



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

City Council Special & Regular Meeting

ON-SITE

MONDAY, FEBRUARY 26, 2024 - 5:30 PM

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

ZOOM LINK: <https://kenmorewa-gov.zoom.us/j/81926902170>

ZOOM PASSWORD: IAVMP

Or One tap Mobile: US: +12532050468,,81926902170#

Or Telephone Dial US: +1 253 205 0468

Webinar ID: 819 2690 2170

ZOOM PASSWORD: IAVMP

SIGN UP FOR VIRTUAL PUBLIC COMMENT HERE: www.kenmorewa.gov/virtualpubliccomment

If you have technical difficulties accessing the meeting virtually, please contact the Deputy City Clerk at mkang@kenmorewa.gov.

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

Land Acknowledgement to Honor First Peoples

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

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

II. EXECUTIVE SESSION

- A. Pursuant to RCW 42.30.110(1)(i), the City Council will enter an executive session to discuss pending and potential litigation. This executive session is slated to last 30 minutes. Final Action Expected.

EXECUTIVE SESSION HELD. NO FINAL ACTION.

III. ACTION RELATING TO EXECUTIVE SESSION

IV. STUDY SESSION AGENDA

- A. Integrated Aquatic Vegetation Management Plan (IAVMP), presented by Environmental Services Director Richard Sawyer and Guests from Herrera Environmental Group, *for Information and Discussion*

STUDY SESSION HELD.

[Agenda Bill - IAVMP Feb 26, 2024](#)

[Presentation - 2024 Aquatic Vegetation Management Workplan](#)

V. ADJOURN SPECIAL MEETING

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

VII. ROLL CALL

VIII. LAND ACKNOWLEDGEMENT

IX. FLAG SALUTE

X. AGENDA APPROVAL

XI. PROCLAMATION

- A. Women's History Month, to be accepted by Suzanne Greathouse
PROCLAIMED
[Women's History Month](#)

XII. WHERE'S THE FUN?

XIII. PUBLIC COMMENTS

Welcome to the Council's meeting. Please address your comments to the Mayor and Council. You'll have three minutes to speak. If there are more than 20 speakers, time will be reduced to two minutes per speaker. The Clerk will call your name when it's your turn. The Presiding Officer may choose to alternate between in-person and online comments. Please state your name and city of residence and keep within the allotted time. To make every person feel welcome and safe here; please refrain from booing, clapping, heckling, yelling, or other interruptions. The meeting is recorded for transparency. Thank you for being here, and for sharing your input respectfully.

VIRTUAL PUBLIC COMMENT PRE-REGISTRATION PROCESS: To provide public comments virtually, please fill out the [Virtual Public Comment Request Form](#) in advance of the meeting. The form opens Tuesdays at 12:00 Noon and closes Mondays at 12:00 Noon. You will be confirmed by the City Clerk. If you are having difficulty, please reach out to the City Clerk at awarhol@kenmorewa.gov.

XIV. CONSENT AGENDA

COUNCILMEMBER MARSHALL RECUSED HIMSELF.
CONSENT AGENDA APPROVED BY UNANIMOUS CONSENT.

- A. Approve Minutes for the Regular Council Meeting of February 12, 2024.

[City Council Regular Meeting Minutes from February 12, 2024 \(Uploaded 2/20/2024\)](#)

- B. Approve Total Check #s 53708 through 53787 totaling \$511,677.71, Total Payroll/Taxes/Flexible Spending/Retirement & Health Savings Account Electronic Deposits Dated 1/20/2024 in the amount totaling \$246,0847.98, ACH Payment #s 1524 through 1540 for \$30,644.65, and an Electronic Transfer for \$33,879.97.

[Voucher Certification and Approval 1/20/2024 - 2/2/2024](#)

- C. Approve Total Check #s 53788 through 53877 totaling \$474,023.83 and Total Payroll/Taxes/Flexible Spending/Retirement & Health Savings Account Electronic Deposits Dated 2/9/2024 in the amount totaling \$244,056.86, ACH Payment #s 1541 through 1544 in the amount of \$23,435.88. *(Added 2/21/2024)*

[Voucher Certification and Approval 2/3/2024 - 2/16/2024](#)

- D. Adopt Ordinance No. 23-0585, Updating Kenmore Municipal Code Title 13, Relating to Provisions for Water and Sanitary Sewer Requirements.
[Agenda Bill - Title 13 Adoption](#)
[Ordinance 23-0585 - Title 13 KMC](#)
[Exhibit 1 - KMC Title 13 Final](#)

- E. Authorize the City Manager to Execute Agreement 24-C3016 with Herrera Environmental Consulting for an amount not to exceed \$62,000 to Provide Aquatic Vegetation Management Consulting Services.
[Agenda Bill - Herrera Environmental Consulting 24-C3016](#)

- F. Authorize the City Attorney's Office to initiate litigation to enforce the Notice of Violations relating to property located at 6420 NE 198th Street, Kenmore WA 98028, including, but not limited to, abatement, and to take all actions necessary to enforce and abate said violations.

- G. Approve Amendment No. 1 to the City of Kenmore Contract No. 22-C2864 with Lake City Partners Ending Homelessness for outreach and referral services to be provided from march 1, 2024 until December 31, 2024, and authorize the City Manager to execute the same. *(Added 2/20/2024)*

[Agenda Bill - Amendment No. 1 to Contract No. 22-C2864 \(updated 2/26/2024\)](#)

[Attachment 1 - Contract No. 22-C2864](#)

[Attachment 2 - Amendment No. 1](#)

[Attachment 3 - Informational Slide Deck](#)

- H. Authorize the City Manager to execute an interlocal participation agreement with the National Purchasing Cooperative. *(Added 2/23/2024)*

[Agenda Bill - National Purchasing Cooperative](#)

[Attachment 1 - National Purchasing Cooperative Interlocal Participation Agreement](#)

XV. PUBLIC HEARING

PUBLIC HEARING HELD

VIRTUAL PUBLIC COMMENT PRE-REGISTRATION: To provide public comments virtually, please fill out the [Virtual Public Comment Request Form](#) in advance of the meeting. The form opens Tuesdays at 12:00 Noon and closes Mondays at 12:00 Noon. You will be confirmed by the City Clerk. If you are having difficulty, please reach out to the City Clerk at awarhol@kenmorewa.gov.

- A. Proposed Ordinance No. 24-0606, Amending and Extending Interim Regulations for an additional six-months for Certain Parcels close to Swamp Creek in proximity to SR 522 and 80th Ave NE, presented by Community Development Director Debbie Bent, *for Public Hearing*
[Agenda Bill - Extending Interim Regulations Feb 26, 2024](#)
[Attachment 1- Ordinance No. 24-0606 amending and extending TOD interim regulations](#)
[Attachment 2 - Ordinance No. 23-0586](#)
[Attachment 3 - Ordinance No. 23-0575](#)
[Attachment 4 - Ordinance No. 23-0569](#)
[Attachment 5 - Ordinance No. 22-0555](#)
[Attachment 6 - Ordinance No. 22-0543](#)

XVI. BUSINESS AGENDA

- A. Proposed Ordinance No. 24-0606, Amending and Extending Interim Regulations for an additional six-months for certain parcels close to Swamp Creek in Proximity to SR 522 and 80th Ave NE, presented by Community Development Director Debbie Bent, *for Adoption*
ADOPTED
[Agenda Bill - Extending Interim Regulations Feb 26, 2024](#)
[Attachment 1 - Ordinance No. 24-0606 amending and extending TOD interim regulations](#)
[Attachment 2 - Ordinance No. 23-0586](#)
[Attachment 3 - Ordinance No. 23-0575](#)
[Attachment 4 - Ordinance No. 23-0569](#)
[Attachment 5 - Ordinance No. 22-0555](#)
[Attachment 6 - Ordinance No. 22-0543](#)
- B. Proposed Ordinance No. 24-0602 - 2021 Building Code, presented by Building Official Bryan Hampson and Fire Marshal Ryan Burgess, *for Adoption*
ADOPTED
[Agenda Bill - Ordinance No 24-0602 2021 Building Code Adoption](#)
[Attachment 1 - Ordinance No. 24-0602 2021 Building Code Adoption](#)
[Exhibit A KMC 15.05 General Provisions](#)
[Exhibit B KMC 15.10 Fire Codes](#)
[Exhibit C KMC 15.20 Building Codes](#)

[Exhibit D KMC 15.30 Construction Admin Codes Amending 15.30.245](#)

- C. NE 170th/Juanita Drive Intersection Bike Accessibility, presented by Engineering Director John Vicente, Traffic Engineer Tobin Bennett-Gold, and Senior Civil Engineer Thomas Joachimides, *for Discussion and Direction*

DISCUSSED AND DIRECTION GIVEN

[Agenda Bill - 170th St & Juanita Dr. Bike Accessibility Improvements \(Updated 2/22/2024\)](#)

[Attachment A - 170th St. & Juanita Dr. Diagram \(Added 2/22/2024\)](#)

[Attachment B - Community Cyclist Outreach Comments and Response \(Added 2/22/2024\)](#)

[Presentation - Bicycle Accessibility Improvements \(Added 2/26/2024\)](#)

- D. Federal Legislative Agenda for 2024, presented by City Manager Rob Karlinsey, *for Discussion and Approval*

APPROVED

[Agenda Bill - Federal Legislative Agenda 2024](#)

[Attachment 1 - 2024 Kenmore Federal Legislative Agenda](#)

XVII. STAFF REPORTS

XVIII. COUNCILMEMBER REPORTS & COMMENTS

XIX. ADJOURNMENT

UPCOMING MEETINGS

- A. Monday, March 11, 2024 at 7:00 PM - City Council Regular Meeting - **CANCELED**
Monday, March 18, 2024 at 7:00 PM - City Council Regular Meeting
Monday, March 25, 2024 at 7:00 PM - City Council Regular Meeting

NOTICE OF POTENTIAL QUORUMS

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



City Council Agenda Bill City of Kenmore, WA

Subject/Topic: 2024 Aquatic Vegetation Management	For Council Meeting Agenda of: 02/26/2024 Department: Environmental Services Prepared by: Richard Sawyer, ES Director										
Proposed Council Action/Motion: For discussion only, no Council action needed.	<table><thead><tr><th></th><th><u>Initial & Date</u></th></tr></thead><tbody><tr><td>Approved by Department Head:</td><td><u>RS</u></td></tr><tr><td>Approved by City Attorney:</td><td><u>NA</u></td></tr><tr><td>Approved by Finance Director:</td><td><u>MM</u></td></tr><tr><td>Approved by City Manager:</td><td><u>RK</u></td></tr></tbody></table> Attachments/Exhibits: None		<u>Initial & Date</u>	Approved by Department Head:	<u>RS</u>	Approved by City Attorney:	<u>NA</u>	Approved by Finance Director:	<u>MM</u>	Approved by City Manager:	<u>RK</u>
	<u>Initial & Date</u>										
Approved by Department Head:	<u>RS</u>										
Approved by City Attorney:	<u>NA</u>										
Approved by Finance Director:	<u>MM</u>										
Approved by City Manager:	<u>RK</u>										
Summary: Each year the City manages aquatic vegetation in Lake Washington and Sammamish River consistent with the Integrated Aquatic Vegetation Management Plan (IAVMP). This report provides City Council 1) a summary of work conducted over the last two years, 2) an update on emerging trends within the City's treatment areas, and 3) this year's workplan.											
Information/Background: In 2017 the City developed an Integrated Aquatic Vegetation Management Plan (IAVMP), with financial assistance from a Department of Ecology grant and consultation from Herrera Environmental Consultants (Herrera). An update was completed in 2020, again with consultation provided from Herrera. The IAVMP's purpose is to identify and evaluate aquatic vegetation issues in Lake Washington and Sammamish River along the City's shorelines and develop goals to address these issues. Additionally, implementation actions are identified for managing aquatic vegetation in public areas, including Log Boom Park, Rhododendron Park and Łaxwadis Park. A variety of treatment options are provided depending on conditions identified at each location, which may evolve over time. In the 2020 IAVMP update, City Council directed staff to utilize nonherbicide management options, whenever feasible, in lieu of herbicide applications and the City's implementation plans were updated accordingly for these public areas. 2022-2023 Recap											

Log Boom Park

Diver Assisted Suction Harvesting (DASH) was conducted along the shoreline and along the perimeter of the pier. Due to the presence of debris, cut fishing line and fishing hooks, DASH could not be conducted in the near shore area on the south side of the pier.

Bacteria levels are also monitored at this park during summer months. The City collects three water samples and tests for bacteria. Results are the number of bacteria per 100 mL of water (about a quarter-cup). If a bacteria result was above 320 bacteria/100 mL, that sample had high bacteria.

When looking at the three bacteria results for the day, if there were two or three high bacteria results on the same day, Public Health will generally recommend that people stay out of the water.

If there was only one high bacteria result that day, also look at the 30-day metrics. The 30-day geometric mean is one way to average all the bacteria results from the past 30 days. If the 30-day geometric mean bacteria was above 100 bacteria/100 mL, or if there were 2 or more high bacteria samples in the past 30 days, Public Health will generally recommend that people stay out of the water at that beach.

The beach was closed for construction in 2022. In 2023, bacteria thresholds were not exceeded.

Rhododendron Park Park & Boat Launch

DASH was conducted along the river shoreline including the area around the City pier and through the WDFW boat launch area.

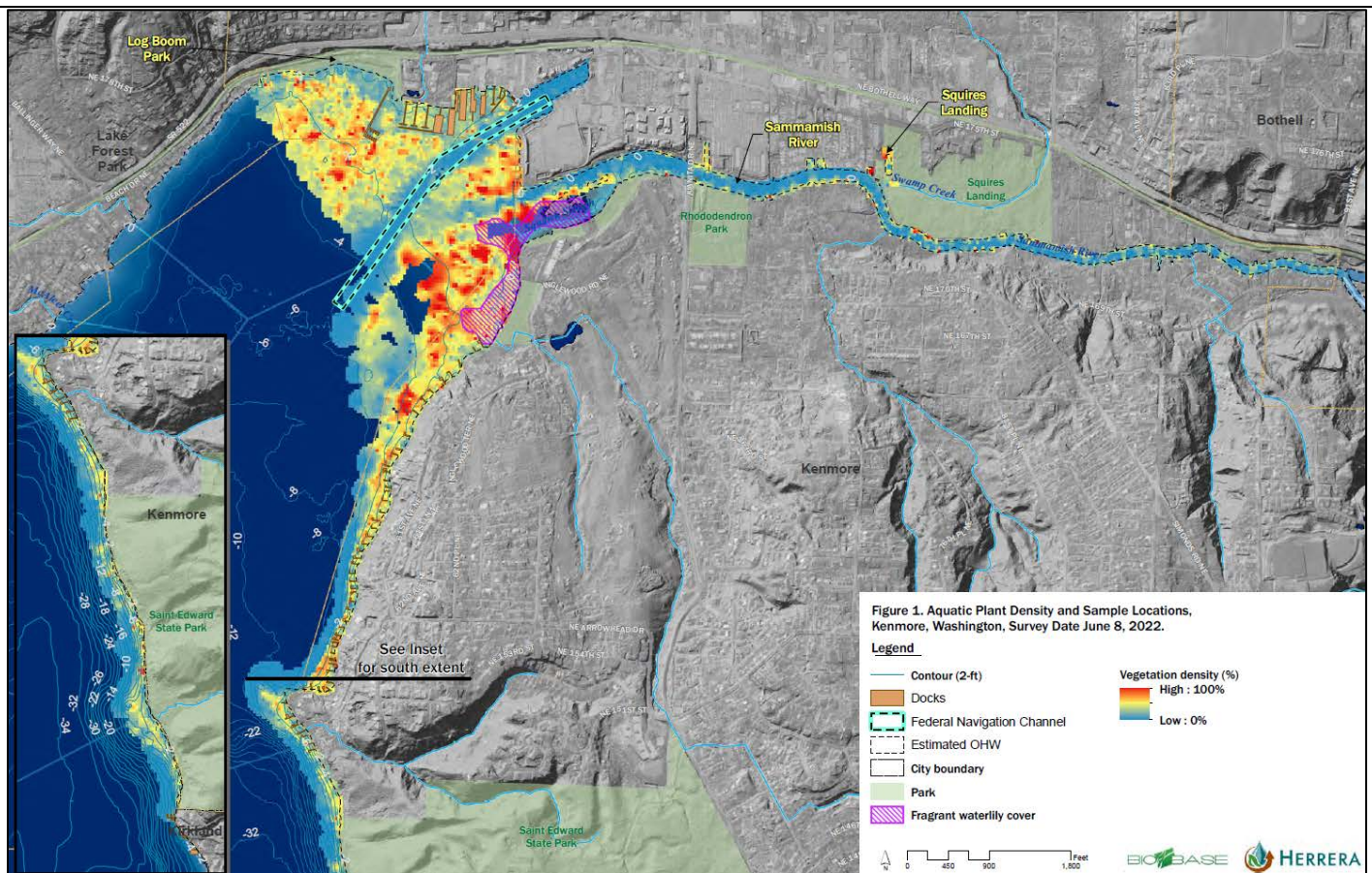
Łaŋwadis Park

DASH was conducted in the shoreline area of Swamp Creek and Sammamish River in 2023 (the park was under construction the previous year). Excessive algae growth was visible in the lagoon area of the park.

Bacteria monitoring started in this park in 2023. Bacteria levels exceeded thresholds seven of the eighteen weeks monitored resulting in posted warnings not to swim at the park.

2024 Emerging Issues and Workplan

The city will contract Herrera to conduct a pre-season aquatic plant survey along the City's shorelines and treatment areas to target this year's treatment plan. The survey provides information on the species of plant present and their relative abundance. The following map shows results from the last survey conducted in 2022.



Additionally, a post-treatment survey will be conducted in fall to determine the effectiveness of this year's work and assist in planning future treatments.

Log Boom Park

Based on the survey results, Staff will decide if DASH services are needed along the shoreline and along the perimeter of the pier. Once control of targeted vegetation is achieved with DASH, less frequent treatments may be needed.

Park improvements completed in 2023 have increased the access and use of the lake to the public. As a result, expansion of treatment needs has increased to accommodate access and use of the open water area further from the shoreline and pier. The IAVMP discusses DASH as a cost-effective method to target and manage vegetation in the original smaller areas, but it is not cost effective for larger areas. The IAVMP recommends methods such as herbicide control or mechanical harvesting as alternatives. Considering Council's direction to minimize herbicide use, staff are looking to utilize mechanical harvesting in 2024. Mechanical harvesting is expected to be approximately \$23,000 per treatment and multiple treatments may be needed depending on the level of services desired. Herbicide treatment of the area would be approximately \$20,000. The map below shows the expanded and existing treatment areas in Log Boom Park.

Bacteria levels and visual checks for toxic algae will continue to be monitored weekly at this park during summer months.



Rhododendron Park Park & Boat Launch

Based on the survey results, Staff will work with Herrera to decide if DASH services are needed along the shoreline and dock. Once control of targeted vegetation is achieved with DASH, less frequent treatments may be needed.

Łaŋwadis Park

Based on the survey results, Staff will work with Herrera to decide if DASH services are needed along the shoreline and dock. Once control of targeted vegetation is achieved with DASH, less frequent treatments may be needed.

The park received significant improvements in a recent remodel of the park, including the lagoon area which now accommodates multiple small watercraft access points and two docks. The lagoon, which existed previously, has always had significant algae growth. Staff will work with Herrera to evaluate options to control algae growth in the lagoon, which may include aeration of the water or algaecide treatment. A map showing treatment areas of the park is shown below.

Bacteria levels will continue to be monitored during summer months in 2024, which were high in 2023. Staff anticipate that treatment of algae growth in the lagoon may help reduce bacteria growth.



Arrowhead Point Toxic Algae Study

Arrowhead point has experienced an on-going issue with persistent toxic algae blooms along the shoreline. Staff will work with Herrera to monitor and evaluate the algae blooms occurring in this area to better understand why and how the blooms are concentrating here and provide shoreline community members information to aid in managing these blooms. Since the IAVMP was developed, toxic algae has only been observed in a public park once (Log Boom Park) and it lasted only for a couple weeks, however, King County has been recently observing them spread throughout the lake.

Shoreline Noxious Weed Removal

King County has been working on removing Garden and Purple Loosestrife (regulated noxious weeds) upstream of Kenmore along Sammamish River shorelines over the last few seasons and have now reached Kenmore. King County staff will be removing these noxious weeds along shorelines of Sammamish River, Swamp Creek and Lake Washington this summer.

Next Steps

Staff will work with Herrera to conduct the preseason survey and finalize the 2024 workplan to conduct the treatments discussed above. Staff will pull together the necessary contracts and return to Council for contracting authority, if needed depending on cost, to begin work this spring. Once the work is completed, staff will work with Herrera to conduct a post-season survey and provide Council with a summary later this year in October.

Fiscal Consideration:

The 2024 aquatic vegetation work plan includes consulting services from Herrera Environmental totaling approximately \$62,000. Potential treatment costs are still highly variable and depend on additional analysis, but may range from \$20,000 to \$100,000+ depending on the results of the spring survey and selected treatment options.

City Council Priority or Budget Objective Being Addressed:

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

2024 Aquatic Vegetation Management Workplan



CITY OF KENMORE

ENVIRONMENTAL SERVICES



Herrera Environmental

Rob Zisette, Principal Aquatic Scientist

Eliza Spear, Ecologist

NW Aquatic Management (Tentative)

Kyle Steelhammer, President/Owner

City Staff

Richard Sawyer, Environmental Services Director

Charlie Parks, Environmental Services Technician



CITY OF KENMORE
ENVIRONMENTAL SERVICES



Background



Integrated Aquatic Vegetation Management Plan

- **Adopted 2017**
 - Management Priorities
 - Priority Areas
 - Goals
 - Treatment Options
 - Monitoring & Evaluation
- **Updated 2020**
 - Include control of nuisance native vegetation
 - Update treatment options, focus on herbicide alternatives
 - Simplify permitting for herbicide alternatives

Background



CITY OF KENMORE

ENVIRONMENTAL SERVICES

Bacteria Monitoring

- **Swamp Creek TMDL**
 - Mandated NPDES
 - Year Round
 - Monthly Samples
- **Swimming Beach Seasonal Monitoring**
 - Voluntary
 - June through September
 - Weekly Samples



Collecting samples
at Swamp Creek basin for
water quality testing

2022-2023 Recap



CITY OF KENMORE
ENVIRONMENTAL SERVICES

Log Boom Park

- Diver Assisted Suction Harvesting (DASH)

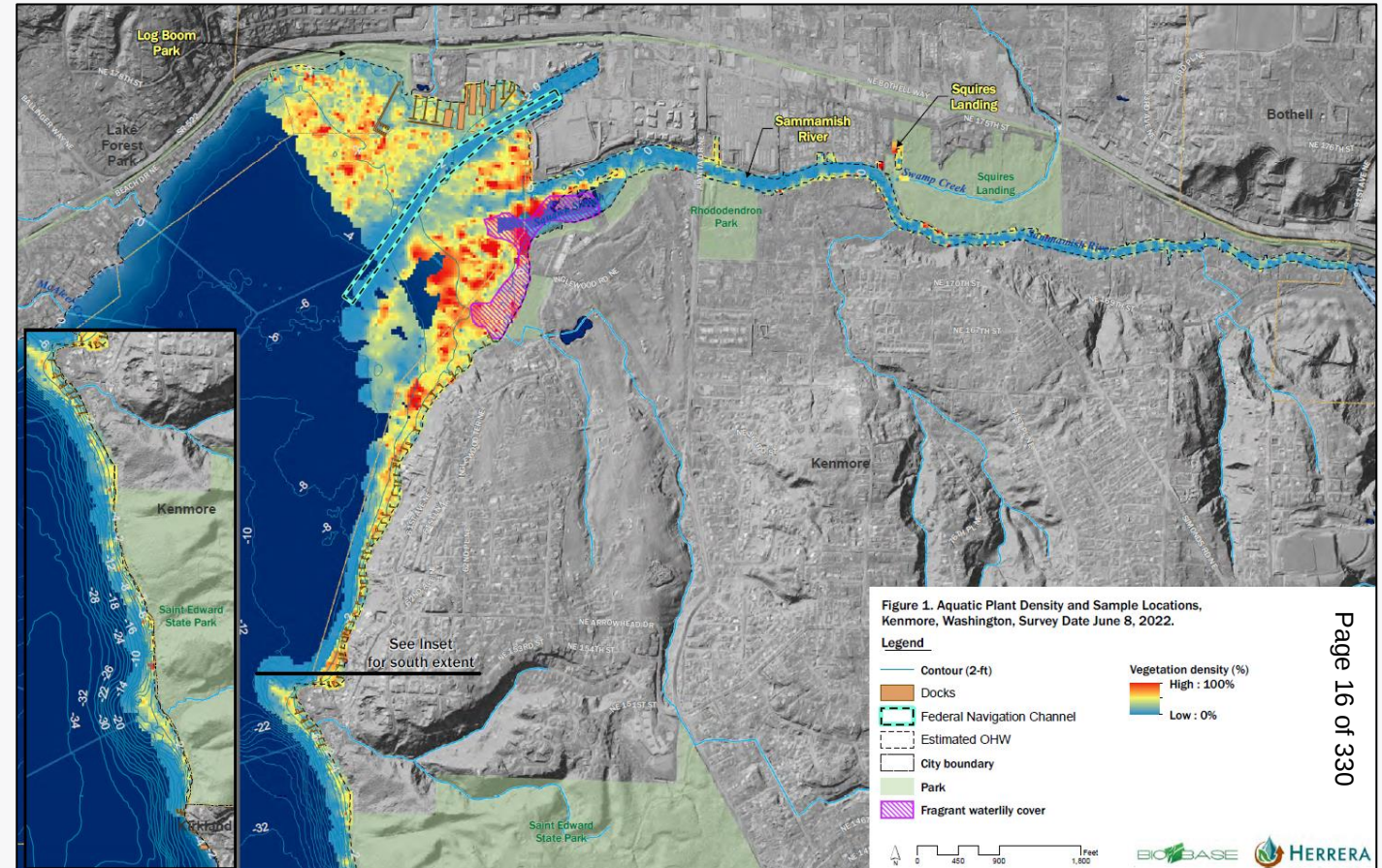
- Shoreline Raking

Rhododendron Park

- DASH

Ḳ'aḲ'w'adis Park

- DASH



2024 Workplan



CITY OF KENMORE

ENVIRONMENTAL SERVICES

Log Boom Park

- Spring Survey
- Shoreline Raking
- Evaluate
 - DASH
 - Mechanical Harvesting
 - Herbicide
- Bacteria Monitoring
- Fall Survey



2024 Workplan



CITY OF KENMORE

ENVIRONMENTAL SERVICES

Rhododendron Park

- Spring Survey
- Shoreline Raking
- Evaluate
 - DASH
 - Mechanical Harvesting
 - Herbicide
- Fall Survey



λ'aǎ^wadis Park

- **Spring Survey**
- **Evaluate**
 - **DASH**
 - **Algae Control**
- **Bacteria Monitoring**
- **Fall Survey**



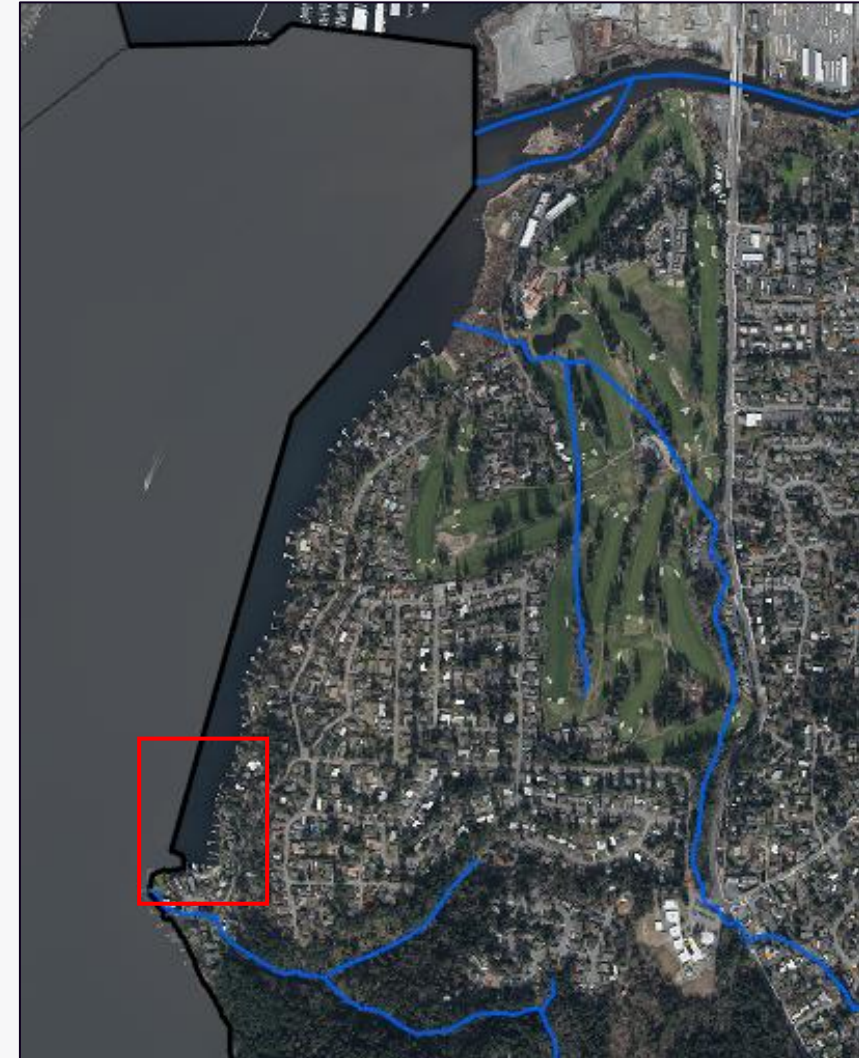
2024 Workplan



CITY OF KENMORE
ENVIRONMENTAL SERVICES

Arrowhead Point

- Spring Survey
- Evaluate Toxic Algae
- Monitor
- Fall Survey

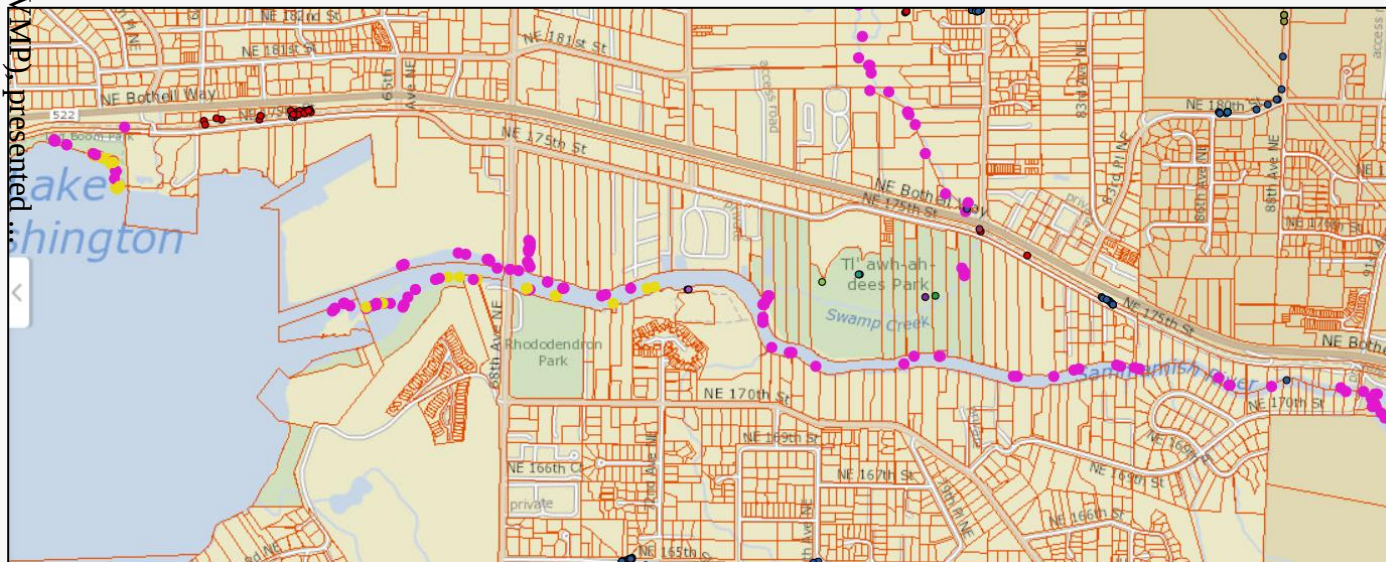


2024 Workplan



Shoreline Weeds

- Work done by King County
- Focus on purple & garden loosestrife
- Continuation of upstream work



Herrera Environmental

Rob Zisette, Principal Aquatic Scientist

Eliza Spear, Ecologist

NW Aquatic Management (Tentative)

Kyle Steelhammer, President/Owner

City Staff

Richard Sawyer, Environmental Services Director

Charlie Parks, Environmental Services Technician



CITY OF KENMORE

ENVIRONMENTAL SERVICES



City of Kenmore, Washington Proclamation

WHEREAS, throughout history, women of all races and backgrounds have played a vital and significant role in shaping the course of our country and our world, despite facing barriers and discrimination based on their gender, sexual orientation, race, and ethnicity; and

WHEREAS, women have made innumerable contributions to every aspect of society, from the arts and sciences to politics and activism, and have worked tirelessly to improve the lives of others; and

WHEREAS, the voices and stories of women have often been silenced or overlooked in historical accounts, and it is important to recognize and celebrate the contributions of women from all backgrounds; and

WHEREAS, women have been leaders in every major social and political movement in our country, including the suffrage movement, the civil rights movement, the labor movement, the LGBTQIA+ rights movement, and the environmental movement, among others; and

WHEREAS, women have made significant contributions to these movements and to the broader cause of social justice; and

WHEREAS, women have also played a critical role in supporting and caring for their families and communities, often through unpaid labor and volunteer work, and have helped to build the foundation of our society.

NOW THEREFORE, I, Nigel Herbig, Mayor of the City of Kenmore, on behalf of the City Council, do hereby proclaim March as Women's History Month in the City of Kenmore. The City makes this proclamation to honor the achievements and contributions of women from all walks of life, and to recognize the ongoing struggle for gender and racial equality. We celebrate the legacy of women who have paved the way for progress, and we stand with women today as we work to create a more just and equitable society for all.

IN WITNESS WHEREOF, signed this 26th day of February 2024.

Signed: _____ Attested: _____
Nigel Herbig, Mayor Anastasiya Warhol, City Clerk

**City of Kenmore
City Council Meeting
Regular Meeting Minutes
Monday, February 12, 2024**

These minutes are created to capture Council action. This is not a verbatim transcript.
Meeting video and audio is available on the City YouTube channel.

PRESENT:

Councilmembers: Mayor Nigel Herbig
Deputy Mayor Melanie O'Cain
Councilmember Jon Culver
Councilmember Joe Marshall
Councilmember Valerie Sasson
Councilmember Debra Srebnik
Councilmember Nathan Loutsis

Staff: City Manager Rob Karlinsey
Deputy City Manager Stephanie Lucash
City Attorney Dawn Reitan
City Clerk Anastasiya Warhol
Deputy City Clerk Michelle Kang
Communications Specialist Lauren Chomiak
Engineering Director John Vicente
Development Services Director Samantha Loyuk
Code Enforcement Officer Bridgit Baker
Housing and Human Services Manager Tambi Cork

Speaking Guests: Ian Stewart, Principal Researcher EMC Research
Vincent Buys, Government Affairs Senior Manager

Public Comments Speaking Guests:
Tracy Banaszynski, Kenmore Resident
Patrick O'Brien, Kenmore Resident
Kevin Hogan, Kenmore Resident
Carl Michelman, Brier Resident / Kenmore Business Owner
Sheina R, Kenmore Resident
Geoff Chism, Kenmore Resident
Erin MacDonald, Kenmore Resident
Laurie Sperry, Kenmore Resident
Elizabeth Mooney, Kenmore Resident

CALL REGULAR MEETING TO ORDER

Mayor Herbig called the regular meeting to order at 7:00 P.M.

LAND ACKNOWLEDGEMENT

Mayor Herbig read the Land Acknowledgement Honoring First Peoples.

FLAG SALUTE

Mayor Herbig led the Council in the flag salute.

AGENDA APPROVAL

The agenda was approved as presented.

PROCLAMATION

Mayor Herbig issued a proclamation honoring Chuck Perry, Kenmore Air retiree. February 23, 2024, is proclaimed as Chuck Perry Day.

[Chuck Perry Day](#)

WHERE'S THE FUN?

City Manager Rob Karlinsey highlighted a 'Love Note' from Thoughtful Citizens over the weekend at the Hangar. The event, hosted by Maura Query welcomed the community to "Create Valen-Kindness Cards." Community members came together to make cards for seniors and strangers, and the event attracted the attention of the Seattle Times.

PUBLIC COMMENTS

The City Council took comments from the public.

Timestamped link here:

<https://www.youtube.com/live/L4SzTyO5xwk?si=sK8qCH2suRILA4Nu&t=528>.

CONSENT AGENDA

- A. Cancel the City Council Regular Meeting of Monday, March 11, 2024. (Council Chambers are being used as a voting center.)
- B. Approve the City Council Special and Regular Meeting Minutes from December 11, 2023.
[City Council Special and Regular Meeting Minutes from December 11, 2023 \(Added 2/6/2024\)](#)
- C. Approve the City Council Special Meeting Minutes from January 9, 2024.
[City Council Special Meeting Minutes from January 9, 2024 \(Added 2/7/2024\)](#)

- D. Approve the City Council Joint Special Meeting with Planning Commission Minutes from January 16, 2024.
[City Council Joint Special Meeting with Planning Commission Minutes from January 16, 2024](#)
- E. Approve the City Council Special Meeting Minutes from January 18, 2024.
[City Council Special Meeting Minutes from January 18, 2024 \(Added 2/7/2024\)](#)
- F. Approve the City Council Special Meeting Minutes from January 22, 2024.
[City Council Special Meeting Minutes from January 22, 2024](#)
- G. Approve Total Check #s 53628 through 53707 totaling \$2,181,484.17, Total Payroll/Taxes/Flexible Spending/Retirement & Health Savings Account Electronic Deposits Dated 1/12/2024 in the amount totaling \$249,080.24, ACH Payment #s 1520 through 1523 in the amount of \$276,895.99, and Payroll Check #s 10251 through 10252 in the amount of \$946.24.
[Voucher Certification and Approval 12/31/2023 - 1/19/2024](#)
- H. Approve the A Regional Coalition for Housing (ARCH) 2024 Budget, including Kenmore's contribution of \$71,011.
Approve the ARCH 2024 work program.
Approve the ARCH Executive Board's recommended Fall 2023 Housing Trust Fund Projects, including Kenmore's \$22,400 share of funding.
[Agenda Bill - A Regional Coalition for Housing \(ARCH\)](#)
[Attachment 1 - ARCH 2024 Budget and Work Program](#)
[Attachment 2 - ARCH Fall 2023 Trust Fund Projects](#)
- I. Authorize the City Manager to execute Interlocal Agreement No. 24-C3009 with King County to accept a grant award in the amount of \$56,750 for acquisition of two conservation properties in the City of Kenmore.
[Agenda Bill - Interlocal Agreement No. 24-C3009](#)
- J. Authorize the City Manager to execute Contract No. 24-C3010 with Olympic Environmental Resources in an amount not to exceed \$115,000.00 for the management of residential recycling events and administration of the supporting grant funds.
[Agenda Bill - Contract No. 24-C3010](#)
[Attachment 1 - Contract No. 24-C3010](#)
- K. Authorize the City Manager to execute a contract for \$446,337.37 (includes 10% contingency) with Parametrix for design services for Arrowhead Drive Sidewalk and Traffic Calming Project.
[Agenda Bill - Contract with Parametrix](#)

MOTION: Councilmember Culver moved to approve the consent agenda items A-K outlined above. Councilmember Loutsis seconded the motion.

VOTE: Consent Agenda was approved by **UNANIMOUS CONSENT**.

BUSINESS AGENDA

A. Love Where you Live Project Community Survey #1 Results, conducted by EMC Research, presented by City Manager Rob Karlinsey, Communications Specialist Lauren Chomiak, and EMC Research Senior Principal Ian Stewart, *for review and discussion*

[Agenda Bill - Love Where You Live Project Community Survey #1 Results](#)

[Attachment 1 - EMC Research Community Survey #1 Topline Results](#)

[Attachment 2 - Presentation \(Updated 2/9/2024\)](#)

Communications Specialist Lauren Chomiak re-introduced the Love Where You Live Project to the Council. Phase I of the engagement occurred between June and December 2023, including an in-person engagement at 22 community events, an online survey opened to all, and a statistically valid community survey conducted by EMC Research.

EMC Research Senior Principal Ian Stewart presented the results from the statistically valid survey conducted in December 2023. Email and Text was used to do the multi-modal survey of registered voters. The Survey was conducted from December 4-19th in 2023. 300 interviews were conducted.

The following categories were considered in the findings:

- Direction of Kenmore
- Quality of Life in Kenmore
- Most Important Problem in Kenmore
- Kenmore Job Ratings over Time
- Satisfaction with City Services
- City Priorities
- Parks and Recreation Priorities
- Housing Attitudes
- Missing Middle Housing
- School Zone Photo Enforcement and Revenue

According to EMC Research, the key findings from the statistically valid survey are:

- Kenmore residents remain optimistic about the direction of the city and most rate City government positively.
- Maintaining public safety and infrastructure and bringing more businesses to Kenmore are top priorities identified by the responders.
- When it comes to parks and recreation, waterfront access, restoring habitat, nature paths and trails are top priorities.

- Affordable housing is a top-of-mind issue, and most residents are open to missing middle housing, though there is less consensus around the need to build more housing in Kenmore.
- A majority support photo enforcement of school zone speed limits, as well as expanding the use of revenue from photo enforcement to include police services.

Phase II of community engagement for the Love Where You Live Project is underway and will continue through the spring of 2024. The approved plan for Phase II includes: 4 community workshops held in late February and early March 2024 at Kenmore Middle School, Kenmore Community Club, the Hangar, and Moorlands Elementary School; a second statistically valid survey conducted by EMC Research in March of 2024, building on the findings from the first survey; and exploring opportunities for Lakepointe and downtown development discussions.

- B. Update of the Non-Exclusive Dual Franchise Agreement with Comcast Cable Communications Management, LLC, presented by Engineering Director John Vicente and Comcast Government Affairs Senior Manager Vincent Buys, *for discussion*

[Agenda Bill - Comcast Franchise](#)

[Attachment A - Draft Ordinance No. 24-0603](#)

[Attachment B - Draft Franchise Agreement](#)

[Attachment C - List of Changes](#)

[Presentation - Comcast Franchise Feb 12, 2024](#)

Engineering Director John Vicente explained that the draft franchise ordinance allows Comcast to install its infrastructure in public spaces, updating the previous agreement made in 2012. This new 10-year agreement subjects Comcast, a private utility, to oversight by the Washington Utilities and Transportation Commission. Significant updates in the agreement enhance insurance requirements, utility relocation and notification procedures, FCC-compliant customer service, and terms for indemnification and liability protection. The reviewed draft has been approved by the City Attorney. The council had no significant change recommendations.

- C. Kenmore Municipal Code (KMC) Title 13 Update, presented by Engineering Director John Vicente, *for discussion*

[Agenda Bill - Title 13 Update](#)

[Attachment A - KMC Title 13 Draft Changes Red Lined](#)

[Attachment B - KMC Title 13 Draft Changes Clean](#)

[Attachment C - Summary of Title 13 Changes](#)

[Attachment D - Draft Ordinance No. 23-0585](#)

[Presentation - Title 13 Amendment Feb 12, 2024](#)

Engineering Director John Vicente discussed updates to Kenmore Municipal Code (KMC) Title 13, which covers utilities and public works, focusing particularly on water and sewer systems. The last update to this section of the municipal code was conducted in 2002. This section, divided into five chapters, saw two chapters repealed for irrelevance. The revisions enhance consistency and organization. Adjustments also reflect the city's current regulatory scope, addressing code gaps and outdated information, with some sections reassigned to Northshore Utility District. The proposed modifications, presented in various formats for clarity and review, aim for council approval on February 26th. The Council had no significant change recommendations.

STAFF REPORTS

City Manager Rob Karlinsey thanked Engineering Director John Vicente for the excellent work he does. He “cleans the fish tank” by proactively maintaining the municipal code, in addition to all his regular duties.

City Manager Rob Karlinsey also reminded the Council that part of the 61st Ave sidewalk is still closed due to Stream 0056 eroding into the bank and making the sidewalk unsafe for pedestrians and bicyclists.

COUNCILMEMBER REPORTS & COMMENTS

Based on Councilmember Culver’s comments, City Manager Rob Karlinsey informed the Council that town halls and other community engagement events will be coming once Staff confirms a schedule.

EXECUTIVE SESSION

Pursuant to RCW 42.30.110(1)(i), the City Council entered an executive session to discuss potential litigation. As announced, the executive session lasted 45 minutes. No final action took place.

ADJOURNMENT

Mayor Herbig adjourned the meeting at approximately 9:46 P.M.

Nigel Herbig, Mayor

Anastasiya Warhol, City Clerk



Voucher Certification and Approval

City of Kenmore

DATE RANGE: 1/20/2024 through 2/2/2024

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 ACH Payments #1524-1540:	30,644.65
Total Checks #53708 through 53787:	511,677.71
Total Payroll Electronic Deposits: Payroll/Taxes/Flex Spending/Health Savings/Retirement, Dated 1/26/2024	246,847.98
Electronic Transfer: Washington Dept of Revenue for Q4 2023 SWM B&O and 2023 Use Tax	33,879.97

Rob Karlinsey Feb 6, 2024
Rob Karlinsey (Feb 6, 2024 13:40 PST)
City Manager / Date

Melinda Merrell Feb 6, 2024
Melinda Merrell (Feb 6, 2024 09:56 PST)
Finance & Administration Director / Date

Vendor Name	Payment Number	Payment Date	Description (Payable)	Amount
AMERICAN TRAFFIC SOLUTIONS INC	1524	02/02/2024	Jan 2024 KAPE Program	15,000.00
MOTT MACDONALD	1525	02/02/2024	Oct 2023 Consulting Services TI'awh-ah-dees Park	1,700.52
U.S. BANK PURCHASE CARDS	1526	02/02/2024	Canva subscription, Facebook ad, supplies, calendar plugin	474.11
U.S. BANK PURCHASE CARDS	1527	02/02/2024	Zoom	61.65
U.S. BANK PURCHASE CARDS	1528	02/02/2024	Deposit - Wellness lunch at The Lodge	273.05
U.S. BANK PURCHASE CARDS	1529	02/02/2024	Wellness, Council Supplies, and PW Supplies	126.92
U.S. BANK PURCHASE CARDS	1530	02/02/2024	Event & office supplies	431.97
U.S. BANK PURCHASE CARDS	1531	02/02/2024	NATW Membership, FBI LEEDA	830.00
U.S. BANK PURCHASE CARDS	1532	02/02/2024	Conference Amtrak Transportation	56.00
U.S. BANK PURCHASE CARDS	1533	02/02/2024	Hangar website & res., Reception training, supplies	456.72
U.S. BANK PURCHASE CARDS	1534	02/02/2024	APA Dues, WABO Class Lisowski, Miro Jan 2023	580.02
U.S. BANK PURCHASE CARDS	1535	02/02/2024	Supp, Dues, Maint, Registrations, Tools	5,086.13
U.S. BANK PURCHASE CARDS	1536	02/02/2024	Council Mtg. Zoom, CH Phone Service, Conf. Room TV	3,954.50
U.S. BANK PURCHASE CARDS	1537	02/02/2024	Misc. Office Supplies	285.98
U.S. BANK PURCHASE CARDS	1538	02/02/2024	Zoom Dec 18 23 - Feb 12 24, Book purchase	67.26
U.S. BANK PURCHASE CARDS	1539	02/02/2024	Volgistics 12/22/23 - 1/21/24	45.00
U.S. BANK PURCHASE CARDS	1540	02/02/2024	Sea. Times, tools, safety gear, training, supplies	1,214.82

XIV. B. Approve Total Check #s 53708 through 53787 totaling \$511,677.71,...

Vendor Name	Payment Number	Payment Date	Description (Payable)	Amount
AFLAC	53708	01/26/2024	Employee Medical/Disability Plans	209.04
AWC EMPLOYEE BENEFIT TRUST	53709	01/26/2024	Employee Health Insurance	104,570.00
AWC EMPLOYEE BENEFIT TRUST	53710	01/26/2024	Void	-
DEPARTMENT OF LABOR AND INDUSTRIES	53711	01/26/2024	Workers Compensation	5,064.74
DEPARTMENT OF LABOR AND INDUSTRIES	53712	1/26/2024	Void	-
DEPARTMENT OF LABOR AND INDUSTRIES	53713	1/26/2024	Void	-
ESD - LTC	53714	01/26/2024	Long Term Care Fund	1,966.32
ESD - PFML	53715	01/26/2024	Paid Family & Medical Leave	3,616.07
ESD - PFML	53716	01/26/2024	Void	-
LINCOLN NATIONAL LIFE INSURANCE	53717	01/26/2024	Life Ins/ADD & LTD	2,226.50
MISSION SQUARE / 109964	53718	01/26/2024	City of Kenmore 401a	28,501.84
MISSION SQUARE 457 / 304745	53719	01/26/2024	ICMA 457 Deferred Comp	6,806.65
NATIONAL LIFE INSURANCE CO.	53720	01/26/2024	Life Insurance	123.17
ACF WEST INC	53721	02/02/2024	Surface Water Spill Products & Straw Wattles	581.33
AGORA REFRESHMENTS	53722	02/02/2024	Filtered Water -City Hall floors 1&2, PW Office	198.02
ALYSSA MONTGOMERY	53723	02/02/2024	Hangar Dep. Refund for A Montgomery Event	150.00
AMERICAN SOCIETY OF COMPOSERS	53724	02/02/2024	2024 Annual License Fee	500.00
ANNA ARNOTT	53725	02/02/2024	Reimbursement for CDI Physical Anna Arnett	136.00
CANON FINANCIAL SERVICES, INC.	53726	02/02/2024	Jan 2024 Copier Lease	266.08
CASCADIA LAW GROUP	53727	02/02/2024	Dec 2023 Cadman Legal Svcs	1,406.25
CITY OF LAKE FOREST PARK	53728	02/02/2024	2024 NEMCo Annual Dues	56,187.00
COX PRINTING & SIGNS	53729	02/02/2024	Signs for Winter Porch Light Parade Winners	119.23
DAILY JOURNAL OF COMMERCE	53730	02/02/2024	Mitigation Monitors Log Boom & TI'awh'ah'dees Park	316.20
EMC RESEARCH, INC.	53731	02/02/2024	Priorities Survey interviews	17,000.00
FERGUSON WATERWORKS #3156	53732	02/02/2024	Materials for SW wo#12398 Replace CB Grates	1,988.07
FLYWAY RETAIL + LIVING	53733	02/02/2024	Q4 2023 Garbage/Recycle Hangar & Town Sq.	1,500.00
FUELCARE	53734	02/02/2024	City Hall Generator Service	4,663.29
GCP WW HOLDCO, LLC	53735	02/02/2024	Safety Boots - Reggie Bautista & Aaron Hotovitsky	449.85
H.D. FOWLER COMPANY	53736	02/02/2024	Parts for SR522 Irrigation	3,452.47
HONEY BUCKET	53737	02/02/2024	PW Yard Honey Bucket	167.75
HYDROPOINT DATA SYSTEMS, INC.	53738	02/02/2024	Annual Hydropoint/WeatherTRAK	3,922.93
INSIDESOURCE	53739	02/02/2024	Office Chairs for PW Ops Crew @ PW Office	2,470.64
INSLEE, BEST, DOEZIE & RYDER, P.S.	53740	02/02/2024	Dec 2023 Legal Services	24,459.65
INTERNATIONAL INST OF MUNI CLERKS	53741	02/02/2024	2024 Annual Membership Fee	250.00
JIM DANDY SEWER & PLUMBING	53742	02/02/2024	Restroom Plumbing Svc TI'awh-ah-dees Park	462.42

XIV. B. Approve Total Check #s 53708 through 53787 totaling \$511,677.71,...

Vendor Name	Payment Number	Payment Date	Description (Payable)	Amount
JORDAN STECKS	53743	02/02/2024	Hangar Deposit Refund for K Stecks event 1/6/2024	150.00
KARI HATCHER	53744	02/02/2024	Hangar Deposit Refund for K Hatcher event 1/27/24	150.00
KING COUNTY FINANCE	53745	02/02/2024	Dec 2023 King County Road Services	6,064.34
KING COUNTY FINANCE	53746	02/02/2024	2023 Signs & Marking	407.05
KPFF CONSULTING ENGINEERS	53747	02/02/2024	Dec 2023 Civil Engineering Services	4,846.51
MARY MILLER STEPHENS	53748	02/02/2024	Jan 2024 Public Defense Services @ SCORE jail	1,250.00
MELANIE O'CAIN	53749	02/02/2024	NLC Conf. Travel Advance Per Diem	295.50
MICHELLE KANG	53750	02/02/2024	Reimb. for meal Leadership @ Council Mini Retreat	104.41
NAC INC	53751	02/02/2024	11/25-12/24/2023 Aquatic Center Feasibility Study	25,000.00
NIGEL HERBIG	53752	02/02/2024	NLC Conf. Travel Advance & Airfare reimbursement	930.70
NIKHIL PATNE	53753	02/02/2024	CH Damage Deposit Refund for Res #2023-0051	250.00
NORTHSHORE UTILITY DIST	53754	02/02/2024	Dec 2023 Fleet Fuel & Maintenance; Water for City Hall & Irrigation	16,855.12
NORTHSHORE YOUTH SOCCER ASSOC.	53755	02/02/2024	Refund Jul-Dec 23 Cumulative Field Time Missed	55.00
NORTHWEST ARBORICULTURE LLC	53756	02/02/2024	Emergency Tree Pruning on Juanita SR 22539 & SW Facility Maintenance	4,387.93
NORTHWEST TROPHY	53757	02/02/2024	Council Dais Plates & Name Tags, Leaders Name Tags	240.84
OFFICE DEPOT	53758	02/02/2024	Misc. Office Supplies	163.50
OLSON BROTHERS PRO VAC LLC	53759	02/02/2024	Vactor Truck Services	1,835.29
O'REILLY/FIRST CALL	53760	02/02/2024	Fleet Supplies - Streets	43.47
PACE ENGINEERS, INC.	53761	02/02/2024	Dec 2023 On-Call Eng Services 21-C2667	22,128.00
PACIFIC AIR CONTROL, INC.	53762	02/02/2024	City Hall HVAC Community Room Heat repair	2,852.36
PUGET SOUND CLEAN AIR AGENCY	53763	02/02/2024	2024 Puget Sound Clean Air Annual Dues	23,536.00
PUGET SOUND ENERGY	53764	02/02/2024	12/14/23-1/12/24 Nat'l Gas: CH & Hangar; Electric: Hangar & Boathouse, Irrigation, Steetlight & Traffic Collectives	27,631.29
PUGET SOUND ENERGY	53765	02/02/2024	void	-
PUGET SOUND PLANTS	53766	02/02/2024	Plants for ROW - Streets	2,265.90
RRJ COMPANY, LLC	53767	02/02/2024	Pavement Overlay Contractor Services	50,041.42
SCHEMATA WORKSHOP INC.	53768	02/02/2024	Mainstreet Development Consulting	4,730.50
SCORE	53769	02/02/2024	Nov & Dec 2023 SCORE Jail Services, Dec 2023 SCORE Health Svcs	12,534.79
SESAC	53770	02/02/2024	2024 Annual Music License Fee	581.00
SHANNON & WILSON, INC.	53771	02/02/2024	Dec 2023 On-Call Geotech	712.50
SHERWIN WILLIAMS CO.	53772	02/02/2024	Log Boom Park & General Stock Painting Supplies	85.53
SLABJACK NW, LLC	53773	02/02/2024	Repair Concrete Walkway @ Log Boom Park	5,031.57
SMS CLEANING, INC.	53774	02/02/2024	City Hall, Hangar, & PW Office Janitorial Services	6,495.00
ST OF WA DEPT OF FISH & WILDLIFE	53775	02/02/2024	GIS Data Swamp Creek	40.00
STAPLES	53776	02/02/2024	City Hall & Hangar Maintenance Supplies	273.75

XIV. B. Approve Total Check #s 53708 through 53787 totaling \$511,677.71,...

Vendor Name	Payment Number	Payment Date	Description (Payable)	Amount
STAPLES	53777	02/02/2024	Volunteer Program & Facility Maint. Supplies	211.25
STATE OF WA DEPT. OF LICENSING	53778	02/02/2024	Code Enforcement License Plate Lookup	1.64
STRATEGIES 360, INC.	53779	02/02/2024	Dec 2023 Federal Lobbying Services	6,500.00
SUMMIT LAW GROUP PLLC	53780	02/02/2024	Jan 24 All Staff Anti-Harassment Training	1,500.00
THE LODGE AT ST. EDWARD PARK	53781	02/02/2024	Wellness Committee Retreat Lunch	261.51
TOBIN BENNETT GOLD	53782	02/02/2024	Reimbursement Travel Exp. TRB Annual Meeting	711.40
TOTAL LANDSCAPE CORP	53783	02/02/2024	City Hall & Parks Landscape Services	5,030.02
ULINE	53784	02/02/2024	Supplies for City Hall & Parks	1,000.75
WA FINANCE OFFICERS ASSOCIATION	53785	02/02/2024	2024 Annual Dues - Carla Schnee	75.00
WA STATE DEPT OF TRANSPORTATION	53786	02/02/2024	Dec 2023 Traffic Signal Maintenance & Nov 2023 KAPE Camera Review	527.36
ZIPLY FIBER	53787	02/02/2024	1/19/24-2/18/24 PW Office Internet	158.00
DRS 457	DFT0001825	01/26/2024	DRS 457 Deferred Comp	640.00
AVIDIA HEALTH	DFT0001826	01/26/2024	Employee HSA Contribution	348.08
DEPARTMENT OF RETIREMENT SYSTEMS	DFT0001827-1835	01/26/2024	Public Employees Retirement (PERS)	38,707.63
NAVIA	DFT0001836	01/26/2024	Employee Flexible Spending Account	1,051.07
BANK OF AMERICA 941	DFT0001837	01/26/2024	Federal Taxes	30,424.31
PAYROLL	EFT	1/26/2024	Direct Deposit	175,676.89
TOTAL				789,170.34

XIV. B. Approve Total Check #s 53708 through 53787 totaling \$511,677.71,...

Name	Volume
ACF WEST INC	581.33
AFLAC	209.04
AGORA REFRESHMENTS	198.02
ALPHAGRAPHICS	741.99
ALYSSA MONTGOMERY	150.00
AMERICALL	164.66
AMERICAN GENERAL LIFE GPO/400S	220.33
AMERICAN SOCIETY OF COMPOSERS	500.00
AMERICAN TRAFFIC SOLUTIONS INC	15,000.00
ANNA ARNOTT	136.00
ASPECT CONSULTING LLC	1,882.50
ASSOCIATION OF WA CITIES	22,510.15
AURORA RENTS	568.34
AVIDIA HEALTH	696.16
AWC EMPLOYEE BENEFIT TRUST	104,570.00
BANK OF AMERICA 941	59,399.20
BCN TELECOM, INC.	869.56
BOTHELL KENMORE CHAMBER OF COMMERCE	1,500.00
CALPORTLAND COMPANY	483.12
CANON FINANCIAL SERVICES, INC.	266.08
CASCADE PEST CONTROL	167.35
CASCADIA LAW GROUP	1,406.25
CITY OF LAKE FOREST PARK	56,187.00
COMCAST	2,109.20
COMCAST BUSINESS	229.61
DAILY JOURNAL OF COMMERCE	316.20
DEPARTMENT OF LABOR AND INDUSTRIES	5,064.74
DEPARTMENT OF RETIREMENT SYSTEMS	76,178.49
DRS 457	1,255.00
E SQUARED SYSTEMS, LLC	132.12
EMC RESEARCH, INC.	17,000.00
ESD - LTC	1,966.32
ESD - PFML	3,616.07
FERGUSON WATERWORKS #3156	1,988.07
FLEMINGS HOLIDAY LIGHTING LLC	2,247.17
FLYWAY RETAIL + LIVING	1,500.00
FUELCARE	4,663.29
GCP WW HOLDCO, LLC	697.08
H.D. FOWLER COMPANY	3,452.47
HDR ENGINEERING, INC	22,232.11
HEALTH MANAGEMENT ASSOCIATES INC	8,722.50
HONEY BUCKET	167.75
HORIZON DISTRIBUTORS INC	6.85
HP'S SMOKEHOUSE BBQ	330.00
HRA VEBA TRUST	24,941.03
HYDROPOINT DATA SYSTEMS, INC.	3,922.93
INSIDESOURCE	2,470.64
INSLEE, BEST, DOEZIE & RYDER, P.S.	24,459.65
INTERNATIONAL INST OF MUNI CLERKS	250.00
iWORQ SYSTEMS	2,800.00
JIM DANDY SEWER & PLUMBING	462.42
JOHN VICENTE	434.50
JORDAN STECKS	150.00
KARI HATCHER	150.00
KBA INC.	4,267.55
KING COUNTY RECORDER'S OFFICE	100.00
KING COUNTY REGIONAL HOMELESSNESS AUTHORITY	38,000.00
KPFF CONSULTING ENGINEERS	4,846.51

XIV. B. Approve Total Check #s 53708 through 53787 totaling \$511,677.71,....

LAKE CITY PARTNERS ENDING HOMELESSNESS	Page 600 of 330
LIGHTHOUSE CONSULTING INC	3,638.81
LINCOLN NATIONAL LIFE INSURANCE	2,226.50
MARY MILLER STEPHENS	1,250.00
MELANIE O'CAIN	295.50
MELINDA MERRELL	93.86
MICHELLE KANG	187.05
MISSION SQUARE / 109964	55,985.62
MISSION SQUARE 457 / 304745	13,578.19
MOTT MACDONALD	9,251.01
MR. T'S TROPHIES & AWARDS LLC	28.52
NAC INC	25,000.00
NATIONAL LIFE INSURANCE CO.	123.17
NAVIA	13,102.14
NIGEL HERBIG	930.70
NIKHIL PATNE	250.00
NORTHSHORE UTILITY DIST	11,524.51
NORTHSHORE YOUTH SOCCER ASSOC.	55.00
NORTHWEST ARBORICULTURE LLC	4,387.93
NORTHWEST TROPHY	861.53
OFFICE DEPOT	163.50
OLYMPIC NURSERY INC	924.00
ONTRA MARKETING GROUP	75.00
O'REILLY/FIRST CALL	135.91
OSBORN CONSULTING INC.	2,067.19
PACE ENGINEERS, INC.	22,128.00
PACIFIC AIR CONTROL, INC.	2,852.36
PUGET SOUND CLEAN AIR AGENCY	23,536.00
PUGET SOUND ENERGY	39,177.82
PUGET SOUND PLANTS	2,265.90
RRJ COMPANY, LLC	50,041.42
SARABJIT MANN	7,500.00
SCHEMATA WORKSHOP INC.	243.00
SCORE	12,534.79
SESAC	581.00
SHANNON & WILSON, INC.	712.50
SHERWIN WILLIAMS CO.	139.47
SISKUN POWER EQUIPMENT	955.01
SLABJACK NW, LLC	5,031.57
SMS CLEANING, INC.	6,495.00
SNOHOMISH COUNTY	2,586.00
SOFTWAREONE, INC.	20,361.43
ST OF WA DEPT OF FISH & WILDLIFE	40.00
STAPLES	1,712.10
STATE AUDITOR'S OFFICE	10,480.42
STATE OF WA DEPT. OF LICENSING	1.64
STEWART MACNICHOLS HARMELL, INC.	5,000.00
SUMMIT LAW GROUP PLLC	1,500.00
SUNBELT RENTALS	548.10
THE LODGE AT ST. EDWARD PARK	261.51
TOBIN BENNETT GOLD	711.40
TOTAL LANDSCAPE CORP	5,030.02
U.S. BANK PURCHASE CARDS	13,944.13
ULINE	1,000.75
WA CITIES INSURANCE AUTHORITY	795,456.00
WA FINANCE OFFICERS ASSOCIATION	75.00
WA STATE DEPT OF TRANSPORTATION	353.07
WESTERN DISPLAY FIREWORKS, LTD.	7,500.00
WM CORPORATE SERVICES INC.	2,752.98
XEROX CORPORATION	572.14
ZIPLY FIBER	158.00

XIV. B. Approve Total Check #s 53708 through 53787 totaling \$511,677.71,...



Voucher Certification and Approval

Page 37 of 330

City of Kenmore

DATE RANGE: 2/3/2024 through 2/16/2024

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 ACH Payments #1541-1544:	23,435.88
Total Checks #53788 through 53877:	474,023.83
Total Payroll Electronic Deposits: Payroll/Taxes/FSA/HSA/Retirement, Dated 2/9/2024	244,056.86

Rob Karlinsey
Rob Karlinsey (Feb 20, 2024 09:54 PST)
City Manager / Date
Feb 20, 2024

Melinda Merrell
Melinda Merrell (Feb 20, 2024 09:42 PST)
Finance & Administration Director / Date
Feb 20, 2024

Vendor Name	Payment Number	Payment Date	Description (Payable)	Amount
CENTER FOR HUMAN SERVICES	1541	02/16/2024	Period 3 ARPA Mental Health Counseling & Q4 2023 Behavioral Health Human Svcs Funding	17,813.42
ELECTRONIC BUSINESS MACHINES	1542	02/16/2024	Jan 2023 Copier Overage Fees	171.72
KBA INC.	1543	02/16/2024	Jan 2024 Construction Management	2,143.50
MOTT MACDONALD	1544	02/16/2024	Jan 2024 TI'awh-ah-dees Pk Consulting Svcs	3,307.24
WASHINGTON FEDERAL BANK	53788	02/06/2024	Strider Retainage 21-C2670	4,236.25
AMERICAN GENERAL LIFE GPO/400S	53789	02/09/2024	March 2024 Life Insurance	220.33
MISSION SQUARE / 109964	53790	02/09/2024	City of Kenmore 401a & 401a Loan	28,126.68
MISSION SQUARE 457 / 304745	53791	02/09/2024	457 Deferred Comp	6,806.65
ONE DIVERSIFIED	53792	02/08/2024	8 New microphones for Council Chambers	2,298.71
KCDA PURCHASING COOP	53793	02/16/2024	Engineered Wood Fiber - Playground surfacing	7,524.89
ALBIREO ENERGY LLC	53794	02/16/2024	City Hall HVAC Repairs	339.11
58 STARS TRAVEL	53795	02/16/2024	Airfare M Ocain & S Lucash 3/6/2024 SEA/DCA	1,765.40
ACF WEST INC	53796	02/16/2024	Materials for Stormwater Work	406.82
AGORA REFRESHMENTS	53797	02/16/2024	Feb 2023 Filtered Water City Hall both floors & PW Office	122.27
AM TEST, INC	53798	02/16/2024	Swamp Creek TMDL - water analysis	240.00
AMERICALL	53799	02/16/2024	Jan 2024 After Hours Call Out Service	175.41

XIV. C. Approve Total Check #s 53788 through 53877 totaling \$474,023.83 ...

Vendor Name	Payment Number	Payment Date	Description (Payable)	Amount
BIZDIVERSITY	53800	02/16/2024	1/31 Translation Svcs- Manu. Homes Mtg @ City Hall	250.00
BRIGHT SPARK EARLY LEARNING SVCS	53801	02/16/2024	Q4 2023 Human Services Funding	300.00
CALPORTLAND COMPANY	53802	02/16/2024	Surface Water Supplies WO#12462	50.01
CASCADE PEST CONTROL	53803	02/16/2024	Feb 2023 Rhododendron Park Pest Control	167.35
CASCADIA COLLEGE	53804	02/16/2024	2024 ARPA Catch-Up Learning & Childcare Support	30,000.00
CITY OF KENT	53805	02/16/2024	Share1App - Tambi Cork	575.00
CONFLUENCE ENVIRONMENTAL CO.	53806	02/16/2024	Dec 2023 Development Review On Call 23-C2923	2,347.50
EMC RESEARCH, INC.	53807	02/16/2024	Quantitative Research-300 Phone/Online Interviews	17,000.00
FAST WATER HEATER	53808	02/16/2024	Refund Permit Fees - L&I issues Mobile Home Permit	187.10
FIRESTONE INVESTMENT LLC	53809	02/16/2024	Refund of Deposit for ROW Work (rec #3498)	73,202.00
FOURTEN CREATIVE	53810	02/16/2024	Jan 2023 Business Directory Website Development	3,700.00
GAYLYNN BRIEN	53811	02/16/2024	Nov 2023 Sales Tax Data Conversion Svcs	60.00
GOOD, MICHAEL J.	53812	02/16/2024	Artist for Winter Concert 2/24/2024	300.00
GORDON THOMAS HONEYWELL	53813	02/16/2024	Jan 2024 General Consulting Svcs	4,515.00
HEALTH MANAGEMENT ASSOCIATES INC	53814	02/16/2024	Jan 2024 Human Services Funding	6,902.50
HOME DEPOT CREDIT SERVICES	53815	02/16/2024	Jan 2024 PW Crew Supplies & Materials	1,121.93
HONEY BUCKET	53816	02/16/2024	2/5-3/3/24 PW Yard Honey Bucket	167.75
HORIZON DISTRIBUTORS INC	53817	02/16/2024	ROW Landscaping & Maint. Supplies	740.65
JURASSIC PARLIAMENT	53818	02/16/2024	Jan 2024 Workshop & Publ. City Council & Plan. Com	1,899.64
KENMORE COMMUNITY CLUB	53819	02/16/2024	2/29/24 Rental Fee-Love Where You Live Wkshop	530.00
KENMORE ELEMENTARY PTA	53820	02/16/2024	Q4 2023 Social Services Funding	1,250.00
KING COUNTY BAR ASSOCIATION	53821	02/16/2024	Q4 2023 Neighborhood Legal Clinics Funding	200.00
KING COUNTY FINANCE	53822	02/16/2024	Q4 2023 Liquor Profits & Excise Tax	1,737.00
KING COUNTY FINANCE	53823	02/16/2024	Jan 2024 KC Road Services	6,768.02
KING COUNTY FINANCE	53824	02/16/2024	Jan 2024 DPD Small Cities Screening Reimb.	68.00
KOMPAN, INC	53825	02/16/2024	Logboom & Rhodo. Parks playground equipment parts	4,238.63
KPFF CONSULTING ENGINEERS	53826	02/16/2024	Dec 2023 Consulting Services	12,278.15
LANGTON SPIETH, LLC	53827	02/16/2024	Jan 2024 Community Engagement & E&C Development	4,000.00
LIGHTHOUSE CONSULTING INC	53828	02/16/2024	Jan 2024 Computer IT & Software Services	15,050.11
MELINDA MERRELL	53829	02/16/2024	Reimb. for Gallup-CliftonStrengths 34 Assess.	65.93
MINUTEMAN PRESS	53830	02/16/2024	Postcard Printing Human Services Survey	5,251.97
NAMI EASTSIDE	53831	02/16/2024	Q4 2023 Youth Mental Health Funding	937.50

XIV. C. Approve Total Check #s 53788 through 53877 totaling \$474,023.83 ...

Vendor Name	Payment Number	Payment Date	Description (Payable)	Amount
NARWHAL MET, LLC	53832	02/16/2024	Feb 2024 Weather Monitoring Services	425.00
NORTHSHORE SCHOOL DISTRICT	53833	02/16/2024	Jan 2024 School Impact Fee Remittance	17,963.00
NORTHSHORE SCHOOLS FOUNDATION	53834	02/16/2024	Q4 2023 "Removing Barriers" Human Svcs Funding	750.00
NORTHSHORE SENIOR CENTER	53835	02/16/2024	Q4 2023 Transportation Program & Human Svcs Funding	4,062.50
NORTHSHORE UTILITY DIST	53836	02/16/2024	11/30/23-1/31/2024 Elect. Parks Restroom & Irrigation	3,162.50
NORTHSHORE UTILITY DIST	53837	02/16/2024	Void	-
OFFICE DEPOT	53838	02/16/2024	Misc. Office Supplies	39.24
OFFICE DEPOT	53839	02/16/2024	Misc. Office Supplies	440.43
OFFICE DEPOT	53840	02/16/2024	Misc. Office Supplies	87.96
OLBRECHTS & ASSOCIATES, PLLC	53841	02/16/2024	Jan 2024 Hearing Examiner Services	6,633.75
OLSON BROTHERS PRO VAC LLC	53842	02/16/2024	Oct 16-20 2023 & 1/4/2024 Catch Basin Cleaning	14,037.29
O'REILLY/FIRST CALL	53843	02/16/2024	Supplies - Streets	51.72
OUTCOMES BY LEVY, LLC	53844	02/16/2024	Dec 2023 Fed & State Grant Fund Assistance	800.00
PACIFIC TOPSOILS	53845	02/16/2024	Material Purchases & Dumping	998.61
PENDLETON CONSULTING LLC	53846	02/16/2024	Jan 2024 Consult Svcs Council Retreat	2,424.12
PLYWOOD SUPPLY	53847	02/16/2024	Lumber for City Hall	22.60
PSR MECHANICAL, LLC	53848	02/16/2024	Jan 2023 Senior Center HVAC Maint Program	644.09
PUGET SOUND ENERGY	53849	02/16/2024	12/14/23-1/12/24 Electricity City Hall, Parks & Streetlights	27,102.77
QUADIENT LEASING USA, INC.	53850	02/16/2024	1/27-4/26/24 Postal Machine Lease	645.18
REGIONAL ANIMAL SERVICES OF KC	53851	02/16/2024	Jan 2024 Pet Licenses	90.00
REPUBLIC SERVICES #172	53852	02/16/2024	Jan 2023 Solid Waste Rhododendron Park, City Hall & PW Shop	1,632.39
SCHINDLER ELEVATOR CORPORATION	53853	02/16/2024	Jan-Jul 2024 Elevator Inspection Svc Boathouse	1,089.78
SHERWIN WILLIAMS CO.	53854	02/16/2024	Paint for City Hall & Hangar	164.29
STAPLES	53855	02/16/2024	Maintenance Supplies for City Hall & Hangar	101.48
STAPLES	53856	02/16/2024	City Hall & Hangar Maintenance Supplies	309.59
STAPLES	53857	02/16/2024	City Hall & Hangar Maintenance Supplies	210.56
STAPLES	53858	02/16/2024	Facility Maintenance Supplies	4.07
STEPHANIE LUCASH	53859	02/16/2024	Travel Advance Meals-Wash DC Lobbying 3/6/24	276.50
STOWE DEVELOPMENT & STRATEGIES	53860	02/16/2024	Sept 2023 Economic Develop & Real Estate Consult	2,475.00
T MOBILE USA, INC.	53861	02/16/2024	12/21/23-1/20/24 Staff Cell Phones and Data Plans	1,624.05
TASTAD CONSTRUCTION INC	53862	02/16/2024	Jan 2024 Services NE 190th St Fish Culvert Replace	110,135.21

XIV. C. Approve Total Check #s 53788 through 53877 totaling \$474,023.83 ...

Vendor Name	Payment Number	Payment Date	Description (Payable)	Amount
TOTAL LANDSCAPE CORP	53863	02/16/2024	Jan 2024 Landscape Maintenance Parks	2,257.05
U.S. BANK N.A. / CUSTODY	53864	02/16/2024	Q4 2023 Investments Custodian Fees	136.00
US POSTAL SERVICE	53865	02/16/2024	2024 Winter Newsletter postage	2,717.73
UTILITIES UNDERGROUND LOCATION CTR	53866	02/16/2024	Jan 2023 Utility Locating	159.72
VALLEY, CHRIS & BETH	53867	02/16/2024	Refund Deposit - replace lost check #53559	2,464.75
VERIZON WIRELESS	53868	02/16/2024	Staff Cell Phones & Data Plans	80.06
WA FINANCE OFFICERS ASSOCIATION	53869	02/16/2024	2024 Annual Membership B Randall & B Chamness	150.00
WA RECREATION & PARK ASSOC.	53870	02/16/2024	CPSI Course Registration - Case Rogers	605.00
WA STATE DEPT OF TRANSPORTATION	53871	02/16/2024	Dec 2023 Red Light Camera	262.20
WAGNER ARCHITECTS	53872	02/16/2024	Thru Jan 2024 PW Facility Planning Consulting	11,940.00
WM CORPORATE SERVICES INC.	53873	02/16/2024	1/23/2024 Sweeper Dump Fees	1,249.11
XEROX CORPORATION	53874	02/16/2024	Jan 2024 Copier Rental & Overage Fees	607.94
YOURMEMBERSHIP.COM, INC	53875	02/16/2024	30 Day Job Posting - Society of Women Engineers	249.00
ZIPLY FIBER	53876	02/16/2024	1/28-2/27/24 City Hall Phones	674.91
PETROCARD, INC	53877	02/16/2024	City Hall Generator Diesel Fuel	3,942.42
DRS 457	DFT0001838	02/09/2024	DRS 457 Deferred Comp	715.00
AVIDIA HEALTH	DFT0001839	02/09/2024	Employee Health Savings Contribution	348.08
DEPARTMENT OF RETIREMENT SYSTEMS	DFT0001840-48	02/09/2024	Public Employees Retirement	38,216.09
NAVIA	DFT0001849	02/09/2024	Employee Flexible Spending Account	1,051.07
BANK OF AMERICA 941	DFT0001850	02/09/2024	Federal Taxes	29,828.73
PAYROLL	EFT	02/09/2024	Direct Deposit	173,897.89
TOTAL				741,516.57

XIV. C. Approve Total Check #s 53788 through 53877 totaling \$474,023.83 ...

Vendor Purchasing Report

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January 1-February 16, 2024

Name	Amount
58 STARS TRAVEL	1,765.40
ACF WEST INC	988.15
AFLAC	209.04
AGORA REFRESHMENTS	320.29
ALPHAGRAPHS	741.99
ALYSSA MONTGOMERY	150.00
AM TEST, INC	240.00
AMERICALL	340.07
AMERICAN GENERAL LIFE GPO/400S	440.66
AMERICAN SOCIETY OF COMPOSERS	500.00
AMERICAN TRAFFIC SOLUTIONS INC	15,000.00
ANNA ARNOTT	136.00
ASPECT CONSULTING LLC	1,882.50
ASSOCIATION OF WA CITIES	22,510.15
AURORA RENTS	568.34
AVIDIA HEALTH	1,044.24
AWC EMPLOYEE BENEFIT TRUST	104,570.00
BANK OF AMERICA 941	89,227.93
BCN TELECOM, INC.	869.56
BIZDIVERSITY	250.00
BOTHELL KENMORE CHAMBER OF COMMERCE	1,500.00
BRIGHT SPARK EARLY LEARNING SERVICES	300.00
CALPORTLAND COMPANY	533.13
CANON FINANCIAL SERVICES, INC.	266.08
CASCADE PEST CONTROL	334.70
CASCADIA COLLEGE	30,000.00
CASCADIA LAW GROUP	1,406.25
CENTER FOR HUMAN SERVICES	17,813.42
CITY OF KENT	575.00
CITY OF LAKE FOREST PARK	56,187.00
COMCAST	2,109.20
COMCAST BUSINESS	229.61
CONFLUENCE ENVIRONMENTAL COMPANY	2,347.50
DAILY JOURNAL OF COMMERCE	316.20
DEPARTMENT OF LABOR AND INDUSTRIES	5,064.74
DEPARTMENT OF RETIREMENT SYSTEMS	114,394.58
DRS 457	1,970.00
E SQUARED SYSTEMS, LLC	132.12
ELECTRONIC BUSINESS MACHINES	171.72
EMC RESEARCH, INC.	17,000.00
ESD - LTC	1,966.32
ESD - PFML	3,616.07
FAST WATER HEATER	187.10
FERGUSON WATERWORKS #3156	1,988.07
FIRESTONE INVESTMENT LLC	73,202.00
FLEMINGS HOLIDAY LIGHTING LLC	2,247.17
FLYWAY RETAIL + LIVING	1,500.00
FOURTEN CREATIVE	3,700.00
FUELCARE	4,663.29
GAYLYNN BRIEN	60.00
GCP WW HOLDCO, LLC	697.08
GOOD, MICHAEL J.	300.00
GORDON THOMAS HONEYWELL	4,515.00
H.D. FOWLER COMPANY	3,452.47
HDR ENGINEERING, INC	22,232.11
HEALTH MANAGEMENT ASSOCIATES INC	15,625.00
HOME DEPOT CREDIT SERVICES	1,121.93
HONEY BUCKET	335.50
HORIZON DISTRIBUTORS INC	747.50
HP'S SMOKEHOUSE BBQ	330.00

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Name	Amount
HRA VEBA TRUST	24,941.03
HYDROPOINT DATA SYSTEMS, INC.	3,922.93
INSIDESOURCE	2,470.64
INSLEE, BEST, DOEZIE & RYDER, P.S.	24,459.65
INTERNATIONAL INST OF MUNI CLERKS	250.00
iWORQ SYSTEMS	2,800.00
JIM DANDY SEWER & PLUMBING	462.42
JOHN VICENTE	434.50
JORDAN STECKS	150.00
JURASSIC PARLIAMENT	1,899.64
KARI HATCHER	150.00
KBA INC.	6,411.05
KCDA PURCHASING COOP	6,834.60
KENMORE COMMUNITY CLUB	530.00
KENMORE ELEMENTARY PTA	1,250.00
KING COUNTY BAR ASSOCIATION	200.00
KING COUNTY FINANCE	8,573.02
KING COUNTY RECORDER'S OFFICE	100.00
KING COUNTY REGIONAL HOMELESSNESS AUTHORITY	38,000.00
KOMPAN, INC	4,238.63
KPFF CONSULTING ENGINEERS	17,124.66
LAKE CITY PARTNERS ENDING HOMELESSNESS	12,500.00
LANGTON SPIETH, LLC	4,000.00
LIGHTHOUSE CONSULTING INC	18,688.92
LINCOLN NATIONAL LIFE INSURANCE	2,226.50
MARY MILLER STEPHENS	1,250.00
MELANIE O'CAIN	295.50
MELINDA MERRELL	159.79
MICHELLE KANG	187.05
MINUTEMAN PRESS	5,251.97
MISSION SQUARE / 109964	84,112.30
MISSION SQUARE 457 / 304745	20,384.84
MOTT MACDONALD	12,558.25
MR. T'S TROPHIES & AWARDS LLC	28.52
NAC INC	25,000.00
NAMI EASTSIDE	937.50
NARWHAL MET, LLC	425.00
NATIONAL LIFE INSURANCE CO.	123.17
NAVIA	14,153.21
NIGEL HERBIG	930.70
NIKHIL PATNE	250.00
NORTHSHORE SCHOOL DISTRICT	17,963.00
NORTHSHORE SCHOOLS FOUNDATION	750.00
NORTHSHORE SENIOR CENTER	4,062.50
NORTHSHORE UTILITY DIST	14,687.01
NORTHSHORE YOUTH SOCCER ASSOC.	55.00
NORTHWEST ARBORICULTURE LLC	4,387.93
NORTHWEST TROPHY	861.53
OFFICE DEPOT	731.13
OLBRECHTS & ASSOCIATES, PLLC	6,633.75
OLSON BROTHERS PRO VAC LLC	885.00
OLYMPIC NURSERY INC	924.00
ONTRA MARKETING GROUP	75.00
O'REILLY/FIRST CALL	187.63
OSBORN CONSULTING INC.	2,067.19
OUTCOMES BY LEVY, LLC	800.00
PACE ENGINEERS, INC.	22,128.00
PACIFIC AIR CONTROL, INC.	2,852.36
PACIFIC TOPSOILS	998.61
PENDLETON CONSULTING LLC	2,424.12
PETROCARD, INC	3,942.42
PLYWOOD SUPPLY	22.60
PSR MECHANICAL, LLC	644.09
PUGET SOUND CLEAN AIR AGENCY	23,536.00

XIV. C. Approve Total Check #s 53788 through 53877 totaling \$474,023.83 ...

Name	Amount
PUGET SOUND ENERGY	66,280.59
PUGET SOUND PLANTS	2,265.90
QUADIENT LEASING USA, INC.	645.18
REGIONAL ANIMAL SERVICES OF KC	90.00
REPUBLIC SERVICES #172	1,632.39
RRJ COMPANY, LLC	50,041.42
SARABJIT MANN	7,500.00
SCHEMATA WORKSHOP INC.	243.00
SCHINDLER ELEVATOR CORPORATION	1,089.78
SCORE	12,534.79
SESAC	581.00
SHANNON & WILSON, INC.	712.50
SHERWIN WILLIAMS CO.	303.76
SISKUN POWER EQUIPMENT	955.01
SLABJACK NW, LLC	5,031.57
SMS CLEANING, INC.	6,495.00
SNOHOMISH COUNTY	2,586.00
SOFTWAREONE, INC.	20,361.43
ST OF WA DEPT OF FISH & WILDLIFE	40.00
STAPLES	2,028.21
STATE AUDITOR'S OFFICE	10,480.42
STATE OF WA DEPT. OF LICENSING	1.64
STEPHANIE LUCASH	276.50
STEWART MACNICHOLS HARMELL, INC.	5,000.00
SUMMIT LAW GROUP PLLC	1,500.00
SUNBELT RENTALS	548.10
T MOBILE USA, INC.	1,624.05
TASTAD CONSTRUCTION INC	110,135.21
THE LODGE AT ST. EDWARD PARK	261.51
TOBIN BENNETT GOLD	711.40
TOTAL LANDSCAPE CORP	7,287.07
U.S. BANK N.A. / CUSTODY	136.00
U.S. BANK PURCHASE CARDS	13,944.13
ULINE	1,000.75
US POSTAL SERVICE	2,717.73
UTILITIES UNDERGROUND LOCATION CTR	159.72
VALLEY, CHRIS & BETH	2,464.75
VERIZON WIRELESS	80.06
WA CITIES INSURANCE AUTHORITY	795,456.00
WA FINANCE OFFICERS ASSOCIATION	225.00
WA RECREATION & PARK ASSOC.	605.00
WA STATE DEPT OF TRANSPORTATION	615.27
WAGNER ARCHITECTS	11,940.00
WESTERN DISPLAY FIREWORKS, LTD.	7,500.00
WM CORPORATE SERVICES INC.	4,002.09
XEROX CORPORATION	1,180.08
YOURMEMBERSHIP.COM, INC	249.00
ZIPLY FIBER	832.91



City Council Business Agenda Item

City of Kenmore, WA

Subject/Topic: Kenmore Municipal Code Title 13 Ordinance Proposed Council Action/Motion: Adopt Ordinance 23-0585 and amend Title 13 of the Kenmore Municipal Code	For Council Meeting Agenda of: Feb. 26, 2024 Departments: Public Works Engineering Prepared by: John Vicente, Engineering Director <table border="0" style="width: 100%;"> <tr> <td style="width: 80%;">Approved by Department Head:</td><td style="text-align: right;"><u>Initial & Date</u></td></tr> <tr> <td>Approved by City Attorney:</td><td style="text-align: right;"><u>JV 2/14/2024</u></td></tr> <tr> <td>Approved by Finance Director:</td><td style="text-align: right;"><u>DR 1/25/2024</u></td></tr> <tr> <td>Approved by City Manager:</td><td style="text-align: right;"><u>NA</u></td></tr> <tr> <td></td><td style="text-align: right;"><u>RK 2/14/2024</u></td></tr> </table> Exhibits/Attachments: Attachment A: Ordinance 23-0585	Approved by Department Head:	<u>Initial & Date</u>	Approved by City Attorney:	<u>JV 2/14/2024</u>	Approved by Finance Director:	<u>DR 1/25/2024</u>	Approved by City Manager:	<u>NA</u>		<u>RK 2/14/2024</u>
Approved by Department Head:	<u>Initial & Date</u>										
Approved by City Attorney:	<u>JV 2/14/2024</u>										
Approved by Finance Director:	<u>DR 1/25/2024</u>										
Approved by City Manager:	<u>NA</u>										
	<u>RK 2/14/2024</u>										
Recommendation: Adopt Ordinance 23-0585 and amend Title 13 of the Kenmore Municipal Code											
Information/Background: On February 12, 2024, staff presented proposed changes to Division 1 of Title 13 of the Kenmore Municipal Code (KMC) which addresses utilities within the public right of way. The Division 1 within Title 13 currently address water, sanitary sewer, and surface water utilities. Chapters 13.05 through 13.25 relate to water and sanitary sewer systems and were included in the KMC at the time of incorporation. The City of Kenmore does not regulate water or sewer systems or private sanitation systems. Water and sewer utilities are the responsibility of Northshore Utility District and King County Public Health regulates private sanitation facilities. This ordinance will repeal certain sections of the code as well as make modifications to other sections. Attachment A notes the changes to Division 1 of KMC Title 12.											
Fiscal Considerations: None. Staff and legal review time were spent to work on this update											
Council Goal/Budget Objective Being Addressed: Council Goal 1: Implement the Adopted Climate Action Plan and Promote Environmental Stewardship, including Water, Air, Forest, and Habitat Restoration and Preservation.6: Enhance Public Safety											

**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 23-0585**

**AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON
AMENDING DIVISION 1 OF TITLE 13 OF THE MUNICIPAL
CODE RELATING TO PROVISIONS FOR WATER AND
SANITARY SEWER REQUIREMENTS .**

WHEREAS, the Kenmore Municipal Code includes provisions for water and sanitary sewer requirements; and

WHEREAS, the City does not regulate water or sanitary sewer systems within the City; and

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

WHEREAS, on February 12, 2024, the City Council was presented and considered changes to Title 13; and

WHEREAS, the City Council desires to amend Division 1, Chapters 13.05-13.25, of Title 13;

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

Section 1. Amendment. The City Council amends Division 1 of Title 13 of the Kenmore Municipal Code as set forth in Exhibit 1, attached hereto and incorporated by reference.

Section 2. Severability. If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be unconstitutional or invalid for any reason, such decision shall not affect the constitutionality or validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause, phrase or word thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or words be declared unconstitutional.

Section 3. Effective Date. This Ordinance shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after the date of publication.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE
____TH DAY OF _____, 2024.

CITY OF KENMORE

Nigel Herbig, Mayor

ATTEST/AUTHENTICATED:

Anastasiya Warhol, City Clerk

Approved as to form:

Dawn Reitan, City Attorney

Filed with the City Clerk:

Passed by the City Council:

Ordinance No.:

Date of Publication:

Effective Date:

Title 13

UTILITIES AND PUBLIC WORKS

Chapters:

Division I. Water and Sewer Systems

- 13.05 Side Sewer Work and Connections**
- 13.10 Design, Installation and Repair of Disposal Systems**
- 13.15 Sewerage Cleaning and Removal**
- 13.20 *Repealed***
- 13.25 *Repealed***

Division II. Surface and Stormwater Utility

- 13.30 General Provisions**
- 13.32 Technical Terms and Definitions**
- 13.35 Surface Water Runoff Policy**
- 13.40 Surface Water Management Program**
- 13.45 Water Quality**

Division III. Utility Lines

- 13.50 Utility Extensions**

Chapter 13.05

SIDE SEWER WORK AND CONNECTIONS

Sections:

- 13.05.010 Definitions.
- 13.05.020 Connection with public sewer required.
- 13.05.030 Public health may connect and assess cost.
- 13.05.040 Opening public sewer.
- 13.05.050 Side sewers
- 13.05.060 Restoration of public streets.
- 13.05.070 Traffic control at sewer excavations.
- 13.05.080 *Repealed*
- 13.05.090 *Repealed*
- 13.05.100 *Repealed*
- 13.05.110 *Repealed*
- 13.05.120 *Repealed*
- 13.05.130 *Repealed*
- 13.05.140 *Repealed*
- 13.05.150 *Repealed*
- 13.05.160 *Repealed*
- 13.05.170 *Repealed*
- 13.05.180 *Repealed*
- 13.05.190 *Repealed*
- 13.05.200 *Repealed*
- 13.05.210 *Repealed*
- 13.05.220 *Repealed*
- 13.05.230 *Repealed*
- 13.05.240 *Repealed*
- 13.05.250 *Repealed*
- 13.05.260 *Repealed*
- 13.05.270 *Repealed*
- 13.05.280 Constitutionality.
- 13.05.290 Enforcement.

13.05.010 Definitions.

A. Certain words and phrases in this chapter, unless otherwise clearly indicated by their context, mean as follows:

1. "Approved" means approved in writing by the *director of public health*.
- 2 "City" means the City of Kenmore
3. "City manager" means the City of Kenmore city manager or their designee(s).
4. "Director of public health" means the director of the King County department of public health or their authorized assistants or inspectors.
5. "District" means the Northshore Utility District.
6. "District code" means the rules and regulations established by the Northshore Utility District.
7. "Person" means any individual, firm, association, partnership, copartnership, corporation, governmental agency or political subdivision, whether acting by themselves or as a servant, agent or employee.
8. "Public health department" means the Seattle-King County Department of Public Health or their successors.

9. "Public sewer" means any sewer or appurtenant facility other than a side sewer, either owned or operated by the Northshore Utility District or within the jurisdiction of the City of Kenmore.

10. "Repair" means the replacement, addition, or alteration of a sewer line (side or main); septic tank; distribution box; tight line or other appurtenances to an existing individual sewage disposal system; and including any replacement, addition, or alteration to a subsurface disposal field where at least a portion of the original subsurface disposal field is used. In those instances where no portion of the existing drainfield or septic system is to be used, it will be considered the same as a new system and will require a design.

11. "Sanitary drainage system" means the piping which conveys sewage from plumbing fixtures to a public sewer or private sewage disposal system.

12. "Sewage" means water-carried waste discharged from the sanitary facilities of buildings occupied or used by people, or liquid or liquid-borne waste which contains animal or vegetable matter in suspension or solution, or liquid or liquid-borne waste which may contain chemicals in solution, and which may be lawfully discharged into a public sanitary sewer.

13. "Sewage disposal system" means sanitary drainage systems, septic tanks, leaching pits, surface and subsurface leaching filter beds, and appurtenances, or other *approved* facilities for the disposal of sewage by means other than through a public sewer.

14. "Side sewer" means any sewer line used or installed by any *person* to conduct waste from any property to a public sanitary sewer.

B. Definition of Additional Terms. Words, terms or expressions peculiar to the art or science of sewerage not herein defined shall have the respective meanings given in the most recent edition of the *District code*. [Ord. 98-0023 §§ 1, 2 (KCC 13.04.010).]

13.05.020 Connection with public sewer required.

A. The owner or occupant of lands or premises shall connect the *sewage* waste pipes located thereon with the nearest accessible *public sewer* whenever there is a *public sewer* within 200 feet from any point abutting the right of way or a utility easement. The *District* shall prescribe the manner in which such connection shall be made. When in the opinion of the *city manager* or the *director of public health* a sewer connection is unreasonable or impossible, another method of *sewage* disposal may be specified.

B. The *director of public health* is authorized and empowered, and it shall be their duty to prohibit the use of any privy, well, septic tank or vault upon any premises whenever the use and maintenance thereof is detrimental or dangerous to public health and safety, to order any such privy, well, septic tank or vault to be disinfected and filled with fresh earth, and to order the plumbing installed in any structure or building located thereon to be connected with a *public sewer* system. [Ord. 98-0023 §§ 1, 2 (KCC 13.04.020).]

13.05.030 Public health may connect and assess cost.

Whenever the public health or public safety requires that any building or premises be connected with the *public sewer* in the manner provided in KMC 13.05.020, the *director of public health*, the *city manager*, or the *District* shall serve upon the owner, agent or occupant of said premises a notice in writing, specifying the time within which such connection must be made, which shall not be more than 60 days from the date of service of such notice. If such owner, agent or occupant fails, neglects or refuses to connect said building or premises with the *public sewer* within the time specified in such notice, the *District* may make such connection, and the cost of the connection shall be assessed against the property so connected. If payment is not received in the time frame stated in the notice, the *District* may collect as provided in the *district code*. [Ord. 98-0023 §§ 1, 2 (KCC 13.04.030).]

13.05.040 Opening public sewer

It is unlawful for any person to make any opening in any *public sewer* or to connect any private sewer or *side sewer* therewith, or to lay, repair, alter or connect any private sewer or *side sewer* in a public street, avenue, alley or other public place without securing an approved permit by the *District* and an approved permit issued by the City as required per KMC Title 12.. [Ord. 98-0023 §§ 1, 2 (KCC 13.04.040).]

13.05.050 Side sewers

Side sewers shall be installed, maintained, repaired, and removed in accordance with the District rules and regulations including obtaining permits from the District and permits issued by the City as required per KMC Title 12.

13.05.060 Restoration of public streets.

Where, in order to make a connection to a *public sewer*, it is necessary to excavate in any public street, avenue, alley or other public place, such excavation shall be restored promptly and expeditiously following inspection and approval of the new line. The requirements for such excavation and restoration shall be in accordance with KMC Title 12.

13.05.070 Traffic control at sewer excavations.

All work performed on public roads shall be done in accordance with KMC Title 12 and the *City's* road standards.

13.05.080 Opening public sewer – Permit required.

13.05.090 Side sewer permit – How obtained.

13.05.100 Fees for permits.

13.05.110 Charges for service.

13.05.120 Collection of charges.

13.05.130 Lien for delinquent charges.

13.05.140 Sewer connection charges **13.05.150 Inspection of side sewers.**

13.05.160 Work without permit to be stopped.

13.05.170 Permit fee when sewer district has agreement with City.

13.05.180 Side sewers – Requirements, materials and workmanship.

13.05.190 Use of the public sewers.

13.05.200 Protection from damage.

13.05.210 Powers and authority of inspectors.

13.05.220 Repair of broken or obstructed side sewers.

13.05.230 Planting of certain trees and shrubbery prohibited – Removal of obstructions in sewers.

13.05.240 Pumps and pressure lines.

13.05.250 Developer extensions of the public sewer.

13.05.260 Rules and regulations.

13.05.270 Collection of costs.

13.05.280 Constitutionality.

If any provisions of this chapter shall be construed by any court to be unconstitutional, such invalidity shall not affect the other provisions of this chapter. [Ord. 98-0023 §§ 1, 2 (KCC 13.04.280).]

13.05.290 Enforcement.

Where authority is given to each, the *director of public health*, the *District*, and the *city manager* are authorized to enforce the provisions of this chapter, the ordinances and resolutions codified in it, and any rules and regulations promulgated thereunder pursuant to the enforcement and penalty provisions of Chapter 1.20 and Chapter 12.55 KMC. [Ord. 98-0023 §§ 1, 2 (KCC 13.04.290).]

Chapter 13.10
DESIGN, INSTALLATION AND REPAIR
OF DISPOSAL SYSTEMS

Sections:

- 13.10.010 Definitions.
- 13.10.020 *Repealed*
- 13.10.030 *Repealed*
- 13.10.040 *Repealed*
- 13.10.050 Permits.
- 13.10.060 Mobile home and recreational vehicle park inspection fee.
- 13.10.070 Where private sewage disposal systems required.
- 13.10.080 Private sewage disposal systems.
- 13.10.090 Design of systems.
- 13.10.100 Installation and alteration.
- 13.10.110 Inspection.
- 13.10.120 *Repealed*
- 13.10.130 Maintenance of system.
- 13.10.140 *Repealed*
- 13.10.150 Enforcement.
- 13.10.160 Severability.

13.10.010 Definitions.

Certain words and phrases in this chapter, unless otherwise clearly indicated by their context, are defined in KMC 13.05.010.

- 13.10.020 Chapter not retroactive.

13.10.030 Designer's certificate.

13.10.040 Installer's certificate.
- 13.10.050 Permits.**

A. It is unlawful to construct, install, *repair* or alter a *sewage disposal system* without a permit. Such permit shall be posted on the building or premises where the work permitted is being done, before the work is begun, and unless revoked shall not be removed until such work has been finally *approved* by the *director of public health*.

B. The fee for a *sewage disposal system* permit shall be per the most recent fee schedule approved by King County.

C. Application for a *sewage disposal system* permit shall be in accordance with the rules and regulations of the *public health department*.

13.10.060 Mobile home and recreational vehicle park inspection fee.

An annual fee shall be charged by the *public health department* for inspection of mobile home parks and recreational vehicle parks, based on the most current fee schedule *approved* by King County.

13.10.070 Where private sewage disposal systems required.

Every plumbing fixture and every *sanitary drainage system* not connected to a *public sewer*, or not required by law to be connected to a *public sewer*, shall be connected to a *private sewage disposal system*. [Ord. 98-0023 §§ 1, 2 (KCC 13.08.060).]

13.10.080 Private sewage disposal systems.

A. No new on-site sewage systems shall be allowed within the *City* unless otherwise *approved* by the *city manager* and in accordance with King County Code. The *city manager* may approve installation of new on-site sewage systems in the following cases:

1. Connection to the public sanitary sewer system is determined unfeasible by the *city manager*

2. Connection to the public sanitary sewer system would pose a greater long-term harm to sensitive areas as opposed to an on-site sewage system.
3. Public sanitary sewer system is located at the distance greater than noted in KMC 13.05.020.
4. At the sole discretion of the *city manager*, an on-site sewage system would be in the interest of the public's welfare.
5. See King County Code 13.24.136 for additional requirements.

[Ord. 98-0023 §§ 1, 2 (KCC 13.08.070).]

13.10.090 Design of systems.

Sewage disposal systems shall be designed and *approved* in accordance with rules and regulations of the *public health department*.

13.10.100 Installation and alteration.

Installation and alterations of *sewage disposal systems* shall be in accordance with the rules and regulations of the *public health department*.

13.10.110 Inspection.

Sewage disposal systems shall be inspected in accordance with the rules and regulations of the *public health department*.

13.10.120 Approval or disapproval of system – Notice13.10.130 Maintenance of system.

All on-site sewage systems shall be maintained in accordance with this chapter and the rules and regulations of the *public health department*. No on-site sewage system shall be used which directly or indirectly discharges upon the surface of the ground or into any waters within the *City*. [Ord. 98-0023 §§ 1, 2 (KCC 13.08.120).]

13.10.140 Sewage disposal technical advisory committee.

13.10.150 Enforcement.

The *director of public health* is authorized to enforce the provisions of this chapter and any rules and regulations promulgated thereunder pursuant to King County Code Title 23 or the *city manager* may enforce the provisions of this chapter pursuant to the provisions of Chapter 1.20 KMC. [Ord. 98-0023 §§ 1, 2 (KCC 13.08.140).]

13.10.160 Severability.

Should any part of this chapter be declared unconstitutional or invalid for any reason, such declaration shall not affect the validity of the remainder. [Ord. 98-0023 §§ 1, 2 (KCC 13.08.150).]

Chapter 13.15

SEWERAGE CLEANING AND REMOVAL

Sections:

- 13.15.005 Definitions
- 13.15.010 Certificate required for cleaning disposal units.
- 13.15.020 Application for registration and inspection certificate.
- 13.15.030 *Repealed*
- 13.15.040 *Repealed*
- 13.15.050 Maintenance of disposal sites.
- 13.15.060 Enforcement.
- 13.15.070 Severability.

13.15.005 Definitions.

Certain words and phrases in this chapter, unless otherwise clearly indicated by their context, are defined in KMC 13.05.010.

13.15.010 Certificate required for cleaning disposal units.

It is unlawful for any *person* to carry on or engage in the business of cleaning of septic tanks, cesspools, grease traps or seepage pits or to transport over the highways or to dispose of the cleanings therefrom in the City of Kenmore unless an unrevoked registration and inspection certificate has been issued by the *public health department* to the *person* for carrying on such business. [Ord. 98-0023 §§ 1, 2 (KCC 13.12.010).]

13.15.020 Application for registration and inspection certificate.

All applicants for registration for sewage system inspection, cleaning, and removal, under this chapter shall be filed with the *public health department*. Applications, review, and approval shall be in accordance with the rules and regulations of the *public health department*. Fees shall be per the *approved* fee schedule established by King County.

13.15.030 Examination of applicant – Inspection of disposal site – Registration and inspection fee – Painting registration number on vehicles

Repealed

13.15.040 Approval required for alternate disposal sites.

13.15.050 Maintenance of disposal sites.

Any *person* responsible for the operation of a refuse site on which the contents of septic tanks, cesspools, grease traps or seepage pits are disposed of shall maintain said disposal site in a safe and sanitary condition according to the instructions of the *public health department*. [Ord. 98-0023 §§ 1, 2 (KCC 13.12.050).]

13.15.060 Enforcement.

The *director of public health* is authorized to enforce the provisions of this chapter and any rules and regulations promulgated thereunder pursuant to King County Code Title 23. [Ord. 98-0023 §§ 1, 2 (KCC 13.12.060).]

13.15.070 Severability.

Should any section, subsection, paragraph, sentence, clause or phrase of this chapter be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this chapter. [Ord. 98-0023 §§ 1, 2 (KCC 13.12.070).]

Chapter 13.20

FEDERAL FUNDING OF SEWERAGE DISPOSAL SYSTEMS

Repealed

Chapter 13.25

WATER AND SEWER SYSTEM CONDITION REPORTS

Repealed



City Council Agenda Bill City of Kenmore, WA

Subject/Topic: 2024 Aquatic Vegetation Management Consulting Services.	For Council Meeting Agenda of: 02/26/2024 Department: Environmental Services Prepared by: Richard Sawyer, ES Director												
Proposed Council Action/Motion: Authorize City Manager to execute Agreement 24-C3016 with Herrera Environmental Consulting for an amount not to exceed \$62,000 to provide aquatic vegetation management consulting services.	<table><thead><tr><th></th><th>Initial & Date</th></tr></thead><tbody><tr><td>Approved by Department Head:</td><td><u>RS</u></td></tr><tr><td>Approved by City Attorney:</td><td><u>NA</u></td></tr><tr><td>Approved by Finance Director:</td><td><u>MM</u></td></tr><tr><td>Approved by City Manager:</td><td><u>RK</u></td></tr><tr><td colspan="2">Attachments/Exhibits: None</td></tr></tbody></table>		Initial & Date	Approved by Department Head:	<u>RS</u>	Approved by City Attorney:	<u>NA</u>	Approved by Finance Director:	<u>MM</u>	Approved by City Manager:	<u>RK</u>	Attachments/Exhibits: None	
	Initial & Date												
Approved by Department Head:	<u>RS</u>												
Approved by City Attorney:	<u>NA</u>												
Approved by Finance Director:	<u>MM</u>												
Approved by City Manager:	<u>RK</u>												
Attachments/Exhibits: None													
Summary: Staff are seeking consultation services from Herrera Environmental Consulting (Herrera) to 1) conduct a pre-season aquatic plant survey of Lake Washington and Sammamish River shoreline areas and report on plant location, species and abundance, and 2) evaluate and provide recommendations for expanded treatment in Log Boom Park open water areas, and 3) evaluate and provide recommendations for expanded treatment to manage excessive algae growth in XaXwadis Park, and 4) monitor, evaluate and report on persistent toxic algae blooms in the Arrowhead shoreline area, and 5) conduct a post-treatment aquatic plant survey of Lake Washington and Sammamish River shoreline areas and report on plant location, species, abundance and treatment effectiveness.													
Information/Background: Managing aquatic vegetation, as outlined in the City's Integrated Aquatic Vegetation Management Plan (IAVMP), requires monitoring, evaluation and adapting strategies to respond to changes in the environment or changes in use (such as significant capital improvements to waterfront parks). Staff will work with Herrera to conduct monitoring, plant surveys and evaluate emerging issues in the City's shoreline areas to make sure that the work conducted in 2024 is as effective as possible. This contract provides the city the expertise and services needed to complete this work. Staff and Herrera are also providing a presentation on the 2024 aquatic vegetation management work plan at City Council's February 26, 2024 meeting.													

Fiscal Consideration:

The 2024 aquatic vegetation work plan includes consulting services from Herrera Environmental in an amount not to exceed \$62,000, which is budgeted in the Surface Water Management Fund.

City Council Priority or Budget Objective Being Addressed:

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



City Council Agenda Bill City of Kenmore, WA

Subject/Topic: American Rescue Plan Act Homelessness Response Pilot Program Proposed Council Action/Motion: Approve Amendment No. 1 to City of Kenmore Contract 22-C2864 with Lake City Partners Ending Homelessness for outreach and referral services to be provided from March 1, 2024, until December 31, 2024, and authorize the City Manager to execute the same.	For Council Meeting Agenda of: 02/26/2024 Department: City Manager's Office Prepared by: Garrett Oppenheim, Assistant to the City Manager (ARPA)/DEIA Coordinator <table><thead><tr><th></th><th><u>Initial & Date</u></th></tr></thead><tbody><tr><td>Approved by Department Head:</td><td><u>SL 2.20.24</u></td></tr><tr><td>Approved by City Attorney:</td><td><u>DR 2.20.24</u></td></tr><tr><td>Approved by Finance Director:</td><td><u>MM 2.20.24</u></td></tr><tr><td>Approved by City Manager:</td><td><u>RK 2.20.24</u></td></tr></tbody></table> Attachments/Exhibits: • Contract 22-C2864, executed 2.28.2023 • Amendment to Contract 22-C2864 • Slide Deck		<u>Initial & Date</u>	Approved by Department Head:	<u>SL 2.20.24</u>	Approved by City Attorney:	<u>DR 2.20.24</u>	Approved by Finance Director:	<u>MM 2.20.24</u>	Approved by City Manager:	<u>RK 2.20.24</u>
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Approved by Finance Director:	<u>MM 2.20.24</u>										
Approved by City Manager:	<u>RK 2.20.24</u>										
Summary: Beginning in March 2023, Lake City Partners has provided outreach services through funds made possible by the American Rescue Plan Act. The \$50,000 contract for those services expires February 29, 2024. This contract extension would continue those services for the final ten months of 2024 for \$18,000.											
Information/Background: On May 16, 2022, the Kenmore City Council adopted a \$575,000 American Rescue Plan Act (ARPA) Work Program for 2022-26 that included \$50,000 for a Homelessness Response Pilot Program. The City issued an RFP and selected as our partner Lake City Partners Ending Homelessness (LCP). City Council authorized a \$50,000 contract with LCP at its February 27, 2023 meeting and the contract took effect on March 1. LCP Outreach Specialists established routes in Kenmore and actively monitored them. They hosted regular engagement sessions at Camp United We Stand (CUWS) and the Kenmore Library and interacted with the community at other public locations throughout the City. The outreach specialists had 63 total engagements with 32 clients in Kenmore when CUWS was in the City during April and May 2023. They had 36 engagements with clients during the summer months after CUWS had departed and another 18 engagements between October and the end of January. LCP provided the City											

bimonthly written reports with updates on the status of their work and will continue to do so should the contract be extended.

In 2024, CUWS will be in Kenmore from March through July so the presence of LCP outreach specialists will provide an outlet for those in the camp to learn about resources available to them that will otherwise not be within their reach.

Fiscal Consideration:

The program cost \$50,000 for the past 12 months but will cost \$18,000 for the remaining 10 months in 2024. In accordance with an interlocal agreement adopted in November 2022, in the 2025-26 biennium, the King County Regional Homelessness Authority will oversee all homelessness-related contracts and the City will remit a set amount (\$1.20 per capita) to the Authority to pay its share so this contract will fill the gap between the present and when KCRHA assumes oversight duties.

City Council Priority or Budget Objective Being Addressed:

Goal #5: Implement the Diversity, Equity, Inclusion, and Accessibility (DEIA) Strategic Plan.
 Goal #7: Support public safety and social justice reform.
 Goal #10: Support the post-pandemic recovery process.

City of Kenmore Contract #: 22-C2864

Allocated Annual Amount: \$50,000

Date Start: 3/1/2023 End: 2/29/2024

CONTRACT FOR PROVISION OF HUMAN SERVICES

THIS AGREEMENT is entered into on this 27th day of February, 2023, by and between the CITY OF KENMORE, a Washington municipal corporation (“City”) and [LAKE CITY PARTNERS ENDING HOMELESSNESS], a Washington nonprofit organization (“Agency”).

Agency Name:	Lake City Partners Ending Homelessness
Program Name:	City of Kenmore ARPA Homelessness Response Program
Street Address:	16357 Aurora Ave N.
City, State Zip:	Shoreline, WA 98133
Agency Contact:	William Towey
Agency Phone Number:	206-913-2267
Email Address:	william@lakecitypartners.org

RECITALS:

WHEREAS, the City has determined the need to have certain services performed for its low income and/or disabled residents and has allocated funds for the purpose of supporting these human service activities, and

WHEREAS, the City desires to have the Agency perform such services pursuant to certain terms and conditions,

NOW, THEREFORE, in consideration of the mutual benefits and conditions hereinafter contained, the parties hereto agree as follows:

AGREEMENT:

- 1. Scope and Schedule of Services to be Performed by Agency.** The Agency shall perform those services described on Exhibit A which is attached hereto and incorporated herein by this reference as if fully set forth herein. In performing such services, the Agency shall at all times comply with all federal, state, and local statutes, rules and ordinances applicable to the performance of such services and the handling of any funds used in connection therewith. The Agency shall request and obtain prior written approval from the City to modify the scope or schedule in any way. The parties shall meet in July 2023 to discuss the status of the services

described in Exhibit A to determine if any amendments are necessary. The parties agree that any such amendments shall be approved in writing by the parties pursuant to Section 16.

2. **Maximum Compensation and Method of Payment.** The City shall pay the Agency for services rendered as described in Exhibit A. The Agency shall submit quarterly invoices, on the form attached as Exhibit "B". The quarterly amount billed shall be one-fourth of the annual allocation unless other arrangements are made in writing. The total amount to be paid shall not exceed \$50,000 for the duration of this Agreement.
3. **Non-Appropriation of Funds.** If sufficient funds are not appropriated or allocated for payment under this Agreement for any future fiscal period, the City will so notify the Agency and shall not be obligated to make payments for services after the end of the current fiscal period. This Agreement will terminate upon the completion of all remaining services for which funds are allocated. No penalty or expense shall accrue to the City in the event that the terms of the provision are effectuated.
4. **Agency Budget.** The Agency shall apply the funds received under this Agreement within the maximum limits set forth in this Agreement in exchange for the services provided by the Agency as described in Exhibit A. If the Agency desires to amend its budget in any way, it shall request prior written approval from the City.
5. **Duration of Agreement.** This Agreement shall be in full force and effect for a period commencing March 1, 2023 and ending February 29, 2024. This contract may be terminated at any time, pursuant to the provisions hereinafter specified.
6. **Independent Agency.** Agency and City agree that Agency is an independent Agency with respect to the services provided pursuant to this Agreement. Nothing in this Agreement shall be considered to create the relationship of employer and employee between the parties hereto. Neither Agency nor any employee of Agency shall be entitled to any benefits accorded City employees by virtue of the services provided under this Agreement. The City shall not be responsible for withholding or otherwise deducting federal income tax or social security or contributing to the State Industrial Insurance Program, or otherwise assuming the duties of an employer with respect to the Agency, or any employee of the Agency. The City makes no commitment to future support and assumes no obligation for future support of the activities contracted for herein, except as expressly set forth in this Agreement.
7. **Work Performed at the Agency's Risk.** The Agency shall take all precautions necessary and shall be responsible for the safety of its employees, agents, and sub-consultants in the performance of providing the services hereunder and shall utilize all protection necessary for that purpose. All services shall be provided at the Agency's own risk, and the Agency shall be responsible for any loss of or damage to materials, tools, or other articles used or held by the Agency for use in connection with the provision of services.

8. **Indemnification.** The Agency shall defend, indemnify, and hold the City, its officers, officials, employees, and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney's fees, arising out of or in connection with the performance of this Agreement, except for injuries and damages caused by the sole negligence of the City.

Should a court of competent jurisdiction determine that this Agreement is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Agency and the City, its officers, officials, employees, and volunteers, the Agency's liability hereunder shall be only to the extent of the Agency's negligence.

It is further specifically and expressly understood that the indemnification provided herein constitutes the Agency's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties. The provisions of this section shall survive the expiration or termination of this Agreement.

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

9. **Insurance Requirements.**

- A. **Insurance Term.** The Agency shall procure and maintain insurance, as required in this Section, without interruption from commencement of the Agreement and such coverage shall remain in effect through the term of the Agreement.
- B. **No Limitation.** The Agency's maintenance of insurance, its scope of coverage and limits as required herein shall not be construed to limit the liability of the Agency to the coverage provided by such insurance, or otherwise limit the City's recourse to any remedy available at law or in equity.
- C. **Minimum Scope of Insurance.** The Agency's required insurance shall be of the types and coverage as stated below:
1. *Automobile Liability* insurance covering all owned, non-owned, hired, and leased vehicles. Coverage shall be at least as broad as Insurance Services Office (ISO) form CA 00 01.
 2. *Commercial General Liability* insurance shall be as least as broad as ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, independent contractors, products-completed operations, stop gap liability, personal injury and advertising injury, and liability assumed under an insured contract. The Commercial General Liability insurance shall be endorsed to provide a per project general aggregate limit using ISO form CG 25 03 05 09 or an equivalent endorsement. There shall be no exclusion for liability arising from explosion, collapse or underground property damage. The City shall be named as an additional insured under the Agency's Commercial General Liability insurance

policy with respect to the work performed for the City using ISO Additional Insured endorsement CG 20 10 10 01 and Additional Insured-Completed Operations endorsement CG 20 37 10 01 or substitute endorsements providing at least as broad coverage.

3. *Workers' Compensation* coverage as required by the Industrial Insurance laws of the State of Washington.

D. Minimum Amounts of Insurance. The Agency shall maintain the following insurance limits:

1. *Automobile Liability* insurance with a minimum combined single limit for bodily injury and property damage of \$1,000,000 per accident.
2. *Commercial General Liability* insurance shall be written with limits no less than \$1,000,000 each occurrence, \$2,000,000 general aggregate, and \$2,000,000 products-completed operations aggregate limit.

E. City Full Availability of Agency Limits.

If the Agency maintains higher insurance limits than the minimums shown above, the City shall be insured for the full available limits of Commercial General and Excess or Umbrella liability maintained by the Agency, irrespective of whether such limits maintained by the Agency are greater than those required by this Agreement or whether any certificate of insurance furnished to the City evidences limits of liability lower than those maintained by the Agency.

- F. Other Insurance Provision. The Agency's Automobile Liability and Commercial General Liability insurance policies are to contain or be endorsed to contain that they shall be primary insurance as respect the City. Any insurance, self-insurance, or self-insured pool coverage maintained by the City shall be excess of the Agency's insurance and shall not contribute with it.

- G. Acceptability of Insurers. Insurance is to be placed with insurers with a current A.M. Best rating of not less than A: VII.

- H. Verification of Coverage. The Agency shall furnish the City with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsements, evidencing the insurance requirements of the Agency before commencement of the work. Upon request by the City, the Agency shall furnish certified copies of all required insurance policies, including endorsements, required in this contract and evidence of all subcontractors' coverage.

- I. Subcontractors' Insurance. The Agency shall cause each and every Subcontractor to provide insurance coverage that complies with all applicable requirements of the Agency-provided insurance as set forth herein, except the Agency shall have sole

responsibility for determining the limits of coverage required to be obtained by Subcontractors. The Agency shall ensure that the City is an additional insured on each and every Subcontractor's Commercial General liability insurance policy using an endorsement as least as broad as ISO CG 20 10 10 01 for ongoing operations and CG 20 37 10 01 for completed operations.

- J. Notice of Cancellation. The Agency shall provide the City and all Additional Insureds for this work with written notice of any policy cancellation within two business days of their receipt of such notice.
- K. Failure to Maintain Insurance. Failure on the part of the Agency to maintain the insurance as required shall constitute a material breach of contract, upon which the City may, after giving five business days' notice to the Agency to correct the breach, immediately terminate the contract or, at its discretion, procure or renew such insurance and pay any and all premiums in connection therewith, with any sums so expended to be repaid to the City on demand, or at the sole discretion of the City, offset against funds due the Agency from the City.

10. Record Keeping and Reporting.

- A. The Agency shall maintain accounts and records, including personnel, property, financial and programmatic records which sufficiently and properly reflect all direct and indirect costs of any nature expended and services performed in the performance of this Agreement and other such records as may be deemed necessary by the City to ensure the performance of this Agreement.
- B. These records shall be maintained for a period of seven (7) years after termination hereof unless permission to destroy them is granted by the office of the archivist in accordance with Chapter 40.14 RCW and by the City.

- 11. Audits and Inspections. The Agency agrees to comply with all federal, state, and municipal laws, rules, and regulations that are now effective or become applicable within the terms of this Agreement to the Agency's business, equipment, and personnel engaged in operations covered by this Agreement or accruing out of the performance of such operations. The records and documents with respect to all matters covered by this Agreement shall be subject at all times to inspection, review or audit by the City or its agents during the performance of this Agreement.

- 12. Termination. This Agreement may at any time be terminated by the City giving to the Agency thirty (30) days' written notice of the City's intention to terminate the same. Failure to provide products or services on schedule and/or as set forth in Exhibit A may result in contract termination. If the Agency's insurance coverage is canceled for any reason, the City shall have the right to terminate this Agreement.

13. **Force Majeure.** Notwithstanding anything to the contrary in this Agreement, any prevention, delay or stoppage due to strikes, lockouts, labor disputes, acts of God, acts of war, terrorist acts, inability to obtain services, labor, or materials or reasonable substitutes therefor, governmental actions, governmental laws, regulations or restrictions, civil commotions, Casualty, actual or threatened public health emergency (including, without limitation, epidemic, pandemic, famine, disease, plague, quarantine, and other significant public health risk), governmental edicts, actions, declarations or quarantines by a governmental entity or health organization, breaches in cybersecurity, and other causes beyond the reasonable control of the party obligated to perform, regardless of whether such other causes are (i) foreseeable or unforeseeable or (ii) related to the specifically enumerated events in this paragraph (collectively, a "**Force Majeure**"), shall excuse the performance of such party for a period equal to any such prevention, delay or stoppage. To the extent this Agreement specifies a time period for performance of an obligation of either party, that time period shall be extended by the period of any delay in such party's performance caused by a Force Majeure. Provided however, that the current COVID-19 pandemic shall not be considered a Force Majeure.
14. **Discrimination Prohibited.** The Agency shall not discriminate against any employee, applicant for employment, or any person seeking the services of the Agency to be provided under this Agreement on the basis of race, color, religion, creed, sex, age, national origin, marital status, sexual orientation, or presence of any sensory, mental or physical handicap.
15. **Assignment and Subcontract.** The Agency shall not assign or subcontract any portion of the services contemplated by this Agreement without the prior written consent of the City. Any assignment without the prior written consent of the City shall be void.
16. **Entire Agreement.** This Agreement contains the entire Agreement between the parties hereto and no other Agreements, oral or otherwise, regarding the subject matter of this Agreement, shall be deemed to exist or bind any of the parties hereto. Either party may request changes in the Agreement. Proposed changes which are mutually agreed upon shall be incorporated by written amendments to this Agreement.
17. **Waiver.** Any waiver by the Agency or the City of the breach of any provision of this Agreement by the other party will not operate, or be construed, as a waiver of any subsequent breach by either party or prevent either party from thereafter enforcing any such provisions.
18. **Modification.** This Agreement may only be amended by written agreement signed by both Parties.
19. **Applicable Law; Venue; Attorneys' Fees.** This Agreement shall be governed by and construed in accordance with the laws of the State of Washington. In the event any suit, arbitration or other proceeding is instituted to enforce any term of this Agreement, the parties specifically understand and agree that venue shall be exclusively in King County,

Washington. The prevailing party in any such action shall be entitled to its attorneys' fees and costs of suit, which shall be fixed by the judge hearing the case and such fee shall be included in the judgment.

20. Compliance with Laws. The Agency agrees to comply with all federal, state, and municipal laws, rules, and regulations that are now effective or in the future become applicable to Agency's business, equipment, and personnel engaged in operations covered by this Agreement or accruing out of the performance of those operations.

21. Counterparts. This Agreement may be executed in any number of counterparts, each of which shall constitute an original, and all of which will together constitute this one Agreement.

22. Severability. If any part of this Agreement is found to be in conflict with applicable laws, such part shall be inoperative, null and void, insofar as it is in conflict with said laws, and the remainder of the Agreement shall remain in full force and effect.

23. Notices. All notices or other communications required or permitted under this Agreement shall be in writing and shall be (a) personally delivered, in which case the notice or communication shall be deemed given on the date of receipt at the office of the addressee; (b) sent by registered or certified mail, postage prepaid, return receipt requested, in which case the notice or communication shall be deemed given three (3) business days after the date of deposit in the United States mail; or (c) sent by overnight delivery using a nationally recognized overnight courier service, in which case the notice or communication shall be deemed given one business day after the date of deposit with such courier. In addition, all notices shall also be emailed, however, email does not substitute for an official notice. Notices shall be sent to the following addresses:

A. Notices to the City of Kenmore shall be sent to the following address:

City of Kenmore
Attn: City Clerk
18120 68th Ave NE
Kenmore, WA 98028
Email: mkang@kenmorewa.gov Phone: 425-398-8900

B. Notices to the Agency shall be sent to the following address:

Contact Name: William Towey
Agency Name: Lake City Partners Ending Homelessness
Street Address: 16357 Aurora Ave. N.
City, State Zip: Shoreline, WA 98133
Email: william@lakecitypartners.org Phone No: 206-913-2267

24. Venue. This Agreement shall be governed by the law of the State of Washington and venue for any lawsuit arising out of this Agreement shall be in King County.

25. Public Disclosure. Agency understands that this Agreement is with a government agency and thus all records created or used in the course of Agency's provision of services under this Agreement with the City are considered "public records" and are subject to disclosure by the City under the Public Records Act, Chapter 42.56 RCW ("the Act"). Agency agrees to safeguard and preserve records in accordance with the Act. The City may be required, upon request, to disclose the Agreement, and the documents and records submitted to the City by Agency, unless an exemption under the Public Records Act applies. If the City receives a public records request and asks Agency to search its files for responsive records, Agency agrees to make a prompt and thorough search through its files for responsive records and to promptly turn over any responsive records to the City's public records officer at no cost to the City.

IN WITNESS WHEREOF, the City and the Agency have executed this Agreement as of the date first above written.

CITY OF KENMORE, WASHINGTON

AGENCY RECEIVING FUNDS

Rob Karlinsey

Rob Karlinsey (Feb 28, 2023 12:52 PST)

Rob Karlinsey, City Manager

Date: Feb 28, 2023

By: William Towey

William Towey (Feb 28, 2023 15:43 PST)

Name: William Towey

Title: Executive Director

Date: Feb 28, 2023

APPROVED AS TO FORM

Dawn Reitan

Dawn Reitan (Feb 28, 2023 11:05 PST)

Kenmore City Attorney's Office

**EXHIBIT A:
SCOPE OF WORK**

City of Kenmore

**LAKE CITY PARTNERS ENDING HOMELESSNESS
SCOPE OF SERVICES TO BE PERFORMED
AND PROGRAM MEASUREMENTS**

INTRODUCTION

This contract will expand the capacity of the LCPEH Outreach Specialist program to include the City of Kenmore for one year. The Outreach Specialist program offers a 4-hour response time between 9:00 A.M. and 5:00 P.M., Monday through Friday for service requests from City of Kenmore staff/partners, initiated by phone, online form, or email. The program also provides a baseline service level that includes regularly scheduled outreach activities/events, community/provider partnerships, and routine physical presence (weekly engagement routes) to provide street-level community-based case management.

SCOPE OF WORK

Urgent Response:

The program will be responsive to the requests from community members, Kenmore City Staff, Police/Fire Departments, Parks, etc., with an engagement response/results information follow-up in a timely manner.

An urgent response can have a resolution that is made through an in-person conversation with a client or authority, or via phone, or email. Primary goals of urgent response include pre-arrest diversion for clients in distress, risk mitigation for municipal engagement with those experiencing homelessness, and case management integration work with existing programs such as the Regional Crisis Response (RCR) team.

Program staff will use de-escalation skills and conflict prevention (CPI) methods of engagement to build a rapport with clients in the hope that ongoing case management and engagement will follow.

Active Engagement:

The Outreach Specialist will establish regular active-engagement routes in the City of Kenmore to seek out and engage with community members in need who have not been contacted. The Outreach Specialist will monitor those routes one to two times each week.

The Outreach Specialist will staff one monthly engagement outreach session at a location such as City Hall, a local business, a partnering organization, or the library that can serve as homelessness services aggregation points and will attend Community Court at Shoreline City Hall on days when Kenmore residents are appearing in court.

The Outreach Specialist will check in at Camp United We Stand at Northlake Lutheran twice per month to engage with residents there and provide case management. The camp will have the Outreach Specialist's contact information should a resident need to connect more urgently. A similar strategy will be utilized for any safe parking areas that open within the City of Kenmore.

Community-Based Case Management:

Our program will focus on finding the 'hotspots' in Kenmore and developing a regular weekly active-engagement route that meets unsheltered neighbors where they are at, in a non-judgemental and non-threatening manner. Outreach Specialist will hold monthly debriefing meetings with representatives from the Kenmore Police Department and the RCR agency to share information and compare notes with each other about who is being encountered and where encounters are occurring.

The program will provide an ongoing in-place case management capacity for unsheltered, unhoused, or housing insecure clients in the community by developing ongoing activities that create regularly scheduled aggregation points (at least two per month). Building regular and persistent engagement activities creates increased ability to engage with client in a relational manner and develop trusted relationships.

This type of street-level community-based case management works to ensure that clients have their basic needs met and provides referrals to services for employment/income opportunities, stabilizing documents, bus tickets and housing/shelter referrals. The Outreach Specialist will follow up with agencies to whom referrals are made on a monthly basis to check the status of referred clients and follow up as needed.

Regular engagement builds community re-integration skills for those who have become separated and 'othered' through the experience of homelessness. By building a steady cadence and operational framework of engagement, we create a container for access to services with other providers in a variety of service domains, e.g. Medicaid access (mental, behavioral, physical health), entitlements, criminal justice remediation, and shelter/housing.

The LCPEH Outreach Specialist program will record their interactions with clients through a 'by-names' list, as well as entering data into the state-wide HMIS platform when possible.

Shelter and Housing Navigation:

The LCPEH Outreach Staff will be able to provide direct referrals to The Oaks and God's Li'l Acre. The staff will be responsible for accessing other housing resources for clients, including the use of diversion funds for referred clients who are nearing housing readiness, or making referrals and recommendations for other transitional housing and shelter programs.

The regularly scheduled community engagement schedule (aggregation points) is also an effective way to create engagement and resource provision for those who are ‘housing insecure’ and at risk of becoming unhoused. Often we build a partnership with a local business to co-host a safe place for clients and staff to meet while receiving case management services.

Reporting:

LCPEH will provide a written bi-monthly services provision report that includes the following data:

- Total number of client engagements
- Number of individuals engaged
- Number of first-time client engagements
- Number of follow-up engagements initiated by the Outreach Specialist
- Number of follow-up engagements initiated by a client
- Number of client engagements initiated by a call from Kenmore Police
- Outcomes of client engagements
- Current "hot spot" locations within the City of Kenmore
- A list of other agencies to whom clients are referred

EXHIBIT B**Invoice & Service Reporting Form**

Agency Name:

Agency Address:

Agency Email:

Agency Phone Number:

Date of Invoice:

Invoice for Quarter No.

To: City of Kenmore

Human Services – ARPA

18120 68th Avenue NE

Kenmore, Washington 98028

Phone: (425) 398-8900

Email: mkang@kenmorewa.gov

Listed below is the total allocation, and quarterly invoice amounts for 2023 funding. Invoices received by the City beyond the due date outlined below may not be paid.

2023 Total Award	Q 1 Invoice DUE 5-15	Q 2 Invoice DUE 8-15	Q 3 Invoice DUE 11-15	Q 4 Invoice DUE 2-29-24

CONTRACT SUMMARY:

Total contract award \$

Previous payments \$

Amount requested this invoice \$

Balance remaining \$

E-mail Address:

Authorized signature:

For City of Kenmore Use Only

Account No. **130.000.51810.4311**

Approved for Payment by: _____ Date: _____

Contract 22-C2864 Lake City Partners

Final Audit Report

2023-02-28

Created:	2023-02-28
By:	Michelle Kang (mkang@kenmorewa.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAAsroNnc_agmFX61BXt2lcXA7Rqqg4tp2

"Contract 22-C2864 Lake City Partners" History

-  Document created by Michelle Kang (mkang@kenmorewa.gov)
 2023-02-28 - 6:52:09 PM GMT
-  Document emailed to rkarlinsey@kenmorewa.gov for signature
 2023-02-28 - 6:54:24 PM GMT
-  Document emailed to william@lakecitypartners.org for signature
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-  Document emailed to Dawn Reitan (dreitan@insleebest.com) for signature
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-  Document e-signed by Dawn Reitan (dreitan@insleebest.com)
 Signature Date: 2023-02-28 - 7:05:16 PM GMT - Time Source: server
-  Email viewed by rkarlinsey@kenmorewa.gov
 2023-02-28 - 8:51:23 PM GMT
-  Signer rkarlinsey@kenmorewa.gov entered name at signing as Rob Karlinsey
 2023-02-28 - 8:52:17 PM GMT
-  Document e-signed by Rob Karlinsey (rkarlinsey@kenmorewa.gov)
 Signature Date: 2023-02-28 - 8:52:19 PM GMT - Time Source: server
-  Signer william@lakecitypartners.org entered name at signing as William Towey
 2023-02-28 - 11:43:04 PM GMT



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 Acrobat Sign



Document e-signed by William Towey (william@lakecitypartners.org)

Signature Date: 2023-02-28 - 11:43:06 PM GMT - Time Source: server



Agreement completed.

2023-02-28 - 11:43:06 PM GMT



Powered by
Adobe
Acrobat Sign

CITY OF KENMORE CONTRACT NO. 22-C2864
AMENDMENT NO. 1
City of Kenmore ARPA Homelessness Response Program

This Amendment No. 1 is entered into between the City of Kenmore, a Washington municipal corporation (“City” or “Kenmore”) and LAKE CITY PARTNERS ENDING HOMELESSNESS, a Washington nonprofit organization (“Contractor”). City and Contractor are each a “Party” and together “Parties” to this Amendment.

The Parties hereby agree as follows:

RECITALS:

- A. The City and Contractor entered into an agreement on February 26, 2023 for the purpose of providing outreach services to the unhoused community in the City of Kenmore (“Agreement”).
- B. The Agreement needs to be amended to extend the term of service provision through December 31, 2024 and revise the maximum compensation to be paid for the duration of this Agreement.
- C. In order to make this change, the Agreement needs updating.

FIRST AMENDMENT TO AGREEMENT:

- 1. **Amendment.** Section 2 of the Agreement is hereby amended to read as follows:
 - 2. **Maximum Compensation and Method of Payment.** The City shall pay the Agency for services rendered as described in Exhibit A. The Agency shall submit quarterly invoices, on the form attached as Exhibit “B”. The amount billed shall be one-third of the annual allocation unless other arrangements are made in writing. The total amount to be paid shall not exceed \$50,000 through February 29, 2024 and an additional \$18,000 for the extended duration of this Agreement ending December 31, 2024, as per amended Section 5 below.

SECOND AMENDMENT TO AGREEMENT:

- 1. **Amendment.** Section 5 of the Agreement is hereby amended to read as follows:
 - 5. **Duration of the Agreement.** This Agreement shall be in full force and effect for a period commencing March 1, 2023 and ending December 31, 2024. This contract may be terminated at any time, pursuant to the provisions hereinafter specified.
- 2. **Severability.** The provisions of this Amendment are declared to be severable. If any provision of this Amendment is, for any reason, held to be invalid or unconstitutional by a court of

competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other provision.

3. **Entire Agreement.** The written provisions and terms of this Amendment shall supersede all prior verbal statements of any officer or other representative of the parties, and such statements shall not be effective or be construed as entering into or forming a part of or altering in any manner whatsoever, this Amendment. The entire agreement between the Parties with respect to the subject matter hereunder is contained in the Agreement and exhibits thereto, any prior executed amendments and this Amendment. Should any language in any of the Exhibits to the Agreement or prior amendments conflict with any language contained in this Amendment, then this Amendment shall prevail. Except as modified by this Amendment, all other provisions of the original Agreement and any amendments thereto not inconsistent with this Amendment shall remain in full force and effect.
4. **Effective date.** This Amendment shall be effective as of _____, 202__.

DATED this ____ day of _____, 20__.

CONSULTANT:

CITY OF KENMORE:

BY: _____

BY: _____

Name: _____

Rob Karlinsey

Title: _____

City Manager

Address: _____

APPROVED AS TO FORM:

Kenmore City Attorney's Office

Phone No.: _____

CITY OF KENMORE
City Manager's Office

Homelessness Response Pilot Program Wrap-Up (ARPA)

February 26, 2024



American Rescue Plan Act Balancing Act Survey

	Unweighted Votes	1st Place Votes
Homelessness Response	444	91
Catch-Up Learning & Childcare Support	414	88
Human Services (total)	390	96
Business Assistance (total)	350	81
Subsidized Pool Program	329	42
Broadband/Wi-Fi	325	42
Landlord & Rent Assistance	320	46
Mobile Home Improvements Grants Program	304	29
Local Arts Community Assistance	291	16
Utility Assistance	240	30
Pathways to Parks	207	80
Other Eligible Projects	176	23
Septic-to-Sewer	162	48
City Hall Playground	141	93



American Rescue Plan Act Balancing Act Survey

	Unweighted Votes	1st Place Votes
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Other Eligible Projects	176	23
Septic-to-Sewer	162	48
City Hall Playground	141	93

The community's #1 choice!

Lake City Partners Ending Homelessness

A Worthy Partner

RFP Process

City Council Approved \$50,000 One-Year Contract

Contract Term Began in March 2023

Lake City Partners Assigned Outreach Specialists

Scope of Work

- Active Engagement throughout the City
- Shelter & Housing Navigation
- Urgent Response to Calls from City Staff, Police, and Community
- Bi-Monthly Written Reports



Camp United We Stand

A Helping Hand for a Vulnerable Community

- 501(c)(3) nonprofit
- A Tent City Housing up to 35 Individuals
- At Northlake Lutheran Church from January to April 2023
- Returning to Kenmore in March 2024 through July 2024
- Residents are screened at intake
 - No sex offenders or people with outstanding warrants.
 - No weapons.
 - No street drugs or alcohol.
- The rules for CUWS are strictly enforced.

Lake City Partners Working in the Community

Period	Total Engagements	Total Clients
April – May 2023*	63	32
June – July 2023	15	4
August – September 2023	21	3
October – November 2023	12	3
December – January 2024	6	6

*Camp United We Stand in Kenmore

Spaces LCP Meets the Community

- Camp United We Stand
- Kenmore Library
- The Hangar
- Burke Gilman Trail
- Safeway
- Log Boom Park



2024 & Beyond

More Work to Be Done

- Camp United We Stand Is Returning from March to July
- LCP Will Continue to Staff a Housing Access Point Once a Month at Kenmore Library
- KCRHA to Manage All Homelessness Service Contracts Beginning in 2025



For comments and questions:

Garrett Oppenheim

Assistant to the City Manager/DEIA Coordinator, City Manager's Office

goppenheim@kenmorewa.gov

425 984 6171





City Council Agenda Bill City of Kenmore, WA

Subject/Topic: National Purchasing Cooperative Proposed Council Action/Motion: Authorize City Manager to execute interlocal participation agreement with the National Purchasing Cooperative.	For Council Meeting Agenda of: 02/26/2024 Department: Finance Prepared by: Melinda Merrell, Finance Director <table><tr><td>Approved by Department Head:</td><td>Initial & Date</td></tr><tr><td>Approved by City Attorney:</td><td>MM, 2/23/24</td></tr><tr><td>Approved by Finance Director:</td><td>NA</td></tr><tr><td>Approved by City Manager:</td><td>MM, 2/23/24</td></tr></table> Attachments/Exhibits: National Purchasing Cooperative Interlocal Participation Agreement	Approved by Department Head:	Initial & Date	Approved by City Attorney:	MM, 2/23/24	Approved by Finance Director:	NA	Approved by City Manager:	MM, 2/23/24
Approved by Department Head:	Initial & Date								
Approved by City Attorney:	MM, 2/23/24								
Approved by Finance Director:	NA								
Approved by City Manager:	MM, 2/23/24								
Summary: Request authorization to proceed with entering into a National Purchasing Cooperative Agreement.									
Information/Background: The purpose of the National Purchasing Cooperative (Cooperative) is to facilitate compliance with state procurement requirements, to identify qualified vendors of commodities, goods and services, to relieve the burdens of the governmental purchasing function and to realize potential economies of scale for Cooperative Members. This Cooperative is free of charge. The City would like to utilize this Cooperative for future purchases. Link to learn more about the BuyBoard Cooperative .									
Fiscal Consideration: There is no cost to join this purchasing cooperative.									
City Council Priority or Budget Objective Being Addressed: Financial Sustainability									

NATIONAL PURCHASING COOPERATIVE INTERLOCAL PARTICIPATION AGREEMENT

This Interlocal Participation Agreement (“Agreement”) is made and entered into on the date indicated below by and between the National Purchasing Cooperative (“Cooperative”), an administrative agency of cooperating local governments and other governmental entities, acting on its own behalf and the behalf of all participating governmental entities, and the undersigned governmental entity (“Cooperative Member”).

I. RECITALS

WHEREAS, the National Purchasing Cooperative was formed on May 26, 2010, by certain local governments that entered into an Organizational Interlocal Agreement; and

WHEREAS, the purpose of the Cooperative is to facilitate compliance with state procurement requirements, to identify qualified vendors of commodities, goods and services, to relieve the burdens of the governmental purchasing function, and to realize potential economies of scale, including administrative cost savings, for Cooperative Members;

NOW THEREFORE, in consideration of the mutual covenants, promises and obligations contained herein, the undersigned Cooperative Member and the Cooperative agree as follows:

II. TERMS AND CONDITIONS

1. **Adopt Organizational Interlocal Cooperation Agreement.** The Cooperative Member by the execution or acceptance of this Agreement hereby adopts and approves the Organizational Interlocal Agreement, as last amended and restated, which agreement is incorporated herein by reference (and is available from the Cooperative upon request). The Organizational Interlocal Agreement establishes the Cooperative as an administrative agency of its collective participants, and Cooperative Member agrees to become a participant or additional party to the Organizational Interlocal Agreement.

2. **Term.** The initial term of this Agreement shall commence on the date it is executed by both parties and shall automatically renew for successive one-year terms unless sooner terminated in accordance with the provisions of this Agreement. If the Cooperative Member is an existing Cooperative Member that joined the Cooperative by executing a participation agreement which authorized amendment upon the Cooperative providing prior written notice, then this Agreement will be deemed an Amendment by Notice, effective on the 61st day that the Cooperative Member is sent notice of this Agreement. In addition, this Agreement will continue to automatically renew for successive one-year terms on the anniversary date of the Cooperative Member’s initial term (not the effective date of the amendment), unless the Agreement is sooner terminated in accordance with the provisions herein.

3. Termination.

(a) **By the Cooperative Member.** This Agreement may be terminated by the Cooperative Member at any time by 30 days prior written notice to the Cooperative as provided in Article III, Section 14, provided any amounts owed to any vendor have been fully paid.

(b) **By the Cooperative.** The Cooperative may terminate this Agreement by:

(1) Giving 10 days notice as provided in Article III, Section 14, to the Cooperative Member if the Cooperative Member breaches this Agreement; or

(2) Giving 30 days notice as provided in Article III, Section 14, to the Cooperative Member with or without cause.

(c) **Termination Procedure.** If the Cooperative Member terminates its participation under this Agreement or breaches this Agreement, or if the Cooperative terminates participation of the Cooperative Member, the Cooperative Member shall bear the full financial responsibility for all of its purchases made from vendors under or through this Agreement. The Cooperative may seek the whole amount due, if any, from the terminated Cooperative Member. In addition, the Cooperative Member agrees it will not be entitled to any distribution which may occur after the Cooperative Member terminates from the Cooperative.

4. **Payments by Cooperative Member.** The Cooperative Member will make timely payments to the vendor for the goods, materials and services received in accordance with the terms and conditions of the bid invitation, instructions, and all other applicable procurement documents. Payment for goods, materials and services and inspections and acceptance of goods, materials and services ordered by the procuring Cooperative Member shall be the exclusive obligation of the procuring Cooperative Member, and not the Cooperative. Furthermore, the Cooperative Member is solely responsible for negotiating and securing ancillary agreements from the vendor on such other terms and conditions, including provisions relating to insurance or bonding, that the Cooperative Member deems necessary or desirable under federal, state or local law, local policy or rule, or within its business judgment.

5. **Payments by Vendors.** The parties agree that the Cooperative will require payment from vendors which are selected to provide goods, materials or services to Cooperative Members. Such payment (hereafter "Vendor Fees") may be up to two percent (2%) of the purchase price paid by Cooperative Members or a flat fee amount that may be set from time to time by the Cooperative Board of Directors. Cooperative Member agrees that these Vendor Fees fairly compensate the Cooperative for the services and functions performed under this Agreement and that these Vendor Fees enable the Cooperative to pay the administrative, licensing, marketing, and other expenses involved in successfully operating a program of electronic commerce for the Cooperative Members. Further, Cooperative Member affirmatively disclaims any rights to such Vendor Fees, acknowledging all such fees are the property of the Cooperative. Similarly, in no event shall a Cooperative Member be responsible for payment of Vendor Fees.

6. **Distribution.** From time to time, and at the sole discretion of the Cooperative Board of Directors, the Cooperative may issue a distribution to Cooperative Members under a plan developed by the Cooperative Board of Directors. The Cooperative Member acknowledges that a distribution is never guaranteed and will depend on the overall financial condition of the Cooperative at the time of the distribution and the purchases made by the Cooperative Member.
7. **Administration.** The Cooperative may enter into contracts with others, including non-profit associations, for the administration, operation and sponsorship of the purchasing program provided through this Agreement. The Cooperative will provide reports, at least annually, to the Cooperative Member electronically or by mail. Cooperative Member will report purchase orders generated under this Agreement to the Cooperative or its designee, in accordance with instructions of the Cooperative.
8. **BuyBoard®.** Cooperative Member will have a non-exclusive license to use the BuyBoard electronic purchasing application during the term of this Agreement. Cooperative Member acknowledges and agrees that the BuyBoard electronic application and BuyBoard trade name are owned by the Texas Association of School Boards, Inc. ("TASB"), and that neither the Cooperative nor the Cooperative Member has any proprietary rights in the BuyBoard electronic application or trade name. The Cooperative Member will not attempt to resell, rent, or otherwise distribute any part of BuyBoard to any other party; nor will it attempt to modify the BuyBoard programs on the server or acquire the programming code. The Cooperative Member may not attempt to modify, adapt, translate, distribute, reverse engineer, decompile, or disassemble any component of the application. The Cooperative Member will use BuyBoard in accordance with instructions from the Cooperative (or its designee) and will discontinue use upon termination of participation in the Cooperative. The Cooperative Member will maintain equipment, software and conduct testing to operate the BuyBoard system at its own expense.

III. GENERAL PROVISIONS

1. **Amendment by Notice.** The Board may amend this Agreement, provided that prior written notice is sent to the Cooperative Member at least 60 days prior to the effective date of any change described in such amendment and provided that the Cooperative Member does not terminate its participation in the Cooperative before the expiration of said 60 days.
2. **Authorization to Participate and Compliance with Local Policies.** Each Cooperative Member represents that its governing body has duly authorized its participation in the Cooperative and that the Cooperative Member will comply with all state and local laws and policies pertaining to purchasing of goods and services through its membership in the Cooperative.
3. **Bylaws.** The Cooperative Member agrees to abide by the Bylaws of the Cooperative, as they may be amended, and any and all written policies and procedures established by the Cooperative that apply to Cooperative Members. The Cooperative shall provide written notice to the Cooperative Member of any amendment to the Bylaws of the Cooperative and any written policy or procedure of the Cooperative that is intended to be binding on and applicable to the Cooperative Member. In addition to any other notice method specified in this Agreement, notice under this Section may be satisfied by posting of the applicable bylaws,

policy, or procedure on the Cooperative's website or BuyBoard application landing page for Cooperative Members.

4. **Cooperation and Access.** The Cooperative Member agrees that it will cooperate in compliance with any reasonable requests for information and/or records made by the Cooperative. The Cooperative reserves the right to review and audit the relevant and available records of any Cooperative Member. Any breach of this provision shall be considered material and shall make the Agreement subject to termination on 10 days written notice to the Cooperative Member.

5. **Coordinator.** The Cooperative Member agrees to appoint a program coordinator who shall have express authority to represent and bind the Cooperative Member, and the Cooperative will not be required to contact any other individual regarding program matters. Any notice to or any agreements with the coordinator shall be binding upon the Cooperative Member. The Cooperative Member reserves the right to change the coordinator as needed by giving written notice to the Cooperative. Such notice is not effective until actually received by the Cooperative.

6. **Current Revenue.** The Cooperative Member hereby represents that all payments, fees, and disbursements required of it hereunder shall be made from current revenues budgeted and available to the Cooperative Member.

7. **Defense and Prosecution of Claims.** The Cooperative Member authorizes the Cooperative to handle the commencement, defense, intervention, or participation in a judicial, administrative, or other governmental proceeding or in an arbitration, mediation, or any other form of alternative dispute resolution, or other appearances of the Cooperative (as an entity) in any litigation, claim or dispute which arises from the services provided by the Cooperative. Neither this provision nor any other provision in this Agreement will create a legal duty for the Cooperative to provide a defense or prosecute a claim; rather, the Cooperative may exercise this right in its sole discretion and to the extent permitted or authorized by law. The Cooperative Member shall reasonably cooperate and supply any information necessary or helpful in such prosecution or defense. Subject to specific revocation, the Cooperative Member hereby designates the Cooperative to act as a class representative on its behalf in matters arising out of this Agreement and pertaining to the collective or predominant interest of Cooperative Members. Nothing herein grants the Cooperative any rights to file, defend, or settle any claim on behalf of the Cooperative Member in its individual capacity.

8. **Governance.** The Board of Directors (Board) will govern the Cooperative in accordance with the Bylaws.

9. **Legal Authority.** The Cooperative Member represents to the Cooperative the following:

a) The Cooperative Member has conferred with legal counsel and determined it is duly authorized by the laws of the jurisdiction in which the Cooperative Member lies to participate in cooperative purchasing, and specifically, the National Purchasing Cooperative.

b) The Cooperative Member possesses the legal authority to enter into this Agreement and can allow this Agreement to automatically renew without subsequent action of its governing body.

c) Purchases made under this Agreement will satisfy all procedural procurement requirements that the Cooperative Member must meet under all applicable local policy, regulation, or state law.

d) All requirements—local or state—for a third party to approve, record or authorize the Agreement have been met.

10. **Disclaimer.** THE COOPERATIVE, ITS ENDORSERS, SPONSORS, AND SERVICING CONTRACTORS, WHETHER CURRENT OR FORMER AND INCLUDING TASB, (“COOPERATIVE AND ASSOCIATES”) DO NOT WARRANT THAT THE OPERATION OR USE OF COOPERATIVE SERVICES WILL BE UNINTERRUPTED OR ERROR FREE.

THE COOPERATIVE AND ASSOCIATES HEREBY DISCLAIM ANY AND ALL WARRANTIES, EXPRESS OR IMPLIED, IN REGARD TO ANY INFORMATION, PRODUCT OR SERVICE FURNISHED UNDER THIS AGREEMENT, INCLUDING WITHOUT LIMITATION, ANY AND ALL IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE.

11. **Limitation of Liability.** To the extent permitted by law and without waiver of the disclaimer or other limitation of liability in this Agreement, the parties agree that:

- a) Neither party waives any immunity from liability afforded under law;
- b) In regard to any lawsuit or formal adjudication arising out of or relating to this Agreement, neither party shall be liable to the other under any circumstance for special, incidental, consequential, or exemplary damages;
- c) The maximum amount of damages recoverable will be limited to the amount of fees which the Cooperative received as a direct result of the Cooperative Member’s purchase activity, within 12 months of when the lawsuit or action was filed; and
- d) In the event of a lawsuit or formal adjudication the prevailing party will be entitled to recover reasonable attorney’s fees.

Without waiver of the disclaimer or other limitation of liability in this Agreement, the parties further agree to limit the liability of Cooperative and Associates up to the maximum amount each received from or through the Cooperative, as a direct result of the undersigned Cooperative Member’s purchase activity, within 12 months of the filing of any lawsuit or action.

12. **Limitation of Rights.** Except as otherwise expressly provided in this Agreement, nothing in this Agreement is intended to confer upon any person, other than the parties hereto, any benefits, rights, or remedies under or by reason of this Agreement.

13. **Merger/Entirety.** This Agreement, together with the Cooperative’s Bylaws and Organizational Interlocal Agreement, as amended and restated, represents the complete understanding of the Cooperative and Cooperative Member. To the extent there exists any conflict between the terms of this Agreement and that of prior agreements, the terms of this Agreement shall control and take precedence over all prior participation agreements.

14. **Notice.** Any written notice to the Cooperative may be given by email to BuyBoard Administrator at membership@buyboard.com; by U.S. mail, postage prepaid, and delivered to the National Purchasing Cooperative, P.O. Box 400, Austin, Texas 78767-0400; by overnight courier or hand delivery to National Purchasing Cooperative, 12007 Research Blvd., Austin, Texas 78759; or by other mode of delivery typically

used in commerce and accessible to the intended recipient. Notices to Cooperative Member may be given by email to the Cooperative Member's Coordinator or other email address of record provided by the Cooperative Member; by U.S. mail, postage prepaid, and delivered to the Cooperative Member's Coordinator or chief executive officer (e.g., superintendent, city manager, county judge or mayor); or by other mode of delivery typically used in commerce and accessible to the intended recipient.

15. **Severability.** If any portion of this Agreement shall be declared illegal or held unenforceable for any reason, the remaining portions shall continue in full force and effect.

16. **Signatures/Counterparts.** The failure of a party to provide an original, manually executed signature to the other party will not affect the validity, enforceability or binding effect of this Agreement because either party may rely upon an electronic or facsimile signature as if it were an original, including any Cooperative Member signature executed by click and accept or similar electronic signature and acceptance. Furthermore, this Agreement may be executed in several separate counterparts, each of which shall be an original and all of which shall constitute one and the same instrument.

17. **Authority.** By the execution and delivery of this Agreement, the undersigned individual represents that the individual is duly authorized by all requisite administrative action required to enter into and bind the entity that is a party to this Agreement.

[Signature page follows.]



WHEREFORE, the parties, acting through their duly authorized representatives, accept this Agreement.

NATIONAL PURCHASING COOPERATIVE:

By: _____
Dan Troxell, Ph.D.
Assistant Secretary

Date: _____

COOPERATIVE MEMBER:

[Signature required unless accepted as an Amendment by Notice as described in the Agreement.]

(Government Entity Name)

By: _____
Signature of authorized representative of Cooperative Member

Date: _____

Printed name and title of authorized representative

Coordinator for the Cooperative Member is:

Name

Title

Mailing Address

City

State

Zip Code

Telephone

Fax

Email



City Council Agenda Bill City of Kenmore, WA

Subject/Topic: Public Hearing regarding Ordinance 24-0606 amending and extending interim regulations for an additional six-months for certain parcels close to Swamp Creek in proximity to SR522 and 80th Ave NE

Proposed Council Action/Motion: Following conclusion of the Public Hearing and Council discussion. Motion to adopt Ordinance 24-0606 to amend and extend interim regulations for an additional six-months for certain parcels close to Swamp Creek in proximity to SR522 and 80th Ave NE.

For Council Meeting Agenda of: 2/26/24

Department: Community Development

Prepared by: Debbie Bent, Community Development Director

Initial & Date

Approved by Department Head:

DB 1/31/24

Approved by City Attorney:

DR 1/31/24

Approved by Finance Director:

N/A

Approved by City Manager:

RK 1/31/24

Attachments/Exhibits:

1. Ordinance 24-0606
2. Ordinance 23-0586
3. Ordinance 23-0575
4. Ordinance 23-0569
5. Ordinance 22-0555
6. Ordinance 22-0543

Summary: Following conclusion of the Public Hearing and Council discussion. Staff recommends that Council pass a motion to adopt Ordinance 24-0606 to amend and extend interim regulations for an additional six-months for certain parcels close to Swamp Creek in proximity to SR522 and 80th Ave NE.

INFORMATION/BACKGROUND: A Public Hearing is scheduled for 2/26/24 to receive public testimony on Ordinance 24-0606 (see Attachment #1) amending and extending interim regulations for an additional six-months to apply to certain parcels close to Swamp Creek. The interim regulations prohibit townhome development, and for properties that do not choose to develop under the Transit Oriented Development (TOD) provisions they must meet the base density of the underlying zone and include at least 25% of the total number of units as affordable units.

Ordinance 24-0606 states the findings and justification for extending and amending the interim regulations. The findings include Council direction given 11/28/22 for staff to conduct a channel restoration assessment of Swamp Creek that will determine where channel restoration would provide the most ecological benefit. Results of the assessment would also include potential options for new regulations for the area close to Swamp Creek that would incentivize or further facilitate Swamp Creek channel restoration. The assessment is anticipated to be completed later this year.

Background: The interim regulations were adopted 2/14/22 by Ordinance 22-0543 (Attachment #6) and were set to expire 8/14/22. The purpose of interim regulations was to provide additional time for the Planning Commission to consider regulations for the Transit Oriented Development (TOD) District Overlay area. Ordinance 22-0555 was adopted 7/25/22 (Attachment #5), which amended Ordinance 22-

0543 to renew and extend the interim regulations for an additional six-month period through 1/25/23. Ordinance 23-0569 was adopted 1/9/23 (Attachment #4) to renew and extend the interim regulations for an additional six-month period through 7/25/23. Ordinance 23-0575 was adopted on 3/13/23 (Attachment #3) to extend the interim regulations, reduce the Transit Oriented Development (TOD) District Overlay to certain properties identified in the ordinance, and adopt amended interim regulations to those identified parcels close to Swamp Creek pending completion of a Swamp Creek channel restoration assessment that will determine where channel restoration would provide the most ecological benefit. Ordinance 23-0586 (Attachment #2) was adopted on 9/11/23 to extend the interim regulations for those identified parcels close to Swamp Creek for an additional six months (ordinance 23-0586 set to expire 3/11/23).

On 11/21/22 the Planning Commission presented recommendations to Council on proposed TOD recommendations. At the 11/28/22 Council meeting Council gave direction to move forward with an ordinance for TOD regulations except for a “carve out” area for certain parcels close to Swamp Creek. On 2/13/23 Council confirmed which certain proposed new TOD amendments should or should not apply on applicable regulations for the “carve out” area. On 3/13/23 Council adopted Ordinance 23-0575 for the “carve out” area.

Fiscal Consideration: Staff time to complete a channel restoration assessment of Swamp Creek and develop options for new regulations with consultant assistance. \$20,000 general consulting dollars estimated in the Environmental Services Department budget.

City Council Priority: 2023-2024 Council Priorities: #9 foster community engagement and participation

**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 24-0606**

**AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON, AMENDING
ORDINANCE 22-0543, AS AMENDED BY ORDINANCE 22-0555,
ORDINANCE 22-0569, ORDINANCE 23-0575, AND ORDINANCE 23-0586
TO EXTEND AND RENEW FOR AN ADDITIONAL SIX-MONTH PERIOD THE
CITY'S INTERIM REGULATIONS RELATING TO THE TRANSIT ORIENTED
DEVELOPMENT (TOD) DISTRICT OVERLAY APPLICABLE TO CERTAIN
REAL PROPERTIES IDENTIFIED BY THE FOLLOWING TAX PARCEL (TPN):
TPN 086650-0000, TPN 670540-0000, TPN 182260-0000, TPN 011410-
0841, TPN 011410-0843, TPN 011410-0850, TPN 011410-0855, TPN
011410-0860, TPN 011410-0865, TPN 011410-0885, TPN 011410-0870,
TPN 011410-0881, TPN 011410-0889; PROVIDING FOR SEVERABILITY;
AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the City Council adopted Ordinance 15-0406, which established the Transit Oriented Development (TOD) District Overlay, which is codified at Chapter 18.29 of the Kenmore Municipal Code (KMC); and

WHEREAS, the purpose of the TOD District Overlay is to reinforce the City's planned concentrations of pedestrian-oriented mixed-use development at intensities that support and are supported by multi-modal transportation options, including high-capacity transit; and

WHEREAS, the City has directed the Planning Commission to review the City's TOD District Overlay regulations as part of the State-mandated Comprehensive Plan update; and

WHEREAS, the City became aware of the potential of lower density projects within the TOD District Overlay area, which would interfere with the City's intended planning for the TOD District Overlay area; and

WHEREAS, on August 16, 2021, the City Council adopted public emergency Ordinance 21-0533 that established an effective date for a six-month moratorium to and through February 16, 2022 to give the Planning Commission sufficient time to hold a hearing, complete planning for the TOD District Overlay area, and provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay; and

WHEREAS, on September 27, 2021, following a public hearing held by the City Council on the six-month moratorium, the Council adopted Ordinance 21-0535 amending Section 2 of Ordinance 21-0533 to allow an additional exemption for building permit applications for or the construction of transitional housing or permanent supportive

housing or building permit application for or the construction of indoor emergency housing; and

WHEREAS, on February 14, 2022, following a public hearing held by the City Council on the moratorium and interim regulations, the Council repealed the moratorium (Ordinance 21-0533 and Ordinance 21-0535) and immediately adopted interim regulations (Ordinance 22-0543) allowing certain development applications at appropriate densities within the TOD District Overlay consistent with the City's long-range planning, prior to completion of the City's regulatory review process; and

WHEREAS, on July 25, 2022, following a public hearing, the City Council adopted Ordinance 22-0555 extending and renewing interim regulations adopted by Ordinance 22-0543 for a further six-month period through January 25, 2023 to provide additional time for the Planning Commission to hold a public hearing, complete planning for the TOD District Overlay area, provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay and for Council to consider the recommendation; and

WHEREAS, on October 18, 2022, the Planning Commission held a public hearing regarding a proposed regulatory framework for the TOD District Overlay; and

WHEREAS, on November 21, 2022, the Planning Commission presented recommendations to the City Council regarding a proposed regulatory framework for the TOD District Overlay; and

WHEREAS, on November 28, 2022, the City Council gave direction on the proposed regulatory framework for the TOD District Overlay and requested consideration of an ordinance at a future meeting; and

WHEREAS, on November 28, 2022 the City Council gave direction to "carve out" certain parcels close to Swamp Creek in proximity to SR522 and 80th Ave NE from the proposed regulatory framework and thereby reduce the area applicable to the TOD District Overlay pending completion of a channel restoration assessment of Swamp Creek to determine where channel restoration would provide the most ecological benefit and options for new regulations for the "carve out" area to incentivize Swamp Creek channel restoration; and

WHEREAS, on January 9, 2023, following a public hearing the City Council adopted Ordinance 23-0569 extending and renewing interim regulations adopted by Ordinance 22-0543, as renewed by Ordinance 22-0555 for a further six-month period through July 25, 2023, to provide additional time for the City Council to consider adoption of an ordinance for the TOD regulatory framework; and

WHEREAS, on February 13, 2023, Council gave direction and confirmed which certain proposed new TOD amendments should or should not apply on applicable regulations for the reduced TOD "carve out" area; and

WHEREAS, on March 13, 2023, the City Council adopted Ordinance 23-0574 adopting municipal code and zoning map amendments related to a Transit-Oriented Development regulatory framework; and

WHEREAS, on March 13, 2023, the City Council held a public hearing on the proposed six-month extension and renewal of the City's interim regulations authorized and imposed by Ordinance 22-0543, as renewed, and extended by Ordinance Nos. 22-0555 and 23-0569; and

WHEREAS, on March 13, 2023, the City Council adopted Ordinance 23-0575 amending the interim regulations established by Ordinance 22-0543, and as codified at Section 18.29.020 and Figure 18.29.020.1 of the Kenmore Municipal Code, to reduce the area of the Transit Oriented Development (TOD) District Overlay to the following real properties, identified by Tax Parcel Number and address:

1. TPN 086650-0000, 17915 80th Ave NE, Kenmore, WA 98028
2. TPN 670540-0000, 17827 80th Ave NE, Kenmore, WA 98028
3. TPN 182260-0000, 17811 80th Ave NE, Kenmore, WA 98028
4. TPN 011410-0841, 17721 80th Ave NE, Kenmore, WA 98028
5. TPN 011410-0843, 17715 80th Ave NE, Kenmore, WA 98028
6. TPN 011410-0850, 17525 80th Ave NE, Kenmore, WA 98028
7. TPN 011410-0855, 7900 NE Bothell Way, Kenmore, WA 98028
8. TPN 011410-0860, 7850 NE Bothell Way, Kenmore, WA 98028
9. TPN 011410-0865, 7800 NE Bothell Way, Kenmore, WA 98028
10. TPN 011410-0885, 7750 NE Bothell Way, Kenmore, WA 98028
11. TPN 011410-0870, 7760 NE Bothell Way, Kenmore, WA 98028
12. TPN 011410-0881, 7638 NE Bothell Way, Kenmore, WA 98028
13. TPN 011410-0889, 7644 NE Bothell Way, Kenmore, WA 98028

(referenced together as the “Reduced TOD Area”)

WHEREAS, on September 11, 2023, the City Council held a public hearing on the proposed six-month extension and renewal of the City's interim regulations authorized and imposed by Ordinance 22-0543, as renewed, and extended by Ordinance Nos. 22-0555, 23-0569, and as amended and extended by Ordinance 23-0575; and

WHEREAS, on September 11, 2023, the City Council adopted Ordinance 23-0586 to extend and amend the interim regulations established by Ordinance 22-0543 and as amended and extended by Ordinance 23-0575 for a further six months; and

WHEREAS, additional time is necessary to complete a channel restoration assessment of Swamp Creek including for the Reduced TOD Area and also to give Council sufficient time to consider and potentially adopt an ordinance and new regulations to incentivize Swamp Creek channel restoration; and

WHEREAS, the regulations of zoning and land use are valid exercises of the City's police powers under Art. XI, Sec. 11 of the Washington State Constitution, and such police powers grant the City the authority to adopt interim regulations; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorize the City Council, as the governing body, to renew and extend interim regulations on development or land use for one or more six-month periods if a subsequent hearing is held and findings of fact are made prior to said extension and renewal; and

WHEREAS, the City Council has determined that it is in the best interest of the public, and is necessary for the protection of public health, safety, property, or peace, to extend and renew for an additional six-month period the interim regulations established in Ordinance 22-0543, as amended, extended, and renewed by Ordinance Nos. 22-0555, 23-0569, 23-0575 and 23-0586; and

WHEREAS, in order for this Ordinance to become effective prior to the March 11th expiration of the existing interim regulations, the City Council needs to declare an emergency and authorize an immediate effective date for this Ordinance, and the City acknowledges that state law requires a super-majority of the City Council to approve such an emergency declaration;

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

Section 1. Findings of Fact in Support of Renewal and Extension. The City Council adopts the recitals set forth above, and in Ordinance Nos. 22-0543, 22-0555, 23-0569, 23-0575, and 23-0586 which are incorporated herein by reference, as findings of fact in support of the extension and renewal of interim regulations.

Section 2. Six-Month Extension and Renewal of Interim Regulations. Section 4 of Ordinance 22-0543, as amended by Ordinance Nos. 22-0555, 23-0569, 23-0575 and 23-0586 is further amended to read as follows:

Section 4. Duration. The interim regulations established by Ordinance 22-0543, as renewed and extended by Ordinance Nos. 22-0555, 23-0569, ~~and 23-0575,~~ and 23-0586 and as amended by Section 3.D of Ordinance No. 23-0575, shall be extended and renewed for an additional period of six (6) months from the adoption date of this Ordinance, ~~September~~

~~11, 2023~~ February 26, 2024 (to and through ~~March 11, 2024~~ August 26, 2024), and shall automatically expire at the end of that day unless repealed, modified, or renewed and extended (after subsequent public hearing if renewed and extended), and entry of appropriate findings of fact as provided in RCW 35A.63.220 and RCW 36.70A.390.

Section 3. Transmittal of Ordinance. The City Manager is directed to transmit this ordinance to the Washington State Department of Commerce as required by law.

Section 4. 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 5. Emergency; Effective Date. This Ordinance, as a public emergency ordinance necessary for the protection of the public health, public safety, public property, or public peace, shall take effect and be in full force immediately upon its adoption. Pursuant to Matson v. Clark County Board of Commissioners, 79 Wn. App. 641, 904 P.2d 317 (1995), underlying facts necessary to support this emergency declaration are included in the recitals set forth above, which are adopted by reference.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 26th DAY OF FEBRUARY 2024.

CITY OF KENMORE

Mayor Nigel Herbig

ATTEST/AUTHENTICATED:

Anastasiya Warhol City Clerk

Approved as to form:

Dawn Reitan, City Attorney

FILED WITH THE CITY CLERK:

PASSED BY THE CITY COUNCIL: FEBRUARY 26, 2024

ORDINANCE NO.: 24-0606
DATE OF PUBLICATION:
EFFECTIVE DATE:

**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 23-0586**

**AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON, AMENDING
ORDINANCE 22-0543, AS AMENDED BY ORDINANCE 22-0555,
ORDINANCE 22-0569 AND ORDINANCE 23-0575, TO EXTEND AND
RENEW FOR AN ADDITIONAL SIX-MONTH PERIOD THE CITY'S INTERIM
REGULATIONS RELATING TO THE TRANSIT ORIENTED DEVELOPMENT
(TOD) DISTRICT OVERLAY APPLICABLE TO CERTAIN REAL PROPERTIES
IDENTIFIED BY THE FOLLOWING TAX PARCEL (TPN): TPN 086650-0000,
TPN 670540-0000, TPN 182260-0000, TPN 011410-0841, TPN 011410-
0843, TPN 011410-0850, TPN 011410-0855, TPN 011410-0860, TPN
011410-0865, TPN 011410-0885, TPN 011410-0870, TPN 011410-0881,
TPN 011410-0889; PROVIDING FOR SEVERABILITY; AND ESTABLISHING
AN EFFECTIVE DATE**

WHEREAS, the City Council adopted Ordinance 15-0406, which established the Transit Oriented Development (TOD) District Overlay, which is codified at Chapter 18.29 of the Kenmore Municipal Code (KMC); and

WHEREAS, the purpose of the TOD District Overlay is to reinforce the City's planned concentrations of pedestrian-oriented mixed-use development at intensities that support and are supported by multi-modal transportation options, including high-capacity transit; and

WHEREAS, the City has directed the Planning Commission to review the City's TOD District Overlay regulations as part of the State-mandated Comprehensive Plan update; and

WHEREAS, the City became aware of the potential of lower density projects within the TOD District Overlay area, which would interfere with the City's intended planning for the TOD District Overlay area; and

WHEREAS, on August 16, 2021, the City Council adopted public emergency Ordinance 21-0533 that established an effective date for a six-month moratorium to and through February 16, 2022 to give the Planning Commission sufficient time to hold a hearing, complete planning for the TOD District Overlay area, and provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay; and

WHEREAS, on September 27, 2021, following a public hearing held by the City Council on the six-month moratorium, the Council adopted Ordinance 21-0535 amending Section 2 of Ordinance 21-0533 to allow an additional exemption for building permit applications for or the construction of transitional housing or permanent supportive

housing or building permit application for or the construction of indoor emergency housing; and

WHEREAS, on February 14, 2022, following a public hearing held by the City Council on the moratorium and interim regulations, the Council repealed the moratorium (Ordinance 21-0533 and Ordinance 21-0535) and immediately adopted interim regulations (Ordinance 22-0543) allowing certain development applications at appropriate densities within the TOD District Overlay consistent with the City's long-range planning, prior to completion of the City's regulatory review process; and

WHEREAS, on July 25, 2022, following a public hearing, the City Council adopted Ordinance 22-0555 extending and renewing interim regulations adopted by Ordinance 22-0543 for a further six-month period through January 25, 2023 to provide additional time for the Planning Commission to hold a public hearing, complete planning for the TOD District Overlay area, provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay and for Council to consider the recommendation; and

WHEREAS, on October 18, 2022, the Planning Commission held a public hearing regarding a proposed regulatory framework for the TOD District Overlay; and

WHEREAS, on November 21, 2022, the Planning Commission presented recommendations to the City Council regarding a proposed regulatory framework for the TOD District Overlay; and

WHEREAS, on November 28, 2022, the City Council gave direction on the proposed regulatory framework for the TOD District Overlay and requested consideration of an ordinance at a future meeting; and

WHEREAS, on November 28, 2022 the City Council gave direction to "carve out" certain parcels close to Swamp Creek in proximity to SR522 and 80th Ave NE from the proposed regulatory framework and thereby reduce the area applicable to the TOD District Overlay pending completion of a channel restoration assessment of Swamp Creek to determine where channel restoration would provide the most ecological benefit and options for new regulations for the "carve out" area to incentivize Swamp Creek channel restoration; and

WHEREAS, on January 9, 2023, following a public hearing the City Council adopted Ordinance 23-0569 extending and renewing interim regulations adopted by Ordinance 22-0543, as renewed by Ordinance 22-0555 for a further six-month period through July 25, 2023, to provide additional time for the City Council to consider adoption of an ordinance for the TOD regulatory framework; and

WHEREAS, on February 13, 2023, Council gave direction and confirmed which certain proposed new TOD amendments should or should not apply on applicable regulations for the reduced TOD "carve out" area; and

WHEREAS, on March 13, 2023, the City Council adopted Ordinance 23-0574 adopting municipal code and zoning map amendments related to a Transit-Oriented Development regulatory framework; and

WHEREAS, on March 13, 2023, the City Council held a public hearing on the proposed six-month extension and renewal of the City's interim regulations authorized and imposed by Ordinance 22-0543, as renewed and extended by Ordinance Nos. 22-0555 and 23-0569; and

WHEREAS, on March 13, 2023, the City Council adopted Ordinance 23-0575 amending the interim regulations established by Ord. 22-0543, and as codified at Section 18.29.020 and Figure 18.29.020.1 of the Kenmore Municipal Code, to reduce the area of the Transit Oriented Development (TOD) District Overlay to the following real properties, identified by Tax Parcel Number and address:

1. TPN 086650-0000, 17915 80th Ave NE, Kenmore, WA 98028
2. TPN 670540-0000, 17827 80th Ave NE, Kenmore, WA 98028
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7. TPN 011410-0855, 7900 NE Bothell Way, Kenmore, WA 98028
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9. TPN 011410-0865, 7800 NE Bothell Way, Kenmore, WA 98028
10. TPN 011410-0885, 7750 NE Bothell Way, Kenmore, WA 98028
11. TPN 011410-0870, 7760 NE Bothell Way, Kenmore, WA 98028
12. TPN 011410-0881, 7638 NE Bothell Way, Kenmore, WA 98028
13. TPN 011410-0889, 7644 NE Bothell Way, Kenmore, WA 98028

(referenced together as the “Reduced TOD Area”)

WHEREAS, additional time is necessary to complete a channel restoration assessment of Swamp Creek including for the Reduced TOD Area and also to give Council sufficient time to consider and potentially adopt an ordinance and new regulations to incentivize Swamp Creek channel restoration; and

WHEREAS, the regulations of zoning and land use are valid exercises of the City's police powers under Art. XI, Sec. 11 of the Washington State Constitution, and such police powers grant the City the authority to adopt interim regulations; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorize the City Council, as the governing body, to renew and extend interim regulations on development or land use for one or more six-month periods if a subsequent hearing is held and findings of fact are made prior to said extension and renewal; and

WHEREAS, the City Council has determined that it is in the best interest of the public, and is necessary for the protection of public health, safety, property, or peace, to extend and renew for an additional six-month period the interim regulations established in Ordinance 22-0543, as amended, extended, and renewed by Ordinance Nos. 22-0555, 23-0569 and 23-0575; and

WHEREAS, in order for this Ordinance to become effective prior to the September 13th expiration of the existing interim regulations, the City Council needs to declare an emergency and authorize an immediate effective date for this Ordinance, and the City acknowledges that state law requires a super-majority of the City Council to approve such an emergency declaration;

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

Section 1. Findings of Fact in Support of Renewal and Extension. The City Council adopts the recitals set forth above, and in Ordinance Nos. 22-0543, 22-0555, 23-0569 and Ordinance 23-0575, which are incorporated herein by reference, as findings of fact in support of the extension and renewal of interim regulations.

Section 2. Six-Month Extension and Renewal of Interim Regulations. Section 4 of Ordinance 22-0543, as amended by Ordinance Nos. 22-0555, 23-0569, and 23-0575 is further amended to read as follows:

Section 4. Duration. The interim regulations established by Ordinance 22-0543, as renewed and extended by Ordinance Nos. 22-0555, ~~and 23-0569, and 23-0575,~~ and as amended by Section 3.D of this Ordinance ~~No. 23-0575,~~ shall be extended and renewed for an additional period of six (6) months from the adoption date of this Ordinance, September 11, 2023~~March 13, 2023~~ (to and through March 11, 2024~~September 13, 2023~~), and shall automatically expire at the end of that day unless repealed, modified, or renewed and extended (after subsequent public hearing if renewed and extended), and entry of appropriate findings of fact as provided in RCW 35A.63.220 and RCW 36.70A.390.

Section 3. Transmittal of Ordinance. The City Manager is directed to transmit this ordinance to the Washington State Department of Commerce as required by law.

Section 4. 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 5. Emergency; Effective Date. This Ordinance, as a public emergency ordinance necessary for the protection of the public health, public safety, public property, or public peace, shall take effect and be in full force immediately upon its adoption. Pursuant to Matson v. Clark County Board of Commissioners, 79 Wn. App. 641, 904 P.2d 317 (1995), underlying facts necessary to support this emergency declaration are included in the recitals set forth above, which are adopted by reference.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 11th DAY OF September 2023.

CITY OF KENMORE


[Nigel C. Herbig \(Sep 15, 2023 08:04 PDT\)](#)

Mayor Nigel Herbig

ATTEST/AUTHENTICATED:


[Anastasiya Warhol \(Sep 13, 2023 11:37 PDT\)](#)

Anastasiya Warhol City Clerk

Approved as to form:


[Dawn Reitan \(Sep 13, 2023 09:55 PDT\)](#)

Dawn Reitan, City Attorney

FILED WITH THE CITY CLERK: AUGUST 31, 2023
PASSED BY THE CITY COUNCIL: SEPTEMBER 11, 2023
ORDINANCE NO.: 23-0586
DATE OF PUBLICATION: SEPTEMBER 15, 2023
EFFECTIVE DATE: SEPTEMBER 20, 2023

Att. #1 Ordinance 23-0586 amending and extending TOD interim regulations revised 081523

Final Audit Report

2023-09-15

Created:	2023-09-12
By:	Michelle Kang (mkang@kenmorewa.gov)
Status:	Signed
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"Att. #1 Ordinance 23-0586 amending and extending TOD interim regulations revised 081523" History

-  Document created by Michelle Kang (mkang@kenmorewa.gov)
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 Signer nherbig@kenmorewa.gov entered name at signing as Nigel G. Herbig
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Page 106 of 330

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**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 23-0575**

**AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON,
AMENDING ORDINANCE 22-0543, AS AMENDED BY ORDINANCE 22-
0555 AND ORDINANCE 22-0569, TO EXTEND AND RENEW FOR AN
ADDITIONAL SIX-MONTH PERIOD THE CITY'S INTERIM
REGULATIONS, AND AMENDING SECTION 18.29.020 AND FIGURE
18.29.020.1 OF THE KENMORE MUNICIPAL CODE TO REDUCE THE
AREA OF THE TRANSIT ORIENTED DEVELOPMENT (TOD)
DISTRICT OVERLAY TO CERTAIN REAL PROPERTIES IDENTIFIED
BY THE FOLLOWING TAX PARCEL (TPN): TPN 086650-0000, TPN
670540-0000, TPN 182260-0000, TPN 011410-0841, TPN 011410-0843, TPN
011410-0850, TPN 011410-0855, TPN 011410-0860, TPN 011410-0865, TPN
011410-0885, TPN 011410-0870, TPN 011410-0881, TPN 011410-0889;
PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN
EFFECTIVE DATE**

WHEREAS, the City Council adopted Ordinance 15-0406, which established the Transit Oriented Development (TOD) District Overlay, which is codified at Chapter 18.29 of the Kenmore Municipal Code (KMC); and

WHEREAS, the purpose of the TOD District Overlay is to reinforce the City's planned concentrations of pedestrian-oriented mixed-use development at intensities that support and are supported by multi-modal transportation options, including high-capacity transit; and

WHEREAS, the City has directed the Planning Commission to review the City's TOD District Overlay regulations as part of the State-mandated Comprehensive Plan update; and

WHEREAS, the City became aware of the potential of lower density projects within the TOD District Overlay area, which would interfere with the City's intended planning for the TOD District Overlay area; and

WHEREAS, on August 16, 2021, the City Council adopted public emergency Ordinance 21-0533 that established an effective date for a six-month moratorium to and through February 16, 2022 to give the Planning Commission sufficient time to hold a hearing, complete planning for the TOD District Overlay area, and provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay; and

WHEREAS, on September 27, 2021, following a public hearing held by the City Council on the six-month moratorium, the Council adopted Ordinance 21-0535 amending Section 2 of Ordinance 21-0533 to allow an additional exemption for building permit applications for or the construction of transitional housing or permanent supportive housing or building permit application for or the construction of indoor emergency housing; and

WHEREAS, on February 14, 2022, following a public hearing held by the City Council on the moratorium and interim regulations, the Council repealed the moratorium (Ordinance 21-0533 and Ordinance 21-0535) and immediately adopted interim regulations (Ordinance 22-0543) allowing certain development applications at appropriate densities within the TOD District Overlay consistent with the City's long-range planning, prior to completion of the City's regulatory review process; and

WHEREAS, on July 25, 2022, following a public hearing, the City Council adopted Ordinance 22-0555 extending and renewing interim regulations adopted by Ordinance 22-0543 for a further six-month period through January 25, 2023 to provide additional time for the Planning Commission to hold a public hearing, complete planning for the TOD District Overlay area, provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay and for Council to consider the recommendation; and

WHEREAS, on October 18, 2022, the Planning Commission held a public hearing regarding a proposed regulatory framework for the TOD District Overlay; and

WHEREAS, on November 21, 2022, the Planning Commission presented recommendations to the City Council regarding a proposed regulatory framework for the TOD District Overlay; and

WHEREAS, on November 28, 2022 the City Council gave direction on the proposed regulatory framework for the TOD District Overlay and requested consideration of an ordinance at a future meeting; and

WHEREAS, on November 28, 2022 the City Council gave direction to "carve out" certain parcels close to Swamp Creek in proximity to SR522 and 80th Ave NE from the proposed regulatory framework and thereby reduce the area applicable to the TOD District Overlay pending completion of a channel restoration assessment of Swamp Creek to determine where channel restoration would provide the most ecological benefit and options for new regulations for the "carve out" area to incentivize Swamp Creek channel restoration; and

WHEREAS, on January 9, 2023, following a public hearing the City Council adopted Ordinance 23-0569 extending and renewing interim regulations adopted by Ordinance 22-0543, as renewed by Ordinance 22-0555 for a further six-month period through July 25, 2023 to provide additional time for the City Council to consider adoption of an ordinance for the TOD regulatory framework; and

WHEREAS, on February 13, 2023, Council gave direction and confirmed which certain proposed new TOD amendments should or should not apply on applicable regulations for the reduced TOD "carve out" area; and

WHEREAS, on March 13, 2023, the City Council will be considering adoption of Ordinance 23-0574 adopting municipal code and zoning map amendments related to a Transit-Oriented Development regulatory framework; and

WHEREAS, on March 13, 2023, the City Council held a public hearing on the proposed six-month extension and renewal of the City's interim regulations authorized and imposed by Ordinance 22-0543, as renewed and extended by Ordinance Nos. 22-0555 and 23-0569; and

WHEREAS, additional time is necessary to complete a channel restoration assessment of Swamp Creek including for the reduced TOD “carve out” area for those certain parcels close to Swamp Creek in proximity to SR522 and 80th Ave NE and also to give Council sufficient time to consider and potentially adopt an ordinance and new regulations to incentivize Swamp Creek channel restoration; and

WHEREAS, the City Council desires to amend the interim regulations established by Ord. 22-0543, and as codified at Section 18.29.020 and Figure 18.29.020.1 of the Kenmore Municipal Code, to reduce the area of the Transit Oriented Development (TOD) District Overlay to the following real properties, identified by Tax Parcel Number and address:

1. TPN 086650-0000, 17915 80th Ave NE, Kenmore, WA 98028
2. TPN 670540-0000, 17827 80th Ave NE, Kenmore, WA 98028
3. TPN 182260-0000, 17811 80th Ave NE, Kenmore, WA 98028
4. TPN 011410-0841, 17721 80th Ave NE, Kenmore, WA 98028
5. TPN 011410-0843, 17715 80th Ave NE, Kenmore, WA 98028
6. TPN 011410-0850, 17525 80th Ave NE, Kenmore, WA 98028
7. TPN 011410-0855, 7900 NE Bothell Way, Kenmore, WA 98028
8. TPN 011410-0860, 7850 NE Bothell Way, Kenmore, WA 98028
9. TPN 011410-0865, 7800 NE Bothell Way, Kenmore, WA 98028
10. TPN 011410-0885, 7750 NE Bothell Way, Kenmore, WA 98028
11. TPN 011410-0870, 7760 NE Bothell Way, Kenmore, WA 98028
12. TPN 011410-0881, 7638 NE Bothell Way, Kenmore, WA 98028
13. TPN 011410-0889, 7644 NE Bothell Way, Kenmore, WA 98028

WHEREAS, the regulations of zoning and land use are valid exercises of the City’s police powers under Art. XI, Sec. 11 of the Washington State Constitution, and such police powers grant the City the authority to adopt interim regulations; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorize the City Council, as the governing body, to renew and extend interim regulations on development or land use for one or more six-month periods if a subsequent hearing is held and findings of fact are made prior to said extension and renewal; and

WHEREAS, the City Council has determined that it is in the best interest of the public, and is necessary for the protection of public health, safety, property, or peace, to extend and renew for

an additional six-month period the interim regulations established in Ordinance 22-0543, as extended and renewed by Ordinance Nos. 22-0555 and 23-0569;

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

Section 1. Findings of Fact in Support of Renewal and Extension. The City Council adopts the recitals set forth above and in Ordinance Nos. 22-0543, 22-0555 and 23-0569, which are incorporated herein by reference, as findings of fact in support of the extension and renewal of interim regulations.

Section 2. Amendment. The City Council amends Section 3 of Ordinance 22-0543 to read as follows:

Section 3. Interim Regulations.

A. Adoption. Pursuant to the City's police powers under Article XI, Section 11 of the Washington State Constitution, RCW 35A.63.220, and RCW 36.70A.390, interim regulations are hereby adopted and imposed on the application for, intake of, review of, or issuance of any approval and/or development permit, including, but not limited to, building permits, site plan review, etc., for the establishment, location and/or construction of any development on certain real properties identified by the following Tax Parcel Numbers (TPN) and addresses:

1. TPN 086650-0000, 17915 80th Ave NE, Kenmore, WA 98028
2. TPN 670540-0000, 17827 80th Ave NE, Kenmore, WA 98028
3. TPN 182260-0000, 17811 80th Ave NE, Kenmore, WA 98028
4. TPN 011410-0841, 17721 80th Ave NE, Kenmore, WA 98028
5. TPN 011410-0843, 17715 80th Ave NE, Kenmore, WA 98028
6. TPN 011410-0850, 17525 80th Ave NE, Kenmore, WA 98028
7. TPN 011410-0855, 7900 NE Bothell Way, Kenmore, WA 98028
8. TPN 011410-0860, 7850 NE Bothell Way, Kenmore, WA 98028
9. TPN 011410-0865, 7800 NE Bothell Way, Kenmore, WA 98028
10. TPN 011410-0885, 7750 NE Bothell Way, Kenmore, WA 98028
11. TPN 011410-0870, 7760 NE Bothell Way, Kenmore, WA 98028
12. TPN 011410-0881, 7638 NE Bothell Way, Kenmore, WA 98028

13. TPN 011410-0889, 7644 NE Bothell Way, Kenmore, WA 98028

(collectively, the “Parcels”), located within the Transit Oriented Development (TOD) District Overlay area, as shown and depicted in KMC 18.29.020 (as revised in Section 3.D of this Ordinance). The term “development” means the same as defined in KMC 18.20.715. The term “development permit” means the same as defined in KMC 18.20.735.

- B. Exemptions. The interim regulations adopted by this Ordinance only apply to new development permit applications.
- C. Adopted Interim Regulations: Interim regulations for the TOD District Overlay adopted and imposed pursuant to Section 3.A are set forth in Exhibit A, attached hereto and incorporated by reference.
- D. Amending Interim Regulations. The interim regulations adopted and imposed by Ordinance No. 22-0543, and as codified at Chapter 18.29 of the Kenmore Municipal Code (KMC), are amended as follows: Exhibit A to Ordinance No. 22-0543, KMC 18.29.020 “Area” is amended by replacing Figure 18.29.020.1 with new Figure 18.29.020.1 as set forth in Exhibit B, attached hereto and incorporated by reference, which include the Parcels identified in Section 3.A.

Section 3. Six-Month Extension and Renewal of Interim Regulations. Section 4 of Ordinance 22-0543, as amended by Ordinance Nos. 22-0555 and 23-0569, is further amended to read as follows:

Section 4. Duration. The interim regulations established by Ordinance 22-0543, as renewed and extended by Ordinance Nos. 22-0555 and 23-0569, and as amended by Section 3.D of this Ordinance, shall be extended and renewed for an additional period of six (6) months from the adoption date of this Ordinance, ~~March 13, 2023~~ ~~January 25, 2023~~ (to and through ~~September 13, 2023~~ ~~July 25, 2023~~), and shall automatically expire at the end of that day unless repealed, modified, or renewed and extended (after subsequent public hearing if renewed and extended), and entry of appropriate findings of fact as provided in RCW 35A.63.220 and RCW 36.70A.390.

Section 4. Authorization of City Manager. The City Manager is hereby authorized and directed to complete a channel restoration assessment of Swamp Creek that includes the area within the TOD District Boundary, Exhibit B attached to this ordinance and to move forward and bring an ordinance for new regulations to incentivize Swamp Creek Channel restoration to the City Council for consideration and potential adoption.

Section 5. Transmittal of Ordinance. The City Manager is directed to transmit this ordinance to the Washington State Department of Commerce as required by law.

Section 6. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, the remainder of the ordinance, or the application of the provision to other persons or circumstances, is not affected.

Section 7. Effective Date. This Ordinance shall be published in the official newspaper of the City and shall take effect and be in full force (5) days after the date of publication.

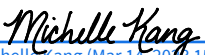
PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 13th DAY OF MARCH 2023.

CITY OF KENMORE


[Nigel G. Herbig \(Mar 14, 2023 18:19 PDT\)](#)

Mayor Nigel Herbig

ATTEST/AUTHENTICATED:


[Michelle Kang \(Mar 14, 2023 15:50 PDT\)](#)

Michelle Kang, Deputy City Clerk

Approved as to form:


[Dawn Reitan \(Mar 14, 2023 15:56 PDT\)](#)

Dawn Reitan, City Attorney

FILED WITH THE CITY CLERK: 03/13/2023

PASSED BY THE CITY COUNCIL: MARCH 13, 2023

ORDINANCE NO.: 23-0575

DATE OF PUBLICATION: 03/17/2023

EFFECTIVE DATE: 03/22/2023

18.29.020 Area.

The area of the TOD district overlay is shown on Figure 18.29.020.1. In order to develop under the TOD district overlay, at least 50 percent of a parcel shown on Figure 18.29.020.1 shall be located within the TOD district overlay.



 TOD Boundary
 Parcels

TOD District Boundary
Figure 18.29.020.1

0 140 280 560 Feet



Ordinance 23-0575 amending and extending interim regulations

Final Audit Report

2023-03-15

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**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 23-0569**

**AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON,
AMENDING ORDINANCE 22-0543, AS AMENDED BY ORDINANCE 22-
0555, TO EXTEND AND RENEW FOR AN ADDITIONAL SIX-MONTH
PERIOD THE CITY'S INTERIM REGULATIONS WITHIN THE
TRANSIT OVERLAY DEVELOPMENT (TOD) DISTRICT; PROVIDING
FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the City Council adopted Ordinance 15-0406, which established the Transit Oriented Development (TOD) District Overlay, which is codified at Chapter 18.29 of the Kenmore Municipal Code (KMC); and

WHEREAS, the purpose of the TOD District Overlay is to reinforce the City's planned concentrations of pedestrian-oriented mixed-use development at intensities that support and are supported by multi-modal transportation options, including high-capacity transit; and

WHEREAS, the City has directed the Planning Commission to review the City's TOD District Overlay regulations as part of the State-mandated Comprehensive Plan update; and

WHEREAS, the City became aware of the potential of lower density projects within the TOD District Overlay area, which would interfere with the City's intended planning for the TOD District Overlay area; and

WHEREAS, on August 16, 2021, the City Council adopted public emergency Ordinance 21-0533 that established an effective date for a six-month moratorium to and through February 16, 2022 to give the Planning Commission sufficient time to hold a hearing, complete planning for the TOD District Overlay area, and provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay; and

WHEREAS, on September 27, 2021, following a public hearing held by the City Council on the six-month moratorium, the Council adopted Ordinance 21-0535 amending Section 2 of Ordinance 21-0533 to allow an additional exemption for building permit applications for or the construction of transitional housing or permanent supportive housing or building permit application for or the construction of indoor emergency housing; and

WHEREAS, on February 14, 2022, following a public hearing held by the City Council on the moratorium and interim regulations, the Council repealed the moratorium (Ordinance 21-0533 and Ordinance 21-0535) and immediately adopted interim regulations (Ordinance 22-0543) allowing certain development applications at appropriate densities within the TOD District Overlay consistent with the City's long-range planning, prior to completion of the City's regulatory review process; and

WHEREAS, on July 25, 2022, following a public hearing, the City Council adopted Ordinance 22-0555 extending and renewing interim regulations adopted by Ordinance 22-0543 for a further six-month period through January 25, 2023 to provide additional time for the Planning Commission to hold a public hearing, complete planning for the TOD District Overlay area, provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay and for Council to consider the recommendation; and

WHEREAS, on October 18, 2022 the Planning Commission held a public hearing regarding a proposed regulatory framework for the TOD District Overlay; and

WHEREAS, on November 21, 2022 the Planning Commission presented recommendations to the City Council regarding a proposed regulatory framework for the TOD District Overlay; and

WHEREAS, on November 28, 2022 the City Council gave direction on the proposed regulatory framework for the TOD District Overlay and requested consideration of an ordinance at a future meeting; and

WHEREAS, additional time is necessary for an ordinance to be drafted reflecting Council's direction on the proposed regulatory framework for the TOD District Overlay, and to give Council sufficient time to consider and potentially adopt such an ordinance; and

WHEREAS, the regulations of zoning and land use are valid exercises of the City's police powers under Art. XI, Sec. 11 of the Washington State Constitution, and such police powers grant the City the authority to adopt interim regulations; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorize the City Council, as the governing body, to renew and extend interim regulations on development or land use for one or more six—month periods if a subsequent hearing is held and findings of fact are made prior to said extension and renewal; and

WHEREAS, on January 9, 2023 the City Council held a public hearing on the proposed six—month extension and renewal of the City's interim regulations authorized and imposed by Ordinance 22-0543, as renewed and extended by Ordinance 22-0555; and

WHEREAS, the City Council has determined that it is in the best interest of the public, and is necessary for the protection of public health, safety, property, or peace, to extend and renew for an additional six-month period the interim regulations established in Ordinance 22-0543, as extended and renewed by Ordinance 22-0555;

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

Section 1. Findings of Fact in Support of Renewal and Extension. The City Council adopts the recitals set forth above and in Ordinance Nos. 22-0543 and 22-0555, which are incorporated herein by reference, as findings of fact in support of the extension and renewal of interim regulations adopted under Ordinance 22-0543, as amended by Ordinance 22-0555, for an additional six-month period.

Section 2. Six-Month Extension and Renewal of Interim Regulations. Section 4 of Ordinance 22-0543, as amended by Ordinance 22-0555, is further amended to read as follows:

Section 4. Duration. The interim regulations established by Ordinance 22-0543, as renewed and extended by Ordinance 22-0555, shall be extended and renewed for an additional period of six (6) months from January 25, 2023 (to and through July 25, 2023), and shall automatically expire at the end of that day unless repealed, modified, or renewed and extended (after subsequent public hearing if renewed and extended), and entry of appropriate findings of fact as provided in RCW 35A.63.220 and RCW 36.70A.390.

Section 3. Authorization of City Manager. The City Manager is hereby authorized and directed to move forward and bring an ordinance relating to the proposed TOD regulatory framework to the City Council for consideration and potential adoption.

Section 4. Transmittal of Ordinance. The City Manager is directed to transmit this ordinance to the Washington State Department of Commerce as required by law.

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

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 9th DAY OF JANUARY 2023.

CITY OF KENMORE


[Nigel Herbig \(Jan 10, 2023 17:12 PST\)](#)
Mayor Nigel Herbig

ATTEST/AUTHENTICATED:


[Michelle Kang \(Jan 10, 2023 16:33 PST\)](#)
Michelle Kang, Deputy City Clerk

Approved as to form:


[Dawn Reitan \(Jan 11, 2023 10:54 PST\)](#)
Dawn Reitan, City Attorney

FILED WITH THE CITY CLERK: 12/29/2022
PASSED BY THE CITY COUNCIL: JANUARY 9, 2023
ORDINANCE NO.: 23-0569
DATE OF PUBLICATION: 01/13/2023
EFFECTIVE DATE: 01/18/2023

Ordinance No. 23-0569 Extending and Renewing TOD Interim Regulations

Final Audit Report

2023-01-11

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**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 22-0555**

**AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON,
AMENDING ORDINANCE 22-0543 TO EXTEND AND RENEW FOR AN
ADDITIONAL SIX-MONTH PERIOD THE CITY'S INTERIM
REGULATIONS WITHIN THE TRANSIT OVERLAY DEVELOPMENT
(TOD) DISTRICT; PROVIDING FOR SEVERABILITY; AND
ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the City Council adopted Ordinance 15-0406, which established the Transit Oriented Development (TOD) District Overlay, which is codified at Chapter 18.29 of the Kenmore Municipal Code (KMC); and

WHEREAS, the purpose of the TOD District Overlay is to reinforce the City's planned concentrations of pedestrian-oriented mixed-use development at intensities that support and are supported by multi-modal transportation options, including high-capacity transit; and

WHEREAS, the City has directed the Planning Commission to review the City's TOD District Overlay regulations as part of the State-mandated Comprehensive Plan update; and

WHEREAS, the City became aware of the potential of lower density projects within the TOD District Overlay area, which would interfere with the City's intended planning for the TOD District Overlay area; and

WHEREAS, on August 16, 2021, the City Council adopted public emergency Ordinance 21-0533 that established an effective date for a six-month moratorium to and through February 16, 2022 to give the Planning Commission sufficient time to hold a hearing, complete planning for the TOD District Overlay area, and provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay; and

WHEREAS, on September 27, 2021, following a public hearing held by the City Council on the six-month moratorium, the Council adopted Ordinance 21-0535 amending Section 2 of Ordinance 21-0533 to allow an additional exemption for building permit applications for or the construction of transitional housing or permanent supportive housing or building permit application for or the construction of indoor emergency housing; and

WHEREAS, on February 14, 2022, following a public hearing held by the City Council on the moratorium and interim regulations, the Council repealed the moratorium (Ordinance 21-0533 and Ordinance 21-0535) and immediately adopted interim regulations (Ordinance 22-0543) allowing certain development applications at appropriate densities within the TOD District Overlay consistent with the City's long-range planning, prior to completion of the City's regulatory review process; and

WHEREAS, additional time is necessary for the Planning Commission to hold a public hearing, complete planning for the TOD District Overlay area, provide recommendations to the

City Council regarding the appropriate regulatory framework for the TOD District Overlay and for Council to consider the recommendation; and

WHEREAS, the regulations of zoning and land use are valid exercises of the City's police powers under Art. XI, Sec. 11 of the Washington State Constitution, and such police powers grant the City the authority to adopt interim regulations; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorize the City Council, as the governing body, to renew and extend interim regulations on development or land use for one or more six—month periods if a subsequent hearing is held and findings of fact are made prior to said extension and renewal; and

WHEREAS, on July 25, 2022, the City Council held a public hearing on the proposed six—month extension and renewal of the City's interim regulations authorized and imposed by Ordinance 22-0543; and

WHEREAS, the City Council has determined that it is in the best interest of the public, and is necessary for the protection of public health, safety, property, or peace, to extend and renew for an additional six-month period the interim regulations established in Ordinance 22-0543; and

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

Section 1. Findings. The City Council adopts the recitals set forth above and in Ordinance No. 22-0543, which are incorporated herein by reference, as findings in support of the extension and renewal of interim regulations adopted under Ordinance 22-0543 for an additional six-month period.

Section 2. Six-Month Extension and Renewal of Interim Regulations. Section 4 of Ordinance 22-0543 is amended to read as follows:

Section 4. Duration. The interim regulations established by ~~in Section 3 above~~ Ordinance 22-0543 shall be extended and renewed in effect for a period of six (6) months from the effective date of this Ordinance 22-0555 (to and through ~~September 14, 2022~~ January 25, 2023) and shall automatically expire at the end of that day unless repealed, modified, or extended (after subsequent public hearing if extended), and entry of appropriate findings of fact as provided in RCW 35A.63.220 and RCW 36.70A.390.

Section 3. Authorization of City Manager. The City Manager is hereby authorized and directed to move forward with the Planning Commission's review of appropriate development regulations relating to the TOD District Overlay area, and to bring its recommendation to the City Council for consideration and potential adoption.

Section 4. Transmittal of Ordinance. The City Manager is directed to transmit this ordinance to the Washington State Department of Commerce as required by law.

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

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 25th DAY OF JULY 2022.

CITY OF KENMORE


Nigel Herbig (Jul 27, 2022 12:29 PDT)

Mayor Nigel Herbig

ATTEST/AUTHENTICATED:


Anastasiya Warhol (Jul 27, 2022 14:10 PDT)

Anastasiya Warhol, City Clerk

Approved as to form:


Dawn Reitan (Jul 27, 2022 09:52 PDT)

Dawn Reitan, City Attorney

FILED WITH THE CITY CLERK: 7/15/22

PASSED BY THE CITY COUNCIL: JULY 25, 2022

ORDINANCE NO.: 22-0555

DATE OF PUBLICATION: 7/28/22

EFFECTIVE DATE: 8/2/22

Ordinance 22-0555, Extending Interim Regulations in TOD Area

Final Audit Report

2022-07-27

Created:	2022-07-26
By:	Anastasiya Warhol (awarhol@kenmorewa.gov)
Status:	Signed
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"Ordinance 22-0555, Extending Interim Regulations in TOD Area" History

-  Document created by Anastasiya Warhol (awarhol@kenmorewa.gov)
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Signature Date: 2022-07-27 - 9:10:54 PM GMT - Time Source: server- IP address: 50.235.209.34



Agreement completed.

2022-07-27 - 9:10:54 PM GMT



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**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 22-0543**

**AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON,
ADOPTING SIX-MONTH INTERIM REGULATIONS WITHIN THE
TRANSIT OVERLAY DEVELOPMENT (TOD) DISTRICT; REPEALING
ORDINANCE NOS. 21-0533 AND 21-0535; DECLARING AN
EMERGENCY AND ESTABLISHING AN IMMEDIATE EFFECTIVE
DATE**

WHEREAS, the City Council adopted Ordinance 15-0406, which established the Transit Oriented Development (TOD) District Overlay, which is codified at Chapter 18.29 of the Kenmore Municipal Code (KMC); and

WHEREAS, the purpose of the TOD District Overlay is to reinforce the City's planned concentrations of pedestrian-oriented mixed-use development at intensities that support and are supported by multi-modal transportation options, including high-capacity transit; and

WHEREAS, the City has directed the Planning Commission to review the City's TOD District Overlay regulations as part of the State-mandated Comprehensive Plan update; and

WHEREAS, the City became aware of the potential of lower density projects within the TOD District Overlay area, which would interfere with the City's intended planning for the TOD District Overlay area; and

WHEREAS, on August 16, 2021 the City Council adopted public emergency Ordinance 21-0533 that established an effective date for a six-month moratorium to and through February 16, 2022 to give the Planning Commission sufficient time to hold a hearing, complete planning for the TOD District Overlay area, and provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay; and

WHEREAS, on September 27, 2021 following a public hearing held by the City Council on the six-month moratorium, the Council adopted Ordinance 21-0535 amending Section 2 of Ordinance 21-0533 to allow an additional exemption for building permit applications for or the construction of transitional housing or permanent supportive housing or building permit application for or the construction of indoor emergency housing; and

WHEREAS, additional time is necessary for the Planning Commission to hold a public hearing, complete planning for the TOD District Overlay area, provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay and for Council to consider the recommendation; and

WHEREAS, repeal of the moratorium (Ordinance 21-0533 and Ordinance 21-0535) and immediate adoption of interim regulations allows certain development applications at appropriate densities within the TOD District Overlay consistent with the City's long-range planning, prior to completion of the City's regulatory review process; and

WHEREAS, the City Council deems it to be in the best interest of the public, and necessary for the protection of the public health, safety, property, or peace, to establish immediate interim regulations on the acceptance, review, and approval of permits for the establishment, location, and/or construction of any development within the TOD District Overlay; and

WHEREAS, the regulation of zoning and land use are valid exercises of the City's police powers under Article XI, Section 11 of the Washington State Constitution, and such police powers grant the City Council authority to adopt a moratorium; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorize the City Council, as the governing body, to adopt interim regulations on development or land use for six-months; and

WHEREAS, as provided in RCW 35A.63.220 and RCW 36.70A.390, the City Council advertised and held a public hearing on February 14, 2022 to take public testimony and consider adopting further findings justifying the imposition of interim regulations; and

WHEREAS, RCW 35A.13.190 provides that an ordinance may be made effective upon adoption if passed by a majority plus one of the whole membership of the council, and if designated as a public emergency ordinance necessary for the protection of the public health, public safety, public property or public peace; and

WHEREAS, pursuant to RCW 35A.13.190, the City Council finds that this ordinance is a public emergency ordinance necessary for the protection of public health, public safety, public property, or public peace for the reasons set forth herein;

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

Section 1. Findings. The City Council adopts the recitals set forth above, which are incorporated by reference, as findings in support of the interim regulations and declaration of this ordinance as a public emergency ordinance.

Section 2. Repeal of the Moratorium. The City Council hereby repeals Ordinance Nos. 21-0533 and Ordinance 21-0535, which established and amended the six-month moratorium.

Section 3. Interim Regulations.

A. Adoption. Pursuant to the City's police powers under Article XI, Section 11 of the Washington State Constitution, RCW 35A.63.220, and RCW 36.70A.390, interim regulations are hereby adopted and imposed on the application for, intake of, review of, or issuance of any approval and/or development permit, including, but not limited to, building permits, site plan review, etc., for the establishment, location and/or construction of any development within the Transit Oriented Development (TOD) District Overlay area, as shown and depicted in KMC 18.29.020. The term "development" means the same as defined in KMC 18.20.715. The term "development permit" means the same as defined in KMC 18.20.735.

B. Exemptions. The interim regulations adopted by this Ordinance only apply to new development permit applications.

C. Adopted Interim Regulations: Interim regulations for the TOD District Overlay adopted and imposed pursuant to Section 3.A are set forth in Exhibit A, attached hereto and incorporated by reference.

Section 4. Duration. The interim regulations established in Section 3 above shall be in effect for a period of six (6) months from the effective date of this Ordinance (to and through September 14, 2022) and shall automatically expire at the end of that day unless repealed, modified, or extended (after subsequent public hearing if extended), and entry of appropriate findings of fact as provided in RCW 35A.63.220 and RCW 36.70A.390.

Section 5. Authorization of City Manager. The City Manager is hereby authorized and directed to move forward with the Planning Commission's review of appropriate development regulations relating to the TOD District Overlay area, and to bring its recommendation to the City Council for consideration and potential adoption.

Section 6. Transmittal of Ordinance. The City Manager is directed to transmit this ordinance to the Washington State Department of Commerce as required by law.

Section 7. 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 8. Designation of Emergency Ordinance; Immediate Effective Date. Pursuant to RCW 35A.13.190, the City Council declares and designates this ordinance as a public emergency ordinance necessary for the protection of the public health, public safety, public property, or the public peace. Upon adoption of this ordinance by a majority plus one of the whole membership of the council, this ordinance shall take effect and be in full force immediately upon its adoption. Pursuant to Matson v. Clark County Board of Commissioners, 79 Wn. App. 641, 904 P.2d 317 (1995), underlying facts necessary to support this emergency declaration are included in the recitals set forth above, which are adopted by reference.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 14th DAY OF FEBRUARY 2022.

CITY OF KENMORE



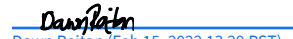
Mayor Nigel Herbig

ATTEST/AUTHENTICATED:


Anastasiya Warhol (Feb 16, 2022 15:56 PST)

Anastasiya Warhol, City Clerk

Approved as to form:


Dawn Reitan (Feb 15, 2022 13:29 PST)

Dawn Reitan, City Attorney

FILED WITH THE CITY CLERK: 2/10/22
PASSED BY THE CITY COUNCIL: 2/14/22
ORDINANCE NO.: 22-0543
DATE OF PUBLICATION: 2/18/22
EFFECTIVE DATE: 2/14/22

Chapter 18.29

TRANSIT ORIENTED DEVELOPMENT (TOD) DISTRICT OVERLAY

Sections:

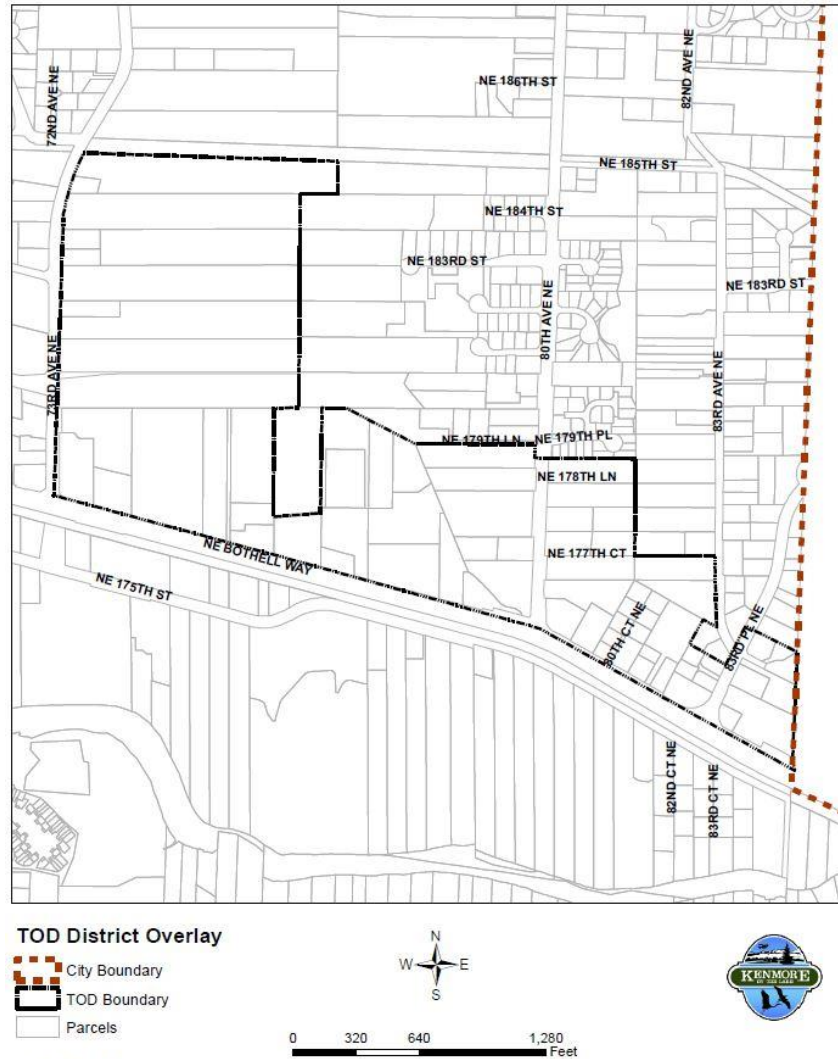
[18.29.010 Intent.](#)
[18.29.020 Area.](#)
[18.29.030 Applicability.](#)
[18.29.040 Use allowances.](#)
[18.29.050 Zoning standards.](#)
[18.29.055 Wireless communication facilities.](#)
[18.29.060 Affordable housing requirements.](#)
[18.29.070 Parking.](#)
[18.29.080 Design requirements.](#)
[18.29.090 Connectivity requirements.](#)
[18.29.100 Significant tree grove retention.](#)

18.29.010 Intent.

The purpose of the transit oriented development (TOD) district overlay is to reinforce the City's planned concentration of pedestrian-oriented mixed use development at intensities that support and are supported by multi-modal transportation options, including high capacity transit. The TOD district overlay revitalizes the City's core by creating incentives and opportunities for a mix of jobs and residences, cultivates a respectful relationship among development within the district, the natural environment, and nearby traditional neighborhoods, and provides a framework for future infrastructure and service decisions. The TOD district overlay provides public benefits in the form of encouraging housing affordable to all economic groups, increased pedestrian connectivity, quality design, and incentive to preserve significant tree groves where they exist. [Ord. 15-0406 § 1 (Att. A).]

18.29.020 Area.

The area of the TOD district overlay is shown on Figure 18.29.020.1. In order to develop under the TOD district overlay, at least 50 percent of a parcel shown on Figure 18.29.020.1 shall be located within the TOD district overlay.



[Ord. 19-0481 § 2 (Att. A); Ord. 15-0406 § 1 (Att. A).]

18.29.030 Applicability.

A. The TOD district overlay is an incentive-based zoning overlay. Applicants who elect to develop under the provisions of the TOD district overlay shall adhere to all development standards set forth in this chapter; except that development standards not addressed in this chapter shall be governed by provisions of the underlying zone.

B. In order to be eligible to develop under the TOD district overlay regulations, a development application shall meet the following criteria:

1. The property must be located within the TOD district overlay area as described in KMC [18.29.020](#);
2. The proposed development must either:

- a. Be considered a mixed use development as defined in KMC [18.20.1740](#); or
- b. Be a residential-only development or mixed use development with commercial permitted only on the ground floor if located in the R-12, R-18, or R-24 underlying zones, which are areas designated as primarily residential.

C. Eligible properties within the TOD district overlay that do not choose to develop under the provisions of this chapter shall comply with the provisions of the underlying zone in their entirety **with the following exceptions:**

1. In the R-12, R-18, R-24, UC East, and DC zones in the TOD district overlay area, the minimum density for residential development shall be no less than the base density for the underlying zone:

2. Except in the R-1 zone, townhouse development shall be prohibited.

3. At least twenty five percent of the total number of units in the development shall be *low- or very low-income affordable housing units* subject to the standards in KMC Chapter 18.77.

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	Fire or police facility ²	Auction house
Educational service ¹	Laboratory ²	Automotive sales and service, marine
Health care and social assistance ^{1,3}	Park	Automotive sales and service, nonmarine

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

Permitted	Conditionally Permitted	Prohibited
Manufacturing, light ^{1,3,5}	Regional land use	Business service, intensive
Mobile food service ⁴	Religious institution ²	Cemetery, columbarium or mausoleum
Multiple-family dwelling ⁵	Supportive living facility ²	Community residential facility
Office ¹		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}		Manufactured housing community
		Manufacturing, heavy
		Marijuana business
		Recreational facility, outdoor
		Resource land use
		Retail sales, bulk
		Secure facility
		Single detached dwelling unit
		Standalone parking
		Transportation
		Utility facility
		Vehicle or equipment rental
		Vehicle refueling station
		Warehousing
		Wholesale trade

- ¹ Commercial use limitations in residentially oriented underlying zones: If these uses are proposed for property with underlying zoning of R-12, R-18, or R-24, then each use is limited to maximum 5,000 square feet per use and 15,000 square feet total contiguous nonresidential area within the development.
- ² Conditional use permit required in underlying urban corridor, downtown commercial, and public/semi-public zones. Prohibited in all other underlying zones within the TOD district overlay area.
- ³ Conditional use permit required in underlying R-12, R-18, R-24 zones. Permitted in underlying urban corridor, downtown commercial, and public/semi-public zones within the TOD district overlay area.
- ⁴ *Mobile food service* is permitted subject to the following requirements:
 - a. For a stand, location shall be on a sidewalk or near a storefront consistent with barrier-free regulations;
 - b. For a stand, location on the sidewalk or near a storefront shall provide for at least four feet of unobstructed sidewalk between the stand and the sidewalk edge for pedestrian movement;
 - c. No permanent fencing, walls, or other structures are installed which hinder removal of the structure from the site;
 - d. No required parking stall shall be blocked or rendered unusable as a result of the mobile *food service*;
 - e. Safe ingress and egress to the site shall be maintained. Visibility for transportation and pedestrian access shall be maintained;
 - f. The limited duration of the *mobile food service* shall be established as a condition of approval of any applicable permits; if accessory to a use, such operation is removed daily at the time of or prior to the close of business hours;
 - 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.

⁶ Townhouse development shall be prohibited.

[Ord. 19-0481 § 2 (Exh. A); Ord. 17-0438 § 2 (Att. A); Ord. 16-0426 § 5 (Att. C); Ord. 15-0406 § 1 (Att. A).]

18.29.050 Zoning standards.

The following development standards in Table B apply to properties electing to develop under provisions of the TOD district overlay:

Table B – TOD Overlay District Development Standards

STANDARD	REQUIREMENT
Minimum Density: Dwelling Units/Gross Acre	60 ¹
Maximum Density: Dwelling Units/Gross Acre	150 ¹
Maximum Height	65' ²

¹ Portions of any property developing under the TOD district overlay regulations with an underlying zoning of R-1 shall cluster development 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. The open space tract shall be permanent and meet the provisions of KMC [17.20.130](#)(B).

² Portions of any property developing under the TOD district overlay regulations that are within 50 feet of a single-family zone (R-1, R-4, R-6) shall have a maximum height of 35 feet within that area to provide a transition in height to the lower intensity uses.

[Ord. 15-0406 § 1 (Att. A).]

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 Chapter [18.60](#) KMC for the underlying zoning district. [Ord. 16-0426 § 6 (Att. D).]

18.29.060 Affordable housing requirements.

For properties choosing to develop under the TOD district overlay, *development* shall provide affordable housing as described in Chapter [18.77](#) KMC. *Development* choosing to develop under the TOD district overlay shall not utilize the provisions of residential density incentives found in Chapter [18.80](#) KMC to achieve maximum densities. [Ord. 19-0481 § 2 (Exh. A); Ord. 15-0406 § 1 (Att. A).]

18.29.070 Parking.

Parking in the TOD district overlay should be sufficient to support local businesses and residential development, while at the same time promoting transit ridership, walkable streets, and efficient use of land. Proposed development choosing to develop under the TOD district overlay shall provide parking as follows:

A. Minimum parking requirements for nonresidential uses may be reduced to 75 percent of the minimum requirement computed according to the provisions of KMC [18.40.030](#).

B. Minimum residential parking shall be supplied at the following ratios:

1. 1.0 parking spaces per market-rate dwelling unit, except as follows:

a. Pioneer Project Incentive. For purposes of this section, a pioneer project consists of the first 100 bonus housing units provided in the city under the TOD district overlay regulations. The first 100 bonus housing units in a pioneer project(s) may elect to provide parking spaces for market rate bonus units at 0.6 parking spaces per dwelling unit.

2. 1.0 additional parking space per every five market rate dwelling units shall be provided and designated as guest parking for use by all guests.

3. 0.6 parking spaces per dwelling unit for affordable or senior dwelling units.

4. Affordable housing shall be as defined under KMC [18.29.060](#). Senior housing shall be defined as housing restricted to those meeting the definition of “senior citizen” as found in KMC [18.20.2500](#).

C. The following factors shall count towards minimum parking standards for residential and nonresidential development:

1. On-street parking immediately adjoining a property proposed for development or provided as part of the proposed development may be counted toward the minimum parking requirement.

2. Minimum on-site parking may be reduced further by provisions of KMC [18.40.090](#)(B) for properties within the TOD district overlay that meet the requirements of KMC [18.40.090](#)(B) for accessibility to high frequency transit service.

3. Shared parking among uses is encouraged within the TOD district overlay. Developments that propose shared parking arrangements shall submit a parking management plan as defined in KMC [18.20.1995](#) that describes the terms and conditions of shared parking arrangements on site.

D. Parking Provided in Excess of Minimum. Provision of parking in excess of the minimum parking requirements outlined in subsections A and B of this section shall require the excess parking be included in a structured parking garage, or under building and screened from the street frontage, unless the additional parking is associated with a phased, mixed use development, is interim in nature, and is temporarily located on land reserved for future phases not yet built.

E. Maximum parking within the TOD district overlay shall not exceed the minimum requirement calculated under the provisions of KMC [18.40.030](#).

1. Applicants may be allowed to exceed the maximum parking if the applicant can produce a parking study that demonstrates probable on-site parking needs that are significantly higher than similar uses. This traffic study shall be subject to review by the city manager before approval for additional parking is granted. All parking granted in excess of the maximum shall be provided in a structured parking garage or under building and screened from the street frontage.

F. All other parking requirements shall be as provided in Chapter [18.40](#) KMC. [Ord. 16-0428 § 13 (Att. I); Ord. 15-0406 § 1 (Att. A).]

18.29.080 Design requirements.

Development within the TOD district overlay shall comply with Standard 1 provisions of the downtown design standards, as set forth in Chapter [18.52](#) KMC.

In addition, the following design requirements shall apply:

A. Relational Setback Requirements. Any proposed development within the TOD district overlay adjacent to an existing single-family zone (R-1, R-4, or R-6) shall be required to provide an interior ground-level setback of 15 feet on the side of the property facing the single-family zone, unless a larger setback is required in the underlying zone. In that event, the larger of the two setback requirements shall govern. The setback required by this subsection shall be landscaped with Type II landscaping as defined in KMC [18.35.040](#)(B) to provide a visual buffer. [Ord. 15-0406 § 1 (Att. A).]

18.29.090 Connectivity requirements.

The TOD district overlay should remove impediments to pedestrian use of the district and the downtown area by fostering the creation of an extensive network of sidewalks and pedestrian walkways.

Development proposals within the boundaries of the TOD district overlay that elect to develop under the provisions of this chapter shall:

A. Provide any direct pedestrian connections between proposed development and transit facilities, or arterials providing transit access in order to minimize walking distances to transit.

B. Comply with the downtown design standards pertaining to pedestrian walkways, as set forth in KMC [18.52.100](#).

C. Properties abutting water bodies (i.e., wetlands, rivers, lakes, or streams) shall provide a public access trail paralleling the water body from one property line to the next with setbacks that are consistent with the requirements of KMC Title [16](#) and Chapter [18.55](#) KMC. The public access trail shall connect to a public right-of-way.

1. Where a development proposal abuts a property with a public access trail segment, the public access segment on the subject property shall connect to abutting property public access segment(s).

2. The public access easement for public access trails shall be documented on the face of the plat or plan and recorded with the King County Department of Records and Elections. Public access easements shall run with the land in perpetuity. [Ord. 15-0406 § 1 (Att. A).]

18.29.100 Significant tree grove retention.

A. Definitions.

1. Significant Tree Grove Definition. A “significant tree grove” shall consist of two or more trees with a minimum of five and one-half tree units total. A qualifying tree has two tree units minimum. The maximum distance measured in feet between qualifying trees shall be equal to

two times the critical root zone in order to be defined as a significant tree grove. For example a 24-inch d.b.h. tree must be within 24 feet of another tree in the grove to be included in the significant tree grove. A tree of any size that is topped or considered a “hazard tree” as defined in KMC [18.20.3084](#) may not qualify as part of a significant tree grove as herein defined. For purposes of this chapter, a significant tree grove may not contain trees that are located within a critical area or critical area buffer protected under Chapter [18.55](#) KMC. A significant tree grove is not the same as a “grove,” as defined in KMC [18.20.1273](#).

2. Tree Units. See KMC [18.57.060](#)(A) for translation of diameter at breast height (d.b.h.) to tree units.

B. Applicability.

1. If the underlying zone within the TOD district overlay requires tree retention as provided in Chapter [18.57](#) KMC, then the provisions of Chapter [18.57](#) KMC shall be retained. If Chapter [18.57](#) KMC exempts a property from tree retention then it shall remain exempt.

2. Development proposals within the boundaries of the TOD district overlay that elect to develop under the provisions of this chapter shall be eligible to benefit from providing less parking or more dwelling units or any combination of the two if the development retains one or more significant tree grove(s) as defined in this section in perpetuity. A development may be able to benefit from both reduced parking and additional dwelling units by preserving a significant tree grove so long as the same tree credits are not counted towards both reductions in parking and additional bonus dwellings. Trees or groves retained through the provision of Chapter [18.57](#) KMC may count towards the significant tree grove retention if they meet the definitions found in subsection A of this section.

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

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

D. Residential Bonus Units. In order to retain qualifying significant tree groves, residential units are offered at the rate of one bonus unit per each 11 tree units preserved. Grove bonus units are not included in maximum unit density calculations. Grove bonus units are not subject to the affordability requirements of KMC [18.29.060](#).

E. Significant Tree Grove Preservation Requirements.

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

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

3. Subject to Tree Protection Measures of Chapter [18.57](#) KMC. Significant tree groves protected under this section shall be subject to the tree protection measures during construction found in KMC [18.57.090](#), the post-construction replacement, financial guarantee, and maintenance requirements of KMC [18.57.100](#), and the penalties and enforcement of KMC [18.57.110](#). [Ord. 15-0406 § 1 (Att. A).]



City Council Agenda Bill City of Kenmore, WA

Subject/Topic: Public Hearing regarding Ordinance 24-0606 amending and extending interim regulations for an additional six-months for certain parcels close to Swamp Creek in proximity to SR522 and 80th Ave NE

Proposed Council Action/Motion: Following conclusion of the Public Hearing and Council discussion. Motion to adopt Ordinance 24-0606 to amend and extend interim regulations for an additional six-months for certain parcels close to Swamp Creek in proximity to SR522 and 80th Ave NE.

For Council Meeting Agenda of: 2/26/24

Department: Community Development

Prepared by: Debbie Bent, Community Development Director

Initial & Date

Approved by Department Head:

DB 1/31/24

Approved by City Attorney:

DR 1/31/24

Approved by Finance Director:

N/A

Approved by City Manager:

RK 1/31/24

Attachments/Exhibits:

1. Ordinance 24-0606
2. Ordinance 23-0586
3. Ordinance 23-0575
4. Ordinance 23-0569
5. Ordinance 22-0555
6. Ordinance 22-0543

Summary: Following conclusion of the Public Hearing and Council discussion. Staff recommends that Council pass a motion to adopt Ordinance 24-0606 to amend and extend interim regulations for an additional six-months for certain parcels close to Swamp Creek in proximity to SR522 and 80th Ave NE.

INFORMATION/BACKGROUND: A Public Hearing is scheduled for 2/26/24 to receive public testimony on Ordinance 24-0606 (see Attachment #1) amending and extending interim regulations for an additional six-months to apply to certain parcels close to Swamp Creek. The interim regulations prohibit townhome development, and for properties that do not choose to develop under the Transit Oriented Development (TOD) provisions they must meet the base density of the underlying zone and include at least 25% of the total number of units as affordable units.

Ordinance 24-0606 states the findings and justification for extending and amending the interim regulations. The findings include Council direction given 11/28/22 for staff to conduct a channel restoration assessment of Swamp Creek that will determine where channel restoration would provide the most ecological benefit. Results of the assessment would also include potential options for new regulations for the area close to Swamp Creek that would incentivize or further facilitate Swamp Creek channel restoration. The assessment is anticipated to be completed later this year.

Background: The interim regulations were adopted 2/14/22 by Ordinance 22-0543 (Attachment #6) and were set to expire 8/14/22. The purpose of interim regulations was to provide additional time for the Planning Commission to consider regulations for the Transit Oriented Development (TOD) District Overlay area. Ordinance 22-0555 was adopted 7/25/22 (Attachment #5), which amended Ordinance 22-

0543 to renew and extend the interim regulations for an additional six-month period through 1/25/23. Ordinance 23-0569 was adopted 1/9/23 (Attachment #4) to renew and extend the interim regulations for an additional six-month period through 7/25/23. Ordinance 23-0575 was adopted on 3/13/23 (Attachment #3) to extend the interim regulations, reduce the Transit Oriented Development (TOD) District Overlay to certain properties identified in the ordinance, and adopt amended interim regulations to those identified parcels close to Swamp Creek pending completion of a Swamp Creek channel restoration assessment that will determine where channel restoration would provide the most ecological benefit. Ordinance 23-0586 (Attachment #2) was adopted on 9/11/23 to extend the interim regulations for those identified parcels close to Swamp Creek for an additional six months (ordinance 23-0586 set to expire 3/11/23).

On 11/21/22 the Planning Commission presented recommendations to Council on proposed TOD recommendations. At the 11/28/22 Council meeting Council gave direction to move forward with an ordinance for TOD regulations except for a “carve out” area for certain parcels close to Swamp Creek. On 2/13/23 Council confirmed which certain proposed new TOD amendments should or should not apply on applicable regulations for the “carve out” area. On 3/13/23 Council adopted Ordinance 23-0575 for the “carve out” area.

Fiscal Consideration: Staff time to complete a channel restoration assessment of Swamp Creek and develop options for new regulations with consultant assistance. \$20,000 general consulting dollars estimated in the Environmental Services Department budget.

City Council Priority: 2023-2024 Council Priorities: #9 foster community engagement and participation

**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 24-0606**

**AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON, AMENDING
ORDINANCE 22-0543, AS AMENDED BY ORDINANCE 22-0555,
ORDINANCE 22-0569, ORDINANCE 23-0575, AND ORDINANCE 23-0586
TO EXTEND AND RENEW FOR AN ADDITIONAL SIX-MONTH PERIOD THE
CITY'S INTERIM REGULATIONS RELATING TO THE TRANSIT ORIENTED
DEVELOPMENT (TOD) DISTRICT OVERLAY APPLICABLE TO CERTAIN
REAL PROPERTIES IDENTIFIED BY THE FOLLOWING TAX PARCEL (TPN):
TPN 086650-0000, TPN 670540-0000, TPN 182260-0000, TPN 011410-
0841, TPN 011410-0843, TPN 011410-0850, TPN 011410-0855, TPN
011410-0860, TPN 011410-0865, TPN 011410-0885, TPN 011410-0870,
TPN 011410-0881, TPN 011410-0889; PROVIDING FOR SEVERABILITY;
AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the City Council adopted Ordinance 15-0406, which established the Transit Oriented Development (TOD) District Overlay, which is codified at Chapter 18.29 of the Kenmore Municipal Code (KMC); and

WHEREAS, the purpose of the TOD District Overlay is to reinforce the City's planned concentrations of pedestrian-oriented mixed-use development at intensities that support and are supported by multi-modal transportation options, including high-capacity transit; and

WHEREAS, the City has directed the Planning Commission to review the City's TOD District Overlay regulations as part of the State-mandated Comprehensive Plan update; and

WHEREAS, the City became aware of the potential of lower density projects within the TOD District Overlay area, which would interfere with the City's intended planning for the TOD District Overlay area; and

WHEREAS, on August 16, 2021, the City Council adopted public emergency Ordinance 21-0533 that established an effective date for a six-month moratorium to and through February 16, 2022 to give the Planning Commission sufficient time to hold a hearing, complete planning for the TOD District Overlay area, and provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay; and

WHEREAS, on September 27, 2021, following a public hearing held by the City Council on the six-month moratorium, the Council adopted Ordinance 21-0535 amending Section 2 of Ordinance 21-0533 to allow an additional exemption for building permit applications for or the construction of transitional housing or permanent supportive

housing or building permit application for or the construction of indoor emergency housing; and

WHEREAS, on February 14, 2022, following a public hearing held by the City Council on the moratorium and interim regulations, the Council repealed the moratorium (Ordinance 21-0533 and Ordinance 21-0535) and immediately adopted interim regulations (Ordinance 22-0543) allowing certain development applications at appropriate densities within the TOD District Overlay consistent with the City's long-range planning, prior to completion of the City's regulatory review process; and

WHEREAS, on July 25, 2022, following a public hearing, the City Council adopted Ordinance 22-0555 extending and renewing interim regulations adopted by Ordinance 22-0543 for a further six-month period through January 25, 2023 to provide additional time for the Planning Commission to hold a public hearing, complete planning for the TOD District Overlay area, provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay and for Council to consider the recommendation; and

WHEREAS, on October 18, 2022, the Planning Commission held a public hearing regarding a proposed regulatory framework for the TOD District Overlay; and

WHEREAS, on November 21, 2022, the Planning Commission presented recommendations to the City Council regarding a proposed regulatory framework for the TOD District Overlay; and

WHEREAS, on November 28, 2022, the City Council gave direction on the proposed regulatory framework for the TOD District Overlay and requested consideration of an ordinance at a future meeting; and

WHEREAS, on November 28, 2022 the City Council gave direction to "carve out" certain parcels close to Swamp Creek in proximity to SR522 and 80th Ave NE from the proposed regulatory framework and thereby reduce the area applicable to the TOD District Overlay pending completion of a channel restoration assessment of Swamp Creek to determine where channel restoration would provide the most ecological benefit and options for new regulations for the "carve out" area to incentivize Swamp Creek channel restoration; and

WHEREAS, on January 9, 2023, following a public hearing the City Council adopted Ordinance 23-0569 extending and renewing interim regulations adopted by Ordinance 22-0543, as renewed by Ordinance 22-0555 for a further six-month period through July 25, 2023, to provide additional time for the City Council to consider adoption of an ordinance for the TOD regulatory framework; and

WHEREAS, on February 13, 2023, Council gave direction and confirmed which certain proposed new TOD amendments should or should not apply on applicable regulations for the reduced TOD "carve out" area; and

WHEREAS, on March 13, 2023, the City Council adopted Ordinance 23-0574 adopting municipal code and zoning map amendments related to a Transit-Oriented Development regulatory framework; and

WHEREAS, on March 13, 2023, the City Council held a public hearing on the proposed six-month extension and renewal of the City's interim regulations authorized and imposed by Ordinance 22-0543, as renewed, and extended by Ordinance Nos. 22-0555 and 23-0569; and

WHEREAS, on March 13, 2023, the City Council adopted Ordinance 23-0575 amending the interim regulations established by Ordinance 22-0543, and as codified at Section 18.29.020 and Figure 18.29.020.1 of the Kenmore Municipal Code, to reduce the area of the Transit Oriented Development (TOD) District Overlay to the following real properties, identified by Tax Parcel Number and address:

1. TPN 086650-0000, 17915 80th Ave NE, Kenmore, WA 98028
2. TPN 670540-0000, 17827 80th Ave NE, Kenmore, WA 98028
3. TPN 182260-0000, 17811 80th Ave NE, Kenmore, WA 98028
4. TPN 011410-0841, 17721 80th Ave NE, Kenmore, WA 98028
5. TPN 011410-0843, 17715 80th Ave NE, Kenmore, WA 98028
6. TPN 011410-0850, 17525 80th Ave NE, Kenmore, WA 98028
7. TPN 011410-0855, 7900 NE Bothell Way, Kenmore, WA 98028
8. TPN 011410-0860, 7850 NE Bothell Way, Kenmore, WA 98028
9. TPN 011410-0865, 7800 NE Bothell Way, Kenmore, WA 98028
10. TPN 011410-0885, 7750 NE Bothell Way, Kenmore, WA 98028
11. TPN 011410-0870, 7760 NE Bothell Way, Kenmore, WA 98028
12. TPN 011410-0881, 7638 NE Bothell Way, Kenmore, WA 98028
13. TPN 011410-0889, 7644 NE Bothell Way, Kenmore, WA 98028

(referenced together as the “Reduced TOD Area”)

WHEREAS, on September 11, 2023, the City Council held a public hearing on the proposed six-month extension and renewal of the City's interim regulations authorized and imposed by Ordinance 22-0543, as renewed, and extended by Ordinance Nos. 22-0555, 23-0569, and as amended and extended by Ordinance 23-0575; and

WHEREAS, on September 11, 2023, the City Council adopted Ordinance 23-0586 to extend and amend the interim regulations established by Ordinance 22-0543 and as amended and extended by Ordinance 23-0575 for a further six months; and

WHEREAS, additional time is necessary to complete a channel restoration assessment of Swamp Creek including for the Reduced TOD Area and also to give Council sufficient time to consider and potentially adopt an ordinance and new regulations to incentivize Swamp Creek channel restoration; and

WHEREAS, the regulations of zoning and land use are valid exercises of the City's police powers under Art. XI, Sec. 11 of the Washington State Constitution, and such police powers grant the City the authority to adopt interim regulations; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorize the City Council, as the governing body, to renew and extend interim regulations on development or land use for one or more six-month periods if a subsequent hearing is held and findings of fact are made prior to said extension and renewal; and

WHEREAS, the City Council has determined that it is in the best interest of the public, and is necessary for the protection of public health, safety, property, or peace, to extend and renew for an additional six-month period the interim regulations established in Ordinance 22-0543, as amended, extended, and renewed by Ordinance Nos. 22-0555, 23-0569, 23-0575 and 23-0586; and

WHEREAS, in order for this Ordinance to become effective prior to the March 11th expiration of the existing interim regulations, the City Council needs to declare an emergency and authorize an immediate effective date for this Ordinance, and the City acknowledges that state law requires a super-majority of the City Council to approve such an emergency declaration;

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

Section 1. Findings of Fact in Support of Renewal and Extension. The City Council adopts the recitals set forth above, and in Ordinance Nos. 22-0543, 22-0555, 23-0569, 23-0575, and 23-0586 which are incorporated herein by reference, as findings of fact in support of the extension and renewal of interim regulations.

Section 2. Six-Month Extension and Renewal of Interim Regulations. Section 4 of Ordinance 22-0543, as amended by Ordinance Nos. 22-0555, 23-0569, 23-0575 and 23-0586 is further amended to read as follows:

Section 4. Duration. The interim regulations established by Ordinance 22-0543, as renewed and extended by Ordinance Nos. 22-0555, 23-0569, ~~and 23-0575,~~ and 23-0586 and as amended by Section 3.D of Ordinance No. 23-0575, shall be extended and renewed for an additional period of six (6) months from the adoption date of this Ordinance, ~~September~~

~~11, 2023~~ February 26, 2024 (to and through ~~March 11, 2024~~ August 26, 2024), and shall automatically expire at the end of that day unless repealed, modified, or renewed and extended (after subsequent public hearing if renewed and extended), and entry of appropriate findings of fact as provided in RCW 35A.63.220 and RCW 36.70A.390.

Section 3. Transmittal of Ordinance. The City Manager is directed to transmit this ordinance to the Washington State Department of Commerce as required by law.

Section 4. 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 5. Emergency; Effective Date. This Ordinance, as a public emergency ordinance necessary for the protection of the public health, public safety, public property, or public peace, shall take effect and be in full force immediately upon its adoption. Pursuant to Matson v. Clark County Board of Commissioners, 79 Wn. App. 641, 904 P.2d 317 (1995), underlying facts necessary to support this emergency declaration are included in the recitals set forth above, which are adopted by reference.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 26th DAY OF FEBRUARY 2024.

CITY OF KENMORE

Mayor Nigel Herbig

ATTEST/AUTHENTICATED:

Anastasiya Warhol City Clerk

Approved as to form:

Dawn Reitan, City Attorney

FILED WITH THE CITY CLERK:

PASSED BY THE CITY COUNCIL: FEBRUARY 26, 2024

ORDINANCE NO.: 24-0606
DATE OF PUBLICATION:
EFFECTIVE DATE:

**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 23-0586**

**AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON, AMENDING
ORDINANCE 22-0543, AS AMENDED BY ORDINANCE 22-0555,
ORDINANCE 22-0569 AND ORDINANCE 23-0575, TO EXTEND AND
RENEW FOR AN ADDITIONAL SIX-MONTH PERIOD THE CITY'S INTERIM
REGULATIONS RELATING TO THE TRANSIT ORIENTED DEVELOPMENT
(TOD) DISTRICT OVERLAY APPLICABLE TO CERTAIN REAL PROPERTIES
IDENTIFIED BY THE FOLLOWING TAX PARCEL (TPN): TPN 086650-0000,
TPN 670540-0000, TPN 182260-0000, TPN 011410-0841, TPN 011410-
0843, TPN 011410-0850, TPN 011410-0855, TPN 011410-0860, TPN
011410-0865, TPN 011410-0885, TPN 011410-0870, TPN 011410-0881,
TPN 011410-0889; PROVIDING FOR SEVERABILITY; AND ESTABLISHING
AN EFFECTIVE DATE**

WHEREAS, the City Council adopted Ordinance 15-0406, which established the Transit Oriented Development (TOD) District Overlay, which is codified at Chapter 18.29 of the Kenmore Municipal Code (KMC); and

WHEREAS, the purpose of the TOD District Overlay is to reinforce the City's planned concentrations of pedestrian-oriented mixed-use development at intensities that support and are supported by multi-modal transportation options, including high-capacity transit; and

WHEREAS, the City has directed the Planning Commission to review the City's TOD District Overlay regulations as part of the State-mandated Comprehensive Plan update; and

WHEREAS, the City became aware of the potential of lower density projects within the TOD District Overlay area, which would interfere with the City's intended planning for the TOD District Overlay area; and

WHEREAS, on August 16, 2021, the City Council adopted public emergency Ordinance 21-0533 that established an effective date for a six-month moratorium to and through February 16, 2022 to give the Planning Commission sufficient time to hold a hearing, complete planning for the TOD District Overlay area, and provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay; and

WHEREAS, on September 27, 2021, following a public hearing held by the City Council on the six-month moratorium, the Council adopted Ordinance 21-0535 amending Section 2 of Ordinance 21-0533 to allow an additional exemption for building permit applications for or the construction of transitional housing or permanent supportive

housing or building permit application for or the construction of indoor emergency housing; and

WHEREAS, on February 14, 2022, following a public hearing held by the City Council on the moratorium and interim regulations, the Council repealed the moratorium (Ordinance 21-0533 and Ordinance 21-0535) and immediately adopted interim regulations (Ordinance 22-0543) allowing certain development applications at appropriate densities within the TOD District Overlay consistent with the City's long-range planning, prior to completion of the City's regulatory review process; and

WHEREAS, on July 25, 2022, following a public hearing, the City Council adopted Ordinance 22-0555 extending and renewing interim regulations adopted by Ordinance 22-0543 for a further six-month period through January 25, 2023 to provide additional time for the Planning Commission to hold a public hearing, complete planning for the TOD District Overlay area, provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay and for Council to consider the recommendation; and

WHEREAS, on October 18, 2022, the Planning Commission held a public hearing regarding a proposed regulatory framework for the TOD District Overlay; and

WHEREAS, on November 21, 2022, the Planning Commission presented recommendations to the City Council regarding a proposed regulatory framework for the TOD District Overlay; and

WHEREAS, on November 28, 2022, the City Council gave direction on the proposed regulatory framework for the TOD District Overlay and requested consideration of an ordinance at a future meeting; and

WHEREAS, on November 28, 2022 the City Council gave direction to "carve out" certain parcels close to Swamp Creek in proximity to SR522 and 80th Ave NE from the proposed regulatory framework and thereby reduce the area applicable to the TOD District Overlay pending completion of a channel restoration assessment of Swamp Creek to determine where channel restoration would provide the most ecological benefit and options for new regulations for the "carve out" area to incentivize Swamp Creek channel restoration; and

WHEREAS, on January 9, 2023, following a public hearing the City Council adopted Ordinance 23-0569 extending and renewing interim regulations adopted by Ordinance 22-0543, as renewed by Ordinance 22-0555 for a further six-month period through July 25, 2023, to provide additional time for the City Council to consider adoption of an ordinance for the TOD regulatory framework; and

WHEREAS, on February 13, 2023, Council gave direction and confirmed which certain proposed new TOD amendments should or should not apply on applicable regulations for the reduced TOD "carve out" area; and

WHEREAS, on March 13, 2023, the City Council adopted Ordinance 23-0574 adopting municipal code and zoning map amendments related to a Transit-Oriented Development regulatory framework; and

WHEREAS, on March 13, 2023, the City Council held a public hearing on the proposed six-month extension and renewal of the City's interim regulations authorized and imposed by Ordinance 22-0543, as renewed and extended by Ordinance Nos. 22-0555 and 23-0569; and

WHEREAS, on March 13, 2023, the City Council adopted Ordinance 23-0575 amending the interim regulations established by Ord. 22-0543, and as codified at Section 18.29.020 and Figure 18.29.020.1 of the Kenmore Municipal Code, to reduce the area of the Transit Oriented Development (TOD) District Overlay to the following real properties, identified by Tax Parcel Number and address:

1. TPN 086650-0000, 17915 80th Ave NE, Kenmore, WA 98028
2. TPN 670540-0000, 17827 80th Ave NE, Kenmore, WA 98028
3. TPN 182260-0000, 17811 80th Ave NE, Kenmore, WA 98028
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5. TPN 011410-0843, 17715 80th Ave NE, Kenmore, WA 98028
6. TPN 011410-0850, 17525 80th Ave NE, Kenmore, WA 98028
7. TPN 011410-0855, 7900 NE Bothell Way, Kenmore, WA 98028
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11. TPN 011410-0870, 7760 NE Bothell Way, Kenmore, WA 98028
12. TPN 011410-0881, 7638 NE Bothell Way, Kenmore, WA 98028
13. TPN 011410-0889, 7644 NE Bothell Way, Kenmore, WA 98028

(referenced together as the “Reduced TOD Area”)

WHEREAS, additional time is necessary to complete a channel restoration assessment of Swamp Creek including for the Reduced TOD Area and also to give Council sufficient time to consider and potentially adopt an ordinance and new regulations to incentivize Swamp Creek channel restoration; and

WHEREAS, the regulations of zoning and land use are valid exercises of the City's police powers under Art. XI, Sec. 11 of the Washington State Constitution, and such police powers grant the City the authority to adopt interim regulations; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorize the City Council, as the governing body, to renew and extend interim regulations on development or land use for one or more six-month periods if a subsequent hearing is held and findings of fact are made prior to said extension and renewal; and

WHEREAS, the City Council has determined that it is in the best interest of the public, and is necessary for the protection of public health, safety, property, or peace, to extend and renew for an additional six-month period the interim regulations established in Ordinance 22-0543, as amended, extended, and renewed by Ordinance Nos. 22-0555, 23-0569 and 23-0575; and

WHEREAS, in order for this Ordinance to become effective prior to the September 13th expiration of the existing interim regulations, the City Council needs to declare an emergency and authorize an immediate effective date for this Ordinance, and the City acknowledges that state law requires a super-majority of the City Council to approve such an emergency declaration;

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

Section 1. Findings of Fact in Support of Renewal and Extension. The City Council adopts the recitals set forth above, and in Ordinance Nos. 22-0543, 22-0555, 23-0569 and Ordinance 23-0575, which are incorporated herein by reference, as findings of fact in support of the extension and renewal of interim regulations.

Section 2. Six-Month Extension and Renewal of Interim Regulations. Section 4 of Ordinance 22-0543, as amended by Ordinance Nos. 22-0555, 23-0569, and 23-0575 is further amended to read as follows:

Section 4. Duration. The interim regulations established by Ordinance 22-0543, as renewed and extended by Ordinance Nos. 22-0555, ~~and 23-0569, and 23-0575,~~ and as amended by Section 3.D of this Ordinance ~~No. 23-0575,~~ shall be extended and renewed for an additional period of six (6) months from the adoption date of this Ordinance, September 11, 2023~~March 13, 2023~~ (to and through March 11, 2024~~September 13, 2023~~), and shall automatically expire at the end of that day unless repealed, modified, or renewed and extended (after subsequent public hearing if renewed and extended), and entry of appropriate findings of fact as provided in RCW 35A.63.220 and RCW 36.70A.390.

Section 3. Transmittal of Ordinance. The City Manager is directed to transmit this ordinance to the Washington State Department of Commerce as required by law.

Section 4. 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 5. Emergency; Effective Date. This Ordinance, as a public emergency ordinance necessary for the protection of the public health, public safety, public property, or public peace, shall take effect and be in full force immediately upon its adoption. Pursuant to Matson v. Clark County Board of Commissioners, 79 Wn. App. 641, 904 P.2d 317 (1995), underlying facts necessary to support this emergency declaration are included in the recitals set forth above, which are adopted by reference.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 11th DAY OF September 2023.

CITY OF KENMORE


[Nigel C. Herbig \(Sep 15, 2023 08:04 PDT\)](#)

Mayor Nigel Herbig

ATTEST/AUTHENTICATED:


[Anastasiya Warhol \(Sep 13, 2023 11:37 PDT\)](#)

Anastasiya Warhol City Clerk

Approved as to form:


[Dawn Reitan \(Sep 13, 2023 09:55 PDT\)](#)

Dawn Reitan, City Attorney

FILED WITH THE CITY CLERK: AUGUST 31, 2023
PASSED BY THE CITY COUNCIL: SEPTEMBER 11, 2023
ORDINANCE NO.: 23-0586
DATE OF PUBLICATION: SEPTEMBER 15, 2023
EFFECTIVE DATE: SEPTEMBER 20, 2023

Att. #1 Ordinance 23-0586 amending and extending TOD interim regulations revised 081523

Final Audit Report

2023-09-15

Created:	2023-09-12
By:	Michelle Kang (mkang@kenmorewa.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAbdixvAHVyMAjzGAWJPImE3u4QADF7dw

"Att. #1 Ordinance 23-0586 amending and extending TOD interim regulations revised 081523" History

-  Document created by Michelle Kang (mkang@kenmorewa.gov)
2023-09-12 - 10:50:04 PM GMT
-  Document emailed to nherbig@kenmorewa.gov for signature
2023-09-12 - 10:50:34 PM GMT
-  Document emailed to Anastasiya Warhol (awarhol@kenmorewa.gov) for signature
2023-09-12 - 10:50:34 PM GMT
-  Document emailed to Dawn Reitan (dreitan@insleebest.com) for signature
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-  Email viewed by Dawn Reitan (dreitan@insleebest.com)
2023-09-13 - 4:08:39 AM GMT
-  Document e-signed by Dawn Reitan (dreitan@insleebest.com)
Signature Date: 2023-09-13 - 4:55:14 PM GMT - Time Source: server
-  Email viewed by Anastasiya Warhol (awarhol@kenmorewa.gov)
2023-09-13 - 6:37:38 PM GMT
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 Signer nherbig@kenmorewa.gov entered name at signing as Nigel G. Herbig
2023-09-15 - 3:04:09 PM GMT

Page 155 of 330

 Document e-signed by Nigel G. Herbig (nherbig@kenmorewa.gov)
Signature Date: 2023-09-15 - 3:04:11 PM GMT - Time Source: server

 Agreement completed.
2023-09-15 - 3:04:11 PM GMT



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**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 23-0575**

**AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON,
AMENDING ORDINANCE 22-0543, AS AMENDED BY ORDINANCE 22-
0555 AND ORDINANCE 22-0569, TO EXTEND AND RENEW FOR AN
ADDITIONAL SIX-MONTH PERIOD THE CITY'S INTERIM
REGULATIONS, AND AMENDING SECTION 18.29.020 AND FIGURE
18.29.020.1 OF THE KENMORE MUNICIPAL CODE TO REDUCE THE
AREA OF THE TRANSIT ORIENTED DEVELOPMENT (TOD)
DISTRICT OVERLAY TO CERTAIN REAL PROPERTIES IDENTIFIED
BY THE FOLLOWING TAX PARCEL (TPN): TPN 086650-0000, TPN
670540-0000, TPN 182260-0000, TPN 011410-0841, TPN 011410-0843, TPN
011410-0850, TPN 011410-0855, TPN 011410-0860, TPN 011410-0865, TPN
011410-0885, TPN 011410-0870, TPN 011410-0881, TPN 011410-0889;
PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN
EFFECTIVE DATE**

WHEREAS, the City Council adopted Ordinance 15-0406, which established the Transit Oriented Development (TOD) District Overlay, which is codified at Chapter 18.29 of the Kenmore Municipal Code (KMC); and

WHEREAS, the purpose of the TOD District Overlay is to reinforce the City's planned concentrations of pedestrian-oriented mixed-use development at intensities that support and are supported by multi-modal transportation options, including high-capacity transit; and

WHEREAS, the City has directed the Planning Commission to review the City's TOD District Overlay regulations as part of the State-mandated Comprehensive Plan update; and

WHEREAS, the City became aware of the potential of lower density projects within the TOD District Overlay area, which would interfere with the City's intended planning for the TOD District Overlay area; and

WHEREAS, on August 16, 2021, the City Council adopted public emergency Ordinance 21-0533 that established an effective date for a six-month moratorium to and through February 16, 2022 to give the Planning Commission sufficient time to hold a hearing, complete planning for the TOD District Overlay area, and provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay; and

WHEREAS, on September 27, 2021, following a public hearing held by the City Council on the six-month moratorium, the Council adopted Ordinance 21-0535 amending Section 2 of Ordinance 21-0533 to allow an additional exemption for building permit applications for or the construction of transitional housing or permanent supportive housing or building permit application for or the construction of indoor emergency housing; and

WHEREAS, on February 14, 2022, following a public hearing held by the City Council on the moratorium and interim regulations, the Council repealed the moratorium (Ordinance 21-0533 and Ordinance 21-0535) and immediately adopted interim regulations (Ordinance 22-0543) allowing certain development applications at appropriate densities within the TOD District Overlay consistent with the City's long-range planning, prior to completion of the City's regulatory review process; and

WHEREAS, on July 25, 2022, following a public hearing, the City Council adopted Ordinance 22-0555 extending and renewing interim regulations adopted by Ordinance 22-0543 for a further six-month period through January 25, 2023 to provide additional time for the Planning Commission to hold a public hearing, complete planning for the TOD District Overlay area, provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay and for Council to consider the recommendation; and

WHEREAS, on October 18, 2022, the Planning Commission held a public hearing regarding a proposed regulatory framework for the TOD District Overlay; and

WHEREAS, on November 21, 2022, the Planning Commission presented recommendations to the City Council regarding a proposed regulatory framework for the TOD District Overlay; and

WHEREAS, on November 28, 2022 the City Council gave direction on the proposed regulatory framework for the TOD District Overlay and requested consideration of an ordinance at a future meeting; and

WHEREAS, on November 28, 2022 the City Council gave direction to "carve out" certain parcels close to Swamp Creek in proximity to SR522 and 80th Ave NE from the proposed regulatory framework and thereby reduce the area applicable to the TOD District Overlay pending completion of a channel restoration assessment of Swamp Creek to determine where channel restoration would provide the most ecological benefit and options for new regulations for the "carve out" area to incentivize Swamp Creek channel restoration; and

WHEREAS, on January 9, 2023, following a public hearing the City Council adopted Ordinance 23-0569 extending and renewing interim regulations adopted by Ordinance 22-0543, as renewed by Ordinance 22-0555 for a further six-month period through July 25, 2023 to provide additional time for the City Council to consider adoption of an ordinance for the TOD regulatory framework; and

WHEREAS, on February 13, 2023, Council gave direction and confirmed which certain proposed new TOD amendments should or should not apply on applicable regulations for the reduced TOD "carve out" area; and

WHEREAS, on March 13, 2023, the City Council will be considering adoption of Ordinance 23-0574 adopting municipal code and zoning map amendments related to a Transit-Oriented Development regulatory framework; and

WHEREAS, on March 13, 2023, the City Council held a public hearing on the proposed six-month extension and renewal of the City's interim regulations authorized and imposed by Ordinance 22-0543, as renewed and extended by Ordinance Nos. 22-0555 and 23-0569; and

WHEREAS, additional time is necessary to complete a channel restoration assessment of Swamp Creek including for the reduced TOD “carve out” area for those certain parcels close to Swamp Creek in proximity to SR522 and 80th Ave NE and also to give Council sufficient time to consider and potentially adopt an ordinance and new regulations to incentivize Swamp Creek channel restoration; and

WHEREAS, the City Council desires to amend the interim regulations established by Ord. 22-0543, and as codified at Section 18.29.020 and Figure 18.29.020.1 of the Kenmore Municipal Code, to reduce the area of the Transit Oriented Development (TOD) District Overlay to the following real properties, identified by Tax Parcel Number and address:

1. TPN 086650-0000, 17915 80th Ave NE, Kenmore, WA 98028
2. TPN 670540-0000, 17827 80th Ave NE, Kenmore, WA 98028
3. TPN 182260-0000, 17811 80th Ave NE, Kenmore, WA 98028
4. TPN 011410-0841, 17721 80th Ave NE, Kenmore, WA 98028
5. TPN 011410-0843, 17715 80th Ave NE, Kenmore, WA 98028
6. TPN 011410-0850, 17525 80th Ave NE, Kenmore, WA 98028
7. TPN 011410-0855, 7900 NE Bothell Way, Kenmore, WA 98028
8. TPN 011410-0860, 7850 NE Bothell Way, Kenmore, WA 98028
9. TPN 011410-0865, 7800 NE Bothell Way, Kenmore, WA 98028
10. TPN 011410-0885, 7750 NE Bothell Way, Kenmore, WA 98028
11. TPN 011410-0870, 7760 NE Bothell Way, Kenmore, WA 98028
12. TPN 011410-0881, 7638 NE Bothell Way, Kenmore, WA 98028
13. TPN 011410-0889, 7644 NE Bothell Way, Kenmore, WA 98028

WHEREAS, the regulations of zoning and land use are valid exercises of the City’s police powers under Art. XI, Sec. 11 of the Washington State Constitution, and such police powers grant the City the authority to adopt interim regulations; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorize the City Council, as the governing body, to renew and extend interim regulations on development or land use for one or more six-month periods if a subsequent hearing is held and findings of fact are made prior to said extension and renewal; and

WHEREAS, the City Council has determined that it is in the best interest of the public, and is necessary for the protection of public health, safety, property, or peace, to extend and renew for

an additional six-month period the interim regulations established in Ordinance 22-0543, as extended and renewed by Ordinance Nos. 22-0555 and 23-0569;

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

Section 1. Findings of Fact in Support of Renewal and Extension. The City Council adopts the recitals set forth above and in Ordinance Nos. 22-0543, 22-0555 and 23-0569, which are incorporated herein by reference, as findings of fact in support of the extension and renewal of interim regulations.

Section 2. Amendment. The City Council amends Section 3 of Ordinance 22-0543 to read as follows:

Section 3. Interim Regulations.

A. Adoption. Pursuant to the City's police powers under Article XI, Section 11 of the Washington State Constitution, RCW 35A.63.220, and RCW 36.70A.390, interim regulations are hereby adopted and imposed on the application for, intake of, review of, or issuance of any approval and/or development permit, including, but not limited to, building permits, site plan review, etc., for the establishment, location and/or construction of any development on certain real properties identified by the following Tax Parcel Numbers (TPN) and addresses:

1. TPN 086650-0000, 17915 80th Ave NE, Kenmore, WA 98028
2. TPN 670540-0000, 17827 80th Ave NE, Kenmore, WA 98028
3. TPN 182260-0000, 17811 80th Ave NE, Kenmore, WA 98028
4. TPN 011410-0841, 17721 80th Ave NE, Kenmore, WA 98028
5. TPN 011410-0843, 17715 80th Ave NE, Kenmore, WA 98028
6. TPN 011410-0850, 17525 80th Ave NE, Kenmore, WA 98028
7. TPN 011410-0855, 7900 NE Bothell Way, Kenmore, WA 98028
8. TPN 011410-0860, 7850 NE Bothell Way, Kenmore, WA 98028
9. TPN 011410-0865, 7800 NE Bothell Way, Kenmore, WA 98028
10. TPN 011410-0885, 7750 NE Bothell Way, Kenmore, WA 98028
11. TPN 011410-0870, 7760 NE Bothell Way, Kenmore, WA 98028
12. TPN 011410-0881, 7638 NE Bothell Way, Kenmore, WA 98028

13. TPN 011410-0889, 7644 NE Bothell Way, Kenmore, WA 98028

(collectively, the “Parcels”), located within the Transit Oriented Development (TOD) District Overlay area, as shown and depicted in KMC 18.29.020 (as revised in Section 3.D of this Ordinance). The term “development” means the same as defined in KMC 18.20.715. The term “development permit” means the same as defined in KMC 18.20.735.

- B. Exemptions. The interim regulations adopted by this Ordinance apply to new development permit applications.
- C. Adopted Interim Regulations: Interim regulations for the TOD District Overlay adopted and imposed pursuant to Section 3.A are set forth in Exhibit A, attached hereto and incorporated by reference.
- D. Amending Interim Regulations. The interim regulations adopted and imposed by Ordinance No. 22-0543, and as codified at Chapter 18.29 of the Kenmore Municipal Code (KMC), are amended as follows: Exhibit A to Ordinance No. 22-0543, KMC 18.29.020 “Area” is amended by replacing Figure 18.29.020.1 with new Figure 18.29.020.1 as set forth in Exhibit B, attached hereto and incorporated by reference, which include the Parcels identified in Section 3.A.

Section 3. Six-Month Extension and Renewal of Interim Regulations. Section 4 of Ordinance 22-0543, as amended by Ordinance Nos. 22-0555 and 23-0569, is further amended to read as follows:

Section 4. Duration. The interim regulations established by Ordinance 22-0543, as renewed and extended by Ordinance Nos. 22-0555 and 23-0569, and as amended by Section 3.D of this Ordinance, shall be extended and renewed for an additional period of six (6) months from the adoption date of this Ordinance, March 13, 2023 ~~January 25, 2023~~ (to and through September 13, 2023 ~~July 25, 2023~~), and shall automatically expire at the end of that day unless repealed, modified, or renewed and extended (after subsequent public hearing if renewed and extended), and entry of appropriate findings of fact as provided in RCW 35A.63.220 and RCW 36.70A.390.

Section 4. Authorization of City Manager. The City Manager is hereby authorized and directed to complete a channel restoration assessment of Swamp Creek that includes the area within the TOD District Boundary, Exhibit B attached to this ordinance and to move forward and bring an ordinance for new regulations to incentivize Swamp Creek Channel restoration to the City Council for consideration and potential adoption.

Section 5. Transmittal of Ordinance. The City Manager is directed to transmit this ordinance to the Washington State Department of Commerce as required by law.

Section 6. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, the remainder of the ordinance, or the application of the provision to other persons or circumstances, is not affected.

Section 7. Effective Date. This Ordinance shall be published in the official newspaper of the City and shall take effect and be in full force (5) days after the date of publication.

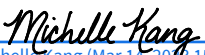
PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 13th DAY OF MARCH 2023.

CITY OF KENMORE


[Nigel G. Herbig \(Mar 14, 2023 18:19 PDT\)](#)

Mayor Nigel Herbig

ATTEST/AUTHENTICATED:


[Michelle Kang \(Mar 14, 2023 15:50 PDT\)](#)

Michelle Kang, Deputy City Clerk

Approved as to form:


[Dawn Reitan \(Mar 14, 2023 15:56 PDT\)](#)

Dawn Reitan, City Attorney

FILED WITH THE CITY CLERK: 03/13/2023

PASSED BY THE CITY COUNCIL: MARCH 13, 2023

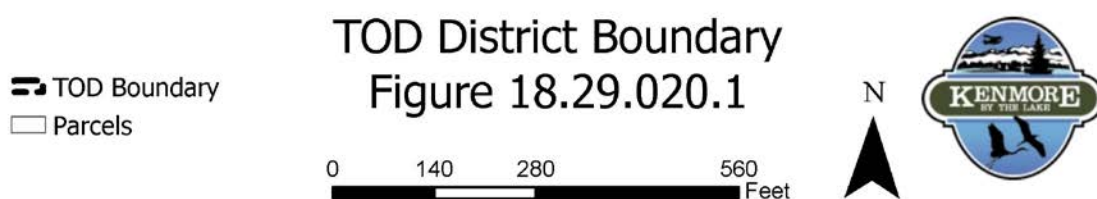
ORDINANCE NO.: 23-0575

DATE OF PUBLICATION: 03/17/2023

EFFECTIVE DATE: 03/22/2023

18.29.020 Area.

The area of the TOD district overlay is shown on Figure 18.29.020.1. In order to develop under the TOD district overlay, at least 50 percent of a parcel shown on Figure 18.29.020.1 shall be located within the TOD district overlay.



Ordinance 23-0575 amending and extending interim regulations

Final Audit Report

2023-03-15

Created:	2023-03-14
By:	Michelle Kang (mkang@kenmorewa.gov)
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"Ordinance 23-0575 amending and extending interim regulations" History

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**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 23-0569**

**AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON,
AMENDING ORDINANCE 22-0543, AS AMENDED BY ORDINANCE 22-
0555, TO EXTEND AND RENEW FOR AN ADDITIONAL SIX-MONTH
PERIOD THE CITY'S INTERIM REGULATIONS WITHIN THE
TRANSIT OVERLAY DEVELOPMENT (TOD) DISTRICT; PROVIDING
FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the City Council adopted Ordinance 15-0406, which established the Transit Oriented Development (TOD) District Overlay, which is codified at Chapter 18.29 of the Kenmore Municipal Code (KMC); and

WHEREAS, the purpose of the TOD District Overlay is to reinforce the City's planned concentrations of pedestrian-oriented mixed-use development at intensities that support and are supported by multi-modal transportation options, including high-capacity transit; and

WHEREAS, the City has directed the Planning Commission to review the City's TOD District Overlay regulations as part of the State-mandated Comprehensive Plan update; and

WHEREAS, the City became aware of the potential of lower density projects within the TOD District Overlay area, which would interfere with the City's intended planning for the TOD District Overlay area; and

WHEREAS, on August 16, 2021, the City Council adopted public emergency Ordinance 21-0533 that established an effective date for a six-month moratorium to and through February 16, 2022 to give the Planning Commission sufficient time to hold a hearing, complete planning for the TOD District Overlay area, and provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay; and

WHEREAS, on September 27, 2021, following a public hearing held by the City Council on the six-month moratorium, the Council adopted Ordinance 21-0535 amending Section 2 of Ordinance 21-0533 to allow an additional exemption for building permit applications for or the construction of transitional housing or permanent supportive housing or building permit application for or the construction of indoor emergency housing; and

WHEREAS, on February 14, 2022, following a public hearing held by the City Council on the moratorium and interim regulations, the Council repealed the moratorium (Ordinance 21-0533 and Ordinance 21-0535) and immediately adopted interim regulations (Ordinance 22-0543) allowing certain development applications at appropriate densities within the TOD District Overlay consistent with the City's long-range planning, prior to completion of the City's regulatory review process; and

WHEREAS, on July 25, 2022, following a public hearing, the City Council adopted Ordinance 22-0555 extending and renewing interim regulations adopted by Ordinance 22-0543 for a further six-month period through January 25, 2023 to provide additional time for the Planning Commission to hold a public hearing, complete planning for the TOD District Overlay area, provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay and for Council to consider the recommendation; and

WHEREAS, on October 18, 2022 the Planning Commission held a public hearing regarding a proposed regulatory framework for the TOD District Overlay; and

WHEREAS, on November 21, 2022 the Planning Commission presented recommendations to the City Council regarding a proposed regulatory framework for the TOD District Overlay; and

WHEREAS, on November 28, 2022 the City Council gave direction on the proposed regulatory framework for the TOD District Overlay and requested consideration of an ordinance at a future meeting; and

WHEREAS, additional time is necessary for an ordinance to be drafted reflecting Council's direction on the proposed regulatory framework for the TOD District Overlay, and to give Council sufficient time to consider and potentially adopt such an ordinance; and

WHEREAS, the regulations of zoning and land use are valid exercises of the City's police powers under Art. XI, Sec. 11 of the Washington State Constitution, and such police powers grant the City the authority to adopt interim regulations; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorize the City Council, as the governing body, to renew and extend interim regulations on development or land use for one or more six—month periods if a subsequent hearing is held and findings of fact are made prior to said extension and renewal; and

WHEREAS, on January 9, 2023 the City Council held a public hearing on the proposed six—month extension and renewal of the City's interim regulations authorized and imposed by Ordinance 22-0543, as renewed and extended by Ordinance 22-0555; and

WHEREAS, the City Council has determined that it is in the best interest of the public, and is necessary for the protection of public health, safety, property, or peace, to extend and renew for an additional six-month period the interim regulations established in Ordinance 22-0543, as extended and renewed by Ordinance 22-0555;

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

Section 1. Findings of Fact in Support of Renewal and Extension. The City Council adopts the recitals set forth above and in Ordinance Nos. 22-0543 and 22-0555, which are incorporated herein by reference, as findings of fact in support of the extension and renewal of interim regulations adopted under Ordinance 22-0543, as amended by Ordinance 22-0555, for an additional six-month period.

Section 2. Six-Month Extension and Renewal of Interim Regulations. Section 4 of Ordinance 22-0543, as amended by Ordinance 22-0555, is further amended to read as follows:

Section 4. Duration. The interim regulations established by Ordinance 22-0543, as renewed and extended by Ordinance 22-0555, shall be extended and renewed for an additional period of six (6) months from January 25, 2023 (to and through July 25, 2023), and shall automatically expire at the end of that day unless repealed, modified, or renewed and extended (after subsequent public hearing if renewed and extended), and entry of appropriate findings of fact as provided in RCW 35A.63.220 and RCW 36.70A.390.

Section 3. Authorization of City Manager. The City Manager is hereby authorized and directed to move forward and bring an ordinance relating to the proposed TOD regulatory framework to the City Council for consideration and potential adoption.

Section 4. Transmittal of Ordinance. The City Manager is directed to transmit this ordinance to the Washington State Department of Commerce as required by law.

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

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 9th DAY OF JANUARY 2023.

CITY OF KENMORE


[Nigel Herbig \(Jan 10, 2023 17:12 PST\)](#)

Mayor Nigel Herbig

ATTEST/AUTHENTICATED:


[Michelle Kang \(Jan 10, 2023 16:33 PST\)](#)

Michelle Kang, Deputy City Clerk

Approved as to form:


[Dawn Reitan \(Jan 11, 2023 10:54 PST\)](#)

Dawn Reitan, City Attorney

FILED WITH THE CITY CLERK: 12/29/2022
PASSED BY THE CITY COUNCIL: JANUARY 9, 2023
ORDINANCE NO.: 23-0569
DATE OF PUBLICATION: 01/13/2023
EFFECTIVE DATE: 01/18/2023

Ordinance No. 23-0569 Extending and Renewing TOD Interim Regulations

Final Audit Report

2023-01-11

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**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 22-0555**

**AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON,
AMENDING ORDINANCE 22-0543 TO EXTEND AND RENEW FOR AN
ADDITIONAL SIX-MONTH PERIOD THE CITY'S INTERIM
REGULATIONS WITHIN THE TRANSIT OVERLAY DEVELOPMENT
(TOD) DISTRICT; PROVIDING FOR SEVERABILITY; AND
ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the City Council adopted Ordinance 15-0406, which established the Transit Oriented Development (TOD) District Overlay, which is codified at Chapter 18.29 of the Kenmore Municipal Code (KMC); and

WHEREAS, the purpose of the TOD District Overlay is to reinforce the City's planned concentrations of pedestrian-oriented mixed-use development at intensities that support and are supported by multi-modal transportation options, including high-capacity transit; and

WHEREAS, the City has directed the Planning Commission to review the City's TOD District Overlay regulations as part of the State-mandated Comprehensive Plan update; and

WHEREAS, the City became aware of the potential of lower density projects within the TOD District Overlay area, which would interfere with the City's intended planning for the TOD District Overlay area; and

WHEREAS, on August 16, 2021, the City Council adopted public emergency Ordinance 21-0533 that established an effective date for a six-month moratorium to and through February 16, 2022 to give the Planning Commission sufficient time to hold a hearing, complete planning for the TOD District Overlay area, and provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay; and

WHEREAS, on September 27, 2021, following a public hearing held by the City Council on the six-month moratorium, the Council adopted Ordinance 21-0535 amending Section 2 of Ordinance 21-0533 to allow an additional exemption for building permit applications for or the construction of transitional housing or permanent supportive housing or building permit application for or the construction of indoor emergency housing; and

WHEREAS, on February 14, 2022, following a public hearing held by the City Council on the moratorium and interim regulations, the Council repealed the moratorium (Ordinance 21-0533 and Ordinance 21-0535) and immediately adopted interim regulations (Ordinance 22-0543) allowing certain development applications at appropriate densities within the TOD District Overlay consistent with the City's long-range planning, prior to completion of the City's regulatory review process; and

WHEREAS, additional time is necessary for the Planning Commission to hold a public hearing, complete planning for the TOD District Overlay area, provide recommendations to the

City Council regarding the appropriate regulatory framework for the TOD District Overlay and for Council to consider the recommendation; and

WHEREAS, the regulations of zoning and land use are valid exercises of the City's police powers under Art. XI, Sec. 11 of the Washington State Constitution, and such police powers grant the City the authority to adopt interim regulations; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorize the City Council, as the governing body, to renew and extend interim regulations on development or land use for one or more six—month periods if a subsequent hearing is held and findings of fact are made prior to said extension and renewal; and

WHEREAS, on July 25, 2022, the City Council held a public hearing on the proposed six—month extension and renewal of the City's interim regulations authorized and imposed by Ordinance 22-0543; and

WHEREAS, the City Council has determined that it is in the best interest of the public, and is necessary for the protection of public health, safety, property, or peace, to extend and renew for an additional six-month period the interim regulations established in Ordinance 22-0543; and

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

Section 1. Findings. The City Council adopts the recitals set forth above and in Ordinance No. 22-0543, which are incorporated herein by reference, as findings in support of the extension and renewal of interim regulations adopted under Ordinance 22-0543 for an additional six-month period.

Section 2. Six-Month Extension and Renewal of Interim Regulations. Section 4 of Ordinance 22-0543 is amended to read as follows:

Section 4. Duration. The interim regulations established by ~~in Section 3 above~~ Ordinance 22-0543 shall be extended and renewed in effect for a period of six (6) months from the effective date of this Ordinance 22-0555 (to and through ~~September 14, 2022~~ January 25, 2023) and shall automatically expire at the end of that day unless repealed, modified, or extended (after subsequent public hearing if extended), and entry of appropriate findings of fact as provided in RCW 35A.63.220 and RCW 36.70A.390.

Section 3. Authorization of City Manager. The City Manager is hereby authorized and directed to move forward with the Planning Commission's review of appropriate development regulations relating to the TOD District Overlay area, and to bring its recommendation to the City Council for consideration and potential adoption.

Section 4. Transmittal of Ordinance. The City Manager is directed to transmit this ordinance to the Washington State Department of Commerce as required by law.

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

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 25th DAY OF JULY 2022.

CITY OF KENMORE


Nigel Herbig (Jul 27, 2022 12:29 PDT)

Mayor Nigel Herbig

ATTEST/AUTHENTICATED:


Anastasiya Warhol (Jul 27, 2022 14:10 PDT)

Anastasiya Warhol, City Clerk

Approved as to form:


Dawn Reitan (Jul 27, 2022 09:52 PDT)

Dawn Reitan, City Attorney

FILED WITH THE CITY CLERK: 7/15/22

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ORDINANCE NO.: 22-0555

DATE OF PUBLICATION: 7/28/22

EFFECTIVE DATE: 8/2/22

Ordinance 22-0555, Extending Interim Regulations in TOD Area

Final Audit Report

2022-07-27

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Page 175 of 330

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Agreement completed.

2022-07-27 - 9:10:54 PM GMT



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**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 22-0543**

**AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON,
ADOPTING SIX-MONTH INTERIM REGULATIONS WITHIN THE
TRANSIT OVERLAY DEVELOPMENT (TOD) DISTRICT; REPEALING
ORDINANCE NOS. 21-0533 AND 21-0535; DECLARING AN
EMERGENCY AND ESTABLISHING AN IMMEDIATE EFFECTIVE
DATE**

WHEREAS, the City Council adopted Ordinance 15-0406, which established the Transit Oriented Development (TOD) District Overlay, which is codified at Chapter 18.29 of the Kenmore Municipal Code (KMC); and

WHEREAS, the purpose of the TOD District Overlay is to reinforce the City's planned concentrations of pedestrian-oriented mixed-use development at intensities that support and are supported by multi-modal transportation options, including high-capacity transit; and

WHEREAS, the City has directed the Planning Commission to review the City's TOD District Overlay regulations as part of the State-mandated Comprehensive Plan update; and

WHEREAS, the City became aware of the potential of lower density projects within the TOD District Overlay area, which would interfere with the City's intended planning for the TOD District Overlay area; and

WHEREAS, on August 16, 2021 the City Council adopted public emergency Ordinance 21-0533 that established an effective date for a six-month moratorium to and through February 16, 2022 to give the Planning Commission sufficient time to hold a hearing, complete planning for the TOD District Overlay area, and provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay; and

WHEREAS, on September 27, 2021 following a public hearing held by the City Council on the six-month moratorium, the Council adopted Ordinance 21-0535 amending Section 2 of Ordinance 21-0533 to allow an additional exemption for building permit applications for or the construction of transitional housing or permanent supportive housing or building permit application for or the construction of indoor emergency housing; and

WHEREAS, additional time is necessary for the Planning Commission to hold a public hearing, complete planning for the TOD District Overlay area, provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay and for Council to consider the recommendation; and

WHEREAS, repeal of the moratorium (Ordinance 21-0533 and Ordinance 21-0535) and immediate adoption of interim regulations allows certain development applications at appropriate densities within the TOD District Overlay consistent with the City's long-range planning, prior to completion of the City's regulatory review process; and

WHEREAS, the City Council deems it to be in the best interest of the public, and necessary for the protection of the public health, safety, property, or peace, to establish immediate interim regulations on the acceptance, review, and approval of permits for the establishment, location, and/or construction of any development within the TOD District Overlay; and

WHEREAS, the regulation of zoning and land use are valid exercises of the City's police powers under Article XI, Section 11 of the Washington State Constitution, and such police powers grant the City Council authority to adopt a moratorium; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorize the City Council, as the governing body, to adopt interim regulations on development or land use for six-months; and

WHEREAS, as provided in RCW 35A.63.220 and RCW 36.70A.390, the City Council advertised and held a public hearing on February 14, 2022 to take public testimony and consider adopting further findings justifying the imposition of interim regulations; and

WHEREAS, RCW 35A.13.190 provides that an ordinance may be made effective upon adoption if passed by a majority plus one of the whole membership of the council, and if designated as a public emergency ordinance necessary for the protection of the public health, public safety, public property or public peace; and

WHEREAS, pursuant to RCW 35A.13.190, the City Council finds that this ordinance is a public emergency ordinance necessary for the protection of public health, public safety, public property, or public peace for the reasons set forth herein;

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

Section 1. Findings. The City Council adopts the recitals set forth above, which are incorporated by reference, as findings in support of the interim regulations and declaration of this ordinance as a public emergency ordinance.

Section 2. Repeal of the Moratorium. The City Council hereby repeals Ordinance Nos. 21-0533 and Ordinance 21-0535, which established and amended the six-month moratorium.

Section 3. Interim Regulations.

A. Adoption. Pursuant to the City's police powers under Article XI, Section 11 of the Washington State Constitution, RCW 35A.63.220, and RCW 36.70A.390, interim regulations are hereby adopted and imposed on the application for, intake of, review of, or issuance of any approval and/or development permit, including, but not limited to, building permits, site plan review, etc., for the establishment, location and/or construction of any development within the Transit Oriented Development (TOD) District Overlay area, as shown and depicted in KMC 18.29.020. The term "development" means the same as defined in KMC 18.20.715. The term "development permit" means the same as defined in KMC 18.20.735.

B. Exemptions. The interim regulations adopted by this Ordinance only apply to new development permit applications.

C. Adopted Interim Regulations: Interim regulations for the TOD District Overlay adopted and imposed pursuant to Section 3.A are set forth in Exhibit A, attached hereto and incorporated by reference.

Section 4. Duration. The interim regulations established in Section 3 above shall be in effect for a period of six (6) months from the effective date of this Ordinance (to and through September 14, 2022) and shall automatically expire at the end of that day unless repealed, modified, or extended (after subsequent public hearing if extended), and entry of appropriate findings of fact as provided in RCW 35A.63.220 and RCW 36.70A.390.

Section 5. Authorization of City Manager. The City Manager is hereby authorized and directed to move forward with the Planning Commission's review of appropriate development regulations relating to the TOD District Overlay area, and to bring its recommendation to the City Council for consideration and potential adoption.

Section 6. Transmittal of Ordinance. The City Manager is directed to transmit this ordinance to the Washington State Department of Commerce as required by law.

Section 7. 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 8. Designation of Emergency Ordinance; Immediate Effective Date. Pursuant to RCW 35A.13.190, the City Council declares and designates this ordinance as a public emergency ordinance necessary for the protection of the public health, public safety, public property, or the public peace. Upon adoption of this ordinance by a majority plus one of the whole membership of the council, this ordinance shall take effect and be in full force immediately upon its adoption. Pursuant to Matson v. Clark County Board of Commissioners, 79 Wn. App. 641, 904 P.2d 317 (1995), underlying facts necessary to support this emergency declaration are included in the recitals set forth above, which are adopted by reference.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 14th DAY OF FEBRUARY 2022.

CITY OF KENMORE



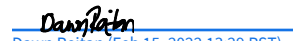
Mayor Nigel Herbig

ATTEST/AUTHENTICATED:


Anastasiya Warhol (Feb 16, 2022 15:56 PST)

Anastasiya Warhol, City Clerk

Approved as to form:


Dawn Reitan (Feb 15, 2022 13:29 PST)

Dawn Reitan, City Attorney

FILED WITH THE CITY CLERK: 2/10/22
PASSED BY THE CITY COUNCIL: 2/14/22
ORDINANCE NO.: 22-0543
DATE OF PUBLICATION: 2/18/22
EFFECTIVE DATE: 2/14/22

Chapter 18.29

TRANSIT ORIENTED DEVELOPMENT (TOD) DISTRICT OVERLAY

Sections:

[18.29.010 Intent.](#)
[18.29.020 Area.](#)
[18.29.030 Applicability.](#)
[18.29.040 Use allowances.](#)
[18.29.050 Zoning standards.](#)
[18.29.055 Wireless communication facilities.](#)
[18.29.060 Affordable housing requirements.](#)
[18.29.070 Parking.](#)
[18.29.080 Design requirements.](#)
[18.29.090 Connectivity requirements.](#)
[18.29.100 Significant tree grove retention.](#)

18.29.010 Intent.

The purpose of the transit oriented development (TOD) district overlay is to reinforce the City's planned concentration of pedestrian-oriented mixed use development at intensities that support and are supported by multi-modal transportation options, including high capacity transit. The TOD district overlay revitalizes the City's core by creating incentives and opportunities for a mix of jobs and residences, cultivates a respectful relationship among development within the district, the natural environment, and nearby traditional neighborhoods, and provides a framework for future infrastructure and service decisions. The TOD district overlay provides public benefits in the form of encouraging housing affordable to all economic groups, increased pedestrian connectivity, quality design, and incentive to preserve significant tree groves where they exist. [Ord. 15-0406 § 1 (Att. A).]

18.29.020 Area.

The area of the TOD district overlay is shown on Figure 18.29.020.1. In order to develop under the TOD district overlay, at least 50 percent of a parcel shown on Figure 18.29.020.1 shall be located within the TOD district overlay.



18.29.030 Applicability.

B. In order to be eligible to develop under the TOD district overlay regulations, a development application shall meet the following criteria:

1. The property must be located within the TOD district overlay area as described in KMC [18.29.020](#);
2. The proposed development must either:

- a. Be considered a mixed use development as defined in KMC [18.20.1740](#); or
- b. Be a residential-only development or mixed use development with commercial permitted only on the ground floor if located in the R-12, R-18, or R-24 underlying zones, which are areas designated as primarily residential.

C. Eligible properties within the TOD district overlay that do not choose to develop under the provisions of this chapter shall comply with the provisions of the underlying zone in their entirety **with the following exceptions:**

1. In the R-12, R-18, R-24, UC East, and DC zones in the TOD district overlay area, the minimum density for residential development shall be no less than the base density for the underlying zone;

2. Except in the R-1 zone, townhouse development shall be prohibited.

3. At least twenty five percent of the total number of units in the development shall be *low- or very low-income affordable housing units* subject to the standards in KMC Chapter 18.77.

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	Fire or police facility ²	Auction house
Educational service ¹	Laboratory ²	Automotive sales and service, marine
Health care and social assistance ^{1,3}	Park	Automotive sales and service, nonmarine

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

Permitted	Conditionally Permitted	Prohibited
Manufacturing, light ^{1,3,5}	Regional land use	Business service, intensive
Mobile food service ⁴	Religious institution ²	Cemetery, columbarium or mausoleum
Multiple-family dwelling ⁵	Supportive living facility ²	Community residential facility
Office ¹		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}		Manufactured housing community
		Manufacturing, heavy
		Marijuana business
		Recreational facility, outdoor
		Resource land use
		Retail sales, bulk
		Secure facility
		Single detached dwelling unit
		Standalone parking
		Transportation
		Utility facility
		Vehicle or equipment rental
		Vehicle refueling station
		Warehousing
		Wholesale trade

- ¹ Commercial use limitations in residentially oriented underlying zones: If these uses are proposed for property with underlying zoning of R-12, R-18, or R-24, then each use is limited to maximum 5,000 square feet per use and 15,000 square feet total contiguous nonresidential area within the development.
- ² Conditional use permit required in underlying urban corridor, downtown commercial, and public/semi-public zones. Prohibited in all other underlying zones within the TOD district overlay area.
- ³ Conditional use permit required in underlying R-12, R-18, R-24 zones. Permitted in underlying urban corridor, downtown commercial, and public/semi-public zones within the TOD district overlay area.
- ⁴ *Mobile food service* is permitted subject to the following requirements:
 - a. For a stand, location shall be on a sidewalk or near a storefront consistent with barrier-free regulations;
 - b. For a stand, location on the sidewalk or near a storefront shall provide for at least four feet of unobstructed sidewalk between the stand and the sidewalk edge for pedestrian movement;
 - c. No permanent fencing, walls, or other structures are installed which hinder removal of the structure from the site;
 - d. No required parking stall shall be blocked or rendered unusable as a result of the mobile *food service*;
 - e. Safe ingress and egress to the site shall be maintained. Visibility for transportation and pedestrian access shall be maintained;
 - f. The limited duration of the *mobile food service* shall be established as a condition of approval of any applicable permits; if accessory to a use, such operation is removed daily at the time of or prior to the close of business hours;
 - 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.

⁶ Townhouse development shall be prohibited.

[Ord. 19-0481 § 2 (Exh. A); Ord. 17-0438 § 2 (Att. A); Ord. 16-0426 § 5 (Att. C); Ord. 15-0406 § 1 (Att. A).]

18.29.050 Zoning standards.

The following development standards in Table B apply to properties electing to develop under provisions of the TOD district overlay:

Table B – TOD Overlay District Development Standards

STANDARD	REQUIREMENT
Minimum Density: Dwelling Units/Gross Acre	60 ¹
Maximum Density: Dwelling Units/Gross Acre	150 ¹
Maximum Height	65' ²

¹ Portions of any property developing under the TOD district overlay regulations with an underlying zoning of R-1 shall cluster development 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. The open space tract shall be permanent and meet the provisions of KMC [17.20.130](#)(B).

² Portions of any property developing under the TOD district overlay regulations that are within 50 feet of a single-family zone (R-1, R-4, R-6) shall have a maximum height of 35 feet within that area to provide a transition in height to the lower intensity uses.

[Ord. 15-0406 § 1 (Att. A).]

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 Chapter [18.60](#) KMC for the underlying zoning district. [Ord. 16-0426 § 6 (Att. D).]

18.29.060 Affordable housing requirements.

For properties choosing to develop under the TOD district overlay, *development* shall provide affordable housing as described in Chapter [18.77](#) KMC. *Development* choosing to develop under the TOD district overlay shall not utilize the provisions of residential density incentives found in Chapter [18.80](#) KMC to achieve maximum densities. [Ord. 19-0481 § 2 (Exh. A); Ord. 15-0406 § 1 (Att. A).]

18.29.070 Parking.

Parking in the TOD district overlay should be sufficient to support local businesses and residential development, while at the same time promoting transit ridership, walkable streets, and efficient use of land. Proposed development choosing to develop under the TOD district overlay shall provide parking as follows:

A. Minimum parking requirements for nonresidential uses may be reduced to 75 percent of the minimum requirement computed according to the provisions of KMC [18.40.030](#).

B. Minimum residential parking shall be supplied at the following ratios:

1. 1.0 parking spaces per market-rate dwelling unit, except as follows:

a. Pioneer Project Incentive. For purposes of this section, a pioneer project consists of the first 100 bonus housing units provided in the city under the TOD district overlay regulations. The first 100 bonus housing units in a pioneer project(s) may elect to provide parking spaces for market rate bonus units at 0.6 parking spaces per dwelling unit.

2. 1.0 additional parking space per every five market rate dwelling units shall be provided and designated as guest parking for use by all guests.

3. 0.6 parking spaces per dwelling unit for affordable or senior dwelling units.

4. Affordable housing shall be as defined under KMC [18.29.060](#). Senior housing shall be defined as housing restricted to those meeting the definition of “senior citizen” as found in KMC [18.20.2500](#).

C. The following factors shall count towards minimum parking standards for residential and nonresidential development:

1. On-street parking immediately adjoining a property proposed for development or provided as part of the proposed development may be counted toward the minimum parking requirement.

2. Minimum on-site parking may be reduced further by provisions of KMC [18.40.090](#)(B) for properties within the TOD district overlay that meet the requirements of KMC [18.40.090](#)(B) for accessibility to high frequency transit service.

3. Shared parking among uses is encouraged within the TOD district overlay. Developments that propose shared parking arrangements shall submit a parking management plan as defined in KMC [18.20.1995](#) that describes the terms and conditions of shared parking arrangements on site.

D. Parking Provided in Excess of Minimum. Provision of parking in excess of the minimum parking requirements outlined in subsections A and B of this section shall require the excess parking be included in a structured parking garage, or under building and screened from the street frontage, unless the additional parking is associated with a phased, mixed use development, is interim in nature, and is temporarily located on land reserved for future phases not yet built.

E. Maximum parking within the TOD district overlay shall not exceed the minimum requirement calculated under the provisions of KMC [18.40.030](#).

1. Applicants may be allowed to exceed the maximum parking if the applicant can produce a parking study that demonstrates probable on-site parking needs that are significantly higher than similar uses. This traffic study shall be subject to review by the city manager before approval for additional parking is granted. All parking granted in excess of the maximum shall be provided in a structured parking garage or under building and screened from the street frontage.

F. All other parking requirements shall be as provided in Chapter [18.40](#) KMC. [Ord. 16-0428 § 13 (Att. I); Ord. 15-0406 § 1 (Att. A).]

18.29.080 Design requirements.

Development within the TOD district overlay shall comply with Standard 1 provisions of the downtown design standards, as set forth in Chapter [18.52](#) KMC.

In addition, the following design requirements shall apply:

A. Relational Setback Requirements. Any proposed development within the TOD district overlay adjacent to an existing single-family zone (R-1, R-4, or R-6) shall be required to provide an interior ground-level setback of 15 feet on the side of the property facing the single-family zone, unless a larger setback is required in the underlying zone. In that event, the larger of the two setback requirements shall govern. The setback required by this subsection shall be landscaped with Type II landscaping as defined in KMC [18.35.040](#)(B) to provide a visual buffer. [Ord. 15-0406 § 1 (Att. A).]

18.29.090 Connectivity requirements.

The TOD district overlay should remove impediments to pedestrian use of the district and the downtown area by fostering the creation of an extensive network of sidewalks and pedestrian walkways.

Development proposals within the boundaries of the TOD district overlay that elect to develop under the provisions of this chapter shall:

A. Provide any direct pedestrian connections between proposed development and transit facilities, or arterials providing transit access in order to minimize walking distances to transit.

B. Comply with the downtown design standards pertaining to pedestrian walkways, as set forth in KMC [18.52.100](#).

C. Properties abutting water bodies (i.e., wetlands, rivers, lakes, or streams) shall provide a public access trail paralleling the water body from one property line to the next with setbacks that are consistent with the requirements of KMC Title [16](#) and Chapter [18.55](#) KMC. The public access trail shall connect to a public right-of-way.

1. Where a development proposal abuts a property with a public access trail segment, the public access segment on the subject property shall connect to abutting property public access segment(s).

2. The public access easement for public access trails shall be documented on the face of the plat or plan and recorded with the King County Department of Records and Elections. Public access easements shall run with the land in perpetuity. [Ord. 15-0406 § 1 (Att. A).]

18.29.100 Significant tree grove retention.

A. Definitions.

1. Significant Tree Grove Definition. A “significant tree grove” shall consist of two or more trees with a minimum of five and one-half tree units total. A qualifying tree has two tree units minimum. The maximum distance measured in feet between qualifying trees shall be equal to

two times the critical root zone in order to be defined as a significant tree grove. For example a 24-inch d.b.h. tree must be within 24 feet of another tree in the grove to be included in the significant tree grove. A tree of any size that is topped or considered a “hazard tree” as defined in KMC [18.20.3084](#) may not qualify as part of a significant tree grove as herein defined. For purposes of this chapter, a significant tree grove may not contain trees that are located within a critical area or critical area buffer protected under Chapter [18.55](#) KMC. A significant tree grove is not the same as a “grove,” as defined in KMC [18.20.1273](#).

2. Tree Units. See KMC [18.57.060](#)(A) for translation of diameter at breast height (d.b.h.) to tree units.

B. Applicability.

1. If the underlying zone within the TOD district overlay requires tree retention as provided in Chapter [18.57](#) KMC, then the provisions of Chapter [18.57](#) KMC shall be retained. If Chapter [18.57](#) KMC exempts a property from tree retention then it shall remain exempt.

2. Development proposals within the boundaries of the TOD district overlay that elect to develop under the provisions of this chapter shall be eligible to benefit from providing less parking or more dwelling units or any combination of the two if the development retains one or more significant tree grove(s) as defined in this section in perpetuity. A development may be able to benefit from both reduced parking and additional dwelling units by preserving a significant tree grove so long as the same tree credits are not counted towards both reductions in parking and additional bonus dwellings. Trees or groves retained through the provision of Chapter [18.57](#) KMC may count towards the significant tree grove retention if they meet the definitions found in subsection A of this section.

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

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

D. Residential Bonus Units. In order to retain qualifying significant tree groves, residential units are offered at the rate of one bonus unit per each 11 tree units preserved. Grove bonus units are not included in maximum unit density calculations. Grove bonus units are not subject to the affordability requirements of KMC [18.29.060](#).

E. Significant Tree Grove Preservation Requirements.

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

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

3. Subject to Tree Protection Measures of Chapter [18.57](#) KMC. Significant tree groves protected under this section shall be subject to the tree protection measures during construction found in KMC [18.57.090](#), the post-construction replacement, financial guarantee, and maintenance requirements of KMC [18.57.100](#), and the penalties and enforcement of KMC [18.57.110](#). [Ord. 15-0406 § 1 (Att. A).]



City Council Agenda Bill City of Kenmore, WA

Subject/Topic:

Ordinance No. 24-0602, adoption of the 2021 editions of the Washington State Building Codes.

For Council Meeting Agenda of: February 26, 2024

Department: Development Services

Prepared by: Bryan Hampson, Building Official

Initial & Date

Approved by Department Head: SL 2/5/24

Approved by City Attorney: DR 2/6/24

Approved by Finance Director: MM 2/8/24

Approved by City Manager: RK 2/14/24

Proposed Council Action/Motion:

Motion to adopt Ordinance No. 24-0602, the 2021 editions of the Washington State Building Codes.

Exhibits/Attachments:

1. Ordinance no. 24-0602
2. Exhibit A, KMC 15.05, General Provisions
3. Exhibit B, KMC 15.10, Fire Codes
4. Exhibit C, KMC15.20, Building Codes
5. Exhibit D, KMC 15.30, Construction Administrative Codes

Information/Background:

The original effective date of the 2021 Washington State Building Codes was July 1, 2023. However, the State Building Code Council (SBCC) changed the effective date to March 15, 2024. On March 15, 2024, the 2021 Washington State Building Codes and State-wide amendments go into effect and are mandated to be enforced throughout the State, including the City of Kenmore. This Ordinance is to officially adopt the State Building Codes with local amendments.

On [March 20, 2023](#), Development Services staff provided an informational presentation to the City Council on upcoming changes to the building code. Staff summarized required code changes, described optional amendments, estimated impacts on staff and builders, and requested direction from City Council on optional amendments. The City Council had questions that required staff research; those questions were answered in an email dated 3/26/2023 (see [Attachment 2](#) of the 5/15/2023 agenda documents).

On [May 15, 2023](#), Development Services staff presented the City Council with the draft building codes and their suggested edits and additional adoptions.

The 2021 Washington State Building Code includes the following code editions with State-wide amendments:

- 2021 International Building Code (IBC)
- 2021 International Mechanical Code (IMC)

- 2021 International Fire Code (IFC)
- 2021 Uniform Plumbing Code (UPC)
- 2021 International Fuel Gas Code (IFGC)
- 2020 Liquefied Petroleum Gas Code (NFPA 58)
- 2021 International Residential Code (IRC)
- 2021 Washington State Energy Code (WSEC)
- 2021 International Existing Building Code (IEBC)
- 2021 International Wildland-Urban Interface Code (IWUIC) **NEW**
- 2021 National Fuel Gas Code (NFPA 54)
- 2021 International Swimming Pool and Spa Code

The Kenmore Building Code includes the adoption of the Washington State Building Code, State-wide Amendments, and the following local amendments:

International Fire Code (IFC) amendments:

1. Established an operational permit for Interim Use Emergency Shelters.
2. Prohibited open burning of vegetation, yard waste, or garbage continuously throughout the City. This essentially puts the City at a continuous Stage 1 burn ban. There is an exception for clean burning materials in an approved container per the Fire Code during a Stage 1 burn ban. The Fire Department will respond to the complaint and make the determination if there is a violation. Violations will be forwarded to the Code Enforcement Official who will be able to cite violations and process the violation through KMC 1.20, Code Enforcement.
3. Increased the sprinkler installation requirement for existing houses from 50% to 75% of the cost of construction compared to the assessed value of the existing home.
4. Reduces the size of new buildings from 5,000 sf to 4,800 sf requiring sprinklers. This is more in alignment with the model codes.
5. Minor edits and deletions to match underlying code.

International Building Code and Residential Code amendments:

1. Established PV Solar panels are exempt from a building permit on all structures, not just IRC structures, provided they meet the criteria.
2. Requires residential construction projects to be completed on the outside of the house within 2 years.
3. Revised building permit timeline to 3 years vs. 2 years and 1 year extension.
4. Adopted IBC Appendix P, Construction and Demolition Material Management.
5. Adopted IRC Appendix AT, Solar Ready Provisions.
6. Adopted IRC Appendixes AWY, Construction and Demolition Material Management and AWZ, Building Deconstruction.
7. Amended local climate and geographical design criteria.
8. Amended IRC Appendix AWZ, Building Deconstructed, to apply to homes built 70 years ago vs. 90 years.
9. Adopted UPC Appendix M, Peak Water Demand Calculator.
10. Minor edits and deletions to match underlying code.

Fiscal Consideration:

In terms of impacts to Development Services staff workload (e.g., staffing), code changes like the mandatory triennial building code adoption create additional workload on the front-end as staff adjust to new code requirements. Codes that go beyond what is mandatory and/or exceed codes adopted by our eCityGov Alliance member cities create a unique impact to staff that is longer-lasting and more significant in terms of time and resources. For example, adoption of IRC appendices AT, AWY, or AWZ, would result in the need for additional training, new forms, increased time for permit processing, increased time for plan review, and increased time for inspections.

Additionally, the code changes will impact the building industry by increasing the cost of construction for private developers. This could impact on the City financially if development slows (e.g., property tax revenues).

Council Goal/Budget Being Addressed:

- City Council Priority #1: Implement the adopted Climate Action Plan and promote environmental stewardship, including water, air, forest, and habitat restoration and preservation.
- City Council Priority #6: Enhance public safety.
- City Council Priority #9: Foster community engagement and participation.

**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 24-0602**

AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON, ADOPTING THE 2021 EDITIONS OF THE INTERNATIONAL BUILDING CODE, THE INTERNATIONAL RESIDENTIAL CODE, THE INTERNATIONAL EXISTING BUILDING CODE, THE INTERNATIONAL MECHANICAL CODE, THE INTERNATIONAL FIRE CODE, THE UNIFORM PLUMBING CODE, THE LIQUEFIED PETROLEUM GAS CODE, THE INTERNATIONAL FUEL GAS CODE, THE WASHINGTON STATE ENERGY CODE, THE INTERNATIONAL SWIMMING POOL AND SPA CODE, AND THE INTERNATIONAL WILDLAND-URBAN INTERFACE CODE; THE 2020 EDITIONS OF THE NATIONAL FUEL GAS CODE AND THE NATIONAL ELECTRICAL CODE; AMENDING SECTION 15.05.015 OF THE KENMORE MUNICIPAL CODE; AMENDING CHAPTERS 15.10, 15.20, AND 15.30 OF THE KENMORE MUNICIPAL CODE AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Washington State Legislature enacted the State Building Code Act (Chapter 19.27 RCW) adopting the International Building Code, International Fire Code, International Residential Code, International Mechanical Code, Uniform Plumbing Code, and International Wildland-Urban Interface Code and directed the State Building Code Council to adopt a process for the review of proposed statewide amendments and proposed or enacted local amendments as amended and adopted by the State Building Code Council; and

WHEREAS, the State Building Code Council amended and adopted the 2021 editions of such codes, and all jurisdictions in the state are required to enforce the 2021 editions of such codes effective as of March 15, 2024; and

WHEREAS, the City Council has determined that adoption of the 2021 codes with certain local amendments is in the public interest; and

WHEREAS, the construction codes adopted by the State also reference other construction codes and their adoption would benefit the City of Kenmore; and

WHEREAS, the City Council previously adopted and amended the construction codes to be consistent with the regional model code established by the jurisdictions participating within eCityGov.net and MyBuildingPermit.com; now, therefore

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

Section 1. Amendment. Section 15.05.015 of the Kenmore Municipal Code is hereby amended and replaced to read as set forth on **Exhibit A** to this Ordinance, attached hereto and incorporated herein by this reference.

Section 2. Amendment. Chapter 15.10, Fire Code, of the Kenmore Municipal Code is hereby amended and replaced to read as set forth on **Exhibit B** to this Ordinance, attached hereto and incorporated herein by this reference.

Section 3. Amendment. Chapter 15.20, Building Codes, of the Kenmore Municipal Code is hereby amended and replaced to read as set forth on **Exhibit C** to this Ordinance, attached hereto and incorporated herein by this reference.

Section 4. Amendment. Chapter 15.30, Construction Administrative Code, of the Kenmore Municipal Code is hereby amended and replaced to read as set forth on **Exhibit D** to this Ordinance, attached hereto and incorporated herein by this reference.

Section 5. Severability. If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be unconstitutional or invalid for any reason, such decision shall not affect the constitutionality or validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause, phrase or word thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or words be declared unconstitutional.

Section 6. Effective Date. This Ordinance shall take effect and be in force on March 15, 2024, which is more than five (5) days after the date of publication of this Ordinance.

PASSED by the City Council this 26th day of February 2024.

CITY OF KENMORE

Nigel Herbig, Mayor

ATTEST/AUTHENTICATED:

Anastasiya Warhol, City Clerk

Approved as to form:

Dawn Reitan, City Attorney

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE: March 15, 2024
ORDINANCE NO. 24-0602

15.05.015 Copies of codes on file.

A. Pursuant to State law (Chapters [19.27](#) and [19.27A](#) RCW), the Kenmore ~~bB~~ Building ~~eC~~ Code includes the Washington State Building Code, composed of the codes in subsections (A)(1) through (~~612~~) of this section, and the additional codes in subsections (~~(A)(3) and (7) through (14)~~) (13) of this section, all as modified in this title. The City shall at all times keep on file with the city clerk, for reference by the general public, a copy of the codes and resolutions, or parts thereof, as herein adopted by reference, together with the amendments and supplements thereto herein made a part of this title:

1. ~~2018~~2021 International Building Code, published by the International Code Council, Inc.;
2. ~~2018~~2021 International Residential Code, published by the International Code Council, Inc.;
3. ~~2018~~2021 International Existing Building Code, published by the International Code Council, Inc.;
4. ~~2018~~2021 International Mechanical Code, published by the International Code Council, Inc.;
5. ~~2018~~2021 International Fire Code, published by the International Code Council, Inc.;
6. ~~2018~~2021 Uniform Plumbing Code, published by the International Association of Plumbing and Mechanical Officials;
7. ~~2018~~2021 National Fuel Gas Code (NFPA 54), published by the National Fire Protection Association;
8. ~~2017~~2020 Liquefied Petroleum Gas Code (NFPA 58), published by the National Fire Protection Association;
9. ~~2018~~ 2021 International Fuel Gas Code, published by the International Code Council, Inc.;
10. ~~2018~~ 2021 Washington State Energy Code;

11. ~~2018~~ **2021** International Swimming Pool and Spa Code, published by the International Code Council, Inc.;

~~12. Repealed by Ord. 23-0577; 2021 International Wildland-Urban Interface Code, published by the International Code Council, Inc.;~~

~~13. Repealed by Ord. 23-0577~~

~~14~~**13**. 2020 National Electrical Code (NFPA 70-2020), published by the National Fire Protection Association or currently adopted NEC by Washington State Labor and Industries.

~~15~~**14**. All amendments, supplements, modifications, exclusions, exemptions and additions to the codes identified in subsections (A)(1) through ~~(712)~~ of this section adopted by the Washington State Building Code Council and published in WAC Title 51, including, but not by way of limitation, Chapters 51-11C, 51-11R, 51-50, 51-51, 51-52, 51-54A, 51-55 and 51-56 WAC;

~~16~~**15**. All amendments, supplements, modifications, exclusions, exemptions and additions to the code identified in subsection (A) ~~(1413)~~ of this section adopted by the Washington State Department of Labor and Industries and published in Chapter 296-46B WAC.

B. The copies of codes on file may be placed by the city clerk in the custody of the office of the building official in order to make them more readily available to inspection and use by the general public.

Chapter 15.10 FIRE CODE

Sections:

- 15.10.005 International Fire Code adopted.
- 15.10.010 IFC Section 101.1, Title, amended.
- 15.10.012 IFC Section 102.5, Application of Residential Code, amended.**
- 15.10.015 IFC Section 102.7, Referenced Codes and Standards, amended.
- 15.10.018 IFC Section 102.7.3, Alternative Standards, amended.**
- 15.10.020 IFC Section 104, General Authority and Responsibilities, amended.
- 15.10.025 IFC Section 105.1, General, amended.
- 15.10.030 IFC Section ~~105.6.30~~ **105.5.32**, Mobile Food Preparation Vehicles, amended.
- 15.10.032 IFC Section 105.5.53, Interim Use Emergency Shelter, added.**
- 15.10.035 IFC Section ~~105.7~~ **105.6**, Required Construction Permits, amended.
- ~~15.10.040 IFC Section 108.6, Overcrowding, amended. Repealed.~~
- 15.10.045 IFC Section ~~109~~ **111**, ~~Board Means~~ of Appeals, replaced.
- 15.10.050 IFC Section ~~110.3~~ **112.4**, Violation Penalties, amended.
- 15.10.052 IFC Section 307.1.1, Prohibited Open Burning, amended.**
- 15.10.055 IFC Section 308.3, Open Flame in Group A Occupancies, amended.
- 15.10.060 IFC Section 319, Mobile Food Preparation Vehicles, amended.
- 15.10.065 IFC Section 401.7.1, Evacuation Required, added.
- 15.10.070 IFC Section 503.1, Where Required, amended.
- 15.10.075 IFC Section 503.2, Specifications, amended.
- 15.10.080 IFC Section 503.3, Marking, amended.
- 15.10.085 IFC Section 503.4, Obstruction of Fire Apparatus Access Roads, amended.
- 15.10.090 IFC Section 506.1, Where Required, amended.
- 15.10.095 IFC Section 507.5.1, Where Required, amended.
- 15.10.100 IFC Section 510, Emergency Responder Radio Coverage, amended.
- 15.10.105 IFC Section 901.7, Systems Out of Service, amended.
- 15.10.110 IFC Section 903.2, Where Required, amended.
- 15.10.115 IFC Section 903.2.13, Additional Fire Sprinkler Requirements for New and Existing Buildings, added.
- 15.10.120 IFC 903.3.1.1.1, Exempt locations, amended.
- 15.10.125 IFC Section 903.3.1.2, NFPA 13R Sprinkler Systems, amended.
- 15.10.130 IFC Section 903.4.3, Floor Control Valves, amended.
- 15.10.135 IFC Section 903.5.1, Fire Sprinkler and Standpipe Drains, added.
- 15.10.140 IFC Section 907.2, Where Required – New Buildings and Structures, amended.
- 15.10.145 IFC Section 5003.9, General Safety Precautions, amended.
- 15.10.150 IFC Section 5003.9.11, Manufacturer's Limitations, added.
- 15.10.155 IFC Section ~~5307.5.2~~, Emergency Alarm System, amended. Repealed.**
- 15.10.160 IFC Section 5604.1, General, amended.
- 15.10.165 IFC Section 5704.2.9.6.1, Locations Where Above-Ground Tanks Are Prohibited, amended.

- 15.10.170 IFC Section 5707, On-Demand Mobile Fueling Operations, amended.
- 15.10.175 IFC Section 5806.2, Limitations, amended.
- 15.10.180 IFC Section 6104.2, Maximum Capacity within Established Limits, amended.
- 15.10.185 IFC Appendix B, Fire-Flow Requirements for Buildings, amended.

15.10.005 International Fire Code adopted.

The **2018-2021** Edition of the International Fire Code, together with Appendix B (Fire-Flow Requirements for Buildings), as published by the International Code Council, is adopted, together with the amendments set forth in Chapter 51-54A WAC.

15.10.010 IFC Section 101.1, Title, amended.

Section 101.1 of the International Fire Code is hereby amended by inserting the phrase "City of Kenmore."

15.10.012 IFC Section 102.5, Application of Residential Code, amended.

Section 102.5 of the International Fire Code is hereby amended to read as follows:

102.5 Application of Residential Code. Where structures are designed and constructed in accordance with the International Residential Code, the provisions of this code shall apply.

15.10.015 IFC Section 102.7, Referenced Codes and Standards, amended.

Section 102.7 of the International Fire Code is hereby amended by adding the following:

When allowed by the fire code official, editions of standards not herein referenced may be utilized provided the entire standard is utilized.

15.10.18 IFC Section 102.7.3, Alternative Standards, added.

Section 102.7 of the International Fire Code is hereby amended by adding a new Subsection 102.7.3 to read as follows:

102.7.3 Alternative Standards. The fire code official is authorized to approve an alternative standard where the fire code official determines that the alternate standard, applied in its entirety, complies with the intent of the provisions of this code, and that the alternate standard is, for the

purpose intended, at least the equivalent of those listed in Chapter 80 in effectiveness, quality, fire resistance, durability and safety.

15.10.020 IFC Section 104, General Authority and Responsibilities, amended.

Section 104 of the International Fire Code is hereby amended by adding the following:

Section 104.12 Indigent housing guidelines. The fire code official, in cooperation with the building official, is hereby authorized to develop a policy regarding the application and exemption of the construction codes for temporary homeless shelters in accordance with WAC 51-16-030.

15.10.025 IFC Section 105.1, General, amended.

Section 105.1 of the International Fire Code is hereby amended to read as follows:

Section 105.1 General. Permits shall be in accordance with Sections 105.1 through 105.7.30. 105.6.

15.10.030 IFC Section ~~105.6.30~~ 105.5.32 Mobile Food Preparation Vehicles, amended.

Section ~~105.6.30~~ 105.5.32 of the International Fire Code is hereby amended to read as follows:

~~105.6.30~~ 105.5.32 Mobile food preparation vehicles. A permit is required for mobile food preparation vehicles equipped with appliances that produce smoke or grease-laden vapors or that utilize flammable gases such as LP-gas or natural gas. ~~The fire code official is authorized to develop policies that clarify the permit requirements and participate in a regional permitting program. The fire code official may accept a permit from an approved agency in lieu of a Shoreline Fire Department operational permit.~~

15.10.032 IFC Section 105.5.53, Interim Use Emergency Shelter, added.

Section 105.5 of the International Fire Code is hereby amended with the addition of a new Subsection 105.5.53 to read as follows:

105.5.53 Interim Use Emergency Shelter. An operational permit is required to open an interim use emergency shelter and must comply with Department policy, Fire Marshal's Office (FMO) 318.

15.10.035 IFC Section ~~105.7~~ 105.6, Required Construction Permits, amended.

Section ~~105.7~~ 105.6 of the International Fire Code is hereby amended by adding the following:

~~105.7.27~~ 105.6.26 Emergency and standby power systems. A construction permit is required to install or modify an Emergency Power Supply System (EPSS) that supplies power to life safety systems, fire pumps, elevators or any system required by the International Fire Code or the International Building Code.

~~105.7.28~~ 105.6.27 High-piled combustible storage. A construction permit is required to install, alter or increase the hazard level of storage under the following criteria: Storage area including aisles exceeds 500 square feet floor area, and either Class I – IV commodities are stored more than 12 feet high, or high hazard materials are stored more than 6 feet high.

~~105.7.29~~ 105.6.28 Mechanical refrigeration. A construction permit is required to install, modify or expand any mechanical refrigeration system containing more than 220 pounds of a Group A1 refrigerant or more than 30 pounds of any other group refrigerant.

~~105.7.30~~ 105.6.29 Emergency alarm system. A construction permit is required to install an emergency alarm system in accordance with Section 5307. An emergency alarm is required for carbon dioxide systems with more than 100 pounds of carbon dioxide.

15.10.040 ~~IFC Section 108.6 Overcrowding, amended.~~ Repealed.

~~Section 108.6 of the International Fire Code is hereby amended to read as follows:~~

~~108.6 Overcrowding. Overcrowding or admittance of any person beyond the approved capacity of a building or a portion thereof shall not be allowed. The fire code official, upon finding any overcrowding conditions or obstructions in aisles, passageways or other means of egress, or upon finding any condition which constitutes a life safety hazard, shall be authorized to direct actions to be taken to reduce the overcrowding or to cause the event to be stopped until such condition or obstruction is corrected.~~

15.10.045 IFC Section ~~109.111~~, Board Means of Appeals, replaced.

Section ~~109.111~~ of the International Fire Code is hereby deleted and replaced with a new section 111 to read as follows the following:

Section ~~109.111~~ Hearing Examiner. Appeals of orders, decisions or determinations made by the fire code official shall be made to the hearing examiner in accordance with the requirements and process of Chapter 19.30 KMC. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder has been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better solution is proposed. The hearing examiner shall have not authority relative to interpretation of the administrative provisions of this code nor shall the hearing examiner be empowered to waive requirements of either this code or the technical codes which are the codes, appendices and referenced code standards adopted by the city.

15.10.050 IFC Section ~~110.3~~ ~~112.4~~, Violation Penalties, amended.

Section ~~110.3~~ ~~112.4~~ of the International Fire Code is hereby deleted and replaced with the following:

Notice of violation. Any person who violates the provisions of this code or fails to comply with any of the requirements thereof or lawful directive of the fire code official, shall be subject to penalties as prescribed by law.

15.10.052 IFC Section 307.1.1, Prohibited Open Burning, amended.

Section 307.1.1 of the International Fire Code is hereby amended to read as follows:

Open burning shall be prohibited for land clearing, yard waste disposal, garbage burning or when King County or the Puget Sound Clean Air Agency issues a burn ban.

15.10.055 IFC Section 308.3, Open Flame in Group A Occupancies, amended.

Section 308.3 of the International Fire Code is hereby amended by adding the following exception:

4. Where approved by the fire code official.

15.10.060 IFC Section 319, Mobile Food Preparation Vehicles, amended.

Section 319 of the International Fire Code is hereby amended by adding a new section 319.11 to read as follows the following:

319.11 Location. Mobile food facilities shall not be located within ten feet (10') of buildings, tents, canopies or membrane structures or within ten feet (10') of any other mobile food facility.

Exceptions:

1. When mobile food facilities are positioned on public streets, the distance from buildings may be reduced to five feet (5'). This exception is designated for events lasting a maximum of no more than three (3) consecutive calendar days in a row.
2. When located on private property, the distance from buildings may be reduced to five feet (5') from a fire wall constructed of non-combustible materials and having no openings such as windows or doors within 10 feet of the vehicle.

15.10.065 IFC Section 401.7.1, Evacuation Required, added.

Section 401.7.1 of the International Fire Code is added to Section 401.7 to read as follows:

401.7.1 Evacuation required. In the event of activation of a fire, emergency alarm, or at the direction the fire code official, occupants of the building or portion of the building in which the alarm is activated shall make a safe and orderly evacuation out of the building, or as provided in the building's fire safety and evacuation or high-rise emergency operations plan.

Exceptions:

1. Where the occupant's physical or other disability make the occupant unable to evacuate without assistance and no assistance is immediately available; or

2. Where the presence of smoke, fire, structural collapse or other hazard or obstruction of the occupant's means of egress make evacuation unsafe.

15.10.070 IFC Section 503.1, Where Required, amended.

Section 503.1 of the International Fire Code is hereby amended to read as follows:

503.1 Where required. Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3.

503.1.1 Buildings and facilities. *Approved* fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within a jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the *exterior* walls of the first story of the building as measured by an *approved* route around the exterior of the building or facility.

Exception:

1. The fire code official is authorized to increase the dimensions of 150 feet where any of the following conditions occur:

1.1. The building is equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.

1.2. Fire apparatus access roads cannot be installed because of location on the property, topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternative means of fire protection is provided.

1.3. There are not more than two Group R-3 or Group U occupancies.

503.1.2 Additional Access. The fire code official is authorized to require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climactic conditions or other factors that could limit access.

503.1.3 High-piled storage. Fire department vehicle access to buildings used for high piled combustible storage shall comply with the applicable provisions of Chapter 32.

15.10.075 IFC Section 503.2, Specifications, amended.

Section 503.2 of the International Fire Code is hereby amended **to read** as follows:

503.2 Specifications. Fire apparatus access roads shall be installed and arranged in accordance with Sections 503.2.1 through 503.2.8 and the adopted Road Standards.

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet, exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches. Driveways serving not more than two single-family residences shall comply with the provisions of the Road Standard.

503.2.2 Authority. The fire code official shall have the authority to require or permit modifications to the required access widths where they are inadequate for fire or rescue operations or where necessary to meet the public safety objectives of the jurisdiction.

503.2.3 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities in accordance with the Road Standard.

503.2.4 Turning radius. The required turning radius of a fire apparatus access road shall be 20 feet interior and 40 feet exterior or as determined by the fire code official.

503.2.5 Dead ends. Dead-end fire apparatus access roads in excess of 150 feet- as measured from the centerline of the accessing street- shall be provided with an approved area for turning around fire apparatus. Private access tracts serving not

more than four single-family residences are permitted to construct a hammerhead turn around that meets the layout and size requirements of the fire code official.

503.2.6 Bridges, structures and elevated surfaces. Where a bridge, structure or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with AASHTOHS-25. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the live loads of fire apparatus. In addition, these structures shall be designed to support a 45,000 lb point-load over four square feet. Vehicle load limits shall be posted at both entrances to bridges where required by the fire code official. Where elevated surfaces are designed for emergency vehicle use are adjacent to surfaces which are not designed for such use, approved barriers, approved signs or both shall be installed and maintained where required by the fire code official.

503.2.7 Grade. Where the grade of a fire apparatus access road exceeds 15% at any point along the roadway mitigation of the restricted access must be provided as determined by the fire code official.

503.2.8 Angles of approach and departure. The angles of approach and departure for fire apparatus access roads shall be within the limits established by the fire code official and the City Engineer.

15.10.080 IFC Section 503.3, Marking, amended.

Section 503.3 of the International Fire Code is hereby amended **to read** as follows:

503.3 Marking. Where required by the fire code official, approved signs or other approved notices, as described in the Northshore Fire Department Access Standard, shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Signs or notices shall be maintained a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

15.10.085 IFC Section 503.4, Obstruction of Fire Apparatus Access Roads, amended.

Section 503.4 of the International Fire Code is hereby amended as follows:

503.4 Obstruction of fire apparatus access roads. Fire apparatus access roads shall not be obstructed in any manner, including parking of vehicles. The minimum widths and clearances shall be maintained at all times.

Exception: Parking of vehicles along residential streets where all homes along the road are protected by approved fire sprinkler systems.

15.10.090 IFC Section 506.1, Where Required, amended.

Section 506.1 of the International Fire Code is hereby amended to read as follows by adding the following:

506.1 Where required. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. All occupancies equipped with an automatic sprinkler system, fire alarm system, or hazardous occupancies, or when required by the fire code official, shall have an emergency access key box mounted in an approved location. The key box shall be of an approved type listed in accordance with UL 1037, and shall contain keys to gain necessary access as required by the fire code official.

Exception: One- and two-family dwellings, and detached ADUs.

15.10.095 IFC Section 507.5.1, Where Required, amended.

Section 507.5.1 of the International Fire Code is hereby amended to read as follows:

507.5.1. Where required. Where a facility or building hereafter constructed or moved into or within the city is more than 150 feet from a hydrant on a fire apparatus access road, onsite fire hydrants and mains shall be provided where required by the fire code official. At least one hydrant shall be located within 400 feet of all portions of the exterior wall of the first story of the facility or building as measured by an approved route around the exterior of the

building. All fire hydrants required by this section, whether existing or new shall be equipped with a 4-inch Storz fitting on the steamer port. A 4-inch Storz fitting shall also be installed on any hydrant required for protection of existing structures where the valuation of the improvement or alteration exceeds 50% of the assessed valuation or where the square footage is increased by 25% or 1,000 square feet, whichever is less.

Exceptions:

1. For one- and two-family dwellings and Group U occupancies, the maximum distance to the structure shall be ~~300 feet and 450~~ 500 feet when protected by an approved fire sprinkler system.
2. Distances may be modified by the fire code official for facilities or buildings equipped with approved automatic sprinkler systems.

15.10.0100 IFC Section 510, Emergency Responder Radio Coverage, amended.

Section 510 of the International Fire Code is hereby amended to read as follows:

510.1 Emergency responder radio coverage in new buildings. Approved radio coverage for emergency responders shall be provided within buildings meeting any of the following conditions:

1. High rise buildings;
2. The total building area is 50,000 square feet or more;
3. The total basement area is 10,000 square feet or more; or
4. There are floors used for human occupancy more than 30 feet below the finished floor of the lowest level of exit discharge.
5. Buildings or structures where the Fire or Police Chief determines that in-building radio coverage is critical because of its unique design, location, use or occupancy.

The radio coverage system shall be installed in accordance with Sections 510.4 through 510.5.5 of this code and with the provisions of NFPA 1221 (2019). This section shall not require improvement of the existing public safety communication systems.

Point of Information

When determining if the minimum signal strength referenced 510.4.1.1 exists at a subject building, the signal strength shall be measured at any point on the exterior of the building up to the highest point on the roof.

Exceptions:

1. Buildings and areas of buildings that have minimum radio coverage signal strength levels of the King County Regional 800 MHz Radio System within the building in accordance with Section 510.4.1 without the use of a radio coverage system.
2. In facilities where emergency responder radio coverage is required and such systems, components or equipment required could have a negative impact on the normal operations of that facility, the *fire code official* shall have the authority to accept an automatically activated emergency responder radio coverage system.
3. One- and two-family dwellings and townhouses.
4. Subject to the approval of the fire code official, buildings other than high-rise buildings, colleges, universities and buildings primarily occupied by Group E or I occupancies that have completed a Mobile Emergency Responder Radio Coverage application and submitted payment as outlined in the application.

510.2 Emergency responder radio coverage in existing buildings. Existing buildings shall be provided with approved radio coverage for emergency responders as required in Chapter 11.

510.3 Permit required. A construction permit for the installation of or modification to emergency responder radio coverage systems and related equipment is

required as specified in Section 105.7.6. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

Point of Information

Prior coordination and approval from the Public Safety Radio System Operator is required before installation of an Emergency Responder Radio System. Until 2022, such approval is required from [EPSCA](#), [King County](#), [Seattle](#) or [ValleyCom](#) depending on the location of the installation. In 2022 PSERN will be the single operator of a county wide system.

In order to be forward compatible, designers and contractors should be aware of PSERN's requirements for Distributed Antenna Systems which can be found via <https://psern.org/requirements/>

510.4 Technical requirements. Systems, components and equipment required to provide the emergency responder radio coverage system shall comply with Sections 510.4.1 through 510.4.2.8.

510.4.1 Emergency responder communication enhancement system signal strength. The building shall be considered to have acceptable emergency responder communications enhancement system coverage when signal strength measurements in 95 percent of all areas on each floor of the building meet the signal strength requirements in Sections 510.4.1.1 through 510.4.1.3.

Exception: Critical areas, such as the fire command center(s), the fire pump room(s), interior exit stairways, exit passageways, elevator lobbies, standpipe cabinets, sprinkler sectional valve locations, and other areas required by the fire code official, shall be provided with 99 percent floor area radio coverage.

510.4.1.1 Minimum signal strength into the building. The minimum inbound signal strength shall be sufficient to provide usable voice communications throughout the coverage area as specified by the fire code official. The inbound signal level shall be a minimum of -95dBm in 95% of the coverage area and 99% in critical areas and sufficient to provide not less than a Delivered Audio Quality (DAQ) of 3.0 or an equivalent Signal-to-Interference-Plus-Noise Ratio (SINR) applicable to the technology for either analog or digital signals.

510.4.1.2 Minimum signal strength out of the building. The minimum outbound signal strength shall be sufficient to provide usable voice communications throughout the coverage area as specified by the fire code official. The outbound signal level shall be sufficient to provide not less than a DAQ of 3.0 or an equivalent SINR applicable to the technology for either analog or digital signals. A minimum signal strength of -95 dBm shall be received by the King County Regional 800 MHz Radio System when transmitted from within the building.

510.4.1.3 System performance. Signal strength shall be sufficient to meet the requirements of the applications being utilized by public safety for emergency operations through the coverage area as specified by the radio system manager in Section 510.4.2.2.

510.4.2 System design. The emergency responder radio coverage system shall be designed in accordance with Sections 510.4.2.1 through 510.4.2.8 and NFPA 1221 (2019).

510.4.2.1 Amplification systems and components. Buildings and structures that cannot support the required level of radio coverage shall be equipped with systems and components to enhance the public safety radio signals and achieve the required level of radio coverage specified in Sections 510.4.1 through 510.4.1.3. Public safety communications enhancement systems utilizing radio-frequency-emitting devices and cabling shall be allowed by the Public Safety Radio System Operator. Prior to installation, all RF-emitting devices shall have the certification of the radio licensing authority and be suitable for public safety use.

510.4.2.2 Technical criteria. The Public Safety Radio System Operator shall provide the various frequencies required, the location of radio sites, the effective radiated power of radio sites, the maximum propagation delay in microseconds, the applications being used and other supporting technical information necessary for system design upon request by the building owner or owner's representative.

510.4.2.3 Power supply sources. Emergency responder radio coverage systems shall be provided with dedicated standby batteries or provided with 2-hour

standby batteries and connected to the facility generator power system in accordance with Section 1203. The standby power supply shall be capable of operating the emergency responder radio coverage system at 100-percent system capacity for a duration of not less than 12 hours.

510.4.2.4 Signal booster requirements. If used, signal boosters shall meet the following requirements:

1. All signal booster components shall be contained in a National Electrical Manufacturer's Association (NEMA) 4, IP66-type waterproof cabinet or equivalent.

Exception: Listed battery systems that are contained in integrated battery cabinets.

2. Battery systems used for the emergency power source shall be contained in a NEMA 3R or higher-rated cabinet, IP65-type waterproof cabinet or equivalent.

3. Equipment shall have FCC or other radio licensing authority certification and be suitable for public safety use prior to installation.

4. Where a donor antenna exists, isolation shall be maintained between the donor antenna and all inside antennas to not less than 20dB greater than the system gain under all operating conditions.

5. Bi-Directional Amplifiers (BDAs) used in emergency responder radio coverage systems shall be fitted with anti-oscillation circuitry and per-channel AGC

6. The installation of amplification systems or systems that operate on or provide the means to cause interference on any emergency responder radio coverage networks shall be coordinated and approved by the Public Safety Radio System Operator.

7. Unless otherwise approved by the Public Safety Radio System Operator, only channelized signal boosters shall be permitted.

Exception: Broadband BDA's may be utilized when specifically authorized in writing by the Public Safety Radio System Operator.

Point of Information

BDA's must also comply with PSERN's (www.psern.org/requirements) detailed requirements, which include channelized, minimum of 28 channels, supporting analog, P25 Phase I (FDMA), and P25 Phase II (TDMA).

510.4.2.5 System monitoring. The emergency responder radio enhancement system shall include automatic supervisory and trouble signals that are monitored by a supervisory service and are annunciated by the fire alarm system in accordance with NFPA 72. The following conditions shall be separately annunciated by the fire alarm system, or, if the status of each of the following conditions is individually displayed on a dedicated panel on the radio enhancement system, a single automatic supervisory signal may be annunciated on the fire alarm system indicating deficiencies of the radio enhancement system:

1. Loss of normal AC power supply.
2. System battery charger(s) failure.
3. Malfunction of the donor antenna(s).
4. Failure of active RF-emitting device(s).
5. Low-battery capacity at 70-percent reduction of operating capacity.
6. Active system component malfunction.
7. Malfunction of the communications link between the fire alarm system and the emergency responder radio enhancement system.

510.4.2.6 Additional frequencies and change of frequencies. The emergency responder radio coverage system shall be capable of modification or expansion in the event frequency changes are required by the FCC or other radio licensing authority, or additional frequencies are made available by the FCC or other radio licensing authority.

510.4.2.7 Design documents. The fire code official shall have the authority to require “as-built” design documents and specifications for emergency responder communications coverage systems. The documents shall be in a format acceptable to the fire code official.

510.4.2.8 Radio communication antenna density. Systems shall be engineered to minimize the near-far effect. Radio enhancement system designs shall include sufficient antenna density to address reduced gain conditions.

Exceptions:

1. Class A narrow band signal booster devices with independent AGC/ALC circuits per channel.
2. Systems where all portable devices within the same band use active power control.

510.5 Installation requirements. The installation of the public safety radio coverage system shall be in accordance with NFPA 1221 and Sections 510.5.1 through 510.5.7.

510.5.1 Approval prior to installation. Amplification systems capable of operating on frequencies licensed to any public safety agency by the FCC or other radio licensing authority shall not be installed without prior coordination and approval of the Public Safety Radio System Operator.

510.5.2 Minimum qualifications of personnel. The minimum qualifications of the system designer and lead installation personnel shall include both of the following:

1. A valid FCC-issued general radio telephone operators license.
2. Certification of in-building system training issued by an approved organization or approved school, or a certificate issued by the manufacturer of the equipment being installed.

510.5.3 Acceptance test procedure. Where an emergency responder radio coverage system is required, and upon completion of installation, the building

owner shall have the radio system tested to verify that two-way coverage on each floor of the building is in accordance with Section 510.4.1.

The test procedure shall be conducted as follows:

1. Each floor of the building shall be divided into a grid of 20 approximately equal test areas, with a maximum test area size of 6,400 square feet. Where the floor area exceeds 128,000 square feet, the floor shall be divided into as many approximately equal test areas as needed, such that no test area exceeds the maximum square footage allowed for a test area.
 2. Coverage testing of signal strength shall be conducted using a calibrated spectrum analyzer for each of the test grids. A diagram of this testing shall be created for each floor where coverage is provided, indicating the testing grid used for the test in Section 510.5.3(1), and including signal strengths and frequencies for each test area. Indicate all critical areas.
 3. Functional talk-back testing shall be conducted using two calibrated portable radios of the latest brand and model used by the agency's radio communications system or other equipment approved by the fire code official. Testing shall use Digital Audible Quality (DAQ) metrics, where a passing result is a DAQ of 3 or higher. Communications between handsets shall be tested and recorded in the grid square diagram required by section 510.5.3(2): each grid square on each floor; between each critical area and a radio outside the building; between each critical area and the fire command center or fire alarm control panel; between each landing in each stairwell and the fire command center or fire alarm control panel.
 4. Failure of more than 5% of the test areas on any floor shall result in failure of the test.
- Exception: Critical areas shall be provided with 99 percent floor area coverage.
5. In the event that two of the test areas fail the test, in order to be more statistically accurate, the floor shall be permitted to be divided into 40 equal test areas. Failure of not more than two nonadjacent test areas shall not result in

failure of the test. If the system fails the 40-area test, the system shall be altered to meet the 95-percent coverage requirement.

6. A test location approximately in the center of each test area shall be selected for the test, with the radio enabled to verify two-way communications to and from the outside of the building through the public agency's radio communications system. Once the test location has been selected, that location shall represent the entire test area. Failure in the selected test location shall be considered to be a failure of that test area. Additional test locations shall not be permitted.

7. The gain values of all amplifiers shall be measured, and the test measurement results shall be kept on file with the building owner so that the measurements can be verified during annual tests. In the event that the measurement results become lost, the building owner shall be required to rerun the acceptance test to reestablish the gain values.

8. As part of the installation, a spectrum analyzer or other suitable test equipment shall be utilized to ensure spurious oscillations are not being generated by the subject signal booster. This test shall be conducted at the time of installation and at subsequent annual inspections.

9. Systems incorporating Class B signal booster devices or Class B broadband fiber remote devices shall be tested using two portable radios simultaneously conducting subjective voice quality checks. One portable radio shall be positioned not greater than 10 feet (3048 mm) from the indoor antenna. The second portable radio shall be positioned at a distance that represents the farthest distance from any indoor antenna. With both portable radios simultaneously keyed up on different frequencies within the same band, subjective audio testing shall be conducted and comply with DAQ levels as specified in Sections 510.4.1.1 and 510.4.1.2.

10. Documentation maintained on premises. At the conclusion of the testing, and prior to issuance of the building Certificate of Occupancy, the building owner or owner's representative shall place a copy of the following records in the DAS enclosure or the building engineer's office. The records shall be available to the fire code official and maintained by the building owner for the life of the system:

- a. A certification letter stating that the emergency responder radio coverage system has been installed and tested in accordance with this code, and that the system is complete and fully functional.
- b. The grid square diagram created as part of testing in Sections 510.5.3(2) and 510.5.3(3).
- c. Data sheets and/or manufacturer specifications for the emergency responder radio coverage system equipment; back up battery; and charging system (if utilized).
- d. A diagram showing device locations and wiring schematic.
- e. A copy of the electrical permit.

11. Acceptance test reporting to fire code official. At the conclusion of the testing, and prior to issuance of the building Certificate of Occupancy, the building owner or owner's representative shall submit to the fire code official a report of the acceptance test by way of the department's third-party vendor thecomplianceengine.com.

510.5.4 FCC compliance. The emergency responder radio coverage system installation and components shall comply with all applicable federal regulations including, but not limited to, FCC 47 CFR Part 90.219.

510.5.5 Mounting of the donor antenna (s). To maintain proper alignment with the system designed donor site, donor antennas shall be permanently affixed on the highest possible position on the building or where approved by the fire code official. A clearly visible sign shall be placed near the antenna stating, "movement or repositioning of this antenna is prohibited without approval from the fire code official." The antenna installation shall be in accordance with the applicable requirements in the International Building Code for weather protection of the building envelope.

510.5.6 Wiring. The backbone, antenna distribution, radiating, or any fiber-optic cables shall be rated as plenum cables. The backbone cables shall be connected to the antenna distribution, radiating, or copper cables using hybrid coupler devices of a value determined by the overall design. Backbone cables shall be

routed through an enclosure that matches the building's required fire-resistance rating for shafts or interior exit stairways. The connection between the backbone cable and the antenna cables shall be made within an enclosure that matches the building's fire-resistance rating for shafts or interior exit stairways, and passage of the antenna distribution cable in and out of the enclosure shall be protected as a penetration per the International Building Code.

510.5.7 Identification Signs. Emergency responder radio coverage systems shall be identified by an approved sign located on or near the Fire Alarm Control Panel or other approved location stating "This building is equipped with an Emergency Responder Radio Coverage System. Control Equipment located in room_____".

A sign stating "Emergency Responder Radio Coverage System Equipment" shall be placed on or adjacent to the door of the room containing the main system components.

510.6 Maintenance. The emergency responder radio coverage system shall be maintained operational at all times in accordance with Sections 510.6.1 through 510.6.4.

510.6.1 Testing and proof of compliance. The owner of the building or owner's authorized agent shall have the emergency responder radio coverage system inspected and tested annually or where structural changes occur including additions or remodels that could materially change the original field performance tests. Testing shall consist of the following items (1) through (7):

1. In-building coverage test as required by the *fire code official* as described in Section 510.5.3 "Acceptance test procedure" or 510.6.1.1 "Alternative in-building coverage test".

Exception: Group R Occupancy annual testing is not required within dwelling units.

2. Signal boosters shall be tested to verify that the gain/output level is the same as it was upon initial installation and acceptance or set to optimize the performance of the system.

3. Backup batteries and power supplies shall be tested under load of a period of 1 hours to verify that they will properly operate during an actual power outage. If within the 1-hour test period the battery exhibits symptoms of failure, the test shall be extended for additional 1-hour periods until the integrity of the battery can be determined.

4. If a fire alarm system is present in the building, a test shall be conducted to verify that the fire alarm system is properly supervising the emergency responder communication system as required in Section 510.4.2.5. The test is performed by simulating alarms to the fire alarm control panel. The certifications in Section 510.5.2 are sufficient for the personnel performing this testing.

5. Other active components shall be checked to verify operation within the manufacturer's specifications.

6. At the conclusion of the testing, a report, which shall verify compliance with Section 510.6.1, shall be submitted to the *fire code official* by way of the department's third-party vendor thecomplianceengine.com.

7. At the conclusion of testing, a record of the inspection and maintenance along with an updated grid diagram of each floor showing tested strengths in each grid square and each critical area shall be added to the documentation maintained on the premises in accordance with Section 510.5.3.

510.6.1.1 Alternative In-building coverage test. When the comprehensive test documentation required by Section 510.5.3 is available, or the most recent full five-year test results are available if the system is older than six years, the in-building coverage test required by the fire code official in Section 510.6.1(1), may be conducted as follows:

1. Functional talk-back testing shall be conducted using two calibrated portable radios of the latest brand and model used by the agency's radio communications system or other equipment approved by the fire code official. Testing shall use Digital Audible Quality (DAQ) metrics, where a passing result is a DAQ of 3 or higher. Communications between handsets in the following locations shall be tested: between the fire command center or fire alarm control panel and a

location outside the building; between the fire alarm control panel and each landing in each stairwell.

2. Coverage testing of signal strength shall be conducted using a calibrated spectrum analyzer for:

(a) Three grid areas per floor. The three grid areas to be tested on each floor are the three grid areas with poorest performance in the acceptance test or the most recent annual test, whichever is more recent; and

(b) Each of the critical areas identified in acceptance test documentation required by Section 510.5.3, or as modified by the fire code official, and

(c) One grid square per serving antenna.

3. The test area boundaries shall not deviate from the areas established at the time of the acceptance test, or as modified by the fire code official. The building shall be considered to have acceptable emergency responder radio coverage when the required signal strength requirements in 510.4.1.1 and 510.4.1.2 are located in 95 percent of all areas on each floor of the building and 99 percent in Critical Areas, and any non-functional serving antenna are repaired to function within normal ranges. If the documentation of the acceptance test or most recent previous annual test results are not available or acceptable to the fire code official, the radio coverage verification testing described in 510.5.3 shall be conducted.

Point of Information

The alternative in-building coverage test provides an alternative testing protocol for the in-building coverage test in subsection (1) of section 510.6.1. There is no change or alternative to annual testing requirements enumerated in subsections (2) – (7) of Section 510.6.1, which must be performed at the time of each annual test.

510.6.2 Additional frequencies. The building owner shall modify or expand the emergency responder radio coverage system at his or her expense in the event frequency changes are required by the FCC or other radio licensing authority, or

additional frequencies are made available by the FCC public safety radio system operator or FCC license holder. Prior approval of a public safety radio coverage system on previous frequencies does not exempt this section.

510.6.3 Nonpublic safety system. Where other nonpublic safety amplification systems installed in buildings reduce the performance or cause interference with the emergency responder communications coverage system, the nonpublic safety amplification system shall be corrected or removed.

510.6.4 Field testing. Agency personnel shall have the right to enter onto the property at any reasonable time to conduct field testing to verify the required level of radio coverage or to disable a system that due to malfunction or poor maintenance has the potential to impact the emergency responder radio system in the region.

15.10.105 IFC Section 901.7, Systems Out of Service, amended.

Section 901.7 of the International Fire Code is hereby amended to read as follows:

901.7 System out of service. Where a fire protection system is out of service, the fire department and the fire code official shall be notified immediately and, where required by the fire code official, the building shall either be evacuated or an approved fire watch shall be provided for all occupants left unprotected by the shutdown until the fire protection system has been returned to service. Where utilized, fire watches shall be provided with at least one means for notification of the fire department and their only duty shall be to perform constant patrols of the protected premises and keep watch for fires.

15.10.110 IFC Section 903.2, Where Required, amended.

Section 903.2 of the International Fire Code is hereby amended to read as follows:

903.2 Where required. Approved automatic sprinkler systems in new and existing buildings and structures shall be provided in the locations described in Section 903.2.1 through 903.13.

The exception has been deleted.

15.10.115 IFC Section 903.2.13, Additional Fire Sprinkler Requirements for New and Existing Buildings, added.

Section 903.2 of the International Fire Code is hereby amended by adding a new Section 903.2.13 as follows:

903.2.13 Additional fire sprinkler requirements for new and existing buildings.

NEW BUILDINGS

1. An automatic sprinkler system shall be installed in all occupancies requiring 2,000 gallons per minute or more fire flow, or where the gross square footage exceeds ~~5,000~~ **4,800** square feet. This applies to all buildings regardless of type or use.
2. All newly constructed buildings regardless of gross square footage shall be provided with an automatic sprinkler system if adequate fire flow, hydrant spacing, or approved fire department access is not provided as required in IFC Section 503, Appendix B, and or Title 15 of the Kenmore Municipal Code.
3. An automatic sprinkler system shall be installed in new residential occupancies.

Exception: Detached accessory dwelling units (ADU's).

EXISTING BUILDINGS

1. The provisions of this section shall apply to existing **IRC** buildings that are subject to alterations, repairs, modifications or similar improvements where the total cost of the work performed exceeds ~~50%~~ **75%** of the King County Assessors Office valuation of the structure. Where subsequent alterations, repairs, modifications or similar improvements occur within five years of the first permitted work, the original building valuation shall be used and the total costs of improvements shall be accumulative. **All**

other occupancies shall comply with the Washington State Existing Building Code.

2. The provisions of this section shall apply to existing buildings where the gross floor area of the building is increased. Additions to buildings that would result in a gross floor area greater than 5,000 square feet shall be retrofitted throughout with an approved automatic sprinkler system.

Exception: The floor area of an existing building may be increased by up to 25%, not to exceed 5,000 square foot floor area increase. This exception shall be allowed one time only and acknowledgement of its use shall be recorded to run with the property title prior to permit issuance.

15.10.120 IFC 903.3.1.1.1, Exempt locations, amended.

Item 6 from Section 903.3.1.1.1 of the International Fire Code is hereby amended to read as follows:

6. Machine rooms, machinery spaces, control rooms and control spaces associated with traction elevators. The elevator machinery shall not be of the hydraulic type.

15.10.125 IFC Section 903.3.1.2, NFPA 13R Sprinkler Systems, amended.

Section 903.3.1.2 of the International Fire Code is hereby amended to read as follows:

Automatic sprinkler systems in Group R occupancies up to and including four stories in height in buildings not exceeding 60 feet in height, as measured from the lowest point of fire department access, shall be permitted to be installed throughout in accordance with NFPA 13R.

The number of stories of Group R constructed in accordance with Sections 510.2 and 510.4 of the International Building Code shall be measured from the horizontal assembly creating separate buildings.

15.10.130 IFC Section 903.4.3, Floor Control Valves, amended.

Section 903.4.3 of the International Fire Code is hereby amended to read as follows:

903.4.3. Floor control valves. In multi-level buildings *approved*, supervised indicating control valves shall be provided at the point of connection to the riser on each floor.

Exception: When approved by the fire code official.

15.10.135 IFC Section 903.5.1, Fire Sprinkler and Standpipe Drains, added.

Section 903.5.1 of the International Fire Code is hereby amended by adding a new Section 903.5.1 as follows:

903.5.1 Fire sprinkler and standpipe drains. Fire sprinkler and standpipe main/express drains shall be positioned to drain to the sanitary sewer. Additionally, maintenance or testing discharges from fire pumps shall be treated in order to comply with the National Pollution Discharge Elimination System (NPDES) requirements.

15.10.140 IFC Section 907.2, Where Required – New Buildings and Structures, amended.

Section 907.2, excluding subsections 907.2.1 through 907.2.23, of the International Fire Code is hereby amended to read as follows:

907.2 Where required—new buildings and structures.

All occupancies exceeding 3,000 square feet gross floor area shall be required to provide an approved, monitored automatic fire detection system. Fire walls as noted in Section 706 of the International Building Code shall not be considered to be a separate building to enable deletion of the required fire detection system.

Exception: Group U or IRC regulated structures.

An approved fire alarm system installed in accordance with this code and NFPA 72 shall be provided in new buildings and

structures in accordance with Sections 907.2.1 through 907.2.23. and provide occupant notification in accordance with Section 907.6, unless other requirements are provided by another section of this code. Where automatic sprinkler protection installed in accordance with Section 903.3.1.1 or 903.3.1.2 is provided and connected to the building fire alarm system, automatic heat detection required by this section shall not be required.

A minimum of one fire alarm box shall be provided in an approved location to initiate a fire alarm signal for fire alarm systems employing automatic fire detectors or water-flow devices. Where other sections of this code allow elimination of fire alarm boxes due to sprinklers, a single fire alarm box shall be installed.

EXISTING BUILDINGS

The provisions of this section shall apply to existing buildings that are subject to alterations, repairs, modifications or similar improvements where the total cost of the work performed exceeds 75% of the King County Assessor's Office valuation of the structure. Where subsequent alterations, repairs, modifications or similar improvements occur within five years of the first permitted work, the original building valuation shall be used and the total costs of improvements shall be accumulative.

15.10.145 IFC Section 5003.9, General Safety Precautions, amended.

Section 5003.9 of the International Fire Code is amended to read as follows:

5003.9 General safety precautions. General precautions for the safe storage, handling or care of hazardous materials shall be in accordance with Sections 5003.9.1 through 5003.9.11.

15.10.150 IFC Section 5003.9.11, Manufacturer's Limitations, added.

Section 5003.9 of the International Fire Code is amended by adding a new section 5003.9.11 as follows:

5003.9.11 Manufacturer's Limitations. The storage and use of hazardous materials shall not exceed the manufacturer's limitations on shelf life and any other restrictions on use.

15.10.155 IFC Section 5307.5.2, Emergency Alarm System, amended. Repealed.

Section 5307.5.2 of the International Fire Code is hereby amended to read as follows:

~~5307.5.2 Emergency alarm systems. An emergency alarm system shall comply with all of the following:~~

~~1. Continuous gas detection shall be provided to monitor areas where carbon dioxide can accumulate.~~

~~2. The threshold for activation on an alarm shall not exceed 5,000 parts per million.~~

~~3. Activation of the emergency alarm system shall initiate a local alarm at the entrance to the room(s) and inside the room(s) where CO₂ systems are installed.~~

~~4. A warning sign shall be posted at the entrance to the room that reads: "Carbon Dioxide Alarm. Do Not Enter. Call 911."~~

15.10.160 IFC Section 5604.1, General, amended.

Section 5604.1 of the International Fire Code is hereby amended by adding the to read as following follows:

5604.1 General. The storage of blasting agents, detonators, explosives, explosive materials and special industrial explosive devices is prohibited within the city limits.

Exceptions:

1. Approved storage areas in law enforcement facilities and as otherwise provided in the Municipal Code.
2. When approved by the fire code official.

15.10.165 IFC Section 5704.2.9.6.1, Locations Where Above-Ground Tanks Are Prohibited, amended.

Section 5704.2.9.6.1 of the International Fire Code is amended to read as follows:

5704.2.9.6.1 Locations where above-ground tanks are prohibited. Throughout the city, the use of above ground storage tanks outside of buildings shall be limited to flammable or combustible liquids in outside above ground tanks of 2,000 gallons per tank with an aggregate capacity of 4,000 gallons per site, unless otherwise specifically approved by the fire code official. All above ground storage tanks containing flammable or combustible liquids with a capacity of 500 gallons or more shall be protected tanks designed in accordance with Section 5704.2.9.7 and UL2085, or other systems with prior approval of the fire code official. Above ground combustible liquid tanks, used for the storage of heating oil, for a single family residence shall not exceed 300 gallons. Above ground flammable liquid tanks shall not be permitted in a residential zone or within 100 feet of a residential zone within the city, except that such tanks may be located at fire stations or municipal facilities. Temporary uses may be permitted during periods of construction with the approval of the fire code official. Permits for above ground tanks shall be approved by the fire code official prior to installation or placement.

Exception: Existing installations exceeding 2,000 gallon tank or aggregate capacity of 4,000 gallons per site shall be allowed to continue until tank replacement is necessary or tank decommissioning.

15.10.170 IFC Section 5707, On-Demand Mobile Fueling Operations, amended.

Section 5707 of the International Fire Code is amended to read as follows:

5701.1 General. On-demand mobile fueling operations that dispense Class I, II and III liquids into the fuel tanks of motor vehicles shall comply with Sections 5707.1 through 5707.6. 6.

Exception: Fueling from an *approved* portable container in cases of an emergency or for personal use.

5707.1.1 Approval required. Mobile fueling operations shall not be conducted without first obtaining a *permit* and approval from the *fire code official*. Mobile fueling operations shall occur only at *approved* locations. The *fire code official* is authorized to approve individual locations or geographic areas where mobile fueling is allowed.

5707.2 Mobile fueling vehicle. An on-demand mobile fueling vehicle shall be that which is utilized in on-demand fueling operations for the dispensing of Class I, II or III liquids into the fuel tanks of motor vehicles.

5707.2.1 Mobile fueling vehicle classifications. An on-demand mobile fueling vehicle shall be characterized as one of the following:

1. Tier 1 Mobile Fueling Vehicle-A tank vehicle that complies with NFPA 385 and that has chassis-mounted tanks where the aggregate capacity does not exceed 1600 gallons (6057 L).
2. Tier 2 Mobile Fueling Vehicle-A vehicle with one or more chassis-mounted tanks or chassis-mounted containers, not to exceed 110 gallons (415 L) capacity and having an aggregate capacity that does not exceed 800 gallons (3028 L) or the weight capacity of the vehicle in accordance with DOTn.
3. Tier 3 Mobile Fueling Vehicle-A vehicle that carries a maximum aggregate capacity of 60 gallons (227 L) of motor fuel in metal safety cans *listed* in accordance with UL 30 or other *approved* metal containers, each not to exceed 5 gallons (19 L) in capacity.

5707.2.2 Mobile fueling vehicle requirements. Each mobile fueling vehicle shall comply with all local, state and federal requirements, as well as the following:

1. Mobile fueling vehicles with a chassis-mounted tank in excess of 110 gallons (415 L) shall also comply with the requirements of Section 5706.6 and NFPA 385.
2. The mobile fueling vehicle and its equipment shall be maintained in good repair.

3. Safety cans and approved metal containers shall be secured to the mobile fueling vehicle except when in use.

4. Fueling a motor vehicle from tanks or containers mounted in a trailer connected to a mobile fueling vehicle shall be prohibited.

5707.3 Required documents. Documents developed to comply with Sections 5707.3.1 through 5707.3.3 shall be updated as necessary by the *owner* of the mobile fueling operation and shall be maintained in compliance with Section 108.3.

5707.3.1 Safety and emergency response plan. Mobile fueling operators shall have an *approved* written safety and emergency response plan that establishes policies and procedures for fire safety, spill prevention and control, personnel training and compliance with other applicable requirements of this code.

5707.3.2 Training records. Mobile fueling vehicles shall be operated only by designated personnel who are trained on proper fueling procedures and the safety and emergency response plan. Training records of operators shall be maintained.

5707.3.3 Site plan. Where required by the *fire code official*, a site plan shall be developed for each location or area at which mobile fueling occurs. The site plan shall be in sufficient detail to indicate the following:

1. All buildings, structures;
2. *Lot lines* or, property lines;
3. Electric car chargers;
4. Solar photovoltaic parking lot canopies;
5. Appurtenances on site and their use or function;
6. All uses adjacent to the *lot lines* of the site;
7. Fueling locations;
8. Locations of all storm drain openings and adjacent waterways or wetlands

9. Information regarding slope, natural drainage, curbing, impounding;

10. How a spill will be kept on the site property;

11. Scale of the site plan.

5707.4 Mobile fueling areas. The mobile fueling vehicle and point of connection of the vehicle being fueled shall not occur on public streets, *public ways* or inside *buildings*. Fueling on the roof level of parking structures or other *buildings* is prohibited.

5707.4.1 Separation. The point of connection of the vehicle being fueled shall not take place within 25 feet (7620 mm) of buildings, lot lines, property lines or combustible storage. Mobile fueling vehicles shall not park within 10 feet (3048 mm) of buildings, lot lines, property lines, or combustible storage.

Exceptions:

1. The *fire code official* shall be authorized to decrease the separation distance for dispensing from metal safety cans or other *approved* metal containers in accordance with Section 5707.2.

2. The point of fueling shall not take place within 10 feet (3048 mm) of buildings, lot lines, property lines, or combustible storage when the mobile fueling vehicle has an approved vapor recovery system or is servicing vehicles with on board refueling vapor recovery.

Where dispensing operations occur within 15 feet (4572 mm) of a storm drain, an *approved* storm drain cover or an *approved* equivalent method that will prevent any fuel from reaching the drain shall be used.

5707.4.2 Sources of ignition. Smoking, open flames and other sources of ignition shall be prohibited within 25 feet (7620 mm) of fuel dispensing activities. Signs prohibiting smoking or open flames within 25 feet (7620 mm) of the vehicle or the point of fueling shall be prominently posted on the mobile fueling vehicle. The engines of vehicles being fueled shall be shut off during fueling.

5707.4.3 Electrical equipment. Mobile fueling shall not occur within 20 feet of

electrical equipment located within 18 inches of the ground unless such electrical equipment is rated for Class 1, Division 2 hazardous locations in accordance with the National Electrical Code.

5707.5 Equipment. Mobile fueling equipment shall comply with Sections 5707.5.1 through 5707.5.5.

5707.5.1 Dispensing hoses and nozzles. Where equipped, the dispensing hose shall not exceed 50 feet (15 240 mm) in length. The dispensing nozzles and hoses shall be of an *approved* and *listed* type. Where metal-to-metal contact cannot be made between the nozzle and the fuel fill opening, then a means for bonding the mobile fueling vehicle to the motor vehicle shall be provided and employed during fueling operations.

5707.5.2 Break-away device. A listed break-away device shall be provided at the nozzle.

Exception: Mobile fueling vehicles equipped with an approved brake interlock tied to the nozzle holder that prohibits movement of the mobile fueling vehicle when the nozzle is removed from its holder or tied to the delivery of fuel that prevents activation of the pumping system.

5707.5.3 Shut off valve and fuel limit. Mobile fueling vehicles shall be equipped with a listed shutoff valve assembly and a fuel limit switch set to a maximum of 30 gallons (116 L)

5707.5.4 Fire extinguisher. An *approved* portable fire extinguisher complying with Section 906 with a minimum rating of 4A:80-B:C shall be provided on the mobile fueling vehicle with signage clearly indicating its location.

5707.5.5 Spill kit. Mobile fueling vehicles shall contain a minimum 5-gallon (19 L) spill kit of an *approved* type.

5707.6 Operations. Mobile fueling vehicles shall be constantly attended during fueling operations with brakes set and warning lights in operation. Mobile fueling vehicles shall not obstruct emergency vehicle access roads.

5707.6.1 Dispensing hose. Where equipped, mobile fueling vehicles shall be

positioned in a manner to preclude traffic from driving over the dispensing hose. The dispensing hose shall be properly placed on an *approved* reel or in an *approved* compartment prior to moving the mobile fueling vehicle.

5707.6.2 Drip control. Operators shall place a drip pan or an absorbent pillow under the nozzle and each fuel fill opening prior to and during dispensing operations to catch drips.

5707.6.3 Safety cones. Safety cones or other visual barriers shall be employed as warning devices to highlight the vehicle fueling area.

5707.6.4 Vehicle lights. The mobile fueling vehicle flasher lights shall be in operation while dispensing operations are in progress.

5707.6.5 Nighttime deliveries. Nighttime deliveries shall only be made in areas deemed adequately lighted by the *fire code official*.

5707.6.6. Spill reporting. Spills shall be reported in accordance with Section 5003.3.1

15.10.175 IFC Section 5806.2, Limitations, amended.

Section 5806.2 of the International Fire Code is amended to read as follows:

5806.2 Outdoor storage. The storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited within the city limits.

15.10.180 IFC Section 6104.2, Maximum Capacity within Established Limits, amended.

Section 6104.2 of the International Fire Code is amended to read as follows:

6104.2 Maximum capacity within established limits. Throughout the city, the aggregate capacity of any one installation of liquefied petroleum gas shall not exceed five hundred (500) gallons water capacity. This capacity limit may be increased up to, but not to exceed, two thousand (2,000) gallons water capacity if the installation is not within, or closer than 100 feet of a residential

zone and must be approved by the fire code official. A permit is required to install a liquefied petroleum gas tank.

Exception: Existing installations exceeding five hundred (500) gallons water capacity, but not exceeding two thousand (2,000) gallons water capacity, shall be allowed to continue.

15.10.185 IFC Appendix B, Fire-Flow Requirements for Buildings, amended.

Appendix B, Sections B104.1, B104.2, and B105.1, and B105.2 the footnotes of Table B105.1, are amended to read as follows:

B104.1 General. The fire flow calculation area shall be the total floor area of all floor levels within the exterior walls, and under the horizontal projections of the roof of a building, including basements and attached garages, except as modified in Section B104.3.

B104.2 Area separation. Portions of buildings which are separated by four-hour fire walls without openings, constructed in accordance with the International Building Code, are allowed to be considered as separate fire-flow calculation areas.

B105.1 One and Two Family dwellings. The minimum fire flow requirements for one and two family dwellings having a fire-flow calculation area where the gross floor area, including attached garages, does not exceed 3,600 square feet (344.5 m²) shall be 1,500 gallons per minute (3785.4 L/min). Fire flow and flow duration for dwellings having a gross square footage in excess of 3,600 square feet (344.5 m²) shall be not less than that specified in Table B105.1 and the *ISO Guide for the Determination of Needed Fire Flow*.

Exception: The minimum fire flow required for one- and two-family dwellings protected by approved fire sprinkler systems that have a gross floor area under 3,600 square feet shall be 500-1000 gallons per minute. Fire sprinkler protected one- and two-family dwellings that have gross floor areas over 3,600 square feet shall have

available fire flow of at least 1/2 the value in Table B105.1(2), but shall not be below 1000 gallons per minute.

B105.2 Buildings other than one- and two-family dwellings. The minimum fire flow and flow duration for buildings other than one- and two-family dwellings shall be as determined by utilizing Table B105.1(2) and the *ISO Guide for the Determination of Needed Fire Flow*.

Exception: A reduction in required fire flow of up to 50 percent, as approved, is allowed when the building is provided with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2 of the International Fire Code. Where buildings are of Type I or II construction and are a light-hazard occupancy as defined by NFPA 13, the reduction may be up to 75 percent. The resulting fire flow shall not be less than 1,500 gallons per minute (5678 l/min) for the prescribed duration as specified in Table B105.1.

Chapter 15.20 BUILDING CODES

Sections:

- 15.20.010 International Building Code adopted.
- 15.20.015 IBC Section 312.1, U-Occupancy Use – General, amended.
- 15.20.020 IBC Section 403.4.8, Standby Power, amended.
- 15.20.025 IBC Section 403.4.8.1, Equipment Room, amended.
- 15.20.030 IBC Section 403.4.8.1.1, Standby Power Room Penetrations, added.
- 15.20.035 IBC Section 403.4.8.3, Standby Power Loads, amended.
- 15.20.040 IBC Section 403.7, Smoke Control, added.
- 15.20.045 IBC Section 405.8, Standby Power, **and Emergency** amended.
- 15.20.050 IBC Section 712.1.3.1, Opening Size, amended.
- 15.20.055 IBC Section 903.2, Sprinklers Where Required, amended.
- 15.20.060 IBC Section 903.2.13, Additional Fire Sprinkler Requirements for New and Existing Buildings, added.
- 15.20.065 IBC Section 903.3.1.1.1, Exempt locations, amended.
- 15.20.070 **IBC Section 903.3.1.2, NFPA 13R sprinkler systems, amended-Repealed.**
- 15.20.075 IBC Section 903.4.3, Floor Control Valves, amended.
- 15.20.080 IBC Section 903.5.1, Fire Sprinkler and Standpipe Drains, added.
- 15.20.085 IBC Section 907.2, Alarms Where Required – New Buildings and Structures, amended.
- 15.20.090 IBC Section 911.1.2.1, Fire Command Center Penetrations, added.
- 15.20.095 IBC Section 1608.1, Snow Load – General, amended.
- 15.20.100 IBC Section 1612.3, Establishment of Flood Hazard Areas, amended.
- 15.20.105 **IBC Section 3002.4, Elevator Car to Accommodate Ambulance Stretcher, amended-Repealed.**
- 15.20.110 IBC Section **3112.3.1.1.7**, Waterfront Structures, added.
- 15.20.115 IBC Appendix adoption.
- 15.20.120 International Residential Code adopted.
- 15.20.125 IRC Table **R301.2(1)R301.2**, Climate and Geographic Design Criteria, amended.
- 15.20.130 IRC Appendix **AWV**, Fire Sprinklers, amended.
- 15.20.135 **Repealed-IRC Appendix AWZ, Building Deconstruction, amended.**
- 15.20.140 **Repealed-International Mechanical Code adopted.**
- 15.20.145 **Repealed-Uniform Plumbing Code adopted.**
- 15.20.150 **Repealed-National Fuel Gas Code (NFPA 54) adopted.**
- 15.20.155 **Repealed-Liquefied Petroleum Gas Code (NFPA 58) adopted.**
- 15.20.160 **International Mechanical Code adopted-International Fuel Gas Code adopted.**
- 15.20.165 **Uniform Plumbing Code adopted-Washington State Energy Code adopted.**
- 15.20.170 **National Fuel Gas Code (NFPA 54) adopted-International Existing Building Code adopted.**
- 15.20.175 **Liquefied Petroleum Gas Code (NFPA 58) adopted- International Existing Building Code adopted.**

~~15.20.180 International Fuel Gas Code adopted. International Wildland-Urban Interface Code adopted.~~

~~15.20.185 Washington State Energy Code adopted. Repealed.~~

~~15.20.200 Repealed.~~

~~15.20.205 Repealed.~~

~~15.20.210 Repealed.~~

~~15.20.215 Repealed.~~

~~15.20.220 Repealed.~~

~~15.20.225 International Existing Building Code adopted.~~

~~15.20.230 International Swimming Pool and Spa Code adopted.~~

15.20.010 International Building Code adopted.

The ~~2018~~ **2021** Edition of the International Building Code, excluding Chapter 1, “Scope and Administration,” as published by the International Code Council, is adopted, together with the amendments set forth in Chapter 51-50 WAC. The Construction Administrative Code, as set forth in Chapter 15.30 KMC, shall be used in place of IBC Chapter 1.

15.20.015 IBC Section 312.1, U-Occupancy Use – General, amended.

Section 312.1 of the International Building Code is hereby amended to read as follows by adding the following use to the list:

Waterfront structures

15.20.020 IBC Section 403.4.8, Standby Power, amended.

Section 403.4.8 of the International Building Code is hereby amended to read as follows:

Add the following sentence to the end of the paragraph:

Fuel-fired emergency generator sets and associated fuel storage, including optional generator sets, located more than 75 feet above the lowest level of Fire Department vehicle access requires the approval of the Fire Code Official.

15.20.025 IBC Section 403.4.8.1, Equipment Room, amended.

Section 403.4.8.1 of the International Building Code, is hereby amended to read as follows:

403.4.8.1 Equipment room. If the standby system is a generator set inside the building, the system shall be located in a separate room enclosed with 2-hour fire barriers constructed in accordance with Section 403.4.8.1.1 and Section 707 or horizontal assemblies constructed in accordance with Section 711, or both. System supervision with manual start and transfer features shall be provided at the fire command center.

15.20.030 IBC Section 403.4.8.1.1, Standby Power Room Penetrations, added.

Section 403.4.8.1.1 of the International Building Code is hereby added as follows:

403.4.8.1.1 Penetrations. Penetrations into and openings through a room containing a standby power system are prohibited except for required exit doors, equipment and ductwork necessary for heating, cooling or ventilation, sprinkler branch line piping, or electrical raceway serving the standby power system or being served by the standby power system and metallic piping with no joints or openings. Such penetrations shall be protected in accordance with Section 714.

15.20.035 IBC Section 403.4.8.3, Standby Power Loads, amended.

Section 403.4.8.3 of the International Building Code is amended by adding a fifth item which reads as follows:

5. Smoke control system.

15.20.040 IBC Section 403.7, Smoke Control, added.

Section 403.7 of the International Building Code is hereby added as follows:

403.7 Smoke control. A smoke control system meeting the requirements of Section 909 shall be provided in buildings that exceed ten stories, or contain a use requiring defend-in-place firefighting operations in which occupants of some area cannot readily evacuate that area. This includes portions of facilities housing functions essential to continuity of public safety operations, and Group I and LC Occupancies where in the judgment of the Building Official and Fire Code Official, occupants having limited capacity for self-preservation are located on floors more than 75

feet above the lowest level of Fire Department vehicle access. A smoke control system for a defend-in-place use may be a performance-based design to protect that use without providing smoke control throughout the entire building, but shall otherwise comply with Section 909.

Exception: Smoke control may be omitted when approved by the Building Official and Fire Code Official.

15.20.045 IBC Section 405.8, Standby and Emergency Power, amended.

Section 405.8 of the International Building Code is hereby amended by adding the following sentence:

Fuel-fired emergency generator sets and associated fuel storage, including optional generator sets, located more than 30 feet below the lowest level of exit discharge requires the approval of the Fire Code Official.

15.20.050 IBC Section 712.1.3.1, Opening Size, amended.

Section 712.1.3.1 of the International Building Code is hereby amended by revising the last sentence, to read:

This application is limited to openings that do not connect more than four stories in buildings not required to have smoke control systems. In buildings that are required to have smoke control systems, escalators are limited to openings that do not connect more than four stories and non-egress stairs are limited to openings that do not atmospherically connect more than two stories.

15.20.055 IBC Section 903.2, Sprinklers Where Required, amended.

Section 903.2 of the International Building Code is hereby amended to read as follows:

903.2 Where required. Approved automatic sprinkler systems in new and existing buildings and structures shall be provided in the locations described in Section 903.2.1 through 903.13.

The exception has been deleted.

15.20.060 IBC Section 903.2.13, Additional Fire Sprinkler Requirements for New and Existing Buildings, added.

Section 903.2 of the International Building Code is hereby amended by adding a new Section 903.2.13 as follows:

903.2.13 Additional fire sprinkler requirements for new and existing buildings.

NEW BUILDINGS

1. An automatic sprinkler system shall be installed in all occupancies requiring 2,000 gallons per minute or more fire flow, or where the gross square footage exceeds ~~5,000~~ **4,800** square feet. This applies to all buildings regardless of type or use. Fire walls shall not be considered to separate a building to enable deletion of the required sprinkler system.
2. All newly constructed buildings regardless of gross square footage shall be provided with an automatic sprinkler system if adequate fire flow, hydrant spacing, or approved fire department access is not provided as required in the International Fire Code Section 503, Appendix B, and/or Title 15 of the Kenmore Municipal Code.
3. An automatic sprinkler system shall be installed in newly constructed residential occupancies.

Exception: Detached accessory dwelling units (ADU's).

EXISTING BUILDINGS

1. The provisions of this section shall apply to existing **IRC** buildings that are subject to alterations, repairs, modifications or similar improvements where the total cost of the work performed exceeds ~~50%~~ **75%** of the King County Assessor's Office valuation. Where subsequent alterations, repairs, modifications or similar improvements occur within five years of the first permitted work, the original building valuation shall be used and the total costs of

the improvements shall be accumulative. All other occupancies shall comply with the Washington State Existing Building Code.

2. The provisions of this section shall apply to existing buildings where the gross floor area of the building is increased. Additions to buildings that would result in a gross floor area greater than 5,000 square feet shall be retrofitted throughout with an approved automatic sprinkler system.

Exception: The floor area of an existing building may be increased up to 25%, not to exceed 5,000 square foot floor area increase. This exception shall be allowed one time only and acknowledgement of its use shall be recorded on the property title prior to permit issuance.

15.20.065 IBC Section 903.3.1.1.1, Exempt locations, amended.

Item 6 from Section 903.3.1.1.1 of the International Building Code is hereby amended to read as follows:

6. Machine rooms, machinery spaces, control rooms and control spaces associated with traction elevators. The elevator machinery shall not be of the hydraulic type.

~~15.20.070 IBC Section 903.3.1.2, NFPA 13R sprinkler systems, amended. Repealed~~
~~Section 903.3.1.2 of the International Building Code is hereby amended to read as follows:~~

~~Automatic sprinkler systems in Group R occupancies up to and including four stories in height in buildings not exceeding 60 feet in height, as measured from the lowest point of fire department access, shall be permitted to be installed throughout in accordance with NFPA 13R.~~

~~The number of stories of Group R constructed in accordance with Sections 510.2 and 510.4 shall be measured from the horizontal assembly creating separate buildings.~~

15.20.075 IBC Section 903.4.3, Floor Control Valves, amended.

Section 903.4.3 of the International Building Code is hereby amended to read as follows:

903.4.3 Floor control valves. In multi-level buildings *approved*, supervised indicating control valves shall be provided at the point of connection to the riser on each floor.

Exception: When approved by the fire code official.

15.20.080 IBC Section 903.5.1, Fire Sprinkler and Standpipe Drains, added.

Section 903.5.1 of the International Building Code is amended by adding a new Section 903.5.1 as follows:

903.5.1 Fire sprinkler and standpipe drains. Fire sprinkler and standpipe main/express drains shall be positioned to drain to the sanitary sewer. Additionally, maintenance or testing discharges from fire pumps shall be treated in order to comply with the National Pollution Discharge Elimination System (NPDES) requirements.

15.20.085 IBC Section 907.2, Alarms Where Required – New Buildings and Structures, amended.

Section 907.2 of the International Building Code is hereby amended to read as follows:

907.2 Where required – new buildings and structures.

All occupancies exceeding 3,000 square feet gross floor area shall be required to provide an approved and monitored fire detection system. Fire walls shall not be considered to be a separate building to enable deletion of the required fire detection system.

Exception: Group U or IRC regulated structures.

An approved fire alarm system installed in accordance with Sections 907.2.1 through 907.2.23 and provide occupant notification in accordance with Section 907.6, unless other requirements are provided by another section of the IFC. Where automatic protection installed in accordance with Section 903.3.1.1 or 903.3.1.2 is provided and connected to the building fire alarm

system, automatic heat detection required by this section shall not be required.

A minimum of one fire alarm box shall be provided in an approved location to initiate a fire alarm signal for the fire alarm systems employing automatic fire detectors or water-flow devices. Where other sections of this code allow elimination of fire alarm boxes due to sprinklers, a single fire alarm box shall be installed.

EXISTING BUILDINGS

The provisions of this section shall apply to existing buildings that are subject to alterations, repairs, modifications or similar improvements where the total cost of the work performed exceeds 50% of the King County Assessor's Office valuation of the structure. Where subsequent alterations, repairs, modifications or similar improvements occur within five years of the first permitted work, the original building valuation shall be used and the total costs of improvements shall be accumulative.

15.20.090 IBC Section 911.1.2.1, Fire Command Center Penetrations, added.

Section 911.1.2.1 of the International Building Code is hereby added to read as follows:

911.1.2.1 Penetrations. Penetrations into and openings through a fire command center are prohibited except for required exit doors, equipment and ductwork necessary for heating, cooling or ventilation, sprinkler branch line piping, electrical raceway for the fire department communication and control, electrical raceway serving the fire command center for being controlled from the fire command center and metallic piping with no joints or openings. Such penetrations shall be protected in accordance with Section 714.

15.20.095 IBC Section 1608.1, Snow Load – General, amended.

Section 1608.1 of the International Building Code is hereby amended to read as follows:

1608.1 General. Design snow loads shall not be less than 25 psf, and the design roof loads shall not be less than that determined by Section 1607.

15.20.100 IBC Section 1612.3, Establishment of Flood Hazard Areas, amended.

Section 1612.3 of the International Building Code is hereby amended by revising the second sentence to read as follows:

The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled "The Flood Insurance Study for King County, Washington and Incorporated Areas," DATED April 9, 2005, as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and related supporting data along with any revisions thereto.

~~15.20.105 IBC Section 3002.4, Elevator Car to Accommodate Ambulance Stretcher, amended. Repealed.~~

~~Section 3002.4 of the International Building Code is hereby amended to read as follows:~~

~~3002.4 Elevator car to accommodate ambulance stretcher. Where elevators are provided in buildings four or more stories above, or four or more stories below grade plane, or in any R or I occupancy building provided with an elevator regardless of the number of stories, at least one elevator shall be provided for fire department emergency access to all floors. The elevator car shall be of such a size and arrangement to accommodate a 24-inch by 84-inch (610 mm by 1930 mm) ambulance stretcher in the horizontal, open position and shall be identified by the international symbol for emergency medical services (star of life). The symbol shall not be less than 3 inches (76 mm) high and shall be placed inside on both sides of the hoistway door frame.~~

15.20.110 IBC Section ~~3112~~3117, Waterfront Structures, added.

Section ~~3112~~3117 of the International Building Code is hereby added as follows:

SECTION ~~3112~~3117

WATERFRONT STRUCTURES

Section **31127.1** General. In addition to other requirements of this code, all waterfront structures shall comply with the regulations of this section and the Kenmore Shoreline Management Code.

Section **31127.2** Approvals Required. Before any permit for a new waterfront structure or revisions to an existing waterfront structure is issued by the building official, the applicant shall obtain prior approval from all applicable state and federal agencies.

Section **31127.3** Definitions. For the purpose of this section, certain terms are defined as follows:

BULKHEAD. As defined in the Kenmore Shoreline Management Code.

COVERED WATERFRONT STRUCTURE. Any waterfront structure covered in whole or in part by a roof.

DOCK. As defined in the Kenmore Shoreline Management Code.

FLOAT. As defined in the Kenmore Shoreline Management Code.

PIER. As defined in the Kenmore Shoreline Management Code.

POLLUTION-GENERATING MATERIAL. Include those which are erodable or leachable materials, wastes, or chemicals. Metal roofs are considered to be pollution-generated unless they are treated to prevent leaching.

SUBSTRUCTURE. That portion of the construction of a dock, pier, wharf or other similar waterfront structure below and including the deck.

SUPERSTRUCTURE. That portion of the construction of a dock, pier, wharf or other similar waterfront structure above the deck.

WATERFRONT STRUCTURE. Structures including, but not limited to docks, piers, wharves, floats, mooring piles, anchor buoys,

bulkheads, submerged or overhead wires, pipes and cables, and any object passing beneath, through or over the water, waterward of the ordinary high water mark.

WHARF. A structure of timber, stone, concrete or other material having a platform built along and parallel to navigable waters so that vessels may be moored alongside for loading and unloading, or for storage or repair.

Section **31127.4** Construction Requirements. Waterfront structures shall comply with Sections **31127.4.1** through **31127.4.4**.

Section **31127.4.1** Substructure. The substructure may be constructed of any nonpollution-generating materials allowed by this code, and the Kenmore Shoreline Management Code. All decks shall sustain, within the limitations of this code, all dead loads plus a live load of not less than 100 pounds per square foot, assumed to act vertically. In addition to the live load requirement, all structures and every portion thereof shall be designed and constructed to resist a horizontal force of not less than 100 pounds per lineal foot acting at the deck line, in any direction.

Exception: For waterfront structures serving only a single-family dwelling, a live load of 40 psf may be used and a horizontal force need only be considered where applicable.

Automatic sprinklers shall be installed under the substructure in accordance with the requirements of Chapter 9 and the International Fire Code.

Section **31127.4.2** Superstructure. The superstructure shall be designed and constructed to sustain all dead loads, live loads, and wind loads required by this code, and may be constructed of any nonpollution-generating materials allowed by this code and the Kenmore Shorelines Management Code, except when the building area of a covered waterfront structure exceeds 1,000 square feet the entire superstructure and deck shall be constructed of noncombustible materials or as required for Type IV-H.T.

Construction per Section 602.4 or be equipped throughout the structure with an approved automatic sprinkler system.

Section **31127.4.3** Hardware. All hardware used structurally shall be of a corrosive-resistant metal such as aluminum, brass, copper, and stainless steel, or be completely protected by an approved corrosion-resistant metal, such as zinc.

Section **31127.4.4** Standpipes. When a distance of travel to fire apparatus access exceeds one hundred fifty (150) feet, a Class I manual, dry standpipe system shall be provided in accordance with NFPA 303. Systems shall be provided with outlets located such that no point of the structure exceeds one hundred fifty (150) feet from a standpipe outlet.

Exception: Waterfront structures serving not more than one single-family dwelling.

15.20.115 IBC Appendix adoption.

The City hereby adopts Appendix Chapter E, "Supplementary Accessibility Requirements," **and** Appendix Chapter H, "Signs," **and Appendix P, "Construction and Demolition Material Management"**, pursuant to Chapters 19.27 and 70.92 RCW.

15.20.120 International Residential Code adopted.

The **2018 2021** Edition of the International Residential Code, including **Appendix AT, "Solar Ready Provisions"**, Appendix **AWU**, "Dwelling Unit Fire Sprinkler Systems," **and** Appendix **AWV**, "Fire Sprinklers," **Appendix AWY, "Construction and Demolition Material Management" and Appendix AWZ, "Building Deconstruction"** but excluding Chapter 1 of the IRC, "Scope and Administration," as published by the International Code Council, is adopted, together with the amendments set forth in Chapter 51-51 WAC. The Construction Administrative Code, as set forth in Chapter 15.30 KMC, shall be used in place of IRC Chapter 1.

15.20.125 IRC Table **R301.2(1), R301.2 Climate and Geographic Design Criteria, amended.**

Table **R301.2(1), R301.2** of the International Residential Code is hereby amended to read as follows:

TABLE R301.2

CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

GROUND SNOW LOAD ^a (psf)	WIND DESIGN				SEISMIC DESIGN CATEGORY	SUBJECT TO DAMAGE FROM			ICE BARRIER UNDERLAYMENT REQUIRED	FLOOD HAZARD ^e	AIR FREEZING INDEX	MEAN ANNUAL TEMP
	Speed ^b (mph)	Topographic effects ^c	Special wind region	Windborne debris zone		Weathering ^d	Frost line depth	Termite				
25	110	No	No	No	D2	Moderate	12"	Slight to Moderate	No	Per KMC 18.55.070	148	51 °F
MANUAL J DESIGN CRITERIA												
Elevation		Altitude correction factor		Coincident wet bulb		Indoor winter design dry- bulb temperature		Indoor winter design dry- bulb temperature		Outdoor winter design dry- bulb temperature		Heating temperature difference
60 feet		0.99		66 °F		72 °F		72 °F		24 °F		45 °F
Latitude		Daily Range		Indoor summer design relative humidity		Summer design gains 50% RH		Indoor summer design dry-bulb temperature		Outdoor summer design dry-bulb temperature		Cooling temperature difference
47°		Medium		68%		5		75 °F		83 °F		7 °F

- a. This is the minimum roof snow load. When using this snow load it will be left to the engineer's judgment whether to consider drift or sliding snow. However, rain on snow surcharge of 5 psf must be considered for roof slopes less than 5 degrees.
- b. The basic wind speed is determined from the basic wind speed map in Figure R301.2(2). Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.
- c. Topographic effects (Wind Speed-up Kzt factor) shall be determined on a site-specific basis in accordance with Section R301.2.1.5.
- d. Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code. The grade of masonry units shall be determined from ASTM C34, C55, C62, C73, C90, C129, C145, C216 or C652.
- e. The City of Kenmore participates in the National Flood Insurance Program (NFIP); Regular Program (No Special Flood Hazard Area). Further NFIP participation information: CID 530083, Initial FHBM Identified 06/28/74, Initial FIRM Identified 05/16/95, Current Effective Map Date (NSFHA), Reg-Emer Date 06/30/97, 53033C0654G effective 8/19/2020.

15.20.130 IRC Appendix AWV, Fire Sprinklers, amended.

Appendix AWV, Section AWV107.1 of the ~~2018~~ 2021 International Residential Code is hereby amended to read as follows:

AWV107.1 Fire Sprinklers. An approved fire sprinkler system shall be installed in new one-family and two-family dwellings and townhouses in accordance with Appendix AWU.

Exception: Accessory dwelling units.

15.20.135 ~~1997 Uniform Housing Code adopted~~ IRC Appendix AWZ, Building Deconstruction, amended.

Appendix AWZ, Section AWZ 101.2 of the 2021 International Residential Code is hereby amended to read as follows:

AWZ101.2 Scope.

This section applies to existing dwellings, townhouses, and accessory structures permitted to be demolished that are greater than 750 square feet (69.68 m²) and meet one of the following:

- 1.The structure has been identified as a historic building; or
- 2.The structure was built ~~90~~70, or more, years ago.

Exceptions:

- 1.The structure is determined to be unsafe by the engineer of record;
- 2.The structure shall be relocated;
- 3.The engineer of record determines that 50 percent, by weight, of the material in the structure that is not concrete, is not suitable for reuse.

15.20.140 UHC Section 203, Appeals – Amended.**15.20.145 UHC Section 1201.2, Processing of Appeals – Amended.****15.20.150 UHC Section 1201.3 deleted.****15.20.155 UHC Chapter 13 deleted.****15.20.160 ~~140~~ International Mechanical Code adopted.**

The **2018 2021** Edition of the International Mechanical Code, excluding Chapter 1, “Scope and Administration,” as published by the International Code Council, is adopted, together with the amendments set forth in Chapter 51-52 WAC. The Construction Administrative Code, as set forth in Chapter 15.30 KMC, shall be used in place of IMC Chapter 1.

15.20.165145 Uniform Plumbing Code adopted.

The **2018 2021** Edition of the Uniform Plumbing Code, excluding Chapter 1, “Administration,” as published by the International Association of Plumbing and Mechanical Officials, is adopted, together with Appendix A, “Recommended Rules for Sizing the Water Supply System,” Appendix B, “Explanatory Notes on Combination Waste and Vent Systems,” Appendix C, “Alternate Plumbing Systems,” **excluding Sections C303.3, C304.0 through C601.9**, Appendix I, “Installation Standards,” Appendix K, “Potable Rainwater Catchment Systems,” **Appendix M — Peak Water Demand Calculator**, and the amendments set forth in Chapters 51-52 and 51-57 WAC. The Construction Administrative Code, as set forth in Chapter 15.30 KMC, shall be used in place of UPC Chapter 1.

15.20.170150 National Fuel Gas Code (NFPA 54) adopted.

The **2018 2021** National Fuel Gas Code, excluding Chapter 1, “Administration,” as published by NFPA, is adopted together with the amendments set forth in Chapter 51-52 WAC. The Construction Administrative Code, as set forth in Chapter 15.30 KMC, shall be used in place of NFPA 54 Chapter 1.

15.20.175155 Liquefied Petroleum Gas Code (NFPA 58) adopted.

The **2017 2020** Liquefied Petroleum Gas Code, excluding Chapter 1, “Administration,” as published by NFPA, is adopted, together with the amendments set forth in Chapter 51-52 WAC. The Construction Administrative Code, as set forth in Chapter 15.30 KMC, shall be used in place of NFPA 58 Chapter 1.

15.20.180160 International Fuel Gas Code adopted.

The **2018 2021** Edition of the International Fuel Gas Code, excluding Chapter 1, “Administration,” as published by the International Code Council, is adopted, together with the amendments set forth in Chapter 51-52 WAC. The Construction Administrative Code, as set forth in Chapter 15.30 KMC, shall be used in place of IFGC Chapter 1. Provided, that detached and two-family dwellings and multiple single-family dwellings

(townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with the International Residential Code.

15.20.185165 Washington State Energy Code adopted.

The 2018 2021 Washington State Energy Code, excluding Chapter 1, as adopted by the State Building Code Council in Chapters 51-11C and 51-11R WAC, is adopted. The Construction Administrative Code, as set forth in Chapter 15.30 KMC, shall be used in place of Chapter 1.

~~15.20.200 Uniform Code for the Abatement of Dangerous Buildings adopted.~~

~~15.20.205 UCADB Section 205, Appeals, amended.~~

~~15.20.210 UCADB Section 501.2, Processing of Appeals, amended.~~

~~15.20.215 UCADB Section 501.3 deleted.~~

~~15.20.220 UCADB Chapter 6 deleted.~~

15.20.225170 International Existing Building Code adopted.

The 2018 2021 Edition of the International Existing Building Code, excluding Chapter 1, "Scope and Administration," as published by the International Code Council, is adopted, together with Appendix A, "Guidelines for the Seismic Retrofit of Existing Buildings," and the amendments set forth in Chapter 51-50 WAC. The Construction Administrative Code, as set forth in Chapter 15.30 KMC, shall be used in place of IEBC Chapter 1.

15.20.230175 International Swimming Pool and Spa Code adopted.

The 2018 2021 Edition of the International Swimming Pool and Spa Code, excluding Chapter 1, as published by the International Code Council, is adopted, together with the amendments set forth in Chapter 51-50 WAC. The Construction Administrative Code, as set forth in Chapter 15.30 KMC, shall be used in place of ISPSC Chapter 1.

15.20.280 International Wildland-Urban Interface Code adopted.

The 2021 edition of the International Wildland-Urban Interface Code (IWUIC), as adopted and amended by the State Building Code Council in WAC Chapter 51-55, as published by the International Code Council, excluding Chapter 1, Scope and Administration, is adopted by reference. The Construction Administrative Code, as set forth in Chapter 15.30 KMC, shall be used in place of IWUIC Chapter 1, Administration.

Chapter 15.30 CONSTRUCTION ADMINISTRATIVE CODE

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Article I. General

15.30.010 Title.

The regulations contained in this chapter shall be known as the construction administrative code of the City, and are hereinafter referred to as “this code.”

15.30.015 Purpose.

The purpose of this chapter is to provide for the administration, organization and enforcement of the technical codes adopted by the City.

15.30.020 Scope.

The provisions of this code shall apply to the administration of the technical codes as adopted by the State of Washington and listed:

- A. 2018 2021 International Building Code – Chapter 51-50 WAC;
- B. 2018 2021 International Residential Code – Chapter 51-51 WAC;
- C. 2018 2021 International Mechanical Code – Chapter 51-52 WAC;
- D. 2018 2021 National Fuel Gas Code (NFPA 54) – Chapter 51-52 WAC;
- E. 2017 2020 Liquefied Petroleum Gas Code (NFPA 58) – Chapter 51-52 WAC;
- F. 2018 2021 International Fuel Gas Code – Chapter 51-52 WAC;
- G. 2018 2021 Uniform Plumbing Code – Chapters 51-56 and 51-57 WAC;
- H. 2018 2021 International Existing Building Code – ~~Chapter 51-50~~ WAC 51-50-480000;
- I. 2018 2021 Washington State Energy Code, Chapters 51-11C and 51-11R WAC;
- J. 2018 2021 International Swimming Pool and Spa Code, WAC 51-50-3109 and WAC 51-51-0329;
- K. 2021 International Wildland-Urban Interface Code - Chapter 51-51 WAC.

15.30.025 Definitions.

For the purpose of this chapter, certain terms, phrases, words and their derivatives shall have the meanings set forth in this section. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's Third International Dictionary of the English Language, Unabridged, latest edition, shall be considered as providing ordinary accepted meanings. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

A. "Action" means a specific response complying fully with a specific request by the City.

B. “Building service equipment” means and refers to the plumbing, mechanical and electrical equipment including piping, wiring, fixtures, and other accessories which provide sanitation, lighting, heating, ventilation, cooling, refrigeration, firefighting, and transportation facilities essential to the occupancy of the building or structure for its designated use.

C. “Complete response” means an adequate response to all requests from City staff in sufficient detail to allow the application to be processed.

D. “Energy code” means the Washington State Energy Code promulgated by the Washington State Building Code Council as adopted by the City.

E. “IBC” means the latest edition of the International Building Code promulgated by the International Code Council as adopted by this City.

F. “IEBC” means the latest edition of the International Existing Building Code promulgated by the International Code Council as adopted by this City.

G. “IMC” means the latest edition of the International Mechanical Code promulgated by the International Code Council as adopted by this City.

H. “IRC” means the latest edition of the International Residential Code for One- and Two-Family Dwellings promulgated by the International Code Council as adopted by this City.

I. “ISPSC” means the latest edition of the International Swimming Pool and Spa Code promulgated by the International Code Council as adopted by this City.

J. “KPMC” means Kenmore Property Maintenance Code.

K. “Minor field change” means a change to an approved plan that does not change the building use, area, height, or location on a lot and does not affect the means of egress, accessibility, or structural design and does not add plumbing or mechanical fixtures or appliances.

L. “NEC” means the ~~latest~~ **latest** edition of the National Electrical Code promulgated by the National Fire Protection Association as adopted by this City.

M. "Occupancy" means the purpose for which a building, or part thereof, is used or intended to be used.

N. "Shall," as used in this chapter, is mandatory.

O. "Temporary growing structure" means a structure that has the sides and roof covered with polyethylene, polyvinyl, or similar flexible synthetic material and is used to provide plants with either frost protection or increased heat retention.

P. "Temporary worker housing" means a place, area, or piece of land where sleeping places or housing sites are provided by an employer for his or her employees or by another person, including a temporary worker housing operator who is providing such accommodations for employees, for temporary, seasonal occupancy, and includes "labor camps" under RCW 70.54.110.

Q. "UPC" means the latest edition of the Uniform Plumbing Code promulgated by the International Association of Plumbing and Mechanical Officials as adopted by this City.

R. "Valuation" or "value," as applied to a building or building service equipment, means and shall be the estimated cost to replace the building and its building service equipment in kind, based on current replacement costs. It shall also include the contractor's overhead and profit.

15.30.030 Appendices.

Provisions in the appendices shall not apply unless specifically adopted.

15.30.035 Intent Purpose.

~~The purpose of this code is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations. The purpose of this code is to establish the minimum requirements to provide a reasonable level of safety, health and general welfare through structural strength, means of egress, stability, sanitation, light and ventilation, energy conservation, and for providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions, and to provide a reasonable level of safety to fire fighters and emergency responders during emergency operations.~~

15.30.040 Referenced codes.

The codes listed in KMC 15.30.020 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference.

15.30.045 International Building Code – Scope.

The provisions of the International Building Code shall apply to the construction, alteration, relocation, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

Exception: Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with separate means of egress, and their accessory structures not more than three stories above grade plane in height, shall comply with the International Building Code or the International Residential Code.

15.30.050 International Residential Code – Scope.

The provisions of the International Residential Code for One- and Two-Family Dwellings shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal, and demolition of detached one- and two-family dwellings, adult family homes, and townhouses and ~~multiple single-family dwellings (townhouses)~~ not more than three stories above grade plane in height with separate means of egress and their accessory structures not more than three stories above grade plane in height.

Exceptions:

A. Live/work units located in townhomes and complying with the requirements of Section 419-508.5 of the International Building Code shall be permitted to be constructed in accordance with the International Residential Code for One – and Two-Family Dwellings. ~~Fire suppression~~ An automatic sprinkler system required by Section 419.5 508.5.7 of the International Building Code when constructed under the International Residential Code for One- and Two-Family Dwellings shall conform to Appendix AWU.

B. Owner-occupied lodging houses with one or two guestrooms shall be permitted to be constructed in accordance with the International Residential Code for One- and Two-Family Dwellings.

C. Owner-Occupied lodging homes with three to five guestrooms shall be permitted to be constructed in accordance with the International Residential Code for One- and Two-Family Dwellings when equipped with a fire sprinkler system in accordance with Appendix AWU.

D. A care facility with five or fewer persons receiving custodial care within a dwelling unit shall be permitted to be constructed in accordance with the International Residential Code for One- and Two-Family Dwellings where equipped with an automatic fire sprinkler system in accordance with Appendix AWU.

E. A care facility with five or fewer persons receiving medical care within a dwelling unit shall be permitted to be constructed in accordance with the International Residential Code for One- and Two-Family Dwellings where equipped with an automatic fire sprinkler system in accordance with Appendix AWU.

F. A care facility with five or fewer persons receiving care that are within a single-family dwelling shall be permitted to be constructed in accordance with the International Residential Code for One- and Two-Family Dwellings where equipped with an automatic fire sprinkler system in accordance with Appendix AWU.

15.30.055 Mechanical code – Scope.

The provisions of the International Mechanical Code shall apply to the design, installation, maintenance, alteration, and inspection of mechanical systems that are permanently installed and utilized to provide control of environmental conditions and related processes with in buildings. The International Mechanical Code shall also regulate those mechanical systems, system components, equipment and appliances specifically addressed herein. The installation of fuel gas distribution piping and equipment, fuel gas-fired appliances and fuel gas-fired appliance venting systems shall be regulated by the International Fuel Gas Code. References to Group R shall include Group I-1, Condition 2 assisted living facilities licensed by Washington State under Chapter 388-78A WAC and Group I-1, Condition 2 residential treatment facilities licensed by Washington State under Chapter 246-337 WAC.

Exceptions:

A. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with the International Residential Code.

B. The standards for liquefied petroleum gas installations shall be NFPA 58 (Liquefied Petroleum Gas Code) and NFPA 54 (National Fuel Gas Code).

15.30.060 Liquid propane gas.

The provisions of the National Fuel Gas Code and Liquefied Petroleum Gas Code (NFPA 54 and 58) shall apply to the installation of all materials and equipment utilizing liquid propane gas.

15.30.065 Natural gas code – Scope.

The provisions of the International Fuel Gas Code shall apply to the installation of fuel gas piping systems, fuel gas utilization equipment, gaseous hydrogen systems and regulated accessories.

Exceptions:

A. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with the International Residential Code.

B. The standards for liquefied petroleum gas installations shall be NFPA 58 (Liquefied Petroleum Gas Code) and NFPA 54 (National Fuel Gas Code).

15.30.070 Plumbing code – Scope.

The provisions of the Uniform Plumbing Code shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, where connected to a water or sewage system and all aspects of a medical gas system. Fuel gas-fired appliances and fuel gas-fired appliance venting systems shall be regulated by the International Fuel Gas Code and liquefied petroleum gas installations shall be regulated by NFPA 58 and NFPA 54.

15.30.075 Energy code.

The provisions of the energy code shall apply to all matters governing the design and construction of buildings for energy efficiency.

15.30.077 Swimming pool and spa code – Scope.

The provisions of the International Swimming Pool and Spa Code shall apply to the construction, alteration, movement, renovation, replacement, repair and maintenance of aquatic recreation facilities, pools and spas. The pools and spas covered by this code are either permanent or temporary, and shall be only those that are designed and manufactured to be connected to a circulation system and that are intended for swimming, bathing or wading. Swimming pools, spas and other aquatic recreation facilities shall comply with the ISPSC, where the facility is one of the following, except that public swimming pool barriers are regulated by WAC 246-260-031(4):

1. For the sole use of residents and invited guests at a single-family dwelling;
2. For the sole use of residents and invited guests of a duplex owned by the residents;
or
3. Operated exclusively for physical therapy or rehabilitation and under the supervision of a licensed medical practitioner.

All other "water recreation facilities" as defined in RCW 70.90.110 are regulated under WAC Chapters 246-260 and 246-262.

~~In addition, all other "water recreation facilities" as defined in RCW 70.90.110 are regulated under Chapters 246-260 and 246-262 WAC.~~

~~Exception: Flotation tank systems intended for sensory deprivation therapy shall not be considered to be included in the scope of this code.~~

15.30.078 International Wildland-Urban Interface Code — Scope. The provisions of the International Wildland-Urban Interface Code shall apply to the construction, alteration, movement, repair, maintenance and use of any building, structure, or premises within the wildland-urban interface area in this jurisdiction. Buildings or conditions in existence at the time of the adoption of this code are allowed to have their use or occupancy continued, if such condition, use or occupancy was legal at the time of the adoption of this code, provided that such continued use does not constitute an egregious danger to life or property. Buildings or structures moved into or within the jurisdiction shall comply with the provisions of this code for new buildings or structures.

Article II. Applicability

15.30.080 General.

A. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern except that the hierarchy of the codes named in Chapter 19.27 RCW shall govern.

B. New Installations. This chapter applies to new installs.

C. Existing Installations. Lawfully installed existing installations that do not comply with the provisions of this chapter shall be permitted to be continued without change, except as is specifically covered in this chapter, Chapter 15.40, the International Fire Code or as is deemed necessary by the building official for the general safety and welfare of the occupants and public. Where changes are required for correction of hazards, a reasonable amount of time shall be given for compliance, depending on the degree of the hazard.

D. Maintenance. Buildings and structures, including their electrical, plumbing, and mechanical systems, equipment, materials and appurtenances, both existing and new, and parts thereof, shall comply with Chapter 15.40 and be maintained in proper operating condition in accordance with the original design and in a safe, hazard-free condition. Devices or safeguards that are required by this chapter shall be maintained in compliance with the code edition under which installed. The owner or the owner's designated agent shall be responsible for the maintenance of the system and equipment. To determine compliance with this provision, the building official shall have the authority to require that the systems and equipment be reinspected.

E. Additions, Alterations, Modifications or Repairs for other than IRC buildings. Additions, alterations, modifications or repairs to a building or structure or to the electrical, plumbing, or mechanical system(s) of any building, structure or premises shall conform to the requirements of this chapter without requiring those portions of the existing building or system not being altered or modified to comply with all the requirements of this chapter. Installations, additions, alterations, modifications, or repairs shall not cause an existing building to become unsafe or to adversely affect the performance of the building as determined by the building official or designated representative. Electrical wiring added to an existing service, feeder, or branch circuit

shall not result in an installation that violates the provisions of the code in force at the time the additions were made.

F. Additions, alterations, change of use, repairs, or relocations to IRC buildings or structures. Additions, alterations, repairs, or relocations shall be permitted to conform to the requirements of the provisions of IRC Chapter 45 or shall conform to the requirements for a new structure without requiring the existing structure to comply with the requirements of this code, unless otherwise stated. Additions, alterations, repairs, and relocations shall not cause an existing structure to become less compliant with the provisions of this code than the existing building or structure was prior to the addition, alteration, repair, or relocation. Where additions, alterations, or changes of use to an existing structure result in a use or occupancy, height, or means of egress outside the scope of this code, the building shall comply with the International Existing Building Code.

Exception:

1. Additions with less than 500 square feet of conditioned floor area to IRC regulated structures are exempt from the requirements for whole house ventilation systems, Section **M1508 M1505.4**.
2. Additions or alterations to existing buildings which do not required the construction of foundations, crawlspace, slabs or basements shall not be required to meet the requirements for radon protection in Section **R327.1 R332.1** and Appendix **A**F.

FG. Moved Buildings. Building or structures moved into or within a jurisdiction shall comply with the provisions of this code for new buildings or structures.

Exception: R-3 buildings or structures are not required to comply if:

1. The original occupancy classification is not changed; and
2. The original building is not substantially remodeled or rehabilitated. For the purposes of this section a building shall be considered to be substantially remodeled when the costs of remodeling exceed 60% of the value of the building exclusive of the costs relating to preparation, construction, demolition or renovation of the foundations.

For the purpose of this section, a building shall be considered to be substantially remodeled when the costs of remodeling exceed 60 percent of the value of the building exclusive of the costs relating to preparation, construction, demolition, or renovation of foundations.

15.30.085 Other laws.

The provisions of this code shall not be deemed to nullify any provisions of local, State or federal law.

15.30.090 Application of references.

References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

15.30.095 Referenced codes and standards.

The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

15.30.100 Partial invalidity.

In the event that any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

15.30.105 Existing structures.

The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, other codes referenced in this code, the Kenmore Property Maintenance Code, the International Fire Code, or as is deemed necessary by the building official or fire marshal for the general safety and welfare of the occupants and the public. Modifications to existing structures shall be permitted to be performed in accordance with the International Existing Building Code.

15.30.110 Structures in areas of special flood hazard.

Buildings located in areas of special flood hazard shall be regulated by the International Building Code, International Residential Code or the Kenmore Municipal Code.

Article III. Department of Building Safety

15.30.115 Creation of enforcement agency.

The building department is hereby created and the official in charge thereof shall be known as the building official.

15.30.120 Appointment.

The building official shall be appointed by the chief appointing authority of the City.

15.30.125 Deputies.

In accordance with the prescribed procedures of this City and with the concurrence of the appointing authority, the building official shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official.

Article IV. Duties and Powers of Building Official

15.30.130 General.

The building official is hereby authorized and directed to enforce the provisions of this code. The building official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

15.30.135 Applications and permits.

The building official shall receive applications, review construction documents and issue permits for the erection, alteration, demolition and moving of buildings, structures and building service equipment, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

15.30.140 Notices and orders.

The building official shall issue all necessary notices or orders to ensure compliance with this code.

15.30.145 Inspections.

The building official shall make all of the required inspections, or the building official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The

building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise at the applicant's expense.

15.30.150 Identification.

The building official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

15.30.155 Right of entry.

Where it is necessary to make an inspection to enforce the provisions of this code, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code; provided, that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

15.30.160 Department records.

The building official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records.

15.30.165 Liability.

The building official, ~~member of the board of appeals~~ hearing examiner or employee charged with the enforcement of this chapter and the technical codes, while acting for the City in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representative of the City until the final termination of the proceedings. The building official or any subordinate shall not be

liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

15.30.170 Approved materials and equipment.

Materials, equipment and devices approved by the building official shall be constructed and installed in accordance with such approval.

15.30.175 Used materials and equipment.

The use of used materials and building service equipment which meet the requirements of this code for new materials is permitted. Used equipment and devices shall not be reused unless prior approval is obtained from the building official.

15.30.180 Modifications.

Wherever there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the building official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the department. The building official is authorized to charge an additional fee to evaluate any proposed modification under the provisions of this section.

15.30.185 Alternative materials, design and methods of construction and equipment.

The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code; provided, that any such alternative has been approved by the building official. The building official shall have the authority to approve an alternative material, design or method of construction upon application of the owner or the owner's authorized agent. The building official shall first find that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability, energy conservation and efficiency, and safety. Compliance with the specific performance-

based provisions of the construction codes shall be an alternative to the specific requirements of the construction codes.

The building official is authorized to charge an additional fee to evaluate any proposed alternate material, design and/or method of construction and equipment under the provisions of this section.

Where the alternate material, design or method of construction is not approved, the building official shall respond in writing, stating the reasons why the alternative was not approved.

15.30.190 Research reports.

Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

15.30.195 Tests.

Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the City. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records.

Article V. Permits

15.30.200 Permit required.

Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

15.30.205 Work exempt from permit.

The provisions of this code shall not apply to work located primarily in a public way, public utility towers and poles and hydraulic flood control structures. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this City. Permits shall not be required for the following, provided it is not located within critical areas, shorelines, associated buffers, or native growth protection areas (e.g., tracts):

A. Building.

1. One-story detached accessory structures accessory to residential buildings constructed under the provisions of the IRC used as tool and storage sheds, tree-supported play structures, playhouse and similar uses, provided the floor area does not exceed 200 square feet, and the structure is located in accordance with all land use regulations including but not limited to Chapter 18.30.230.Q;
2. Fences not over eight feet high;
3. Oil derricks;
4. Retaining walls which are not over four feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids;
5. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2:1;
6. Sidewalks, driveways, decks and steps not more than 30 inches above adjacent grade and not over any basement or story below and are not part of an accessible route;
7. Painting, papering, tiling, carpeting, cabinets, countertops and similar finish work; provided, that existing, required accessible features are not altered;
8. Temporary motion picture, television and theater stage sets and scenery;
9. Prefabricated swimming pools accessory to a one- and two-family dwelling or Group R3 occupancy, which are less than 24 inches deep, do not exceed 5,000 gallons and are installed entirely above ground;

10. Shade cloth structures constructed for nursery or agricultural purposes and not including service systems;
11. Swings, slides and other similar playground equipment;
12. Window awnings supported by an exterior wall of one- and two-family dwellings or Group R-3 and Group U occupancies which do not project more than 54 inches from the exterior wall and do not require additional support;
13. Nonfixed and movable cases, counters and partitions not over five feet nine inches in height;
14. Satellite earth station antennas six and one-half feet or less in diameter or diagonal dimensions in zones other than residential zones;
15. Satellite earth station antennas three and one-quarter feet or less in diameter in residential zones;
16. Video programming service antennas three and one-quarter feet or less in diameter or diagonal dimension, regardless of zone;
17. Replacement of nonstructural siding on IRC structures except for veneer, stucco, or exterior finish and insulation systems (EFIS);
18. In-kind window replacement for IRC structures where no alteration of framing members is required and when the window U-values meet the prescriptive requirements within the energy code;
19. Job shacks that are placed at a permitted job site during construction may be allowed on a temporary basis and shall be removed upon final approval of construction. A job shack is a portable structure for which the primary purpose is to house equipment and supplies, and which may serve as a temporary office during construction for the purposes of the construction activity;
20. In-kind reroofing on IRC structures, provided roof sheathing is not removed, replaced or added; and
21. Photovoltaic solar panels installed on **IRC** structures, provided they comply with all land use regulations and:

- a. Each photovoltaic array is no larger than 150 feet by 150 feet in either axis;
- b. Total dead load of panels, supports, mountings, raceways and all other appurtenances weigh no more than four pounds per square foot;
- c. Panels are mounted no higher than 18 inches above the surface of the roof;
- d. The equipment layout meets the IFC access and pathways requirements.

B. Mechanical.

- 1. Portable heating, cooking, or clothes drying appliances.
- 2. Portable ventilation appliances and equipment.
- 3. Portable cooling unit.
- 4. Steam, hot or chilled water piping within any heating or cooling equipment or appliances regulated by the construction codes.
- 5. Replacement of any part which does not alter its approval or make it unsafe.
- 6. Portable evaporative cooler.
- 7. Self-contained refrigeration system containing 10 pounds or less of refrigerant and actuated by motors of one horsepower or less.
- 8. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected.

C. Plumbing.

- 1. The stopping and/or repairing of leaks in drains, water, soil, waste or vent pipe; provided, however, that should any concealed trap, drain pipe, water, soil, waste or vent pipe become defective and it becomes necessary to remove and replace the same with new material, the same shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
- 2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require replacement or rearrangement of valves, pipes or fixtures.

3. Reinstallation or replacement of prefabricated fixtures that do not involve or require the replacement or rearrangement of valves or pipes.

15.30.210 Emergency repairs.

Where equipment replacements and equipment repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official.

15.30.215 Repairs.

Application or notice to the building official is not required for ordinary repairs to structures. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

15.30.220 Application for permit.

To obtain a permit, the applicant shall first file a complete application as defined by the City therefor in writing on a form furnished by the department for that purpose. Such application shall:

- A. Identify and describe the work to be covered by the permit for which application is made.
- B. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
- C. Indicate the use and occupancy for which the proposed work is intended.
- D. Be accompanied by construction documents and other information as required in KMC 15.30.260 through 15.30.325.
- E. State the valuation of the proposed work.
- F. Be signed by the applicant, or the applicant's authorized agent.

G. Give such other data and information as required by the department.

15.30.225 Complete application.

A. No application for building permit relating to any construction, including landfill or pier and piling to support same upon privately owned shorelands submerged by the water of Lake Washington, shall be accepted for filing with the building department, unless there are attached to such application certified copies of the approval of such project by such State and federal agencies as may have jurisdiction or regulatory authority over such proposed project.

B. The requirements for a fully complete building permit application include compliance with KMC 15.30.220 and RCW 19.27.097 (which relate to water supply); provided, that for any construction project costing more than \$5,000 the following shall also be required:

1. The legal description, or the tax parcel number assigned pursuant to RCW 84.40.160, and the street address if available, and may include any other identification of the construction site by the prime contractor;
2. The property owner's name, address, and phone number;
3. The prime contractor's business name, address, phone number, and current State contractor registration number; and
4. Either:
 - a. The name, address and phone number of the office of the lender administering the interim construction financing, if any, or
 - b. The name and address of the firm that has issued a payment bond, if any, on behalf of the prime contractor for the protection of the owner, if the bond is for an amount not less than 50 percent of the total amount of the construction project; provided, that if any of this information is not available at the time the application is submitted, the applicant shall so state and the lack of said information shall not cause the application to be deemed incomplete for the purposes of this section. However, the applicant shall provide the remaining information as soon as the applicant can reasonably obtain such information.

The requirements for a fully complete building permit application include a consent statement of the property owner to confirm dedication of rights-of-way which abut the subject property, if any are shown as such on City, county or plat maps, and to verify the designation of public road easements as rights-of-way.

15.30.230 Action on application.

The building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application is incomplete or the construction documents or other submittal information does not conform to the requirements of pertinent laws, the building official may reject such application in writing, stating the reasons therefor. If the building official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the building official shall issue a permit therefore as soon as practicable.

15.30.235 Time limitation of application.

A. Applications for which no permit is issued within 18 months following the date of application shall expire by limitation and plans and other data submitted for review may thereafter be returned to the applicant or destroyed in accordance with State law by the building official.

B. Applications may be canceled for inactivity, if an applicant fails to respond to the department's written request for revisions, corrections, actions or additional information within 90 days of the date of request. The building official may extend the response period beyond 90 days if within the original 90-day time period the applicant provides and subsequently adheres to an approved schedule with specific target dates for submitting the full revisions, corrections or other information needed by the department.

C. The building official may extend the life of an application if any of the following conditions exist:

1. Compliance with the State Environmental Policy Act is in progress; or
2. Any other City review is in progress; provided the applicant has submitted a *complete response* to City requests or the building official determines that unique or unusual circumstances exist that warrant additional time for such response, and the building official determines that the review is proceeding in a timely manner toward final City decision;

3. Litigation against the City or applicant is in progress, the outcome of which may affect the validity or the provisions of any permit issued pursuant to such application; or
4. At the sole discretion of the building official when there have not been newly adopted codes, fees, ordinances or laws which affect the application.

15.30.237 Vesting of Construction Codes.

The construction codes and construction administrative code that are in effect when the building permit application is deemed complete by the building official shall apply. The city has the authority to establish policies and procedures for establishing the requirements of a complete application. For mechanical, plumbing or fire permit applications submitted after the ordinance codified in this title has taken effect, but related to the scope of work identified in a building permit application that was complete prior to the effective date of the ordinance codified in this chapter, all applicable construction codes adopted and in force at the time of filing of the complete building permit application will apply. An expired permit may lose its code vesting under Section 15.30.240 of this code.

15.30.240 Validity of permit.

The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance or laws of the City. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the City shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this City.

15.30.245 Permit expiration.

~~A. Every permit issued shall expire two years from the date of issuance. The building official may approve a request for an extended expiration date where a construction schedule is provided by the applicant and approved prior to permit issuance.~~

~~B. Every permit which has been expired for less than one year may be renewed for a period of one year from the expiration date for an additional fee as long as no changes have been made to the originally approved plans and new building codes have not been~~

~~adopted. For permits that have been expired for longer than one year, a new permit must be obtained and full new fees paid. No permit shall be renewed more than once, except at the sole discretion of the building official when there have not been newly adopted codes, fees, ordinances or laws which affect the permit.~~

~~C. Mechanical and plumbing permits shall expire at the same time as the associated building permit, except that if no associated building permit is issued, the mechanical and/or plumbing permit shall expire 12 months from the date of issuance.~~

A. Every building permit and its associated ancillary permits issued for an IRC permitted structure or for a tenant space within an existing building shall expire in two years from the date of issuance. Within two years of the issuance of the permit for an IRC structure, the outside must be complete including roofing, siding, windows, exterior doors and applicable site and right-of-way improvements. Unless otherwise approved by the building official, the two years to complete the IRC structure exterior work may not be extended.

B. Every building permit and its associated ancillary permits issued for a commercial, educational, institutional, multifamily, public, industrial or similar structure shall expire in three years from the date of issuance.

C. Sign permits and electrical, mechanical, and plumbing permits not associated with a building permit shall expire one year from the date of issuance.

D. The building official may grant a thirty-day extension of time for permits when only the final inspection is remaining and all other work has been approved.

E. It is a violation of this chapter to allow a permit to expire without first obtaining an approved final inspection.

Exception 1: A new building permit issued to complete the work of an IRC structure, issued under a previous permit shall expire in:

1. Six months if the framing inspection was not approved on the previous building permit. The project will lose its original code vesting and will be vested to the codes that are in force at the time the new building permit application is deemed complete. The fees for the new building permit will be based on the valuation of the work remaining to complete the project and current fee resolution; or

2. Six months if the framing inspection was approved under the previous building permit and the exterior of the structure is not completed including; roofing, siding, windows, exterior doors and applicable site and right-of-way improvements. The project will retain its original code vesting. The fees for the new building permit will be based on the valuation of the work remaining to complete the project and current fee resolution; or

3. Two years if the outside of the structure is complete including roofing, siding, windows, exterior doors and applicable site and right-of-way improvements. The fees for the new building permit will be based on the valuation of the work remaining to complete the project and current fee resolution.

Exception 2: For permits resulting from work without a permit or other code enforcement action(s), the expiration date will be determined by the building official.

F. During or after a declared emergency covered under Chapter 38.52 RCW, the building official may authorize a six-month extension to an unexpired permit if the building official finds that the state of emergency resulted in a stoppage of work or substantial construction delays.

G. The provisions of Section 15.30.245 of the KMC apply retroactively to all permits regulated by this Code.

15.30.250 Suspension or revocation.

The building official is authorized to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

15.30.255 Placement of permit.

The building permit or copy shall be kept on the site of the work until the completion of the project.

Article VI. Floor and Roof Design Loads

15.30.260 Live loads posted.

Where the live loads for which each floor or portion thereof of a commercial or industrial building is or has been designed to exceed 50 psf, such design live loads shall be conspicuously posted by the owner or the owner's authorized agent in that part of each

story in which they apply, using durable signs. It shall be unlawful to remove or deface such notices.

Exception: Floors or portions located on a concrete slab on grade.

15.30.265 Issuance of certificate of occupancy.

A certificate of occupancy required by KMC 15.30.500 shall not be issued until the floor loads signs, required by KMC 15.30.260, have been installed.

15.30.270 Restrictions on loading.

It shall be unlawful to place, or cause or permit to be placed, on any floor or roof of a building, structure or portion thereof, a load greater than is permitted by the IBC.

Article VII. Submittal Construction Documents

15.30.275 General.

Submittal documents consisting of construction documents, statement of special inspection, structural observation programs, engineering reports and calculations, diagrams, and other data shall be submitted with each application for a permit. The construction documents shall be prepared by a registered design professional where required by the State of Washington. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

Exception: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code.

15.30.280 Construction documents.

Construction documents shall be in accordance with this section.

A. Information on Construction Documents. Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted when submitted through the city's permitting portal. ~~to be submitted when approved by the building official.~~ Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed in the proper orientation and layout as it is to be constructed and show in detail that it will conform to the

provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official. The plans must include the relevant items listed in this section and any other information or documents as deemed necessary by the building official.

B. Fire Protection System Shop Drawings. Shop drawings for the fire protection system(s) shall be submitted to indicate conformance with this code and the construction documents and shall be approved prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9 of the IBC. Shop drawings shall be prepared by a certified individual as required by the State of Washington.

C. Means of Egress. The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the provisions of this code. In other than occupancies in Groups R-2, R-3, one- and two-family dwellings as applicable in Section 101.2, and I-1, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

D. Exterior Wall Envelope. Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this code. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive **barrier membrane** and details around openings. The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system which was tested, where applicable, as well as the test procedure used.

Exception: Subject to the approval of the building official, R-3, one- and two-family dwellings, and U occupancies may be exempt from the detailing requirements of this section.

E. Site Plan. The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new

construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations; where design flood elevations are not specified, they shall be established in accordance with Section 1612.3.1 of the IBC; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

F. Plumbing. Plans must be submitted for review and approval whenever the scope of the work is too complex for inspection alone as determined by the building official.

G. Mechanical. Plans must be submitted for review and approval whenever the scope of work is too complex for inspection alone as determined by the building official.

H. Structural Information. The construction documents shall provide the information specified in Section 1612.3.1 IBC.

I. Energy Information. The construction documents shall provide the information specified in the **energy code**.

J. Information for structures located in wildland-urban interface areas. In addition to the above requirements, site plans shall include topography, width and percent of grade of access roads, landscape and vegetation details, locations of structures or building envelopes, existing or proposed overhead utilities, occupancy classification of buildings, types of ignition-resistant construction of buildings, structures and their appendages, roof classification of buildings and site water supply systems. The code official is authorized to waive or modify the requirement for a site plan where the application for permit is for alteration or repair or where otherwise warranted.

15.30.290 Examination of documents.

The building official shall examine or cause to be examined the accompanying submittal documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

15.30.295 Use of consultants.

Whenever review of a building permit application requires retention by the City for professional consulting services, the applicant shall reimburse the City the cost of such professional consulting services. This fee shall be in addition to the normal plan review and building permit fees. The City may require the applicant to deposit an amount with the City estimated in the discretion of the building official to be sufficient to cover anticipated costs of retaining professional consultant services and to ensure reimbursement for such costs.

15.30.300 Approval of construction documents.

When the building official issues a permit, the construction documents shall be approved, in writing or by stamp, as "Reviewed for Code Compliance." One set of construction documents so reviewed shall be retained by the building official. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the building official or a duly authorized representative.

15.30.305 Phased approval.

The building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted; provided, that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.

15.30.310 Design professional in responsible charge – General.

When it is required that documents be prepared by a qualified registered design professional, the building official shall be authorized to require the owner or the owner's authorized agent to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner or the owner's authorized agent shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The building official shall be notified in writing by the owner or the owner's authorized agent if the registered design professional in responsible charge is changed or is unable to continue to perform the duties. The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal

items, for compatibility with the design of the building. Where structural observation is required by Section 1710 of the IBC, the statement of special inspections shall name the individual or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur (see also other duties specified in Chapter 17 of the IBC).

15.30.315 Deferred submittals.

For the purposes of this section, “deferred submittals” are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the building official within a specified period. Deferral of any submittal items shall have the prior approval of the building official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the building official. Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge, who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been reviewed and been found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the deferred submittal documents have been approved by the building official. The building official is authorized to charge an additional plan review fee to evaluate deferred submittals under the provisions of this section.

15.30.320 Amended construction documents.

Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents. The building official may authorize minor field changes subject to the approval of the field inspector.

15.30.325 Retention of construction documents.

One set of approved construction documents shall be retained by the building official for a period of not less than 180 days from date of completion of the permitted work, expired permit, or as required by State or local laws.

Article VIII. Temporary Structures and Uses

15.30.330 General.

The building official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The building official is authorized to grant extensions for demonstrated cause.

Exceptions:

A. The building official may authorize unheated tents and yurts under 500 square feet accommodating an R-1 recreational use as a temporary structure and allow them to be used indefinitely. Such sited structures must comply with the Kenmore zoning code provisions for setbacks and lot coverage.

B. The provisions of this code do not apply to temporary growing structures used solely for the commercial production of horticultural plants including ornamental plants, flowers, vegetables, and fruits. A temporary growing structure is not considered a building for purposes of this code.

C. The provisions of this code do not apply to the construction, alteration, or repair of temporary worker housing except as provided by rules adopted under Chapter 70.114A RCW or Chapter 37, Laws of 1998 (SB 6168).

15.30.335 Conformance.

Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure the public health, safety and general welfare.

15.30.340 Termination of approval.

The building official is authorized to terminate such permit for a temporary structure or use and to order the temporary structure or use to be discontinued when the use is in violation of other local ordinances or when the use becomes a public nuisance as defined in the City code.

Article IX. Fees

15.30.345 Payment of fees.

A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

15.30.350 Schedule of permit fees.

On buildings, structures, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority. The building official is authorized to establish fees for any permit activity not specifically set forth herein.

15.30.355 Plan review fees.

When submittal documents are required by KMC 15.30.275, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. The building official may have the option to charge a deposit in lieu of the full plan review fee if the full amount is not known at the time. Any plan review deposit shall be applied toward the total plan review fee owed. The actual permit fees and related plan review fee shall be determined upon completion of the plan review and the balance owing shall be paid at the time of permit issuance. The plan review fee shall be a separate fee from the permit fees specified in this section and are in addition to the permit fees. When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in KMC 15.30.315, an additional plan review fee may be charged.

15.30.360 Master and basic plan program.

A. The City has established a “master” and “basic” plan program, the purpose of which is to allow for an expedited review process for plans that are intended to remain unchanged but used multiple times. Options are allowed to be submitted with the initial registering of the basic plan to accommodate a variation of building styles using the basic plan. When plans are submitted under the City’s master and basic plan program, a plan review fee shall be paid at the time of application for the first or “master” plan. Subsequent plans are called the “basic” plan.

B. Valuations used to compute the permit fees shall include all options submitted with a registered plan. When a registered plan consists of a number of plan options that can produce any number of similar but different buildings, the building official may charge plan review fees based on each different building configuration. Plan review fees shall be paid for at the time of application for a building permit. The building official may have the option to charge a partial deposit in lieu of the full plan review fee. All portions of fees paid as a deposit amount shall be applied to the total plan review fees owed. The applicant shall be required to pay the balance of amount owed for the plan review. The plan review fees specified in this section are separate fees from the permit fees and are in addition to the permit fees.

C. Plan Orientation. Master plan applications do not need to show a reverse or flip as an option. Mirrored plans are allowed at basic plan submittal. Basic plan orientation shall match the site plan.

D. Preapproved Master Plan. The building official may have the option to accept a basic plan where the master plan has been approved by a MyBuildingPermit.com participating jurisdiction.

E. Revisions. Once a plan and associated options are reviewed, approved and registered, changes or revisions to that plan are not permitted without requiring the plan to be resubmitted as a new registered plan and pay full new fees.

F. Field Revision. Once a permit is issued for a registered plan, no revisions will be permitted except for minor field changes as defined in KMC 15.30.025. Changes other than minor field changes will be considered major changes and require the permit holder to resubmit those changes as a new submittal and pay a fee.

G. Time Limitation. An application for a basic plan associated to a master plan approved and registered under a previous code edition shall not be accepted when there has been a code cycle change as required by the State. When this occurs the master plan shall be submitted as a new registered plan, and pay full new fees.

15.30.365 Building permit valuations.

The applicant for a permit shall provide an estimated permit value at time of application. The determination of value or valuation under any of the provisions of this code shall be made by the applicant or building official, whichever is higher. The building official shall use the latest edition of the ICC "Building Safety Journal" publication shall be used to determine building valuations for the various building types and occupancies noted in that table except that the valuation for wooden decks, platforms, stairs, carports, and porches shall be \$18.00 \$40.00 per square foot. Regional modifiers shall not be applicable. When a specific building type or occupancy is not noted in the valuation table, the building official is authorized to use any of the classification types noted in the table that most closely resembles the proposed type of building, or determine a valuation type independently.

15.30.370 Work commencing before permit issuance.

Any person who commences any work on a building, structure, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a special

investigation fee in an amount equal to twice the permit fee, or otherwise established by the building official. The special investigation fee shall be in addition to the required permit fees.

15.30.375 Related fees.

The payment of the fee for the construction, alteration, removal or demolition for work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

15.30.380 Refunds.

The building official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code. The building official may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done. The building official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of the fee payment application.

Article X. Inspections

15.30.390 General.

Construction or work for which a permit is required shall be subject to inspection by the building official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the City. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the City shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the City shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

15.30.395 Preliminary inspections.

Before issuing a permit, the building official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

15.30.400 Manufacturer's installation instructions.

Manufacturer's installation instructions, as required by this code, shall be available on the job site at the time of inspection.

15.30.405 Required inspections.

The building official, upon notification, shall make the inspections set forth in KMC 15.30.410 through 15.30.480.

15.30.410 Footing and foundation inspection.

Footing and foundation inspections shall be made after poles or piers are set or trenches or basement areas are excavated and all required hold-down anchor bolts, hold-down straps, any forms erected, and any required reinforcing steel is in place and supported. The foundation inspection shall include excavations for thickened slabs intended for the support of bearing walls, partitions, structural supports, or equipment and special requirements for wood foundations. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.

15.30.415 Concrete slab and under-floor inspection.

Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, slab insulation, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

15.30.420 Lowest floor elevation.

In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in IBC Section 1612 or IRC Section R322 shall be submitted to the building official. FEMA flood elevation certificates shall contain an original stamp and signature of the surveyor, licensed by the State of Washington, and shall document the elevation of the lowest floor, including basement, and other information required by the flood elevation certificate.

15.30.425 Exterior wall sheathing inspection.

Exterior wall sheathing shall be inspected after all wall framing is complete, strapping and nailing is properly installed but prior to being covered.

15.30.430 Roof sheathing inspection.

The roof sheathing shall be inspected after all roof framing is complete. No roof coverings shall be installed until inspections are made and approved.

15.30.435 IMC/UPC/GAS/NEC rough in inspection.

Rough in mechanical, gas piping, plumbing and electrical shall be inspected when the rough in work is complete and, if required, under test. No connections to primary utilities shall be made until the rough in work is inspected and approved.

15.30.440 Frame inspection.

Framing inspections shall be made after the roof deck, wall sheathing, all framing, fire blocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, fire suppression piping, heating wires, pipes and ducts are approved and the building is substantially dried in.

15.30.445 Multi-unit residential building enclosure inspection.

Chapter 64.55 RCW, Engrossed House Bill (EHB) 1848, requires affected multi-unit residential buildings to provide a building enclosure inspection performed by a third-party, independent, and qualified inspector during the course of initial construction and during rehabilitative construction. The City does not verify the qualifications of the inspector or determine whether the building enclosure inspection is adequate or appropriate. However, the City is prohibited from issuing a certificate of occupancy for the building until the inspector prepares a report and submits to the building department a signed letter certifying that the building enclosure has been constructed in substantial compliance with the building enclosure design documents. Reference Chapter 64.55 RCW for additional requirements.

15.30.450 Lath, gypsum board and gypsum panel product inspection.

Lath, gypsum board, and gypsum panel product inspections shall be made after lathing, gypsum board and gypsum panel product, interior and exterior, is in place, but before any plastering is applied or gypsum board and gypsum panel product joints and fasteners are taped and finished.

Exception: Gypsum board and gypsum panel products that are not part of a fire-resistance rated assembly or a shear assembly.

15.30.455 Fire- and smoke-resistant penetrations.

Protection of joints and penetrations in fire-resistance-rated assemblies, smoke barriers and smoke partitions shall not be concealed from view until inspected and approved.

15.30.460 Energy efficiency inspection.**A. Envelope.**

1. Wall Insulation Inspection. To be made after all wall insulation and air vapor retarder sheet or film materials are in place, but before any wall covering is placed.
2. Glazing Inspection. To be made after glazing materials are installed in the building.
3. Exterior Roofing Insulation. To be made after the installation of the roof insulation, but before concealment.
4. Footing/Foundation/Slab/Floor Insulation. To be made after the installation of the footing/foundation/slab/floor insulation, but before concealment.

B. Mechanical.

1. Mechanical Equipment Efficiency and Economizer. To be made after all equipment and controls required by this code are installed and prior to the concealment of such equipment or controls.
2. Mechanical Pipe and Duct Insulation. To be made after all pipe, fire suppression piping and duct insulation is in place, but before concealment.

C. Lighting and Motors.

1. Lighting Equipment and Controls. To be made after the installation of all lighting equipment and controls required by this code, but before concealment of the lighting equipment.
2. Motor Inspections. To be made after installation of all equipment covered by this code, but before concealment.

15.30.465 Reinspection.

The building official may require a structure or portions of work to be reinspected. A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which the inspection was requested is not complete; or when previous corrections called for are not made; or when there are reoccurring missed

items that have previously been identified to the same builder on multiple lots; or when the approved plans and permit are not on site in a conspicuous or pre-approved location; or when the building is not accessible. In instances where reinspection fees have been assessed, no additional inspection of the work shall be provided by the City until the required fees are paid.

15.30.470 Other inspections.

In addition to the inspections specified above, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the department of building safety.

15.30.475 Special inspections.

In addition to the inspections noted above, the building official is authorized to require special inspections for any type of work related to the technical codes by an approved agency at no cost to the City.

15.30.480 Final inspection.

The final inspection shall be made after all work required by the building permit is completed. For change of uses or building permits requiring a certificate of occupancy the building shall not be occupied until final inspection is approved. Buildings occupied prior to certificate of occupancy are subject to KMC Chapter 1.20, Code Enforcement, including daily monetary penalties.

15.30.485 Inspection agencies.

The building official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

15.30.490 Inspection requests.

It shall be the duty of the holder of the building permit or their duly authorized agent to notify the building official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.

15.30.495 Approval required.

Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate the portion of

the construction that is satisfactory as completed or notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.

Article XI. Certificate of Occupancy

15.30.500 Use and occupancy.

No building or structure shall be used or occupied, and no change in the existing use or occupancy classification of a building or structure or portion thereof shall be made, until the building official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the City.

Exceptions:

A. Work exempt from permits per KMC 15.30.205.

B. For single-family dwellings and their accessory structures, the City-issued building permit inspection record may serve as the certificate of occupancy when the final inspection has been approved by the building department.

15.30.505 Certificate issued.

After the building official inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the building department, the building official shall issue a certificate of occupancy that contains the following:

A. The building permit number.

B. The address of the structure.

C. The name and address of the owner or the owner's authorized agent.

D. Project name.

E. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.

F. The name of the building official.

- G. The edition of the code under which the permit was issued.
- H. The use and occupancy.
- I. The type of construction.
- J. The design occupant load.
- K. If an automatic sprinkler system is provided, and whether the sprinkler system is required.
- L. Any special stipulations and conditions of the building permit.

15.30.510 Temporary or phased occupancy.

The building official is authorized to issue a temporary or phased certificate of occupancy before the completion of the entire work covered by the permit; provided, that such portion or portions shall be occupied safely. The building official is authorized to require, in addition to the completion of life safety building components, any or all accessibility components. The building official shall set a time period during which the temporary or phased certificate of occupancy is valid. The building official is authorized to require that a performance bond be posted with the City in an amount equal to 150 percent of the incomplete work as determined by the design professional. The bond shall be refundable upon inspection, final approval and a request in writing for the refund. It shall be the duty of the applicant to request the refund.

15.30.515 Revocation.

The building official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

Article XII. Service Utilities

15.30.520 Connection of service utilities.

No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a permit is required, until released by the building official.

15.30.525 Temporary connection.

The building official shall have the authority to authorize the temporary connection of the building or system to the utility source of energy, fuel or power.

15.30.530 Authority to disconnect service utilities.

The building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the codes referenced in case of emergency where necessary to eliminate an immediate hazard to life or property, or when such utility connection has been made without the required approval. The building official shall notify the serving utility, and wherever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

Article XIII. Appeals**15.30.535 General.**

Appeals of orders, decisions or determinations made by the building official shall be made to the hearing examiner in accordance with the requirements and process of Chapter 19.30 KMC.

15.30.540 Limitations on authority.

An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The hearing examiner shall have no authority relative to interpretation of the administrative provisions of this code nor shall the board be empowered to waive requirements of either this code or the technical codes which are the codes, appendices and referenced code standards adopted by the City.

15.30.545 Qualifications.

Repealed by Ord. 12-0333.

15.30.550 Reconsideration.

Repealed by Ord. 12-0333.

15.30.555 Corrections.

Repealed by Ord. 12-0333.

15.30.560 Court review.

Repealed by Ord. 12-0333.

Article XIV. Violations

15.30.565 Unlawful acts.

It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

15.30.570 Notice of violation.

The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

15.30.575 Prosecution of violation.

If the notice of violation is not complied with in the time prescribed by such notice, the building official is authorized to request the legal counsel of the City to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

15.30.580 Violation – Penalties.

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

Article XV. Stop Work Order

15.30.585 Authority.

Whenever the building official finds any work being performed in either a dangerous or unsafe manner or in a manner either contrary to the provisions of this code or other pertinent laws or ordinances that are violated during the course of work authorized by the building permit, the building official is authorized to issue a stop work order.

15.30.590 Issuance.

The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work will be permitted to resume.

15.30.595 Investigation fee.

The building official is authorized to assess a special investigation fee for the issuance of a stop work order when work has started without the issuance of a permit. The special investigation fee shall be determined by KMC 15.30.370.

15.30.600 Unlawful continuance.

Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

Article XVI. Unsafe Structures and Equipment

15.30.605 General.

Structures or existing equipment that are or hereafter become unsafe, unsanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in the 1997 Edition of the Uniform Code for the Abatement of Dangerous Buildings or the 1997 Edition of the Uniform Housing Code. A vacant structure that is not secured against entry shall be deemed unsafe.



City Council Agenda Bill City of Kenmore, WA

Subject/Topic: 170th St & Juanita Dr Intersection Bicycle Accessibility Improvements Proposed Council Action/Motion: This topic is presented for discussion; no Council action required.	For Council Meeting Agenda of: 02/26/2024 Department: Public Works Engineering Prepared by: Tobin Bennett-Gold, City Traffic Eng. Thomas Joachimides, Senior Civil Eng. <table><thead><tr><th></th><th>Initial & Date</th></tr></thead><tbody><tr><td>Approved by Department Head:</td><td>JFV</td></tr><tr><td>Approved by City Attorney:</td><td>N/A</td></tr><tr><td>Approved by Finance Director:</td><td>N/A</td></tr><tr><td>Approved by City Manager:</td><td>RK</td></tr></tbody></table> Attachments/Exhibits: Attachment A: 170th St & Juanita Dr Diagram Attachment B: Community Cyclist Outreach Comments and Response		Initial & Date	Approved by Department Head:	JFV	Approved by City Attorney:	N/A	Approved by Finance Director:	N/A	Approved by City Manager:	RK
	Initial & Date										
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Approved by City Attorney:	N/A										
Approved by Finance Director:	N/A										
Approved by City Manager:	RK										
Summary: Discussion and feedback on the proposed signal and channelization changes that will connect the 170th St / Simonds Rd bicycle facilities to the 170th St & Juanita Dr intersection, linking the 170th St / Simonds Rd bicycle facilities to the wider City and Regional bicycle network. The proposed signal and channelization changes to the intersection would be completed as part of the 68th Av Channelization Project which will be advertised in March for completion in Summer of this year.											
Information/Background: Currently, the 170th St / Simonds Rd bicycle facilities extend from 72nd Av eastward to Simonds, and then south along Simonds Rd to the Kenmore / Kirkland city limits. The section of 170th St between 72nd Av and Juanita Dr is roughly 1000 ft in length and has no dedicated bicycle facilities. Connecting the 170th St / Simonds Rd bicycle facilities to the 170th St & Juanita Dr intersection would leverage the City's investment in the Walkways and Waterways and the West Sammamish River Bridge bicycle facilities by providing uninterrupted dedicated bicycle facility connections from the Simonds Rd bicycle facilities to City-wide and regional bicycle facility networks. Growing the City's network of complete and connected bicycle facilities improves safety and comfort for cyclists with diverse needs and ability levels, improves the viability of cycling as a primary travel mode choice for Kenmore residents and regional travelers, and aligns with the City's complete streets policies and the Council's priority of improving multimodal traffic safety.											

In April 2023, several alternatives were presented to Council for incorporating the 170th St bike lanes into the intersection of 170th St and Juanita Dr. The goal of these design alternatives was to make changes which could be implemented quickly and with minimal disruption to intersection operations. Discussion from Council provided direction on two points:

1. It is a priority for Council that the bicycle facility not only be safe and effective, but also be comfortable and accessible for riders of diverse needs and ability levels.
2. Council has a tolerance for impacting the delay / user experience for motor vehicle drivers when necessary to achieve these goals.

Under this guidance, the engineering team is proposing changes to the signalization, signal phasing, signing, and channelization of the 170th St & Juanita Dr intersection which will provide complete and connected bicycle access for all approaches which is as safe and comfortable as possible for a diverse population of cyclists. A high-level diagram of the proposed changes is attached to this agenda bill. The following is a brief summary of changes to the road user experience which are anticipated if the proposed changes are made to the intersection:

(All comparisons are relative to current intersection operations.)

- Overall crash risk for all road users will be reduced due to reduced opportunities for conflicting movements within the intersection.
- Delay for motor vehicles will be moderately increased during AM and PM peak hours.
- Overall delay will increase with the proportion of signal cycles which serve bicycle phases.
- Overall delay for motor vehicles at the intersection will still meet City of Kenmore standards for level of service.
- Crash risk for individual cyclists will be reduced, however, increased travel volumes for cyclists will result in an increased opportunity for crashes to occur even when individual risk is reduced.

Additionally, engineering staff has engaged cyclists in the Kenmore community to solicit feedback on the proposed changes and on the challenges faced by cyclists navigating this intersection under current conditions. A summary of the concerns discussed and discussion of possible mitigation and accommodation is included as Attachment B. Many of the concerns brought by resident cyclists were addressed by the proposed changes as presented at the time, or have been incorporated into the proposed changes for the intersection as presented in the attached conceptual diagram.

The proposed changes would be incorporated into the 68th Avenue Channelization Project, which is planned to be advertised in March and completed in Summer of this year.

Fiscal Consideration:

Proposed changes are within the scope and budget for the 68th Av NE & Simonds Rd Channelization project.

City Council Priority or Budget Objective Being Addressed:

Council priority #3: Enhance multimodal transportation, including pedestrian and bicycle safety.



City Of Kenmore, Washington

Technical Memorandum

TO: City of Kenmore City Council

FROM: Tobin Bennett-Gold, PE
City Traffic Engineer

DATE: February 14, 2024

SUBJECT: Community Cyclist Outreach Comments and Response

Background

City of Kenmore staff met with cyclists from the Kenmore community to discuss challenges faces when navigating the intersection of 170th St & Juanita Dr, and to discuss the proposed changes to improve bicycle accessibility to the intersection. Staff met with cyclists on-site at the intersection at 5:30 PM Friday February 9th and 10:30 AM Saturday February 10th. The Kenmore residents attending represented cyclists of diverse needs and ability levels, and all were familiar with use of the existing facilities at the 170th St & Juanita Dr intersection.

Comments and City Response

The comments presented here are summarized from discussions with Kenmore residents during the intersection site visits and are not reproduced verbatim or attributed necessarily to any one specific resident. The issues raised by the residents attending the outreach site visits had near consensus – no single issue was raised by only one person, and many of the issues presented here were raised or agreed upon by all participants.



City Of Kenmore, Washington

Technical Memorandum

	Comment	Response
1	Vehicles crowd or encroach in the bike lanes, and waiting for a signal change in the bike lane feels uncomfortable or unsafe; vertical separation devices would improve this (e.g. flexible delineators, curb, etc.) and were uniformly requested for both intersection and roadway segment improvements.	Vertical separation presents a barrier to maintenance of the facility. On a small scale, facilities with vertical separation can be swept manually, but widespread sweeping of facilities with vertical separation would require that the City procure a narrow sweeping vehicle suitable for bike lane widths. Without reliable sweeping, the bicycle facility would become unsafe and unusable due to accumulated foliage and pavement detritus and roadway debris. Flexible delineators can be installed for the 75-ft extent of the northbound and westbound bicycle approaches; more expansive installation of vertical devices should be conditioned on the feasibility of maintenance.
2	Drivers making right-on-red westbound-to-northbound turning movements direct their attention to the oncoming traffic to their left, and do not give attention to cyclists on their right before making a right turn.	Drivers making westbound-to-northbound right turns from 170 th St to 68 th Av will have explicit red arrow when conflicting bicycle or pedestrian phases are active, with right-turn-on-red no longer permitted. If drivers are compliant with signing and signal operation, monitoring cyclists' movements will not be a requirement for avoiding conflicts.
3	Navigating from northbound Juanita Dr to travel northbound on the multiuse path across the bridge requires a two-stage crossing; this is unintuitive for cyclists to navigate, and the path cyclists take is unintuitive to drivers seeking to avoid conflict with cyclists.	Signing for the two-stage crossing has been recently improved. Additionally, improved signal progression will allow for either concurrent or back-to-back green signals for cyclists making this movement without additional signal actuation. This movement could be further improved with more intuitive physical geometry; installing a "jug handle" approach would orient cyclists to face the correct direction, making the intended path clear to cyclists as well as other vehicles and road users. However, revising the geometry of the intersection to better support this movement would require reconstruction of the curb and sidewalk as well as additional channelization changes. This sort of revision is currently out of scope and budget for this project, but could be considered at a future time. It is important to note: although this movement is unintuitive and unusual compared to most other



City Of Kenmore, Washington

Technical Memorandum

		intersections regionally, it is required to accommodate access to the multi-use path on the left side of the intersection (relative to northbound travel). The heavily imbalanced traffic pattern at this intersection allows for quicker and safer service to bicycles when crossing west-then-north compared to the more intuitive north-then-west movement. Other options for crossing to the multiuse path would have one or more of the following: reduced safety or comfort for cyclists, substantially increase delay for all intersection movements, substantially increased delay for bicycles only.
4	When northbound cyclists must cross the south leg, larger bicycles have difficulty re-orienting to make the sharp right turn (e.g. cargo / utility bikes, or bikes towing child trailers).	This issue would also be resolved by a jug-handle type approach, which is out of scope and budget for this project. Increasing the offset of the stop bars from the bike lane across the south leg may allow for a more comfortable turn radius and can be explored as an intermediary mitigation.
5	Signal service for cyclists can require a long wait.	Travel delay for cyclists is expected to be roughly 1 minute on average; similar to the average delay experienced by motor vehicles and pedestrians navigating the intersection. Additionally, cycle length for the signal can be reduced to reduce the delay that occurs for arrive soon after the desired bicycle phase has already been completed, reducing the maximum possible wait time.
6	A bike handrail and footrest would be an appreciated amenity while waiting at the intersection.	The city can explore providing this amenity at this and other intersections. Installation of these devices at this intersection is low cost and does need to be included in this project.
7	Low compliance with no-right-on-red may present a hazard to cyclists.	If proposed intersection changes result in low compliance with the new signal phasing, red-light enforcement can be explored as a way of increasing signal compliance. Because the proposed changes include no-right-on-red restrictions, automated red-light enforcement would be very clear and avoid one of the largest barriers to public buy-in for automated red-light enforcement.
8	Southbound drivers making a right-turn onto Inglewood Rd are not aware of cyclists approaching on the multiuse path.	Conflicts with southbound right turns during the red phase will be eliminated by the right-on-red restriction introduced in the proposed intersection changes. Conflicts with southbound



City Of Kenmore, Washington

Technical Memorandum

		right turns during the green phase can be mitigated but not eliminated with a leading pedestrian / bicycle interval which will allow queued cyclists to gain a higher-visibility presence in the intersection before right-turn vehicles receive a green light. Southbound motor vehicles and cyclists both arriving on green will remain a potential conflict where cyclists will be vulnerable to inattentive drivers; driver awareness may be improved by upgrading the existing "Turning Vehicles Yield to Bicycles" to a perimeter-lit sign such as is used on 175 th St approaching 65 th Av.
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Recommendations

Including flexible delineators on the bicycle approaches to this intersection would improve safety and comfort for cyclists and would be sufficiently limited as to present a manageable maintenance burden.

Compliance with the proposed no-right-on-red restriction should be monitored carefully to determine level of compliance and whether low compliance is presenting elevated risk of conflicts between cyclists and motor vehicles failing to stop at the red light. If compliance is low, additional measures to improve compliance can be considered.

The two-stage crossing for northbound cyclists is unintuitive and can be addressed with changes to the geometry of northbound approach, but these changes are not feasible within the scope and budget of this project. Improvements to bicycle signal progression and orange flags to draw attention to the recently installed signing and may improve awareness and adoption of the two-stage crossing.

A small additional setback of the stop bar for the proposed northbound right turn lane will allow more room for larger bicycles to make the sharp right turn.

Handrails and footrests can be considered at a later date as this work is out of current scope and budget for the project.

The "Turning Vehicles Yield to Bicycles" sign on the southbound approach can be upgraded to perimeter-lit signing in order to improve awareness of southbound cyclists approaching the intersection.

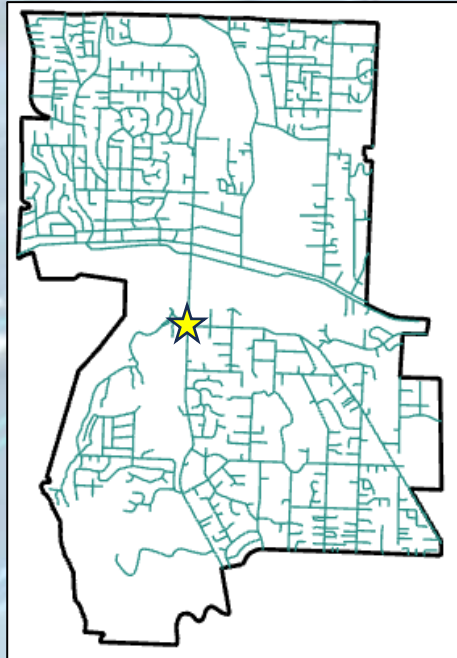
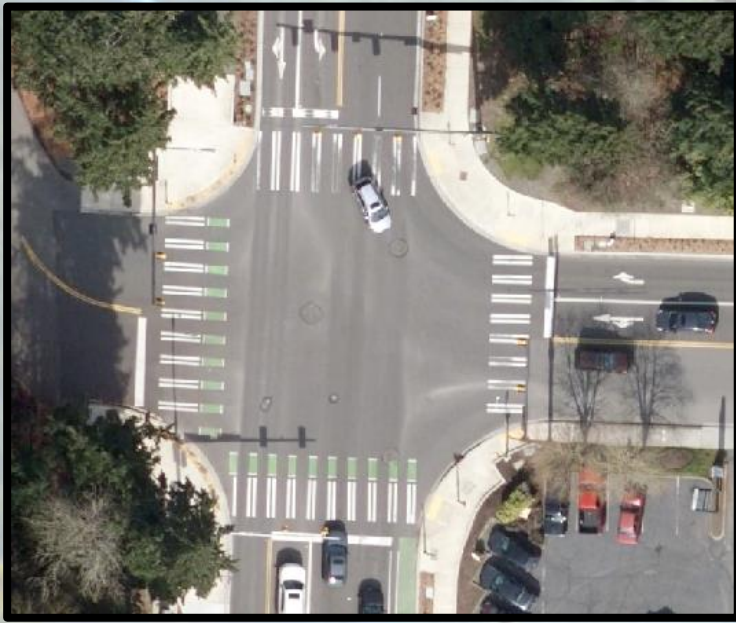


City Of Kenmore, Washington

Technical Memorandum

Conclusions

Discussion with cyclists in the Kenmore community regarding the challenges cyclists face at this intersection and the proposed intersection changes to signalization and channelization was productive and insightful. The proposed intersection changes will address many of the challenges faced by cyclists, including all of the most serious barriers to bicycle accessibility, and was generally well received. Some low-cost improvements were also suggested which can provide additional safety and comfort value for cyclists and can be incorporated into the intersection improvements. Other challenges, primarily those with the unintuitive two-stage crossing for northbound cyclists, will be difficult to fully address within the scope and budget of this project but will still be partially mitigated by the proposed changes and some changes already made recently.



170th St & Juanita Dr Intersection

Bicycle Accessibility Improvements

February 26, 2024

Tobin Bennett-Gold, PE
City Traffic Engineer

Thomas Joachimides, PE
Senior Civil Engineer

What's changing?

Will it *feel* better or worse for
cyclists? pedestrians? drivers?

Will it be safer?

How long will folks
have to wait?

What exactly will the
new signal phases be?

Why are the signal
phases like that?

No, *really*, why are
they like that?

The Main Event

Extra Credit

I'll have to come back with our consultant

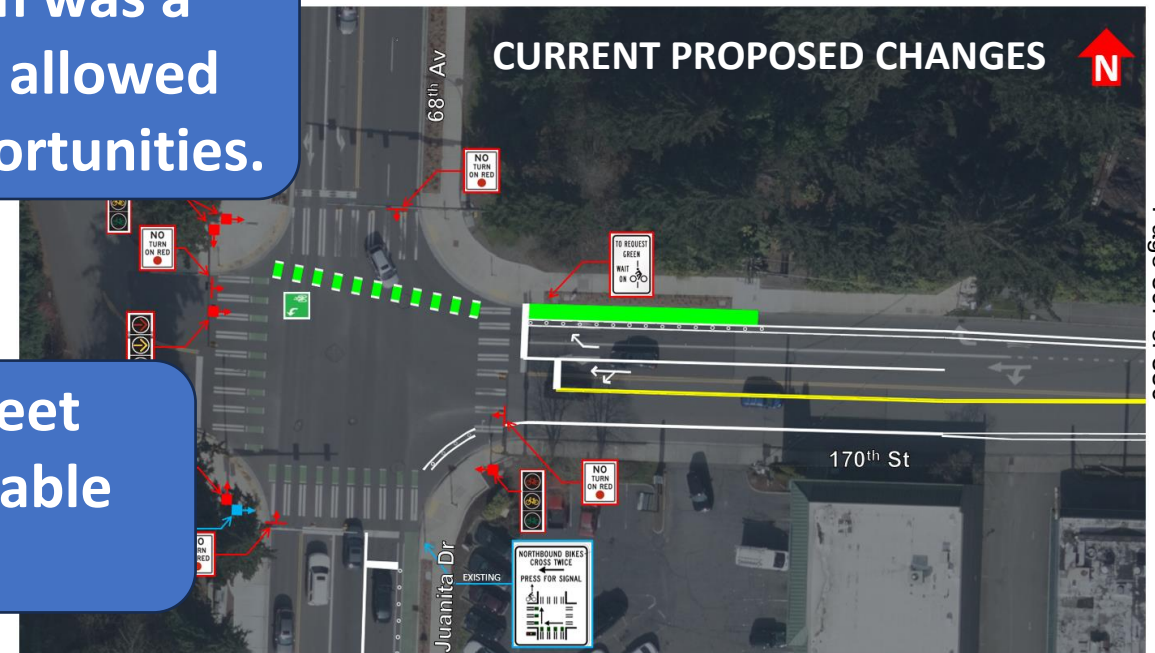
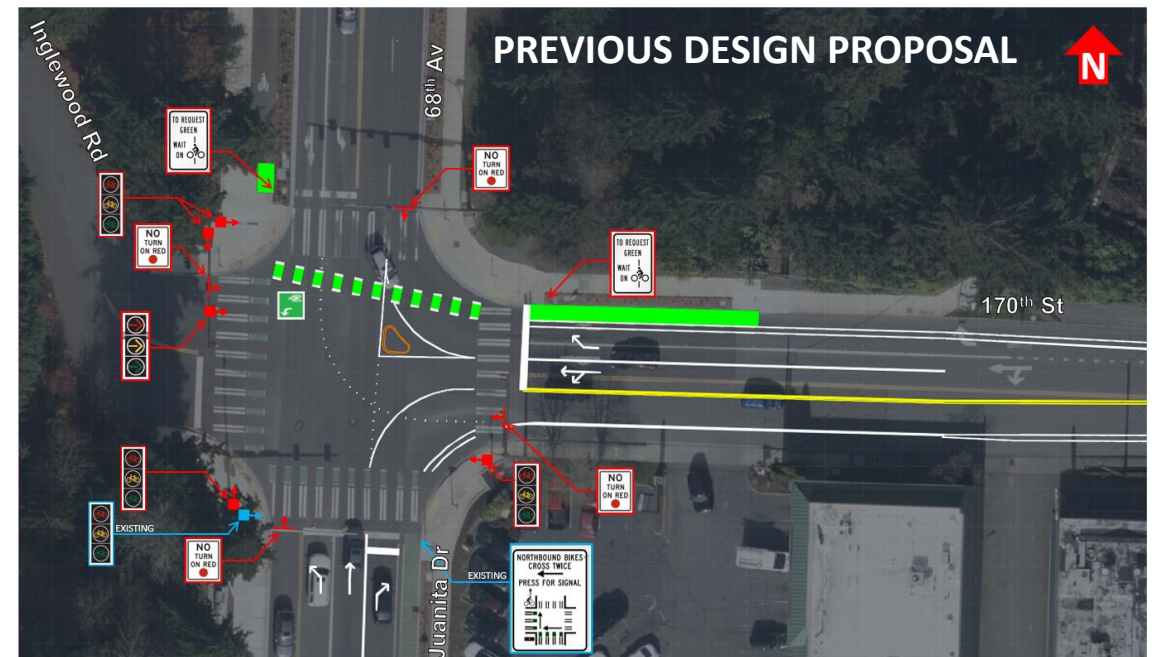
What's changing?

Our timeline is very tight!

Design, analysis, and outreach are all proceeding simultaneously.

The previously shared diagram was a novel redesign that may have allowed some innovative phasing opportunities.

The current design concept still allows us to meet our design goals, and avoids some insurmountable challenges in the previous design concept.



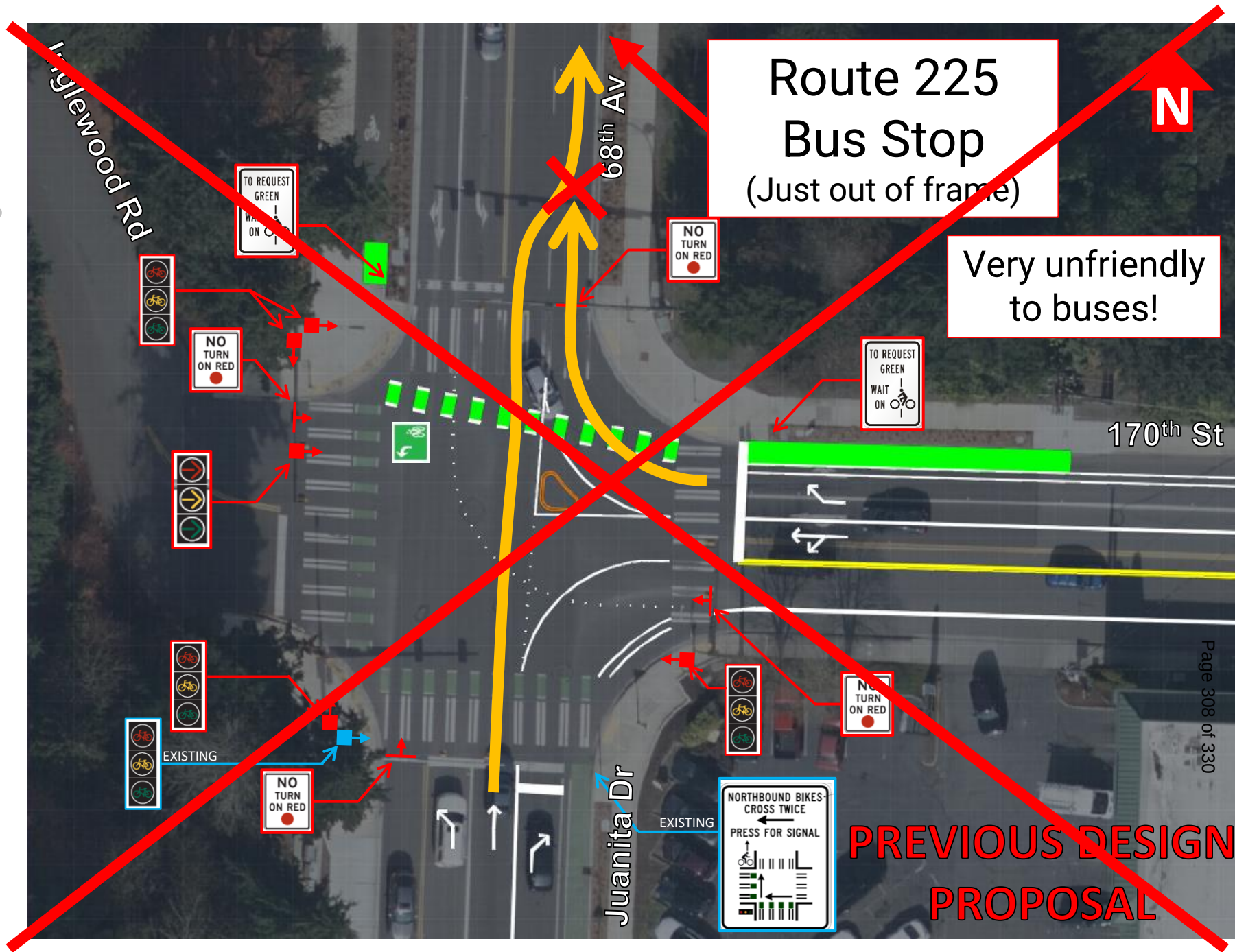
What's changing?

Will it *feel* better or worse for
cyclists? pedestrians? drivers?

Will it be safer?

How long will folks
have to wait?

XVVC, NE 170th/Juanita Drive Intersection Bike Accessibility, presente...



How long will folks have to wait?



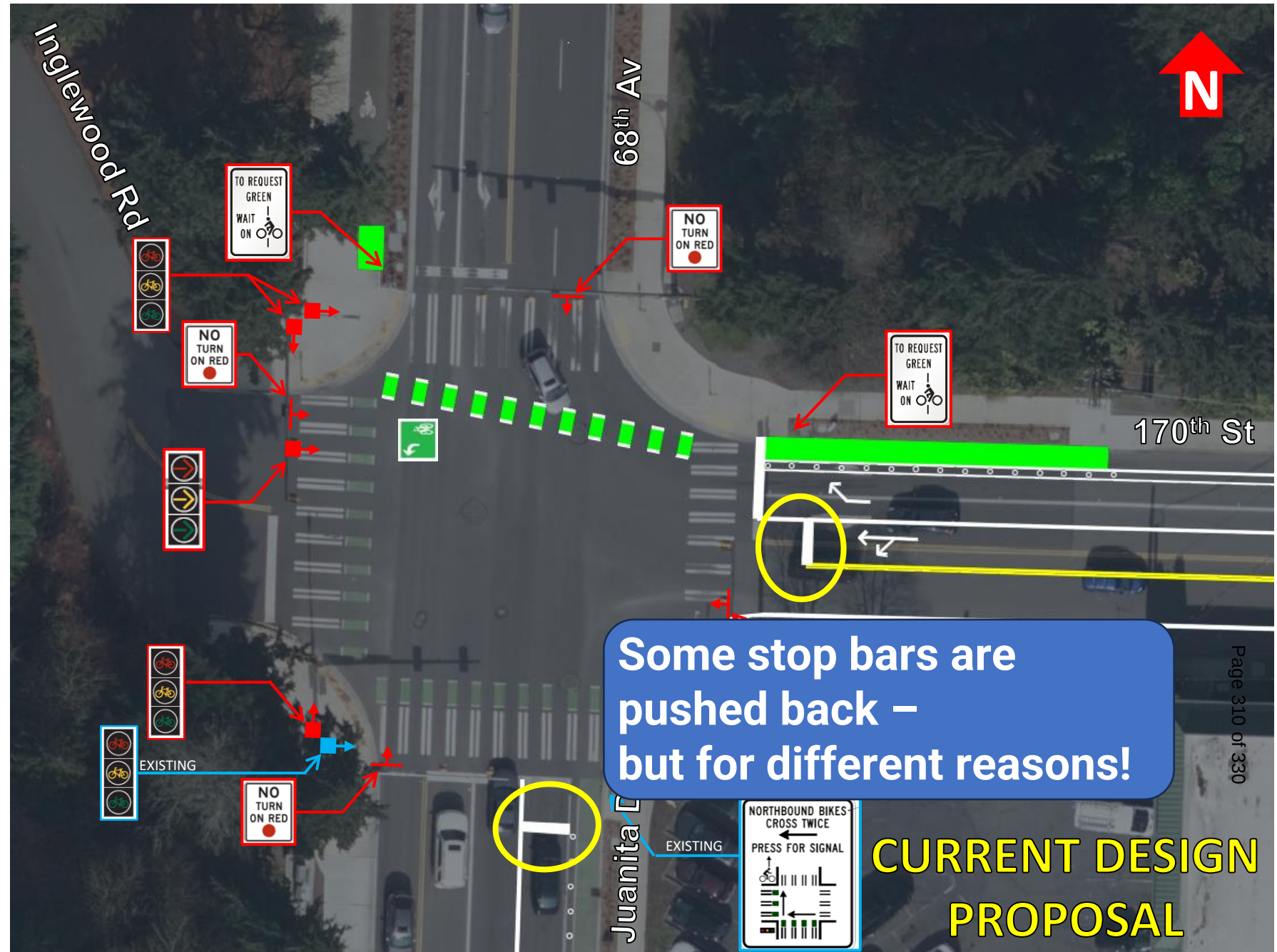
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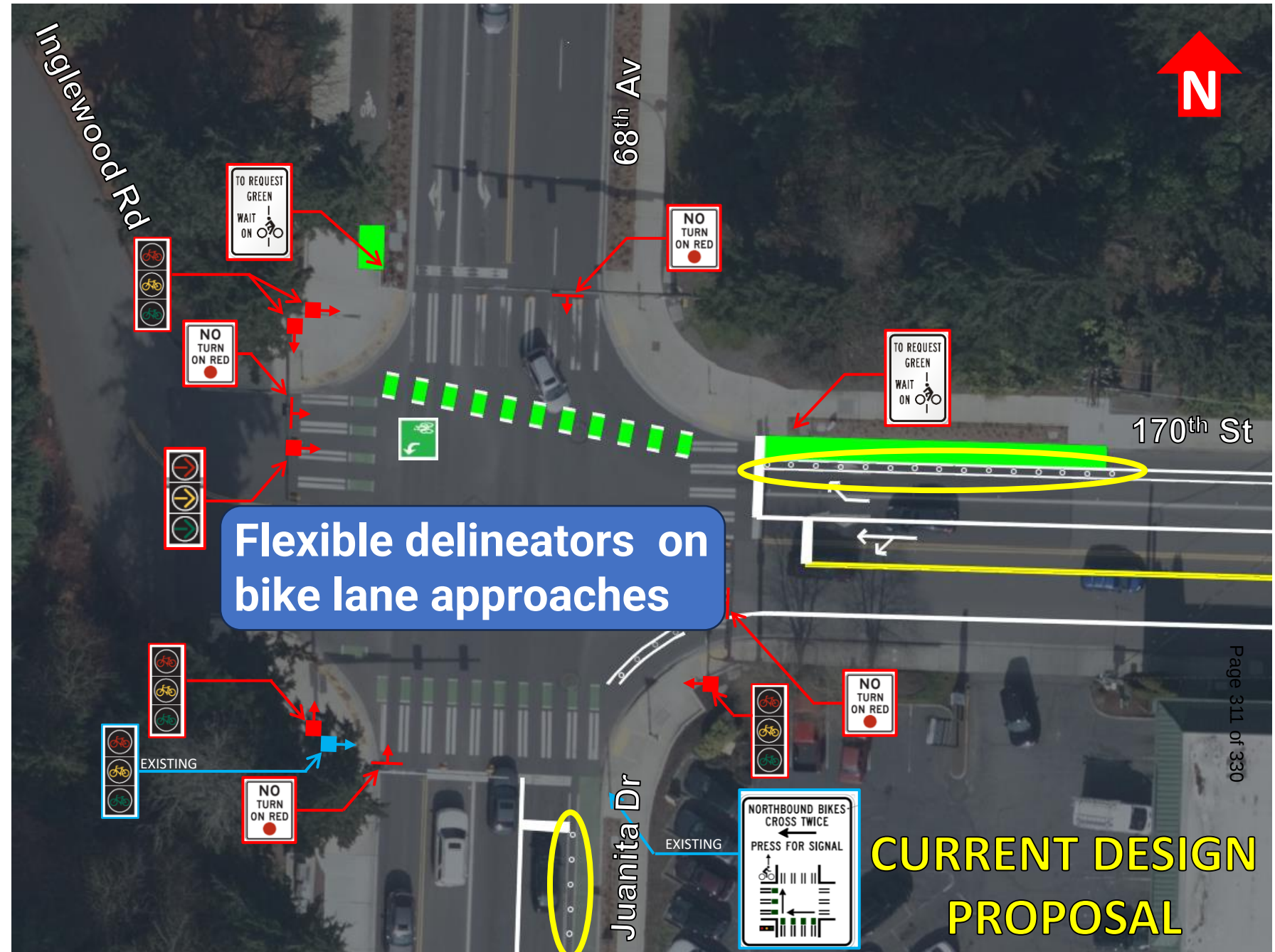
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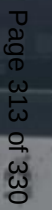
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CURRENT DESIGN PROPOSAL

How long will folks have to wait?



CURRENT DESIGN PROPOSAL

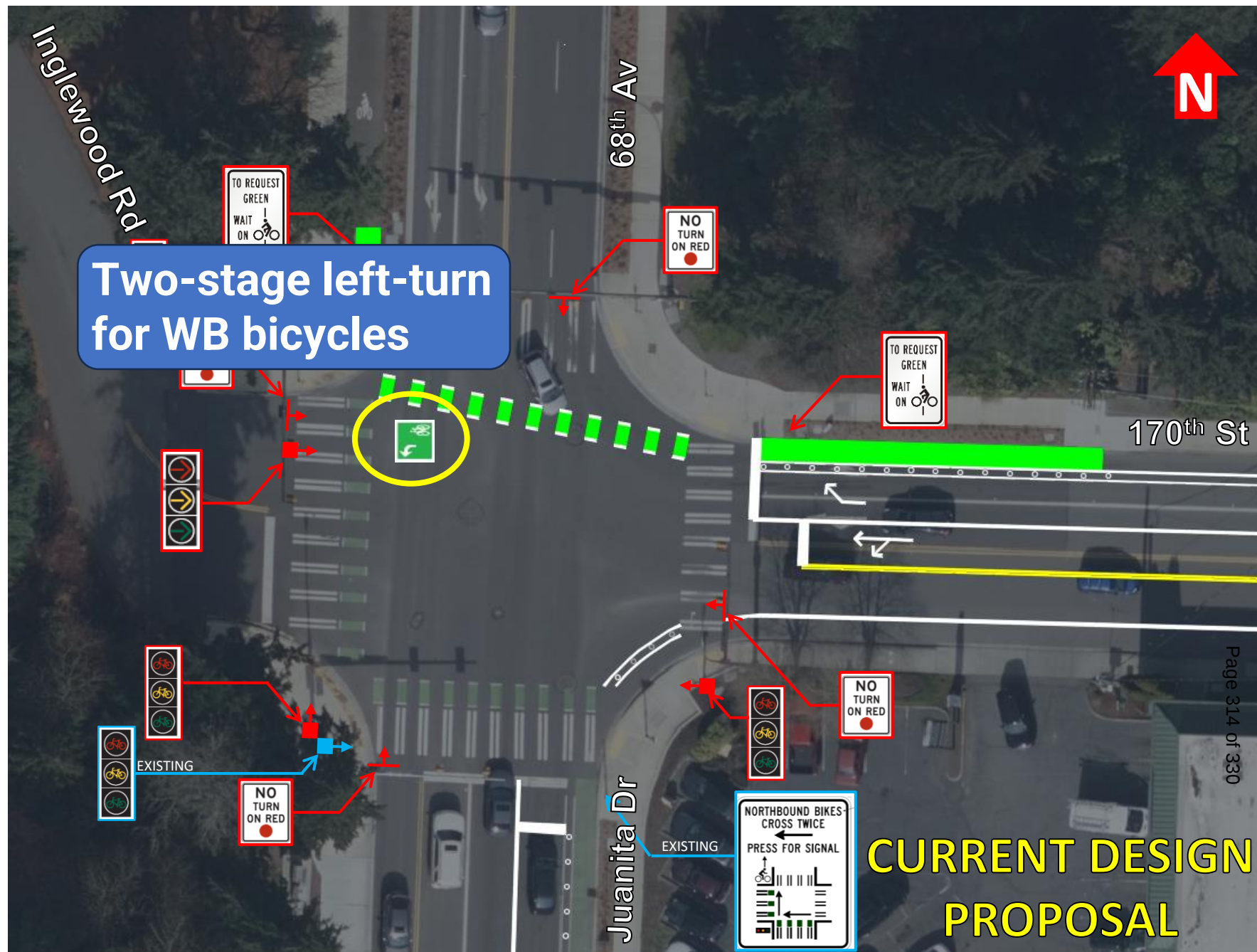
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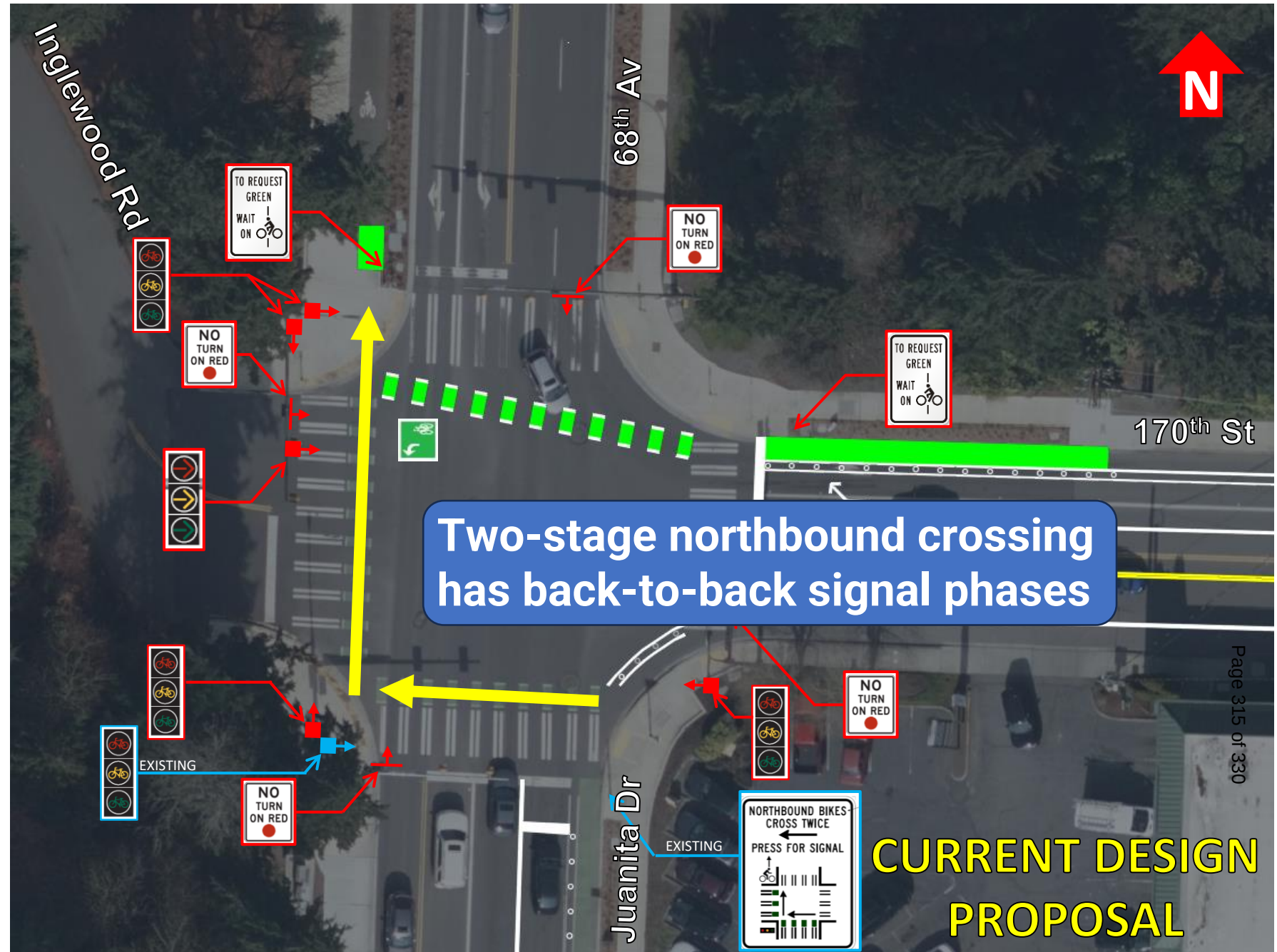
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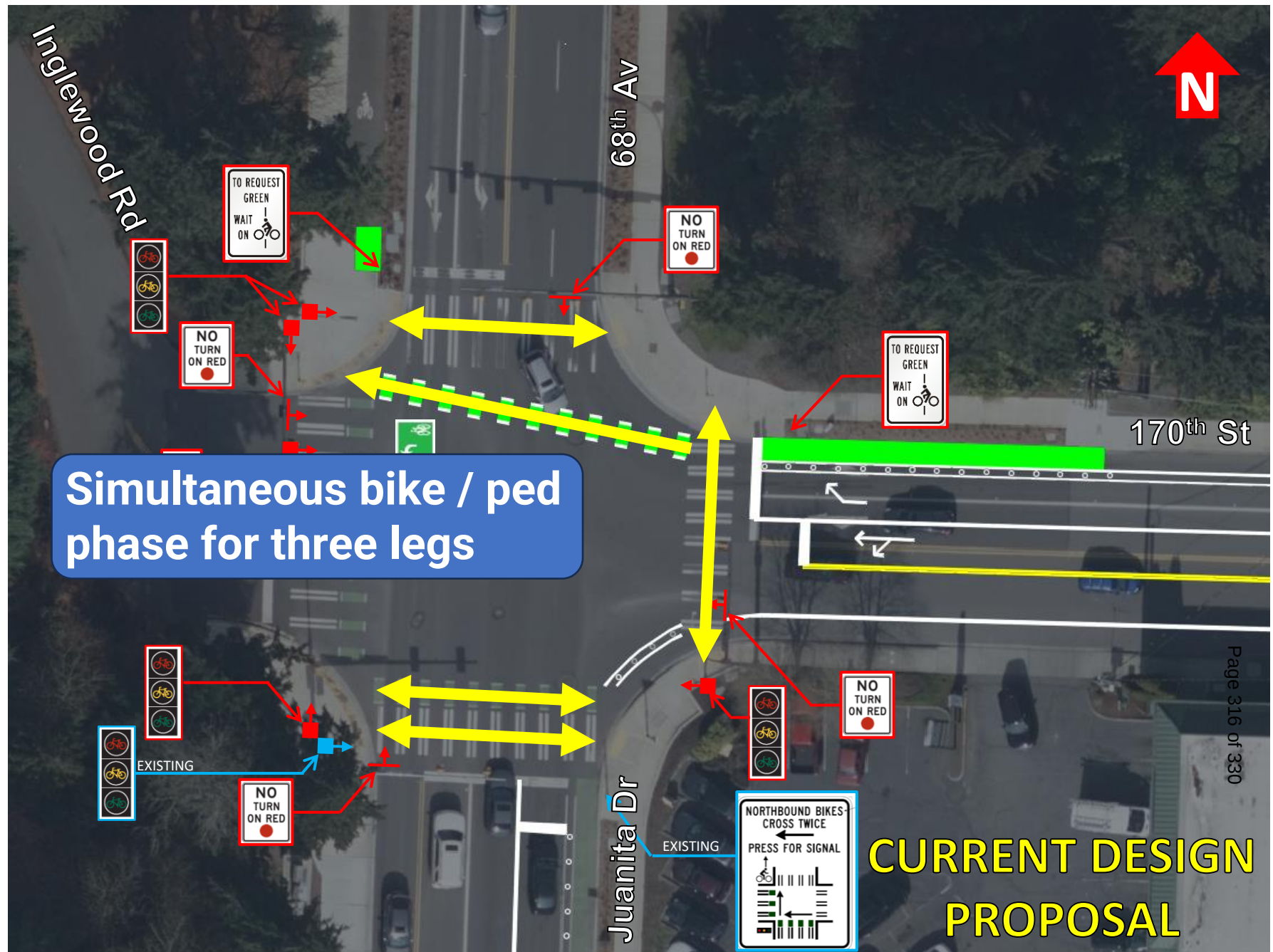
**CURRENT DESIGN
PROPOSAL**

XV.C. NE 170th/Juanita Drive Intersection Bike Accessibility, presente....

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CURRENT DESIGN PROPOSAL

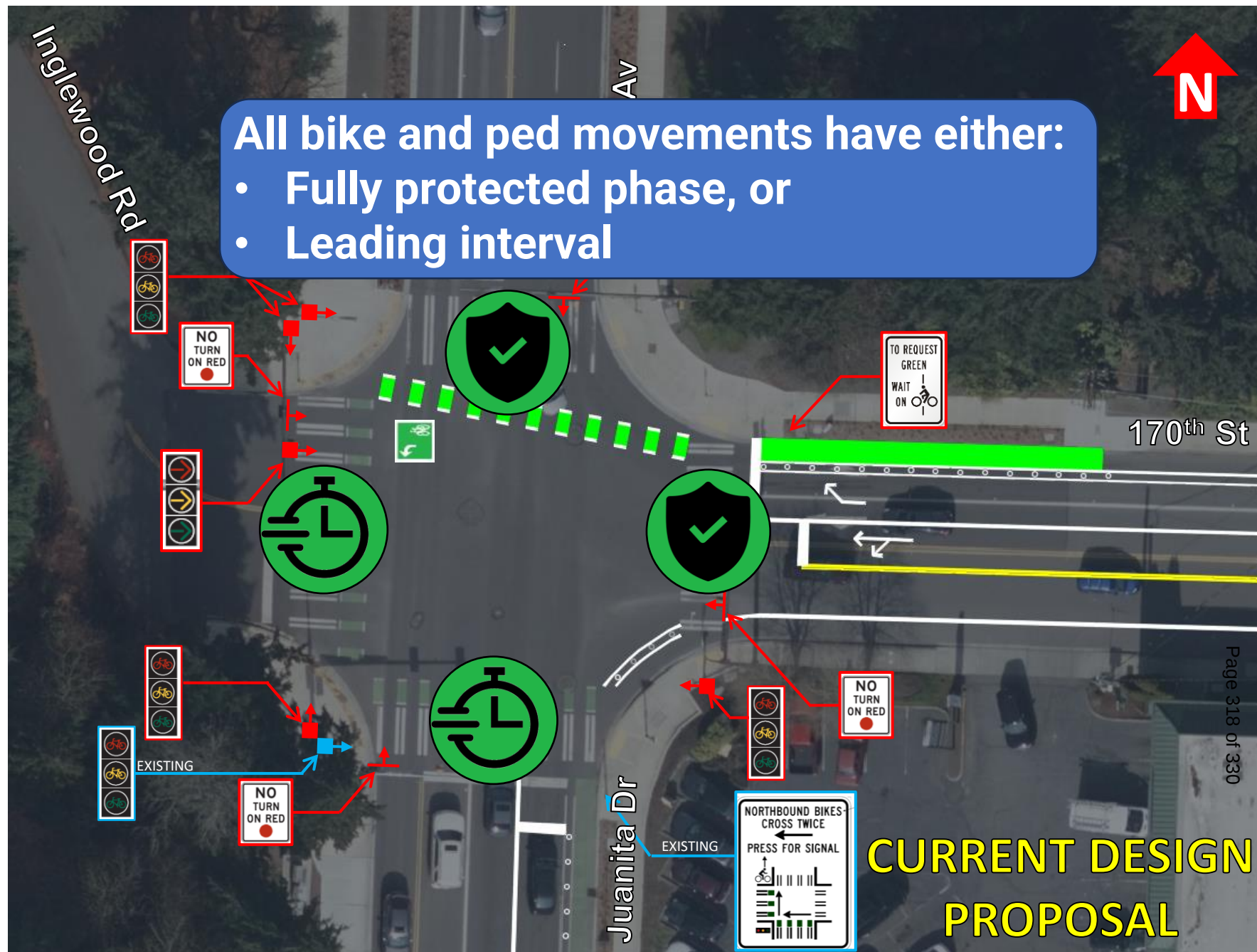
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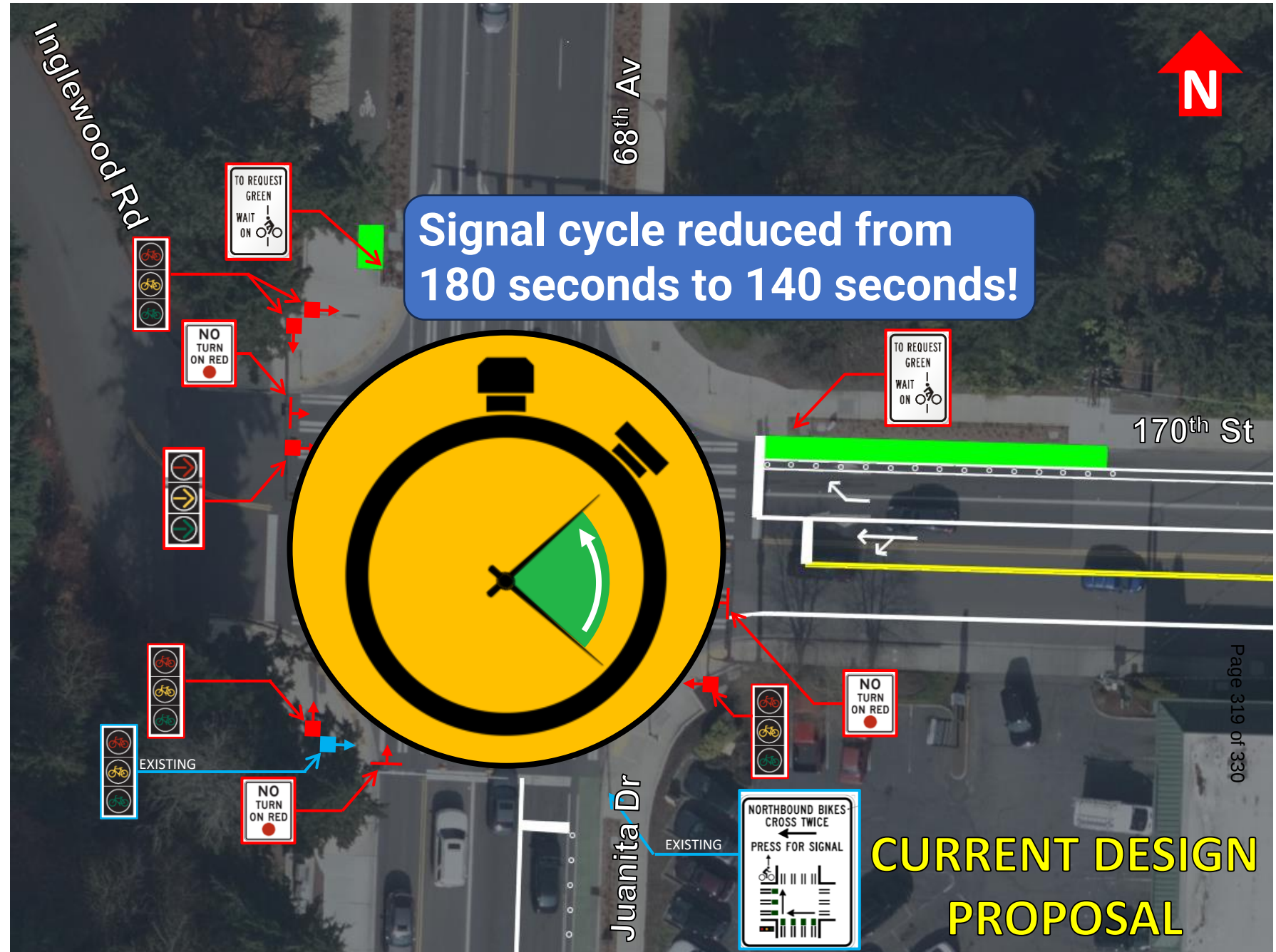
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**CURRENT DESIGN
PROPOSAL**

XVI.C. NE 1706
What's changing?

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have to wait?

	Drivers	Cyclists	Pedestrians
Clearly navigate the intersection?	Nearly Unchanged!	Better in nearly every way! NB 2-Stage Still Odd	Nearly Unchanged! Asymmetrical Delay
Is it a long wait?	+10 sec delay during PM peak AM peak will be similar to PM peak	Average and max delay reduced!	Average and max delay reduced!
Stressful or comfortable?	Fewer conflicts to track	Dedicated facility!	Almost no overlap with motor vehicles

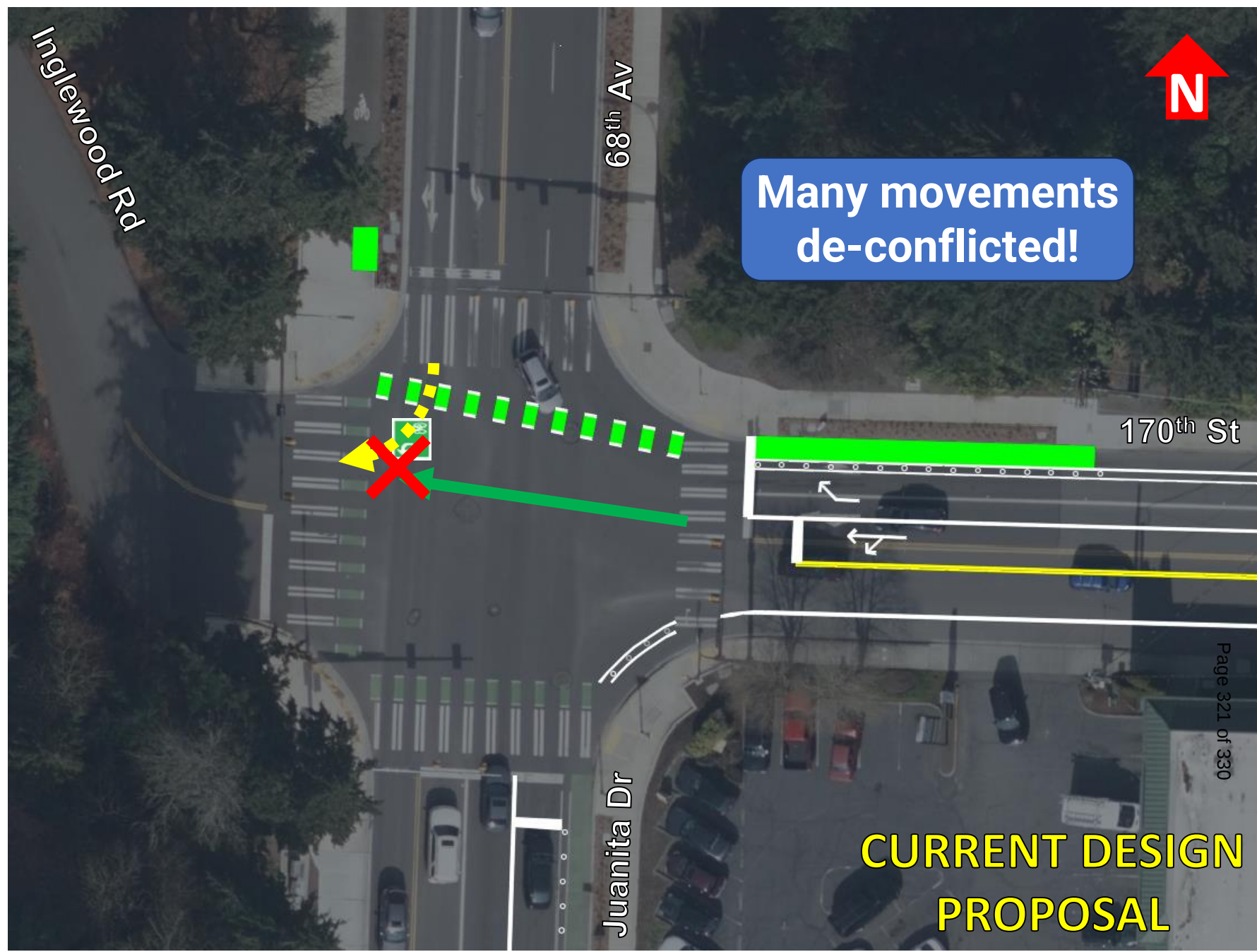
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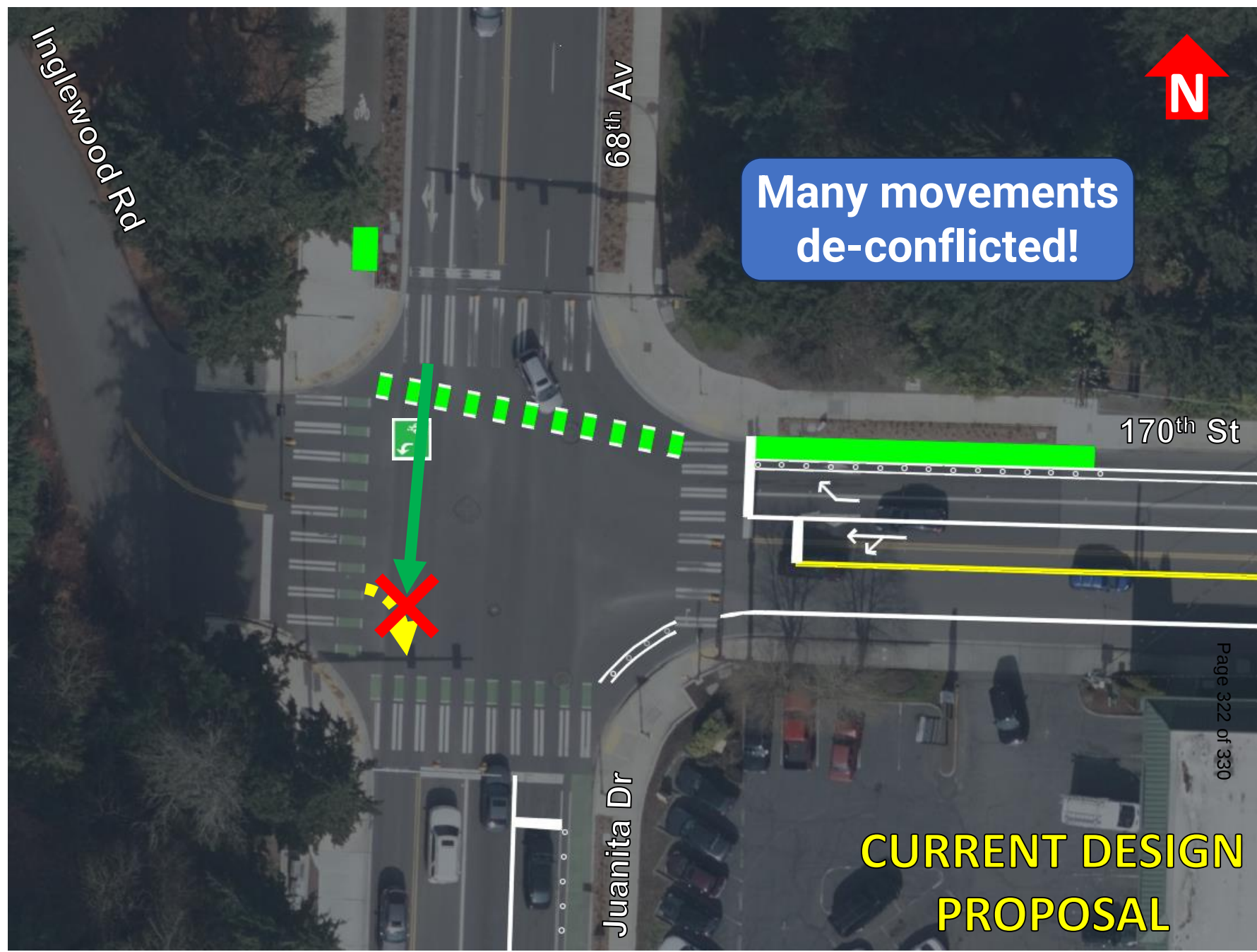
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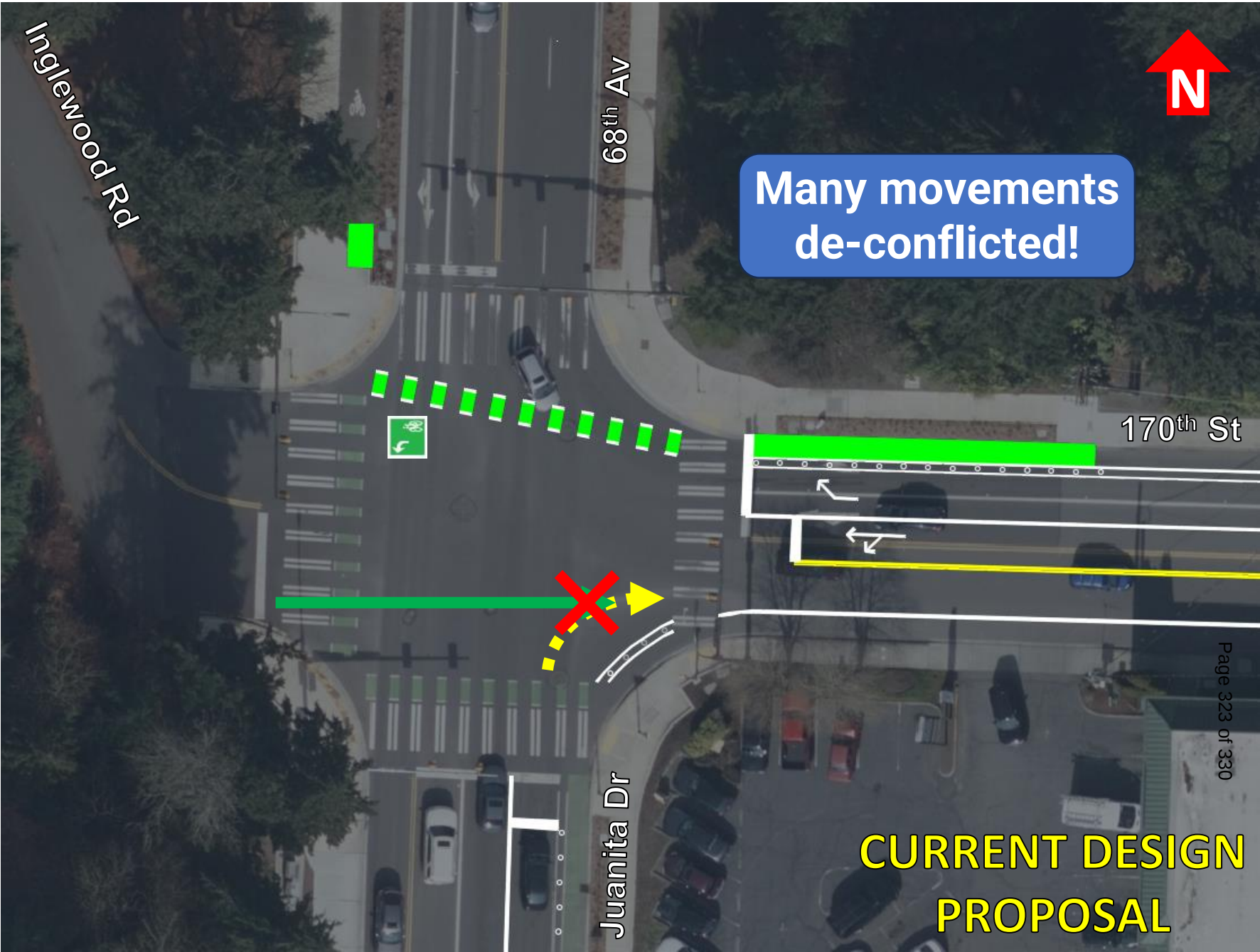
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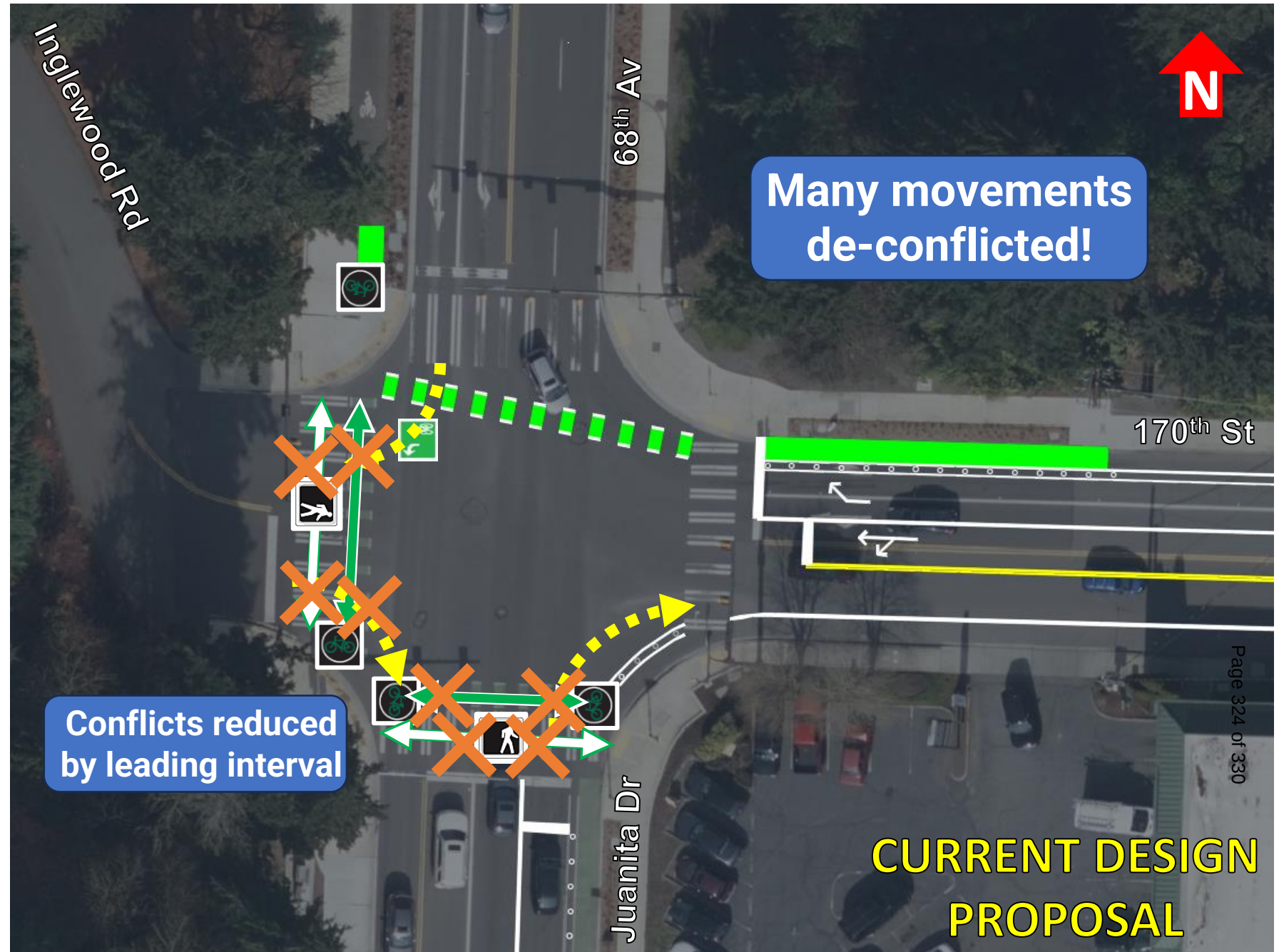
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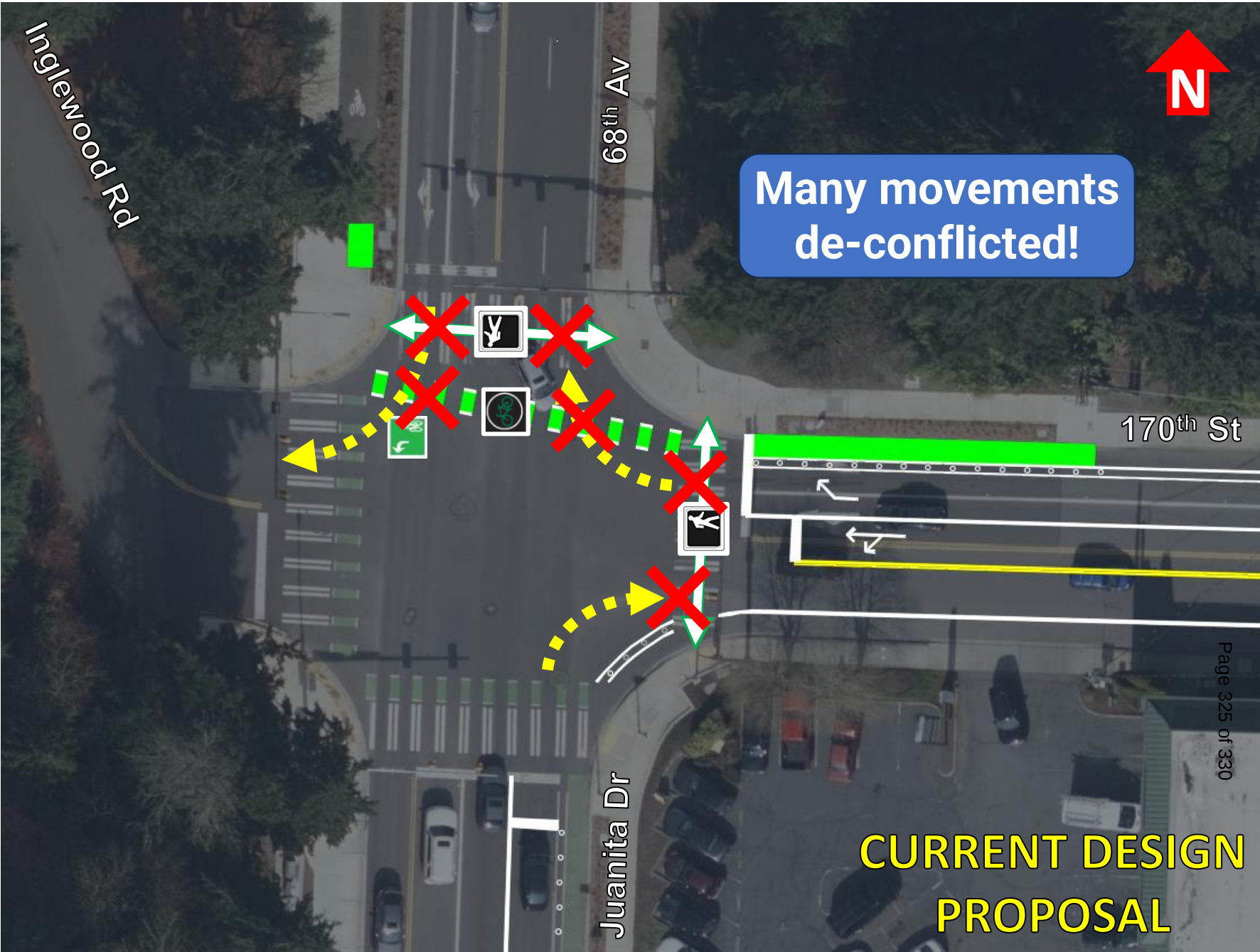
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AM PEAK HOUR		Overall	Overall												
		LOS	Delay	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Existing Conditions	C		27.6	54.4	54.4	54.4	50	50	2.2	61.6	56.7	56.7	33.2	19.6	19.6
Proposed Changes	D		44.4	73.2	73.2	73.2	68.2	68.2	12.6	65.4	64	64	60	26.6	36.6
Difference			+16.8	+18.8	+18.8	+18.8	+18.2	+18.2	+10.4	+3.8	+7.3	+7.3	+26.8	+17.0	+17.0
Volume			1766	26	11	4	22	4	287	10	349	39	412	564	38

Weighted-average

Mixed Effects on Heaviest Movements

PM PEAK HOUR		Overall	Overall												
		LOS	Delay	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Existing Conditions	C		34.3	52.9	52.9	52.9	54.3	54.3	15.8	71.1	54.9	54.9	43.1	22.9	22.9
Proposed Changes	D		45.6	77.1	77.1	77.1	76.3	76.3	16.6	69.1	64.3	64.3	63.6	36.3	36.3
Difference			+11.3	+24.2	+24.2	+24.2	+22.0	+22.0	+0.8	-2.0	+9.4	+9.4	+20.5	+13.4	+13.4
Volume			2251	34	13	8	31	9	523	11	501	26	441	606	480

QUESTIONS



City of Kenmore 2024 Federal Legislative Agenda

Community Project Funding/Congressionally Directed Spending Request

The City of Kenmore will be constructing a new public works operations center to better serve our growing community. The city needs assistance in funding several environmentally sustainable features of the facility, including low impact development and clean water infrastructure, stormwater retention and reuse, solar panels, and electric vehicle (EV) charging stations. FFY 2025 Request: \$2.0 million.

Temporary Flight Restrictions

The City of Kenmore is home to the largest seaplane harbor in the United States, operated by Kenmore Air. The 76-year-old seaplane company is one of the City's largest employers and is a key contributor to the health of our local economy.

During the Obama administration, Kenmore Air and federal agencies crafted a reasonable solution to address presidential visits to our area, one that allowed Kenmore Air seaplanes to remain in flight during at such times. Unfortunately, this compromise solution was discontinued in subsequent administrations.

Especially during the summer season, grounding Kenmore Air's fleet of aircraft can cause severe and frustrating interruptions to customers along with a devastating financial impact on the company. Many of Kenmore Air's customers rely on Kenmore Air for health and business travel.

The City of Kenmore supports and advocates a solution that either re-initiates the Obama-era solution that allows Kenmore Air to stay in flight during presidential visits or reimburses Kenmore Air for lost revenues caused by temporary flight restrictions.

Eliminating Lead from Aircraft Fuel

The EPA has determined that lead emitted by piston-engine aircraft is a danger to public health. The City advocates for EPA regulations that quickly and safely require the elimination of lead from aircraft fuel.

While most of Kenmore Air's fleet runs on "Jet A" fuel that does not contain lead, its piston-engine Beaver seaplanes still run on low lead fuel. Kenmore Air is working with its fuel provider to develop a safe and effective non-lead alternative.

Environmental Remediation and Fish & Wildlife Habitat Restoration Funding

The City of Kenmore has over seven miles of shoreline along Lake Washington and the Sammamish River, and a former 40-acre industrial site known as Lakepointe sits adjacent to the Lake and at the mouth of the Sammamish River. The City requests funding from federal agencies to assist in the future restoration and remediation of the Lakepointe site, as well as environmental restoration efforts along fish-bearing streams throughout the City. Examples of such funding sources include:

- EPA Brownfields Program – Cleanup Grants
- US Army Corps of Engineers Continuing Authorities Program (CAP)
- US Army Corps of Engineers Environmental Infrastructure Program Authority
- US Department of the Interior Fish and Wildlife Service National Fish Passage Program Bipartisan Infrastructure Law: Restoring River, Floodplain, and Coastal Connectivity and Resiliency
- US Department of Transportation National Infrastructure Investments (RAISE grants)
- US Department of Transportation Federal Highway Administration National Culvert Removal, Replacement, & Restoration