatment Facility</i>	<i>Organization Hotel/Lodging</i>
<i>Park</i>		<i>Municipal Water Production</i>	<i>Houses</i>
<i>Trails</i>		<i>Airport/Heliport</i>	<i>Campgrounds</i>
<i>Marina⁶</i>		<i>Transit Bus Base</i>	<i>Destination Resorts</i>
<i>Library</i>		<i>School Bus Base</i>	<i>Recreational Vehicle Park</i>
<i>Museum</i>		<i>Racetrack³¹</i>	<i>Adult Entertainment Business</i>
<i>Arboretum</i>		<i>College/University³²</i>	<i>Theater</i>
<i>Conference Center</i>		<i>Secure Community</i>	<i>Theater, Drive-in</i>
<i>General Personal Service</i>		<i>Transition Facilities³⁶</i>	<i>Bowling Center</i>
<i>Cemetery, Columbarium or Mausoleum¹⁰</i>			<i>Golf Course Facility</i>
<i>Day Care I</i>			<i>Amusement and Recreation Services^{3,9}</i>
<i>Day Care II</i>			<i>Shooting Range</i>
<i>Veterinary Clinic¹¹</i>			<i>Amusement Arcades</i>
<i>Automotive Repair^{12,13}</i>			<i>Amusement Park</i>
			<i>Outdoor Performance Center</i>

Table A. Neighborhood Business Zone Use Allowances

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
Automotive Service ¹³ <i>Church, Synagogue,</i> <i>Mosque, Temple</i> <i>Social Services^{14,15}</i> <i>Artist Studios</i> <i>Interim Recycling Facility¹⁶</i> <i>Medical/Dental</i> <i>Office/Outpatient Clinic</i>			Drycleaning Plants Industrial Launderers Funeral Home/Crematory <i>Miscellaneous Repair</i> <i>Stable</i> <i>Kenel or Cattery</i> <i>Theatrical Production Services</i> Nursing and Personal Care Facilities
<i>Specialized Instruction</i> <i>School</i> <i>Public Agency or Utility</i> <i>Office</i> Police Facility ¹⁷ Fire Facility <i>Utility Facility</i> <i>Commuter Parking Lot</i> <i>Private Stormwater</i> <i>Management Facility¹⁸</i> <i>Vactor Waste Receiving</i> <i>Facility¹⁹</i> <i>General Business Service</i> <i>Professional Office</i> Automotive Parking ²⁰ <i>Commercial/Industrial</i> <i>Accessory Uses²¹</i> <i>Building, Hardware and</i> <i>Garden Materials Stores²²</i> <i>Department and Variety</i> <i>Stores²⁴</i> Food Stores			Hospital Medical/Dental Lab <i>Miscellaneous Health</i> <i>Services</i> <i>Elementary School</i> <i>Middle/Junior High School</i> <i>Secondary or High School</i> <i>Vocational School</i> <i>Public Agency or Utility Yard</i> <i>Public Agency Archives</i> Court <i>Construction and Trade</i> <i>Individual Transportation and</i> <i>Taxi</i> Trucking and Courier Service <i>Warehousing and Wholesale</i> <i>Trade</i> <i>Self-Service Storage</i> Farm Product Warehousing, Refrigeration and Storage <i>Log Storage</i> Transportation Service

Table A. Neighborhood Business Zone Use Allowances

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
Gasoline Service Stations Eating and Drinking Places ^{25,26} <i>Drug Stores</i> <i>Book, Stationery, Video and Art Supply Stores</i> <i>Hobby, Toy, Game Shops</i> <i>Photographic and Electronic Shops</i> <i>Florist Shops</i> <i>Pet Shops</i> Printing and Publishing ²⁷ <i>Earth Station</i> ²⁰⁰ College/University ^{33,34}			Freight and Cargo Service Passenger Transportation Service Communication Offices Telegraph and Other Communications Outdoor Advertising Service Miscellaneous Equipment Rental Automotive Rental and Leasing Professional Sports Teams/Promoters Research, Development and Testing <i>Heavy Equipment and Truck Repair</i> <i>Forest Product Sales</i> <i>Agricultural Product Sales</i> <i>Motor Vehicle and Boat Dealers</i> Auto Supply Stores Apparel and Accessory Stores <i>Furniture and Home Furnishings Stores</i>
			Liquor Stores Used Goods: Antiques/Secondhand Shops <i>Sporting Goods and Related Stores</i> <i>Jewelry Stores</i>

Table A. Neighborhood Business Zone Use Allowances

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
			Monuments, Tombstones and Gravestones Sales <i>Fabric Shops</i> Fuel Dealers <i>Personal Medical Supply Stores</i> <i>Bulk Retail</i> <i>Auction Houses</i> <i>Livestock Sales</i> <i>Manufacturing Land Uses,</i> except Printing and Publishing <i>Resource Land Uses</i> <i>Jail Farm/Camp</i> <i>Public Agency Animal Control Facility</i> <i>Public Agency Training Facility</i> <i>Hydroelectric Generation Facility</i> <i>Soil Recycling Facility</i> <i>Fairground</i> Zoo/Wildlife Exhibit ² Stadium/Arena <i>Marijuana Business</i>

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

² a. See KMC [18.73.100](#) regarding *accessory dwelling units*.

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

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

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

³ Except *bed and breakfast guesthouses*.

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

a. The guesthouse shall be owner-occupied;

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

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

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

⁵ Reserved.

⁶ Limited to day moorage.

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

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

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

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

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

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

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

¹² Except tire retreading.

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

¹⁴ Except day care services and residential care.

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

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

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

a. Holding cells; or

b. Long-term storage of stolen properties.

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

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

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

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

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

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

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

²⁵ Excluding drinking places.

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

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

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

²⁹ ~~The provisions apply only to major communication facilities. Minor communication facilities shall be reviewed in accordance with the processes and standards outlined in Chapter 18.60 KMC.~~

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

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

~~c. Limited to tower consolidations.~~

³¹ Except racing of motorized vehicles.

³² Except arboretum.

³³ Except technical institutions. See *vocational schools*.

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

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

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

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

b. Siting Criteria.

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

- (2) No *SCTF* shall be allowed within the following distances from the following specified *uses*, areas or zones, whether such *uses*, areas or zones are located within or outside the *City* limits:
- (A) In or within 250 feet of any residential zone district, or any residentially zoned property;
 - (B) Adjacent to, immediately across a *street* or parking lot from, or within the line of sight of a "risk potential activity" as defined in RCW [71.09.020](#), as amended, including, but not limited to, public and private schools; school bus stops; licensed *day care* and licensed preschool facilities; public *parks*, publicly dedicated *trails* and sports fields; recreational and community centers; playgrounds; *church*, *synagogue*, *mosque*, *temple*; and public libraries;
 - (C) One mile from any existing *SCTF*, work release, prerelease, or similar facility.
- (3) The distances specified in footnote (36)(b)(2) of this section shall be measured by following a straight line from the nearest point of the property parcel upon which the *SCTF* is to be located, to the nearest point of the parcel of property or land use district boundary line from which the proposed land use is to be separated.
- c. *On-Site Facilities Required.* Each *SCTF* shall provide on-site dining, on-site laundry or laundry service, and on-site *recreational facilities* to serve the residents.
- d. *Special Use Permit Application Process.* A *special use permit* application for an *SCTF* shall be accompanied by the following:
- (1) The siting process used for the *SCTF*, including alternative locations considered. At least three alternative locations must be considered.
 - (2) An analysis showing that utmost consideration was given to potential *sites* such that siting of the facility will have no unreasonable impact on any one racial, cultural, or socio-economic group, and that there will not be a resulting concentration of similar facilities in a particular neighborhood, community, jurisdiction or region.
 - (3) Proposed mitigation measures including the use of extensive buffering from adjacent *uses*.
 - (4) A detailed security plan for the facility and the residents.
 - (5) Proposed operating rules for the facility.
 - (6) A schedule and analysis of all public input solicited or to be solicited during the siting process.

18.23.020 Use allowances.

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

Table A. Community Business Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
Artist Studios	City Government Facilities and Offices	Adult Entertainment
Arts and Crafts	College/University	Business
Schools/Studios	Communication Facility, Major and Minor, only when on a building; prohibit stand-alone	Auto Supply Stores
Bed and Breakfast		Automotive Rental and Leasing
Guesthouses	Community Residential Facility I or II	Automotive Repair
Family Child-Care Home ²	Conference Centers	Automotive Service
Day Care Centers I and II	Cultural Facilities	Bulk Retail
Eating and Drinking Places ¹	Fire Facility	Car Wash
General Business Services	K – 12 Educational Institution (Public or Private)	Construction and Trade
Home Occupation	Medical/Dental Labs	Drive-Through Service
Medical/Dental	Nursing and Personal Care Facilities	Helistop
Office/Outpatient Clinic	Police Facility	Hospitals
Multiple-Family Dwelling	Public Agency or Utility Office: Non-City	Hotel
Professional Offices	Recreational Facilities, Indoor	Indoor Storage
Parks	Religious Institutions: Church, Synagogue, Mosque,	Interim Recycling Facility
Private Stormwater	Temple	Manufacturing
Management Facility	Services, Off-Site	Marijuana Business
Rental Services, No Outside	Social Services, Noncorrectional	Mobile Food Vendor
Storage	Specialized Instruction School	Mobile Home Parks
Retail Sales, Indoor ¹	Utility Facility: Limited to Sewer Lift Stations and	Motel
Services, On-Site ¹	Pipes/Electrical Wires and Associated Structure	Motor Vehicle and Boat
Single Detached Dwelling	Supports	Dealers
Unit, Existing Legal	Veterinary Offices/Clinics	Outdoor Performance
Trails	Vocational Schools	Center
		Outdoor Retail
		Display/Sidewalk Sale
		Outdoor Storage

Table A. Community Business Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
		<i>Recreational Facilities, Outdoor</i> <i>Rental Services with Outside Storage</i> <i>Retail Sales, Outdoor</i> <i>Self-Service Storage</i> <i>Single Detached Dwelling Unit, New</i> <i>Social Services, Correctional</i> <i>Taxi Stand</i> <i>Theater</i> <i>Theatrical Production Services</i> <i>Tow Truck Operation/Auto Yard</i> <i>Transit Center</i> <i>Trucking and Courier Service</i> <i>Warehousing and Wholesale Trade</i>

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

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

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

- c. The *family child-care home* shall comply with all applicable building, fire, safety, and health codes enforced by the *City*;
- d. The *family child-care home* shall comply with all applicable development standards of the *City*, unless determined to be legally nonconforming;
- e. All signage shall conform to the applicable requirements of Chapter 18.42 KMC; and
- f. The *City* has the authority to limit the hours of operation to facilitate neighborhood compatibility.

18.24.020 Use allowances.

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

Table A. Downtown Residential Zone Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Auction House, Existing⁶</i> <i>Automotive Service, Accessory¹</i> <i>Bed and Breakfast Guesthouse</i> <i>City Government Facilities and Offices</i> <i>Community Residential Facility I or II</i> <i>Cultural Facilities</i> <i>Family Child-Care Home⁸</i> <i>Day Care I or II²</i> <i>Home Occupation</i> <i>Multiple-Family Dwelling⁵</i> <i>On-Site Services⁴</i> <i>Parking: Off-Street Required</i> <i>Parking Lot or Structure</i> <i>Parks</i> <i>Professional Office⁴</i> <i>Recreation, Indoor: Sports Club</i> <i>Retail Sales, Indoor⁴</i> <i>Single Detached Dwelling Unit, Existing Legal</i> <i>Trails</i> <i>Vehicle Auction, Existing⁷</i>	<i>Communication Facility, Major⁶</i> Eating and Drinking Places Nursing and Personal Care Facilities Religious Institutions: <i>Church, Synagogue, Mosque, Temple</i> <i>Social Services, Noncorrectional</i> <i>Utility Facility: Limited to Sewer Lift Stations and Pipes/Electrical Wires and Associated Structural Supports</i>	<i>Indoor Storage</i> <i>Marijuana Business</i> <i>Mobile Home Parks</i> <i>Outdoor Storage</i> <i>Public Agency or Utility Office: Non-City</i> <i>Retail Sales, Outdoor</i> <i>Self-Service Storage</i> <i>Single Detached Dwelling Unit, New</i> <i>Social Services, Correctional</i>

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

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

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

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

⁵ ~~Limited to tower consolidations.~~

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

- a. Submittal of a long-term parking management plan that shows how the *use's* parking needs are met by on-site parking and/or provisions of a long-term shared parking agreement;
- b. Submittal of a traffic management plan that shows how the *applicant* intends to assure safe passage of pedestrians and vehicles in the vicinity of auction events;
- c. Screening of *outdoor storage* and parking areas consistent with Kenmore downtown design standard parking lot screening requirements, KMC 18.52.180;
- d. Provision of sidewalks along property frontages in the public rights-of-way, or other measures deemed by the *City* to adequately protect pedestrians traveling along property frontages; and
- e. Ensures that expanded accessory parking area is not used for storage.

⁷ Vehicle auctions in existence as of January 12, 2007, are permitted on-site area and within *buildings* in the downtown residential zone located east of 68th Avenue NE and north of NE 182nd Street that are being used as a vehicle auction *use* as of that date. This *use* may be continued and may be re-established for purposes of rebuilding upon unintentional destruction of property. With the exception of accessory parking outlined below, existing

vehicle auction *uses* may not expand beyond their existing building footprint plus abutting easements, loading, or parking areas used for vehicle auction as of January 12, 2007. Renovations or alterations within the existing building footprint are permitted. However, expansion of existing *buildings* for vehicle auction *use* is prohibited. Expansion of accessory on-site parking associated with existing vehicle auction *use* to adjoining or nearby parcels of land is allowed, subject to the *City's* approval of a site improvement plan that addresses the following issues:

- a. Submittal of a long-term parking management plan that shows how the *use's* parking needs are met by on-site parking and/or provisions of a long-term shared parking agreement;
- b. Submittal of a traffic management plan that shows how the *applicant* intends to assure safe passage of pedestrians and vehicles in the vicinity of auction events;
- c. Screening of *outdoor storage* and parking areas consistent with Kenmore downtown design standard parking lot screening requirements, KMC [18.52.180](#);
- d. Provision of sidewalks along property frontages in the public rights-of-way, or other measures deemed by the *City* to adequately protect pedestrians traveling along property frontages; and
- e. Ensures that expanded accessory parking area is not used for storage.

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

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

18.25.020 Use allowances.

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

Table A. Downtown Commercial Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Adult Entertainment Businesses¹¹</i>	College/University	Automotive Rental and
<i>Artist Studios</i>	Communication Facility, Major and Minor	Leasing, New,
<i>Arts and Crafts Schools/Studios</i>	Only when on building; prohibit stand-alone	Nonaccessory
<i>Auction House, Existing¹²</i>	Community Residential Facility I or II	Automotive Repair, New,
<i>Auto Supply Stores</i>	Fire Facility	Nonaccessory
<i>Automotive Rental and Leasing,</i>	<i>Helistop</i>	Automotive Service, New,
<i>Accessory¹</i>	Hospitals	Nonaccessory
<i>Automotive Repair, Accessory¹</i>	<i>K – 12 Educational Institution (Public or</i>	<i>Bulk Retail</i>
<i>Automotive Repair, Existing Legal¹⁰</i>	<i>Private)</i>	<i>Car Wash, Nonaccessory</i>
<i>Automotive Service, Accessory¹</i>	Medical/Dental Labs	<i>Construction and Trade</i>
<i>Automotive Service, Existing Legal¹</i>	Police Facility	Gasoline Service Stations,
<i>Bed and Breakfast Guesthouse²</i>	<i>Public Agency or Utility Office: Non-City</i>	<i>New</i>
<i>Car Wash, Accessory¹</i>	Religious Institutions: Church, Synagogue,	<i>Indoor Storage</i>
<i>City Government Facilities and Offices</i>	<i>Mosque, Temple</i>	<i>Interim Recycling Facility</i>
<i>Conference Centers</i>	<i>Social Services, Correctional</i>	Manufacturing
<i>Cultural Facilities</i>	<i>Specialized Instruction School</i>	<i>Marijuana Business</i>
<i>Day Care Centers I and II</i>	<i>Utility Facility: Limited to Sewer Lift Stations</i>	<i>Motel</i>
<i>Drive-Through Service³</i>	and Pipes/Electrical Wires and Associated	<i>Motor Vehicle and Boat</i>
<i>Eating and Drinking Places</i>	Structural Supports	<i>Dealers, Nonaccessory</i>
<i>Gasoline Service Stations, Existing</i>	<i>Vocational School</i>	
<i>Legal</i>		
<i>General Business Services</i>		
<i>Home Occupation</i>		
<i>Hotel</i>		
<i>Medical/Dental Office/Outpatient Clinic</i>		
<i>Mobile Food Vendor⁴</i>		Nursing and Personal
<i>Motor Vehicle and Boat Dealers,</i>		Care Facilities
<i>Accessory¹</i>		<i>Outdoor Storage</i>

Table A. Downtown Commercial Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Multiple-Family Dwelling⁶</i> <i>Off-Site Services⁸</i> <i>Outdoor Performance Center⁶</i> <i>Outdoor Retail Display/Sidewalk Sale⁷</i> <i>Professional Offices</i> <i>Parking: Commuter Parking Lot or Structure, Off-Street Required Parking Lot or Structure⁹</i> <i>Parks</i> <i>Private Stormwater Management Facility</i> <i>Recreational Facilities, Indoor</i> <i>Rental Services, No Outside Storage</i> <i>Retail Sales, Indoor</i> <i>Services, On-Site</i> <i>Social Services, Noncorrectional</i> <i>Taxi Stand</i> <i>Theater</i> <i>Theatrical Production Services</i> <i>Trails</i> <i>Transit Center⁶</i> <i>Vehicle Auction, Existing¹³</i> <i>Veterinary Offices/Clinics: No outdoor kennels or facilities</i>		<i>Recreational Facilities, Outdoor</i> <i>Rental Services, with Outside Storage</i> <i>Retail Sales, Outdoor</i> <i>Self-Service Storage</i> <i>Tow Truck Operation/Auto Impoundment Yard</i> <i>Trucking and Courier Service</i> <i>Warehousing and Wholesale Trade</i>

¹¹ Permitted only when accessory to and contained within a structured parking garage. Automotive rental and leasing *uses*, or *motor vehicle and boat dealer uses*, may also be permitted when accessory to an *existing legal* automotive service or *existing legal* automotive repair use and consistent with the following: (a) motor vehicles for sale, lease or rental shall not be arranged in a display lot fashion along the primary *street frontage*, and (b) shall be a subordinate and incidental part of the automotive repair or automotive service business, and (c) shall be

subject to Chapter 18.52 KMC, Downtown Design Standards, regarding screening, location and other relevant standards. Otherwise prohibited.

² Permitted only if part of a *mixed use development*.

³ Properties having frontage on SR-522 and taking primary access from SR-522 as of the effective date of the ordinance codified in this title shall be permitted *drive-through service*. Where allowed, *drive-through service* is permitted as an *accessory use*. *Drive-through service* shall be oriented to the side and/or rear of the *building*, and integrated into the exterior wall. Drive-through lanes shall not be located between the *street* and the main pedestrian access to the *buildings*. Modifications to these requirements may be reviewed through the site plan or building permit review process when meeting the intent of pedestrian orientation pursuant to Chapter 18.52 KMC, Downtown Design Standards.

⁴ *Mobile food vendors* are permitted subject to the following requirements:

- a. The stand is located on a sidewalk or near a storefront consistent with barrier-free regulations;
- b. The stand location on the sidewalk or near a storefront provides for at least four feet of unobstructed sidewalk between the stand and the sidewalk edge for pedestrian movement;
- c. No permanent fencing, walls, or other *structures* are installed which hinder removal of the *structure* from the *site*;
- d. No required parking stall shall be blocked or unusable as a result of the mobile vendor;
- e. Safe ingress and egress to the *site* shall be maintained. Visibility for transportation and pedestrian access shall be maintained;
- f. The limited duration of the mobile vendor shall be established as a condition of approval of any applicable permits; if accessory to a *use*, such operation is removed daily at the time of or prior to the close of business hours;
- g. A sign permit is required for exterior signage in accordance with the sign code, Chapter 18.42 KMC.

⁵ When located on property fronting on SR-522, NE 73rd Street, NE 181st Street west of 68th Avenue NE, 65th Avenue NE, 67th Avenue NE, or 68th Avenue NE, such *uses* shall be subject to the following conditions:

- a. A minimum of 80 percent of a *structure's* street front facade at street level shall be occupied by nonresidential (e.g., retail, office or service) *uses*. If the nonresidential and residential *uses* are located in separate *structures*, the 80 percent requirement shall apply to the *lot's* lineal *street frontage* at street level. Where the *lot* fronts on two or more *streets* and abuts a *lot* which is not zoned commercial, the street front facade requirement shall apply to the *structure's* facade along the *street* with the greatest continuous lineal feet of commercially zoned frontage.
- b. The required nonresidential *use* shall extend at least 30 feet in depth at street level from the street front facade of the *structure*; provided, that the minimum required depth may be averaged, with no depth less than 15 feet.
- c. Where a *lot* fronts on two or more *streets* and only abuts *lots* which are zoned commercial, the street front facade requirement shall be calculated by totaling the combined street front facades of the *structure* containing the required nonresidential *use*.
- ⁶ Permitted when located west of 68th Avenue NE and associated with a plaza open to the public, and space is made available for general public passive or active use during non-performance hours.
- ⁷ *Outdoor retail displays/sidewalk sales* are permitted subject to:
 - a. The *outdoor retail display/sidewalk sale* shall be accessory to a permitted permanent commercial *use*;
 - b. Fire lanes shall remain fully open and accessible at all times;
 - c. The location on sidewalk or near storefront is barrier-free;
 - d. No required parking stall shall be blocked or unusable as a result of the *outdoor retail display/sidewalk sale*;
 - e. Safe ingress and egress to the *site* shall be maintained. Visibility for transportation and pedestrian access shall be maintained;
 - f. Such display and activity is removed daily at the time of or prior to the close of business hours;
 - g. A sign permit is required for exterior signage in accordance with the sign code, Chapter 18.42 KMC.

⁸ When located along NE 73rd Street, NE 181st Street west of 68th Avenue NE, 65th Avenue NE, 67th Avenue NE, or 68th Avenue NE, such *use* shall be housed on floors other than the *ground floor street front facade*.

⁹ a. Within the zone north of SR-522 and west of 68th Avenue NE, *transit centers* and commuter parking facilities shall be in structured *buildings* when the number of stalls exceeds 20. *Transit centers* or *commuter parking lots* shall be located a maximum distance of 1,200 lineal feet measured from the center line of SR-522 to the furthestmost point of the *transit center* or *commuter parking lot*.

b. Parking structures, in whatever location in the zone, shall provide retail usages for at least 50 percent of the *ground floor street frontages*, consistent with Chapter 18.52 KMC, Downtown Design Standards.

c. Parking structures shall be designed consistent with Chapter 18.52 KMC, Downtown Design Standards; interior design considerations shall include integration of parking with any transit bays, provision of indoor access to shops, and covered walkways to adjacent shopping, civic, residential, or other *developments* that patrons will access. Crime prevention through environmental design (CPTED) principles shall be integrated, such as, but not limited to, full spectrum lighting and maximization of visibility in publicly used areas.

¹⁰ In the downtown commercial zone, properties (a) fronting SR-522 or taking primary access from SR-522, and (b) located on a property where the extent of use is no deeper than 260 feet from SR-522, and (c) containing automotive repair or automotive service *uses* as of April 28, 2003, shall be considered *existing legal uses*. Otherwise prohibited.

¹¹ It shall be unlawful for any person to establish an *adult entertainment business* or to relocate an *adult entertainment business* within 330 feet, measured from the property line of the parcel or parcels proposed to contain the *adult entertainment business* to the property line of the parcels containing the *uses* in this section, without regard to intervening *structures* or objects, if any:

- a. Residentially zoned property;
- b. Public or *private* school for general education of any grade K through 12;
- c. School bus stop;
- d. Licensed *day care* or licensed preschool facility;

- e. Public *park*;
- f. Publicly dedicated *trail*; provided, however, that the *setback* distance shall apply only on the south side of the Burke-Gilman Trail, and that there shall be no *setback* on the north side of that trail due to the separation provided by SR-522;
- g. Sports fields or playgrounds;
- h. Recreation or community center;
- i. *Church, synagogue, mosque, temple*, or other house of religious worship;
- j. Public library.

It shall be unlawful for any person to establish an *adult entertainment business* or to relocate an *adult entertainment business* within 500 feet of another *adult entertainment business*, measured from the property line of the parcel or parcels containing the *adult entertainment business* and the proposed *adult entertainment business*.

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

- a. Submittal of a long-term parking management plan that shows how the *use's* parking needs are met by on-site parking and/or provisions of a long-term shared parking agreement;
- b. Submittal of a traffic management plan that shows how the *applicant* intends to assure safe passage of pedestrians and vehicles in the vicinity of auction events;
- c. Screening of *outdoor storage* and parking areas consistent with Kenmore downtown design standard parking lot screening requirements, KMC [18.52.180](#);
- d. Provision of sidewalks along property frontages in the public rights-of-way, or other measures deemed by the *City* to adequately protect pedestrians traveling along property frontages; and
- e. Ensures that expanded accessory parking area is not used for storage.

¹³ Vehicle auctions in existence as of January 12, 2007, are permitted on-site area and within *buildings* in the downtown commercial zone located east of 68th Avenue NE and north of NE 182nd Street that are being used as a vehicle auction *use* as of that date. This *use* may be continued and may be re-established for purposes of rebuilding upon unintentional destruction of property. With the exception of accessory parking noted in this subsection, existing vehicle auction *uses* may not expand beyond their existing building footprint plus abutting easements, loading, or parking areas used for vehicle auction as of January 12, 2007. Renovations or alterations within the existing building footprint are permitted; however, expansion of existing *buildings* for vehicle auction *use* is prohibited. Expansion of accessory on-site parking associated with existing vehicle auction *use* to adjoining or nearby parcels of land is allowed, subject to the *City's* approval of a site improvement plan that addresses the following issues:

- a. Submittal of a long-term parking management plan that shows how the *use's* parking needs are met by on-site parking and/or provisions of a long-term shared parking agreement;
- b. Submittal of a traffic management plan that shows how the *applicant* intends to assure safe passage of pedestrians and vehicles in the vicinity of auction events;
- c. Screening of *outdoor storage* and parking areas consistent with Kenmore downtown design standard parking lot screening requirements, KMC 18.52.180;
- d. Provision of sidewalks along property frontages in the public rights-of-way, or other measures deemed by the *City* to adequately protect pedestrians traveling along property frontages; and
- e. Ensures that expanded accessory parking area is not used for storage.

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

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

Table A. Urban Corridor West Subarea Use Allowances

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

¹ It shall be unlawful for any person to establish an *adult entertainment business* or to relocate an *adult entertainment business* within 330 feet, measured from the property line of the parcel or parcels proposed to contain the *adult entertainment business* to the property line of the parcels containing the *uses* in this subsection, without regard to intervening *structures* or objects, of any:

- a. Residentially zoned property;
- b. Public or *private* school for general education of any grade K through 12;
- c. School bus stop;
- d. Licensed *day care* or licensed preschool facility;
- e. Public *park*;
- f. Publicly dedicated *trail*; provided, however, that the *setback* distance shall apply only on the south side of the Burke-Gilman Trail, and that there shall be no *setback* on the north side of that trail due to the separation provided by Highway 522;
- g. Sports fields or playgrounds;
- h. Recreation or community center;
- i. *Religious institution*;
- j. Public library.

It shall be unlawful for any person to establish an *adult entertainment business* or to relocate an *adult entertainment business* within 500 feet of another *adult entertainment business*, measured from the property line of the parcel or parcels containing the *adult entertainment business* and the proposed *adult entertainment business*.

² Provided:

- a. No burning of refuse or dead animals is allowed;
- b. The portion of the *building* or *structure* in which animals are kept or treated shall be soundproofed. All run areas, excluding *confinement areas* for *livestock*, shall be surrounded by an eight-foot solid wall and surfaced with concrete or other impervious material;

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

d. The provisions of Chapter 18.70 KMC relative to animal keeping shall be met.

³ Limited to indoor columbariums and mausoleums only.

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

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

⁶ Provided:

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

b. No required parking stall shall be blocked or rendered unusable as a result of the mobile vendor.

c. Safe ingress and egress shall be maintained. Visibility for transportation and pedestrian access shall be maintained.

d. The limited duration of the mobile vendor shall be established as a condition of approval of any applicable permits.

e. A sign permit is required for exterior signage in accordance with the sign code, Chapter 18.42 KMC.

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

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

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

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

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

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

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

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

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

Table B. Urban Corridor East Subarea Use Allowances

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

Table B. Urban Corridor East Subarea Use Allowances

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

¹ It shall be unlawful for any person to establish an *adult entertainment business* or to relocate an *adult entertainment business* within 330 feet, measured from the property line of the parcel or parcels proposed to contain the *adult entertainment business* to the property line of the parcels containing the *uses* in this subsection, without regard to intervening *structures* or objects, of any:

- a. Residentially zoned property;
- b. Public or *private* school for general education of any grade K through 12;
- c. School bus stop;
- d. Licensed *day care* or licensed preschool facility;
- e. Public *park*;
- f. Publicly dedicated *trail*; provided, however, that the *setback* distance shall apply only on the south side of the Burke-Gilman Trail, and that there shall be no *setback* on the north side of that trail due to the separation provided by Highway 522;
- g. Sports fields or playgrounds;
- h. Recreation or community center;
- i. *Religious institution*;

j. Public library.

It shall be unlawful for any person to establish an *adult entertainment business* or to relocate an *adult entertainment business* within 500 feet of another *adult entertainment business*, measured from the property line of the parcel or parcels containing the *adult entertainment business* and the proposed *adult entertainment business*.

² Provided:

- a. No burning of refuse or dead animals is allowed;
- b. The portion of the *building* or *structure* in which animals are kept or treated shall be soundproofed. All run areas, excluding *confinement areas* for *livestock*, shall be surrounded by an eight-foot solid wall and surfaced with concrete or other impervious material;
- c. Outdoor runs shall be prohibited on properties adjacent to residential zones; and
- d. The provisions of Chapter 18.70 KMC relative to animal keeping shall be met.

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

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

⁵ Prohibited east of 80th Avenue NE.

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

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

⁸ Provided:

- a. No permanent fencing, walls, or other structures shall be installed which hinder removal of the structure from the site, unless the structure is permanently permitted.
- b. No required parking stall shall be blocked or rendered unusable as a result of the mobile vendor.

- c. Safe ingress and egress shall be maintained. Visibility for transportation and pedestrian access shall be maintained.
 - d. The limited duration of the mobile vendor shall be established as a condition of approval of any applicable permits.
 - e. A sign permit is required for exterior signage in accordance with the sign code, Chapter 18.42 KMC.
- ⁹ Campgrounds and RV parks shall not be permitted.
- ¹⁰ A *conditional use permit* is required if the building footprint is greater than 65,000 sq. ft.
- ¹¹ Prohibited east of 80th Avenue NE. Standalone surface parking lots for vehicles, boats or boat racks shall not exceed 10,000 sq. ft. in size west of 80th Avenue NE.
- ¹² Permitted only within 250 feet of the intersection of 80th Avenue NE and SR-522. Prohibited in other portions of the east subarea.
- ¹³ ~~Applies only to major communication facilities. Minor communication facilities shall be reviewed in accordance with the processes and standards outlined in Chapter 18.60 KMC.~~

18.25B.020 Use allowances.

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

Table A. Waterfront Commercial Use Allowances

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

Table A. Waterfront Commercial Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Standalone parking</i> ¹⁰		
<i>Supportive living facility</i> <i>Temporary lodging</i> <i>Transportation</i> ¹¹ <i>Vehicle or equipment rental</i> ¹² <i>Vehicle refueling station</i>		

¹ It shall be unlawful for any person to establish an *adult entertainment business* or to relocate an *adult entertainment business* within 330 feet, measured from the property line of the parcel or parcels proposed to contain the *adult entertainment business* to the property line of the parcels containing the *uses* in this subsection, without regard to intervening structures or objects, of any:

- a. Residentially zoned property;
- b. Public or *private* school for general education of any grade K through 12;
- c. School bus stop;
- d. Licensed *day care* or licensed preschool facility;
- e. Public *park*;
- f. Publicly dedicated *trail*; provided, however, that the *setback* distance shall apply only on the south side of the Burke-Gilman Trail, and that there shall be no *setback* on the north side of that trail due to the separation provided by Highway 522;
- g. Sports fields or playgrounds;
- h. Recreation or community center;
- i. *Religious institution*;
- j. Public library.

It shall be unlawful for any person to establish an *adult entertainment business* or to relocate an *adult entertainment business* within 500 feet of another *adult entertainment business*, measured from the property line of the parcel or parcels containing the *adult entertainment business* and the proposed *adult entertainment business*.

² Provided:

- a. No burning of refuse or dead animals is allowed;
- b. The portion of the *building* or *structure* in which animals are kept or treated shall be soundproofed. All run areas, excluding *confinement areas* for *livestock*, shall be surrounded by an eight-foot solid wall and surfaced with concrete or other impervious material;
- c. Outdoor runs shall be prohibited on properties adjacent to residential zones; and
- d. The provisions of Chapter 18.70 KMC relative to animal keeping shall be met.

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

⁴ Limited to indoor columbariums and mausoleums only.

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

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

⁷ Provided:

- a. No permanent fencing, walls, or other structures shall be installed which hinder removal of the structure from the site, unless the structure is permanently permitted.
- b. No required parking stall shall be blocked or rendered unusable as a result of the mobile vendor.
- c. Safe ingress and egress shall be maintained. Visibility for transportation and pedestrian access shall be maintained.

- d. The limited duration of the mobile vendor shall be established as a condition of approval of any applicable permits.
- e. A sign permit is required for exterior signage in accordance with the sign code, Chapter 18.42 KMC.
- ⁸ Allowed only as part of a *mixed use development* subject to the conditions of Chapter 18.50 KMC.
- ⁹ Campgrounds and RV parks shall not be permitted.
- ¹⁰ Standalone surface parking lots for vehicles, boats or boat racks shall not exceed 10,000 sq. ft. in size.
- ¹¹ Only passenger transportation uses shall be permitted (no trucking or towing).
- ¹² Equipment rental is prohibited.
- ¹³ ~~Applies only to major communication facilities. Minor communication facilities shall be reviewed in accordance with the processes and standards outlined in Chapter 18.60 KMC.~~

18.26.030 Use allowances – Regional business north subarea.

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

Table A. Regional Business North Subarea Use Allowances

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

Table A. Regional Business North Subarea Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Standalone parking</i> ⁹ <i>Supportive living facility</i> <i>Temporary lodging</i> <i>Transportation</i> ¹⁰ <i>Vehicle or equipment rental</i> ¹¹ <i>Wholesale trade</i>		

⁹ It shall be unlawful for any person to establish an *adult entertainment business* or to relocate an *adult entertainment business* within 330 feet, measured from the property line of the parcel or parcels proposed to contain the *adult entertainment business* to the property line of the parcels containing the *uses* in this subsection, without regard to intervening *structures* or objects, of any:

- a. Residentially zoned property;
- b. Public or *private* school for general education of any grade K through 12;
- c. School bus stop;
- d. Licensed *day care* or licensed preschool facility;
- e. Public *park*;
- f. Publicly dedicated *trail*; provided, however, that the *setback* distance shall apply only on the south side of the Burke-Gilman Trail, and that there shall be no *setback* on the north side of that trail due to the separation provided by Highway 522;
- g. Sports fields or playgrounds;
- h. Recreation or community center;
- i. *Religious institution*;
- j. Public library.

It shall be unlawful for any person to establish an *adult entertainment business* or to relocate an *adult entertainment business* within 500 feet of another *adult entertainment business*, measured from the property line of the parcel or parcels containing the *adult entertainment business* and the proposed *adult entertainment business*.

² Provided:

- a. No burning of refuse or dead animals is allowed;
- b. The portion of the *building* or *structure* in which animals are kept or treated shall be soundproofed. All run areas, excluding *confinement areas* for *livestock*, shall be surrounded by an eight-foot solid wall and surfaced with concrete or other impervious material;
- c. Outdoor runs shall be prohibited on properties adjacent to residential zones; and
- d. The provisions of Chapter 18.70 KMC relative to animal keeping shall be met.

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

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

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

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

⁷ Provided:

- a. No permanent fencing, walls, or other structures shall be installed which hinder removal of the structure from the site, unless the structure is permanently permitted.
- b. No required parking stall shall be blocked or rendered unusable as a result of the mobile vendor.
- c. Safe ingress and egress shall be maintained. Visibility for transportation and pedestrian access shall be maintained.
- d. The limited duration of the mobile vendor shall be established as a condition of approval of any applicable permits.

e. A sign permit is required for exterior signage in accordance with the sign code, Chapter 18.42 KMC.

⁸ Allowed only as part of a *mixed use development* subject to the conditions of Chapter 18.50 KMC.

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

¹⁰ Trucking and freight hauling businesses are not permitted.

¹¹ Equipment rental is prohibited.

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

¹³ Campgrounds and RV parks shall not be permitted.

18.26.040 Use allowances – Regional business east subarea.

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

Table B. Regional Business East Subarea Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
Adult entertainment business ¹	College/university	Air transportation service
Ambulatory surgery center	Communication facility ¹⁶	Automotive sales and service, nonmarine ⁵
Animal kennel/shelter ²	Hospital	Business service, intensive
Arts, entertainment, indoor	Laboratory ⁶	Family child-care home
Arts, entertainment, outdoor ³	Regional land use	Manufacturing, heavy
Auction house ⁴	Secure facility ¹⁷	Mobile home park
Automotive sales and service, marine	Utility facility	Resource land use
Automotive sales and service, nonmarine ⁵		Retail sales, bulk
Business service, standard		Single detached dwelling unit
Cemetery, columbarium or mausoleum ⁸		Vehicle refueling station
Community residential facility		

Table B. Regional Business East Subarea Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Construction and trade</i> <i>Day care</i> <i>Eating and drinking place⁷</i> <i>Educational service</i> <i>Fire or police facility</i> <i>Funeral home/crematory</i> <i>Health care and social assistance</i> <i>Laboratory⁸</i> <i>Manufacturing, light</i> <i>Marijuana business</i> <i>Mobile food service⁹</i> <i>Multiple-family dwelling¹⁰</i> <i>Office</i> <i>Park</i> <i>Personal service</i> <i>Recreational facility, indoor</i> <i>Recreational facility, outdoor^{2,11}</i> <i>Religious institution</i> <i>Retail sales¹²</i> <i>Standalone parking¹³</i> <i>Supportive living facility</i> <i>Temporary lodging</i> <i>Transportation¹⁴</i> <i>Vehicle or equipment rental</i> <i>Warehousing¹⁵</i> <i>Wholesale trade</i>		

⁷ It shall be unlawful for any person to establish an *adult entertainment business* or to relocate an *adult entertainment business* within 330 feet, measured from the property line of the parcel or parcels proposed to contain the *adult entertainment business* to the property line of the parcels containing the *uses* in this subsection, without regard to intervening *structures* or objects, of any:

- a. Residentially zoned property;
- b. Public or *private* school for general education of any grade K through 12;
- c. School bus stop;
- d. Licensed *day care* or licensed preschool facility;
- e. Public *park*;
- f. Publicly dedicated *trail*; provided, however, that the *setback* distance shall apply only on the south side of the Burke-Gilman Trail, and that there shall be no *setback* on the north side of that trail due to the separation provided by Highway 522;
- g. Sports fields or playgrounds;
- h. Recreation or community center;
- i. *Religious institution*;
- j. Public library.

It shall be unlawful for any person to establish an *adult entertainment business* or to relocate an *adult entertainment business* within 500 feet of another *adult entertainment business*, measured from the property line of the parcel or parcels containing the *adult entertainment business* and the proposed *adult entertainment business*.

² Provided:

- a. No burning of refuse or dead animals is allowed;
- b. The portion of the *building* or *structure* in which animals are kept or treated shall be soundproofed. All run areas, excluding *confinement areas* for *livestock*, shall be surrounded by an eight-foot solid wall and surfaced with concrete or other impervious material;
- c. Outdoor runs shall be prohibited on properties adjacent to residential zones; and
- d. The provisions of Chapter 18.70 KMC relative to animal keeping shall be met.

- ³ Outdoor activities shall be at least 50 feet from adjoining residential zones and lighting shall be directed away from adjoining residential zones. Hours of operation may be restricted to ensure compatibility.
- ⁴ Excluding animal auctions.
- ⁵ Automotive sales are prohibited. Service of trucks exceeding eight-ton capacity (FHWA Classes 5-8) and heavy equipment is prohibited.
- ⁶ Limited to indoor columbariums and mausoleums.
- ⁷ *Social card games*, as defined by this title, are prohibited.
- ⁸ *Laboratories* that must comply with special containment procedures for large quantities of hazardous materials are subject to a *conditional use permit*.
- ⁹ Provided:
 - a. No permanent fencing, walls, or other structures shall be installed which hinder removal of the structure from the site, unless the structure is permanently permitted.
 - b. No required parking stall shall be blocked or rendered unusable as a result of the mobile vendor.
 - c. Safe ingress and egress shall be maintained. Visibility for transportation and pedestrian access shall be maintained.
 - d. The limited duration of the mobile vendor shall be established as a condition of approval of any applicable permits.
 - e. A sign permit is required for exterior signage in accordance with the sign code, Chapter 18.42 KMC.
- ¹⁰ Allowed only as part of a *mixed use development* subject to the conditions of Chapter 18.50 KMC.
- ¹¹ Campgrounds and RV parks shall not be permitted.
- ¹² Allowed only as part of a *mixed use development*.
- ¹³ Only standalone boat parking is permitted. Parking lots are limited in size to 10,000 sq. ft.

¹⁴ Trucking and freight hauling businesses are not permitted.

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

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

¹⁷ Jail and jail farm/camp are prohibited. *Secure community transition facilities* as defined in RCW 71.09.020 are subject to the following restrictions:

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

b. Siting Criteria.

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

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

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

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

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

(3) The distances specified in footnote (17)(b)(2) of this section shall be measured by following a straight line from the nearest point of the property parcel upon which the SCTF is to be located, to the nearest point of the parcel of property or land use district boundary line from which the proposed land use is to be separated.

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

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

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

18.26.050 Use allowances – Regional business west subarea.

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

Table C. Regional Business West Subarea Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
Adult entertainment business ¹	College/university	Air transportation service
Ambulatory surgery center	Communication facility ^{a3}	Animal kennel/shelter
Arts, entertainment, indoor	Laboratory ^a	Auction house
Arts, entertainment, outdoor	Manufacturing, light	Automotive sales and service, nonmarine
Automotive sales and service, marine ²	Regional land use	Business service, intensive
Business service, standard		Cemetery, columbarium or mausoleum
Community residential facility		Construction and trade
Day care		Family child-care home
Eating and drinking place ³		Funeral home/crematory
Educational service		

Table C. Regional Business West Subarea Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Fire or police facility</i> <i>Health care and social assistance</i> <i>Laboratory^a</i> <i>Marijuana business</i> <i>Mobile food service^a</i> <i>Multiple-family dwelling^a</i> <i>Office</i>		<i>Hospital</i> <i>Manufacturing, heavy</i> <i>Mobile home park</i> <i>Resource land use</i> <i>Retail sales, bulk</i> <i>Secure facility</i> <i>Single detached dwelling unit</i>
<i>Park</i> <i>Personal service</i> <i>Recreational facility, indoor</i> <i>Recreational facility, outdoor^a</i> <i>Religious institution</i> <i>Retail sales^a</i> <i>Standalone parking^a</i> <i>Supportive living facility</i> <i>Temporary lodging</i> <i>Transportation¹⁰</i> <i>Vehicle or equipment rental¹¹</i> <i>Vehicle refueling station¹²</i>		<i>Utility facility</i> <i>Warehousing</i> <i>Wholesale trade</i>

¹ It shall be unlawful for any person to establish an *adult entertainment business* or to relocate an *adult entertainment business* within 330 feet, measured from the property line of the parcel or parcels proposed to contain the *adult entertainment business* to the property line of the parcels containing the *uses* in this subsection, without regard to intervening *structures* or *objects*, of any:

- a. Residentially zoned property;
- b. Public or *private* school for general education of any grade K through 12;
- c. School bus stop;
- d. Licensed *day care* or licensed preschool facility;

- e. Public *park*;
- f. Publicly dedicated *trail*; provided, however, that the *setback* distance shall apply only on the south side of the Burke-Gilman Trail, and that there shall be no *setback* on the north side of that trail due to the separation provided by Highway 522;
- g. Sports fields or playgrounds;
- h. Recreation or community center;
- i. *Religious institution*;
- j. Public library.

It shall be unlawful for any person to establish an *adult entertainment business* or to relocate an *adult entertainment business* within 500 feet of another *adult entertainment business*, measured from the property line of the parcel or parcels containing the *adult entertainment business* and the proposed *adult entertainment business*.

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

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

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

⁵ Provided:

- a. No permanent fencing, walls, or other structures shall be installed which hinder removal of the structure from the site, unless the structure is permanently permitted.
- b. No required parking stall shall be blocked or rendered unusable as a result of the mobile vendor.
- c. Safe ingress and egress shall be maintained. Visibility for transportation and pedestrian access shall be maintained.
- d. The limited duration of the mobile vendor shall be established as a condition of approval of any applicable permits.

e. A sign permit is required for exterior signage in accordance with the sign code, Chapter 18.42 KMC.

⁶ Allowed only as part of a *mixed use development* subject to the conditions of Chapter 18.50 KMC.

⁷ Campgrounds and RV parks shall not be permitted.

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

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

¹⁰ Only passenger transportation uses are permitted.

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

¹² Allowed only as an accessory to a permitted use.

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

18.27.020 Public and semi-public zone – Use allowances.

A. The following *uses* in Table A are permitted, conditionally permitted, or prohibited in the public and semi-public zone.

Table A. Public and Semi-Public Zone Use Allowances

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

B. Classified land uses not listed or prohibited in Table A may be allowed through completion of a site plan review process pursuant to KMC [18.27.060](#) and Chapter [18.105](#) KMC.

C. *Uses Established by Master Plan.* Adopted *master plans* that specify *uses* include the following:

1. Bastyr University Master Plan, December 2009, approved by *City Ordinance 09-0304*.

18.28A.020 Golf course zone – Use allowances.

A. The following uses in Table A are permitted, conditionally permitted, or prohibited in the golf course zone.

Table A. Golf Course Zone Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED (OR EXCLUDED IN DEFINITIONS)
Caretaker Residence, Accessory Clubhouse Conference Center, Accessory Cultural Facilities Driving Range Eating and Drinking Places, Accessory Golf Course Facility Maintenance Facility, Accessory Open Space Private Stormwater Management Facility Recreational Facilities, Indoor Recreational Facilities, Outdoor Retail Sales, Indoor, Accessory Trails Utility Facility Wildlife Shelter	Communication Facility, Major and Minor, only when on-building; prohibit stand-alone Outdoor Performance Center	Marijuana Business Residential Dwellings, Nonaccessory

B. Classified land uses not listed or prohibited in Table A may be allowed through completion of a site plan review process pursuant to KMC [18.28A.060](#) and Chapter [18.105](#) KMC. Proponents of projects that

include land *uses* allowed as accessory permitted or accessory conditionally *permitted uses* in Table A may also request allowance of such *uses* as primary *uses* pursuant to KMC [18.28A.060](#) and Chapter [18.105](#) KMC.

18.29.040 Use allowances.

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

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

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

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

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

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

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

Permitted	Conditionally Permitted	Prohibited
		Secure facility
		Single detached dwelling unit
		Standalone parking
		Transportation
		Utility facility
		Vehicle or equipment rental
		Vehicle refueling station
		Warehousing
		Wholesale trade

- ¹ Commercial use limitations in residentially oriented underlying zones: If these uses are proposed for property with underlying zoning of R-12, R-18, or R-24, then each use is limited to maximum 5,000 square feet per use and 15,000 square feet total contiguous nonresidential area within the development.
- ² Conditional use permit required in underlying urban corridor, downtown commercial, and public/semi-public zones. Prohibited in all other underlying zones within the TOD district overlay area.
- ³ Conditional use permit required in underlying R-12, R-18, R-24 zones. Permitted in underlying urban corridor, downtown commercial, and public/semi-public zones within the TOD district overlay area.

- ⁴ Mobile food vendors are permitted subject to the following requirements:
- a. For a stand, location shall be on a sidewalk or near a storefront consistent with barrier-free regulations;
 - b. For a stand, location on the sidewalk or near a storefront shall provide for at least four feet of unobstructed sidewalk between the stand and the sidewalk edge for pedestrian movement;
 - c. No permanent fencing, walls, or other structures are installed which hinder removal of the structure from the site;
 - d. No required parking stall shall be blocked or rendered unusable as a result of the mobile vendor;
 - e. Safe ingress and egress to the site shall be maintained. Visibility for transportation and pedestrian access shall be maintained;
 - f. The limited duration of the mobile vendor shall be established as a condition of approval of any applicable permits; if accessory to a use, such operation is removed daily at the time of or prior to the close of business hours;
 - g. A sign permit is required for exterior signage in accordance with the sign code, Chapter 18.42 KMC.
- ⁵ No outdoor storage of materials shall be permitted.

ATTACHMENT D

**Wireless Communication Facilities
New Code Sections, Wireless Communication Facilities**

Add the following new code sections:

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

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

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

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

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

18.25A.075. Wireless communication facilities. Use allowances and development regulations for *wireless communication facilities* are located in Chapter 18.60 KMC.

18.25B.060. Wireless communication facilities. Use allowances and development regulations for *wireless communication facilities* are located in Chapter 18.60 KMC.

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

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

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

18.28A.055. Wireless communication facilities. Use allowances and development regulations for *wireless communication facilities* are located in Chapter 18.60 KMC.

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

ATTACHMENT E

**Wireless Communication Facilities
Amendments to Other Code Sections**

Amend Sections 18.23.040, 18.30.060, 18.30.230, 18.35.020, 18.50.230, and 18.52.200 as follows:

18.23.040 Zoning standards.

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

Table B

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

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

² The exceptions to height limits listed in KMC 18.30.060 do not apply to the base height allowed in the CB zone. Any *development* utilizing the exception to height limits for the CB zone between 61st Avenue NE and 65th Avenue NE shall dedicate 25 percent of the average lot width above 35 feet in height as a view corridor to Lake Washington.

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

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

18.30.060 Height – Exceptions to limits.

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

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

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

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

18.30.230 Setbacks – Projections and structures allowed.

Provided that the required *setbacks* from *regional utility corridors* of KMC 18.30.200, the adjoining half-street or designated arterial *setbacks* of KMC 18.30.220 and the sight distance requirements of KMC 18.30.240 are maintained, *structures* may extend into or be located in required *setbacks*, including *setbacks* as required by KMC 18.21.060(B), as follows:

A. Fireplace *structures*, bay or garden windows, enclosed stair landings, closets, or similar *structures* may project into any *setback*, provided such projections are:

1. Limited to two per facade;
2. Not wider than 10 feet; and
3. Not more than 24 inches into an interior *setback* or 30 inches into a *street setback*;

B. Uncovered porches and decks which exceed 18 inches above the finished grade may project:

1. Eighteen inches into interior *setbacks* in the NB, CB, DR, DC, UC, DW, RB, PSP, P, and GC zones;
2. Eighteen inches into side *setbacks* in the R zones;
3. Eighteen inches into rear *setbacks* in the R-12 through R-48 zones;
4. Five feet into rear *setbacks* in the R-1 through R-6 zones; and
5. Five feet into *street setbacks*;

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

D. Eaves may not project more than:

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

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

1. Limited to two per facade;

2. Not wider than 3 feet; and

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

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

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

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

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

HI. Telephone, power, light and flag poles;

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

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

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

KL. Fire hydrants and associated appendages;

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

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

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

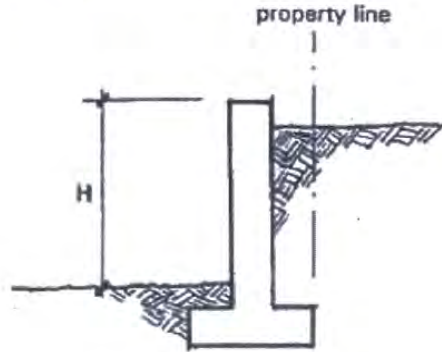
1. Consistent with *setback*, easement and access requirements specified in the Surface Water Design Manual; or
2. In the absence of said specifications, not within five feet of the property line;

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

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

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

RETAINING WALL IN SETBACK



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

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

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

18.35.020 Application.

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

18.50.230 Hazardous liquid and gas transmission pipelines.

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

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

18.52.200 Outdoor service and storage areas.

A. Intent.

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

B. Standards – Required.

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

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

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

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

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

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

ATTACHMENT F

**Wireless Communication Facilities
Amendments to Code Section 19.25.020**

Amend Section 19.25.020 as follows:

19.25.020 Classifications of land use decision processes.

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

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

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

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

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

Exhibit A

LAND USE DECISION TYPES

TYPE 1 ²	Decision by <i>city manager</i> ; no administrative appeal	Building; demolition; moving; engineering; clearing and grading; sign; change of use and/or classification under KMC Title <u>15</u> ; accessory dwelling unit; home occupation; boundary line adjustment; right-of-way; street standards variance; adjustment under Chapter <u>13.35</u> KMC; shoreline exemption; temporary use; binding site plan; preliminary subdivision or short subdivision revision if not a substantial change; short plat alteration if not a substantial change.
TYPE 2	Decision by <i>city manager</i> ; appealable to <i>hearing examiner</i> ; no further administrative appeal ^{1, 5}	Home industry; short subdivision; preliminary short subdivision revision; short plat alteration; zoning variance; conditional use permit; shoreline substantial development permit; shoreline variance; shoreline conditional use permit; site plan review for uses allowed by zone; <u>wireless communication facilities permit</u> <u>minor adjustment</u> under Chapter <u>18.60</u> KMC; approval of residential density incentives or transfer of development credits; reuse of public schools; reasonable use exceptions under KMC <u>18.55.180</u> ; public agency and utility exceptions under KMC <u>18.55.160</u> ; other critical areas exceptions, variances and decisions to require studies or to approve, condition or deny a development proposal based on Chapter <u>18.55</u> KMC.
TYPE 3	Recommendation by <i>city manager</i> ; hearing and decision by <i>hearing examiner</i> ; appealable directly to King County superior	Preliminary subdivision; plat alteration; preliminary subdivision revision; special use; <u>wireless communication facility major adjustment</u> under Chapter <u>18.60</u> KMC.

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

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

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

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

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

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

ATTACHMENT G

**Wireless Communication Facilities
Amendments to Chapter 12.58**

Amend Chapter 12.58 as follows:

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

Sections:

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

12.58.010 Purpose.

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

- A. Compensate the City for the value of the use of the City right-of-way by wireless telecommunications providers; and
- B. Reimburse the City for ongoing costs associated with those uses of the City right-of-way; and
- C. Encourage competition by establishing consistent terms and conditions under which wireless telecommunications providers may use valuable public property to serve the public; and

D. Fully protect the public and the City from any harm that may flow from such private use of City right-of-way; and

E. Protect and carry out the authority of the City over activities in the City right-of-way, while recovering costs; and

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

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

12.58.020 Definitions.

The following terms shall be applicable to this chapter:

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

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

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

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

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

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

12.58.030 Exemptions.

The following wireless ~~minor tele~~communication facilities are not subject to the provisions of this chapter:

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

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

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

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

12.58.050 Grant of authority – Effective period.

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

12.58.060 Application – Contents.

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

1. An application form provided by the City and completed by the applicant;
2. The name of the applicant and a designated contact person;

3. Plans and specifications for any structures, antenna or other equipment to be placed in the right-of-way or, if applicable, on abutting private property;
 4. A vicinity map showing the specific location of right-of-way subject to the application;
 5. When structures and equipment are to be located on abutting properties:
 - a. A site plan illustrating the relationship to property lines and other structures on the site;
 - b. Legal description of the site abutting property; and
 - c. Proof that the abutting property is a legally recognized lot pursuant to KMC Title 17;
 6. A critical areas affidavit if required by Chapter 18.55 KMC;
 7. A completed environmental checklist, if required by Chapter 19.35 KMC; and
 8. Payment of any review fees established by KMC Title 21;
- B. The applicant shall attest by written oath to the accuracy of all information submitted for an application. [Ord. 03-0180 §§ 1, 2; (KCC 14.45.060).]

12.58.070 Application review.

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

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

12.58.080 Application review and inspection fees.

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

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

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

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

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

Type of Equipment/Facility within the Right-of-Way	Use Payment
Separate support structure (such as a monopole or lattice) used solely for wireless antenna, with antenna/ receiver transmitter and/or equipment cabinet	Imposed by the city council by resolution
Antenna/receiver transmitter (on an existing or replacement pole) and equipment cabinet	

Type of Equipment/Facility within the Right-of-Way	Use Payment
Antenna/receiver transmitter (on an existing or replacement pole) or equipment cabinet, but not both	

B. For the purpose of this section, "replacement pole" means a new utility pole replacing an existing utility pole in the City right-of-way with no increase in the total number of utility poles in the right-of-way.

Replacement poles provide extra capacity to support attached wireless telecommunications facilities.

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

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

12.58.100 Insurance requirements.

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

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

12.58.110 Liquidated damages.

All right-of-way use agreements may provide for liquidated damages to compensate the City for harm caused by violation of an agreement or this chapter, or any applicable law in an amount which is a

reasonable forecast of just compensation for the harm caused by the violation. [Ord. 03-0180 §§ 1, 2; (KCC 14.45.110).]

12.58.120 Liability and indemnification.

A. All right-of-way use agreements shall contain the following provision: the holder of agreement shall have no recourse whatsoever against the county or its officials, boards, commissions, agents, or employees for any loss, costs, expenses, or damages arising out of any provision or requirement of the agreement, or KMC Title 21 because of the enforcement of the agreement, or KMC Title 21 except if such loss, costs, expenses or damages are the result of the sole negligence or misconduct on the part of the City or its agents.

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

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

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

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

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

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

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

Attachment 2

Lauri Anderson

From: Ken Lyons <ken.lyons@wirelesscounsel.com>
Sent: Tuesday, September 13, 2016 10:42 AM
To: Atkins, Linda; Maduell, Chuck; Carrasquero, Elizabeth; Lauri Anderson
Cc: Kim Allen; TAGAYUN, CAROL (ct1417@att.com); Doumit, Milt H
Subject: Kenmore - Significant gap in future capacity

Good morning Lauri:

Thanks for your call this morning. As discussed, I understand that you are working to add "capacity" to the significant gap standard in the major adjustment. I also understand that you were considering language that would address Councilmember Sperry's concern about the draft ordinance preventing carriers from proactively addressing capacity problems. I shared with you my perspective, that the development cycle for a brand new facility is about two years (from initial design to on-air), and having the option to make the case that a site is needed to address future capacity needs would be helpful.

I've copied representatives from Verizon and T-Mobile on this email to get their perspective on the concept of future capacity and how the major adjustment standard could be written to address this concern.

Please let me know if I missed something, or if there is anything you'd like to add.

We appreciate your efforts on this ordinance.

Best regards,

Ken Lyons
Jurisdictional Relations Director

Wireless Policy Group LLC
Busch Law Firm PLLC
(206) 227-0020 mobile
(425) 483-1070 fax
ken.lyons@wirelesspolicy.com

Attachment 3

Lauri Anderson

From: Carrasquero, Liz <Elizabeth.Carrasquero4@T-Mobile.com>
Sent: Tuesday, September 13, 2016 12:00 PM
To: Ken Lyons; Atkins, Linda; Maduell, Chuck; Lauri Anderson
Cc: Kim Allen; TAGAYUN, CAROL (ct1417@att.com); Doumit, Milt H
Subject: RE: Kenmore - Significant gap in future capacity

Hi Laurie and Ken, thank you for the opportunity to comment.

T-Mobile's capacity planning is calculated based on looking at usage rates and increases throughout the network. Impact to the system is reviewed 2-5 years in advance, so as to be ahead of the capacity crunch.

The entire development process is about 24 months from initial search ring release to site construction. Therefore planning two years in advance would really be "just-in-time" planning that will easily lead to capacity overload issues.

For the reasons above, engineering capacity planning is commenced up to five years ahead. It allows time for planning, budget allocation (which occurs on a national level) and then a 2 year development cycle to follow.

From: Ken Lyons [mailto:ken.lyons@wirelesscounsel.com]
Sent: Tuesday, September 13, 2016 10:42 AM
To: Atkins, Linda <lindaatkins@dwt.com>; Maduell, Chuck <chuckmaduell@dwt.com>; Carrasquero, Liz <Elizabeth.Carrasquero4@T-Mobile.com>; Lauri Anderson <landerson@kenmorewa.gov>
Cc: Kim Allen <kim.allen@wirelesscounsel.com>; TAGAYUN, CAROL (ct1417@att.com) <ct1417@att.com>; Doumit, Milt H <milt.h.doumit@verizon.com>
Subject: Kenmore - Significant gap in future capacity

Good morning Lauri:

Thanks for your call this morning. As discussed, I understand that you are working to add "capacity" to the significant gap standard in the major adjustment. I also understand that you were considering language that would address Councilmember Sperry's concern about the draft ordinance preventing carriers from proactively addressing capacity problems. I shared with you my perspective, that the development cycle for a brand new facility is about two years (from initial design to on-air), and having the option to make the case that a site is needed to address future capacity needs would be helpful.

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Best regards,

Ken Lyons
Jurisdictional Relations Director

Wireless Policy Group LLC
 Busch Law Firm PLLC
 (206) 227-0020 mobile

Attachment 4

Lauri Anderson

From: Atkins, Linda <lindaatkins@dwt.com>
Sent: Wednesday, September 14, 2016 12:55 PM
To: Lauri Anderson
Cc: Kim Allen; Ken Lyons; TAGAYUN, CAROL (ct1417@att.com); Maduell, Chuck; Doumit, Milt H; Carrasquero, Elizabeth
Subject: RE: Kenmore - Significant gap in future capacity
Attachments: Recommended Ordinance Amendments 9 13 16.DOCX

Lauri,

On behalf of T-Mobile, AT&T and Verizon Wireless, attached is our recommended language to implement the small cell, and the major adjustment "significant gap"/capacity, changes the Council discussed. Ken Lyons, Kim Allen or myself are available to discuss. Could you let us know if you have any questions or concerns about the attached?

Linda White Atkins | Davis Wright Tremaine LLP
 777 108th Avenue NE, Suite 2300 | Bellevue, WA 98004
 Tel: (425) 646-6115 | Fax: (425) 646-6199 | Mobile: (425) 417-5618
 Email: lindaatkins@dwt.com | Website: www.dwt.com
 Bio: www.dwt.com/people/LindaWhiteAtkins

Anchorage | Bellevue | Los Angeles | New York | Portland | San Francisco | Seattle | Shanghai | Washington, D.C.

From: Lauri Anderson [mailto:landerson@kenmorewa.gov]
Sent: Tuesday, September 13, 2016 12:01 PM
To: Ken Lyons; Atkins, Linda; Maduell, Chuck; Carrasquero, Elizabeth
Cc: Kim Allen; TAGAYUN, CAROL (ct1417@att.com); Doumit, Milt H
Subject: RE: Kenmore - Significant gap in future capacity

Hi Ken-- Thanks for talking with me about the major adjustment provision this morning and I look forward to hearing from the other carriers. We are on a tight timeframe for preparing these amendments; my information is scheduled to go to the City Manager this Friday, the 16th, so that the revised ordinance can be before the City Council at their 9/26 meeting.

Please let me know if you have additional suggestions.

Sincerely,

Lauri

Lauri Anderson, AICP
 Senior Planner | City of Kenmore, WA
 18120 68th Ave NE | Kenmore, WA 98028
 Tel: 425.398.8900 | Fax: 425-481-3236
landerson@kenmorewa.gov | www.kenmorewa.gov

From: Ken Lyons [mailto:ken.lyons@wirelesscounsel.com]
Sent: Tuesday, September 13, 2016 10:42 AM
To: Atkins, Linda <lindaatkins@dwt.com>; Maduell, Chuck <chuckmaduell@dwt.com>; Carrasquero, Elizabeth <Elizabeth.Carrasquero4@T-Mobile.com>; Lauri Anderson <landerson@kenmorewa.gov>
Cc: Kim Allen <kim.allen@wirelesscounsel.com>; TAGAYUN, CAROL (<ct1417@att.com> <ct1417@att.com>); Doumit, Milt

H <milt.h.doumit@verizon.com>

Subject: Kenmore - Significant gap in future capacity

Good morning Lauri:

Thanks for your call this morning. As discussed, I understand that you are working to add "capacity" to the significant gap standard in the major adjustment. I also understand that you were considering language that would address Councilmember Sperry's concern about the draft ordinance preventing carriers from proactively addressing capacity problems. I shared with you my perspective, that the development cycle for a brand new facility is about two years (from initial design to on-air), and having the option to make the case that a site is needed to address future capacity needs would be helpful.

I've copied representatives from Verizon and T-Mobile on this email to get their perspective on the concept of future capacity and how the major adjustment standard could be written to address this concern.

Please let me know if I missed something, or if there is anything you'd like to add.

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Best regards,

Ken Lyons

Jurisdictional Relations Director

Wireless Policy Group LLC

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(206) 227-0020 mobile

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ken.lyons@wirelesspolicy.com

Wireless Carrier Recommended Amendments
Proposed Ordinance 16-0426 Wireless Communication Facilities Code
September 13, 2016

WIRELESS CARRIER RECOMMENDED AMENDMENTS
PROPOSED ORDINANCE 16-0426 WIRELESS COMMUNICATION FACILITIES

I. Amend section 18.60.050 of the Proposed Ordinance to add “small cell facilities, small cell network” as a permitted use, as follows:

Type of wireless communication facility	Residential zones R-1 through R-6	Residential zones R-12 through R-24, and DR	Nonresidential zones RB, UC east, DC, and NB	Nonresidential zones UC west, WC and CB (view zones)	Other non-residential zones PSP, P and GC
small cell facilities, small cell network	P	P	P	P	P

II. Amend 18.60.060(B) to Adopt Small Cell Provisions Consistent with RCW 80.36.375 as Follows:

(B) A wireless communication service provider may apply to site several small cell facilities or a small cell network in a contiguous area by filing a consolidated application with a single set of documents that will apply to the small cell facilities or small cell network to be sited; and receive a single permit for all such facilities or network. An application for several small cell facilities or for a small cell network shall be exempt from §18.60.070.

(1) "Small cell facility" means a personal wireless services facility that meets both of the following qualifications:

(a) Each antenna is located inside an antenna enclosure of no more than three cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three cubic feet; and

(b) Primary equipment enclosures are no larger than seventeen cubic feet in volume. The following associated equipment may be located outside the primary equipment enclosure and if so located, are not included in the calculation of equipment volume: Electric meter, concealment, telecomm demarcation box, ground-based enclosures, battery back-up power systems, grounding equipment, power transfer switch, and cut-off switch.

(2) "Small cell network" means a collection of interrelated small cell facilities designed to deliver personal wireless services.

Wireless Carrier Recommended Amendments
Proposed Ordinance 16-0426 Wireless Communication Facilities Code
September 13, 2016

III. Amend proposed Major Adjustment Criteria 18.60.200(B)(1) as follows:

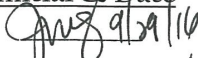
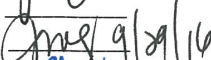
B. Criteria. An application for a wireless communication facility major adjustment shall be approved only if the applicant demonstrates all of the following criteria:

1. Significant Gap or Demonstrable Future Need in Service or Capacity.

(a) A significant gap in the service coverage or capacity of the applicant's service network; or a demonstrable future need for additional service coverage or capacity;

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

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

Subject/Topic: Estimates of Revenue and Expenditures for Current 2015-2016 Budget and Preliminary 2017-2018 Budget	For Council Meeting Agenda of: October 10, 2016	
	Department:	Executive Department Finance and Administration
	Prepared by:	Rob Karlinsey, City Manager Joanne Gregory, Finance Director
	Approved by Department Head:	Initial & Date  9/29/16
	Approved by City Attorney:	
	Approved by Finance Director:	 9/29/16
	Approved by City Manager:	
Proposed Council Action/Motion: Receive and File Estimates of Revenue and Expenditures for Current 2015-2016 Budget and Preliminary 2017-2018 Budget for the City of Kenmore, Washington	Exhibits/Attachments: Summary of Estimates of Revenues and Expenditures by Fund to be distributed at the October 10, 2016 meeting.	
Expenditure Required N/A	Amount Budgeted \$0	Appropriation Required
<u>INFORMATION/BACKGROUND:</u> The Estimates of Revenue and Expenditures for the current 2015-2016 Budget and the Preliminary 2017-2018 Budget for the City of Kenmore will be provided to the City Council at the October 10 City Council meeting. This provides the opportunity for the City Council and the community to receive information on the City of Kenmore's biennial to date revenues and expenditures in comparison to the City's 2015-2016 amended biennial budget. It also provides an overview of the preliminary 2017-2018 budget and financial program showing expenditures and revenues for each fund.		
<u>FISCAL CONSIDERATION:</u> A Priority Based Budgeting process has been underway since April 2016. The Resource Alignment Diagnostic Tool presented at the September 26 meeting will provide guidance in development of the 2017-2018 biennial budget. The Preliminary Budget book is scheduled to be distributed on October 24 after which review of departmental and fund budgets will begin.		
<u>COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:</u> Per RCW 35A.33.135, 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.		