



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, JUNE 17, 2024 - 6:00 PM

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

ZOOM LINK: <https://kenmorewa-gov.zoom.us/j/82010257078>

ZOOM PASSWORD: 061724

Or One tap Mobile: US: +12532050468,,82010257078#

Or Telephone Dial US: +1 253 205 0468

Webinar ID: 820 1025 7078

ZOOM PASSWORD: 061724

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 - 6:00 PM

II. EXECUTIVE SESSION

Executive Session Held; No Final Action Taken.

- A. CONFIDENTIAL SESSION OF THE COUNCIL - Pursuant to RCW 42.30.110(1)(i), the City Council will now enter an executive session to discuss pending and potential litigation. The Council will also discuss real estate acquisition, pursuant to RCW 42.30.110(1)(b). This session is slated to last 60 minutes until approximately 7:00 PM. No final action is expected.

III. ADJOURN SPECIAL MEETING

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

V. ROLL CALL

VI. LAND ACKNOWLEDGEMENT

VII. FLAG SALUTE

VIII. AGENDA APPROVAL

IX. PROCLAMATION

- A. Juneteenth - June 19, 2024
[Juneteenth - June 19, 2024](#)

X. WHERE'S THE FUN?

XI. 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.

XII. CONSENT AGENDA
[APPROVED](#)

- A. Approve the City Council Regular Meeting Minutes of June 10, 2024.
[draft City Council Regular Meeting Minutes from June 10, 2024](#)
- B. Authorize the City Manager to execute Contract No. 24-C3003 with the Woodinville Farmers Market for managing and executing the Kenmore Farmers Market in 2025 and 2026.
[Agenda Bill - Woodinville Farmers Market](#)
[Attachment 1 - Contract No. 24-C3003](#)
- C. Authorize the City Manager to sign the 2024 Pride Parade Vehicle Hold Harmless Agreement for Kenmore's participation in the 2024 Seattle Pride Parade and to take all acts necessary to implement to City's participation in the Pride Parade consistent with the Council's direction on the event budget.

[Agenda Bill - 2024 Seattle Pride Parade Participation](#)
[Attachment 1 - 2024 Pride Parade Vehicle Hold Harmless Agreement](#)
[Attachment 2 - 2024 Pride Cost Estimations](#)

- D. Authorize the City Manager to execute Contract No. 24-C3061 with Wagner Architects and Planners for the final design of the Public Works Operations Center in a sum not to exceed \$2,035,500.

[Agenda Bill - Contract No. 24-C3061 with Wagner Architects](#)
[Attachment 1 - Contract No. 24-C3061 \(Added 6/11\)](#)

XIII. PUBLIC HEARINGS

Public Hearings Held; Public Testimony Given

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. 24-0607, amending Kenmore Municipal Code (KMC) Title 5, Title 16, and Title 18 to replace the word "marijuana" with "cannabis", presented by Development Services Director Samantha Loyuk and Planner Reilly Rosbotham, *for public hearing*

[Agenda Bill - Proposed Ordinance No. 24-0607](#)
[Attachment 1 - Proposed Ordinance No. 24-0607](#)
[Attachment 2 - Exhibit A to Proposed Ordinance No. 24-0607](#)

- B. Proposed Ordinance No. 24-0608, amending Kenmore Municipal Code (KMC) Chapter 18.20 to update the definitions of "family" and "adult family home", presented by Development Services Director Samantha Loyuk and Planner Reilly Rosbotham, *for public hearing*

[Agenda Bill - Proposed Ordinance No. 24-0608](#)
[Attachment 1 - Proposed Ordinance No. 24-0608](#)
[Attachment 2 - Exhibit A to Proposed Ordinance No. 24-0608](#)

- C. Proposed Resolution No. 24-413, 2025-2030 Six-Year Transportation Improvement Program, presented by Engineering Director John Vicente, *for public hearing*

[Agenda Bill - Transportation Improvement Program](#)
[Attachment A - Proposed Resolution No. 24-413](#)
[Presentation - Transportation Improvement Program \(Added 6/11\)](#)

XIV. BUSINESS AGENDA

- A. Proposed Ordinance No. 24-0607, amending Kenmore Municipal Code (KMC) Title 5, Title 16, and Title 18 to replace the word "marijuana" with "cannabis", presented by Development Services Director Samantha Loyuk and Planner Reilly Rosbotham, *for adoption*

ADOPTED

[Agenda Bill - Proposed Ordinance No. 24-0607](#)

[Attachment 1 - Proposed Ordinance No. 24-0607](#)

[Attachment 2 - Exhibit A to Proposed Ordinance No. 24-0607](#)

- B. Proposed Ordinance No. 24-0608, amending Kenmore Municipal Code (KMC) Chapter 18.20 to update the definitions of "family" and "adult family home", presented by Development Services Director Samantha Loyuk and Planner Reilly Rosbotham, *for adoption*

ADOPTED

[Agenda Bill - Proposed Ordinance No. 24-0608](#)

[Attachment 1 - Proposed Ordinance No. 24-0608](#)

[Attachment 2 - Exhibit A to Proposed Ordinance No. 24-0608](#)

- C. Proposed Resolution No. 24-413, 2025-2030 Six-Year Transportation Improvement Program, presented by Engineering Director John Vicente, *for adoption*

ADOPTED AS AMENDED

[Agenda Bill - Transportation Improvement Program](#)

[Attachment A - Proposed Resolution No. 24-413](#)

[Presentation - Transportation Improvement Program \(Added 6/11\)](#)

XV. STAFF REPORTS

- A. Update on Schedule for Imagine Housing (Holt Property), presented by Community Development Director Debbie Bent and Housing and Human Services Manager Tambi Cork
- B. Other - City Manager Rob Karlinsey

XVI. COUNCILMEMBER REPORTS & COMMENTS

XVII. ADJOURNMENT

UPCOMING MEETINGS

- A. Monday, June 24, 2024 at 7:00 PM - City Council Regular Meeting
Monday, July 8, 2024 at 7:00 PM - City Council Regular Meeting
Monday, July 15, 2024 at 7:00 PM - City Council Regular Meeting
Monday, July 22, 2024 at 7:00 PM - City Council Regular Meeting
August - City Council Recess

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 of Kenmore, Washington Proclamation

WHEREAS, on the first day of January in the year 1863, the honorable President Abraham Lincoln issued a momentous decree known as the Emancipation Proclamation, a pivotal step in the long and arduous journey to abolish the inhumane institution of slavery in the United States; and

WHEREAS, the culmination of this struggle, the cessation of slavery, gave birth to a day of profound significance, known as Juneteenth. This day is acknowledged as the oldest recognized public commemoration of the cessation of slavery in the United States; and

WHEREAS, Juneteenth is not only a commemoration of the liberation of African Americans from the bonds of slavery but also serves as a grand celebration of the strides made towards improving education and increasing opportunity within the African American community. It honors the courage, resilience, and determination that led to their freedom and progress; and

WHEREAS, on a broader scale, the celebration of Juneteenth serves as a poignant reminder for every citizen of the hallowed promises that form the bedrock of the American Dream: freedom, equality, and the opportunity for all to pursue their ambitions without hindrance or prejudice; and

WHEREAS, on the thirteenth day of May in the year 2021, Governor Jay Inslee gave assent to House Bill 1016, thereby officially declaring Juneteenth a state-wide holiday and generously granting a paid day off for state workers starting in 2022, a recognition that deeply honors the importance of this day; and

WHEREAS, in alignment with this declaration, the Kenmore City Council adopted Resolution No. 22-381, thereby affirming Juneteenth as an official City Holiday, a testament to the city's commitment to remembering our history and promoting equality; and

WHEREAS, despite over 155 years having passed since the formal conclusion of chattel slavery in the United States, the nation continues to grapple with the deeply ingrained and pervasive remnants of discriminatory systems and structural racism that still affect many aspects of our society; and

WHEREAS, the City of Kenmore is steadfastly dedicated to creating a city where all people, regardless of race, ethnicity, or background, feel safe, respected, and loved in their place of residence, fostering a culture of inclusivity and unity.

NOW THEREFORE, I, Nigel Herbig, Mayor of the City of Kenmore, on behalf of the City Council, do hereby proclaim June 19, 2024 as a day to commemorate and celebrate **Juneteenth** throughout the City of Kenmore. We urge all our residents to unite with the City Council in this meaningful observance, to honor the past, celebrate the progress, and work together towards a future of true equality and justice for all.

IN WITNESS WHEREOF, signed this 17th day of June 2024.

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

**City of Kenmore
City Council Meeting
Regular Meeting Minutes
Monday, June 10, 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 Joe Marshall
Councilmember Debra Srebnik
Councilmember Valerie Sasson
Councilmember Jon Culver
Councilmember Nathan Loutsis

Staff: City Manager Rob Karlinsey – Virtual
Deputy City Manager Stephanie Lucash
City Attorney Dawn Reitan – Virtual
City Clerk Anastasiya Warhol
Deputy City Clerk Michelle Kang
Receptionist / Co-Clerk Elly Gallo
Management Analyst Janet Quinn
Engineering Director John Vicente
Senior Civil Engineer Kent Vaughan
Administrative Specialist / Public Records Officer Teresa McAllister
Assistant to the City Manager Garrett Oppenheim

Speaking Guests: Nathan Anderson, KPFF Engineer
Elizabeth Walker, Consulting Arborist/Urban Forester

Public Comments Speaking Guests:
Jim Howard, Kenmore Resident
Patrick O’Brien, Kenmore Resident
Elizabeth Mooney, Kenmore Resident
Jim Myers, Kenmore Resident
Tracy Banaszynski, Kenmore Resident
Stacey Valenzuela, Kenmore Resident – Virtual

CALL REGULAR MEETING TO ORDER

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

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.

WHERE'S THE FUN?

Deputy City Manager Stephanie Lucash highlighted the recent Pride Flag raising ceremony held in honor of Pride Month. In addition, she mentioned the lively and exciting first day of the Farmers Market.

PUBLIC COMMENTS

The City Council took comments from the public.

Timestamped link here: https://www.youtube.com/live/aLOPuZ-t6Fk?si=GxgvUHrBFg_r-Lmc&t=194

CONSENT AGENDA

- A. Approve the City Council Regular Meeting Minutes from Monday, May 20, 2024.
[City Council Regular Meeting Minutes May 20, 2024](#)
- B. Approve Total Check #s 54295 through 54374 totaling \$455,071.26, Total Payroll/Taxes/Flexible Spending/Retirement & Health Savings Account Electronic Deposits Dated 05/3/2024 in the amount totaling \$277,834.46, and ACH Payment #s 1606 through 1610 totaling \$36,035.30.
[Voucher Certification and Approval 4/27/2024 through 5/10/2024](#)
- C. Approve Total Check #s 54375 through 54437 totaling \$376,438.82, Total Payroll/Taxes/Flexible Spending/Retirement & Health Savings Account Electronic Deposits Dated 5/17/2024 in the amount totaling \$278,289.54, and ACH Payment # 1611 totaling \$17,575.59, and Printed Paycheck #10259 totaling \$235.24.
[Voucher Certification and Approval 5/11/2024 through 5/24/2024](#)
- D. Authorize the City Manager to execute a contract with Parametrix in the amount of \$1,190,200 (includes 10% contingency) for design services for the NE 192nd Sidewalk and Culvert Replacement Project.
[Agenda Bill - Contract with Parametrix](#)

- E. Authorize the City Manager to execute Amendment No. 2 to Contract No. 23-C2929 with Cascadia College for Catch-Up Learning to adjust scope of work and service period, and to increase the value of the contract to \$100,000.
[Agenda Bill - Amendment No. 2 for Contract No. 23-C2929](#)
[Attachment 1 - Contract No. 23-C2929](#)
[Attachment 2 - Amendment No. 1 to Contract No. 23-C2929](#)
[Attachment 3 - Proposed Amendment No. 2 to Contract No. 23-C2929](#)
- F. Authorize the City Manager to execute Contract No. 24-C3034 to expend grant funds not to exceed \$89,200 for consulting services to develop an Urban Forestry Management Plan.
[Agenda Bill - Contract No. 24-C3034](#)
- G. Authorize the City Manager to execute Contract No. 24-C3035 to expend grant funds not to exceed \$110,000 for consulting services to develop an Electric Vehicle Infrastructure Plan.
[Agenda Bill - Contract No. 24-C3035](#)

MOTION: Councilmember Marshall moved to approve the consent agenda outlined above. Councilmember Culver seconded the motion.

VOTE: Consent Agenda was approved by UNANIMOUS CONSENT.

PRESENTATION

City Staff and the City Council recognized outgoing Management Analyst Janet Quinn for her exemplary service to the City and wished her well in retirement. Deputy City Manager Stephanie Lucash spoke about Ms. Quinn's contributions to the City. Janet's husband, Dennis Quinn, and City staff were in attendance.

BUSINESS AGENDA

61st Ave NE Sidewalk Replacement Project Preliminary 30% Design Update, presented by Engineering Director John Vicente, Senior Civil Engineer Kent Vaughan, KPFF Engineer Nathan Anderson, and Consulting Arborist/Urban Forester Elizabeth Walker, *for discussion and approval* [Agenda Bill - 61st Sidewalk Replacement Project](#)
[Attachment 1 - Preliminary 30% Design Roll Plot \(Updated 6/3\)](#)
[Attachment 2 - Project Cost Summary \(30% Design\)](#)

Senior Civil Engineer Kent Vaughan explained that the City of Kenmore is working on the east side of 61st Ave NE Sidewalk Replacement Project, currently at a 30% design stage. Staff propose acceptance this preliminary design and allocate an additional \$1.22 million to complete the project. The plan involves removing existing street parking to create bike lanes and installing pedestrian beacons. Despite initial designs removing

too many trees, revised plans aim to preserve more trees through a combination of design alternatives. The project, supported by various grants, is scheduled to be designed this year, with construction planned for 2025. Further funding applications and budget adjustments are planned to cover the cost of Phase 2 of the project addressing the west side of 61st.

Councilmembers raised questions related to Puget Sound Energy, Stream 0056, public engagement, and tree preservation.

MOTION: Councilmember Marshall moved to accept the preliminary 30% design concept and authorize the City Manager to appropriate additional city funds in the amount of \$1.22M to complete the project. Councilmember Loutsis seconded the motion.

VOTE: 6 Yes – Marshall, Loutsis, Srebnik, Sasson, O’Cain, Herbig; 1 No - Culver; 0 Abstain. **MOTION PASSES.**

STAFF REPORTS

- A. Business Registration Program Update, presented by Deputy City Manager Stephanie Lucash and Administrative Specialist/Public Records Officer Teresa McAllister

[Presentation - Business Registration Program Update](#)

Deputy City Manager Stephanie Lucash gave a general overview of the program. They noted an increase in registrations and reminded the Council that the fees collected go to the Kenmore Business Alliance.

- B. Special Projects Program Update, presented by Assistant to the City Manager Garrett Oppenheim and Management Analyst Janet Quinn

[Presentation - Special Projects Program Update](#)

Assistant to the City Manager Garrett Oppenheim and Management Analyst Janet Quinn presented to the Council. Councilmembers expressed pride and appreciation for the thoughtful disbursements and investments of ARPA dollars in the community. Srebnik mentions Willow Bucks as a program.

COUNCILMEMBER REPORTS & COMMENTS

ADJOURNMENT

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

Nigel Herbig, Mayor

Anastasiya Warhol, City Clerk



City Council Agenda Bill City of Kenmore, WA

Subject/Topic: Kenmore Farmers Market Agreement with Woodinville Farmers Market Proposed Council Action/Motion: For approval - Authorize City Manager to execute Contract No. 24-C3003 with the Woodinville Farmers Market for managing and executing the Kenmore Farmers Market in 2025 and 2026.	For Council Meeting Agenda of: 06/17/2024 Department: Public Works Operations Prepared by: Nicole Suarez, Interim Events & Communications Specialist Stephanie Brown Volunteer & Events Supervisor <table><tr><th></th><th><u>Initial & Date</u></th></tr><tr><td>Approved by Department Head:</td><td><u>JG 5/28/24</u></td></tr><tr><td>Approved by City Attorney:</td><td><u>DR 5/8/24</u></td></tr><tr><td>Approved by Finance Director:</td><td><u>MM 6/3/24</u></td></tr><tr><td>Approved by City Manager:</td><td><u>RK 6/3/24</u></td></tr></table> Attachments/Exhibits: Contract No. 24-C3003		<u>Initial & Date</u>	Approved by Department Head:	<u>JG 5/28/24</u>	Approved by City Attorney:	<u>DR 5/8/24</u>	Approved by Finance Director:	<u>MM 6/3/24</u>	Approved by City Manager:	<u>RK 6/3/24</u>
	<u>Initial & Date</u>										
Approved by Department Head:	<u>JG 5/28/24</u>										
Approved by City Attorney:	<u>DR 5/8/24</u>										
Approved by Finance Director:	<u>MM 6/3/24</u>										
Approved by City Manager:	<u>RK 6/3/24</u>										
Summary: The Kenmore Farmers Market (KFM) has been budgeted and supported by one-time funds allocated within the Strategic Opportunities Fund through 2024. It has been the City's intention to find a non-profit group to take over future KFM operations for 2025 and beyond. After a large effort over this past year staff recommend entering into an agreement with the Woodinville Farmers Market (WFM) to take over the ongoing operations of the KFM. The term of the proposed agreement is for two years, starting on January 1, 2025 and going through December 31, 2026. KFM would still retain its name, its look and feel, and its location. The City would continue to provide an annual contribution of \$20,000 to WFM (\$40,000 total for the 2025 and 2026 seasons) and provide all traffic control necessary for set up, road closure and detours as services in kind by our own public works operations staff. All other planning, funding, and ongoing operations for the KFM would be the responsibility of the WFM staff. The City will have continued involvement with KFM by holding a seat on the WFM board. The 2024 KFM season will be run by Kenmore staff, but will be working very closely with WFM staff, training and coordinating as well as sharing information and resources to ensure a smooth transition into the 2025 farmers market season and continued success for many years to come. The WFM will be responsible for the planning and preparation of the 2025 and 2026 farmers market season. This will include all vendor recruitment, volunteer recruitment, and logistical planning. The											

WFM will be responsible for the day of operations for each market session. The WFM will manage and implement the Food Access Programs that are currently offered at the KFM including: SNAP/EBT, SNAP Match, WIC & Senior FMNP. The WFM will report to City of Kenmore staff with a mid-season report and an end of season report each year.

Information/Background:

Kenmore Farmers Market Mission Statement:

To help build community, support downtown and small businesses. To improve health and food justice through improving access to fresh produce.

Kenmore Farmers Market Details:

Each market consists of a mix of growers, bakers, processors, and prepared food vendors with a focus on fresh and local produce. The KFM offers and accepts the following food access programs: SNAP/ETB, Sun Bucks, SNAP Market Match, WIC & Senior FMNP.

The KFM runs June – August on Wednesdays from 3pm – 7pm on NE 181st St between 67th Ave NE and 68th Ave NE. This specific location is on a main arterial through downtown Kenmore and the road is closed to vehicular traffic and parking between 12pm and 8pm on market days.

City staff has worked closely with businesses in the downtown core to build relationships and establish open communication to reduce disruption and minimize the impacts to businesses. KFM shoppers can find parking at Kenmore City Hall, on-street parking in the surrounding area, and at the Kenmore Park and Ride.

The KFM provides an opportunity for the City to engage with community members on a variety of topics including but not limited to current City projects, City run events, volunteer opportunities, and general City information. The KFM also features one non-profit booth space at every market to allow for community groups to engage and share information with the public.

City staff will present an annual report to the Council at the conclusion of each KFM season in the fall.

Fiscal Consideration:

The amount for the farmers market assumed in the long-range forecast is \$40,000 per year: \$20,000 per year to pay to the WFM and up to \$20,000 per year to pay for services by City of Kenmore Public Works Operations, including but not limited to staff and equipment time for traffic control/road closure set up and take down.

City Council Priority or Budget Objective Being Addressed:

#8. Promote sustainable economic development.

#9. Foster community engagement, participation, and fun.

City of Kenmore Contract #: 24-C3003

Authorized Amount: \$40,000

Date Start: 1/1/25

Date End: 12/31/26

2-year agreement

**CONSULTANT SERVICES AGREEMENT
Kenmore Farmers Market**

THIS AGREEMENT is entered into by and between the City of Kenmore, Washington, a municipal corporation ("City") and the Woodinville Farmers Market ("Consultant") organized under the laws of the State of Washington, located and doing business through P.O. Box 1927 Woodinville, WA 98072, 206-617-9509, Torrey Edwards.

RECITALS:

WHEREAS, the City desires to have certain services performed for its residents;
and

WHEREAS, the City has selected the Consultant to perform such services pursuant to certain terms and conditions; and

NOW, THEREFORE, in consideration of the mutual benefits and conditions set forth below, the parties agree as follows:

AGREEMENT:

1. Scope of Services to be Performed by Consultant.

The Consultant shall perform those services described on Exhibit "A," which is attached hereto and incorporated herein by this reference as if set forth in full. In performing such services, the Consultant 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 Consultant shall perform the services diligently and completely and in accordance with professional standards of conduct and performance. The Consultant shall request and obtain prior written approval from the City if the scope or schedule is to be modified in any way.

Consultant/Professional Services Agreement

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XII. B. Authorize the City Manager to execute Contract No. 24-C3003 with...

2. **Compensation and Method of Payment.** The City shall pay the Consultant for services rendered according to the rates and methods set forth below. The Consultant shall request payment for work performed using the billing invoice form at Exhibit "C."

☒ According to the rates set forth in Exhibit "B."

☒ A sum not to exceed Forty Thousand Dollars (\$40,000.00).

☐ Other (describe):

The City shall pay the Consultant for services rendered within ten (10) days after City Council voucher approval. However, if the City objects to all or any portion of an invoice, it shall notify Consultant and reserves the option to only pay that portion of the invoice not in dispute. In that event, the Parties will immediately make every effort to settle the disputed portion.

The City further reserves the right to direct the Consultant's compensated services before reaching the maximum amount.

The Consultant shall complete and return to the City Exhibit "D," federal tax Form W-9, prior to or along with the first billing invoice.

3. **Duration of Agreement.** This Agreement shall be in full force and effect for a period commencing on 1/1/2025 and ending 12/31/2026 unless sooner terminated under the provisions of this Agreement. Time is of the essence of this Agreement in each and all of its provisions in which performance is required.

4. **Ownership and Use of Documents.**

A. *Ownership.* Any records, files, documents, drawings, specifications, data, or information, regardless of form or format, and all other materials produced by the Consultant in connection with the services provided to the City, shall be the property of the City whether the project for which they were created is executed or

not.

B. *Records preservation.* Consultant understands that this Agreement is with a government agency and thus all records created or used in the course of Consultant's work for 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"). Consultant 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 Consultant, unless an exemption under the Public Records Act applies. If the City receives a public records request and asks Consultant to search its files for responsive records, Consultant 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.

5. Independent Consultant. The parties intend that an independent contractor-client relationship will be created by this Agreement. As the Consultant is customarily engaged in an independently established trade which encompasses the specific service provided to the City hereunder, no agent, employee, representative or sub-consultant of the Consultant shall be or shall be deemed to be the employee, agent, representative or sub-consultant of the City. In the performance of the work, the Consultant is an independent contractor with the ability to control and direct the performance and details of the work, the City being interested only in the results obtained under this Agreement. None of the benefits provided by the City to its employees, including, but not limited to, compensation, insurance, and unemployment insurance are available from the City to the employees, agents, representatives, or sub-consultants of the Consultant. 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 Consultant, or any employee of the Consultant. The Consultant will be solely and entirely responsible for its acts and for the acts of its agents, employees, representatives, and sub-consultants during the performance of this Agreement. The City may, during the term of this Agreement, engage other independent contractors to perform the same or similar work that the Consultant performs hereunder.

6. Indemnification. Consultant shall defend, indemnify, and hold the City, its officers, officials, employees, agents, and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorneys' fees, arising out of or resulting from the acts, errors or omissions of the Consultant in performance of this Agreement, except for injuries and damages caused by the sole negligence of the City.

Consultant/Professional Services Agreement

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XII. B. Authorize the City Manager to execute Contract No. 24-C3003 with...

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 Consultant and the City, its officers, officials, employees, and volunteers, the Consultant's liability, including the duty and cost to defend, hereunder shall be only to the extent of the Consultant's negligence.

It is further specifically and expressly understood that the indemnification provided herein constitutes the Consultant'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.

7. Insurance. The Consultant shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Consultant, its agents, representatives, or employees.

A. *Minimum Scope of Insurance.* Consultant shall obtain insurance of the types described below:

- i. Automobile Liability insurance covering all owned, non-owned, hired and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage. If necessary, the policy shall be endorsed to provide contractual liability coverage.
- ii. Commercial General Liability insurance shall be written on ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, independent Consultants and personal injury and advertising injury. The City shall be named as an insured under the Consultant's Commercial General Liability insurance policy with respect to the work performed for the City.
- iii. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.

Consultant/Professional Services Agreement

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XII. B. Authorize the City Manager to execute Contract No. 24-C3003 with...

- iv. Professional Liability insurance appropriate to the Consultant's profession.

B. *Minimum Amounts of Insurance.* Consultant shall maintain the following insurance limits:

- i. Automobile Liability insurance with a minimum combined single limit for bodily injury and property damage of \$1,000,000 per accident.
- ii. Commercial General Liability insurance shall be written with limits no less than \$1,000,000 each occurrence, \$2,000,000 general aggregate.
- iii. Professional Liability insurance shall be written with limits no less than \$1,000,000 per claim and \$1,000,000 policy aggregate limit.

C. *Other Insurance Provision.* The Consultant'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 insurance pool coverage maintained by the City shall be excess of the Consultant's insurance and shall not contribute with it.

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

E. *Verification of Coverage.* The Consultant shall furnish the City with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of the Consultant before commencement of the work.

F. *Notice of Cancellation.* The Consultant shall provide the City with written notice of any policy cancellation, within two business days of their receipt of such notice.

G. *Failure to Maintain Insurance.* Failure on the part of the Consultant 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 Consultant 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 Consultant from the City.

H. *No Limitation.* Consultant's maintenance of insurance as required by the agreement shall not be construed to limit the liability of the Consultant to the coverage provided by such insurance, or otherwise limit the City's recourse to any remedy available at law or in equity.

8. Record Keeping and Reporting.

A. The Consultant 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 pursuant to this Agreement. The Consultant shall also maintain such other records as may be deemed necessary by the City to ensure proper accounting of all funds contributed by the City to the performance of this Agreement.

B. The foregoing records shall be maintained for a period of seven (7) years after termination of this Agreement unless permission to destroy them is granted by the Office of the Archivist in accordance with Chapter 40.14 RCW and by the City.

9. City's Right of Inspection and Audit.

A. Even though the Consultant is an independent contractor with the authority to control and direct the performance and details of the work authorized under this Agreement, the work must meet the approval of the City and shall be subject to the City's general right of inspection to secure the satisfactory completion thereof. The Consultant 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 Consultant's business, equipment, and personnel engaged in operations

covered by this Agreement or accruing out of the performance of such operations.

B. 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 during the performance of this Agreement. All work products, data, studies, worksheets, models, reports, and other materials in support of the performance of the service, work products, or outcomes fulfilling the contractual obligations are the products of the City.

10. Consultant to Maintain Records to Support Independent Contractor Status. On the effective date of this Agreement (or shortly thereafter), the Consultant shall comply with all federal and state laws applicable to independent contractors including, but not limited to the maintenance of a separate set of books and records that reflect all items of income and expenses of the Consultant's business, pursuant to the Revised Code of Washington (RCW) Section 51.08.195, as required to show that the services performed by the Consultant under this Agreement shall not give rise to an employer-employee relationship between the parties which is subject to RCW Title 51, Industrial Insurance.

11. Work Performed at the Consultant's Risk. The Consultant shall take all precautions necessary and shall be responsible for the safety of its employees, agents, and sub-consultants in the performance of the work hereunder and shall utilize all protection necessary for that purpose. All work shall be done at the Consultant's own risk, and the Consultant shall be responsible for any loss of or damage to materials, tools, or other articles used or held by the Consultant for use in connection with the work.

12. Termination.

A. The City reserves the right to terminate or suspend this Agreement at any time, with or without cause, upon seven (7) days' prior written notice. In the event of termination or suspension, all finished or unfinished documents, data, studies, worksheets, models, reports, or other materials prepared by the Consultant pursuant to this Agreement shall promptly be submitted to the City.

B. In the event this Agreement is terminated or suspended, the Consultant shall be entitled to payment for all services performed and reimbursable expenses incurred to the date of termination.

C. This Agreement may be canceled immediately if the Consultant's insurance coverage is canceled for any reason, or if the Consultant is unable to perform the services called for by this Agreement.

D. The Consultant reserves the right to terminate this Agreement with not less than fourteen (14) days written notice, or in the event that outstanding invoices are not paid within sixty (60) days.

E. This provision shall not prevent the City from seeking any legal remedies it may otherwise have for the violation or nonperformance of any provisions of 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 COVID-19 pandemic shall not be considered a Force Majeure unless constraints on a Party's performance that result from the pandemic become substantially more onerous after the effective date of this Agreement.

14. Discrimination Prohibited. The Consultant shall not discriminate against any employee, applicant for employment, or any person seeking the services of the Consultant under this Agreement, on the basis of race, color, religion, creed, sex, sexual orientation, age, national origin, marital status, presence of any sensory, mental or physical disability, or other circumstance prohibited by federal, State or local law or ordinance, except for a bona fide occupational qualification.

15. Assignment and Subcontract. The Consultant shall not assign or subcontract any portion of the services contemplated by this Agreement without the prior written consent of the City. Any assignment made without the prior approval of the City is void.

16. Conflict of Interest. The Consultant represents to the City that it has no conflict of interest in performing any of the services set forth in Exhibit "A." In the event that the Consultant is asked to perform services for a project with which it may have a conflict, Consultant will immediately disclose such conflict to the City.

17. Confidentiality. All information regarding the City obtained by the Consultant in performance of this Agreement shall be considered confidential. Breach of confidentiality by the Consultant shall be grounds for immediate termination.

18. 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 Consultant and shall not be obligated to make payments for services or amounts incurred 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.

19. Employment of State Retirees. The City is a "DRS-covered employer" which is an organization that employs one or more members of any retirement system administered by the Washington State Department of Retirement Systems (DRS). Pursuant to RCW 41.50.139(1) and WAC 415-02-325(1), the City is required to elicit on a written form if any of the Consultant's employees providing services to the City retired using the 2008 Early Retirement Factors (ERFs), or if the Consultant is owned by an individual who retired using the 2008 ERFs, and whether the nature of the service and compensation would result in a retirement benefit being suspended. Failure to make this determination exposes the City to significant liability for pension overpayments. As a result, before commencing work under this Agreement, Consultant shall determine whether any of its employees providing services to the City or any of the Consultant's owners retired using the 2008 ERFs, and shall immediately notify the City and shall promptly complete the form provided by the City after this notification is made. This notification to DRS could impact the payment of retirement benefits to employees and owners of Consultant. Consultant shall indemnify, defend, and hold harmless the City from any and all claims, damages, or other liability, including attorneys' fees and costs, relating to a claim by DRS of a pension overpayment caused by or resulting from

Consultant's failure to comply with the terms of this provision. This provision shall survive termination of this Agreement.

20. Entire Agreement. This Agreement contains the entire agreement between the parties, and no other agreements, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or bind either of the parties. If there is a conflict between the terms and conditions of this Agreement and the attached exhibits, then the terms and conditions of this Agreement shall prevail over the exhibits. Either party may request changes to the Agreement. Changes which are mutually agreed upon shall be incorporated by written amendments to this Agreement.

21. 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:

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

City Clerk
City of Kenmore
18120 68th Ave. NE
Kenmore, Washington 98028-0607

Notices to the Consultant shall be sent to the following address:

Woodinville Farmers Market
Attn: Torrey Edwards
P.O. Box 1927 Woodinville, WA 98072
Phone No.: 206-617-9509
Email: woodinvillefm@gmail.com

22. 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

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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.

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

24. 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.

25. Severability. Any provision or part of this Agreement held to be void or unenforceable under any law or regulation shall be deemed stricken and all remaining provisions shall continue to be valid and binding upon the City and the Consultant, who agree that the Agreement shall be reformed to replace such stricken provision or part with a valid and enforceable provision that comes as close as reasonably possible to expressing the intent of the stricken provision.

IN WITNESS WHEREOF, the City and the Consultant have executed this Agreement as of the dates listed below.

CONSULTANT

Signature: _____
WFM President, Torrey Edwards

Date: _____

Signature: _____
WFM Secretary, Eric Goheen

Date: _____

CITY OF KENMORE

Signature: _____
City Manager, Rob Karlinsey

Date: _____

APPROVED AS TO FORM

Kenmore City Attorney's Office

EXHIBIT A

Scope of Services to be Provided by Consultant. The Consultant shall furnish services including, but not limited to, the following outlined here or attached separately.

Consultant: Woodinville Farmers Market

Event Title: 2025-2026 Kenmore Farmers Market

Consultant work period: January 1, 2025 – December 31, 2026

Event Dates: June – August 2025 & 2026

City of Kenmore Staff Person: Volunteer & Events Supervisor

Consultant Obligations and Deliverables:

1. Consultant agrees to plan and operate two (2) Kenmore Farmers Market seasons by holding thirteen (13) farmers market sessions in 2025 and thirteen (13) farmers market sessions in 2026 to be located at NE 181st Street between 68th Avenue NE and 67th Avenue NE. Sessions cancelled due to bad weather will be counted towards the 13 sessions with the City's prior agreement of the cancellation.
2. Consultant agrees to plan, coordinate, manage, and implement all Kenmore Farmers Market logistics from start to completion of each market season.
3. Consultant agrees to manage and handle all day of operations including all set-up and tear down of market infrastructure each market session in 2025 and 2026.
4. Consultant agrees to recruit vendors, non-profit organizations, and volunteers to participate in all Kenmore Farmers Market sessions for 2025 and 2026. Consultant agrees to coordinate with the City on recruitment of such vendors, non-profit organizations and volunteers.
5. Consultant agrees to manage, implement, and comply with all federal, state, and local rules, requirements, regulations, and guidelines relating to the Kenmore Farmers Market Food Access Programs. Consultant shall take and complete all necessary acts, paperwork and reporting requirements to operate and implement the programs listed below. Consultant shall obtain, operate, and ensure there is adequate infrastructure and equipment to ensure reliable access to and successful operation of the following programs:
 - a. Electronic Benefits Transfer (EBT)/Supplemental Nutrition Assistance Program (SNAP). Consultant shall immediately take such action to ensure

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the transfer of the SNAP program from the City to Consultant's name. Consultant will ensure EBT is operational, and all necessary procedures completed to allow for payment and use of Kenmore tokens at all Kenmore Farmers Market sessions in 2025 and 2026.

- b. SNAP Market Match. Consultant shall ensure access to SNAP Market Match and submit all necessary reconciliation reporting requirements.
 - c. Women Infant Children (WIC) & Senior Farmers Market Nutritional Program (FMNP). Consultant shall take all acts to ensure access to and implementation of WIC & Senior FMNP. Consultant agrees to ensure that a minimum of five (5) farmers will accept payment for this program.
6. The Consultant agrees to promote and advertise the Kenmore Farmers Market on all available media and communication channels and avenues, including, but not limited to, social media sites such as Facebook, Instagram, etc. Consultant shall establish, operate, and maintain a Kenmore Farmers Market website that promotes and markets all sessions of the Kenmore Farmers Market in 2025 and 2026.
 7. Consultant agrees to work with and coordinate the Kenmore Farmers Market with the City's Volunteer & Events Supervisor or designee(s) by providing updates, responding to concerns, and completing necessary documentation. Furthermore, the Consultant agrees to abide by all applicable rules and regulations, and work with property and business owners in the downtown Kenmore core, especially those owners located along NE 181st St to make the market a welcome and valued event. Consultant agrees to communicate and coordinate information relating to Kenmore Farmers Market sessions with the following businesses to notify them about potential issues, impacts and access (see list and map for reference):
 - Chase Bank
 - Cooley Smiles
 - Diva Espresso
 - Evergreen Healthcare
 - Flyway Apartments
 - Ichiban Teriyaki
 - Kenmore Camera
 - Kenmore Jewel Box
 - Kenmore Plaza
 - Kenmore Veterinary Hospital
 - King County Library- Kenmore branch
 - Kumon

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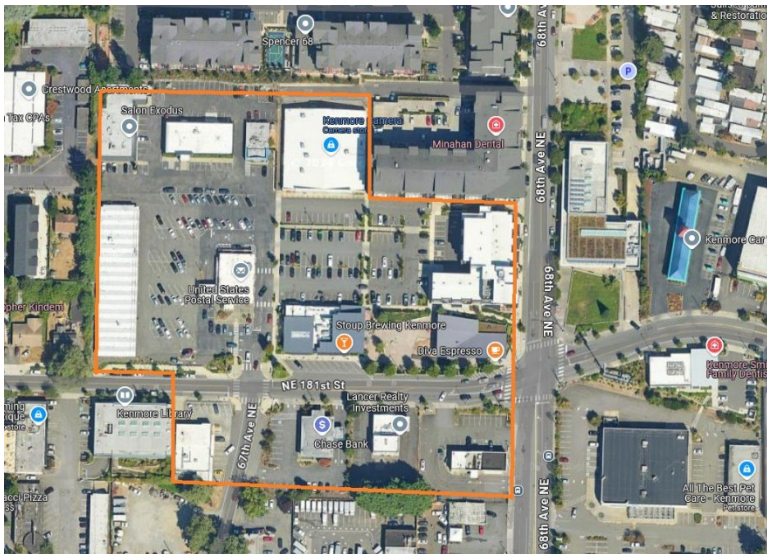
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- Lake Washington Physical Therapy
- Lancer Realty Investments
- Link Apartments
- Lovely Nails & Beauty Salon
- Minahan Dental
- Salon Exodus
- Shin's Taekwondo Academy
- Spencer 68
- Stoup
- Taco Time
- USPS- Post Office
- Vendor Parking- I Guan Tao Building Owner



8. Consultant agrees to hire and supervise a Market Manager who will be the Lead for the Kenmore Farmers Market. The Market Manager shall be present to manage, supervise and operate all sessions of the Kenmore Farmers Market in 2025 and 2026.
9. The Consultant agrees to include the City's Kenmore Volunteer & Events Supervisor or designee as a non-voting member of its Board of Operations to ensure the maintenance of a local voice for the Kenmore Farmers Market.

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10. If Consultant desires to change significant aspects of the Kenmore Farmers Market, including but not limited to, the location of the Kenmore Farmers Market or the Kenmore Farmers Market Food Access Program, the Consultant shall consult the City of Kenmore Volunteer & Events Supervisor or designee and obtain written approval prior to implementing any such changes.
11. Consultant agrees to recruit, train, and partner with the Kenmore Farmers Market Volunteer Committee members. Consultant agrees to work with the Volunteer Lead on the Kenmore Farmers Market Volunteer Committee to recruit, train, schedule, and supervise "Day-of-Market Volunteers".
12. Consultant agrees to comply with the established Kenmore Farmers Market Rules and Guidelines (KFM Rules) and require all vendors to sign agreements to comply with KFM Rules prior to being permitted to sell at the Kenmore Farmers Market. Consultant shall ensure that all vendors and non-profit organizations have met all requirements including at minimum:
 - a. Appropriate business licenses/permits (e.g., Health Dept., City of Kenmore) applicable to vendor activities.
 - b. Confirmation that vendors comply with the State's plastic bag ban; and
 - c. Possess Commercial General Liability Insurance that includes appropriate endorsement for the vendor's specific activity (e.g., liquor liability if sampling).
13. Consultant agrees to submit reports at two intervals during each Farmers Market season in both 2025 and 2026. A mid-season report after July 15 (payment reporting period #2) and an end of the season report after August 31 (payment reporting period #3). Each report shall include a summary and include the following:
 - a. Attendance
 - b. Staffing
 - c. Revenue
 - d. Expenses
 - e. Balance Sheet
 - f. Food Access Programs

EXHIBIT B

Rates for Services to be Provided by Consultant. The Consultant shall furnish the services in accordance with the rates specified below or attached hereto, as Exhibit B.

A. Consultant Compensation:

The City shall pay Consultant for services performed under this Contract in an amount not to exceed Forty Thousand Dollars (\$40,000) over a two-year period (total amount of \$20,000 in 2025 and a total amount of \$20,000 in 2026), per the schedule of payments set forth below.

Schedule of payments:

2025

Payment Reporting Period	Dates of Service	Payment Amount
#1	January, 2025	\$5,000
#2	February – Mid July, 2025	\$7,500
#3	Mid July - August, 2025	\$7,500*

2026

Payment Reporting Period	Dates of Service	Payment Amount
#1	January, 2026	\$5,000
#2	February – Mid July, 2026	\$7,500
#3	Mid July - August, 2026	\$7,500*

*Final annual payments in October shall be paid upon the Consultant's completion of services for the Kenmore Farmers Market season in each 2025 and 2026 and submittal of written summaries as required per **Exhibit A, Scope of Services**.

B. City's Responsibilities: In addition to the above compensation the City agrees to provide the following services to support the Kenmore Farmers Market:

1. Promote the Kenmore Farmers Market on all available communication outlets.
2. Allow Consultant to access and use the janitorial sink located in the custodial closet in the Hangar building.

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3. Allow Consultant to access and use the Farmers Market designated area within the Events storage closet located in the City Hall parking garage for supplies and materials (see table below).
4. Provide and deploy traffic control devices for road closures and detours on scheduled market days (see table below).
5. Kenmore Public Works staff to have road closure, detours, and signage in place by 11:30AM each Wednesday to ensure road closure begins at 12:00PM. Road closure to be broken down and back open by 8:00 PM.

Item	COK	WFM	Storage Location	Placement Location
(8) 24x36 A-board Signs - KFM, June-August, Wed 3-7 NE 181st ST		Yes	EC - North wall	SR522 @ City Entrances 68 th @ 66 th Ave NE Juanita Drive @ NE 143 rd ST
(2) 24x36 A-board Signs - Farmers Market Event Parking		Yes	EC - North wall	SE corner of 68th and NE 181st ST City Hall - 68 th Ave NE Driveway City Hall - NE 182 nd ST Driveway
(4) White 10x10 Pop-up Tents		Yes	EC - North wall	(2) WFM (1) Non-profit (1) Sponsor
(1) City of Kenmore Logo Tent		Yes	EC - North wall	City of Kenmore Staff Table
(20) Sandbag Tent Weights		Yes	EC - North wall	Place on corners of all tents
(6) Tables & 12 chairs		Yes	Hangar closet	WFM Non-Profit Sponsor
SNAP Sign & Banner SNAP Market Match Sign		Yes	EC - North wall	Place in high traffic area of market footprint and on tent
(3) 24x36 A-board Signs Pedestrian Lane Sign Farmers Market Entry Sign Stay on Sidewalk Sign		Yes	EC - North wall	@68 th Ave NE East Entry Place on east entry of market along NE 181st St - "stay on sidewalk" - place on south side; others place on north side

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(2) 24x36 A-board Signs No Event Parking		Yes	EC - North wall	Post Office Parking Lot North side of Lake Washington Physical Therapy
Farmers Market Supplies bin		Yes	EC - North wall	Use at market as needed. WFM is required to restock and refill as needed for use.
(2) Farmers Market general info banners		Yes	EC - North wall	On NE 181 st ST @ east and west FM entry
Traffic Control Devices – Road Closure and Detour Signage	Yes		PW Ops center	Follow plans from 2022 and 2023
(2) Garage Closes at 8:30pm Signs		Yes	EC-North Wall	@ City Hall Garage entrances at north and south driveways

6. Kenmore Public Works staff will assist during Farmer Market sessions to:
- Set up traffic control – road closure, detours, and related signage.
 - Deploy extra event garbage and recycling receptacles before each market; remove and properly dispose of trash at the end of each market.
 - Provide on-call assistance with safety concerns or emergent issues on the day of markets.
 - Breakdown traffic control and re-open road.

EXHIBIT C
City of Kenmore
Billing Invoice

To: City of Kenmore
18120 68th Ave. NE
Kenmore, Washington 98028
Phone: (425) 398-8900
Fax: (425) 481-3236

Invoice Number: _____ Date of Invoice: _____

Contract No: **24-C3003**

Consultant: Woodinville Farmers Market

Mailing Address: P.O. Box 1927 Woodinville, WA 98072

Telephone: (206) 617-9509

Contract Period: 1/1/25 – 12/31/26 Reporting Periods: see tables below

Schedule of payments:

2025

Payment Reporting Period	Dates of Service	Payment Amount
#1	January, 2025	\$5,000
#2	February – Mid July, 2025	\$7,500
#3	Mid July - August, 2025	\$7,500*

2026

Payment Reporting Period	Dates of Service	Payment Amount
#1	January, 2026	\$5,000
#2	February – Mid July, 2026	\$7,500
#3	Mid July - August, 2026	\$7,500*

Amount requested this invoice:

Attach itemized description of services provided.

Specific Program/Project: Kenmore Farmers Market

Authorized signature: _____

For Department Use Only:

BUDGET SUMMARY

Total contract amount	\$40,000
Previous payments	\$_____
Current request	\$_____
Balance remaining	\$_____

Approved for Payment by: _____ Date: _____

Authorized Signature (Required)

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EXHIBIT D

Form W-9 (Rev. October 2018) Department of the Treasury Internal Revenue Service	Request for Taxpayer Identification Number and Certification ▶ Go to www.irs.gov/FormW9 for instructions and the latest information.	Give Form to the requester. Do not send to the IRS.
--	--	--

Print or type. See Specific Instructions on page 3.	1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.			
	2 Business name/disregarded entity name, if different from above			
	3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes.			4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):
	Individual/sole proprietor or single-member LLC Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶ Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner. Other (see instructions) ▶	C Corporation S Corporation Partnership Trust/estate	Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____ (Applies to accounts maintained outside the U.S.)	
	5 Address (number, street, and apt. or suite no.) See instructions.		Requester's name and address (optional)	
6 City, state, and ZIP code				
7 List account number(s) here (optional)				

Part I Taxpayer Identification Number (TIN)

Social security number								
				-		-		

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later. **or**

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Employer identification number								
			-					

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup

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withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and

3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here	Signature of U.S. person ▶	Date ▶
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General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)
- Form 1099-DIV (dividends, including those from stocks or mutual funds)

• Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)

• Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)

• Form 1099-S (proceeds from real estate transactions)

• Form 1099-K (merchant card and third party network transactions)

• Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)

• Form 1099-C (canceled debt)

• Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later

Cat. No. 10231X

Form W-9(Rev. 10-201)



City Council Agenda Bill City of Kenmore, WA

Subject/Topic: Kenmore's Participation in the 2024 Seattle Pride Parade Proposed Council Action/Motion: Council authorization for the City Manager to sign the 2024 Pride Parade Vehicle Hold Harmless Agreement for Kenmore's participation in the Parade (Ex. 1) and to take all acts necessary to implement the City's participation in the 2024 Seattle Pride Parade consistent with Council's direction on the event budget.	For Council Meeting Agenda of: 6/17/2024 Department: City Manager's Office Prepared by: Garrett Oppenheim, Assistant to the City Manager/DEIA Coordinator <table><tr><td></td><td>Initial & Date</td></tr><tr><td>Approved by Department Head:</td><td><u>SL 6.5.24</u></td></tr><tr><td>Approved by City Attorney:</td><td><u>N/A</u></td></tr><tr><td>Approved by Finance Director:</td><td><u>MM 6.3.24</u></td></tr><tr><td>Approved by City Manager:</td><td><u>RK 5.31.24</u></td></tr></table> Attachments/Exhibits: 2024 Pride Parade Vehicle Hold Harmless Agreement 2024 Pride Cost Estimations		Initial & Date	Approved by Department Head:	<u>SL 6.5.24</u>	Approved by City Attorney:	<u>N/A</u>	Approved by Finance Director:	<u>MM 6.3.24</u>	Approved by City Manager:	<u>RK 5.31.24</u>
	Initial & Date										
Approved by Department Head:	<u>SL 6.5.24</u>										
Approved by City Attorney:	<u>N/A</u>										
Approved by Finance Director:	<u>MM 6.3.24</u>										
Approved by City Manager:	<u>RK 5.31.24</u>										
Summary: Kenmore residents are organizing the City's participation in the Seattle Pride Parade on June 30. This request is for authorization for funding and use of a City vehicle that will be driven by a City staff member during the parade.											
Information/Background: Members of the DEIA Advisory Committee approached the City for approval to participate in the 2024 Seattle Pride Parade, as they did last year. The group has requested the use of a city vehicle to use as a float to be decorated by the Pride Parade participants and driven by a city employee or Councilmember. The coordinators of the Seattle Pride Parade require the signing of a Hold Harmless Agreement by all participants who will be operating a vehicle in the parade.											
Fiscal Consideration: The registration fee to participate in the 2024 Seattle Pride Parade with a group of walkers and a "float" consisting of a city vehicle, is \$2,000.00 with an additional \$250.00 for registration of a vehicle. There will be additional costs from the purchase of T-shirts to be worn in the parade, and the printing of posters and flyers, and possibly some "shareables" (stickers, candies, etc.), all of which will come to a total of approximately \$3,835.00.											

XII. C. Authorize the City Manager to sign the 2024 Pride Parade Vehicle...

City Council Priority or Budget Objective Being Addressed:

- 5. Implement the Diversity, Equity, Inclusion, and Accessibility (DEIA) Strategic Plan.
- 9. Foster community engagement, participation, and fun.

This form is required for each motor vehicle participating in the *Seattle Pride Parade*. The owner and operator of the vehicle are required to complete this form and provide a copy of the registration and insurance for the vehicle. Failure to provide the required information, or submitting false or misleading information, will immediately disqualify the vehicle, owner, and operator from participation in the *Seattle Pride Parade*.

SPECIAL NOTE for motorized scooters, mopeds, and other applicable motor vehicles: Although the State of Washington does not require motor vehicle insurance to operate scooters on public streets, Seattle Pride and the *Seattle Pride Parade* require the operator of every motor vehicle to carry motor vehicle personal injury and liability insurance as a condition of participation. Failure to provide proof of insurance disqualifies the vehicle from participation.

In consideration of the acceptance of this application, I agree to release and hold Seattle Pride, the *Seattle Pride Parade*, their directors, officers, agents, representatives, employees, and volunteers harmless and to promptly indemnify same from and against any and all claims, actions, damages, liability of every type, and nature, including all costs and legal expenses incurred by me or any other party, by reason of any activity arising under or in connection with my participation in the *Seattle Pride Parade*, including loss of life, personal injury, and/or damage to property arising from or out of any occurrence, omission or, activity relating to such participation.

In the event Seattle Pride or the *Seattle Pride Parade* shall be made a party to any litigation commenced by or against me, I shall proceed and hold Seattle Pride and the Seattle Pride Parade harmless and shall pay all costs, expenses, and reasonable attorney's fees incurred or paid by them in connection with such litigation. Furthermore, I agree to pay all costs, expenses, and reasonable attorney's fees that may be incurred or paid by Seattle Pride or the *Seattle Pride Parade* in the enforcement of any of the covenants, provisions, and agreements hereunder.

I, _____, declare that I am the owner/operator of the vehicle participating in the *Seattle Pride Parade* occurring in Seattle, WA on **June 30, 2024**. I am participating in the parade with:

Name of Parade Contingent:

Vehicle Information

Year:

Make/Model:

Color:

Plate #:

I declare and certify:

- ☐ I am fully licensed and insured to operate said vehicle/float.
- ☐ I carry liability insurance to cover property damage and physical injuries to others, as required by the State of Washington, and per the Special Note above, as applicable.
- ☐ The vehicle is not modified in any way that may interfere with or prevent the safe operation of this vehicle. There are no modifications that may obstruct my view or prevent my safe operation of the named vehicle.

Printed Name:

Signature:

Date:

Please provide proof of:

- ☐ Operators Driver's License
- ☐ Registration for the vehicle
- ☐ Insurance Certificate for the vehicle

2024 PRIDE!

Cost Estimation

Vendor/Provider

Parade Fee	Seattle Pride (by 03/02/23)
T-Shirts	Jet City Printing, Kenmore
Flyers	City of Kenmore
Posters	City of Kenmore
Prompts	Pompoms/fans/flags
Sharables	stickers
Float or Vehicle	
Registration	Seattle Pride

Unit #	Unit \$	Total Cost
1	2,000	\$ 2,000.00
50	18.50	\$ 925.00
200	in kind	\$ -
30	in kind	\$ -
75	2.00	\$ 160.00
1,000		\$500.00
1	250	\$ 250.00
	Subtotal	\$ 3,835.00
@	20%	\$ 767.00
	Total	\$ 4,602.00

Contingencies

Sharables/Prompts

Vendor/Provider

Rainbow Stickers	https://customstickers.com
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Rainbow Chewies

https://www.valentinaspartyworld.com/rainbow-chewies-150ct.html?source=googlebase&srsltid=Ad5pg_FR20KAvgQA6ttiYA0a_QYqRvq8FV7p7N-uuM8YILrG34dRrSjeqSM
https://www.orientaltrading.com/team-spirit-cheer-pom-pom-assortment-12-pc--a2-25_1548.fltr?sku=25%2F1548&BP=PS544&ms=search&source=google&cm_mmc=GooglePLA_-17376747105_-136513348039_-25%2F1548&cm_mmca1=OTC%2BPLAs&cm_mmca2=GooglePLAs&gclid=Cj0KCQiAi8KfBhCuARIsADp-A57dFzqhd6e8-MUnCpLPvL9vMx-neov94Ku30MmXF_xpK2XjYMfj504aAhOCEALw_wcB

Pompoms

https://www.amazon.com/Confettiville-Rainbow-Portable-Decorations-DK6H/dp/B09TZPHGCY/ref=sr_1_9?crd=14IDM9JSTVQYA&dib=eyJ2IjojMSJ9.hxGW0Qssr-XFlg-k671HK7zGt7GXFxrm-6w4bPb1D0URMvH4LnE5WPEHImIDlr1ueoMwThIL5xzbBTcb7E3qdY2bGYrsUAM02aQrCIkeqKd562Sn_agtemxF29g8DUCXv_eTppry1iQ1JU1I5bry5GfHg3LUXdiWcYlcCflbX0k388izjilXpZ9tpl7sC5ebmzuBK3qKCr1lyVFxXlaESzvtJK9rBAzJ87OD0aLPSEDbP4p4A-Bpoe5tgCcA3h1gm21WRds-mkNukXrC49he9N0ODBCHuSKtcLdRuEfMbs.ed4LrgnZsoU1fiqTSjSxjF-tS598yvQYV90aozT0Abc&dib_tag=se&keywords=rainbow+fans&qid=1715640328&srefix=rainbow+fans%2Caps%2C147&sr=8-9

Rainbow Fans

https://www.amazon.com/Progress-flag-American-Decorations-Festival/dp/B099MVNT9H/ref=asc_df_B099MVNT9H/?tag=hyprod-20&linkCode=df0&hvadid=532825871439&hvpos=&hvnetw=g&hvrnd=10745409608468712823&hvpone=&hvp two=&hvqmt=&hvdev=c&hvdvcmdl=&hvlocint=&hvlocphy=9033271&hvtargid=pla-1415226227723&pssc=1

Rainbow Flags

https://www.amazon.com/Progress-flag-American-Decorations-Festival/dp/B099MVNT9H/ref=asc_df_B099MVNT9H/?tag=hyprod-20&linkCode=df0&hvadid=532825871439&hvpos=&hvnetw=g&hvrnd=10745409608468712823&hvpone=&hvp two=&hvqmt=&hvdev=c&hvdvcmdl=&hvlocint=&hvlocphy=9033271&hvtargid=pla-1415226227723&pssc=1

Unit #	Unit \$	Total Cost	# per Bag	Total Units
1000	0.50	\$ 500.00	1	1000
3	6.99	\$ 20.97	150	450
2	17.99	\$ 35.98	12	24
2	11.99	\$ 23.98	12	24
1	14.99	\$ 14.99	50	50
		\$ 655.51		



City Council Agenda Bill City of Kenmore, WA

Subject/Topic: Contract with Wagner Architects and Planners for design services and project support through construction of the Public Works Operations Center Project. Proposed Council Action/Motion: Authorize the City Manager to execute Contract No. 24-C3061 with Wagner Architects and Planners for final design of the Public Works Operations Center in a sum not to exceed two million thirty-five thousand five hundred dollars (\$2,035,500).	For Council Meeting Agenda of: 06/17/2024 Department: Public Works Operations Prepared by: Jennifer Gordon, Public Works Operations Director Richard Sawyer, Environmental Services Director <table><tr><td></td><td><u>Initial & Date</u></td></tr><tr><td>Approved by Department Head:</td><td>JG 6/7/2024</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 6/7/2024</td></tr></table> Attachments/Exhibits: Draft Contract No. 24-C-3061		<u>Initial & Date</u>	Approved by Department Head:	JG 6/7/2024	Approved by City Attorney:	N/A	Approved by Finance Director:	N/A	Approved by City Manager:	RK 6/7/2024
	<u>Initial & Date</u>										
Approved by Department Head:	JG 6/7/2024										
Approved by City Attorney:	N/A										
Approved by Finance Director:	N/A										
Approved by City Manager:	RK 6/7/2024										
Summary: The City is currently in the process of planning for a new Public Works Operations Center on property purchased by the City in 2021, located on NE 202 nd ST, just south of Kenmore Middle School. The project is currently in the design and permitting stage with plans for the project to go out to bid in 2025 and complete construction sometime in 2026. The property site consists of a total of 2.81 acres, which the City intends to develop using a phased approach over many years as the needs of the operation grow and funding becomes available. The proposed project includes a 10,000 square foot administrative building. This building will provide office, meeting, and storage space for staff responsible for maintaining the City's infrastructure, including the Public Works Operations and Environmental Services Departments. The site design also includes areas for vehicle and equipment storage, project laydown space, and bulk materials storage, some of which will be covered area. The design concept of the facility uses the natural topography of the site, by building into the hillside keeping the building appearance to a single story when viewing the property from the street level. This concept keeps the building scale comparable to the neighboring residential properties along NE 202 nd ST. The building will actually be two stories, which will be visible when viewing from the school side. The site design very intentionally worked around the existing trees on the site, minimizing the need to remove trees and maximizes the existing open space. The site will be secured by perimeter fencing and screened by large landscape buffers between the residential properties and frontage. The design includes sustainable features such as rainwater cisterns, partial solar & solar ready systems, EV											

XII. D. Authorize the City Manager to execute Contract No. 24-C3061 with...

charging with capacity to build more in the future and geothermal heating (contingent on funding). The facility will also be built using low impact development methods and sustainable building materials.

Public Works Operations Center Budget & Estimated Costs

Property Acquisition	\$6,100,000
Design & permitting	\$3,344,000
Construction & Contingency	\$13,056,000
Total	\$22,500,000

Design Concepts

Current Project Proposed Site Improvements Highlights:

- 10,000sqft. Administrative building with crew space and surface parking
- Large, covered storage area with small shop enclosure
- Covered materials bin storage
- Environmental features ~ Geothermal heating, rainwater cisterns, EV charging, solar panel arrays, use of sustainable and recycled materials.
- Thoughtful design using the natural topography and preservation of many trees onsite.

Public Works Operations and Maintenance is one of the City's core functions and is a critical component to the host of essential services the City provides our diverse community. Everything the department does supports the Council's mission, vision, and priorities. Our staff provide services and perform work throughout the City. The primary activities performed by staff working out of the Operations Center include:

- Landscape and irrigation maintenance in parks and rights of ways.
- Playground maintenance
- Park asset maintenance – picnic tables & benches, water fountains, garbage receptacles and park signage.
- Park restroom building maintenance and janitorial services.
- Building maintenance
- Athletic field maintenance
- Special Events support
- Vegetation/Brush management in the rights-of-ways and surface water facilities.
- Tree management
- Temporary traffic control
- City event support
- Support for volunteer programs & activities
- Street sign maintenance
- Pothole and shoulder repair
- Handrail, fence, & guardrail repair
- Public property vandalism/graffiti response
- Stormwater utility locates (call before you dig)
- Stormwater conveyance repair projects – installing/replacing catch basins, culverts, and pipes.
- Stormwater facility inspections (public and private)
- Stormwater facility maintenance (ponds, vaults, tanks, water quality structures)

- Stormwater source control inspections
- Illicit discharge and spill response
- Water quality monitoring
- Street Sweeping
- Flood and storm response
- Debris removal
- Snow and ice response

Next Steps

- Obtain the Boundary Line Adjustment (merging three parcels into one). Application submitted in April 2024.
- Obtain initial permit approval including a Conditional Use Permit (CUP) to develop and operate a municipal maintenance facility within a Public/Semi-Public Zone as required by Kenmore Municipal Code, Washington State Environmental Policy Act (SEPA) review, and Commercial Site Plan (CSP) review. Applications submitted in May 2024.
- Hire Project Manager (Three-year temporary position), completed May 2024.
- Final design contract for Council approval June 17, 2024.
- Bid and construct project, 2025-2026.

Information/Background:

After nearly twenty years of contracting for public works maintenance services with the City of Lake Forest Park, the two cities parted ways after Lake Forest Park gave notice in 2018. In January of 2019, Kenmore began operating its own in-house public works operations department and based its operations in two temporary locations: the backside of the US Post Office building located at 6700 NE 181st St and the vacant lot at the northwest corner of 67th Avenue NE and Bothell Way. These locations are too small and do not adequately serve to meet the needs of the operation. The City has been in search of an adequate permanent site since Lake Forest Park gave notice in 2018.

Site Selection Process

The City began the property search for a permanent location to house the Public Works Operation Center in May of 2018. Following two unsuccessful attempts to acquire property, the City Council directed staff to go back to the drawing board and revise the site selection criteria. The City Council assisted with this task by forming a sub-committee (Councilmembers Curtis, Srebnik, and O'Cain) to review and amend the site selection criteria. The sub-committee provided the revised site selection criteria to staff in the fall of 2020 with the intention for staff to interpret the Council sub-committee's revised criteria and create a new process for selecting a permanent location.

Using the Council sub-committee's revised criteria, staff developed the Public Works Operations Center Site Selection Criteria and Process using a 5-phase approach that was approved by Council in April 2021 and the staff immediately started searching for a property using the newly approved criteria. The key elements of the search criteria included: minimum 1.50 *usable* acres, search in all zoning areas (previously restricted to only allowable zones), and don't force out businesses or residents unless they were willing sellers.

It was during the selection process that staff discovered two adjacent properties were being offered for sale at the north end of the City. These two properties were just slightly under the minimum 1.50-acres needed for Public Works but were close enough to warrant evaluation. At the same time, the City

discovered that a third adjacent parcel was under review to develop a 6-lot short plat but hadn't started construction yet and the developer was willing to sell the property. After much deliberation with City Council and receiving public feedback, the City decided to move forward with purchasing all three properties (located off NE 202nd St, adjacent to Kenmore Middle School), which provided enough area to allow for future growth in the future. The property purchases were finalized in the summer/fall of 2021.

Through a Request for Qualifications process, the City selected an architect for the project. Wagner Architects & Planners was selected to assist with conceptual design and costing of the new Public Works Operations Center. Given the Council's priorities that include the importance of implementing a Climate Action Plan and ongoing Environmental Stewardship, staff wanted to make sure that these concepts were heavily included in the site planning and design.

Fiscal Consideration:

The initial development of the Public Works Operations Center is included in the City's Capital Improvement Plan (CIP) and has an approved budget of \$22,500,00 (including property acquisition). The funding strategy in the adopted CIP is for the \$22.5 million to be funded by a combination of bonds and loans to be paid back over 20 years with an estimated annual bond payment of \$1.8 million. The revenue sources for the bond payments will be from Real Estate Excise Tax (\$900,000 annually) and Surface Water Utility Fees (\$900,000 annually). Ordinance 23-0599 was adopted by the City Council on December 4, 2023, delegating authority to issue bonds for the Public Works Operations Center. Although there is a master plan concept, there are no future project planned or available funding to compete additional improvements.

City Council Priority or Budget Objective Being Addressed:

Public Works Operations provides core services to the entire community and supports all Council priorities.

City of Kenmore Contract #: 24-C3061

Authorized Amount: \$2,035,500

Date Start: June 18, 2024

Date End: December 31, 2026

**CONSULTANT SERVICES AGREEMENT
Public Works Operations Center Final Design and Construction Support**

THIS AGREEMENT is entered into by and between the City of Kenmore, Washington, a municipal corporation ("City") and Wagner Architects and Planners, ("Consultant") organized under the laws of the State of Washington, located, and doing business at 1916 Pike Place, Seattle, Washington, 98101, Contract Contact: Bob Wagner (hereinafter the "Consultant").

RECITALS:

WHEREAS, the City desires to have certain services performed for its residents; and

WHEREAS, the City has selected the Consultant to perform such services pursuant to certain terms and conditions; and

WHEREAS, the City complied with the requirements for hiring Consultant contained in Chapter 39.80 RCW;

NOW, THEREFORE, in consideration of the mutual benefits and conditions set forth below, the parties agree as follows:

AGREEMENT:

1. Scope of Services to be Performed by Consultant.

The Consultant shall perform those services described on Exhibit "A," which is attached hereto and incorporated herein by this reference as if set forth in full. In performing such services, the Consultant 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 Consultant shall perform the services diligently and completely and in accordance with professional standards of conduct and performance. The Consultant shall request and obtain prior written approval from the City if the scope or schedule is to be modified in any way.

2. Compensation and Method of Payment.

Consultant/Professional Services Agreement

Page 1

Revised IBDR 5/2022 MK 1/2024

XII. D. Authorize the City Manager to execute Contract No. 24-C3061 with...

The City shall pay the Consultant for services rendered according to the rates and methods set forth below. The Consultant shall request payment for work performed using the billing invoice form at Exhibit "C."

- ☒ According to the rates set forth in Exhibit "B."
- ☒ A sum not to exceed Two million thirty-five thousand five hundred dollars (\$2,035,500).
- ☐ Other (describe): _____

The City shall pay the Consultant for services rendered within ten (10) days after City Council voucher approval. However, if the City objects to all or any portion of an invoice, it shall notify Consultant and reserves the option to only pay that portion of the invoice not in dispute. In that event, the Parties will immediately make every effort to settle the disputed portion.

The City further reserves the right to direct the Consultant's compensated services before reaching the maximum amount.

The Consultant shall complete and return to the City Exhibit "D," federal tax Form W-9, prior to or along with the first billing invoice.

3. Duration of Agreement.

This Agreement shall be in full force and effect for a period commencing on [DATE] and ending [DATE] unless sooner terminated under the provisions of this Agreement. Time is of the essence of this Agreement in each and all of its provisions in which performance is required.

4. Ownership and Use of Documents.

A. *Ownership.* Any records, files, documents, drawings, specifications, data, or information, regardless of form or format, and all other materials produced by the Consultant and submitted to the City in connection with the services provided hereinto the City, shall be the property of the City whether the project for which they were created is executed or not. Any reuse of these materials by the City for projects or purposes other than those which fall within the scope of this Agreement or the project to which it relates, without written concurrence by the Consultant will be at the sole risk of the City.

B. Methodology, materials, software, logic, and systems developed under this Agreement and that are submitted to the City are the property of the Consultant and the City, and may be used as either the consultant or the City sees fit, including the right to revise or publish the same without limitation.

C. *Records preservation.* Consultant understands that this Agreement is with a government agency and thus all records created or used in the course of Consultant's work for 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"). Consultant 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 Consultant, unless an exemption under the Public Records Act applies. If the City receives a public records request and asks Consultant to search its files for responsive records, Consultant 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.

5. Independent Consultant.

The parties intend that an independent contractor-client relationship will be created by this Agreement. As the Consultant is customarily engaged in an independently established trade which encompasses the specific service provided to the City hereunder, no agent, employee, representative or sub-consultant of the Consultant shall be or shall be deemed to be the employee, agent, representative or sub-consultant of the City. In the performance of the work, the Consultant is an independent contractor with the ability to control and direct the performance and details of the work, the City being interested only in the results obtained under this Agreement. None of the benefits provided by the City to its employees, including, but not limited to, compensation, insurance, and unemployment insurance are available from the City to the employees, agents, representatives, or sub-consultants of the Consultant. 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 Consultant, or any employee of the Consultant. The Consultant will be solely and entirely responsible for its acts and for the acts of its agents, employees, representatives, and sub-consultants during the performance of this Agreement. The City may, during the term of this Agreement, engage other independent contractors to perform the same or similar work that the Consultant performs hereunder.

6. Indemnification.

Consultant shall defend, indemnify, and hold the City, its officers, officials, employees, agents, and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorneys' fees, arising out of or resulting from the negligent acts, errors

or omissions, or wrongful conduct of the Consultant in 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 Consultant and the City, its officers, officials, employees, and volunteers, the Consultant's liability, including the duty and cost to defend, hereunder shall be only to the extent of the Consultant's negligence.

It is further specifically and expressly understood that the indemnification provided herein constitutes the Consultant'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.

7. Insurance.

The Consultant shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Consultant, its agents, representatives, or employees.

A. *Minimum Scope of Insurance.* Consultant shall obtain insurance of the types described below:

- i. Automobile Liability insurance covering all owned, non-owned, hired and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage. If necessary, the policy shall be endorsed to provide contractual liability coverage.
- ii. Commercial General Liability insurance shall be written on ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, independent Consultants and personal injury and advertising injury. The City shall be named as an insured under the Consultant's Commercial General Liability insurance policy with respect to the work performed for the City.
- iii. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.
- iv. Professional Liability insurance appropriate to the Consultant's profession.

- B. *Minimum Amounts of Insurance.* Consultant shall maintain the following insurance limits:
- i. Automobile Liability insurance with a minimum combined single limit for bodily injury and property damage of \$1,000,000 per accident.
 - ii. Commercial General Liability insurance shall be written with limits no less than \$2,000,000 each occurrence, \$2,000,000 general aggregate.
 - iii. Professional Liability insurance shall be written with limits no less than \$2,000,000 per claim and \$2,000,000 policy aggregate limit.
- C. *Other Insurance Provision.* The Consultant'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 insurance pool coverage maintained by the City shall be excess of the Consultant's insurance and shall not contribute with it.
- D. *Acceptability of Insurers.* Insurance is to be placed with insurers with a current A.M. Best rating of not less than A-VII.
- E. *Verification of Coverage.* The Consultant shall furnish the City with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of the Consultant before commencement of the work.
- F. *Notice of Cancellation.* The Consultant shall provide the City with written notice of any policy cancellation, within two business days of their receipt of such notice.
- G. *Failure to Maintain Insurance.* Failure on the part of the Consultant 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 Consultant 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 Consultant from the City.
- H. *No Limitation.* Consultant's maintenance of insurance as required by the agreement shall not be construed to limit the liability of the Consultant to the coverage provided by such insurance, or otherwise limit the City's recourse to any remedy available at law or in equity.

8. Record Keeping and Reporting.

- A. The Consultant 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 pursuant to this Agreement. The Consultant shall also maintain such other records as may be deemed necessary by the City to ensure proper accounting of all funds contributed by the City to the performance of this Agreement.
- B. The foregoing records shall be maintained for a period of seven (7) years after termination of this Agreement unless permission to destroy them is granted by the Office of the Archivist in accordance with Chapter 40.14 RCW and by the City.

9. City's Right of Inspection and Audit.

- A. Even though the Consultant is an independent contractor with the authority to control and direct the performance and details of the work authorized under this Agreement, the work must meet the approval of the City and shall be subject to the City's general right of inspection to secure the satisfactory completion thereof. The Consultant 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 Consultant's business, equipment, and personnel engaged in operations covered by this Agreement or accruing out of the performance of such operations.
- B. 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 during the performance of this Agreement. All work products, data, studies, worksheets, models, reports, and other materials in support of the performance of the service, work products, or outcomes fulfilling the contractual obligations are the products of the City.

10. Consultant to Maintain Records to Support Independent Contractor Status.

On the effective date of this Agreement (or shortly thereafter), the Consultant shall comply with all federal and state laws applicable to independent contractors including, but not limited to the maintenance of a separate set of books and records that reflect all items of income and expenses of the Consultant's business, pursuant to the Revised Code of Washington (RCW) Section 51.08.195, as required to show that the services performed by the Consultant under this Agreement shall not give rise to an employer-employee relationship between the parties which is subject to RCW Title 51, Industrial Insurance.

11. Work Performed at the Consultant's Risk.

The Consultant shall take all precautions necessary and shall be responsible for the safety of its employees, agents, and sub-consultants in the performance of the work hereunder and shall utilize all protection necessary for that purpose. All work shall be done at the Consultant's own risk, and the Consultant shall be responsible for any loss of or damage to materials, tools, or other articles used or held by the Consultant for use in connection with the work.

12. Termination.

- A. The City reserves the right to terminate or suspend this Agreement at any time, with or without cause, upon seven (7) days' prior written notice. In the event of termination or suspension, all finished or unfinished documents, data, studies, worksheets, models, reports, or other materials prepared by the Consultant pursuant to this Agreement shall promptly be submitted to the City.
- B. In the event this Agreement is terminated or suspended, the Consultant shall be entitled to payment for all services performed and reimbursable expenses incurred to the date of termination.
- C. This Agreement may be canceled immediately if the Consultant's insurance coverage is canceled for any reason, or if the Consultant is unable to perform the services called for by this Agreement.
- D. The Consultant reserves the right to terminate this Agreement with not less than fourteen (14) days written notice, or in the event that outstanding invoices are not paid within sixty (60) days.
- E. This provision shall not prevent the City from seeking any legal remedies it may otherwise have for the violation or nonperformance of any provisions of 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 unless constraints on a Party's performance that result from the pandemic become substantially more onerous after the effective date of this Agreement.

14. Discrimination Prohibited.

The Consultant shall not discriminate against any employee, applicant for employment, or any person seeking the services of the Consultant under this Agreement, on the basis of race, color, religion, creed, sex, sexual orientation, age, national origin, marital status, presence of any sensory, mental or physical disability, or other circumstance prohibited by federal, State or local law or ordinance, except for a bona fide occupational qualification.

15. Assignment and Subcontract.

The Consultant shall not assign or subcontract any portion of the services contemplated by this Agreement without the prior written consent of the City. Any assignment made without the prior approval of the City is void.

16. Conflict of Interest.

The Consultant represents to the City that it has no conflict of interest in performing any of the services set forth in Exhibit "A." In the event that the Consultant is asked to perform services for a project with which it may have a conflict, Consultant will immediately disclose such conflict to the City.

17. Confidentiality.

All information regarding the City obtained by the Consultant in performance of this Agreement shall be considered confidential. Breach of confidentiality by the Consultant shall be grounds for immediate termination.

18. 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 Consultant and shall not be obligated to make payments for services or amounts incurred 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.

19. Entire Agreement.

This Agreement contains the entire agreement between the parties, and no other agreements, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or bind either of the parties. If there is a conflict between the terms and conditions of this Agreement and the attached exhibits, then the terms and conditions of this Agreement shall prevail over the exhibits. Either party may request changes to the Agreement. Changes which are mutually agreed upon shall be incorporated by written amendments to this Agreement.

20. 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:

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

City Clerk
City of Kenmore
18120 68th Ave. NE
Kenmore, Washington 98028-0607

Notices to the Consultant shall be sent to the following address:

Bob Wagner
1916 Pike Place
Seattle, Washington 98101
206.448.2528
rw@wagnerarchitects.com

21. Applicable Law; Venue; Attorneys' Fees.

Consultant/Professional Services Agreement

Page 9

Revised IBDR 5/2022 MK 1/2024

XII. D. Authorize the City Manager to execute Contract No. 24-C3061 with...

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.

22. Compliance with Laws.

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

23. 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.

24. Severability.

Any provision or part of this Agreement held to be void or unenforceable under any law or regulation shall be deemed stricken and all remaining provisions shall continue to be valid and binding upon the City and the Consultant, who agree that the Agreement shall be reformed to replace such stricken provision or part with a valid and enforceable provision that comes as close as reasonably possible to expressing the intent of the stricken provision.

IN WITNESS WHEREOF, the City and the Consultant have executed this Agreement as of the dates listed below.

CONSULTANT

CITY OF KENMORE

Signature: _____

Signature: _____

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

APPROVED AS TO FORM

Kenmore City Attorney's Office

DRAFT

EXHIBIT A

Scope of Services to be Provided by Consultant. The Consultant shall furnish services including, but not limited to the following outlined here or attached separately.

Wagner Architects Planners for providing “Basic Architectural and Engineering Services” (Design Services) as required for the design and construction of the Public Works Operation Center, to be located at the properties of 6450 NE 202nd Street, 6506 NE 202nd Street, and 6520 NE 202nd Street Kenmore, Washington. The scope of the project includes Design Services required but is not limited to those necessary to construct:

- Permanent access site
- A 2-story Administration Building, approximately 10,000 square feet in size, with consideration for expansion by an additional 7,000 square feet.
- An Operations Building (shop/warehouse) with interior and covered spaces for vehicles, workshops, and storage: totaling approximately 6,000 square feet of enclosed space and 5,700 square feet of covered space.
- Parking
- Yard Storage
- Retaining walls
- Landscaping, including but not limited to screening along the entire 202nd Street frontage and along the east property line.
- Drainage improvements

The scope of services to be provided under the general heading “Basic Architectural and Engineering Services” include:

- Schematic Design Services

Provide those services necessary to prepare Schematic design documents consisting of drawings, and other documents illustrating the general scope, scale, and relationship of project components for approval by the City of Kenmore. The design should be conceptual in character, based on the requirements developed during the pre-design phase as approved by the city of Kenmore.

- Design Development Services

The A/E shall provide those services necessary to prepare from the approved schematic design documents, the design development documents consisting of drawings and other documents to fix and describe the size and character of the entire project for approval by the city of Kenmore. Consideration shall be given to the availability of materials, equipment and labor, construction sequencing and scheduling, economic analysis of construction operations, user safety and maintenance requirements, and energy conservation.

- Construction Documents

The A/E shall provide services necessary to prepare for approval by the City of Kenmore, construction documents, based on the approved schematic design, drawings, specifications, and other documents describing the requirements for bidding, contracting, and construction of the project.

- Bid and Award

The A/E, following Kenmore's approval of the Construction Documents and the most recent statement of probable cost, provide those services necessary in obtaining bids, and awarding and preparing contracts for construction.

- Permitting

The A/E performs research of critical applicable laws, statutes, regulations, and codes. Provide written and graphic explanatory materials and consultations with code authorities to assist in obtaining approval from authorities having jurisdiction over the construction.

- Construction

The A/E shall provide services necessary for the administration of the construction as set forth in the General Conditions of the Contract for Construction. Provide clarifications to the construction documents. Review in place construction on a regular interval and at the conclusion of construction to confirm compliance with plans and specification.

In addition to the scope of services to be provided under the general heading "Basic Architectural and Engineering Services" it may be necessary to provide or procure, with the approval of the City of Kenmore, "Additional Services" necessary to provide additional data required to complete the design and/or to facilitate completion of the project. Examples of these include:

- Travel
- Design Phase geo-technical investigation.
- Initial Geo-thermal test well and consultation.
- Site surveying for establishing building control.
- Construction testing engineer

In the event Additional Services are required reimbursement of cost shall be provided by the City of Kenmore.

EXHIBIT B

Rates for Services to be Provided by the Consultant. The Consultant shall furnish the services in accordance with the rates specified below or attached hereto, as Exhibit B.

Wagner Architects Planners is to provide all labor, material, equipment, design consultants, and supervision required to provide “Basic Architectural and Engineering Services” for the design and construction of the city of Kenmore Public Works Operation Center, to be located at the properties of 6450 NE 202nd Street, 6506 NE 202nd Street, and 6520 NE 202nd Street Kenmore, Washington. Services are to be provided on a time and material basis, not to exceed the total of \$1,836,780 and establishment of a \$198,712 budget for reimbursement of required or variable costs listed above that are not included in A/E basic services.

Rates are as described in the attached Exhibit B.

EXHIBIT B

City of Kenmore
Public Works Operation Center
A/E Services Review
May 29, 2024

A/E Basic Services

	Wagner			Scarmardo			Purnapuspita			Support / Riethmiller			Support			Non-Reimbursable Costs	Total Direct Wagner Cost	CPL - Civil	Berger - Landscape	Tres West Mechanical	Tres West Electrical	Frank Structural	PDA - Estimating	Total Wagner Basic Services
	Hours	Rate	Cost	Hours	Rate	Cost	Hours	Rate	Cost	Hours	Rate	Cost	Hours	Rate	Cost									
Confirm Concept	0	\$ 200.00	\$ -	0.0	\$ 185.00	\$ -	0.0	\$ 150.00	\$ -	0.0	\$ 130.00	\$ -	0.0	\$ 110.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Schematic Design	236	\$ 200.00	\$ 47,200	152.0	\$ 185.00	\$ 28,120	474.0	\$ 150.00	\$ 71,100	180.0	\$ 130.00	\$ 23,400	7.0	\$ 110.00	\$ 770.00	\$ -	\$ 170,590	\$ 51,150	\$ 8,250	\$ 33,420	\$ 30,740	\$ 28,600	\$ 22,404	\$ 345,153
Design Development	129	\$ 200.00	\$ 25,800	227.0	\$ 185.00	\$ 41,995	562.0	\$ 150.00	\$ 84,300	576.0	\$ 130.00	\$ 74,880	52.0	\$ 110.00	\$ 5,720.00	\$ -	\$ 232,695	\$ 23,650	\$ 11,000	\$ 40,847	\$ 38,181	\$ 24,200	\$ 20,680	\$ 391,253
Construction Documents	152.5	\$ 200.00	\$ 30,500	185.0	\$ 185.00	\$ 34,225	605.0	\$ 150.00	\$ 90,750	722.0	\$ 130.00	\$ 93,860	42.0	\$ 110.00	\$ 4,620.00	\$ 55,000.00	\$ 308,955	\$ 85,800	\$ 34,100	\$ 70,758	\$ 54,651	\$ 24,200	\$ 23,049	\$ 601,513
Permitting	32	\$ 200.00	\$ 6,400	47.0	\$ 185.00	\$ 8,695	80.0	\$ 150.00	\$ 12,000	48.0	\$ 130.00	\$ 6,240	0.0	\$ 110.00	\$ -	\$ -	\$ 33,335	\$ 2,750	\$ 1,100	\$ 1,100	\$ 1,100	\$ 1,100		\$ 40,485
Bid and Award	16	\$ 200.00	\$ 3,200		\$ 185.00	\$ -	42.0	\$ 150.00	\$ 6,300	18.0	\$ 130.00	\$ 2,340		\$ 110.00	\$ -	\$ -	\$ 11,840	\$ 2,750	\$ 2,750	\$ 3,714	\$ 3,171	\$ 3,300	\$ -	\$ 27,525
Construction Approach 2	225	\$ 200.00	\$ 45,040	511	\$ 185.00	\$ 94,480	503	\$ 150.00	\$ 75,440	200	\$ 130.00	\$ 26,040	196	\$ 110.00	\$ 21,560.00	\$ -	\$ 262,560	\$ 57,750	\$ 15,950	\$ 50,131	\$ 42,809	\$ 1,650	\$ -	\$ 430,850
TOTALS	791		\$ 158,140	1122		\$ 207,515	2266		\$ 339,890	1744		\$ 226,760	297		\$ 32,670		\$ 1,019,975	\$ 223,850	\$ 73,150	\$ 199,970	\$ 170,652	\$ 83,050	\$ 66,133	\$ 1,836,780

Reimbursable Costs

	Travel	Printing	Design Phase Geo Tech	Initial Geo Therm Test Well	Axis-Survey	Construction Testing Engineer	Total Consultant Cost
Confirm Concept							
Schematic Design	\$ 37	\$ 6,600	\$ 75,900	\$ 64,000			\$ 146,537
Design Development	\$ 37	\$ 6,600					\$ 6,637
Construction Documents	\$ 37						\$ 37
Permitting							\$ -
Bid and Award							\$ -
Construction Approach 2					\$ 5,500	\$ 40,000	\$ 45,500
TOTALS	\$ 112	\$ 13,200	\$ 75,900	\$ 64,000	\$ 5,500	\$ 40,000	\$ 198,712

EXHIBIT C

**CITY OF KENMORE
BILLING INVOICE**

To: City of Kenmore
18120 68th Ave. NE
Kenmore, Washington 98028
Phone: (425) 398-8900
Fax: (425) 481-3236

Specific Project: _____

Contract No.: _____

Invoice Number: _____ Date of Invoice: _____

Contractor: _____

Mailing Address: _____

Telephone: () _____

Contract Period: _____ Reporting Period: _____

Amount requested this invoice: \$_____

Attach itemized description of services provided.

Authorized signature

For Department Use Only

BUDGET SUMMARY

Total contract amount	\$ _____
Previous payments	\$ _____
Current request	\$ _____
Balance remaining	\$ _____

Approved for Payment by: _____ Date: _____



City Council Agenda Bill City of Kenmore, WA

Subject/Topic: Public Hearing and adoption of Ordinance No. 24-0607. Proposed Council Action/Motion: Public Hearing and adoption of Ordinance No. 24-0607 to amend Title 5, Title 16, and Title 18 of the Kenmore Municipal Code to replace the word “marijuana” with “cannabis.”	For Council Meeting Agenda of: 06/17/2024 Department: Development Services Prepared by: Reilly Rosbotham, Planner Samantha Loyuk, DS Director <table><thead><tr><th></th><th><u>Initial & Date</u></th></tr></thead><tbody><tr><td>Approved by Department Head:</td><td><u>SL 5/31/24</u></td></tr><tr><td>Approved by City Attorney:</td><td><u>DR 5/31/24</u></td></tr><tr><td>Approved by Finance Director:</td><td><u>MM 6/3/24</u></td></tr><tr><td>Approved by City Manager:</td><td><u>RK 6/3/24</u></td></tr></tbody></table> Attachments/Exhibits: 1. Ordinance no. 24-0607 2. Exhibit A to Ordinance no. 24-0607 - Amended Code Sections		<u>Initial & Date</u>	Approved by Department Head:	<u>SL 5/31/24</u>	Approved by City Attorney:	<u>DR 5/31/24</u>	Approved by Finance Director:	<u>MM 6/3/24</u>	Approved by City Manager:	<u>RK 6/3/24</u>
	<u>Initial & Date</u>										
Approved by Department Head:	<u>SL 5/31/24</u>										
Approved by City Attorney:	<u>DR 5/31/24</u>										
Approved by Finance Director:	<u>MM 6/3/24</u>										
Approved by City Manager:	<u>RK 6/3/24</u>										
Summary: Technical changes are made throughout Title 5, Title 16, and Title 18 of the Kenmore Municipal Code (KMC) replacing the term “marijuana” with “cannabis.”											
Information/Background: In 2022, the Washington state legislature passed Second Substitute House Bill (2SHB) 1210, replacing the term “marijuana” with “cannabis.” Cannabis is a more scientific word, and its use is consistent with the current regulation of this substance.											
Fiscal Consideration: N/A.											
<u>City Council Priority</u> or Budget Objective Being Addressed: City Council Priority #7: Support public safety and social justice reform.											

**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 24-0607**

**AN ORDINANCE OF THE CITY OF KENMMORE, WASHINGTON,
AMENDING TITLE 5, TITLE 16, AND TITLE 18 OF THE KENMORE
MUNICIPAL CODE TO REPLACE THE WORD “MARIJUANA” WITH
“CANNABIS”; PROVIDING FOR SEVERABILITY; AND
ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the Kenmore Municipal Code (“KMC”) defines “marijuana,” as well as a range of related uses; and

WHEREAS, the KMC establishes use and design standards for uses related to cannabis; and

WHEREAS, in 2022, the Washington state legislature passed 2SHB 1210 replacing the term “marijuana” with “cannabis”; and

WHEREAS, cannabis is a more scientific word, and its use is consistent with the current regulation of this substance; and

WHEREAS, the City Council finds that the Proposed Amendments meet the criteria found in KMC Section 19.20.090; and

WHEREAS, the City sent notice of the Proposed Amendments to the Washington State Department of Commerce pursuant to RCW 36.70A.106; and

WHEREAS, on May 10, 2024, the City’s Responsible Official issued a Determination of Non-Significance pursuant to the State Environmental Policy Act in relation to the Proposed Amendments; and

WHEREAS, the City Council desires to adopt the Proposed Amendments and finds that such amendments are consistent with the goals, objectives and policies of the Comprehensive Plan; and

WHEREAS, the City Council finds that adoption of the Proposed Amendments is in the best interests of the residents of Kenmore and will promote the public health, safety and welfare of the City.

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

Section 1. Adoption. The City Council adopts the recitals set forth above as findings in support of this Ordinance, which are incorporated by reference as if set forth in full.

Section 2. Amendment. The City Council amends Title 5, Title 16, and Title 18 of the Kenmore Municipal Code as set forth in Exhibit A, attached hereto and incorporated by reference as if set forth in full.

Section 3. 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 4. Effective Date. This Ordinance shall take effect and be in force five (5) days after the date of publication of this Ordinance.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON AT A REGULAR MEETING THEREOF THIS 17TH DAY OF JUNE, 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:
ORDINANCE NO. 24-0607

EXHIBIT A TO ORDINANCE 24-0607

I. Chapter 5.43 is amended to read as follows:

Chapter 5.43

Marijuana Cannabis Businesses

- 5.43.010 Definitions.
- 5.43.020 License required.
- 5.43.030 Liquor and Cannabis Board license – Condition precedent.
- 5.43.040 **Marijuana Cannabis** business license.
- 5.43.050 *Repealed.*
- 5.43.060 Effect of license denial.
- 5.43.070 Appeal.
- 5.43.080 License term, assignment and renewals.
- 5.43.090 License suspension and revocation.
- 5.43.100 Standards of conduct for **marijuana cannabis** businesses.
- 5.43.110 Hours of operation for **marijuana cannabis** retailers.
- 5.43.120 Insurance.

5.43.010 Definitions.

As used in this chapter, the following words and phrases shall have the following meanings unless the context clearly requires otherwise:

- A. "Applicant" means any person or business entity who is considered by the Washington State Liquor and Cannabis Board as a true party of interest in a **marijuana cannabis** license, as set forth in WAC [314-55-035](#).
- B. "**Marijuana Cannabis**" means **marijuana cannabis** as defined in RCW [69.50.101](#).
- C. "**Marijuana Cannabis** producer" means a **marijuana cannabis** producer as defined in RCW [69.50.101](#).
- D. "**Marijuana Cannabis** processor" means a **marijuana cannabis** processor as defined in RCW [69.50.101](#).
- E. "**Marijuana Cannabis** retailer" means a **marijuana cannabis** retailer as defined in RCW [69.50.101](#).
- F. "**Marijuana Cannabis** researcher" means a **marijuana cannabis** researcher as defined in RCW [69.50.101](#).
- G. "**Marijuana Cannabis** business" means a **marijuana cannabis** producer, **marijuana cannabis** processor, **marijuana cannabis** researcher, or **marijuana cannabis** retailer. **Marijuana Cannabis** business does not include a **marijuana cannabis** cooperative as described in Chapter [69.51A](#) RCW.

H. “**Marijuana Cannabis** license” means a license issued by the Liquor and Cannabis Board for a **marijuana cannabis** producer, **marijuana cannabis** processor, **marijuana cannabis** researcher, or **marijuana cannabis** retailer.

I. “**Marijuana Cannabis** business license” means a business license issued by the City pursuant to this chapter.

J. “Person” has the same meaning as the definition of “person,” firm,” or “corporation” in KMC [5.105.020](#).

K. “Liquor and Cannabis Board” means the Washington State Liquor and Cannabis Board.

5.43.020 License required.

A. It shall be unlawful for any *person* to conduct, manage or operate a **marijuana cannabis business** unless such person is the holder of a valid and subsisting *license* from the City to do so, obtained in the manner provided in this chapter.

B. It shall be unlawful for any employee or manager to knowingly work in or about, or to knowingly perform any service directly related to the operation of, an unlicensed **marijuana cannabis business**. [Ord. 16-0421 § 2 (Att. A); Ord. 15-0402 § 1 (Att. A); Ord. 14-0384 § 8.]

5.43.030 Liquor and Cannabis Board license – Condition precedent.

The City shall process an application for a **marijuana cannabis business license** in accordance with this chapter after the *applicant* receives a **marijuana cannabis business license** from the *Liquor and Cannabis Board*. No *license* shall be issued to any person who does not hold a valid **marijuana cannabis license** from the *Liquor and Cannabis Board*. [Ord. 16-0421 § 2 (Att. A); Ord. 15-0402 § 1 (Att. A); Ord. 14-0384 § 8.]

5.43.040 Marijuana Cannabis business license.

A. After receiving a *license* from the *Liquor and Cannabis Board*, an *applicant* may file a written application with the *city manager*, on a form provided by the *city manager* for that purpose, in the name of the *person* or entity that was issued the *license*. A failure to provide all information required on the form will constitute an incomplete application and the application will not be processed. The application form shall require the following information of the *applicant*:

1. The name of the *applicant*; business, mailing, and residential addresses; and business telephone number.
2. The type of *applicant*, as described in WAC [314-55-035](#).
3. Whether the *applicant*, or any partner, corporate officer, or director of the *applicant*, holds any other licenses under this chapter from the City or another city, county or state, and if so, the names and addresses of each other licensed business.

4. A summary of the business history of the applicant in owning or operating **marijuana cannabis** businesses, providing names, addresses and dates of operation for such businesses, and whether any *Liquor and Cannabis Board* license or other business license has been revoked or suspended, and the reason therefor.
 5. A copy of the completed personal/criminal history form and fingerprints submitted to the *Liquor and Cannabis Board* for the *Liquor and Cannabis Board* license application, together with the results of the *Liquor and Cannabis Board's* criminal history check on the *applicant*.
 6. A copy of the operating plan submitted to the *Liquor and Cannabis Board* in connection with the license application, and any amendments thereto, and the license issued by the *Liquor and Cannabis Board*.
 7. Authorization for the City, its officers, employees and agents to seek information to confirm any information and documents in the application.
 8. The location and "doing-business-as" name of the **marijuana cannabis** business, including a legal description of the property, street address, and telephone number, together with the name and address of each owner and lessee of the property, if not the *applicant*.
 9. Two two-inch by two-inch color photographs of the *applicant* and *applicant* control persons, taken within six months of the date of application showing only the full face.
- B. An application shall be deemed complete upon the *applicant's* submittal of all information and documents described above, including identification of "none" where that is the correct response, and the *applicant's* verification that the application is complete. The *city manager* may request other information or clarification in addition to that provided in a complete application where necessary to determine compliance with this chapter.
- C. A nonrefundable application fee (see KMC [5.05.050](#)) must be paid at the time of filing an application.
- D. All applications shall be signed by the *applicant* and notarized or certified as true under penalty of perjury.
- E. If any *person* or entity acquires, subsequent to the issuance of a **marijuana cannabis** business license, a significant interest based on responsibility for management or operation of the licensed premises or the licensed business, notice of such acquisition shall be provided in writing to the *city manager*, no later than 21 days following such acquisition. The notice required shall include the information required for the original **marijuana cannabis** business license application.
- F. The **marijuana cannabis** business license, if granted, shall state on its face the name of the *person* or entity, or *persons* or entities, to whom it is issued, the expiration date, the "doing-business-as" name, and the address of the licensed **marijuana cannabis**

business. The *permit* shall be posted in a conspicuous place at or near the entrance to the *marijuana cannabis* business so that it can be easily read at any time the business is open.

G. No person granted a *marijuana cannabis* business license pursuant to this chapter shall operate the *marijuana cannabis* business under a name not specified on the *license*, nor shall any person operate a *marijuana cannabis* business under any designation or at any location not specified on the *license*.

H. Upon receipt of the complete application and fee, the *city manager* shall provide copies to the appropriate city *departments* for their investigation and review to determine compliance of the proposed *marijuana cannabis* business with the laws and regulations which each *department* administers. Each *department* shall, within 20 days of the date of such application, inspect the application and premises and shall make a written report to the *city manager* regarding compliance of such application and premises with the laws administered by each *department*. A *department* shall recommend denial of a license under this subsection if it finds that the proposed *marijuana cannabis* business is not in conformance with the requirements of this chapter or other law in effect in the City. A recommendation for denial shall cite the specific reason therefor, including reference to applicable laws. The *city manager* shall not issue a *marijuana cannabis* business license unless and until each *department* reports that the application and premises comply with the relevant laws, unless the 20-day period has lapsed. If the premises is not yet constructed, the *departments* shall base their recommendation as to premises compliance on their review of the drawings submitted in the application. Any *marijuana cannabis* business license approved prior to premises construction shall contain a condition that the premises may not open for business until the premises have been inspected and determined to be in substantial conformance with the drawings submitted with the application.

I. A *marijuana cannabis* business license shall be issued by the *city manager* within 30 days of the filing of a complete license application and the application fee, unless the *city manager* determines that the *applicant* has failed to meet any of the requirements of this chapter, that the *applicant* has failed to provide any information required under this section, or that the *applicant* has made a false, misleading or fraudulent statement of material fact on the application. The *city manager* shall grant an extension of time in which to provide all information required for a complete *license* application upon the request of the *applicant*. If the *city manager* finds that the *applicant* has failed to meet any of the requirements for issuance of a *marijuana cannabis* business license, the *city manager* shall deny the application in writing and shall cite the specific reasons therefor, including applicable law. If the *city manager* fails to issue or deny the license within 30 days of the date of filing of a complete application and the application fee, the *applicant* shall be permitted, subject to all other applicable law, to operate the business for which the license was sought until notification by the *city manager* that the *license* has been denied, but in no event may the *city manager* extend the application review time for more than an additional 20 days. [Ord. 16-0421 § 2 (Att. A); Ord. 15-0402 § 1 (Att. A); Ord. 14-0384 § 8.]

5.43.050 **Marijuana Cannabis** business license fee.

Repealed by Ord. 15-0402. [Ord. 14-0384 § 8.]

5.43.060 Effect of license denial.

If the City denies a **marijuana cannabis** business license, the City shall not issue a **marijuana cannabis** business license to that applicant, or the applicant's successor on the **marijuana cannabis** licenses, for a period of one year from the date of such denial. [Ord. 16-0421 § 2 (Att. A); Ord. 15-0402 § 1 (Att. A); Ord. 14-0384 § 8.]

5.43.070 Appeal.

A. Any person aggrieved by the action of the *city manager* in refusing to issue or renew any license issued under this chapter shall have the right to appeal such action to the hearing examiner by filing a notice of appeal with the *city manager* within 21 days of notice of the refusal to issue or renew. The decision of the *city manager* shall be stayed pending the final outcome of any such timely appeal. The appeal shall be processed under KMC [5.05.150](#) and Chapter [19.30](#) KMC.

B. Any person aggrieved by the decision of the hearing examiner may appeal to the superior court for a writ of certiorari, prohibition or mandamus. The decision of the hearing examiner shall be stayed pending the final outcome of any such timely appeal.

5.43.080 License term, assignment and renewals.

A. The **marijuana cannabis** business license is valid for one year and shall be renewed annually. The *city manager* shall have the authority to adjust the expiration date and to prorate the license fee of the license in order to coincide with **marijuana cannabis** license expiration dates. **Marijuana Cannabis** business licenses issued under this chapter shall not be assignable.

B. Application for renewal of **marijuana cannabis** business licenses issued hereunder shall be made to the *city manager* no later than 30 days prior to the expiration of **marijuana cannabis** business licenses. The renewal license shall be issued in the same manner and on payment of the same fees as for an original application under this chapter. There shall be assessed and collected by the *city manager* an additional charge, computed as a percentage of the **marijuana cannabis** business license fee, on applications not made on or before said date, as follows:

Days Past Due	Percent of License Fee
7 – 30	25%
31 – 60	50%
61 and over	75%

C. The *city manager* shall renew a license upon application if it complies with all provisions of this chapter, as now enacted or as the same may hereafter be amended; provided, that the *city manager* may deny a renewal where the *city manager* is aware of facts that would disqualify the applicant from being issued a **marijuana cannabis** business license. [Ord. 16-0421 § 2 (Att. A); Ord. 15-0402 § 1 (Att. A); Ord. 14-0384 § 8.]

5.43.090 License suspension and revocation.

A. The *city manager* may, upon the recommendation of the chief of police or designee, and as provided in subsection B of this section, suspend or revoke any **marijuana cannabis** business license issued under the provisions of this chapter:

1. Where the license was procured by fraud or false representation of fact;
2. For violation of, or failure to comply with, this chapter, this code, or similar local or State law by the *licensee*, or by any of the *licensee's* servants, agents or employees, when the *licensee* knew or should have known of the violations committed by such servants, agents or employees;
3. For conviction of the *licensee* of any crime or offense involving transactions involving controlled substances (as that term is defined in Chapter [69.50](#) RCW) committed on the premises, or the conviction of any of *licensee's* servants, agents or employees of any crime or offense involving transactions involving controlled substances (as that term is defined in Chapter [69.50](#) RCW) committed on the premises in which the **marijuana cannabis** business is conducted when the *licensee* knew or should have known of the violations committed by such servants, agents or employees.

B. A license procured by fraud or misrepresentation shall be revoked permanently for the *licensee* and *licensee's* successors on the **marijuana cannabis** license. Where other violations of this chapter or other applicable ordinances, statutes or regulations are found, the *license* shall be suspended for a period of 30 days upon the first such violation, 90 days upon the second violation within a 24-month period, and revoked for third and subsequent violations within a 24-month period, not including periods of suspension.

C. The *city manager* shall provide at least 10 days' prior written notice to the *licensee* of the decision to suspend or revoke the license. Such notice shall inform the *licensee* of the right to appeal the decision to the hearing examiner or other designated hearing body and shall state the effective date of such revocation or suspension and the grounds for revocation or suspension. Such appeals shall be processed under KMC [5.05.150](#) and Chapter [19.30](#) KMC. The decision of the *city manager* shall be stayed during the pendency of any appeal except as provided in subsection D of this section.

D. Where the city building official or fire marshal, or their designees, or the King County health department finds that any condition exists upon the premises of a **marijuana cannabis** business which constitutes a threat of immediate serious injury or damage to *persons* or property, the official may immediately suspend any license issued under this chapter pending a hearing in accordance with subsection C of this section. The official shall issue a notice setting forth the basis for the action and the facts that constitute a threat of immediate serious injury or damage to *persons* or property, and informing the *licensee* of the right to appeal the suspension to the hearing examiner or other designated hearing body under the same appeal provisions set forth in subsection C of this section; provided, that a suspension based on threat of immediate serious injury or damage shall not be stayed during the pendency of the appeal. [Ord. 16-0421 § 2 (Att. A); Ord. 15-0402 § 1 (Att. A); Ord. 14-0384 § 8.]

5.43.100 Standards of conduct for marijuana cannabis businesses.

marijuana cannabis businesses shall conform to the rules of Chapter [314-55](#) WAC, applicable State laws relating to marijuana cannabis businesses, and KMC Title [18](#). [Ord. 16-0421 § 2 (Att. A); Ord. 15-0402 § 1 (Att. A); Ord. 14-0384 § 8.]

5.43.110 Hours of operation for marijuana cannabis retailers.

A marijuana cannabis retailer may be open for business only between the hours of 8:00 a.m. and 10:00 p.m. [Ord. 16-0421 § 2 (Att. A); Ord. 15-0402 § 1 (Att. A); Ord. 14-0384 § 8.]

5.43.120 Insurance.

The licensee shall maintain the insurance coverage of WAC [314-55-082](#) during the term of the marijuana cannabis business license, and shall name the City as an additional insured on the insurance policies. The policies shall be primary to any City insurance policies and the licensee's insurance policies shall state this requirement.

II. Section 16.50.030 KMC, Shoreline Use Table is amended to read as follows:

Shoreline Use Table

KEY P – Permitted Use C – Shoreline Conditional Use X – Prohibited Use U – Same use allowances as in adjacent upland environment	DOWNTOWN WATERFRONT	SWAMP CREEK COMMERCIAL	SHORELINE RESIDENTIAL	URBAN CONSERVANCY	NATURAL	AQUATIC
Adult entertainment business	P2	P2	X	X	X	X
Air transportation service	X	X	X	X	X	C12
Ambulatory surgery center	X	X	X	X	X	X
Animal kennel/shelter	X	X	X	X	X	X
Arts, entertainment, indoor	P2	P2	X	P16	X	X
Arts, entertainment, outdoor	P2	P2	X	P2	P6	X
Auction house	X	X	X	X	X	X
Automotive sales and service, marine	P2	P2	X	X	X	U3

Shoreline Use Table

KEY P – Permitted Use C – Shoreline Conditional Use X – Prohibited Use U – Same use allowances as in adjacent upland environment	DOWNTOWN WATERFRONT	SWAMP CREEK COMMERCIAL	SHORELINE RESIDENTIAL	URBAN CONSERVANCY	NATURAL	AQUATIC
<i>Automotive sales and service, nonmarine</i>	X	X	X	X	X	X
<i>Business service, intensive</i>	X	X	X	X	X	X
<i>Business service, standard</i>	P2	P2	X	X	X	X
<i>Cemetery, columbarium or mausoleum</i>	X	X	X	X	X	X
<i>College/university</i>	P3	P3	P3	P3	X	U
<i>Community residential facility</i>	P2	P2	P2	X	X	X
<i>Construction and trade</i>	X	X	X	X	X	X
<i>Day care</i>	P2	P2	X	X	X	X
<i>Eating and drinking place</i>	P2	P2	X	P16	X	X
<i>Educational service</i>	P2	P2	P2	P2	X	X
<i>Family child-care home</i>	X	X	P17	P17	C17	X
<i>Fire or police facility</i>	P3	P3	P3	C3	X	U
<i>Funeral home/crematory</i>	X	X	X	X	X	X
<i>Health care and social assistance</i>	P2, 13	P2, 13	X	P2, 13	X	X
<i>Hospital</i>	X	X	X	X	X	X
<i>Laboratory</i>	P2	P2	X	X	X	X
<i>Manufactured housing community</i>	X	X	C14	X	X	X
<i>Manufacturing, heavy</i>	X	X	X	X	X	X
<i>Manufacturing, light</i>	P2	P2	X	X	X	X
<i>Marijuana Cannabis business</i>	P2	P2	X	X	X	X
<i>Marijuana Cannabis cooperative</i>	X	X	X	X	X	X

Shoreline Use Table

KEY P – Permitted Use C – Shoreline Conditional Use X – Prohibited Use U – Same use allowances as in adjacent upland environment	DOWNTOWN WATERFRONT	SWAMP CREEK COMMERCIAL	SHORELINE RESIDENTIAL	URBAN CONSERVANCY	NATURAL	AQUATIC
<i>Mobile food service</i>	P2	P2	X	P2	X	P3
<i>Multiple-family dwelling</i>	P17	P17	P17	P17	X	X
<i>Office</i>	P2	P2	X	P2	X	X
<i>Park, non-water-oriented</i>	X	X	X	X	X	X
<i>Park, water-oriented. See also KMC 16.50.050, 16.50.070, and 16.55.050.</i>	P	P	P	P	P6	P3
<i>Personal service</i>	P2	P2	X	P2	X	X
<i>Recreational facility, indoor, commercial. KMC 16.50.070 does not apply to this use.</i>	P2	P2	X	X	X	X
<i>Recreational facility, outdoor, commercial. See also KMC 16.50.050, 16.50.070, and 16.55.050.</i>	P4, 15	P4, 15	P5, 15	P5, 15	P6	P3
<i>Regional land use, except for airport and ferry terminal, which are described below.</i>	C2, 7	C2, 7	X	X	X	C3
<i>Airport</i>	C12	X	X	X	X	C12
<i>Ferry terminal</i>	C	X	X	X	X	C
<i>Religious institution</i>	P2	P2	X	X	X	X
<i>Resource land use, except for aquaculture, which is described below.</i>	X	X	X	X	X	X
<i>Aquaculture. See also KMC 16.50.040.</i>	X	X	X	X	X	C1
<i>Retail sales</i>	P2	P2	X	P16	X	X

Shoreline Use Table

KEY P – Permitted Use C – Shoreline Conditional Use X – Prohibited Use U – Same use allowances as in adjacent upland environment	DOWNTOWN WATERFRONT	SWAMP CREEK COMMERCIAL	SHORELINE RESIDENTIAL	URBAN CONSERVANCY	NATURAL	AQUATIC
<i>Retail sales, bulk</i>	X	P2	X	X	X	X
<i>Secure facility</i>	X	X	X	X	X	X
<i>Single detached dwelling unit</i>	X	X	P17	P17	C17	P8
<i>Standalone parking</i>	C11	C11	X	C11	X	X
<i>Supportive living facility</i>	P2	P2	P2	X	X	X
<i>Temporary lodging</i>	P2	P2	X	X	X	X
<i>Transportation services</i>	C2	C2	X	X	X	X
<i>Transportation facilities</i>	C9	C9	C9	C9	C9	C9
<i>Utility facility. See also KMC 16.50.080.</i>	P10	P10	P10	P10	P10	P3, 10
<i>Vehicle or equipment rental</i>	P3, 16	X	X	P3, 16	X	P3, 16
<i>Vehicle refueling station</i>	P2	P2	X	X	X	C3
<i>Warehousing</i>	X	X	X	X	X	X
<i>Wholesale trade</i>	P2	P2	X	X	X	X

III. Section 18.20.1678 KMC is amended to read as follows:

18.20.1678 Manufacturing land uses.

For purposes of Chapters [18.35](#) and [18.40](#) KMC, “manufacturing land uses” means *manufacturing, heavy; manufacturing, light; marijuana cannabis processor*; and tire retreading.

II. Section 18.20.1679 is amended to read as follows:

18.20.1679.1 Marijuana Cannabis.

"Marijuana Cannabis" means marijuana cannabis as defined in RCW [69.50.101](#).

18.20.1679.2 Marijuana Cannabis business.

"Marijuana Cannabis business" means a marijuana cannabis producer, marijuana cannabis processor, marijuana cannabis researcher, or marijuana cannabis retailer. Marijuana Cannabis business does not include a marijuana cannabis cooperative as defined in KMC 18.20.1679.2.5.

18.20.1679.2.5 Marijuana Cannabis cooperative.

"Marijuana Cannabis cooperative" means a cooperative of no more than four qualifying patients or designated providers sharing responsibility for acquiring and supplying the resources needed to produce and process marijuana cannabis only for the medical use of members of the cooperative, as described under Chapter [69.51A](#) RCW.

18.20.1679.3 Marijuana Cannabis processor.

"Marijuana Cannabis processor" means a marijuana cannabis processor as defined in RCW [69.50.101](#).

18.20.1679.4 Marijuana Cannabis producer.

"Marijuana Cannabis producer" means a marijuana cannabis producer as defined in RCW [69.50.101](#).

18.20.1679.4.5 Marijuana Cannabis researcher.

"Marijuana Cannabis researcher" means a person licensed by the Washington State Liquor and Cannabis Board to produce, process, and possess marijuana cannabis for the purposes of conducting research on marijuana cannabis and marijuana cannabis-derived drug products.

18.20.1679.5 Marijuana Cannabis retailer.

"Marijuana Cannabis retailer" means a marijuana cannabis retailer as defined in RCW [69.50.101](#).

III. Section 18.20.2327 KMC is amended to read as follows:

18.20.2327 Resource land uses.

For purposes of Chapter [18.40](#) KMC, “resource land uses” means *resource land use* and *marijuana cannabis* producer.

IV. Section 18.20.2362 KMC is amended to read as follows:

18.20.2362 Retail land uses.

For purposes of Chapters [18.35](#) and [18.40](#) KMC, “retail land uses” means *auction house; automotive sales; eating and drinking place; marijuana cannabis* retailer; *mobile food service; retail sales; retail sales, bulk; and vehicle refueling station.*

V. Section 18.21.020 KMC is amended to read as follows:

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

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

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

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Air transportation service</i> ¹	<i>Ambulatory surgery center</i> ²⁵	<i>Adult entertainment business</i>
<i>Arts, entertainment, indoor</i> ^{2,3}	<i>Arts, entertainment, outdoor</i> ²⁶	<i>Animal kennel/shelter</i>
<i>Day care</i> ⁴	<i>Cemetery, columbarium or mausoleum</i> ²⁷	<i>Auction house</i>
<i>Educational service</i> ⁵	<i>College/university</i> ²⁵	<i>Automotive sales and service, marine</i>
<i>Family child-care home</i> ⁶	<i>Community residential facility</i> ²⁸	<i>Automotive sales and service, non-marine</i>
<i>Fire or police facility</i> ^{7,8}	<i>Eating and drinking place</i> ^{3,29}	<i>Business service, intensive</i>
<i>Health care and social assistance</i> ^{9,10}	<i>Hospital</i> ²⁵	<i>Business service, standard</i>
<i>Multiple-family dwelling</i> ¹¹	<i>Manufactured housing community</i> ³⁰	<i>Construction and trade</i>
<i>Office</i> ¹²	<i>Personal service</i> ³¹	<i>Funeral home/crematory</i>

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

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Park</i> ¹³	<i>Recreational facility, indoor</i> ^{3,16,32}	<i>Laboratory</i>
<i>Recreational facility, outdoor</i> ^{14,15,16}	<i>Regional land use</i> ^{33,34,35}	<i>Manufacturing, heavy</i>
<i>Religious institution</i> ¹⁷	<i>Retail sales</i> ^{31,36}	<i>Manufacturing, light</i>
<i>Resource land use</i> ¹⁸	<i>Temporary lodging</i> ³⁷	<i>Marijuana Cannabis business</i>
<i>Single detached dwelling unit</i> ^{19,20}		<i>Marijuana Cannabis cooperative</i>
<i>Standalone parking</i> ²¹		<i>Mobile food service</i>
<i>Supportive living facility</i> ²²		<i>Retail sales, bulk</i>
<i>Utility facility</i> ^{23,24}		<i>Secure facility</i>
		<i>Transportation</i>
		<i>Vehicle or equipment rental</i>
		<i>Vehicle refueling station</i>
		<i>Warehousing</i>
		<i>Wholesale trade</i>

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

2. Only (a) in a *building* listed on the National Register as a historic site or designated as a *City* landmark; (b) as a re-use of a surplus nonresidential facility; or (c) as a joint use of an existing public school facility. All subject to Chapter [18.50](#) KMC. Otherwise, a conditional use.

3. *Social card games* are prohibited.

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

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

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

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

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

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

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

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

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

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

8. For conditionally permitted fire facilities:

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

9. Only as a re-use of a public school facility. May be permitted as a conditional *use* if proposed as re-use of a surplus nonresidential facility. All subject to Chapter [18.50](#) KMC.

10. Veterinary clinics are prohibited.

11. *Townhouse* units only permitted and only on *lots* in a subdivision or short subdivision designed for *townhouse* units. Other *townhouse* units require a *conditional use permit*. *Apartments* are prohibited.
12. *Public agency or utility office* permitted only as a re-use of a public school facility or a surplus nonresidential facility subject to the provisions of Chapter [18.50](#) KMC. Otherwise, *public agency or utility office* is a *conditional use*. All other office *uses* are prohibited.
13. The following conditions and limitations shall apply, where appropriate:
 - a. Lighting for *structures* and fields shall be directed away from residential areas;
 - b. *Structures* or service yards shall maintain a minimum distance of 50 feet from property lines adjoining residential zones, except for *structures* in on-site recreation areas provided under KMC [18.30.130](#) or Chapter [20.47](#) KMC. Setback requirements for *structures* in these on-site required recreation areas shall be maintained in accordance with the zoning standards for the underlying residential zone.
14. Limited to *stable* and covered riding arena. All other *outdoor recreational facility uses* require a *conditional use permit* except campground, RV park, and shooting range which are prohibited.
15. Covered riding arenas are subject to KMC [18.70.030](#) and shall not exceed 20,000 square feet unless a *conditional use permit* is obtained. Stabling areas, whether attached or detached, shall not be counted in this calculation.
16. Conditionally permitted recreational facilities are subject to the following conditions and limitations:
 - a. The bulk and scale shall be compatible with residential character of the area;
 - b. The gross floor area shall not exceed 10,000 square feet unless the *building* is on the same *site* or adjacent to a *site* where a public facility is located or unless the *building* is a nonprofit facility; and
 - c. Use is limited to residents of a specified residential *development* or to *sports clubs* providing supervised instructional or athletic programs.

17. Only as a re-use of a public school facility subject to Chapter [18.50](#) KMC. Otherwise, a *conditional use permit* is required.
 18. Farming is permitted. All other *resource land uses* require a *conditional use permit*, except mineral extraction, which is prohibited.
 19. More than one *single detached dwelling unit* may be allowed on an individual *lot* through the *conditional use permit* process. A *conditional use permit* is not required for *lots* in subdivisions, short subdivisions or binding site plans approved as multiple unit *lots* or for *accessory dwelling units*.
 20. *Manufactured homes* and *mobile homes* are allowed only in *manufactured housing communities*. *Designated manufactured homes* are not restricted to *manufactured housing communities*.
 21. Limited to *commuter parking lots* for users of transit, carpools or ride-share programs, provided:
 - a. They are located on existing parking lots for *religious institutions*, schools, or other permitted nonresidential *uses* which have excess capacity available during commuting hours; and
 - b. The *site* is adjacent to a designated arterial that has been improved to a standard acceptable to the *department*.
- Other *commuter parking lots* require a *conditional use permit*. All other *standalone parking uses* are prohibited.
22. Only in a *building* listed on the National Register as an historic site or designated as a King County landmark subject to the provisions of Chapter [2.20](#) KMC. Otherwise, a *conditional use permit* is required.
 23. Excluding utilities using *bulk gas storage tanks*, which are a *conditional use*. Liquefied natural gas storage tanks are prohibited.
 24. *Private stormwater management facilities* permitted except when participating in an approved shared facility drainage plan. *Private stormwater management facilities* shall be located on the same *lot* that they are designed to serve except in subdivisions or short subdivisions that set aside a separate tract for such facilities. For shared facilities, such facilities which are not located on the *lot* they are designed to serve shall be located on a *lot* with the same or more intensive zoning designation.

25. Only as a re-use of a public school facility or a surplus nonresidential facility subject to Chapter [18.50](#) KMC.
26. Outdoor performance center and drive-in theater are prohibited.
27. *Structures* shall maintain a minimum distance of 100 feet from property lines adjoining residential zones.
28. *Community residential facility I* only. *Community residential facility II* is prohibited.
29. Not permitted in R-1 and excluding drinking places, and limited to a maximum of 5,000 square feet of gross floor area and subject to KMC [18.21.070](#).
30. *Manufactured housing communities* are not permitted in the R-1 zone.
31. Not permitted in R-1 and limited to a maximum of 5,000 square feet of gross floor area and subject to KMC [18.21.070](#).
32. Bowling center and shooting range are prohibited.
33. *Hydroelectric generation facilities* limited to those that comply with the following:
 - a. Any new diversion structure shall not: (1) Exceed a height of eight feet as measured from the streambed; or (2) impound more than three surface acres of water at the normal maximum surface level;
 - b. There shall be no active storage;
 - c. The maximum water surface area at any existing dam or diversion shall not be increased;
 - d. An exceedance flow of no greater than 50 percent in mainstream reach shall be maintained;
 - e. Any transmission line shall be limited to a: (1) right-of-way of five miles or less; and (2) capacity of 230 kV or less;
 - f. Any new, permanent access road shall be limited to five miles or less; and

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

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

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

36. Pet shops and auto supply stores are prohibited.

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

a. The guesthouse shall be owner-occupied;

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

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

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

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

VI. Section 18.21.040 KMC is amended to read as follows:

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

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

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

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Air transportation service</i> ¹	<i>Ambulatory surgery center</i> ²⁵	<i>Adult entertainment business</i>

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

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

1. One single-engine, noncommercial seaplane shall be permitted only on *lots* that abut a waterbody, provided there are (a) no aircraft sales, service, repair, charter, or rental; and (b) no storage of aviation fuel except that contained in the tank or tanks of the aircraft. A *helistop* at an *emergency* medical evacuation site in conjunction with a police, fire or health service facility is a *conditional use*. All other *air transportation service uses* are prohibited.
2. Museums and libraries permitted only as accessory to a *park* or in a *building* listed on the National Register as an historic site or designated as a *City* landmark subject to Chapter [18.50](#) KMC; otherwise, a *conditional use permit* is required. Artist studios permitted only as a re-use of a surplus nonresidential facility subject to Chapter [18.50](#) KMC or as a joint use of an existing public school facility; otherwise a *conditional use permit* is required. For all other *arts, entertainment, indoor uses*, a *conditional use permit* is required, except theater, which is prohibited.
3. *Social card games* are prohibited.
4. Permitted only as a re-use of a public school facility subject to Chapter [18.50](#) KMC.
5. Conditionally permitted only as a re-use of a surplus nonresidential facility subject to Chapter [18.50](#) KMC.
6. Permitted when:
 - a. Located in the R-24 zone; and
 - b. On a *site* in *office* or *construction and trade office uses* as of May 8, 2003; and
 - c. Part of a *mixed use development*; and
 - d. Limited to 15,000 square feet; and
 - e. No *outdoor storage* of equipment occurs.

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

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

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

- 8. K-12 facilities only, except vocational school which is permitted only as a re-use of a surplus nonresidential facility subject to Chapter [18.50](#) KMC unless a *conditional use permit* is obtained. All other *educational service uses* require a *conditional use permit*.
- 9. A *family child-care home* is subject to the requirements established by the Washington State Department of Early Learning (DEL) in WAC Title [170](#). The *family child-care home* shall meet the following requirements:
 - a. The family child-care provider shall be licensed by DEL to operate a *family child-care home*;
 - b. A safe passenger loading area shall be provided;
 - c. The *family child-care home* shall comply with all applicable building, fire, safety, and health codes enforced by the *City*;
 - d. The *family child-care home* shall comply with all applicable development standards of the *City*, unless determined to be legally nonconforming;
 - e. All signage shall conform to the applicable requirements of Chapter [18.42](#) KMC; and
 - f. The *City* has the authority to limit the hours of operation to facilitate neighborhood compatibility.

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

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

All other police facilities require a *conditional use permit*.

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

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

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

13. Veterinary clinics are prohibited.

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

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

- a. Lighting for *structures* and fields shall be directed away from residential areas;
- b. *Structures* or service yards shall maintain a minimum distance of 50 feet from property lines adjoining residential zones, except for *structures* in on-site recreation areas provided under KMC [18.30.130](#) or Chapter [20.47](#) KMC. Setback requirements for *structures* in these on-site required recreation areas shall be maintained in accordance with the zoning standards for the underlying residential zone.

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

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

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

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

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

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

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

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

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

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

Otherwise a *conditional use permit* is required.

22. *Bulk gas storage tanks* which pipe to individual residences require a *conditional use permit*. All other *bulk gas storage tanks*, including liquefied natural gas storage tanks, are prohibited.
23. *Private stormwater management facilities* permitted except when participating in an approved shared facility drainage plan. *Private stormwater management facilities* shall be located on the same *lot* that they are designed to serve except in subdivisions or short subdivisions that set aside a separate tract for such facilities. For shared facilities, such facilities which are not located on the *lot* they are designed to serve shall be located on a *lot* with the same or more intensive zoning designation.
24. *Hydroelectric generation facilities* are prohibited. A *nonhydroelectric generation facility* may be conditionally permitted as a *cogeneration* facility for on-site use only.
25. Conditionally permitted only as a re-use of a surplus nonresidential facility subject to Chapter [18.50](#) KMC.
26. Arboretum only.
27. *Structures* shall maintain a minimum distance of 100 feet from property lines adjoining residential zones.
28. Excluding drinking places, and limited to a maximum of 5,000 square feet of gross floor area and subject to KMC [18.21.070](#).
29. Limited to a maximum of 5,000 square feet of gross floor area and subject to the additional requirements in KMC [18.21.070](#).
30. Conditional *uses* are subject to the following conditions and limitations:
 - a. The bulk and scale shall be compatible with residential character of the area;
 - b. For *sports clubs*, the gross floor area shall not exceed 10,000 square feet unless the *building* is on the same *site* or adjacent to a *site* where a public facility is located or unless the *building* is a nonprofit facility; and
 - c. Use is limited to residents of a specified residential *development* or to *sports clubs* providing supervised instructional or athletic programs.
31. Bowling center and shooting range are prohibited.
32. Amusement park, fairground, and stadium/arena are prohibited.

33. Auto supply stores and pet shops are prohibited.

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

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

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

- a. The gross floor area in *self-service storage* shall not exceed the total gross floor area of the *apartment* dwellings on the *site*;
- b. All outdoor lights shall be deflected, shaded and focused away from all adjoining property;
- c. The use of the facility shall be limited to dead storage of household goods;
- d. No servicing or repair of motor vehicles, boats, trailers, lawn mowers or similar equipment;
- e. No *outdoor storage* or storage of flammable liquids, highly combustibile or explosive materials or hazardous chemicals;
- f. No residential occupancy of the storage units;

g. No business activity other than the rental of storage units; and

h. A resident director shall be required on the *site* and shall be responsible for maintaining the operation of the facility in conformance with the conditions of approval.

VII. Section 18.21.045 KMC is amended to read as follows:

18.21.045 Residential zone MHC – Use allowances.

The following *uses* listed in Table D are identified as *permitted*, conditionally permitted, or *prohibited uses* in residential zone MHC:

Table D. MHC Zone Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Day care</i> ¹	<i>Community residential facility</i>	<i>Adult entertainment business</i>
<i>Family child-care home</i> ²	<i>Cemetery, columbarium or mausoleum</i>	<i>Air transportation service</i>
<i>Manufactured housing community</i> ⁸	<i>Educational service</i> ⁶	<i>Ambulatory surgery center</i>
<i>Park</i> ³	<i>Religious institution</i>	<i>Animal kennel/shelter</i>
<i>Single detached dwelling unit</i> ^{4,5}	<i>Supportive living facility</i>	<i>Arts, entertainment, indoor</i>
	<i>Temporary lodging</i> ⁷	<i>Arts, entertainment, outdoor</i>
		<i>Auction house</i>
		<i>Automotive sales and service, marine</i>
		<i>Automotive sales and service, nonmarine</i>
		<i>Business service, intensive</i>
		<i>Business service, standard</i>
		<i>College/university</i>

Table D. MHC Zone Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
		Construction and trade
		Eating and drinking place
		Fire or police facility
		Funeral home/crematory
		Health care and social assistance
		Hospital
		Laboratory
		Manufacturing, heavy
		Manufacturing, light
		Marijuana Cannabis business
		Marijuana Cannabis cooperative
		Mobile food service
		Multiple-family dwelling
		Office
		Personal service
		Recreational facility, indoor
		Recreational facility, outdoor
		Regional land use
		Resource land use
		Retail sales
		Retail sales, bulk
		Secure facility
		Standalone parking
		Transportation
		Utility facility
		Vehicle or equipment rental
		Vehicle refueling station

Table D. MHC Zone Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
		<i>Warehousing</i>
		<i>Wholesale trade</i>

1. *Day care I* is permitted. *Day care II* is permitted only as an *accessory use* to a *religious institution, park* or public housing administered by a *public agency*, and:

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

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

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

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

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

e. All signage shall conform to the applicable requirements of Chapter [18.42](#) KMC; and

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

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

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

b. *Structures* or service yards shall maintain a minimum distance of 50 feet from property lines adjoining residential zones.

4. One *single detached dwelling unit* only per existing legal lot as of April 23, 2019.

5. *Manufactured homes* and *mobile homes* are allowed only in *manufactured housing communities*. *Designated manufactured homes* are not restricted to *manufactured housing communities*.

6. K-12 facilities only. All other *educational service uses* are prohibited.

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

a. The guesthouse shall be owner-occupied;

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

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

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

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

8. For properties continuing in an existing *manufactured housing community use* after April 23, 2019, a *transfer of density credits* shall be permitted. See Chapter [18.80](#) KMC.

VIII. Section 18.22.010 KMC is amended to read as follows:

18.22.010 Neighborhood business zone – Use allowances.

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

Table A. Neighborhood Business Zone Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Arts, entertainment, indoor</i> ^{1,2}	<i>Automotive sales and service, marine</i> ⁴	<i>Adult entertainment business</i>
<i>Business service, standard</i>	<i>Automotive sales and service, nonmarine</i> ⁴	<i>Air transportation service</i>
<i>Community residential facility</i> ⁹	<i>Manufacturing, light</i>	<i>Ambulatory surgery center</i>
<i>Day care</i>	<i>Recreational facility, indoor</i> ^{2,22}	<i>Animal kennel/shelter</i>
<i>Eating and drinking place</i> ^{2,10,28}		<i>Arts, entertainment, outdoor</i>
<i>Educational service</i> ²⁸		<i>Auction house</i>
<i>Fire or police facility</i> ¹²		<i>Business service, intensive</i>
<i>Health care and social assistance</i> ^{13,14}		<i>Cemetery, columbarium or mausoleum</i>
<i>Mobile food service</i> ²⁷		<i>College/university</i>
<i>Multiple-family dwelling</i> ¹⁵		<i>Construction and trade</i>
<i>Office</i>		<i>Family child-care home</i>
<i>Park</i>		<i>Funeral home/crematory</i>
<i>Personal service</i> ²⁸		<i>Hospital</i>
<i>Religious institution</i>		<i>Laboratory</i>
<i>Retail sales</i> ^{16,28}		<i>Manufactured housing community</i>

Table A. Neighborhood Business Zone Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Supportive living facility</i> ⁹		<i>Manufacturing, heavy</i>
<i>Temporary lodging</i> ^{18,19}		<i>Marijuana Cannabis business</i>
<i>Vehicle refueling station</i>		<i>Marijuana Cannabis cooperative</i>
		<i>Recreational facility, outdoor</i>
		<i>Regional land use</i>
		<i>Resource land use</i>
		<i>Retail sales, bulk</i>
		<i>Secure facility</i>
		<i>Single detached dwelling unit</i>
		<i>Standalone parking</i>
		<i>Transportation</i>
		<i>Utility facility</i>
		<i>Vehicle or equipment rental</i>
		<i>Warehousing</i>
		<i>Wholesale trade</i>

1. Artist studios are permitted. All other *indoor arts, entertainment uses* require a *conditional use permit*.
2. *Social card games* are prohibited.
3. *Repealed by Ord. 18-0454.*
4. Automotive sales are prohibited. Repair or service shall only be performed in an enclosed *building*, with no *outdoor storage* of materials. Top, body, and upholstery repair shops, paint shops, and tire retreading are prohibited, as is *heavy equipment and truck repair*.
5. *Repealed by Ord. 18-0454.*
6. *Repealed by Ord. 18-0454.*

7. *Repealed by Ord. 18-0454.*
8. *Repealed by Ord. 18-0454.*
9. Only as part of a *mixed use development* subject to the conditions of Chapter [18.50](#) KMC.
10. Drinking places are prohibited.
11. *Repealed by Ord. 18-0454.*
12. *Police facility* only and limited to “storefront” police offices. Such offices shall not have:
 - a. Holding cells; or
 - b. Long-term storage of stolen properties.
13. Veterinary clinics permitted subject to the following:
 - a. No burning of refuse or dead animals is allowed;
 - b. The portion of the *building* or structure in which animals are kept or treated shall be soundproofed. All run areas, excluding *confinement areas* for *livestock*, shall be surrounded by an eight-foot solid wall and surfaced with concrete or other impervious material; and
 - c. The provisions of Chapter [18.70](#) KMC relative to animal keeping are met.
14. Social assistance permitted only as a re-use of a surplus nonresidential facility subject to Chapter [18.50](#) KMC.
15. Only as part of a *mixed use development* subject to the conditions of Chapter [18.50](#) KMC, except that *townhouse developments* are permitted subject to KMC [17.20.125](#), [18.22.020](#), [18.30.130](#) and [18.50.050](#).
16. Used goods shops are prohibited.
17. *Repealed by Ord. 18-0454.*
18. Bed and breakfast guesthouse only. All other *temporary lodging* is prohibited.

19. Bed and breakfast guesthouse shall be subject to the following conditions:

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

20. *Repealed by Ord. 18-0454.*

21. *Repealed by Ord. 18-0454.*

22. Shooting ranges are prohibited.

23. *Repealed by Ord. 18-0454.*

24. *Repealed by Ord. 18-0454.*

25. *Repealed by Ord. 18-0454.*

26. *Repealed by Ord. 18-0454.*

27. *Mobile food service* is permitted subject to the following requirements:

- a. No permanent fencing, walls, or other *structures* shall be installed which hinder removal of the *structure* from the *site*;
- b. No required parking stall shall be blocked or rendered unusable as a result of the mobile vendor;
- c. Safe ingress and egress shall be maintained. Visibility for transportation and pedestrian access shall be maintained;

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

e. A sign permit is required for exterior signage in accordance with the sign code, Chapter [18.42](#) KMC;

f. If a stand:

(1) The stand shall be located on a sidewalk or near a storefront consistent with barrier-free regulations;

(2) The stand location on the sidewalk or near a storefront shall provide for at least four feet of unobstructed sidewalk between the stand and the sidewalk edge for pedestrian movement.

28. Each *use* is limited to maximum 5,000 square feet per *use* and 15,000 square feet total contiguous.

IX. Section 18.23.020 KMC is amended to read as follows:

18.23.020 Community business zone west subarea – Use allowances.

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

Table A. Community Business Zone West Subarea Use Allowances

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

Table A. Community Business Zone West Subarea Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Educational service³</i>	<i>Laboratory</i>	<i>Auction house</i>
<i>Family child-care home⁴</i>	<i>Recreational facility, indoor</i>	<i>Automotive sales and service, marine</i>
<i>Health care and social assistance⁵</i>	<i>Regional land use</i>	<i>Automotive sales and service, non-marine</i>
<i>Multiple-family dwelling</i>	<i>Religious institution</i>	<i>Business service, intensive</i>
<i>Office</i>	<i>Supportive living facility</i>	<i>Cemetery, columbarium, or mausoleum</i>
<i>Park</i>		<i>Construction and trade</i>
<i>Personal service²</i>		<i>Funeral home/crematory</i>
<i>Retail sales^{2,6}</i>		<i>Hospital</i>
		<i>Manufactured housing community</i>
<i>Single detached dwelling unit, existing legal⁷</i>		<i>Manufacturing, heavy</i>
<i>Standalone parking¹⁰</i>		<i>Manufacturing, light</i>
<i>Temporary lodging⁸</i>		<i>Marijuana Cannabis business</i>
<i>Utility facility⁹</i>		<i>Marijuana Cannabis cooperative</i>
		<i>Mobile food service</i>
		<i>Recreational facility, outdoor</i>
		<i>Resource land use</i>
		<i>Retail sales, bulk</i>
		<i>Secure facility</i>
		<i>Transportation</i>
		<i>Vehicle or equipment rental</i>
		<i>Vehicle refueling station</i>
		<i>Warehousing</i>

Table A. Community Business Zone West Subarea Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
		<i>Wholesale trade</i>

1. Artist studios permitted. All other *indoor arts, entertainment uses* require a *conditional use permit*, except theaters which are prohibited.
2. Permitted only as part of a *mixed use development* and must occupy 50 percent of the *ground floor* at *street frontage*. Each *use* is limited to maximum 5,000 square feet per *use* and 15,000 square feet total contiguous.
3. Arts and craft schools are a permitted use; all other *educational service uses* require a *conditional use permit*.
4. A *family child-care home* is permitted in an *existing legal single detached dwelling unit* subject to the requirements established by the Washington State Department of Early Learning (DEL) in WAC Title [170](#). The *family child-care home* shall meet the following requirements:
 - a. The family child-care provider shall be licensed by DEL to operate a *family child-care home*;
 - b. A safe passenger loading area shall be provided;
 - c. The *family child-care home* shall comply with all applicable building, fire, safety, and health codes enforced by the *City*;
 - d. The *family child-care home* shall comply with all applicable development standards of the *City*, unless determined to be legally nonconforming;
 - e. All signage shall conform to the applicable requirements of Chapter [18.42](#) KMC; and
 - f. The *City* has the authority to limit the hours of operation to facilitate neighborhood compatibility.
5. Social assistance *uses* and veterinary offices/clinics are conditionally permitted.

6. *Outdoor retail display/sidewalk sales* and auto supply stores are prohibited.
7. Other *single detached dwelling units* are prohibited.
8. Bed and breakfast guesthouse only. *Hotels* and *motels* are prohibited.
9. *Private stormwater management facility* is a *permitted use*. Sewer lift stations and pipes/electrical wires and associated structure supports may be conditionally permitted. All other *utility facility uses* are prohibited.
10. Limited to *commuter parking lots* for users of transit, carpools or ride-share programs, provided the facilities are located on existing parking lots for *religious institutions*, schools, or other permitted nonresidential *uses* which have excess capacity available during commuting hours. All other *standalone parking uses* require a *conditional use permit*.

X. Section 18.23.025 KMC is amended to read as follows:

18.23.025 Community business zone Juanita subarea – Use allowances.

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

Table A. Community Business Zone Juanita Subarea Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Arts, entertainment, indoor¹</i>	<i>Ambulatory surgery center</i>	<i>Adult entertainment business</i>
<i>Business service, standard</i>	<i>Automotive sales and service, marine⁷</i>	<i>Air transportation service</i>
<i>Day care</i>	<i>Automotive sales and service, non-marine⁷</i>	<i>Animal kennel/shelter</i>
<i>Eating and drinking place²</i>	<i>Community residential facility</i>	<i>Arts, entertainment, outdoor</i>
<i>Educational service²</i>	<i>Fire or police facility</i>	<i>Auction house</i>
<i>Health care and social assistance³</i>	<i>Laboratory</i>	<i>Business service, intensive</i>
<i>Mobile food service⁴</i>	<i>Manufacturing, light</i>	<i>Cemetery, columbarium, or mausoleum</i>

Table A. Community Business Zone Juanita Subarea Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Multiple-family dwelling⁵</i>	<i>Recreational facility, indoor</i>	<i>College/university</i>
<i>Office</i>	<i>Religious institution</i>	<i>Construction and trade</i>
<i>Park</i>	<i>Supportive living facility</i>	<i>Family child-care home</i>
<i>Personal service²</i>	<i>Vehicle refueling station</i>	<i>Funeral home/crematory</i>
<i>Retail sales²</i>		<i>Hospital</i>
<i>Standalone parking⁸</i>		<i>Manufactured housing community</i>
<i>Temporary lodging⁶</i>		<i>Manufacturing, heavy</i>
		<i>Marijuana Cannabis business</i>
		<i>Marijuana Cannabis cooperative</i>
		<i>Recreational facility, outdoor</i>
		<i>Regional land use</i>
		<i>Resource land use</i>
		<i>Retail sales, bulk</i>
		<i>Secure facility</i>
		<i>Single detached dwelling unit</i>
		<i>Transportation</i>
		<i>Utility facility</i>
		<i>Vehicle or equipment rental</i>
		<i>Warehousing</i>
		<i>Wholesale trade</i>

1. Artist studios are permitted. All other *indoor arts, entertainment uses* require a *conditional use permit*.
2. Each *use* is limited to maximum 5,000 square feet per *use* and 15,000 square feet total contiguous.
3. Veterinary clinics subject to the following:

- a. No outdoor kennels or facilities;
- b. No burning of refuse or dead animals is allowed;
- c. The portion of the *building* or structure in which animals are kept or treated shall be soundproofed. All run areas, excluding *confinement areas* for *livestock*, shall be surrounded by an eight-foot solid wall and surfaced with concrete or other impervious material; and
- d. The provisions of Chapter [18.70](#) KMC relative to animal keeping are met.

4. *Mobile food service* is permitted subject to the following requirements:

- a. No permanent fencing, walls, or other *structures* shall be installed which hinder removal of the *structure* from the *site*;
- b. No required parking stall shall be blocked or rendered unusable as a result of the mobile vendor;
- c. Safe ingress and egress shall be maintained. Visibility for transportation and pedestrian access shall be maintained;
- d. The limited duration of the mobile vendor shall be established as a condition of approval of any applicable permits;
- e. A sign permit is required for exterior signage in accordance with the sign code, Chapter [18.42](#) KMC;
- f. If a stand:

- (1) The stand shall be located on a sidewalk or near a storefront consistent with barrier-free regulations;
- (2) The stand location on the sidewalk or near a storefront shall provide for at least four feet of unobstructed sidewalk between the stand and the sidewalk edge for pedestrian movement.

5. Only as part of a *mixed use development* subject to the conditions of Chapter [18.50](#) KMC.
6. Bed and breakfast guesthouse only. *Hotels* and *motels* are prohibited.
7. Automotive sales are prohibited. Repair or service shall only be performed in an enclosed *building*, with no *outdoor storage* of materials. Top, body, and upholstery repair shops, paint shops, and tire retreading are prohibited, as is *heavy equipment and truck repair*.
8. Limited to *commuter parking lots* for users of transit, carpools or ride-share programs, provided the facilities are located on existing parking lots for *religious institutions*, schools, or other permitted nonresidential *uses* which have excess capacity available during commuting hours. All other *standalone parking uses* require a *conditional use permit*.

XI. Section 18.24.020 KMC is amended to read as follows:

18.24A.020 Use allowances.

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

Table A. Urban Residential Zone Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Day care</i>	<i>Arts, entertainment, indoor¹</i>	<i>Adult entertainment business</i>
<i>Eating and drinking place¹</i>	<i>Business service, standard¹</i>	<i>Air transportation service</i>
<i>Educational service¹</i>	<i>Health care and social assistance¹</i>	<i>Ambulatory surgery center</i>
<i>Mobile food service²</i>	<i>Manufacturing, light^{1, 3}</i>	<i>Animal kennel/shelter</i>
<i>Multiple-family dwelling⁴</i>	<i>Park</i>	<i>Arts, entertainment, outdoor</i>
<i>Office¹</i>	<i>Personal service¹</i>	<i>Auction house</i>
	<i>Recreational facility, indoor¹</i>	<i>Automotive sales and service, marine</i>

Table A. Urban Residential Zone Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
	<i>Regional land use</i>	<i>Automotive sales and service, non-marine</i>
	<i>Retail sales^{1,3}</i>	<i>Business service, intensive</i>
	<i>Temporary lodging¹</i>	<i>Cemetery, columbarium or mausoleum</i>
		<i>College/university</i>
		<i>Community residential facility</i>
		<i>Construction and trade</i>
		<i>Family child-care home</i>
		<i>Fire or police facility</i>
		<i>Funeral home/crematory</i>
		<i>Hospital</i>
		<i>Laboratory</i>
		<i>Manufactured housing community</i>
		<i>Manufacturing, heavy</i>
		<i>Marijuana Cannabis business</i>
		<i>Marijuana Cannabis cooperative</i>
		<i>Recreational facility, outdoor</i>
		<i>Religious institution</i>
		<i>Resource land use</i>
		<i>Retail sales, bulk</i>
		<i>Secure facility</i>
		<i>Single detached dwelling unit</i>
		<i>Standalone parking</i>
		<i>Supportive living facility</i>
		<i>Transportation</i>
		<i>Utility facility</i>

Table A. Urban Residential Zone Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
		<i>Vehicle or equipment rental</i>
		<i>Vehicle refueling station</i>
		<i>Warehousing</i>
		<i>Wholesale trade</i>

1. 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. *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.

3. No *outdoor storage* of materials shall be permitted.
4. A standalone *townhouse* development is prohibited.

XII. Section 18.25.020 KMC is amended to read as follows:

18.25.020 Downtown commercial zone – Use allowances.

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

Table A. Downtown Commercial Zone Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Adult entertainment business</i> ¹	<i>Air transportation service</i>	<i>Animal kennel/shelter</i>
<i>Arts, entertainment, indoor</i>	<i>Ambulatory surgery center</i>	<i>Business service, intensive</i>
<i>Arts, entertainment, outdoor</i> ²	<i>College/university</i>	<i>Cemetery, columbarium or mausoleum</i>
<i>Auction house, existing</i> ³	<i>Community residential facility</i>	<i>Construction and trade</i>
<i>Automotive sales and service, marine, existing legal</i> ⁴	<i>Fire or police facility</i>	<i>Family child-care home</i>
<i>Automotive sales and service, non-marine, existing legal</i> ⁴	<i>Hospital</i>	<i>Funeral home/crematory</i>
<i>Business service, standard</i>	<i>Laboratory</i>	<i>Manufacturing, heavy</i>
<i>Day care</i>	<i>Religious institution</i>	<i>Manufacturing, light</i>
<i>Eating and drinking place</i>	<i>Utility facility</i> ¹⁶	<i>Marijuana Cannabis business</i>
<i>Educational service</i> ⁵		<i>Marijuana Cannabis cooperative</i>
<i>Health care and social assistance</i> ^{6,7}		<i>Recreational facility, outdoor</i>

Table A. Downtown Commercial Zone Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Manufactured housing community</i> ¹⁷		<i>Resource land use</i>
<i>Mobile food service</i> ⁸		<i>Retail sales, bulk</i>
<i>Multiple-family dwelling</i> ⁹		<i>Secure facility</i>
<i>Office</i>		<i>Single detached dwelling unit</i>
<i>Park</i>		<i>Supportive living facility</i>
<i>Personal service</i>		<i>Transportation</i>
<i>Recreational facility, indoor</i>		<i>Warehousing</i>
<i>Regional land use</i> ¹⁰		<i>Wholesale trade</i>
<i>Retail sales</i> ¹¹		
<i>Standalone parking</i> ¹²		
<i>Temporary lodging</i> ¹³		
<i>Vehicle or equipment rental</i> ¹⁴		
<i>Vehicle refueling station</i> ¹⁵		

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

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

f. Publicly dedicated *trail*; provided, however, that the setback distance shall apply only on the south side of the Burke-Gilman Trail, and that there shall be no setback on the north side of that trail due to the separation provided by SR-522;

g. Sports fields or playgrounds;

h. Recreation or community center;

i. *Religious institution*;

j. Public library.

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

2. Outdoor performance center permitted when located west of 68th Avenue NE and associated with a plaza open to the public, and space is made available for general public passive or active use during non-performance hours.

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

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

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

- c. Screening of *outdoor storage* and parking areas consistent with Kenmore downtown design standard parking lot screening requirements, KMC [18.52.180](#);
- d. Provision of sidewalks along property frontages in the public rights-of-way, or other measures deemed by the *City* to adequately protect pedestrians traveling along property frontages; and
- e. Ensures that expanded accessory parking area is not used for storage.

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

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

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

Automotive sales are prohibited unless accessory to an *existing legal* automotive repair or service *use* and consistent with the following: (a) motor vehicles for sale or lease shall not be arranged in a display lot fashion along the primary *street frontage*, and (b) shall be a subordinate and incidental part of the automotive repair or service *use*, and (c) shall be subject to Chapter [18.52](#) KMC, Design Standards, regarding screening, location and other relevant standards.

5. Arts and crafts schools permitted. All other *educational service uses* are conditionally permitted.

6. Veterinary clinics subject to the following:

- a. No outdoor kennels or facilities;

- b. No burning of refuse or dead animals is allowed;

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

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

7. *Social services, noncorrectional* is a permitted *use*. *Social services, correctional* is a conditionally permitted *use*.

8. *Mobile food service* is permitted subject to the following requirements:

- a. No permanent fencing, walls, or other *structures* shall be installed which hinder removal of the *structure* from the *site*;

- b. No required parking stall shall be blocked or rendered unusable as a result of the mobile vendor;
- c. Safe ingress and egress shall be maintained. Visibility for transportation and pedestrian access shall be maintained;
- d. The limited duration of the mobile vendor shall be established as a condition of approval of any applicable permits;
- e. A sign permit is required for exterior signage in accordance with the sign code, Chapter [18.42](#) KMC;
- f. If a stand:
 - (1) The stand shall be located on a sidewalk or near a storefront consistent with barrier-free regulations;
 - (2) The stand location on the sidewalk or near a storefront shall provide for at least four feet of unobstructed sidewalk between the stand and the sidewalk edge for pedestrian movement.
- 9. When located on property fronting on SR-522, 73rd Avenue NE, NE 181st Street west of 68th Avenue NE, 65th Avenue NE, 67th Avenue NE, or 68th Avenue NE, such *uses* shall be subject to the following conditions:
 - a. A minimum of 80 percent of a *structure's* street front facade at street level shall be occupied by nonresidential (e.g., retail, office or service) *uses*. If the nonresidential and residential *uses* are located in separate structures, the 80 percent requirement shall apply to the lot's lineal *street frontage* at street level. Where the *lot* fronts on two or more *streets* and abuts a *lot* which is not zoned commercial, the street front facade requirement shall apply to the *structure's* facade along the *street* with the greatest continuous lineal feet of commercially zoned frontage.
 - b. The required nonresidential *use* shall extend at least 30 feet in depth at street level from the street front facade of the *structure*; provided, that the minimum required depth may be averaged, with no depth less than 15 feet.

c. Where a *lot* fronts on two or more *streets* and only abuts *lots* which are zoned commercial, the street front facade requirement shall be calculated by totaling the combined street front facades of the *structure* containing the required nonresidential *use*.

10. *Transit center* only permitted. All other *regional land uses* are prohibited. *Transit centers* shall be located a maximum distance of 1,200 lineal feet measured from the center line of SR-522 to the furthestmost point of the *transit center*.

11. *Outdoor retail displays/sidewalk sales* also are permitted subject to:

a. The *outdoor retail display/sidewalk sale* shall be accessory to a permitted permanent commercial *use*;

b. Fire lanes shall remain fully open and accessible at all times;

c. The location on sidewalk or near storefront is barrier-free;

d. No required parking stall shall be blocked or unusable as a result of the *outdoor retail display/sidewalk sale*;

e. Safe ingress and egress to the *site* shall be maintained. Visibility for transportation and pedestrian access shall be maintained;

f. Such display and activity is removed daily at the time of or prior to the close of business hours;

g. A sign permit is required for exterior signage in accordance with the sign code, Chapter [18.42](#) KMC.

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

b. All parking structures shall provide retail usages for at least 50 percent of the *ground floor street frontages*, consistent with Chapter [18.52](#) KMC, Design Standards.

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

13. Bed and breakfast guesthouse permitted only if part of a *mixed use development*.

14. Equipment rental is prohibited. Vehicle rental is permitted only when accessory to and contained within a structured parking garage. Automotive rental and leasing *uses* may also be permitted when accessory to an *existing legal* automotive service or *existing legal* automotive repair *use* and consistent with the following:

a. Motor vehicles for lease or rental shall not be arranged in a display lot fashion along the primary *street frontage*; and

b. Shall be a subordinate and incidental part of the automotive repair or automotive service business; and

c. Shall be subject to Chapter [18.52](#) KMC, Design Standards, regarding screening, location and other relevant standards. Otherwise prohibited.

15. *Existing legal* gasoline service stations are permitted. Other gasoline service stations are prohibited.

16. Limited to sewer lift stations and pipes/electrical wires and associated structural supports.

17. Limited to *manufactured housing communities* in existence as of April 23, 2019.

XIII. Section 18.25A.030 is amended to read as follows:

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

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

Table A. Urban Corridor West Subarea Use Allowances

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

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

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

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

² Provided:

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

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

³ Limited to indoor columbariums and mausoleums only.

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

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

⁶ Provided:

- a. No permanent fencing, walls, or other structures shall be installed which hinder removal of the structure from the site, unless the structure is permanently permitted.
- b. No required parking stall shall be blocked or rendered unusable as a result of the mobile vendor.
- c. Safe ingress and egress shall be maintained. Visibility for transportation and pedestrian access shall be maintained.
- d. The limited duration of the mobile vendor shall be established as a condition of approval of any applicable permits.
- e. A sign permit is required for exterior signage in accordance with the sign code, Chapter [18.42](#) KMC.

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

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

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

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

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

¹² Reserved.

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

XIV. Section 18.25A.040 KMC is amended to read as follows:

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

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

Table B. Urban Corridor East Subarea Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Adult entertainment business¹</i> <i>Ambulatory surgery center</i> <i>Animal kennel/shelter²</i> <i>Arts, entertainment, indoor</i> <i>Arts, entertainment, outdoor³</i> <i>Business service, standard</i> <i>Cemetery, columbarium or mausoleum⁴</i> <i>Community residential facility⁵</i> <i>Day care</i> <i>Eating and drinking place⁶</i> <i>Educational service</i> <i>Funeral home/crematory</i> <i>Health care and social assistance</i> <i>Laboratory⁷</i> <i>Manufacturing, light</i> <i>Marijuana Cannabis business</i> <i>Mobile food service⁸</i> <i>Multiple-family dwelling^{13,14}</i>	<i>College/university</i> <i>Fire or police facility</i> <i>Hospital⁵</i> <i>Laboratory⁷</i> <i>Regional land use⁵</i> <i>Retail sales, bulk^{5,10}</i>	<i>Air transportation service</i> <i>Arts, entertainment, outdoor³</i> <i>Auction house</i> <i>Automotive sales and service, marine</i> <i>Automotive sales and service, nonmarine</i> <i>Business service, intensive</i> <i>Community residential facility⁵</i> <i>Construction and trade</i> <i>Family child-care home</i> <i>Hospital⁵</i> <i>Manufactured housing community</i> <i>Manufacturing, heavy</i> <i>Marijuana Cannabis cooperative</i> <i>Recreational facility, outdoor³</i> <i>Regional land use⁵</i> <i>Resource land use</i>

Table B. Urban Corridor East Subarea Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Office</i> <i>Park</i> <i>Personal service</i> <i>Recreational facility, indoor</i> <i>Recreational facility, outdoor</i> ^{3,9} <i>Religious institution</i> <i>Retail sales</i> <i>Retail sales, bulk</i> ^{5,10} <i>Standalone parking</i> ¹¹ <i>Supportive living facility</i> <i>Temporary lodging</i> <i>Vehicle refueling station</i> ¹²		<i>Retail sales, bulk</i> ⁵ <i>Secure facility</i> <i>Single detached dwelling unit</i> <i>Standalone parking</i> ¹¹ <i>Transportation</i> <i>Utility facility</i> <i>Vehicle or equipment rental</i> <i>Vehicle refueling station</i> ¹² <i>Warehousing</i> <i>Wholesale trade</i>

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

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

- g. Sports fields or playgrounds;
- h. Recreation or community center;
- i. *Religious institution*;
- j. Public library.

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

² Provided:

- a. No burning of refuse or dead animals is allowed;
- b. The portion of the *building* or *structure* in which animals are kept or treated shall be soundproofed. All run areas, excluding *confinement areas* for *livestock*, shall be surrounded by an eight-foot solid wall and surfaced with concrete or other impervious material;
- c. Outdoor runs shall be prohibited on properties adjacent to residential zones; and
- d. The provisions of Chapter [18.70](#) KMC relative to animal keeping shall be met.

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

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

⁵ Prohibited east of 80th Avenue NE.

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

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

⁸ Provided:

- a. No permanent fencing, walls, or other structures shall be installed which hinder removal of the structure from the site, unless the structure is permanently permitted.
- b. No required parking stall shall be blocked or rendered unusable as a result of the mobile vendor.
- c. Safe ingress and egress shall be maintained. Visibility for transportation and pedestrian access shall be maintained.
- d. The limited duration of the mobile vendor shall be established as a condition of approval of any applicable permits.
- e. A sign permit is required for exterior signage in accordance with the sign code, Chapter [18.42](#) KMC.

⁹ Campgrounds and RV parks shall not be permitted.

¹⁰ A *conditional use permit* is required if the building footprint is greater than 65,000 sq. ft.

¹¹ Prohibited east of 80th Avenue NE. Standalone surface parking lots for vehicles, boats or boat racks shall not exceed 10,000 sq. ft. in size west of 80th Avenue NE.

¹² Permitted only within 250 feet of the intersection of 80th Avenue NE and SR-522. Prohibited in other portions of the east subarea.

¹³ A standalone townhouse development is prohibited.

¹⁴ On *street frontages*, the following conditions apply:

- a. A minimum of 80 percent of the *structure's* street front facade at street level shall be occupied by nonresidential (e.g., retail, office or service) *uses*.

- b. The required nonresidential *uses* shall extend at least 30 feet in depth at street level from the street front facade of the *structure*; provided, that the minimum required depth may be averaged, with no depth less than 15 feet.

Exception: These requirements do not apply to multifamily structures containing 100 percent *affordable housing units*.

Exception: This section, as amended by Ordinance No. 23-0574, shall not apply to certain real properties located within the area of the transit oriented development (TOD) district overlay as identified in KMC [18.29.020](#) and Figure 18.29.020.1, and as further identified by the following tax parcel numbers (TPN): TPN 011410-0889, TPN 011410-0881, TPN 011410-0870, TPN 011410-0885, TPN 011410-0865, TPN 011410-0860, and TPN 011410-0855 (collectively, the “parcels”). This section adopted under Ordinance No. 19-0481 shall apply and remain in full force and effect for these parcels.

XV. Section 18.25B.020 is amended to read as follows:

18.25B.020 Use allowances.

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

Table A. Waterfront Commercial Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Adult entertainment business</i> ¹ <i>Ambulatory surgery center</i> <i>Animal kennel/shelter</i> ² <i>Arts, entertainment, indoor</i> <i>Arts, entertainment, outdoor</i> ³ <i>Automotive sales and service, marine</i> <i>Business service, standard</i> <i>Cemetery, columbarium or mausoleum</i> ⁴ <i>Community residential facility (CRF)</i>	<i>Air transportation service</i> <i>College/university</i> <i>Fire or police facility</i> <i>Hospital</i> <i>Laboratory</i> ⁶ <i>Regional land use</i>	<i>Auction house</i> <i>Automotive sales and service, nonmarine</i> <i>Business service, intensive</i> <i>Construction and trade</i> <i>Family child-care home</i> <i>Manufactured housing community</i> <i>Manufacturing, heavy</i> <i>Marijuana Cannabis cooperative</i> <i>Resource land use</i> <i>Retail sales, bulk</i>

Table A. Waterfront Commercial Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Day care</i> <i>Eating and drinking place⁵</i> <i>Educational service</i> <i>Funeral home/crematory</i> <i>Health care and social assistance</i> <i>Laboratory⁶</i> <i>Manufacturing, light</i> <i>Marijuana Cannabis business</i> <i>Mobile food service⁷</i> <i>Multiple-family dwelling⁸</i> <i>Office</i> <i>Park</i> <i>Personal service</i> <i>Recreational facility, indoor</i> <i>Recreational facility, outdoor^{3,9}</i> <i>Religious institution</i> <i>Retail sales</i> <i>Standalone parking¹⁰</i> <i>Supportive living facility</i> <i>Temporary lodging</i>		<i>Secure facility</i> <i>Single detached dwelling unit</i> <i>Utility facility</i> <i>Warehousing</i> <i>Wholesale trade</i>
<i>Transportation¹¹</i> <i>Vehicle or equipment rental¹²</i> <i>Vehicle refueling station</i>		

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

- a. Residentially zoned property;
- b. Public or *private* school for general education of any grade K through 12;
- c. School bus stop;

- d. Licensed *day care* or licensed preschool facility;
- e. Public *park*;
- f. Publicly dedicated *trail*; provided, however, that the *setback* distance shall apply only on the south side of the Burke-Gilman Trail, and that there shall be no *setback* on the north side of that trail due to the separation provided by Highway 522;
- g. Sports fields or playgrounds;
- h. Recreation or community center;
- i. *Religious institution*;
- j. Public library.

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

² Provided:

- a. No burning of refuse or dead animals is allowed;
- b. The portion of the *building* or *structure* in which animals are kept or treated shall be soundproofed. All run areas, excluding *confinement areas* for *livestock*, shall be surrounded by an eight-foot solid wall and surfaced with concrete or other impervious material;
- c. Outdoor runs shall be prohibited on properties adjacent to residential zones; and
- d. The provisions of Chapter [18.70](#) KMC relative to animal keeping shall be met.

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

⁴ Limited to indoor columbariums and mausoleums only.

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

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

⁷ Provided:

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

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

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

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

e. A sign permit is required for exterior signage in accordance with the sign code, Chapter [18.42](#) KMC.

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

⁹ Campgrounds and RV parks shall not be permitted.

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

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

¹² Equipment rental is prohibited.

XVI. Section 18.26.030 KMC is amended to read as follows:**18.26.030 Use allowances – Regional business north subarea.**

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

Table A. Regional Business North Subarea Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Adult entertainment business¹</i> <i>Ambulatory surgery center</i> <i>Animal kennel/shelter²</i> <i>Arts, entertainment, indoor</i> <i>Arts, entertainment, outdoor</i> <i>Automotive sales and service, marine³</i> <i>Automotive sales and service, nonmarine⁴</i> <i>Business service, standard</i> <i>Community residential facility</i> <i>Construction and trade</i> <i>Day care</i> <i>Eating and drinking place⁵</i> <i>Educational service</i> <i>Fire or police facility</i> <i>Health care and social assistance</i> <i>Laboratory⁶</i> <i>Manufacturing, light</i> <i>Marijuana Cannabis business</i> <i>Mobile food service⁷</i> <i>Multiple-family dwelling⁸</i> <i>Office</i> <i>Park</i> <i>Personal service</i> <i>Recreational facility, indoor</i> <i>Religious institution</i> <i>Retail sales</i> <i>Standalone parking⁹</i> <i>Supportive living facility</i> <i>Temporary lodging</i>	<i>College/university</i> <i>Laboratory⁶</i> <i>Recreational facility, outdoor¹³</i> <i>Regional land use</i> <i>Utility facility</i>	<i>Air transportation service</i> <i>Auction house</i> <i>Automotive sales and service, nonmarine⁴</i> <i>Business service, intensive</i> <i>Cemetery, columbarium or mausoleum</i> <i>Family child-care home</i> <i>Funeral home/crematory</i> <i>Hospital</i> <i>Manufactured housing community</i> <i>Manufacturing, heavy</i> <i>Marijuana Cannabis cooperative</i> <i>Resource land use</i> <i>Retail sales, bulk</i> <i>Secure facility</i> <i>Single detached dwelling unit</i> <i>Vehicle or equipment rental¹¹</i> <i>Vehicle refueling station</i> <i>Warehousing</i>

Table A. Regional Business North Subarea Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Transportation</i> ¹⁰ <i>Vehicle or equipment rental</i> ¹¹ <i>Wholesale trade</i>		

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

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

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

² Provided:

- a. No burning of refuse or dead animals is allowed;
- b. The portion of the *building* or *structure* in which animals are kept or treated shall be soundproofed. All run areas, excluding *confinement areas* for *livestock*, shall be surrounded by an eight-foot solid wall and surfaced with concrete or other impervious material;
- c. Outdoor runs shall be prohibited on properties adjacent to residential zones; and
- d. The provisions of Chapter [18.70](#) KMC relative to animal keeping shall be met.

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

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

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

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

⁷ Provided:

- a. No permanent fencing, walls, or other structures shall be installed which hinder removal of the structure from the site, unless the structure is permanently permitted.
- b. No required parking stall shall be blocked or rendered unusable as a result of the mobile vendor.
- c. Safe ingress and egress shall be maintained. Visibility for transportation and pedestrian access shall be maintained.

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

e. A sign permit is required for exterior signage in accordance with the sign code, Chapter [18.42](#) KMC.

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

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

¹⁰ Trucking and freight hauling businesses are not permitted.

¹¹ Equipment rental is prohibited.

¹² Reserved.

¹³ Campgrounds and RV parks shall not be permitted.

XVII. Section 18.26.040 KMC is amended to read:

18.26.040 Use allowances – Regional business east subarea.

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

Table B. Regional Business East Subarea Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Adult entertainment business¹</i> <i>Ambulatory surgery center</i> <i>Animal kennel/shelter²</i> <i>Arts, entertainment, indoor</i> <i>Arts, entertainment, outdoor³</i> <i>Auction house⁴</i>	<i>College/university</i> <i>Hospital</i> <i>Laboratory⁸</i> <i>Regional land use</i> <i>Secure facility¹⁷</i> <i>Utility facility</i>	<i>Air transportation service</i> <i>Automotive sales and service, nonmarine⁵</i> <i>Business service, intensive</i> <i>Family child-care home</i> <i>Manufactured housing community</i>

Table B. Regional Business East Subarea Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Automotive sales and service, marine</i> <i>Automotive sales and service, nonmarine</i> ⁵ <i>Business service, standard</i> <i>Cemetery, columbarium or mausoleum</i> ⁶ <i>Community residential facility</i> <i>Construction and trade</i> <i>Day care</i> <i>Eating and drinking place</i> ⁷ <i>Educational service</i> <i>Fire or police facility</i> <i>Funeral home/crematory</i> <i>Health care and social assistance</i> <i>Laboratory</i> ⁸ <i>Manufacturing, light</i> <i>Marijuana Cannabis business</i> <i>Mobile food service</i> ⁹ <i>Multiple-family dwelling</i> ¹⁰ <i>Office</i> <i>Park</i> <i>Personal service</i> <i>Recreational facility, indoor</i> <i>Recreational facility, outdoor</i> ^{3,11} <i>Religious institution</i> <i>Retail sales</i> ¹² <i>Standalone parking</i> ¹³ <i>Supportive living facility</i> <i>Temporary lodging</i> <i>Transportation</i> ¹⁴ <i>Vehicle or equipment rental</i> <i>Warehousing</i> ¹⁵ <i>Wholesale trade</i>		<i>Manufacturing, heavy</i> <i>Marijuana Cannabis cooperative</i> <i>Resource land use</i> <i>Retail sales, bulk</i> <i>Single detached dwelling unit</i> <i>Vehicle refueling station</i>

¹ It shall be unlawful for any person to establish an *adult entertainment business* or to relocate an *adult entertainment business* within 330 feet, measured from the property line of the parcel or parcels proposed to contain the *adult entertainment business* to the

property line of the parcels containing the *uses* in this subsection, without regard to intervening *structures* or objects, of any:

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

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

² Provided:

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

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

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

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

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

⁴ Excluding animal auctions.

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

⁶ Limited to indoor columbariums and mausoleums.

⁷ *Social card games*, as defined by this title, are prohibited.

⁸ *Laboratories* that must comply with special containment procedures for large quantities of hazardous materials are subject to a *conditional use permit*.

⁹ Provided:

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

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

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

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

e. A sign permit is required for exterior signage in accordance with the sign code, Chapter [18.42](#) KMC.

¹⁰ Allowed only as part of a *mixed use development* subject to the conditions of Chapter [18.50](#) KMC.

¹¹ Campgrounds and RV parks shall not be permitted.

¹² Allowed only as part of a *mixed use development*.

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

¹⁴ Trucking and freight hauling businesses are not permitted.

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

¹⁶ Reserved.

¹⁷ Jails are prohibited. *Secure community transition facilities* as defined in RCW [71.09.020](#) are subject to the following restrictions:

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

b. Siting Criteria.

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

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

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

(b) Adjacent to, immediately across a street or parking lot from, or within the line of sight of a “risk potential activity” as defined in RCW [71.09.020](#), as amended, including, but not

limited to, public and private schools; school bus stops; licensed *day care* and licensed preschool facilities; public *parks*, publicly dedicated *trails* and sports fields; recreational and community centers; playgrounds; *religious institutions*; and public libraries.

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

(3) The distances specified in subsection (17)(b)(2) of this footnote shall be measured by following a straight line from the nearest point of the property parcel upon which the SCTF is to be located to the nearest point of the parcel of property or land use district boundary line from which the proposed land use is to be separated.

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

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

(1) The siting process used for the SCTF, including alternative locations considered. At least three alternative locations must be considered.

(2) An analysis showing that utmost consideration was given to potential sites such that siting of the facility will have no unreasonable impact on any one racial, cultural, or socio-economic group, and that there will not be a resulting concentration of similar facilities in a particular neighborhood, community, jurisdiction or region.

(3) Proposed mitigation measures including the use of extensive buffering from adjacent uses.

(4) A detailed security plan for the facility and the residents.

(5) Proposed operating rules for the facility.

(6) A schedule and analysis of all public input solicited or to be solicited during the siting process.

XVIII. Section 18.26.050 is amended to read as follows:

18.26.050 Use allowances – Regional business west subarea.

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

Table C. Regional Business West Subarea Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Adult entertainment business¹</i> <i>Ambulatory surgery center</i> <i>Arts, entertainment, indoor</i> <i>Arts, entertainment, outdoor</i> <i>Automotive sales and service, marine²</i> <i>Business service, standard</i> <i>Community residential facility</i> <i>Day care</i> <i>Eating and drinking place³</i> <i>Educational service</i> <i>Fire or police facility</i> <i>Health care and social assistance</i> <i>Laboratory⁴</i> <i>Marijuana Cannabis business</i> <i>Mobile food service⁵</i> <i>Multiple-family dwelling⁶</i> <i>Office</i>	<i>College/university</i> <i>Laboratory⁴</i> <i>Manufacturing, light</i> <i>Regional land use</i>	<i>Air transportation service</i> <i>Animal kennel/shelter</i> <i>Auction house</i> <i>Automotive sales and service, nonmarine</i> <i>Business service, intensive</i> <i>Cemetery, columbarium or mausoleum</i> <i>Construction and trade</i> <i>Family child-care home</i> <i>Funeral home/crematory</i> <i>Hospital</i> <i>Manufactured housing community</i> <i>Manufacturing, heavy</i> <i>Marijuana Cannabis cooperative</i> <i>Resource land use</i> <i>Retail sales, bulk</i> <i>Secure facility</i>
<i>Park</i> <i>Personal serviceRecreational facility, indoor</i> <i>Recreational facility, outdoor⁷</i> <i>Religious institution</i> <i>Retail sales⁸</i> <i>Standalone parking⁹</i> <i>Supportive living facility</i> <i>Temporary lodging</i> <i>Transportation¹⁰</i> <i>Vehicle or equipment rental¹¹</i> <i>Vehicle refueling station¹²</i>		<i>Single detached dwelling unit</i> <i>Utility facility</i> <i>Warehousing</i> <i>Wholesale trade</i>

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

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

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

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

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

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

⁵ Provided:

- a. No permanent fencing, walls, or other structures shall be installed which hinder removal of the structure from the site, unless the structure is permanently permitted.
- b. No required parking stall shall be blocked or rendered unusable as a result of the mobile vendor.
- c. Safe ingress and egress shall be maintained. Visibility for transportation and pedestrian access shall be maintained.
- d. The limited duration of the mobile vendor shall be established as a condition of approval of any applicable permits.
- e. A sign permit is required for exterior signage in accordance with the sign code, Chapter [18.42](#) KMC.

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

⁷ Campgrounds and RV parks shall not be permitted.

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

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

¹⁰ Only passenger transportation uses are permitted.

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

¹² Allowed only as an accessory to a permitted use.

XIX. Section 18.27.020 KMC is amended to read as follows:

18.27.020 Public and semi-public zone – Use allowances.

A. The following *uses* listed in Table A are identified as *permitted*, conditionally permitted, or *prohibited uses* in the public and semi-public zone:

Table A. Public and Semi-Public Zone Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Arts, entertainment, indoor</i>	<i>College/university</i>	<i>Marijuana Cannabis business</i>
<i>Arts, entertainment, outdoor¹</i>	<i>Construction and trade⁴</i>	<i>Marijuana Cannabis cooperative</i>
<i>Educational service</i>		<i>Regional land use⁵</i>
<i>Fire or police facility</i>		<i>Secure facility</i>
<i>Multiple-family dwelling^{6,7}</i>		
<i>Office²</i>		
<i>Park</i>		
<i>Recreational facility, indoor</i>		
<i>Recreational facility, outdoor</i>		
<i>Standalone parking³</i>		
<i>Utility facility</i>		

1. Except outdoor performance center which is conditionally permitted.
2. Limited to *public agency offices*.
3. Limited to commuter parking facilities for users of transit, carpools or ride-share programs. Standalone parking garages shall be part of a *mixed use development* and shall use techniques such as architectural screening treatments and/or “wrapping” of the building with other uses to mitigate the visual impacts of the garage.
4. Limited to *public agency* maintenance yards or facilities.
5. Landfill and transfer station are specifically prohibited. Consideration of all other *regional land uses* shall follow the process outlined in KMC Section [18.27.060](#).
6. Limited to: (a) developments sponsored by a *public agency* on properties abutting SR-522 containing at least 25 percent *very-low* or *low-income affordable housing units*; or (b) developments on surplus *public agency* property. Developments containing *very-*

low or low-income affordable housing units shall meet the standards of Chapter [18.77](#) KMC.

7. A standalone townhouse development is prohibited on properties abutting SR-522.

B. Classified land *uses* not listed or prohibited in Table A may be allowed through completion of a site plan review process pursuant to KMC [18.27.060](#) and Chapter [18.105](#) KMC.

C. *Uses* Established by *Master Plan*. Adopted *master plans* that specify *uses* include the following:

1. Bastyr University Master Plan, December 2009, approved by *City Ordinance* 09-0304.

XX. Section 18.28.020 KMC is amended to read as follows:

18.28.020 Parks zone – Use allowances.

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

Table A. Parks Zone Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Arts, entertainment, indoor</i>		<i>Marijuana Cannabis business</i>
<i>Arts, entertainment, outdoor</i>		<i>Marijuana Cannabis cooperative</i>
<i>Construction and trade</i> ¹		
<i>Mobile food service</i> ²		
<i>Office</i> ³		
<i>Park</i>		
<i>Recreational facility, indoor</i>		
<i>Recreational facility, outdoor</i>		
<i>Single detached dwelling unit</i> ⁴		

Table A. Parks Zone Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Utility facility</i>		

1. *City* maintenance facility only.
 2. *Mobile Food Service* Requirements.
 - a. No permanent fencing, walls, or other *structures* are installed which hinder removal of the *mobile food service* from the *site*;
 - b. No required parking stall shall be blocked or rendered unusable as a result of the *mobile food service*;
 - c. Safe ingress and egress shall be maintained. Visibility for transportation and pedestrian access shall be maintained;
 - d. The duration of the *mobile food service* shall be established as a condition of approval of any applicable permits;
 - e. A sign permit is required for exterior signage in accordance with the sign code, Chapter [18.42](#) KMC.
 3. *City office* only.
 4. One *dwelling unit* allowed per existing legal *lot* as of December 11, 2006.
- B. Classified land *uses* not listed or prohibited in Table A may be allowed through completion of a site plan review process pursuant to KMC [18.28.060](#) and Chapter [18.105](#) KMC. Proponents of projects that include land *uses* of different sizes or dimensions than those allowed in Table A may also request allowance of such *uses* pursuant to KMC [18.28.060](#) and Chapter [18.105](#) KMC.

XXI. Section 18.28A.020 KMC is amended to read as follows:

18.28A.020 Golf course zone – Use allowances.

A. The following *uses* listed in Table A are identified as *permitted*, conditionally permitted, or *prohibited uses* in the golf course zone:

Table A. Golf Course Zone Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
Arts, entertainment, indoor	Arts, entertainment, outdoor	Marijuana Cannabis business
Park		Marijuana Cannabis cooperative
Recreational facility, indoor		Multiple-family dwelling
Recreational facility, outdoor		Single detached dwelling unit
Utility facility		

B. Classified land *uses* not listed or prohibited in Table A may be allowed through completion of a site plan review process pursuant to KMC [18.28A.060](#) and Chapter [18.105](#) KMC.

XXII. Section 18.29.040 KMC is amended to read as follows:

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

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

Permitted	Conditionally Permitted	Prohibited
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
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 ⁶	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 Cannabis business
		Recreational facility, outdoor
		Resource land use
		Retail sales, bulk
		Secure facility
		Single detached dwelling unit
		Standalone parking
		Transportation

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

Permitted	Conditionally Permitted	Prohibited
		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, or 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.

XXIII. Section 18.30.112 KMC is amended to read as follows:

18.30.112 Marijuana Cannabis businesses – Standards.

Nothing in this code or the ordinances of the City shall be construed as an authorization to violate any federal law. Affirmative terminology used in this section regarding permitting, licensing, authorization, and similar terms shall not be construed as approval, support, endorsement, or encouragement of the activities addressed in this code or City ordinances with regard to *marijuana cannabis businesses*. Such terms shall instead be construed only to describe circumstances under which there is conditional absence of local prohibition. The City does not intend to aid, abet, counsel, command, induce or procure any offense against the United States. The City also does not intend to conspire with any *marijuana cannabis producer, processor, researcher, or retailer* to commit any offense against the United States. The purpose of all regulations relating to *marijuana cannabis businesses* is to establish local laws which protect public safety, health and welfare to the greatest extent allowed by a Washington State law that cannot be reconciled with federal law. Nothing herein shall be construed to supersede federal law prohibiting the possession, use, manufacture, or sale of *marijuana cannabis*.

The following standards shall apply to *marijuana cannabis businesses*:

- A. No person or entity may apply for, receive or maintain a permit to locate a *marijuana cannabis business* in the City unless that person or entity holds a valid *marijuana cannabis business license* from the Washington State Liquor and Cannabis Board verifying that the business complies with Chapter [314-55](#) WAC and all state laws relating to *marijuana cannabis businesses*. A *marijuana cannabis business* with an active administrative violation

notice from the Washington State Liquor and Cannabis Board and/or a suspended license shall not be permitted to locate in the City until the violation is resolved and/or any associated fines have been paid or suspensions concluded.

B. *Marijuana Cannabis* businesses shall maintain a 1,000-foot separation from the perimeter of the grounds of any of the following entities:

1. Elementary or secondary school;
2. Playground;
3. Recreation center or facility;
4. Child care center;
5. Public park;
6. Public transit center;
7. Library;
8. Any game arcade (where admission is not restricted to persons age 21 or older);
9. Properties owned or under contract by a public entity such as a school district or the City where a future elementary or secondary school or public park is planned when such plans have been approved or adopted by the public entities' governing authority; or
10. Another *marijuana cannabis* business, except that a *marijuana cannabis* researcher shall not have this particular separation requirement.

Definitions of subsections (B)(1) through (8) of this section, and the methodology for measuring the buffers outlined above, shall be as provided in Chapter [314-55](#) WAC.

C. *Marijuana Cannabis* businesses shall not be located on a parcel any portion of which is within 200 feet of a residential zone (R-1, R-4, R-6, R-12, R-18, R-24, R-48, or UR).

D. *Marijuana Cannabis* producers or *marijuana cannabis* processors shall not be located in a building that includes residential uses.

E. Outdoor *marijuana cannabis* production shall be prohibited.

F. Drive-through *marijuana cannabis* retail sales shall be prohibited.

G. Signage for *marijuana cannabis* businesses shall comply with Chapter [18.42](#) KMC and Chapter [314-55](#) WAC. In the event of a conflict between these regulations, the more restrictive regulation shall apply.

H. A *marijuana cannabis* business shall have a valid City business license.

I. By accepting a permit issued pursuant to this section, the licensee, its owners, officers, operators, and employees, waives and releases the City, its officers, officials, employees, volunteers and agents from any and all liability for injuries, damages, suits or liabilities, including attorneys' fees, that result from any arrest or prosecution of licensees' owners, officers, operators, employees, clients or customers for a violation of federal, State or local laws and regulations.

J. By accepting a permit issued pursuant to this chapter, the licensee, its owners, officers, operators, and employees, indemnifies, defends and holds harmless the City, its officers, officials, employees, volunteers, agents, insurers and self-insurance pool against any and all liability, claims, injuries, damages, losses or suits, including attorneys' fees, arising out of or in any manner connected with the *marijuana cannabis* business that is the subject of the license.

K. In addition to any other applicable remedy and/or penalty, any violation by a licensee, and persons associated with licensee as described in subsections I and J of this section, of this code or City ordinances is declared to be a public nuisance per se, and may be abated by the City under the applicable provisions of this code or State law including, but not limited to, Chapter [1.20](#) KMC.



City Council Agenda Bill City of Kenmore, WA

Subject/Topic: Public Hearing and adoption of Ordinance No. 24-0608. Proposed Council Action/Motion: Public Hearing and adoption of Ordinance No. 24-0608 to amend Chapter 18.20 of the Kenmore Municipal Code (KMC) to update the definitions of "Family" and "Adult family home."	For Council Meeting Agenda of: 06/17/2024 Department: Development Services Prepared by: Reilly Rosbotham, Planner Samantha Loyuk, DS Director <table><tr><td></td><td>Initial & Date</td></tr><tr><td>Approved by Department Head:</td><td>SL 5/31/2024</td></tr><tr><td>Approved by City Attorney:</td><td>DR 5/31/2024</td></tr><tr><td>Approved by Finance Director:</td><td>MM 6/3/2024</td></tr><tr><td>Approved by City Manager:</td><td>RK 6/3/2024</td></tr></table> Attachments/Exhibits: 1. Ordinance no. 24-0608 2. Exhibit A to Ordinance no. 24-0608 - Amended Code Sections		Initial & Date	Approved by Department Head:	SL 5/31/2024	Approved by City Attorney:	DR 5/31/2024	Approved by Finance Director:	MM 6/3/2024	Approved by City Manager:	RK 6/3/2024
	Initial & Date										
Approved by Department Head:	SL 5/31/2024										
Approved by City Attorney:	DR 5/31/2024										
Approved by Finance Director:	MM 6/3/2024										
Approved by City Manager:	RK 6/3/2024										
Summary: Technical changes are made to Chapter 18.20 of the KMC to update the definitions of "Family" and "Adult family home." The purpose of the code amendment is to remove the limit on the number of unrelated persons occupying a household or dwelling unit, in order to comply with RCW 35.21.682. The code amendment will also update the definition of "Adult family home" in order to allow up to eight adult residents, which is consistent with the definition in RCW 70.128.010.											
Information/Background: Currently, the KMC excludes groups of greater than eight residents living together as a single housekeeping unit who are not related by blood or marriage from the definition of "Family." The KMC definition of "Dwelling unit" means "one or more rooms designed for occupancy by a person or family for living and sleeping purposes [...]." Based on the current definitions, the KMC limits occupancy of a dwelling unit to up to eight unrelated persons. In 2021, the WA state legislature passed Engrossed State Senate Bill (ESSB) 5235, which prohibits cities from regulating or limiting the number of unrelated persons that may occupy a household or dwelling unit, on the basis that occupant limits on households worsen the state housing crisis by preventing full utilization of homes, discriminate against nontraditional households, and provide no public benefit. State law still allows occupant limits on group living arrangements regulated under											

state law or on short-term rentals, and any lawful limits on occupant load per square foot or health and safety provisions as established by applicable building code or city ordinance.

The proposed code amendment removes the eight-person limit on unrelated residents from the definition of “Family” in order to comply with state code and to allow full utilization of homes.

Additionally, state law regulates adult family homes, which are community-based facilities licensed for up to six individuals who need long-term care. In 2020, the WA state legislature passed Engrossed Substitute House Bill (ESHB) 1023, which allows an increase in the adult family home’s bed capacity to seven or eight beds if the provider demonstrates that the home meets certain criteria, including financial solvency, management experience, and safety, health, and operating standards, including mitigation of potential traffic impacts.

Currently, the KMC definition of “Adult family home” means “a residential home in which a person or persons provide personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services, or as otherwise defined in Chapter 70.128 RCW.” The proposed code amendment adds a sentence to the definition of “Adult family home” allowing up to eight residents in compliance with state law.

Fiscal Consideration:

N/A.

City Council Priority or Budget Objective Being Addressed:

City Council Priority #1: Increase and preserve the options for affordable housing.

City Council Priority #5: Implement the Diversity, Equity, Inclusion, and Accessibility (DEIA) Strategic Plan.

City Council Priority #7: Support public safety and social justice reform.

**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 24-0608**

**AN ORDINANCE OF THE CITY OF KENMMORE, WASHINGTON,
AMENDING SECTIONS 18.20.095 AND 18.20.1010 OF THE
KENMORE MUNICIPAL CODE TO AMEND THE DEFINITIONS OF
“FAMILY” AND “ADULT FAMILY HOME,” PROVIDING FOR
SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the Kenmore Municipal Code (“KMC”) defines “Family” and “Adult family home” as well as a range of related uses; and

WHEREAS, the KMC limits the number of unrelated residents living together as a single housekeeping unit to eight; and

WHEREAS, the KMC limits the number of persons receiving care at an adult family home to six; and

WHEREAS, in 2021, the Washington state legislature passed ESSB 5235, which prohibits cities from regulating or limiting the number of unrelated persons that may occupy a household or dwelling unit; and

WHEREAS, occupant limits on unrelated residents have been shown to worsen the housing crisis, discriminate against nontraditional households, and provide no public benefit; and

WHEREAS, in 2020, the Washington state legislature passed ESHB 1023, which allows an increase in adult family home capacity to seven or eight beds, provided the facility demonstrates compliance with certain criteria; and

WHEREAS, the City Council finds that the Proposed Amendments meet the criteria found in KMC Section 19.20.090; and

WHEREAS, the City sent notice of the Proposed Amendments to the Washington State Department of Commerce pursuant to RCW 36.70A.106; and

WHEREAS, on May 10, 2024, the City’s Responsible Official issued a Determination of Non-Significance pursuant to the State Environmental Policy Act in relation to the Proposed Amendments; and

WHEREAS, the City Council desires to adopt the Proposed Amendments and finds that such amendments are consistent with the goals, objectives and policies of the Comprehensive Plan; and

WHEREAS, the City Council finds that adoption of the Proposed Amendments is in the best interests of the residents of Kenmore and will promote the public health, safety and welfare of the City.

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

Section 1. Adoption. The City Council adopts the recitals set forth above as findings in support of this Ordinance, which are incorporated by reference as if set forth in full.

Section 2. Amendment. The City Council amends Title 18 of the Kenmore Municipal Code as set forth in Exhibit A, attached hereto and incorporated by reference as if set forth in full.

Section 3. 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 4. Effective Date. This Ordinance shall take effect and be in force five (5) days after the date of publication of this Ordinance.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON AT A REGULAR MEETING THEREOF THIS 17TH DAY OF JUNE, 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:

ORDINANCE NO. 24-0608

EXHIBIT A TO ORDINANCE NO. 24-0608**I. Section 18.20.095 KMC is amended to read as follows:****18.20.095 Adult family home.**

“Adult family home” means a residential home in which a person or persons provide personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services, or as otherwise defined in Chapter [70.128](#) RCW. An adult family home may provide services to up to eight adults upon approval from the Washington State Department of Social and Health Services pursuant to RCW [70.128.066](#).

II. Section 18.20.1010 KMC is amended to read as follows:**18.20.1010 Family.**

“Family” means an individual; two or more persons related by blood or marriage; a group of two or more disabled residents protected under the Federal Housing Act Amendments, who are not related by blood or marriage, living together as a single housekeeping unit; a group of ~~eight or fewer~~ residents, who are not related by blood or marriage, living together as a single housekeeping unit; or a group living arrangement where eight or fewer residents receive supportive services such as counseling, foster care, or medical supervision at the *dwelling unit* by resident or nonresident staff. For purposes of this definition, minors living with parent shall not be counted as part of the maximum number of residents.



City Council Business Agenda Item City of Kenmore, WA

Subject/Topic: Public Hearing and Resolution Adopting the 2025-2030 Six-Year Transportation Improvement Program	For Council Meeting Agenda of: June 17, 2024 Department: Public Works/Engineering Prepared by: John Vicente, PE										
Proposed Council Action/Motion: Public Hearing and Adoption of Resolution No. 24-413 for the 2025-2030 Six-Year Transportation Improvement Program	<table border="0" style="width: 100%;"> <tr> <td></td><td style="text-align: right;"><u>Initial & Date</u></td></tr> <tr> <td>Approved by Department Head:</td><td style="text-align: right;">JV 5/30/2024</td></tr> <tr> <td>Approved by City Attorney:</td><td style="text-align: right;">DR 5/29/2024</td></tr> <tr> <td>Approved by Finance Director:</td><td style="text-align: right;">NA</td></tr> <tr> <td>Approved by City Manager:</td><td style="text-align: right;">RK 5/31/2024</td></tr> </table> Exhibits/Attachments: A: Resolution No. 24-413		<u>Initial & Date</u>	Approved by Department Head:	JV 5/30/2024	Approved by City Attorney:	DR 5/29/2024	Approved by Finance Director:	NA	Approved by City Manager:	RK 5/31/2024
	<u>Initial & Date</u>										
Approved by Department Head:	JV 5/30/2024										
Approved by City Attorney:	DR 5/29/2024										
Approved by Finance Director:	NA										
Approved by City Manager:	RK 5/31/2024										

INFORMATION/BACKGROUND:

In accordance with RCW 35.77.010, the legislative body of each city in Washington State must prepare and adopt a six-year comprehensive transportation improvement program (TIP) annually. The TIP may also be modified at any time during the year as needed. The purpose of the TIP is to assure that each city “perpetually have available advanced plans looking to the future for not less than six years as a guide in carrying out a coordinated transportation program.” The 6-year TIP has been prepared and is attached to Resolution No 24-413 (Exhibit A).

A public hearing has been scheduled for June 17, 2024 to receive public comment and to consider adoption of the TIP.

The TIP provides a summary of potential transportation projects and funding for each project. The projects listed in the TIP are consistent with Transportation element of the City’s adopted Comprehensive Plan. The revenue sources are categorized into three groups: Local funds; reasonably secured Federal and State Funds; and funding not secured. The TIP is a planning document that is not fiscally constrained, meaning all funds identified do not need to be “in hand” to include a project in the TIP.

The recommended TIP continues the City’s emphasis on multimodal transportation safety such as maintaining our City infrastructure (including sidewalks and pavement), adding new sidewalks, and replacing/repairing existing infrastructure.

FISCAL CONSIDERATION:

Funding secured for projects are noted on the attached TIP. For projects with unsecured funding, additional local funds would be needed and/or Federal/State funding would be required to complete the projects. Staff will continue to actively pursue funding for those projects currently not fully funded. For those projects listed that do not get full funding during the Capital Improvement Program update, they will be pushed out to subsequent years with each TIP amendment.

COUNCIL PRIORITY:

Goal #3: Emphasize multimodal transportation implementation including pedestrian and bicycle Safety.

**CITY OF KENMORE
WASHINGTON
RESOLUTION NO. 24-413**

**A RESOLUTION OF THE CITY COUNCIL OF KENMORE,
WASHINGTON, ADOPTING THE 2025-2030 SIX-YEAR
TRANSPORTATION IMPROVEMENT PROGRAM.**

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

WHEREAS, on June 17, 2024, the City Council held a public hearing and took public comment on the proposed 2025-2030 Six-Year Transportation Improvement Program; and

WHEREAS, the City Council finds that the proposed 2025-2030 Six-Year Transportation Improvement Program is consistent with the Transportation Element of the City of Kenmore Comprehensive Plan, and includes the facilities, projects, programs and information required by RCW 35.77.010;

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

Section 1. Program Adopted. The 2025-2030 Six-Year Transportation Improvement Program for the City of Kenmore, attached as an Exhibit and incorporated by this reference, is approved and adopted.

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

PASSED BY THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON, AT A REGULAR MEETING THEREOF THIS 17th DAY OF JUNE 2024

CITY OF KENMORE

Nigel Herbig, Mayor

ATTEST/AUTHENTICATED:

Anastasiya Warhol, City Clerk

APPROVED AS TO FORM:

Dawn Reitan, City Attorney



CITY OF KENMORE

2025-2030 Transportation Improvement Program

Project name	Ped. Priority Number	Funding	Year							2025-2030 Totals	Project Totals
			Prior Years	2025	2026	2027	2028	2029	2030		
Burke Gilman Trail Accessibility Project	NA	Local	\$ 8,246							\$ -	\$ 8,246
		Federal/State	\$ 290,097	\$ 186,884	\$ 1,288,075	\$ 234,944				\$ 1,709,903	\$ 2,000,000
		Unsecured								\$ -	\$ -
		Subtotal	\$ 298,343	\$ 186,884	\$ 1,288,075	\$ 234,944	\$ -	\$ -	\$ -	\$ 1,709,903	\$ 2,008,246
ADA Transition Program	NA	Local	\$ 500,000	\$ 250,000	\$ 250,000	\$ 825,000	\$ 250,000	\$ 1,000,000	\$ 250,000	\$ 2,825,000	\$ 3,325,000
		Federal/State								\$ -	\$ -
		Unsecured								\$ -	\$ -
		Subtotal	\$ 500,000	\$ 250,000	\$ 250,000	\$ 825,000	\$ 250,000	\$ 1,000,000	\$ 250,000	\$ 2,825,000	\$ 3,325,000
Pavement Preservation Program	NA	Local	\$ 5,040,455	\$ 1,070,000	\$ 650,000	\$ 1,520,000	\$ 200,000	\$ 1,520,000	\$ 200,000	\$ 5,160,000	\$ 10,200,455
		Federal/State	\$ 1,275,351							\$ -	\$ 1,275,351
		Unsecured								\$ -	\$ -
		Subtotal	\$ 6,315,806	\$ 1,070,000	\$ 650,000	\$ 1,520,000	\$ 200,000	\$ 1,520,000	\$ 200,000	\$ 5,160,000	\$ 11,475,806
61st Ave NE Sidewalk Replacement Project, Phase 1	NA	Local	\$ 54,283	\$ 125,717	\$ 25,000					\$ 150,717	\$ 205,000
		Federal/State	\$ 283,737	\$ 1,080,528						\$ 1,080,528	\$ 1,364,265
		Unsecured		\$ 1,068,906	\$ 153,275					\$ 1,222,181	\$ 1,222,181
		Subtotal	\$ 338,020	\$ 2,275,151	\$ 178,275	\$ -	\$ -	\$ -	\$ -	\$ 2,453,426	\$ 2,791,446
80th Ave NE Pedestrian and Bicycle Project (SR522-NE 185th)	38, 51, 53, 107, 108, 117	Local	\$ 37,230	\$ 73,085	\$ 229,059	\$ 37,642				\$ 339,786	\$ 377,016
		Federal/State	\$ 339,190	\$ 657,761	\$ 1,225,685					\$ 1,883,446	\$ 2,222,636
		Unsecured								\$ -	\$ -
		Subtotal	\$ 376,420	\$ 730,846	\$ 1,454,744	\$ 37,642	\$ -	\$ -	\$ -	\$ 2,223,232	\$ 2,599,652
NE 181st St Sidewalk Project (61st Ave NE - 63rd Ave NE) - South Side	10, 44	Local				\$ 52,000				\$ 52,000	\$ 52,000
		Federal/State	\$ 75,000	\$ 250,000	\$ 1,175,000					\$ 1,425,000	\$ 1,500,000
		Unsecured								\$ -	\$ -
		Subtotal	\$ 75,000	\$ 250,000	\$ 1,175,000	\$ 52,000	\$ -	\$ -	\$ -	\$ 1,477,000	\$ 1,552,000
Lower Swamp Creek Bridge Replacement	NA	Local	\$ 4,403			\$ 45,597				\$ 45,597	\$ 50,000
		Federal/State	\$ 45,445	\$ 522,984	\$ 474,169	\$ 3,684,402				\$ 4,681,555	\$ 4,727,000
		Unsecured								\$ -	\$ -
		Subtotal	\$ 49,848	\$ 522,984	\$ 474,169	\$ 3,729,999	\$ -	\$ -	\$ -	\$ 4,727,152	\$ 4,777,000
NE Arrowhead Drive Sidewalk Project (NE 151st St - 64th Ave NE)	74	Local	\$ 68,372	\$ 62,210	\$ 226,980	\$ 54,150				\$ 343,340	\$ 411,712
		Federal/State	\$ 225,230	\$ 210,740	\$ 1,561,485					\$ 1,772,225	\$ 1,997,455
		Unsecured								\$ -	\$ -
		Subtotal	\$ 293,602	\$ 272,950	\$ 1,788,465	\$ 54,150	\$ -	\$ -	\$ -	\$ 2,115,565	\$ 2,409,167
80th Ave NE Corridor Project (NE 185th - NE 205th)	52, 72, 73, 82, 97, 105, 106, 109, 110, 115, 116, 122, 123, 127	Local								\$ -	\$ -
		Federal/State								\$ -	\$ -
		Unsecured		\$ 50,000	\$ 1,043,085	\$ 1,043,085	\$ 1,043,085	\$ 15,918,240	\$ 15,918,240	\$ 35,015,735	\$ 35,015,735
		Subtotal	\$ -	\$ 50,000	\$ 1,043,085	\$ 1,043,085	\$ 1,043,085	\$ 15,918,240	\$ 15,918,240	\$ 35,015,735	\$ 35,015,735
73rd Ave NE Pedestrian and Bicycle Project (NE 192nd St - City Limits) - East Side	7, 63	Local								\$ -	\$ -
		Federal/State								\$ -	\$ -
		Unsecured			\$ 250,000	\$ 304,840	\$ 300,000	\$ 4,000,000	\$ 1,395,000	\$ 6,249,840	\$ 6,249,840
		Subtotal	\$ -	\$ -	\$ 250,000	\$ 304,840	\$ 300,000	\$ 4,000,000	\$ 1,395,000	\$ 6,249,840	\$ 6,249,840
192nd St Sidewalk Project (73rd - 75th) - North Side	40	Local	\$ 7,500	\$ 8,890	\$ 112,459					\$ 121,349	\$ 128,849
		Federal/State	\$ 75,000	\$ 88,900	\$ 597,000					\$ 685,900	\$ 760,900
		Unsecured								\$ -	\$ -
		Subtotal	\$ 82,500	\$ 97,790	\$ 709,459	\$ -	\$ -	\$ -	\$ -	\$ 807,249	\$ 889,749



CITY OF KENMORE

2025-2030 Transportation Improvement Program

Project name	Ped. Priority Number	Funding	Year							2025-2030 Totals	Project Totals
			Prior Years	2025	2026	2027	2028	2029	2030		
84th Ave NE Pedestrian and Bicycle Project (NE 150th St - NE 155th St)	5, 12, 17, 37	Local								\$ -	\$ -
		Federal/State		\$ 300,000	\$ 300,000	\$ 2,500,000				\$ 3,100,000	\$ 3,100,000
		Unsecured								\$ -	\$ -
		Subtotal	\$ -	\$ 300,000	\$ 300,000	\$ 2,500,000	\$ -	\$ -	\$ -	\$ 3,100,000	\$ 3,100,000
84th Ave NE Pedestrian and Bicycle Project (NE 155th St-Simonds Rd) - West Side	28, 29, 60, 61	Local								\$ -	\$ -
		Federal/State								\$ -	\$ -
		Unsecured			\$ 300,000	\$ 300,000	\$ 2,400,000			\$ 3,000,000	\$ 3,000,000
		Subtotal	\$ -	\$ -	\$ 300,000	\$ 300,000	\$ 2,400,000	\$ -	\$ -	\$ 3,000,000	\$ 3,000,000
NE 175th St Sidewalk and Bicycle Project (68th Ave NE - 73rd Ave NE) - South Side	32	Local								\$ -	\$ -
		Federal/State								\$ -	\$ -
		Unsecured			\$ 250,000	\$ 250,000	\$ 1,725,000			\$ 2,225,000	\$ 2,225,000
		Subtotal	\$ -	\$ -	\$ 250,000	\$ 250,000	\$ 1,725,000	\$ -	\$ -	\$ 2,225,000	\$ 2,225,000
NE 155th St (81st - 84th) Sidewalk Project	11	Local								\$ -	\$ -
		Federal/State								\$ -	\$ -
		Unsecured			\$ 300,000	\$ 300,000	\$ 2,468,000			\$ 3,068,000	\$ 3,068,000
		Subtotal	\$ -	\$ -	\$ 300,000	\$ 300,000	\$ 2,468,000	\$ -	\$ -	\$ 3,068,000	\$ 3,068,000
NE 155th St (84th - 87th) Sidewalk Project	9, 19	Local								\$ -	\$ -
		Federal/State								\$ -	\$ -
		Unsecured			\$ 300,000	\$ 300,000	\$ 1,459,867			\$ 2,059,867	\$ 2,059,867
		Subtotal	\$ -	\$ -	\$ 300,000	\$ 300,000	\$ 1,459,867	\$ -	\$ -	\$ 2,059,867	\$ 2,059,867
NE 181st St Sidewalk Project (63rd Ave NE -65th Ave NE) - South Side	41	Local								\$ -	\$ -
		Federal/State								\$ -	\$ -
		Unsecured				\$ 400,000	\$ 400,000	\$ 2,974,945		\$ 3,774,945	\$ 3,774,945
		Subtotal	\$ -	\$ -	\$ -	\$ 400,000	\$ 400,000	\$ 2,974,945	\$ -	\$ 3,774,945	\$ 3,774,945
NE 181st St Sidewalk Project (62nd Ave NE - 65th Ave NE) - North Side	49, 50	Local								\$ -	\$ -
		Federal/State								\$ -	\$ -
		Unsecured				\$ 600,000	\$ 600,000	\$ 5,000,000		\$ 6,200,000	\$ 6,200,000
		Subtotal	\$ -	\$ -	\$ -	\$ 600,000	\$ 600,000	\$ 5,000,000	\$ -	\$ 6,200,000	\$ 6,200,000
NE 192nd St (73rd - 80th) Pedestrian and Bicycle Project	31, 79	Local								\$ -	\$ -
		Federal/State								\$ -	\$ -
		Unsecured					\$ 500,000	\$ 500,000	\$ 5,000,000	\$ 6,000,000	\$ 6,000,000
		Subtotal	\$ -	\$ -	\$ -	\$ -	\$ 500,000	\$ 500,000	\$ 5,000,000	\$ 6,000,000	\$ 6,000,000
61st Ave NE Sidewalk Replacement Project, Phase 2	NA	Local								\$ -	\$ -
		Federal/State	\$ 50,000	\$ 300,000	\$ 300,000	\$ 150,000	\$ 4,200,000			\$ 4,950,000	\$ 5,000,000
		Unsecured								\$ -	\$ -
		Subtotal	\$ 50,000	\$ 300,000	\$ 300,000	\$ 150,000	\$ 4,200,000	\$ -	\$ -	\$ 4,950,000	\$ 5,000,000



City of Kenmore Capital Improvement Program

Project Name: Burke Gilman Trail Accessibility Project

Project No. T-8

Project Location: Burke Gilman Trail to SR 522 at 61st Avenue NE

Project Description: This project will provide an American's with Disabilities Act (ADA) connection to the Burke Gilman Trail/Log Boom Park, close left turn access to 60th Ave NE, and remove the eastbound to southbound right turn pocket on 61st Ave NE. Work also includes updating the gateway sign entering Kenmore at the west border.

Background: Since its incorporation, the City of Kenmore has completed improvements to SR 522 (Bothell Way) between 61st Avenue NE and the east city limits to increase safety, improve transit reliability, and ease congestion. Improvements included adding new traffic signals, street lighting and sidewalks, widening SR 522 for Business Access and Transit lanes, enhancing the corridor with new landscaping and medians to improve access management, replacing the Swamp Creek Bridge, undergrounding utilities, and more.

The final segment, SR 522 West B (61st Ave NE to the western city limits) was originally scoped to include new sidewalk with buffer, utility undergrounding, adding a dual left turn lane at 61st Ave NE, and closing off left turn access to 60th Ave NE. After re-evaluating priorities and with funding reduced for this project, the scope was modified to focus on accessibility to the Burke Gilman Trail and Log Boom Park. The above description reflections these changes to the project.





City of Kenmore Capital Improvement Program

Project Name: ADA Transition Program

Project No.: T-252

Project Location(s): Citywide

Project Description: This program is intended to replace curb ramps, sidewalks, crosswalks, pedestrian push buttons and marked on-street parking that are not compliant with ADA guidelines with ADA compliant facilities per the ADA Transition Plan.

Background: The City completed an inventory and assessment of its pedestrian facilities within the right of way. Several locations were identified as not being compliant with the American with Disabilities Act (ADA) standards. The ADA Transition Plan was adopted in June 2022 and contains a list of all facilities that are out of compliance and the approximate cost to replace those facilities. The ADA Transition Plan is a living document that will updated regularly when changes are made to the City's infrastructure.





City of Kenmore Capital Improvement Program

Project Name: Pavement Preservation Program

Project No.: T-35

Project Location: Citywide.

Project Description: This program includes grind and overlay of selected streets within the City. Typically grind and overlay projects are completed on roadways with pavement ratings between 60 and 70 while pavement seal operations are completed on roadways with ratings above 70. As part of any pavement overlay, curb ramps within the project limits are upgraded to comply with the American's with Disabilities Act (ADA). In addition, pavement overlay may also include major pavement repairs, utility adjustments and pavement markings. The project also includes regular updates and analysis of existing pavement condition to assist in assessing future overlay locations.

Background: The City of Kenmore Comprehensive Plan promotes a fiscally constrained Transportation Element that prioritizes operation and maintenance of existing facilities within the City. There are 3 goals listed in the Comprehensive Plan that support this program:

1. Provide a complete transportation network serving local and regional circulation needs, safely accommodating all users (Goal 1);
2. Promote a transportation system that contributes to fiscal and environmental sustainability (Goal 3);
3. Facilitate freight mobility and economic prosperity (Goal 6).





City of Kenmore Capital Improvement Program

Project Name: 61st Avenue Sidewalk Replacement Project, Phase 1 Project No. T-44

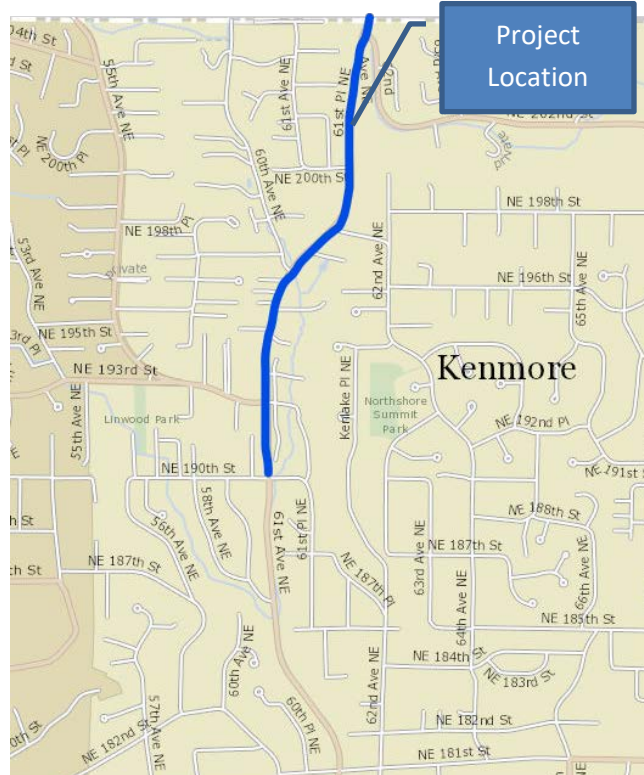
Project Location: 61st Ave/Pl NE (NE 190th Street north to 62nd Ave NE)

Project Description:

This project will update the alternatives analysis and include other possible scenarios for sidewalk replacement. Non-ADA sidewalk panels will be replaced on the east side of 61st Avenue NE between NE 190th St and 60th Avenue NE and on 61st Place NE from 60th Avenue NE to the northern city limits. In addition to replacing sidewalk panels, the following will also be included in the project:

- A 2-inch grind and HMA overlay
- New bike lanes.
- On-street parking will be removed within this section
- Right turn pockets at NE 193rd St, 60th Ave NE, and 62nd Ave NE will be removed
- Rectangular Rapid Flashing Beacon (RRFB) at 193rd St and 60th Ave Intersections.
- Intersection improvements at 193rd St and 60th Ave NE

Background: 61st Avenue/Place NE is an arterial that runs north to south (north of SR 522). The intersection with NE 193rd Street is a major intersection that could utilize additional control. The sidewalks north of NE 190th Street do not meet American with Disability Act (ADA) compliance with many location having gaps or uplift issues. Over 70 locations along this corridor are experiencing sidewalk uplift due to nearby trees and several other panels have shifted and pedestrians with accessibility issues are sometimes forced into the existing shoulder/travel lane.





City of Kenmore Transportation Improvement Program

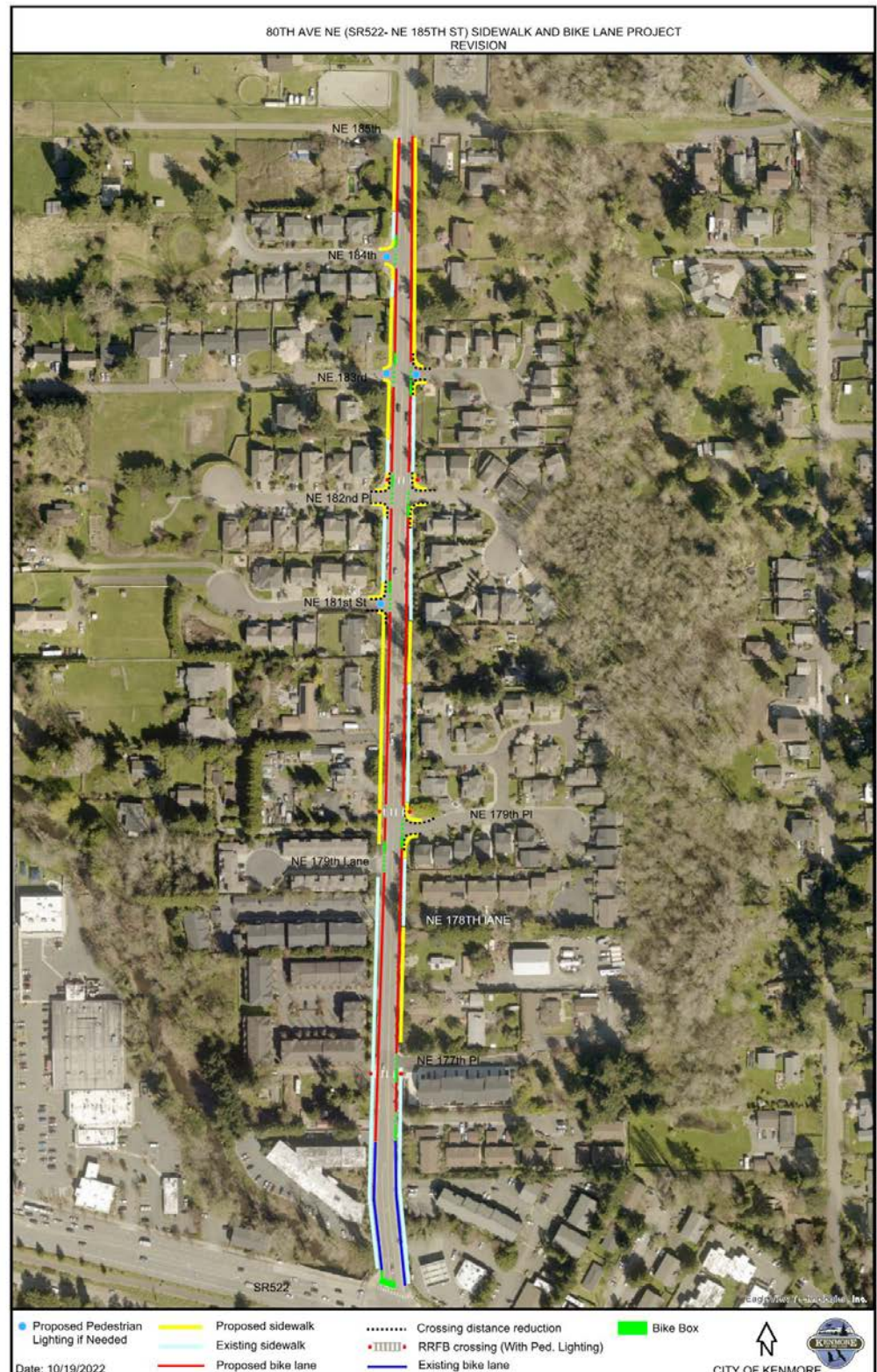
Project Name: 80th Ave NE Ped/Bike Project (SR522 – NE 185th St)

Project No.: T-260

Project Location: 80th Ave NE between NE 179th PI and NE 185th St (Tolt line).

Project Description: This project builds approximately 1,175 LF of new sidewalks on both sides of 80th Ave NE between NE 179th PI and NE 185th St (the Tolt water line corridor) with buffered bike lanes on both sides. This project also includes a flashing crosswalk near NE 182nd St. All on-street parking will be eliminated within the project limits.

Background: Sidewalk exists at sporadic location along 80th Ave NE within the project limits. This project will close gaps and create a continuous sidewalk on both sides of the street connecting to SR522.





City of Kenmore Transportation Improvement Program

Project Name: NE 181st St Sidewalks (61st Ave – 63rd Ave)

Project No.: T-253

Project Location: NE 181st Street between 61st Avenue NE and 63rd Avenue NE.

Project Description: This project builds approximately 615 LF of new sidewalks on south side of NE 181st Street from 61st Ave to 63rd Ave.

Background: There are limited sidewalks and pedestrian facilities along this section of NE 181st. Adding sidewalk would provide sidewalk connections along NE 181st to existing sidewalk on 62nd Ave NE and 61st Ave NE. This sidewalk is located in a community business zone. This project is being constructed in coordination with Sound Transit and their Bus Rapid Transit project for SR522.





City of Kenmore Capital Improvement Program

Project Name: Lower Swamp Creek Bridge Replacement

Project No.: T-38

Project Location: NE 175th Street/Swamp Creek Crossing

Project Description: Design and construction of the existing bridge.

Background: The bridge over Swamp Creek at NE 175th Street is aging and is in need of replacement. This structure is on NE 175th Street, adjacent to the Burke Gilman Trail and crosses Swamp Creek. This structure currently is wide enough for two way vehicle traffic. The existing structure is routinely evaluated by the King County Bridge Engineering group. Maintenance is provided to the structure as needed. King County recommended evaluation of the structure for rehabilitation vs. replacement. A study and alternatives analysis was performed in 2016 and revised in 2023 that recommended replacement of the bridge.



Figure A: Existing Bridge

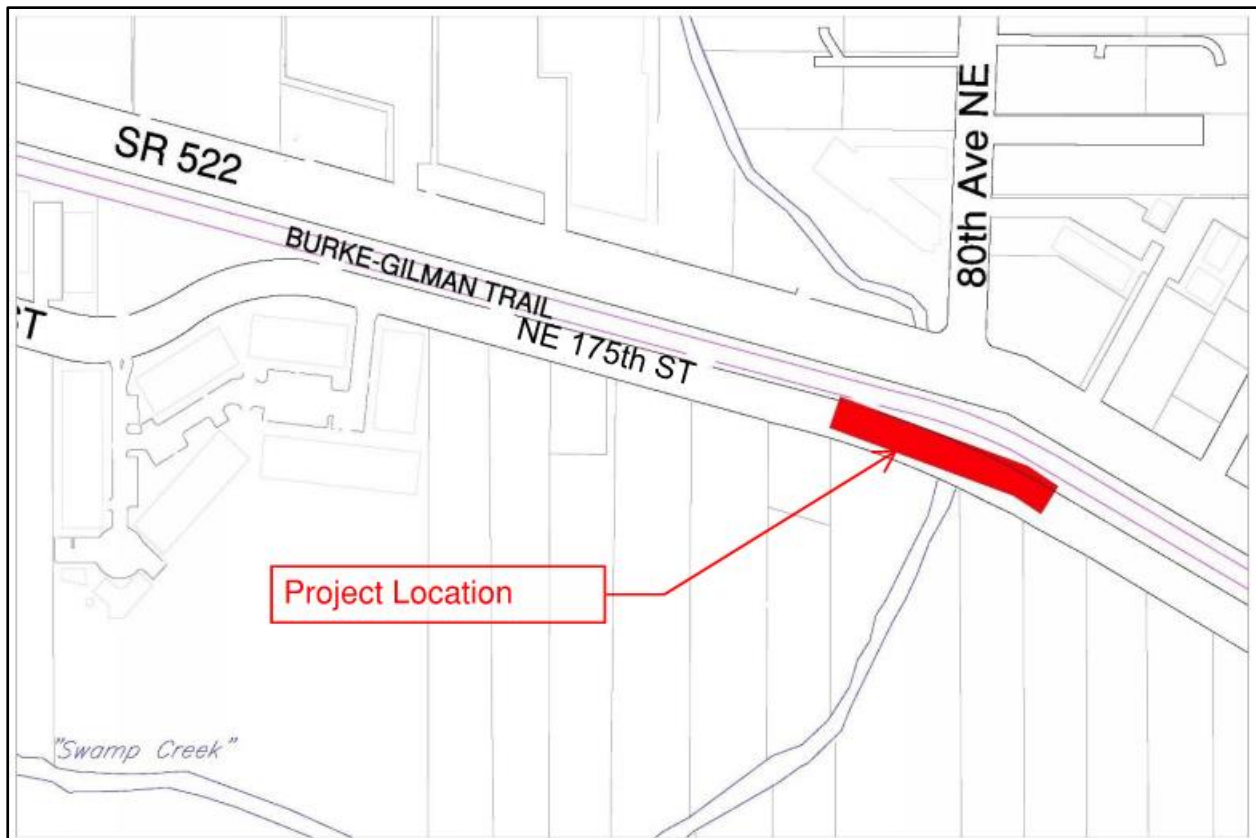


Figure B: Project Location



City of Kenmore Transportation Improvement Program

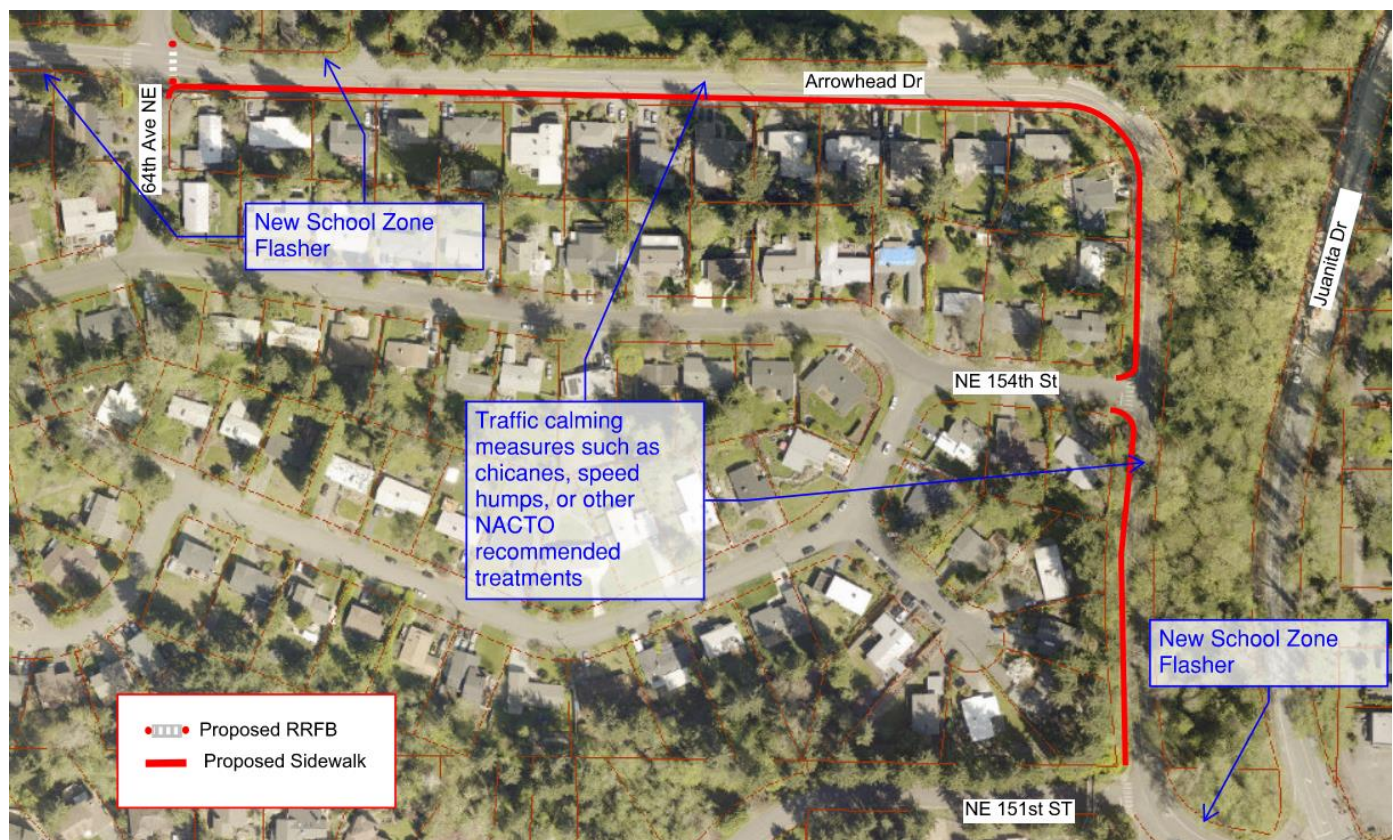
Project Name: NE Arrowhead Drive Sidewalks

Project No.: T-262

Project Location: NE Arrowhead Drive between NE 151st Street and 64th Avenue NE.

Project Description: This project builds approximately 2,050 LF of new sidewalks on the west side/south side of NE Arrowhead drive from NE 151st St to 64th Ave NE. On-street parking adjacent to new sidewalk will be removed. Project will also include one rectangular rapid flashing beacon (RRFB), narrowing of street crossings, additional school zone signage, and several traffic calming features such as chicanes or speed humps.

Background: NE Arrowhead Drive varies from 3-foot wide to 5-foot wide shoulder with two way traffic. NE Arrowhead Drive is a designated walking route for Arrowhead Elementary School students. Sidewalks along this road were identified as a high priority during the neighborhood meetings held for this area as part of the Neighborhood Transportation Program Plan and is listed as a high priority sidewalk in the Sidewalk Program.





City of Kenmore Transportation Improvement Program

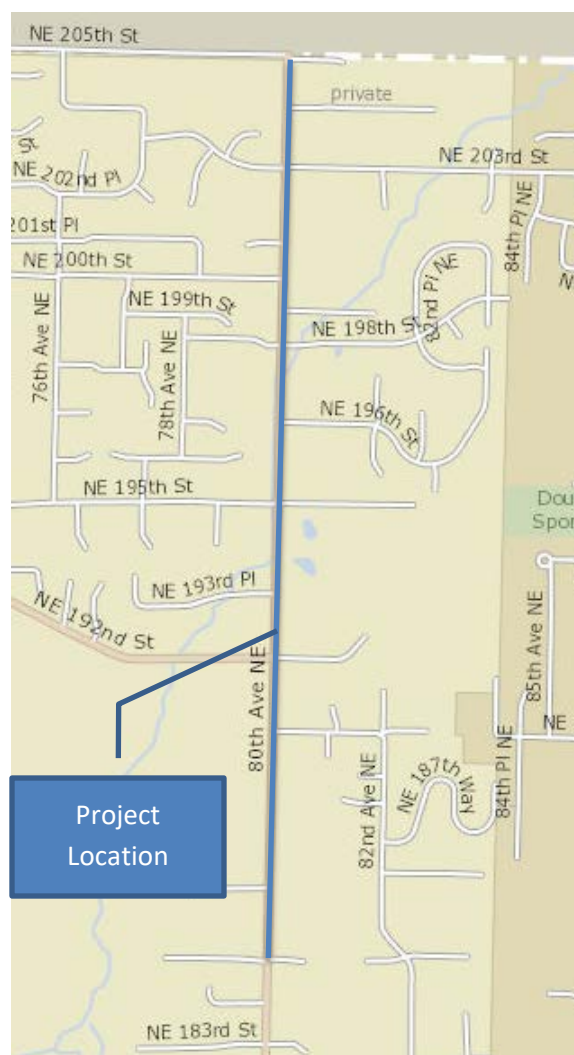
Project Name: 80th Ave NE Corridor Project (185th St – 205th St)

Project No.: TBD

Project Location: 80th Ave NE between NE 185th St and NE 205th St.

Project Description: This project builds approximately 10,000 LF of new sidewalks and bike paths on both sides of 80th Ave NE from NE 185th St to NE 205th St. Project will also include landscaped buffering between the bike path and the travel lanes. Other pedestrian/bicycle safety measures such as flashing crossing signs and raised intersections are proposed. This project will look at the possibility of a roundabouts at the NE 192nd St, NE 198th St, and NE 203rd St intersections. In addition to the roadway improvements if funding is available, swamp creek will be relocated to increase the buffer from the roadway and the culvert crossing NE 195th will be replaced with a fish passable culvert.

Background: A painted shoulder exists on both sides of 80th Ave NE separating pedestrians from the travel lane. Intermittent sidewalk exists at locations within this area of 80th Ave NE. NE 192nd and 80th Ave is currently an all-way stop while the remaining intersections are minor street stop controlled. This project will add multimodal facilities, narrow intersection crossings where possible, add crossing treatments as needed, and the intersections along 80th will be evaluated for a possible roundabouts or raised pavement. 80th Ave NE is a designated school bus stop corridor for students. Sidewalks at this location are identified in the Pedestrian Facilities Plan and 80th Ave NE is a designated bike route.





City of Kenmore Capital Improvement Program

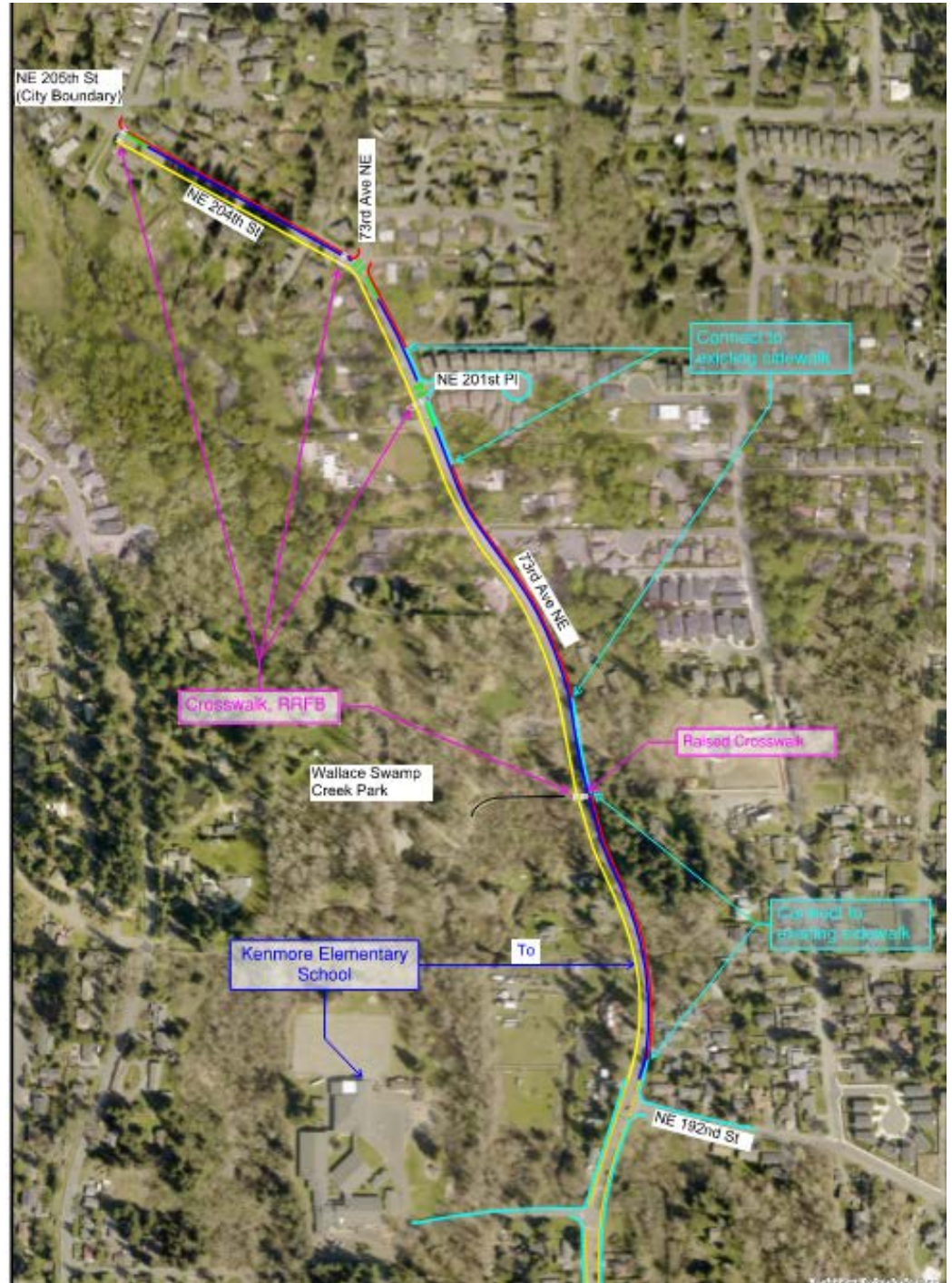
Project Name: 73rd Ave NE (NE 192nd St – NE 205th St) Sidewalk

Project No. TBD

Project Location: East side of 73rd Ave NE between NE 192nd St and NE 205th St.

Project Description: This project will provide sidewalk and a separated bike lane along the east side and a marked bike lane on the west side of 73rd Ave NE from NE 192nd St to NE 205th St. The project will also install marked crossings using flashing beacons and intersections and at the entrance to Wallace Swamp Creek Park.

Background: This section of 73rd Ave NE is limited to pedestrian access via a 5-foot shoulder. This road provides the only pedestrian connection for residents along 73rd Ave NE. 73rd Ave NE is a main connection to the City's downtown, parks, transit, and other public amenities. This project would close gaps in the sidewalk network nearly completing sidewalk along the east side of 73rd Ave NE within the city limits.





City of Kenmore Transportation Improvement Program

Project Name: NE 192nd St Sidewalks (73rd Ave – 75th Ave)

Project No.: T-261

Project Location: NE 192nd Street between 73rd Ave NE and 75th Avenue NE.

Project Description: This project builds approximately 275 LF of new sidewalks on north side of NE192nd Street from 73rd Ave – 75th Ave and approximately 75 LF of sidewalk on the east side of 75th Ave NE to close the sidewalk gap.

Background: Sidewalk exists on NE 192nd Street at 73rd Avenue NE and terminates approximately 240 feet from 75th Ave NE. Approximately 500 LF of sidewalks were installed east of 75th Ave NE as part of private developments. Sidewalk also exists up 75th Ave NE. This project will close gaps and create a continuous sidewalk to Kenmore Elementary in this area. NE 192nd St is a designated walking route for Kenmore Elementary School students. Sidewalks at this location were identified as a high priority sidewalk in the Sidewalk Program.





City of Kenmore Transportation Improvement Program

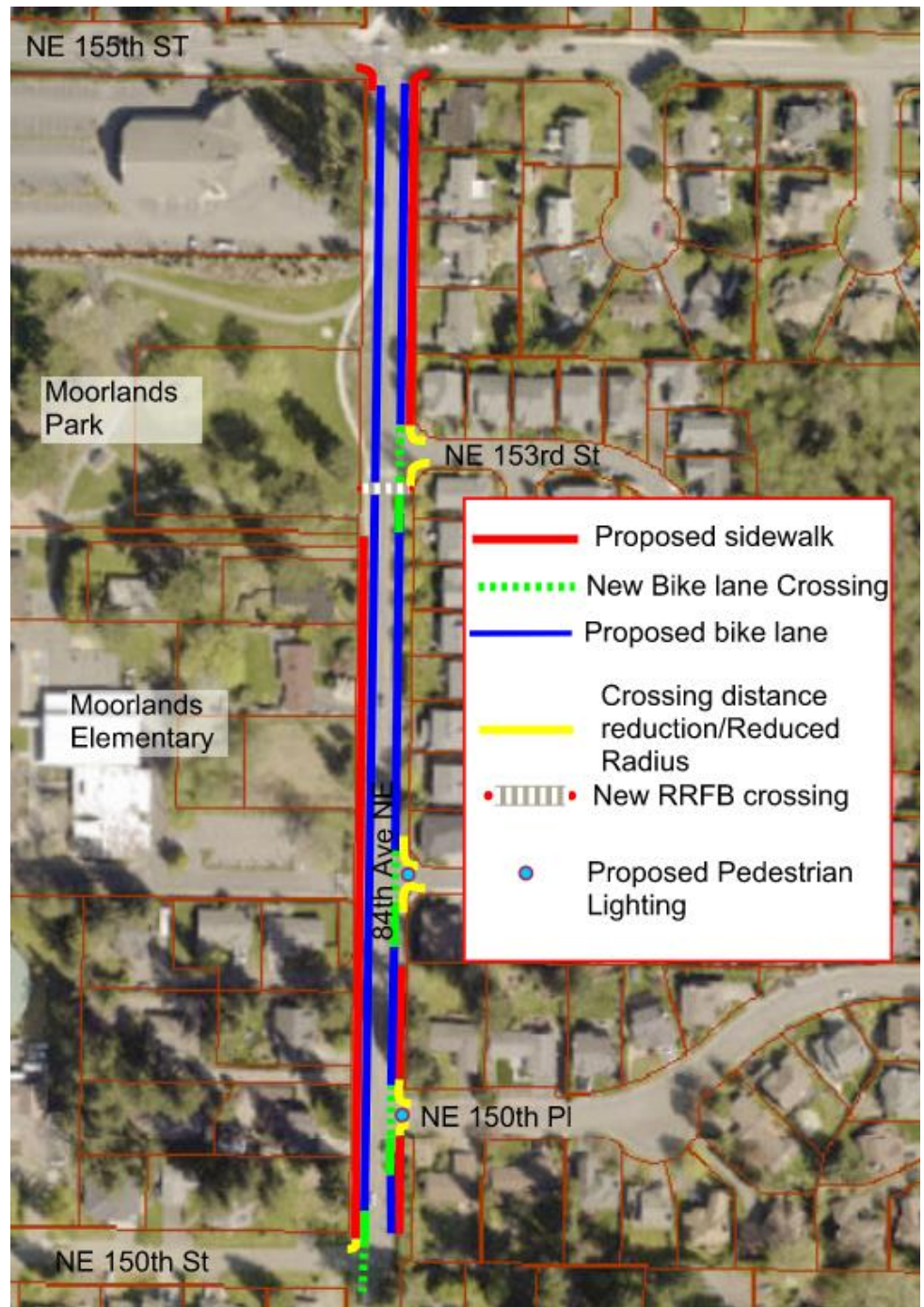
Project Name: 84th Ave NE Sidewalks (150th St – 155th St)

Project No.: T-266

Project Location: 84th Ave NE between 150th St and 155th St.

Project Description: This project builds approximately 742 LF of new sidewalks on west side of 84th Ave NE and 715 LF of new sidewalk on the east side of 84th Ave NE from NE 150th St – NE 155th St. Project will also include buffered bike lanes on both sides of the street as well as reduction in crossing distances on side streets, a new rectangular rapid flashing beacon (RRFB) and some added pedestrian lighting.

Background: Sidewalk exists on the west side of 84th Ave NE at NE 155th St. and terminates approximately 500 feet south of NE 155th St and on the east side of 84th Ave NE between NE 151st PI and NE 153rd St. This project will extend the sidewalk south and create a continuous sidewalk between NE 150th St and NE 155th St. 84th Ave NE is a designated walking route for Moorlands Elementary School students.





City of Kenmore Transportation Improvement Program

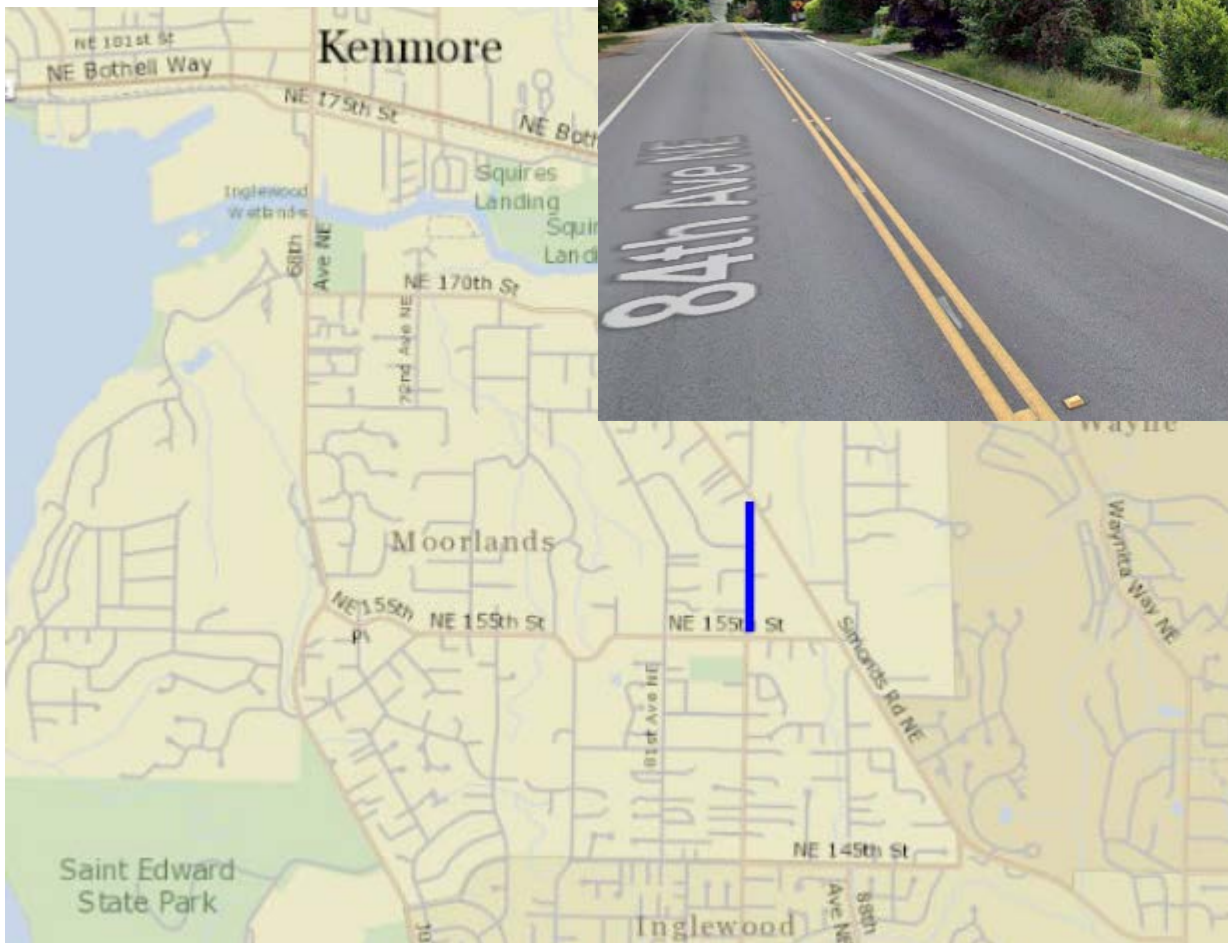
Project Name: 84th Ave NE Sidewalks (155th St – Simonds Rd)

Project No.: TBD

Project Location: 84th Ave NE between NE 155th St and Simonds Rd.

Project Description: This project builds approximately 1,500 LF of new sidewalks on the west side of 84th Ave NE from NE 155th St to Simonds Rd. Project will also include a separated bike lane on the west side and a buffered bike lanes on the east sides of the street and reconfigure the southern intersection with Simonds Rd to reduce the crossing distance of 84th at this location.

Background: An extruded curb separated shoulder exists on the west side of 84th Ave NE separating pedestrians from the travel lane. A large “paved desert” exists at the northern end of this segment resulting in a long crossing and excess impervious surfacing. This project will reconfigure the southern intersection by removing the pavement and narrowing the crossing of 84th and extending sidewalk south to 155th St to connect to the existing sidewalk to Moorlands Elementary. 84th Ave NE is a designated walking route for Moorlands Elementary School students. Sidewalks at this location were identified as a top 10 priority project in the Pedestrian Facilities Plan left to be completed.





City of Kenmore Transportation Improvement Program

Project Name: NE 175th St Sidewalks (68th Ave – 73rd Ave)

Project Location: The project is located along the south side of NE 175th St from 68th Ave NE to 73rd Ave NE

Project Description: The project will install sidewalk along the south side of NE 175th Street starting at the 68th Ave NE and terminating at the existing sidewalk approximately 810 feet to the east. New bike lanes will be installed on both sides of the street from 68th Ave NE to 73rd Ave NE.

Background: This section of NE 175th is the last remaining gap in the sidewalk network along the south side of NE 175th St. This sidewalk will connect the residential units to the sidewalk network along 68th Ave NE which provide continuous pedestrian and cyclist facilities to downtown, Bastyr University, and St. Edwards Park.

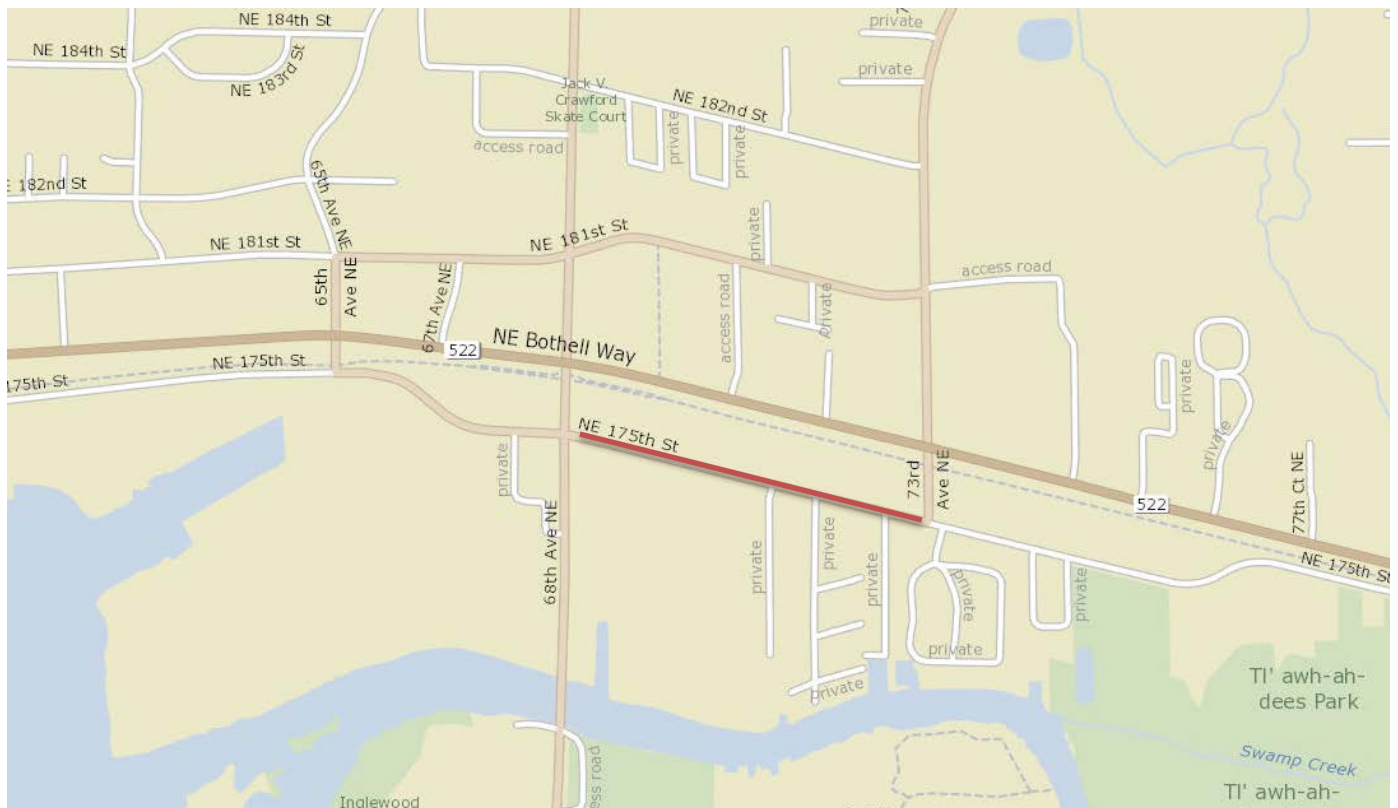


Figure A



City of Kenmore Capital Improvement Program

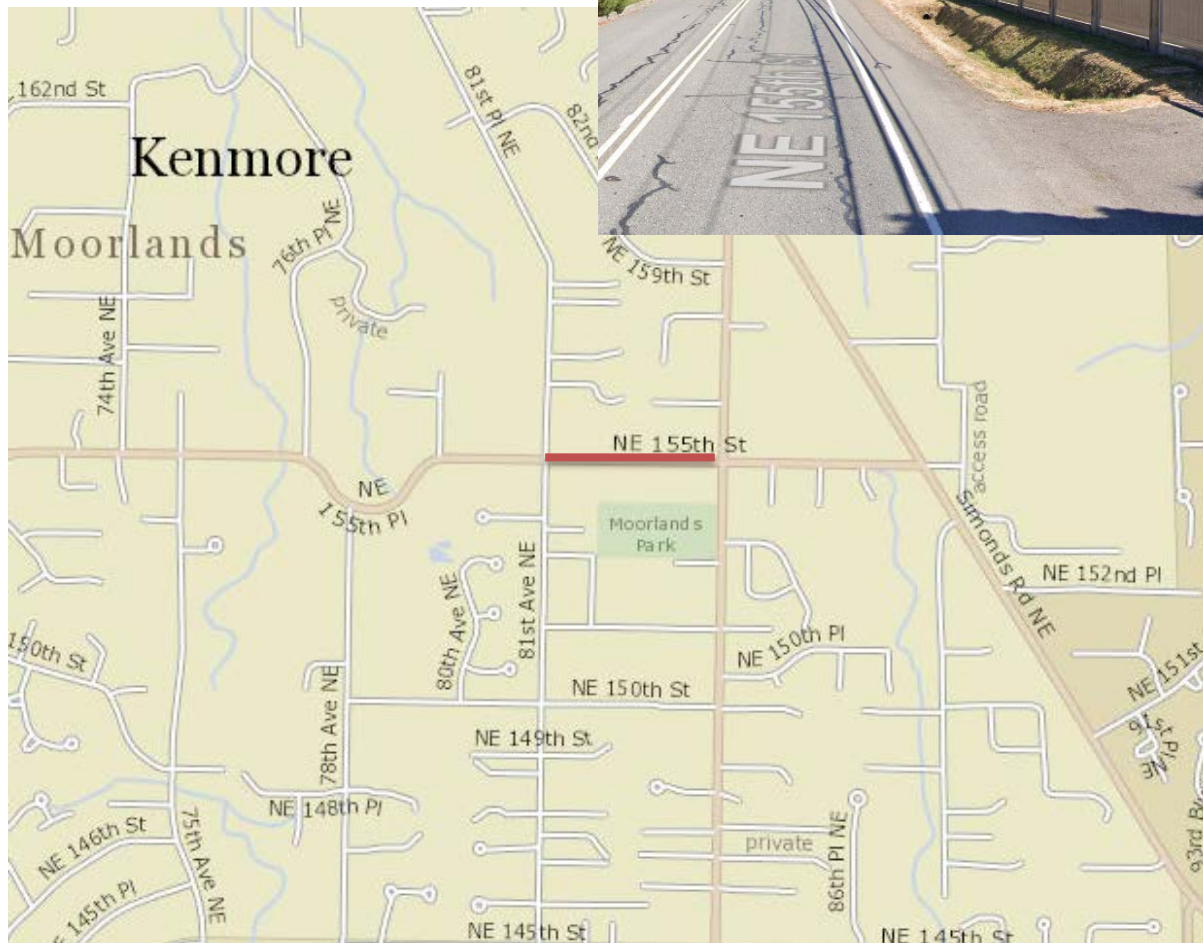
Project Name: NE 155th St (81st Ave NE - 84th Ave NE) Sidewalk

Project No. TBD

Project Location: NE 155th St from 81st Ave to 84th Ave NE

Project Description: This project will provide sidewalk and bike lanes along the south side of NE 155th St from 81st Ave NE to 84th Ave NE

Background: This section of NE 155th St is limited to pedestrian access via a sidewalk along the north side of the street. This road provides connection for students to Inglemoor High School and access to Moorlands Elementary school students.





City of Kenmore Capital Improvement Program

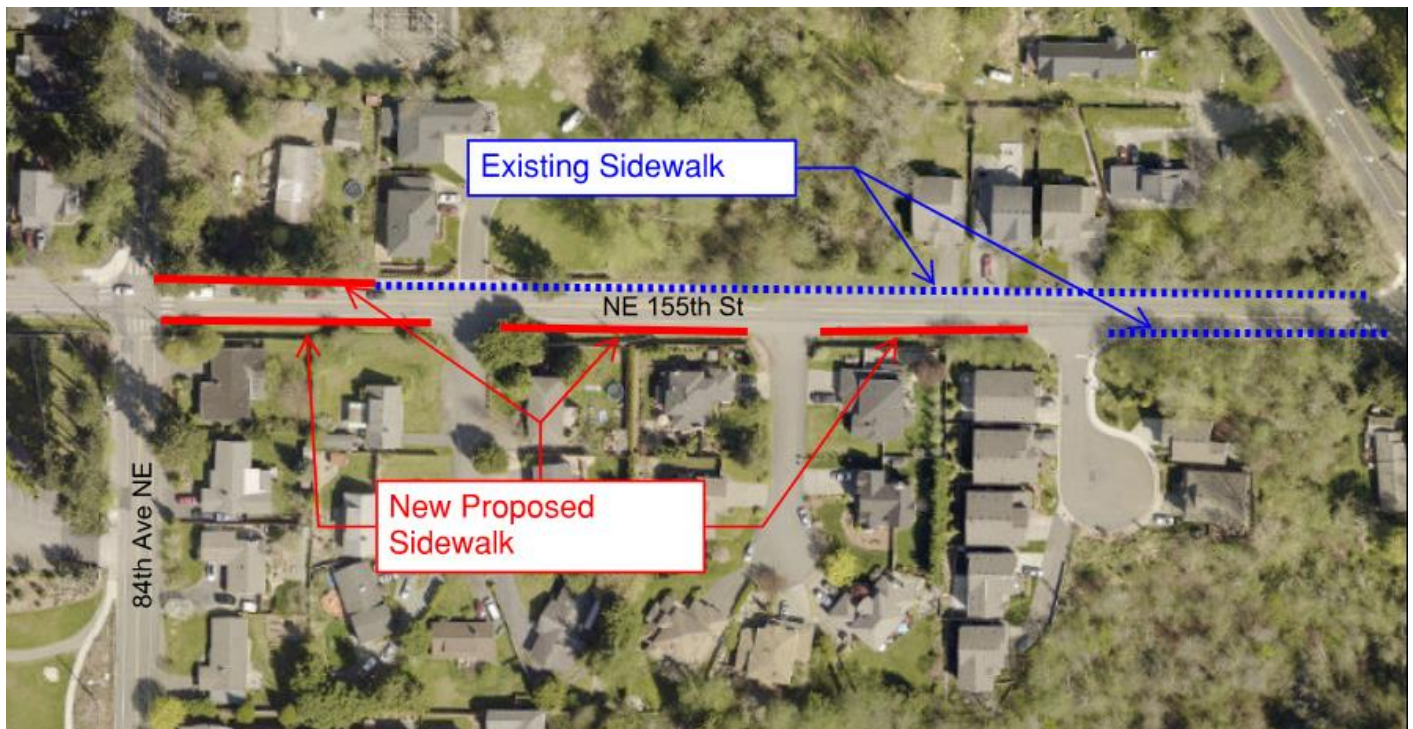
Project Name: NE 155th St (84th Ave NE – Simonds Rd) Pedestrian and Bicycle project

Project No. TBD

Project Location: NE 155th St from 84th Ave NE to Simonds Rd

Project Description: This project will provide sidewalk on both sides of NE 155th St from 84th Ave NE to 87th Ave NE and bike lanes along both sides from 84th Ave NE to Simonds Rd.

Background: This section of NE 155th is limited to pedestrian access via a 5-foot shoulder with existing sidewalk on the east end within the project limits. There are no bike facilities on this stretch of road. This road provides connection for students to Inglemoor High School and access to Moorlands Elementary school students.. This project will provide a continuous sidewalk and bike lanes between Simonds Rd to sidewalks and bike lanes on 84th Ave NE (planned for 2027) and sidewalk on NE 155th St.





City of Kenmore Transportation Improvement Program

Project Name: NE 181st St Sidewalks (63rd Ave – 65th Ave)

Project No.: TBD

Project Location: NE 181st Street between 63rd Ave NE and 65th Avenue NE.

Project Description: This project builds approximately 1,115 LF of new sidewalks on south side of NE 181st Street from 63rd Ave – 65th Ave. Project will include undergrounding of utilities if funding is available.

Background: There are limited sidewalks and pedestrian facilities along this section of NE 181st. Adding sidewalk would provide a continuous sidewalk along NE 181st and connect the City's downtown area to the east to this community business zoned area. This sidewalk would also provide connectivity to the neighborhood to the north with Downtown, City Hall, the library and other key public areas.





City of Kenmore Transportation Improvement Program

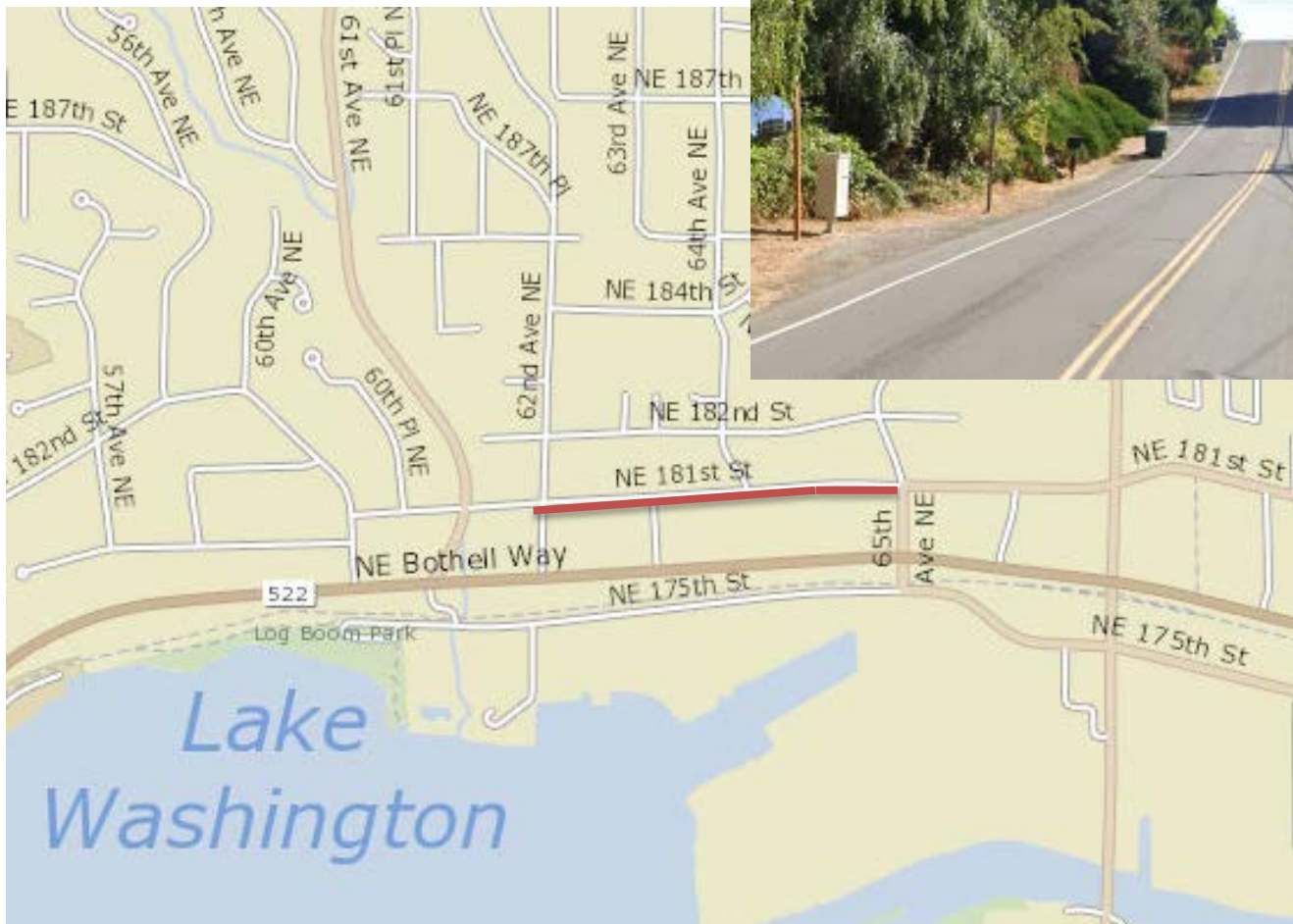
Project Name: NE 181st St Sidewalks (62nd Ave – 65th Ave)

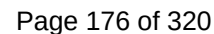
Project No.: TBD

Project Location: NE 181st Street between 62nd Ave NE and 65th Avenue NE.

Project Description: This project builds approximately 1,650 LF of new sidewalks on north side of NE 181st Street from 62nd Ave – 65th Ave. Project will include undergrounding of utilities if funding is available.

Background: There are limited sidewalks and pedestrian facilities along this section of NE 181st. Adding sidewalk would provide a continuous sidewalk along NE 181st and connect the City's downtown area to the east to this community business zoned area. This sidewalk would also provide connectivity to the neighborhood to the north with Downtown, City Hall, the library and other key public areas.



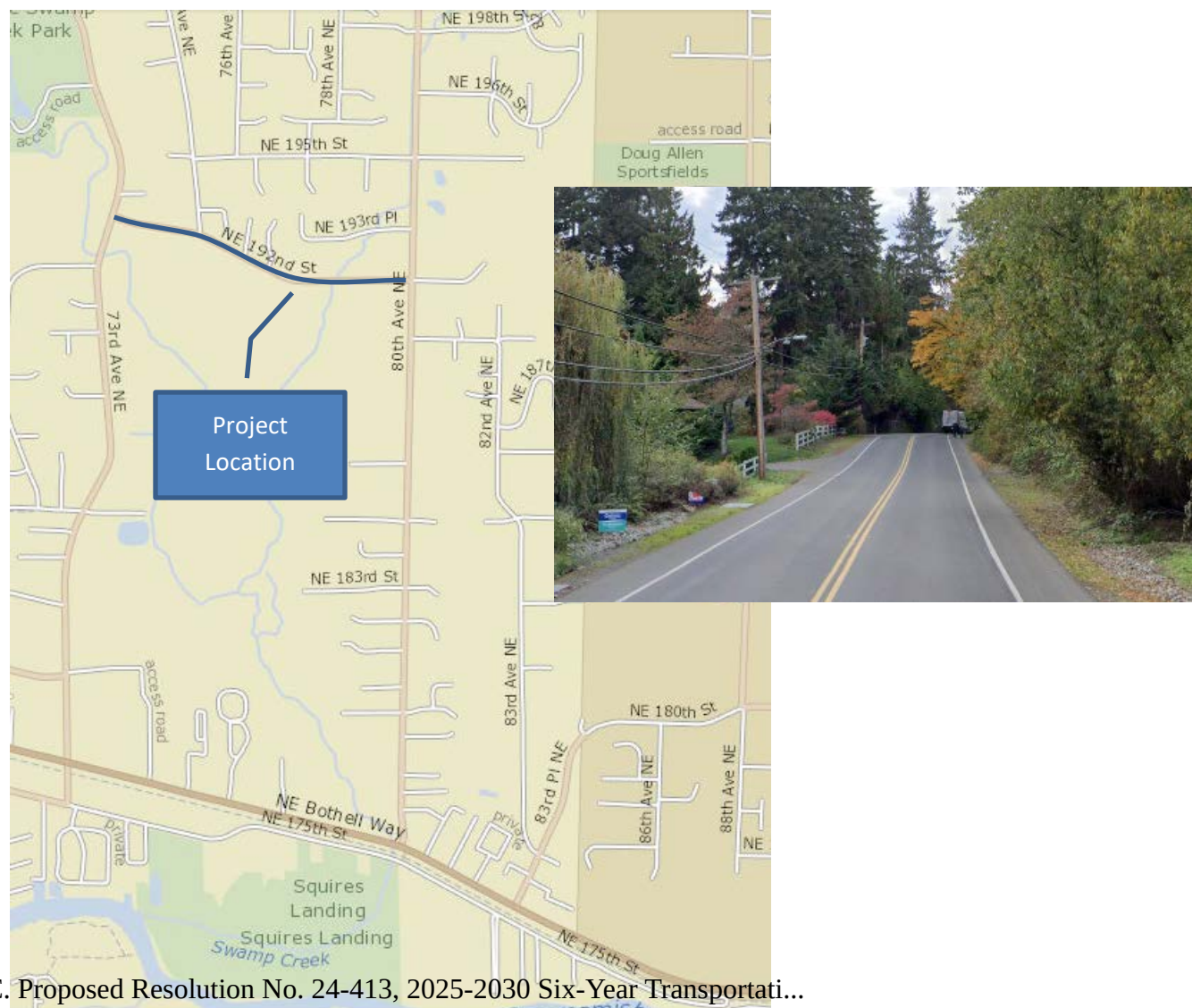


Project Name: NE 192nd St Pedestrian and Bicycle Project (73rd Ave – 80th Ave)
Project No.: TBD

Project Location: NE 192nd St between 73rd Ave NE and 80th Ave NE.

Project Description: This project builds approximately 3,190 LF of new sidewalks on both sides of NE 192nd St from 73rd Ave NE to 80th Ave NE. Project will also include buffered bike lanes on both sides of the street and other pedestrian/bicycle safety measures.

Background: A painted shoulder exists on both sides of NE 192nd St separating pedestrians from the travel lane. Sidewalk exists on the north side of NE 192nd St from 75th Ave NE to 76th Pl NE. NE 192nd St and 80th Ave NE is currently an all-way stop. This project will add multimodal facilities, narrow intersection crossings where possible, add crossing treatments as needed, and the intersection of 80th/192nd will be evaluated for a possible roundabout, to either be constructed with this project or planned as a later project. NE 192nd St is the only direct east/west connection to bike lanes and sidewalk proposed along 80th Ave NE. NE 192nd St is designated as a Suggested Walk Route for Kenmore Elementary School students. Sidewalks at this location are identified in the Pedestrian Facilities Plan and NE 192nd St is a designated bike route and the alternative route to connect the future Tolt Trail on either side of Swamp Creek.





City of Kenmore Capital Improvement Program

Project Name: 61st Avenue Sidewalk Replacement Project, Phase 2

Project No. T-276

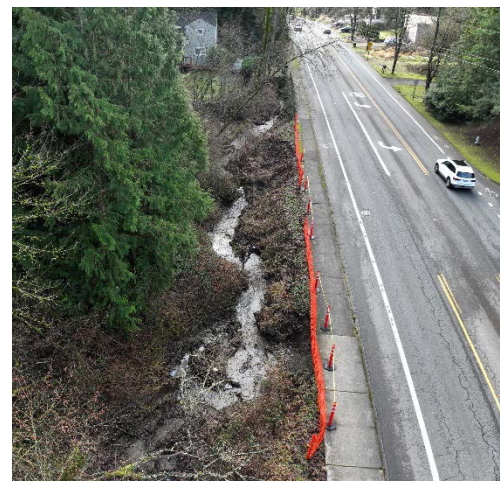
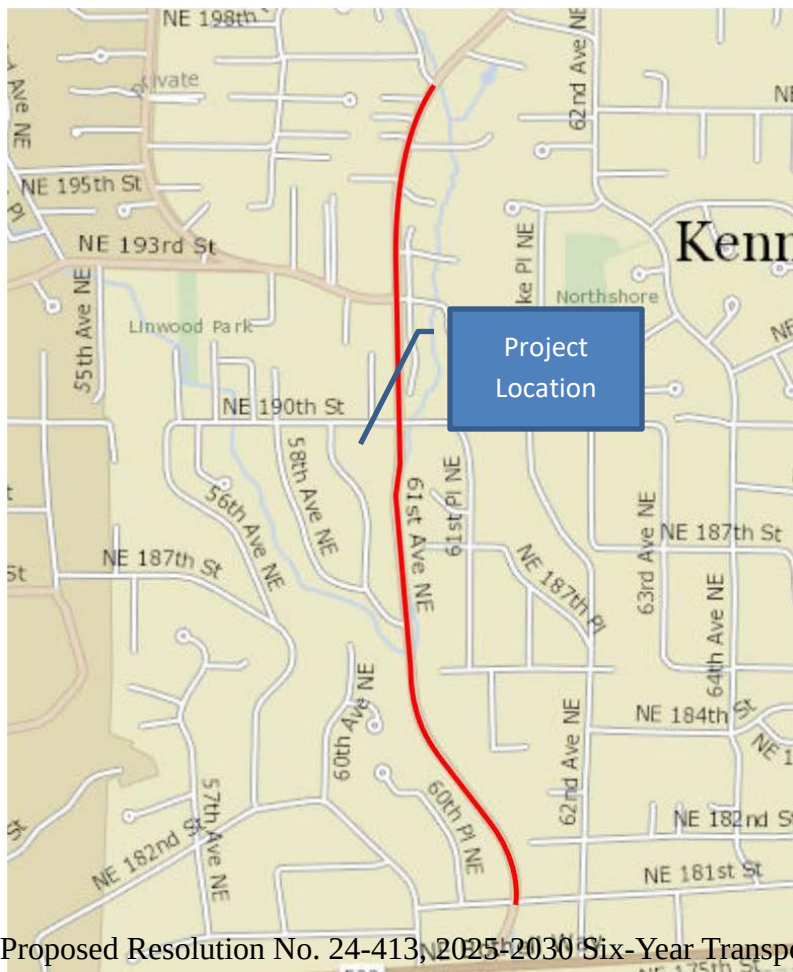
Project Location: 61st Ave NE (NE 181st St to 60th Ave NE)

Project Description:

This project will replace the non-ADA sidewalk panels on the west side of 61st Avenue NE between NE 193rd St and 60th Ave NE and relocate the sidewalk on the east side of 61st Ave NE between NE 181st St and NE 190th St away from Cha Thl Creek (Tributary 0056). In addition to replacing sidewalk panels, the following will also be included in the project:

- A 2-inch grind and HMA overlay
- Center two-way left turn lane will be removed
- Rectangular Rapid Flashing Beacon (RRFB) at 61st Ave NE and 58th Ave NE Intersection.
- Stream corridor improvements
- Increased stream buffer

Background: 61st Avenue is an arterial that runs north to south (north of SR 522) to the city limits. Cha Thl Creek runs parallel to 61st Ave NE with minimal buffer. The roadway/sidewalk in the section has a history of damage from the creek and other issues involving the creek have caused erosion along the channel. The sidewalks north of NE 190th Street do not meet American with Disability Act (ADA) compliance with many location having gaps or uplift issues. Over 70 locations along this corridor are experiencing sidewalk uplift due to nearby trees and several other panels have shifted and pedestrians with accessibility issues are sometimes forced into the existing shoulder/travel lane. Phase 1 replaces the panels on the east side of 61st.



CITY OF KENMORE

Engineering

Six Year Transportation Improvement Program: 2025-2030

Presented by: John Vicente, Engineering Director



Tonight's Discussion

- Review of the proposed Transportation Improvement Program (TIP)
- Review of new projects
- Summary of 2023 Improvements
- Public Hearing
- Recommendation to Adopt Resolution 24-413 and approve the 2025-2030 Six-Year Transportation Improvement Program



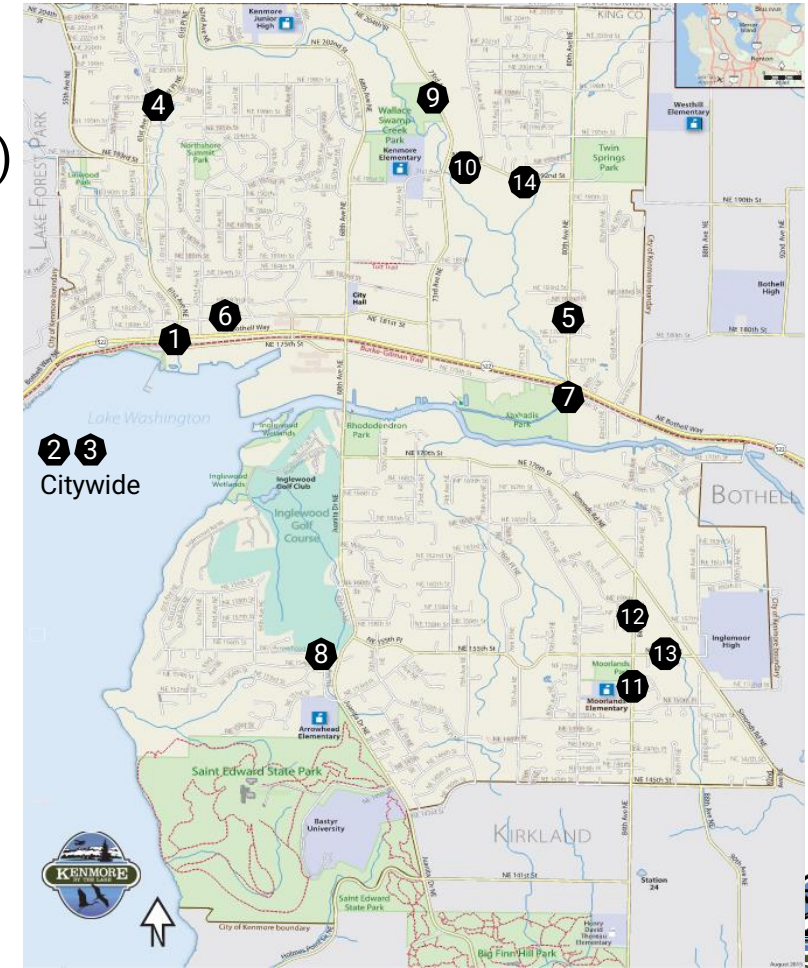
Background

- RCW 35.77.010 requires municipalities to create a Transportation Improvement Program (TIP)
- Update must be performed each year
- TIP must show how a City proposes to utilize funds for transportation related projects in the ensuing 6 years
- Consistent with the City's Comprehensive Plan
- TIP aligns with the Complete Streets Policy
- TIP is a planning document and not fiscally restrained
- A public hearing is required prior to approval
- TIP filed with WA State Secretary of Transportation
- Local funds based upon approved CIP



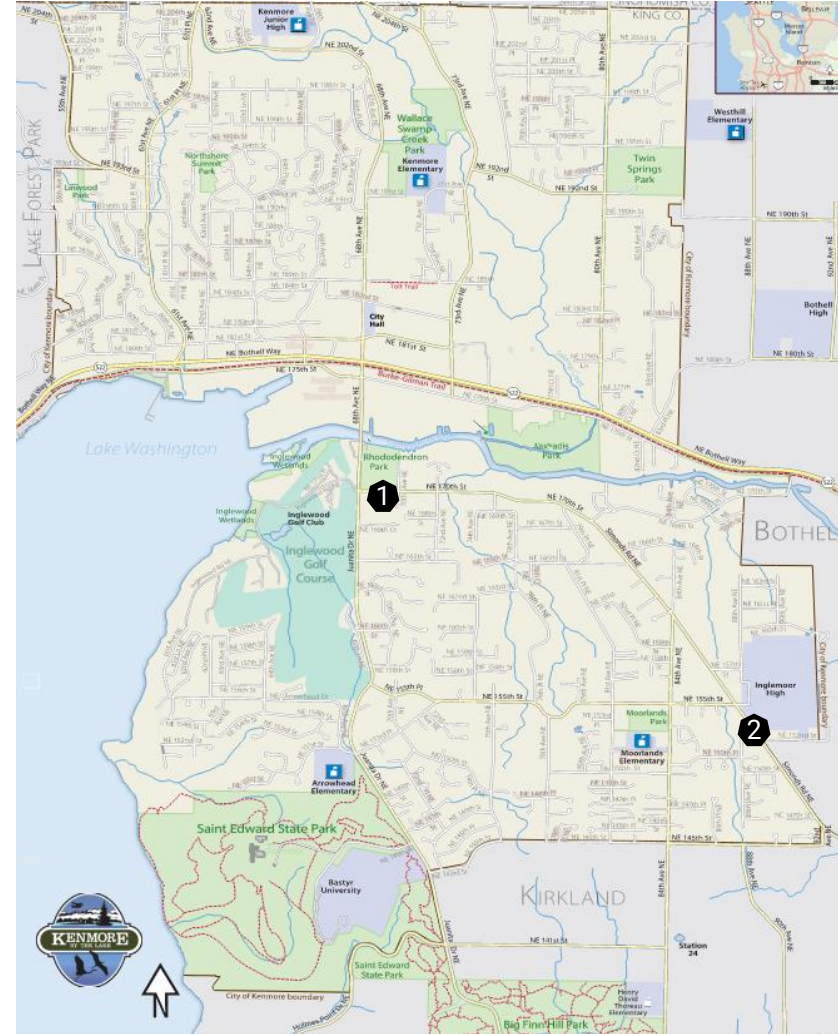
Carryover Projects

- 14 projects from 2024-2029 carried over
 1. Burke Gilman Accessibility (Formally SR522 West B)
 2. ADA Transition Program
 3. Pavement Preservation
 4. 61st Ave Sidewalk Replacement, Phase 1
 5. 80th Ave NE Ped/Bike(SR522 - 185th)
 6. NE 181st St Sidewalk (61st – 63rd)
 7. Lower Swamp Creek Bridge Replacement
 8. NE Arrowhead Dr Sidewalk (151st - 64th)
 9. 73rd Ave Sidewalk (192nd – 201st **City Limits**)
 10. NE 192nd St Sidewalk (73rd – 75th)
 11. 84th Ave NE Ped/Bike (150th – 155th)
 12. 84th Ave NE Ped/Bike (155th – Simonds)
 13. NE 155th St Sidewalk (84th – 87th)
 14. NE 192nd St Ped/Bike (73rd – 80th)



Projects Completed/Removed

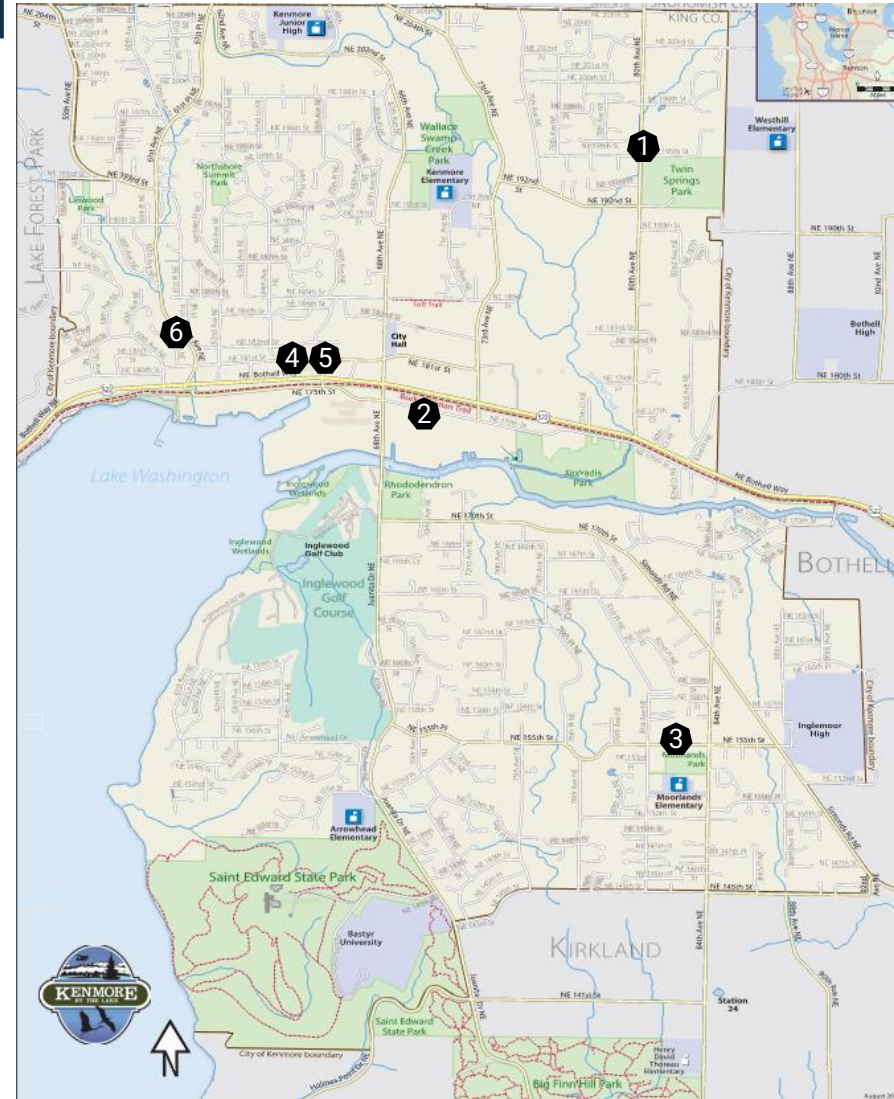
1. NE 170th St Sidewalk
(70th – 72nd)
2. Simonds Rd Sidewalk
(NE 152nd – 88th)



New Projects Added

Sub-header, 35 point

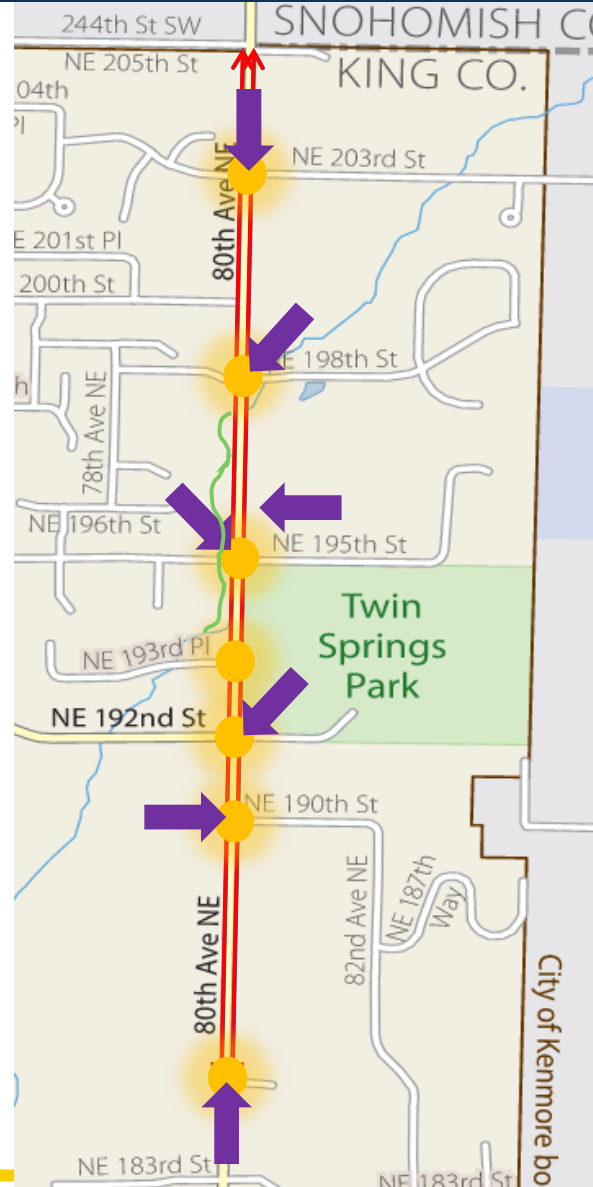
1. 80th Ave NE Corridor Project (185th – City Limits)
2. NE 175th St Ped/Bike (68th – 73rd)
3. NE 155th St Ped/Bike (81st – 84th)
4. NE 181st St Sidewalk (63rd – 65th), south side
5. NE 181st St Sidewalk (62nd-65th), north side
6. 61st Ave Sidewalk Replacement, Phase 2



New Projects

80th Ave NE Corridor

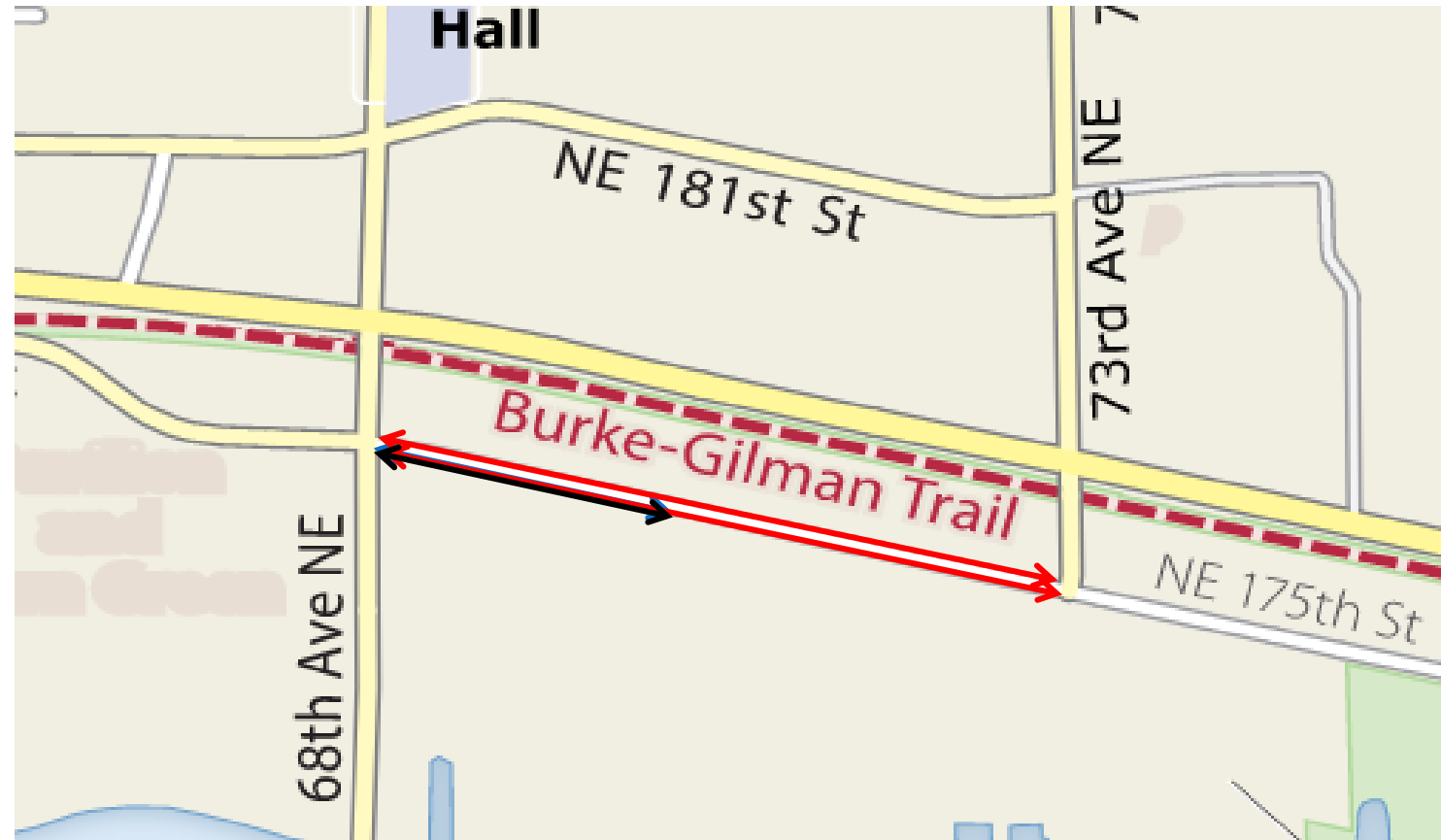
- Sidewalk
- Separated bike lanes
- Intersection treatments
- Flashing crossings
- Culvert replacement
- Stream relocation



New Projects

175th St Sidewalk and Bicycle (68th-73rd)

- Sidewalk
- Bike lanes
- On-street parking



New Projects

155th St Sidewalk (81st – 84th)

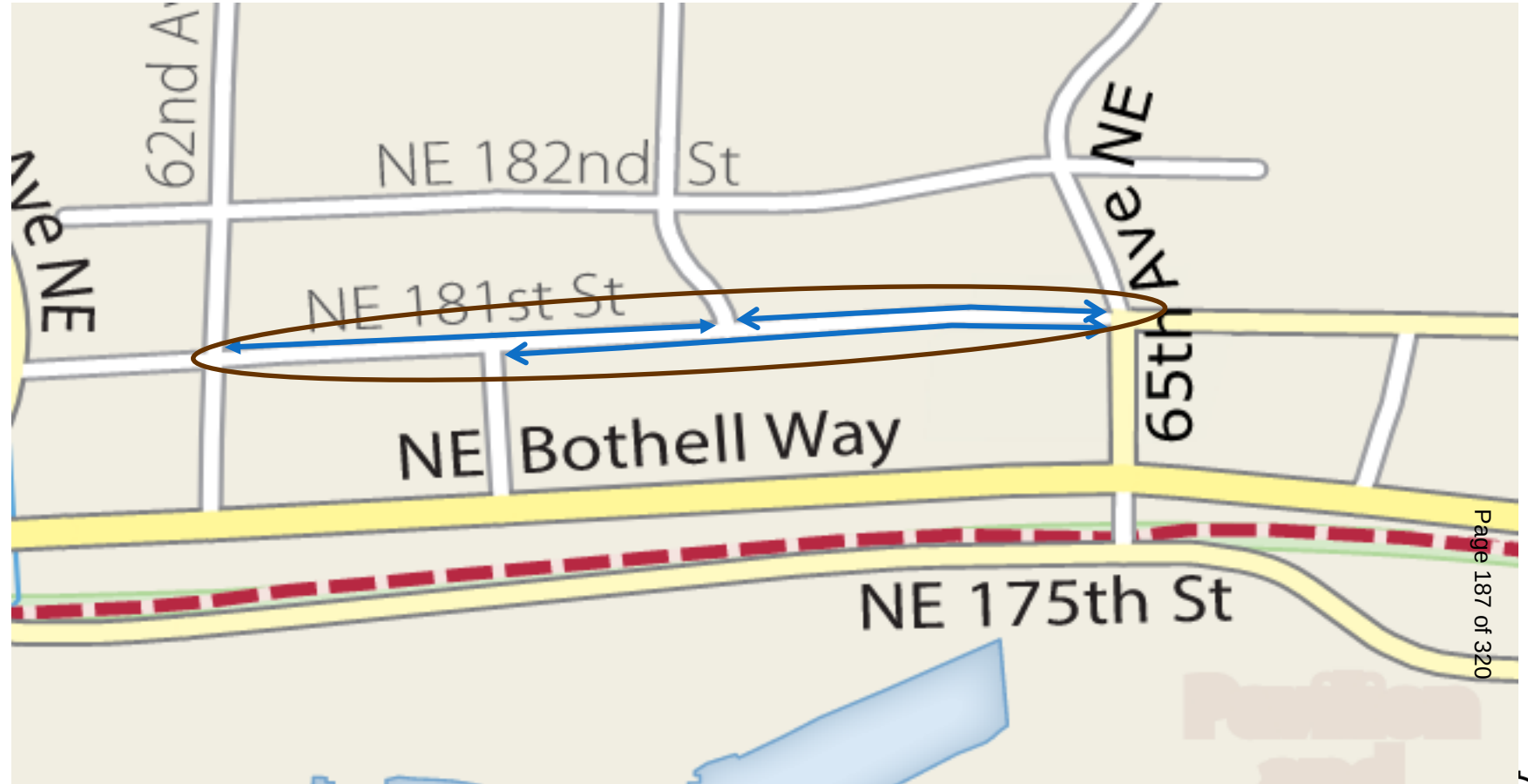
- Sidewalk
- Bike lanes



New Projects

181st St Sidewalks

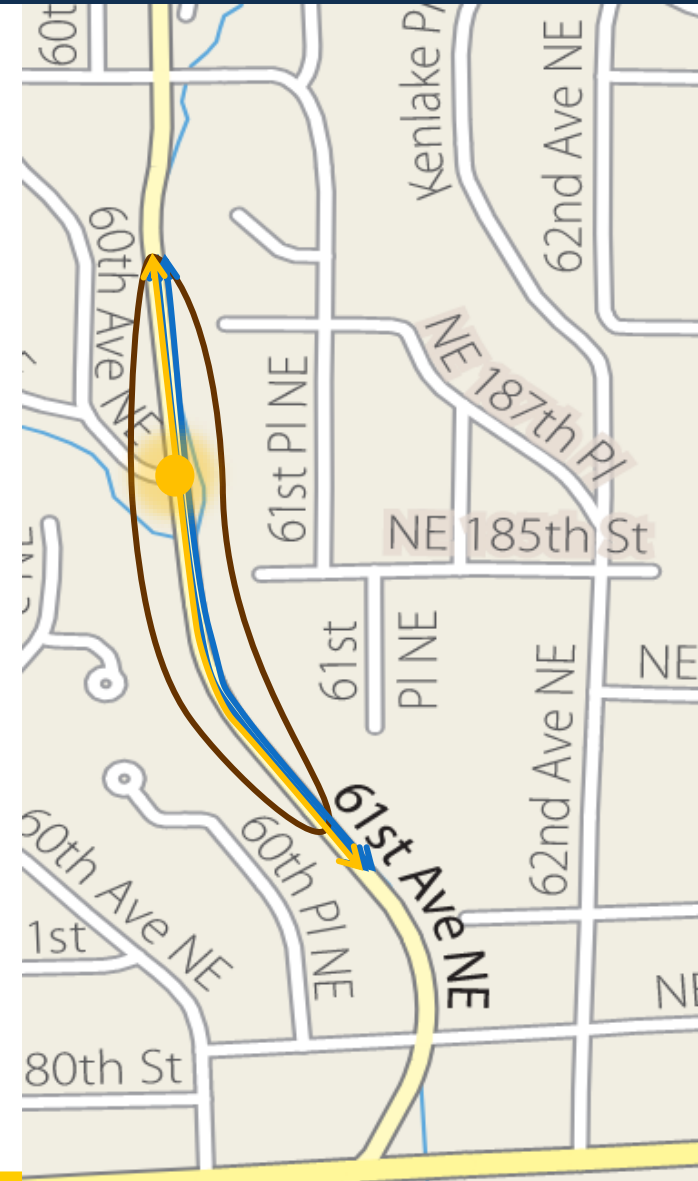
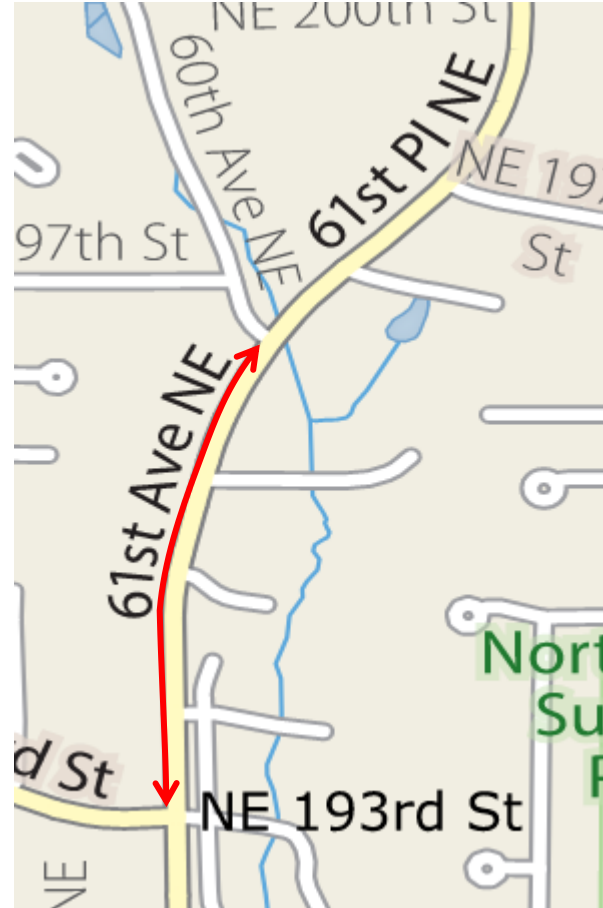
- Sidewalk
- On-street parking
- Utility undergrounding (pending funding)



New Projects

61st Ave Sidewalk Relocation

- West side, 193rd-60th
 - Sidewalk repair
- East side, between 182nd and 190th
 - Sidewalk relocation
 - Center turn lane removed
 - Enhances crossing
 - Stream channel improvements



2023 Summary of Improvements

Complete Streets Policy

- 2023 Advances towards implementation of the Complete Streets Policy
 - Total LF of sidewalks repaired: 1,230
 - Total LF of new bike lanes: 9,410
 - Enhanced crossings: 2



PUBLIC HEARING





City Council Agenda Bill City of Kenmore, WA

Subject/Topic: Public Hearing and adoption of Ordinance No. 24-0607. Proposed Council Action/Motion: Public Hearing and adoption of Ordinance No. 24-0607 to amend Title 5, Title 16, and Title 18 of the Kenmore Municipal Code to replace the word “marijuana” with “cannabis.”	For Council Meeting Agenda of: 06/17/2024 Department: Development Services Prepared by: Reilly Rosbotham, Planner Samantha Loyuk, DS Director <table><thead><tr><th></th><th><u>Initial & Date</u></th></tr></thead><tbody><tr><td>Approved by Department Head:</td><td><u>SL 5/31/24</u></td></tr><tr><td>Approved by City Attorney:</td><td><u>DR 5/31/24</u></td></tr><tr><td>Approved by Finance Director:</td><td><u>MM 6/3/24</u></td></tr><tr><td>Approved by City Manager:</td><td><u>RK 6/3/24</u></td></tr></tbody></table> Attachments/Exhibits: 1. Ordinance no. 24-0607 2. Exhibit A to Ordinance no. 24-0607 - Amended Code Sections		<u>Initial & Date</u>	Approved by Department Head:	<u>SL 5/31/24</u>	Approved by City Attorney:	<u>DR 5/31/24</u>	Approved by Finance Director:	<u>MM 6/3/24</u>	Approved by City Manager:	<u>RK 6/3/24</u>
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Approved by City Attorney:	<u>DR 5/31/24</u>										
Approved by Finance Director:	<u>MM 6/3/24</u>										
Approved by City Manager:	<u>RK 6/3/24</u>										
Summary: Technical changes are made throughout Title 5, Title 16, and Title 18 of the Kenmore Municipal Code (KMC) replacing the term “marijuana” with “cannabis.”											
Information/Background: In 2022, the Washington state legislature passed Second Substitute House Bill (2SHB) 1210, replacing the term “marijuana” with “cannabis.” Cannabis is a more scientific word, and its use is consistent with the current regulation of this substance.											
Fiscal Consideration: N/A.											
<u>City Council Priority</u> or Budget Objective Being Addressed: City Council Priority #7: Support public safety and social justice reform.											

**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 24-0607**

**AN ORDINANCE OF THE CITY OF KENMMORE, WASHINGTON,
AMENDING TITLE 5, TITLE 16, AND TITLE 18 OF THE KENMORE
MUNICIPAL CODE TO REPLACE THE WORD “MARIJUANA” WITH
“CANNABIS”; PROVIDING FOR SEVERABILITY; AND
ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the Kenmore Municipal Code (“KMC”) defines “marijuana,” as well as a range of related uses; and

WHEREAS, the KMC establishes use and design standards for uses related to cannabis; and

WHEREAS, in 2022, the Washington state legislature passed 2SHB 1210 replacing the term “marijuana” with “cannabis”; and

WHEREAS, cannabis is a more scientific word, and its use is consistent with the current regulation of this substance; and

WHEREAS, the City Council finds that the Proposed Amendments meet the criteria found in KMC Section 19.20.090; and

WHEREAS, the City sent notice of the Proposed Amendments to the Washington State Department of Commerce pursuant to RCW 36.70A.106; and

WHEREAS, on May 10, 2024, the City’s Responsible Official issued a Determination of Non-Significance pursuant to the State Environmental Policy Act in relation to the Proposed Amendments; and

WHEREAS, the City Council desires to adopt the Proposed Amendments and finds that such amendments are consistent with the goals, objectives and policies of the Comprehensive Plan; and

WHEREAS, the City Council finds that adoption of the Proposed Amendments is in the best interests of the residents of Kenmore and will promote the public health, safety and welfare of the City.

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

Section 1. Adoption. The City Council adopts the recitals set forth above as findings in support of this Ordinance, which are incorporated by reference as if set forth in full.

Section 2. Amendment. The City Council amends Title 5, Title 16, and Title 18 of the Kenmore Municipal Code as set forth in Exhibit A, attached hereto and incorporated by reference as if set forth in full.

Section 3. 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 4. Effective Date. This Ordinance shall take effect and be in force five (5) days after the date of publication of this Ordinance.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON AT A REGULAR MEETING THEREOF THIS 17TH DAY OF JUNE, 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:
ORDINANCE NO. 24-0607

EXHIBIT A TO ORDINANCE 24-0607**I. Chapter 5.43 is amended to read as follows:****Chapter 5.43****Marijuana Cannabis Businesses**

- 5.43.010 Definitions.
- 5.43.020 License required.
- 5.43.030 Liquor and Cannabis Board license – Condition precedent.
- 5.43.040 Marijuana Cannabis business license.
- 5.43.050 *Repealed.*
- 5.43.060 Effect of license denial.
- 5.43.070 Appeal.
- 5.43.080 License term, assignment and renewals.
- 5.43.090 License suspension and revocation.
- 5.43.100 Standards of conduct for marijuana cannabis businesses.
- 5.43.110 Hours of operation for marijuana cannabis retailers.
- 5.43.120 Insurance.

5.43.010 Definitions.

As used in this chapter, the following words and phrases shall have the following meanings unless the context clearly requires otherwise:

- A. “Applicant” means any person or business entity who is considered by the Washington State Liquor and Cannabis Board as a true party of interest in a marijuana cannabis license, as set forth in WAC [314-55-035](#).
- B. “Marijuana Cannabis” means marijuana cannabis as defined in RCW [69.50.101](#).
- C. “Marijuana Cannabis producer” means a marijuana cannabis producer as defined in RCW [69.50.101](#).
- D. “Marijuana Cannabis processor” means a marijuana cannabis processor as defined in RCW [69.50.101](#).
- E. “Marijuana Cannabis retailer” means a marijuana cannabis retailer as defined in RCW [69.50.101](#).
- F. “Marijuana Cannabis researcher” means a marijuana cannabis researcher as defined in RCW [69.50.101](#).
- G. “Marijuana Cannabis business” means a marijuana cannabis producer, marijuana cannabis processor, marijuana cannabis researcher, or marijuana cannabis retailer. Marijuana Cannabis business does not include a marijuana cannabis cooperative as described in Chapter [69.51A](#) RCW.

H. “**Marijuana Cannabis** license” means a license issued by the Liquor and Cannabis Board for a **marijuana cannabis** producer, **marijuana cannabis** processor, **marijuana cannabis** researcher, or **marijuana cannabis** retailer.

I. “**Marijuana Cannabis** business license” means a business license issued by the City pursuant to this chapter.

J. “Person” has the same meaning as the definition of “person,” firm,” or “corporation” in KMC [5.105.020](#).

K. “Liquor and Cannabis Board” means the Washington State Liquor and Cannabis Board.

5.43.020 License required.

A. It shall be unlawful for any *person* to conduct, manage or operate a **marijuana cannabis business** unless such person is the holder of a valid and subsisting *license* from the City to do so, obtained in the manner provided in this chapter.

B. It shall be unlawful for any employee or manager to knowingly work in or about, or to knowingly perform any service directly related to the operation of, an unlicensed **marijuana cannabis business**. [Ord. 16-0421 § 2 (Att. A); Ord. 15-0402 § 1 (Att. A); Ord. 14-0384 § 8.]

5.43.030 Liquor and Cannabis Board license – Condition precedent.

The City shall process an application for a **marijuana cannabis business license** in accordance with this chapter after the *applicant* receives a **marijuana cannabis business license** from the *Liquor and Cannabis Board*. No *license* shall be issued to any person who does not hold a valid **marijuana cannabis license** from the *Liquor and Cannabis Board*. [Ord. 16-0421 § 2 (Att. A); Ord. 15-0402 § 1 (Att. A); Ord. 14-0384 § 8.]

5.43.040 Marijuana Cannabis business license.

A. After receiving a *license* from the *Liquor and Cannabis Board*, an *applicant* may file a written application with the *city manager*, on a form provided by the *city manager* for that purpose, in the name of the *person* or entity that was issued the *license*. A failure to provide all information required on the form will constitute an incomplete application and the application will not be processed. The application form shall require the following information of the *applicant*:

1. The name of the *applicant*; business, mailing, and residential addresses; and business telephone number.
2. The type of *applicant*, as described in WAC [314-55-035](#).
3. Whether the *applicant*, or any partner, corporate officer, or director of the *applicant*, holds any other licenses under this chapter from the City or another city, county or state, and if so, the names and addresses of each other licensed business.

4. A summary of the business history of the applicant in owning or operating **marijuana cannabis** businesses, providing names, addresses and dates of operation for such businesses, and whether any *Liquor and Cannabis Board* license or other business license has been revoked or suspended, and the reason therefor.
 5. A copy of the completed personal/criminal history form and fingerprints submitted to the *Liquor and Cannabis Board* for the *Liquor and Cannabis Board* license application, together with the results of the *Liquor and Cannabis Board's* criminal history check on the *applicant*.
 6. A copy of the operating plan submitted to the *Liquor and Cannabis Board* in connection with the license application, and any amendments thereto, and the license issued by the *Liquor and Cannabis Board*.
 7. Authorization for the City, its officers, employees and agents to seek information to confirm any information and documents in the application.
 8. The location and "doing-business-as" name of the **marijuana cannabis** business, including a legal description of the property, street address, and telephone number, together with the name and address of each owner and lessee of the property, if not the *applicant*.
 9. Two two-inch by two-inch color photographs of the *applicant* and *applicant* control persons, taken within six months of the date of application showing only the full face.
- B. An application shall be deemed complete upon the *applicant's* submittal of all information and documents described above, including identification of "none" where that is the correct response, and the *applicant's* verification that the application is complete. The *city manager* may request other information or clarification in addition to that provided in a complete application where necessary to determine compliance with this chapter.
- C. A nonrefundable application fee (see KMC [5.05.050](#)) must be paid at the time of filing an application.
- D. All applications shall be signed by the *applicant* and notarized or certified as true under penalty of perjury.
- E. If any *person* or entity acquires, subsequent to the issuance of a **marijuana cannabis** business license, a significant interest based on responsibility for management or operation of the licensed premises or the licensed business, notice of such acquisition shall be provided in writing to the *city manager*, no later than 21 days following such acquisition. The notice required shall include the information required for the original **marijuana cannabis** business license application.
- F. The **marijuana cannabis** business license, if granted, shall state on its face the name of the *person* or entity, or *persons* or entities, to whom it is issued, the expiration date, the "doing-business-as" name, and the address of the licensed **marijuana cannabis**

business. The *permit* shall be posted in a conspicuous place at or near the entrance to the *marijuana cannabis* business so that it can be easily read at any time the business is open.

G. No person granted a *marijuana cannabis* business license pursuant to this chapter shall operate the *marijuana cannabis* business under a name not specified on the *license*, nor shall any person operate a *marijuana cannabis* business under any designation or at any location not specified on the *license*.

H. Upon receipt of the complete application and fee, the *city manager* shall provide copies to the appropriate city *departments* for their investigation and review to determine compliance of the proposed *marijuana cannabis* business with the laws and regulations which each *department* administers. Each *department* shall, within 20 days of the date of such application, inspect the application and premises and shall make a written report to the *city manager* regarding compliance of such application and premises with the laws administered by each *department*. A *department* shall recommend denial of a license under this subsection if it finds that the proposed *marijuana cannabis* business is not in conformance with the requirements of this chapter or other law in effect in the City. A recommendation for denial shall cite the specific reason therefor, including reference to applicable laws. The *city manager* shall not issue a *marijuana cannabis* business license unless and until each *department* reports that the application and premises comply with the relevant laws, unless the 20-day period has lapsed. If the premises is not yet constructed, the *departments* shall base their recommendation as to premises compliance on their review of the drawings submitted in the application. Any *marijuana cannabis* business license approved prior to premises construction shall contain a condition that the premises may not open for business until the premises have been inspected and determined to be in substantial conformance with the drawings submitted with the application.

I. A *marijuana cannabis* business license shall be issued by the *city manager* within 30 days of the filing of a complete license application and the application fee, unless the *city manager* determines that the *applicant* has failed to meet any of the requirements of this chapter, that the *applicant* has failed to provide any information required under this section, or that the *applicant* has made a false, misleading or fraudulent statement of material fact on the application. The *city manager* shall grant an extension of time in which to provide all information required for a complete *license* application upon the request of the *applicant*. If the *city manager* finds that the *applicant* has failed to meet any of the requirements for issuance of a *marijuana cannabis* business license, the *city manager* shall deny the application in writing and shall cite the specific reasons therefor, including applicable law. If the *city manager* fails to issue or deny the license within 30 days of the date of filing of a complete application and the application fee, the *applicant* shall be permitted, subject to all other applicable law, to operate the business for which the license was sought until notification by the *city manager* that the *license* has been denied, but in no event may the *city manager* extend the application review time for more than an additional 20 days. [Ord. 16-0421 § 2 (Att. A); Ord. 15-0402 § 1 (Att. A); Ord. 14-0384 § 8.]

5.43.050 **Marijuana Cannabis** business license fee.

Repealed by Ord. 15-0402. [Ord. 14-0384 § 8.]

5.43.060 Effect of license denial.

If the City denies a **marijuana cannabis** business license, the City shall not issue a **marijuana cannabis** business license to that applicant, or the applicant's successor on the **marijuana cannabis** licenses, for a period of one year from the date of such denial. [Ord. 16-0421 § 2 (Att. A); Ord. 15-0402 § 1 (Att. A); Ord. 14-0384 § 8.]

5.43.070 Appeal.

A. Any person aggrieved by the action of the *city manager* in refusing to issue or renew any license issued under this chapter shall have the right to appeal such action to the hearing examiner by filing a notice of appeal with the *city manager* within 21 days of notice of the refusal to issue or renew. The decision of the *city manager* shall be stayed pending the final outcome of any such timely appeal. The appeal shall be processed under KMC [5.05.150](#) and Chapter [19.30](#) KMC.

B. Any person aggrieved by the decision of the hearing examiner may appeal to the superior court for a writ of certiorari, prohibition or mandamus. The decision of the hearing examiner shall be stayed pending the final outcome of any such timely appeal.

5.43.080 License term, assignment and renewals.

A. The **marijuana cannabis** business license is valid for one year and shall be renewed annually. The *city manager* shall have the authority to adjust the expiration date and to prorate the license fee of the license in order to coincide with **marijuana cannabis** license expiration dates. **Marijuana Cannabis** business licenses issued under this chapter shall not be assignable.

B. Application for renewal of **marijuana cannabis** business licenses issued hereunder shall be made to the *city manager* no later than 30 days prior to the expiration of **marijuana cannabis** business licenses. The renewal license shall be issued in the same manner and on payment of the same fees as for an original application under this chapter. There shall be assessed and collected by the *city manager* an additional charge, computed as a percentage of the **marijuana cannabis** business license fee, on applications not made on or before said date, as follows:

Days Past Due	Percent of License Fee
7 – 30	25%
31 – 60	50%
61 and over	75%

C. The *city manager* shall renew a license upon application if it complies with all provisions of this chapter, as now enacted or as the same may hereafter be amended; provided, that the *city manager* may deny a renewal where the *city manager* is aware of facts that would disqualify the applicant from being issued a **marijuana cannabis** business license. [Ord. 16-0421 § 2 (Att. A); Ord. 15-0402 § 1 (Att. A); Ord. 14-0384 § 8.]

5.43.090 License suspension and revocation.

A. The *city manager* may, upon the recommendation of the chief of police or designee, and as provided in subsection B of this section, suspend or revoke any **marijuana cannabis** business license issued under the provisions of this chapter:

1. Where the license was procured by fraud or false representation of fact;
2. For violation of, or failure to comply with, this chapter, this code, or similar local or State law by the *licensee*, or by any of the *licensee's* servants, agents or employees, when the *licensee* knew or should have known of the violations committed by such servants, agents or employees;
3. For conviction of the *licensee* of any crime or offense involving transactions involving controlled substances (as that term is defined in Chapter [69.50](#) RCW) committed on the premises, or the conviction of any of *licensee's* servants, agents or employees of any crime or offense involving transactions involving controlled substances (as that term is defined in Chapter [69.50](#) RCW) committed on the premises in which the **marijuana cannabis** business is conducted when the *licensee* knew or should have known of the violations committed by such servants, agents or employees.

B. A license procured by fraud or misrepresentation shall be revoked permanently for the *licensee* and *licensee's* successors on the **marijuana cannabis** license. Where other violations of this chapter or other applicable ordinances, statutes or regulations are found, the *license* shall be suspended for a period of 30 days upon the first such violation, 90 days upon the second violation within a 24-month period, and revoked for third and subsequent violations within a 24-month period, not including periods of suspension.

C. The *city manager* shall provide at least 10 days' prior written notice to the *licensee* of the decision to suspend or revoke the license. Such notice shall inform the *licensee* of the right to appeal the decision to the hearing examiner or other designated hearing body and shall state the effective date of such revocation or suspension and the grounds for revocation or suspension. Such appeals shall be processed under KMC [5.05.150](#) and Chapter [19.30](#) KMC. The decision of the *city manager* shall be stayed during the pendency of any appeal except as provided in subsection D of this section.

D. Where the city building official or fire marshal, or their designees, or the King County health department finds that any condition exists upon the premises of a **marijuana cannabis** business which constitutes a threat of immediate serious injury or damage to *persons* or property, the official may immediately suspend any license issued under this chapter pending a hearing in accordance with subsection C of this section. The official shall issue a notice setting forth the basis for the action and the facts that constitute a threat of immediate serious injury or damage to *persons* or property, and informing the *licensee* of the right to appeal the suspension to the hearing examiner or other designated hearing body under the same appeal provisions set forth in subsection C of this section; provided, that a suspension based on threat of immediate serious injury or damage shall not be stayed during the pendency of the appeal. [Ord. 16-0421 § 2 (Att. A); Ord. 15-0402 § 1 (Att. A); Ord. 14-0384 § 8.]

5.43.100 Standards of conduct for marijuana cannabis businesses.

marijuana cannabis businesses shall conform to the rules of Chapter [314-55](#) WAC, applicable State laws relating to marijuana cannabis businesses, and KMC Title [18](#). [Ord. 16-0421 § 2 (Att. A); Ord. 15-0402 § 1 (Att. A); Ord. 14-0384 § 8.]

5.43.110 Hours of operation for marijuana cannabis retailers.

A marijuana cannabis retailer may be open for business only between the hours of 8:00 a.m. and 10:00 p.m. [Ord. 16-0421 § 2 (Att. A); Ord. 15-0402 § 1 (Att. A); Ord. 14-0384 § 8.]

5.43.120 Insurance.

The licensee shall maintain the insurance coverage of WAC [314-55-082](#) during the term of the marijuana cannabis business license, and shall name the City as an additional insured on the insurance policies. The policies shall be primary to any City insurance policies and the licensee's insurance policies shall state this requirement.

II. Section 16.50.030 KMC, Shoreline Use Table is amended to read as follows:

Shoreline Use Table

KEY P – Permitted Use C – Shoreline Conditional Use X – Prohibited Use U – Same use allowances as in adjacent upland environment	DOWNTOWN WATERFRONT	SWAMP CREEK COMMERCIAL	SHORELINE RESIDENTIAL	URBAN CONSERVANCY	NATURAL	AQUATIC
Adult entertainment business	P2	P2	X	X	X	X
Air transportation service	X	X	X	X	X	C12
Ambulatory surgery center	X	X	X	X	X	X
Animal kennel/shelter	X	X	X	X	X	X
Arts, entertainment, indoor	P2	P2	X	P16	X	X
Arts, entertainment, outdoor	P2	P2	X	P2	P6	X
Auction house	X	X	X	X	X	X
Automotive sales and service, marine	P2	P2	X	X	X	U3

Shoreline Use Table

KEY P – Permitted Use C – Shoreline Conditional Use X – Prohibited Use U – Same use allowances as in adjacent upland environment	DOWNTOWN WATERFRONT	SWAMP CREEK COMMERCIAL	SHORELINE RESIDENTIAL	URBAN CONSERVANCY	NATURAL	AQUATIC
<i>Automotive sales and service, nonmarine</i>	X	X	X	X	X	X
<i>Business service, intensive</i>	X	X	X	X	X	X
<i>Business service, standard</i>	P2	P2	X	X	X	X
<i>Cemetery, columbarium or mausoleum</i>	X	X	X	X	X	X
<i>College/university</i>	P3	P3	P3	P3	X	U
<i>Community residential facility</i>	P2	P2	P2	X	X	X
<i>Construction and trade</i>	X	X	X	X	X	X
<i>Day care</i>	P2	P2	X	X	X	X
<i>Eating and drinking place</i>	P2	P2	X	P16	X	X
<i>Educational service</i>	P2	P2	P2	P2	X	X
<i>Family child-care home</i>	X	X	P17	P17	C17	X
<i>Fire or police facility</i>	P3	P3	P3	C3	X	U
<i>Funeral home/crematory</i>	X	X	X	X	X	X
<i>Health care and social assistance</i>	P2, 13	P2, 13	X	P2, 13	X	X
<i>Hospital</i>	X	X	X	X	X	X
<i>Laboratory</i>	P2	P2	X	X	X	X
<i>Manufactured housing community</i>	X	X	C14	X	X	X
<i>Manufacturing, heavy</i>	X	X	X	X	X	X
<i>Manufacturing, light</i>	P2	P2	X	X	X	X
<i>Marijuana Cannabis business</i>	P2	P2	X	X	X	X
<i>Marijuana Cannabis cooperative</i>	X	X	X	X	X	X

Shoreline Use Table

KEY P – Permitted Use C – Shoreline Conditional Use X – Prohibited Use U – Same use allowances as in adjacent upland environment	DOWNTOWN WATERFRONT	SWAMP CREEK COMMERCIAL	SHORELINE RESIDENTIAL	URBAN CONSERVANCY	NATURAL	AQUATIC
<i>Mobile food service</i>	P2	P2	X	P2	X	P3
<i>Multiple-family dwelling</i>	P17	P17	P17	P17	X	X
<i>Office</i>	P2	P2	X	P2	X	X
<i>Park, non-water-oriented</i>	X	X	X	X	X	X
<i>Park, water-oriented. See also KMC 16.50.050, 16.50.070, and 16.55.050.</i>	P	P	P	P	P6	P3
<i>Personal service</i>	P2	P2	X	P2	X	X
<i>Recreational facility, indoor, commercial. KMC 16.50.070 does not apply to this use.</i>	P2	P2	X	X	X	X
<i>Recreational facility, outdoor, commercial. See also KMC 16.50.050, 16.50.070, and 16.55.050.</i>	P4, 15	P4, 15	P5, 15	P5, 15	P6	P3
<i>Regional land use, except for airport and ferry terminal, which are described below.</i>	C2, 7	C2, 7	X	X	X	C3
<i>Airport</i>	C12	X	X	X	X	C12
<i>Ferry terminal</i>	C	X	X	X	X	C
<i>Religious institution</i>	P2	P2	X	X	X	X
<i>Resource land use, except for aquaculture, which is described below.</i>	X	X	X	X	X	X
<i>Aquaculture. See also KMC 16.50.040.</i>	X	X	X	X	X	C1
<i>Retail sales</i>	P2	P2	X	P16	X	X

Shoreline Use Table

KEY P – Permitted Use C – Shoreline Conditional Use X – Prohibited Use U – Same use allowances as in adjacent upland environment	DOWNTOWN WATERFRONT	SWAMP CREEK COMMERCIAL	SHORELINE RESIDENTIAL	URBAN CONSERVANCY	NATURAL	AQUATIC
<i>Retail sales, bulk</i>	X	P2	X	X	X	X
<i>Secure facility</i>	X	X	X	X	X	X
<i>Single detached dwelling unit</i>	X	X	P17	P17	C17	P8
<i>Standalone parking</i>	C11	C11	X	C11	X	X
<i>Supportive living facility</i>	P2	P2	P2	X	X	X
<i>Temporary lodging</i>	P2	P2	X	X	X	X
<i>Transportation services</i>	C2	C2	X	X	X	X
<i>Transportation facilities</i>	C9	C9	C9	C9	C9	C9
<i>Utility facility. See also KMC 16.50.080.</i>	P10	P10	P10	P10	P10	P3, 10
<i>Vehicle or equipment rental</i>	P3, 16	X	X	P3, 16	X	P3, 16
<i>Vehicle refueling station</i>	P2	P2	X	X	X	C3
<i>Warehousing</i>	X	X	X	X	X	X
<i>Wholesale trade</i>	P2	P2	X	X	X	X

III. Section 18.20.1678 KMC is amended to read as follows:

18.20.1678 Manufacturing land uses.

For purposes of Chapters [18.35](#) and [18.40](#) KMC, “manufacturing land uses” means *manufacturing, heavy; manufacturing, light; marijuana cannabis processor; and tire retreading.*

II. Section 18.20.1679 is amended to read as follows:

18.20.1679.1 Marijuana Cannabis.

"Marijuana Cannabis" means marijuana cannabis as defined in RCW [69.50.101](#).

18.20.1679.2 Marijuana Cannabis business.

"Marijuana Cannabis business" means a marijuana cannabis producer, marijuana cannabis processor, marijuana cannabis researcher, or marijuana cannabis retailer. Marijuana Cannabis business does not include a marijuana cannabis cooperative as defined in KMC 18.20.1679.2.5.

18.20.1679.2.5 Marijuana Cannabis cooperative.

"Marijuana Cannabis cooperative" means a cooperative of no more than four qualifying patients or designated providers sharing responsibility for acquiring and supplying the resources needed to produce and process marijuana cannabis only for the medical use of members of the cooperative, as described under Chapter [69.51A](#) RCW.

18.20.1679.3 Marijuana Cannabis processor.

"Marijuana Cannabis processor" means a marijuana cannabis processor as defined in RCW [69.50.101](#).

18.20.1679.4 Marijuana Cannabis producer.

"Marijuana Cannabis producer" means a marijuana cannabis producer as defined in RCW [69.50.101](#).

18.20.1679.4.5 Marijuana Cannabis researcher.

"Marijuana Cannabis researcher" means a person licensed by the Washington State Liquor and Cannabis Board to produce, process, and possess marijuana cannabis for the purposes of conducting research on marijuana cannabis and marijuana cannabis-derived drug products.

18.20.1679.5 Marijuana Cannabis retailer.

"Marijuana Cannabis retailer" means a marijuana cannabis retailer as defined in RCW [69.50.101](#).

III. Section 18.20.2327 KMC is amended to read as follows:

18.20.2327 Resource land uses.

For purposes of Chapter [18.40](#) KMC, “resource land uses” means *resource land use* and *marijuana cannabis* producer.

IV. Section 18.20.2362 KMC is amended to read as follows:

18.20.2362 Retail land uses.

For purposes of Chapters [18.35](#) and [18.40](#) KMC, “retail land uses” means *auction house; automotive sales; eating and drinking place; marijuana cannabis* retailer; *mobile food service; retail sales; retail sales, bulk; and vehicle refueling station.*

V. Section 18.21.020 KMC is amended to read as follows:

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

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

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

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Air transportation service¹</i>	<i>Ambulatory surgery center²⁵</i>	<i>Adult entertainment business</i>
<i>Arts, entertainment, indoor^{2,3}</i>	<i>Arts, entertainment, outdoor²⁶</i>	<i>Animal kennel/shelter</i>
<i>Day care⁴</i>	<i>Cemetery, columbarium or mausoleum²⁷</i>	<i>Auction house</i>
<i>Educational service⁵</i>	<i>College/university²⁵</i>	<i>Automotive sales and service, marine</i>
<i>Family child-care home⁶</i>	<i>Community residential facility²⁸</i>	<i>Automotive sales and service, non-marine</i>
<i>Fire or police facility^{7,8}</i>	<i>Eating and drinking place^{3,29}</i>	<i>Business service, intensive</i>
<i>Health care and social assistance^{9,10}</i>	<i>Hospital²⁵</i>	<i>Business service, standard</i>
<i>Multiple-family dwelling¹¹</i>	<i>Manufactured housing community³⁰</i>	<i>Construction and trade</i>
<i>Office¹²</i>	<i>Personal service³¹</i>	<i>Funeral home/crematory</i>

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

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Park</i> ¹³	<i>Recreational facility, indoor</i> ^{3,16,32}	<i>Laboratory</i>
<i>Recreational facility, outdoor</i> ^{14,15,16}	<i>Regional land use</i> ^{33,34,35}	<i>Manufacturing, heavy</i>
<i>Religious institution</i> ¹⁷	<i>Retail sales</i> ^{31,36}	<i>Manufacturing, light</i>
<i>Resource land use</i> ¹⁸	<i>Temporary lodging</i> ³⁷	<i>Marijuana Cannabis business</i>
<i>Single detached dwelling unit</i> ^{19,20}		<i>Marijuana Cannabis cooperative</i>
<i>Standalone parking</i> ²¹		<i>Mobile food service</i>
<i>Supportive living facility</i> ²²		<i>Retail sales, bulk</i>
<i>Utility facility</i> ^{23,24}		<i>Secure facility</i>
		<i>Transportation</i>
		<i>Vehicle or equipment rental</i>
		<i>Vehicle refueling station</i>
		<i>Warehousing</i>
		<i>Wholesale trade</i>

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

2. Only (a) in a *building* listed on the National Register as a historic site or designated as a *City* landmark; (b) as a re-use of a surplus nonresidential facility; or (c) as a joint use of an existing public school facility. All subject to Chapter [18.50](#) KMC. Otherwise, a conditional use.

3. *Social card games* are prohibited.

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

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

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

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

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

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

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

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

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

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

8. For conditionally permitted fire facilities:

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

9. Only as a re-use of a public school facility. May be permitted as a conditional *use* if proposed as re-use of a surplus nonresidential facility. All subject to Chapter [18.50](#) KMC.

10. Veterinary clinics are prohibited.

11. *Townhouse* units only permitted and only on *lots* in a subdivision or short subdivision designed for *townhouse* units. Other *townhouse* units require a *conditional use permit*. *Apartments* are prohibited.
12. *Public agency or utility office* permitted only as a re-use of a public school facility or a surplus nonresidential facility subject to the provisions of Chapter [18.50](#) KMC. Otherwise, *public agency or utility office* is a *conditional use*. All other office *uses* are prohibited.
13. The following conditions and limitations shall apply, where appropriate:
 - a. Lighting for *structures* and fields shall be directed away from residential areas;
 - b. *Structures* or service yards shall maintain a minimum distance of 50 feet from property lines adjoining residential zones, except for *structures* in on-site recreation areas provided under KMC [18.30.130](#) or Chapter [20.47](#) KMC. Setback requirements for *structures* in these on-site required recreation areas shall be maintained in accordance with the zoning standards for the underlying residential zone.
14. Limited to *stable* and covered riding arena. All other *outdoor recreational facility uses* require a *conditional use permit* except campground, RV park, and shooting range which are prohibited.
15. Covered riding arenas are subject to KMC [18.70.030](#) and shall not exceed 20,000 square feet unless a *conditional use permit* is obtained. Stabling areas, whether attached or detached, shall not be counted in this calculation.
16. Conditionally permitted recreational facilities are subject to the following conditions and limitations:
 - a. The bulk and scale shall be compatible with residential character of the area;
 - b. The gross floor area shall not exceed 10,000 square feet unless the *building* is on the same *site* or adjacent to a *site* where a public facility is located or unless the *building* is a nonprofit facility; and
 - c. Use is limited to residents of a specified residential *development* or to *sports clubs* providing supervised instructional or athletic programs.

17. Only as a re-use of a public school facility subject to Chapter [18.50](#) KMC. Otherwise, a *conditional use permit* is required.
 18. Farming is permitted. All other *resource land uses* require a *conditional use permit*, except mineral extraction, which is prohibited.
 19. More than one *single detached dwelling unit* may be allowed on an individual *lot* through the *conditional use permit* process. A *conditional use permit* is not required for *lots* in subdivisions, short subdivisions or binding site plans approved as multiple unit *lots* or for *accessory dwelling units*.
 20. *Manufactured homes* and *mobile homes* are allowed only in *manufactured housing communities*. *Designated manufactured homes* are not restricted to *manufactured housing communities*.
 21. Limited to *commuter parking lots* for users of transit, carpools or ride-share programs, provided:
 - a. They are located on existing parking lots for *religious institutions*, schools, or other permitted nonresidential *uses* which have excess capacity available during commuting hours; and
 - b. The *site* is adjacent to a designated arterial that has been improved to a standard acceptable to the *department*.
- Other *commuter parking lots* require a *conditional use permit*. All other *standalone parking uses* are prohibited.
22. Only in a *building* listed on the National Register as an historic site or designated as a King County landmark subject to the provisions of Chapter [2.20](#) KMC. Otherwise, a *conditional use permit* is required.
 23. Excluding utilities using *bulk gas storage tanks*, which are a *conditional use*. Liquefied natural gas storage tanks are prohibited.
 24. *Private stormwater management facilities* permitted except when participating in an approved shared facility drainage plan. *Private stormwater management facilities* shall be located on the same *lot* that they are designed to serve except in subdivisions or short subdivisions that set aside a separate tract for such facilities. For shared facilities, such facilities which are not located on the *lot* they are designed to serve shall be located on a *lot* with the same or more intensive zoning designation.

25. Only as a re-use of a public school facility or a surplus nonresidential facility subject to Chapter [18.50](#) KMC.
26. Outdoor performance center and drive-in theater are prohibited.
27. *Structures* shall maintain a minimum distance of 100 feet from property lines adjoining residential zones.
28. *Community residential facility I* only. *Community residential facility II* is prohibited.
29. Not permitted in R-1 and excluding drinking places, and limited to a maximum of 5,000 square feet of gross floor area and subject to KMC [18.21.070](#).
30. *Manufactured housing communities* are not permitted in the R-1 zone.
31. Not permitted in R-1 and limited to a maximum of 5,000 square feet of gross floor area and subject to KMC [18.21.070](#).
32. Bowling center and shooting range are prohibited.
33. *Hydroelectric generation facilities* limited to those that comply with the following:
 - a. Any new diversion structure shall not: (1) Exceed a height of eight feet as measured from the streambed; or (2) impound more than three surface acres of water at the normal maximum surface level;
 - b. There shall be no active storage;
 - c. The maximum water surface area at any existing dam or diversion shall not be increased;
 - d. An exceedance flow of no greater than 50 percent in mainstream reach shall be maintained;
 - e. Any transmission line shall be limited to a: (1) right-of-way of five miles or less; and (2) capacity of 230 kV or less;
 - f. Any new, permanent access road shall be limited to five miles or less; and

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

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

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

36. Pet shops and auto supply stores are prohibited.

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

a. The guesthouse shall be owner-occupied;

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

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

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

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

VI. Section 18.21.040 KMC is amended to read as follows:

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

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

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

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Air transportation service</i> ¹	<i>Ambulatory surgery center</i> ²⁵	<i>Adult entertainment business</i>

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

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

1. One single-engine, noncommercial seaplane shall be permitted only on *lots* that abut a waterbody, provided there are (a) no aircraft sales, service, repair, charter, or rental; and (b) no storage of aviation fuel except that contained in the tank or tanks of the aircraft. A *helistop* at an *emergency* medical evacuation site in conjunction with a police, fire or health service facility is a *conditional use*. All other *air transportation service uses* are prohibited.
2. Museums and libraries permitted only as accessory to a *park* or in a *building* listed on the National Register as an historic site or designated as a *City* landmark subject to Chapter [18.50](#) KMC; otherwise, a *conditional use permit* is required. Artist studios permitted only as a re-use of a surplus nonresidential facility subject to Chapter [18.50](#) KMC or as a joint use of an existing public school facility; otherwise a *conditional use permit* is required. For all other *arts, entertainment, indoor uses*, a *conditional use permit* is required, except theater, which is prohibited.
3. *Social card games* are prohibited.
4. Permitted only as a re-use of a public school facility subject to Chapter [18.50](#) KMC.
5. Conditionally permitted only as a re-use of a surplus nonresidential facility subject to Chapter [18.50](#) KMC.
6. Permitted when:
 - a. Located in the R-24 zone; and
 - b. On a *site* in *office* or *construction and trade office uses* as of May 8, 2003; and
 - c. Part of a *mixed use development*; and
 - d. Limited to 15,000 square feet; and
 - e. No *outdoor storage* of equipment occurs.Otherwise, prohibited.
7. *Day care II* permitted only as a re-use of a public school facility subject to Chapter [18.50](#) KMC, or an *accessory use* to a school, *religious institution, park, sports club* or public housing administered by a *public agency*, and:

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

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

- 8. K-12 facilities only, except vocational school which is permitted only as a re-use of a surplus nonresidential facility subject to Chapter [18.50](#) KMC unless a *conditional use permit* is obtained. All other *educational service uses* require a *conditional use permit*.
- 9. A *family child-care home* is subject to the requirements established by the Washington State Department of Early Learning (DEL) in WAC Title [170](#). The *family child-care home* shall meet the following requirements:
 - a. The family child-care provider shall be licensed by DEL to operate a *family child-care home*;
 - b. A safe passenger loading area shall be provided;
 - c. The *family child-care home* shall comply with all applicable building, fire, safety, and health codes enforced by the *City*;
 - d. The *family child-care home* shall comply with all applicable development standards of the *City*, unless determined to be legally nonconforming;
 - e. All signage shall conform to the applicable requirements of Chapter [18.42](#) KMC; and
 - f. The *City* has the authority to limit the hours of operation to facilitate neighborhood compatibility.

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

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

All other police facilities require a *conditional use permit*.

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

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

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

13. Veterinary clinics are prohibited.

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

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

- a. Lighting for *structures* and fields shall be directed away from residential areas;
- b. *Structures* or service yards shall maintain a minimum distance of 50 feet from property lines adjoining residential zones, except for *structures* in on-site recreation areas provided under KMC [18.30.130](#) or Chapter [20.47](#) KMC. Setback requirements for *structures* in these on-site required recreation areas shall be maintained in accordance with the zoning standards for the underlying residential zone.

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

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

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

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

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

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

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

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

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

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

Otherwise a *conditional use permit* is required.

22. *Bulk gas storage tanks* which pipe to individual residences require a *conditional use permit*. All other *bulk gas storage tanks*, including liquefied natural gas storage tanks, are prohibited.
23. *Private stormwater management facilities* permitted except when participating in an approved shared facility drainage plan. *Private stormwater management facilities* shall be located on the same *lot* that they are designed to serve except in subdivisions or short subdivisions that set aside a separate tract for such facilities. For shared facilities, such facilities which are not located on the *lot* they are designed to serve shall be located on a *lot* with the same or more intensive zoning designation.
24. *Hydroelectric generation facilities* are prohibited. A *nonhydroelectric generation facility* may be conditionally permitted as a *cogeneration* facility for on-site use only.
25. Conditionally permitted only as a re-use of a surplus nonresidential facility subject to Chapter [18.50](#) KMC.
26. Arboretum only.
27. *Structures* shall maintain a minimum distance of 100 feet from property lines adjoining residential zones.
28. Excluding drinking places, and limited to a maximum of 5,000 square feet of gross floor area and subject to KMC [18.21.070](#).
29. Limited to a maximum of 5,000 square feet of gross floor area and subject to the additional requirements in KMC [18.21.070](#).
30. Conditional *uses* are subject to the following conditions and limitations:
 - a. The bulk and scale shall be compatible with residential character of the area;
 - b. For *sports clubs*, the gross floor area shall not exceed 10,000 square feet unless the *building* is on the same *site* or adjacent to a *site* where a public facility is located or unless the *building* is a nonprofit facility; and
 - c. Use is limited to residents of a specified residential *development* or to *sports clubs* providing supervised instructional or athletic programs.
31. Bowling center and shooting range are prohibited.
32. Amusement park, fairground, and stadium/arena are prohibited.

33. Auto supply stores and pet shops are prohibited.

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

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

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

- a. The gross floor area in *self-service storage* shall not exceed the total gross floor area of the *apartment* dwellings on the *site*;
- b. All outdoor lights shall be deflected, shaded and focused away from all adjoining property;
- c. The use of the facility shall be limited to dead storage of household goods;
- d. No servicing or repair of motor vehicles, boats, trailers, lawn mowers or similar equipment;
- e. No *outdoor storage* or storage of flammable liquids, highly combustibile or explosive materials or hazardous chemicals;
- f. No residential occupancy of the storage units;

g. No business activity other than the rental of storage units; and

h. A resident director shall be required on the *site* and shall be responsible for maintaining the operation of the facility in conformance with the conditions of approval.

VII. Section 18.21.045 KMC is amended to read as follows:

18.21.045 Residential zone MHC – Use allowances.

The following *uses* listed in Table D are identified as *permitted*, conditionally permitted, or *prohibited uses* in residential zone MHC:

Table D. MHC Zone Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Day care</i> ¹	<i>Community residential facility</i>	<i>Adult entertainment business</i>
<i>Family child-care home</i> ²	<i>Cemetery, columbarium or mausoleum</i>	<i>Air transportation service</i>
<i>Manufactured housing community</i> ⁸	<i>Educational service</i> ⁶	<i>Ambulatory surgery center</i>
<i>Park</i> ³	<i>Religious institution</i>	<i>Animal kennel/shelter</i>
<i>Single detached dwelling unit</i> ^{4,5}	<i>Supportive living facility</i>	<i>Arts, entertainment, indoor</i>
	<i>Temporary lodging</i> ⁷	<i>Arts, entertainment, outdoor</i>
		<i>Auction house</i>
		<i>Automotive sales and service, marine</i>
		<i>Automotive sales and service, nonmarine</i>
		<i>Business service, intensive</i>
		<i>Business service, standard</i>
		<i>College/university</i>

Table D. MHC Zone Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
		Construction and trade
		Eating and drinking place
		Fire or police facility
		Funeral home/crematory
		Health care and social assistance
		Hospital
		Laboratory
		Manufacturing, heavy
		Manufacturing, light
		Marijuana Cannabis business
		Marijuana Cannabis cooperative
		Mobile food service
		Multiple-family dwelling
		Office
		Personal service
		Recreational facility, indoor
		Recreational facility, outdoor
		Regional land use
		Resource land use
		Retail sales
		Retail sales, bulk
		Secure facility
		Standalone parking
		Transportation
		Utility facility
		Vehicle or equipment rental
		Vehicle refueling station

Table D. MHC Zone Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
		<i>Warehousing</i>
		<i>Wholesale trade</i>

1. *Day care I* is permitted. *Day care II* is permitted only as an *accessory use* to a *religious institution, park* or public housing administered by a *public agency*, and:

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

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

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

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

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

e. All signage shall conform to the applicable requirements of Chapter [18.42](#) KMC; and

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

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

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

b. *Structures* or service yards shall maintain a minimum distance of 50 feet from property lines adjoining residential zones.

4. One *single detached dwelling unit* only per existing legal lot as of April 23, 2019.

5. *Manufactured homes* and *mobile homes* are allowed only in *manufactured housing communities*. *Designated manufactured homes* are not restricted to *manufactured housing communities*.

6. K-12 facilities only. All other *educational service uses* are prohibited.

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

a. The guesthouse shall be owner-occupied;

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

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

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

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

8. For properties continuing in an existing *manufactured housing community use* after April 23, 2019, a *transfer of density credits* shall be permitted. See Chapter [18.80](#) KMC.

VIII. Section 18.22.010 KMC is amended to read as follows:

18.22.010 Neighborhood business zone – Use allowances.

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

Table A. Neighborhood Business Zone Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Arts, entertainment, indoor</i> ^{1,2}	<i>Automotive sales and service, marine</i> ⁴	<i>Adult entertainment business</i>
<i>Business service, standard</i>	<i>Automotive sales and service, nonmarine</i> ⁴	<i>Air transportation service</i>
<i>Community residential facility</i> ⁹	<i>Manufacturing, light</i>	<i>Ambulatory surgery center</i>
<i>Day care</i>	<i>Recreational facility, indoor</i> ^{2,22}	<i>Animal kennel/shelter</i>
<i>Eating and drinking place</i> ^{2,10,28}		<i>Arts, entertainment, outdoor</i>
<i>Educational service</i> ²⁸		<i>Auction house</i>
<i>Fire or police facility</i> ¹²		<i>Business service, intensive</i>
<i>Health care and social assistance</i> ^{13,14}		<i>Cemetery, columbarium or mausoleum</i>
<i>Mobile food service</i> ²⁷		<i>College/university</i>
<i>Multiple-family dwelling</i> ¹⁵		<i>Construction and trade</i>
<i>Office</i>		<i>Family child-care home</i>
<i>Park</i>		<i>Funeral home/crematory</i>
<i>Personal service</i> ²⁸		<i>Hospital</i>
<i>Religious institution</i>		<i>Laboratory</i>
<i>Retail sales</i> ^{16,28}		<i>Manufactured housing community</i>

Table A. Neighborhood Business Zone Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Supportive living facility</i> ⁹		<i>Manufacturing, heavy</i>
<i>Temporary lodging</i> ^{18,19}		<i>Marijuana Cannabis business</i>
<i>Vehicle refueling station</i>		<i>Marijuana Cannabis cooperative</i>
		<i>Recreational facility, outdoor</i>
		<i>Regional land use</i>
		<i>Resource land use</i>
		<i>Retail sales, bulk</i>
		<i>Secure facility</i>
		<i>Single detached dwelling unit</i>
		<i>Standalone parking</i>
		<i>Transportation</i>
		<i>Utility facility</i>
		<i>Vehicle or equipment rental</i>
		<i>Warehousing</i>
		<i>Wholesale trade</i>

1. Artist studios are permitted. All other *indoor arts, entertainment uses* require a *conditional use permit*.
2. *Social card games* are prohibited.
3. *Repealed by Ord. 18-0454.*
4. Automotive sales are prohibited. Repair or service shall only be performed in an enclosed *building*, with no *outdoor storage* of materials. Top, body, and upholstery repair shops, paint shops, and tire retreading are prohibited, as is *heavy equipment and truck repair*.
5. *Repealed by Ord. 18-0454.*
6. *Repealed by Ord. 18-0454.*

7. *Repealed by Ord. 18-0454.*

8. *Repealed by Ord. 18-0454.*

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

10. Drinking places are prohibited.

11. *Repealed by Ord. 18-0454.*

12. *Police facility* only and limited to “storefront” police offices. Such offices shall not have:

a. Holding cells; or

b. Long-term storage of stolen properties.

13. Veterinary clinics permitted subject to the following:

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

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

c. The provisions of Chapter [18.70](#) KMC relative to animal keeping are met.

14. Social assistance permitted only as a re-use of a surplus nonresidential facility subject to Chapter [18.50](#) KMC.

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

16. Used goods shops are prohibited.

17. *Repealed by Ord. 18-0454.*

18. Bed and breakfast guesthouse only. All other *temporary lodging* is prohibited.

19. Bed and breakfast guesthouse shall be subject to the following conditions:

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

20. *Repealed by Ord. 18-0454.*

21. *Repealed by Ord. 18-0454.*

22. Shooting ranges are prohibited.

23. *Repealed by Ord. 18-0454.*

24. *Repealed by Ord. 18-0454.*

25. *Repealed by Ord. 18-0454.*

26. *Repealed by Ord. 18-0454.*

27. *Mobile food service* is permitted subject to the following requirements:

- a. No permanent fencing, walls, or other *structures* shall be installed which hinder removal of the *structure* from the *site*;
- b. No required parking stall shall be blocked or rendered unusable as a result of the mobile vendor;
- c. Safe ingress and egress shall be maintained. Visibility for transportation and pedestrian access shall be maintained;

- d. The limited duration of the mobile vendor shall be established as a condition of approval of any applicable permits;
- e. A sign permit is required for exterior signage in accordance with the sign code, Chapter [18.42](#) KMC;
- f. If a stand:
- (1) The stand shall be located on a sidewalk or near a storefront consistent with barrier-free regulations;
- (2) The stand location on the sidewalk or near a storefront shall provide for at least four feet of unobstructed sidewalk between the stand and the sidewalk edge for pedestrian movement.
28. Each *use* is limited to maximum 5,000 square feet per *use* and 15,000 square feet total contiguous.

IX. Section 18.23.020 KMC is amended to read as follows:

18.23.020 Community business zone west subarea – Use allowances.

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

Table A. Community Business Zone West Subarea Use Allowances

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

Table A. Community Business Zone West Subarea Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Educational service³</i>	<i>Laboratory</i>	<i>Auction house</i>
<i>Family child-care home⁴</i>	<i>Recreational facility, indoor</i>	<i>Automotive sales and service, marine</i>
<i>Health care and social assistance⁵</i>	<i>Regional land use</i>	<i>Automotive sales and service, non-marine</i>
<i>Multiple-family dwelling</i>	<i>Religious institution</i>	<i>Business service, intensive</i>
<i>Office</i>	<i>Supportive living facility</i>	<i>Cemetery, columbarium, or mausoleum</i>
<i>Park</i>		<i>Construction and trade</i>
<i>Personal service²</i>		<i>Funeral home/crematory</i>
<i>Retail sales^{2,6}</i>		<i>Hospital</i>
		<i>Manufactured housing community</i>
<i>Single detached dwelling unit, existing legal⁷</i>		<i>Manufacturing, heavy</i>
<i>Standalone parking¹⁰</i>		<i>Manufacturing, light</i>
<i>Temporary lodging⁸</i>		<i>Marijuana Cannabis business</i>
<i>Utility facility⁹</i>		<i>Marijuana Cannabis cooperative</i>
		<i>Mobile food service</i>
		<i>Recreational facility, outdoor</i>
		<i>Resource land use</i>
		<i>Retail sales, bulk</i>
		<i>Secure facility</i>
		<i>Transportation</i>
		<i>Vehicle or equipment rental</i>
		<i>Vehicle refueling station</i>
		<i>Warehousing</i>

Table A. Community Business Zone West Subarea Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
		<i>Wholesale trade</i>

1. Artist studios permitted. All other *indoor arts, entertainment uses* require a *conditional use permit*, except theaters which are prohibited.
2. Permitted only as part of a *mixed use development* and must occupy 50 percent of the *ground floor* at *street frontage*. Each *use* is limited to maximum 5,000 square feet per *use* and 15,000 square feet total contiguous.
3. Arts and craft schools are a permitted use; all other *educational service uses* require a *conditional use permit*.
4. A *family child-care home* is permitted in an *existing legal single detached dwelling unit* subject to the requirements established by the Washington State Department of Early Learning (DEL) in WAC Title [170](#). The *family child-care home* shall meet the following requirements:
 - a. The family child-care provider shall be licensed by DEL to operate a *family child-care home*;
 - b. A safe passenger loading area shall be provided;
 - c. The *family child-care home* shall comply with all applicable building, fire, safety, and health codes enforced by the *City*;
 - d. The *family child-care home* shall comply with all applicable development standards of the *City*, unless determined to be legally nonconforming;
 - e. All signage shall conform to the applicable requirements of Chapter [18.42](#) KMC; and
 - f. The *City* has the authority to limit the hours of operation to facilitate neighborhood compatibility.
5. Social assistance *uses* and veterinary offices/clinics are conditionally permitted.

6. *Outdoor retail display/sidewalk sales* and auto supply stores are prohibited.
7. Other *single detached dwelling units* are prohibited.
8. Bed and breakfast guesthouse only. *Hotels* and *motels* are prohibited.
9. *Private stormwater management facility* is a *permitted use*. Sewer lift stations and pipes/electrical wires and associated structure supports may be conditionally permitted. All other *utility facility uses* are prohibited.
10. Limited to *commuter parking lots* for users of transit, carpools or ride-share programs, provided the facilities are located on existing parking lots for *religious institutions*, schools, or other permitted nonresidential *uses* which have excess capacity available during commuting hours. All other *standalone parking uses* require a *conditional use permit*.

X. Section 18.23.025 KMC is amended to read as follows:

18.23.025 Community business zone Juanita subarea – Use allowances.

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

Table A. Community Business Zone Juanita Subarea Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Arts, entertainment, indoor</i> ¹	<i>Ambulatory surgery center</i>	<i>Adult entertainment business</i>
<i>Business service, standard</i>	<i>Automotive sales and service, marine</i> ⁷	<i>Air transportation service</i>
<i>Day care</i>	<i>Automotive sales and service, non-marine</i> ⁷	<i>Animal kennel/shelter</i>
<i>Eating and drinking place</i> ²	<i>Community residential facility</i>	<i>Arts, entertainment, outdoor</i>
<i>Educational service</i> ²	<i>Fire or police facility</i>	<i>Auction house</i>
<i>Health care and social assistance</i> ³	<i>Laboratory</i>	<i>Business service, intensive</i>
<i>Mobile food service</i> ⁴	<i>Manufacturing, light</i>	<i>Cemetery, columbarium, or mausoleum</i>

Table A. Community Business Zone Juanita Subarea Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Multiple-family dwelling⁵</i>	<i>Recreational facility, indoor</i>	<i>College/university</i>
<i>Office</i>	<i>Religious institution</i>	<i>Construction and trade</i>
<i>Park</i>	<i>Supportive living facility</i>	<i>Family child-care home</i>
<i>Personal service²</i>	<i>Vehicle refueling station</i>	<i>Funeral home/crematory</i>
<i>Retail sales²</i>		<i>Hospital</i>
<i>Standalone parking⁸</i>		<i>Manufactured housing community</i>
<i>Temporary lodging⁶</i>		<i>Manufacturing, heavy</i>
		<i>Marijuana Cannabis business</i>
		<i>Marijuana Cannabis cooperative</i>
		<i>Recreational facility, outdoor</i>
		<i>Regional land use</i>
		<i>Resource land use</i>
		<i>Retail sales, bulk</i>
		<i>Secure facility</i>
		<i>Single detached dwelling unit</i>
		<i>Transportation</i>
		<i>Utility facility</i>
		<i>Vehicle or equipment rental</i>
		<i>Warehousing</i>
		<i>Wholesale trade</i>

1. Artist studios are permitted. All other *indoor arts, entertainment uses* require a *conditional use permit*.
2. Each *use* is limited to maximum 5,000 square feet per *use* and 15,000 square feet total contiguous.
3. Veterinary clinics subject to the following:

- a. No outdoor kennels or facilities;
- b. No burning of refuse or dead animals is allowed;
- c. The portion of the *building* or structure in which animals are kept or treated shall be soundproofed. All run areas, excluding *confinement areas* for *livestock*, shall be surrounded by an eight-foot solid wall and surfaced with concrete or other impervious material; and
- d. The provisions of Chapter [18.70](#) KMC relative to animal keeping are met.

4. *Mobile food service* is permitted subject to the following requirements:

- a. No permanent fencing, walls, or other *structures* shall be installed which hinder removal of the *structure* from the *site*;
- b. No required parking stall shall be blocked or rendered unusable as a result of the mobile vendor;
- c. Safe ingress and egress shall be maintained. Visibility for transportation and pedestrian access shall be maintained;
- d. The limited duration of the mobile vendor shall be established as a condition of approval of any applicable permits;
- e. A sign permit is required for exterior signage in accordance with the sign code, Chapter [18.42](#) KMC;
- f. If a stand:
 - (1) The stand shall be located on a sidewalk or near a storefront consistent with barrier-free regulations;
 - (2) The stand location on the sidewalk or near a storefront shall provide for at least four feet of unobstructed sidewalk between the stand and the sidewalk edge for pedestrian movement.

5. Only as part of a *mixed use development* subject to the conditions of Chapter [18.50](#) KMC.
6. Bed and breakfast guesthouse only. *Hotels* and *motels* are prohibited.
7. Automotive sales are prohibited. Repair or service shall only be performed in an enclosed *building*, with no *outdoor storage* of materials. Top, body, and upholstery repair shops, paint shops, and tire retreading are prohibited, as is *heavy equipment and truck repair*.
8. Limited to *commuter parking lots* for users of transit, carpools or ride-share programs, provided the facilities are located on existing parking lots for *religious institutions*, schools, or other permitted nonresidential *uses* which have excess capacity available during commuting hours. All other *standalone parking uses* require a *conditional use permit*.

XI. Section 18.24.020 KMC is amended to read as follows:

18.24A.020 Use allowances.

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

Table A. Urban Residential Zone Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Day care</i>	<i>Arts, entertainment, indoor¹</i>	<i>Adult entertainment business</i>
<i>Eating and drinking place¹</i>	<i>Business service, standard¹</i>	<i>Air transportation service</i>
<i>Educational service¹</i>	<i>Health care and social assistance¹</i>	<i>Ambulatory surgery center</i>
<i>Mobile food service²</i>	<i>Manufacturing, light^{1, 3}</i>	<i>Animal kennel/shelter</i>
<i>Multiple-family dwelling⁴</i>	<i>Park</i>	<i>Arts, entertainment, outdoor</i>
<i>Office¹</i>	<i>Personal service¹</i>	<i>Auction house</i>
	<i>Recreational facility, indoor¹</i>	<i>Automotive sales and service, marine</i>

Table A. Urban Residential Zone Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
	<i>Regional land use</i>	<i>Automotive sales and service, non-marine</i>
	<i>Retail sales^{1,3}</i>	<i>Business service, intensive</i>
	<i>Temporary lodging¹</i>	<i>Cemetery, columbarium or mausoleum</i>
		<i>College/university</i>
		<i>Community residential facility</i>
		<i>Construction and trade</i>
		<i>Family child-care home</i>
		<i>Fire or police facility</i>
		<i>Funeral home/crematory</i>
		<i>Hospital</i>
		<i>Laboratory</i>
		<i>Manufactured housing community</i>
		<i>Manufacturing, heavy</i>
		Marijuana Cannabis business
		Marijuana Cannabis cooperative
		<i>Recreational facility, outdoor</i>
		<i>Religious institution</i>
		<i>Resource land use</i>
		<i>Retail sales, bulk</i>
		<i>Secure facility</i>
		<i>Single detached dwelling unit</i>
		<i>Standalone parking</i>
		<i>Supportive living facility</i>
		<i>Transportation</i>
		<i>Utility facility</i>

Table A. Urban Residential Zone Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
		<i>Vehicle or equipment rental</i>
		<i>Vehicle refueling station</i>
		<i>Warehousing</i>
		<i>Wholesale trade</i>

1. 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. *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.

3. No *outdoor storage* of materials shall be permitted.
4. A standalone *townhouse* development is prohibited.

XII. Section 18.25.020 KMC is amended to read as follows:

18.25.020 Downtown commercial zone – Use allowances.

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

Table A. Downtown Commercial Zone Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Adult entertainment business</i> ¹	<i>Air transportation service</i>	<i>Animal kennel/shelter</i>
<i>Arts, entertainment, indoor</i>	<i>Ambulatory surgery center</i>	<i>Business service, intensive</i>
<i>Arts, entertainment, outdoor</i> ²	<i>College/university</i>	<i>Cemetery, columbarium or mausoleum</i>
<i>Auction house, existing</i> ³	<i>Community residential facility</i>	<i>Construction and trade</i>
<i>Automotive sales and service, marine, existing legal</i> ⁴	<i>Fire or police facility</i>	<i>Family child-care home</i>
<i>Automotive sales and service, non-marine, existing legal</i> ⁴	<i>Hospital</i>	<i>Funeral home/crematory</i>
<i>Business service, standard</i>	<i>Laboratory</i>	<i>Manufacturing, heavy</i>
<i>Day care</i>	<i>Religious institution</i>	<i>Manufacturing, light</i>
<i>Eating and drinking place</i>	<i>Utility facility</i> ¹⁶	<i>Marijuana Cannabis business</i>
<i>Educational service</i> ⁵		<i>Marijuana Cannabis cooperative</i>
<i>Health care and social assistance</i> ^{6,7}		<i>Recreational facility, outdoor</i>

Table A. Downtown Commercial Zone Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Manufactured housing community</i> ¹⁷		<i>Resource land use</i>
<i>Mobile food service</i> ⁸		<i>Retail sales, bulk</i>
<i>Multiple-family dwelling</i> ⁹		<i>Secure facility</i>
<i>Office</i>		<i>Single detached dwelling unit</i>
<i>Park</i>		<i>Supportive living facility</i>
<i>Personal service</i>		<i>Transportation</i>
<i>Recreational facility, indoor</i>		<i>Warehousing</i>
<i>Regional land use</i> ¹⁰		<i>Wholesale trade</i>
<i>Retail sales</i> ¹¹		
<i>Standalone parking</i> ¹²		
<i>Temporary lodging</i> ¹³		
<i>Vehicle or equipment rental</i> ¹⁴		
<i>Vehicle refueling station</i> ¹⁵		

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

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

f. Publicly dedicated *trail*; provided, however, that the setback distance shall apply only on the south side of the Burke-Gilman Trail, and that there shall be no setback on the north side of that trail due to the separation provided by SR-522;

g. Sports fields or playgrounds;

h. Recreation or community center;

i. *Religious institution*;

j. Public library.

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

2. Outdoor performance center permitted when located west of 68th Avenue NE and associated with a plaza open to the public, and space is made available for general public passive or active use during non-performance hours.

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

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

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

- c. Screening of *outdoor storage* and parking areas consistent with Kenmore downtown design standard parking lot screening requirements, KMC [18.52.180](#);
- d. Provision of sidewalks along property frontages in the public rights-of-way, or other measures deemed by the *City* to adequately protect pedestrians traveling along property frontages; and
- e. Ensures that expanded accessory parking area is not used for storage.

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

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

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

Automotive sales are prohibited unless accessory to an *existing legal* automotive repair or service *use* and consistent with the following: (a) motor vehicles for sale or lease shall not be arranged in a display lot fashion along the primary *street frontage*, and (b) shall be a subordinate and incidental part of the automotive repair or service *use*, and (c) shall be subject to Chapter [18.52](#) KMC, Design Standards, regarding screening, location and other relevant standards.

5. Arts and crafts schools permitted. All other *educational service uses* are conditionally permitted.

6. Veterinary clinics subject to the following:

a. No outdoor kennels or facilities;

b. No burning of refuse or dead animals is allowed;

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

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

7. *Social services, noncorrectional* is a permitted *use*. *Social services, correctional* is a conditionally permitted *use*.

8. *Mobile food service* is permitted subject to the following requirements:

a. No permanent fencing, walls, or other *structures* shall be installed which hinder removal of the *structure* from the *site*;

- b. No required parking stall shall be blocked or rendered unusable as a result of the mobile vendor;
- c. Safe ingress and egress shall be maintained. Visibility for transportation and pedestrian access shall be maintained;
- d. The limited duration of the mobile vendor shall be established as a condition of approval of any applicable permits;
- e. A sign permit is required for exterior signage in accordance with the sign code, Chapter [18.42](#) KMC;
- f. If a stand:
 - (1) The stand shall be located on a sidewalk or near a storefront consistent with barrier-free regulations;
 - (2) The stand location on the sidewalk or near a storefront shall provide for at least four feet of unobstructed sidewalk between the stand and the sidewalk edge for pedestrian movement.
- 9. When located on property fronting on SR-522, 73rd Avenue NE, NE 181st Street west of 68th Avenue NE, 65th Avenue NE, 67th Avenue NE, or 68th Avenue NE, such *uses* shall be subject to the following conditions:
 - a. A minimum of 80 percent of a *structure's* street front facade at street level shall be occupied by nonresidential (e.g., retail, office or service) *uses*. If the nonresidential and residential *uses* are located in separate structures, the 80 percent requirement shall apply to the lot's lineal *street frontage* at street level. Where the *lot* fronts on two or more *streets* and abuts a *lot* which is not zoned commercial, the street front facade requirement shall apply to the *structure's* facade along the *street* with the greatest continuous lineal feet of commercially zoned frontage.
 - b. The required nonresidential *use* shall extend at least 30 feet in depth at street level from the street front facade of the *structure*; provided, that the minimum required depth may be averaged, with no depth less than 15 feet.

c. Where a *lot* fronts on two or more *streets* and only abuts *lots* which are zoned commercial, the street front facade requirement shall be calculated by totaling the combined street front facades of the *structure* containing the required nonresidential *use*.

10. *Transit center* only permitted. All other *regional land uses* are prohibited. *Transit centers* shall be located a maximum distance of 1,200 lineal feet measured from the center line of SR-522 to the furthestmost point of the *transit center*.

11. *Outdoor retail displays/sidewalk sales* also are permitted subject to:

a. The *outdoor retail display/sidewalk sale* shall be accessory to a permitted permanent commercial *use*;

b. Fire lanes shall remain fully open and accessible at all times;

c. The location on sidewalk or near storefront is barrier-free;

d. No required parking stall shall be blocked or unusable as a result of the *outdoor retail display/sidewalk sale*;

e. Safe ingress and egress to the *site* shall be maintained. Visibility for transportation and pedestrian access shall be maintained;

f. Such display and activity is removed daily at the time of or prior to the close of business hours;

g. A sign permit is required for exterior signage in accordance with the sign code, Chapter [18.42](#) KMC.

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

b. All parking structures shall provide retail usages for at least 50 percent of the *ground floor street frontages*, consistent with Chapter [18.52](#) KMC, Design Standards.

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

13. Bed and breakfast guesthouse permitted only if part of a *mixed use development*.

14. Equipment rental is prohibited. Vehicle rental is permitted only when accessory to and contained within a structured parking garage. Automotive rental and leasing *uses* may also be permitted when accessory to an *existing legal* automotive service or *existing legal* automotive repair *use* and consistent with the following:

a. Motor vehicles for lease or rental shall not be arranged in a display lot fashion along the primary *street frontage*; and

b. Shall be a subordinate and incidental part of the automotive repair or automotive service business; and

c. Shall be subject to Chapter [18.52](#) KMC, Design Standards, regarding screening, location and other relevant standards. Otherwise prohibited.

15. *Existing legal* gasoline service stations are permitted. Other gasoline service stations are prohibited.

16. Limited to sewer lift stations and pipes/electrical wires and associated structural supports.

17. Limited to *manufactured housing communities* in existence as of April 23, 2019.

XIII. Section 18.25A.030 is amended to read as follows:

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

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

Table A. Urban Corridor West Subarea Use Allowances

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

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

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

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

² Provided:

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

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

³ Limited to indoor columbariums and mausoleums only.

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

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

⁶ Provided:

- a. No permanent fencing, walls, or other structures shall be installed which hinder removal of the structure from the site, unless the structure is permanently permitted.
- b. No required parking stall shall be blocked or rendered unusable as a result of the mobile vendor.
- c. Safe ingress and egress shall be maintained. Visibility for transportation and pedestrian access shall be maintained.
- d. The limited duration of the mobile vendor shall be established as a condition of approval of any applicable permits.
- e. A sign permit is required for exterior signage in accordance with the sign code, Chapter [18.42](#) KMC.

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

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

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

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

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

¹² Reserved.

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

XIV. Section 18.25A.040 KMC is amended to read as follows:

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

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

Table B. Urban Corridor East Subarea Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Adult entertainment business¹</i> <i>Ambulatory surgery center</i> <i>Animal kennel/shelter²</i> <i>Arts, entertainment, indoor</i> <i>Arts, entertainment, outdoor³</i> <i>Business service, standard</i> <i>Cemetery, columbarium or mausoleum⁴</i> <i>Community residential facility⁵</i> <i>Day care</i> <i>Eating and drinking place⁶</i> <i>Educational service</i> <i>Funeral home/crematory</i> <i>Health care and social assistance</i> <i>Laboratory⁷</i> <i>Manufacturing, light</i> <i>Marijuana Cannabis business</i> <i>Mobile food service⁸</i> <i>Multiple-family dwelling^{13,14}</i>	<i>College/university</i> <i>Fire or police facility</i> <i>Hospital⁵</i> <i>Laboratory⁷</i> <i>Regional land use⁵</i> <i>Retail sales, bulk^{5,10}</i>	<i>Air transportation service</i> <i>Arts, entertainment, outdoor³</i> <i>Auction house</i> <i>Automotive sales and service, marine</i> <i>Automotive sales and service, nonmarine</i> <i>Business service, intensive</i> <i>Community residential facility⁵</i> <i>Construction and trade</i> <i>Family child-care home</i> <i>Hospital⁵</i> <i>Manufactured housing community</i> <i>Manufacturing, heavy</i> <i>Marijuana Cannabis cooperative</i> <i>Recreational facility, outdoor³</i> <i>Regional land use⁵</i> <i>Resource land use</i>

Table B. Urban Corridor East Subarea Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Office</i> <i>Park</i> <i>Personal service</i> <i>Recreational facility, indoor</i> <i>Recreational facility, outdoor</i> ^{3,9} <i>Religious institution</i> <i>Retail sales</i> <i>Retail sales, bulk</i> ^{5,10} <i>Standalone parking</i> ¹¹ <i>Supportive living facility</i> <i>Temporary lodging</i> <i>Vehicle refueling station</i> ¹²		<i>Retail sales, bulk</i> ⁵ <i>Secure facility</i> <i>Single detached dwelling unit</i> <i>Standalone parking</i> ¹¹ <i>Transportation</i> <i>Utility facility</i> <i>Vehicle or equipment rental</i> <i>Vehicle refueling station</i> ¹² <i>Warehousing</i> <i>Wholesale trade</i>

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

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

- g. Sports fields or playgrounds;
- h. Recreation or community center;
- i. *Religious institution*;
- j. Public library.

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

² Provided:

- a. No burning of refuse or dead animals is allowed;
- b. The portion of the *building* or *structure* in which animals are kept or treated shall be soundproofed. All run areas, excluding *confinement areas* for *livestock*, shall be surrounded by an eight-foot solid wall and surfaced with concrete or other impervious material;
- c. Outdoor runs shall be prohibited on properties adjacent to residential zones; and
- d. The provisions of Chapter [18.70](#) KMC relative to animal keeping shall be met.

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

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

⁵ Prohibited east of 80th Avenue NE.

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

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

⁸ Provided:

- a. No permanent fencing, walls, or other structures shall be installed which hinder removal of the structure from the site, unless the structure is permanently permitted.
- b. No required parking stall shall be blocked or rendered unusable as a result of the mobile vendor.
- c. Safe ingress and egress shall be maintained. Visibility for transportation and pedestrian access shall be maintained.
- d. The limited duration of the mobile vendor shall be established as a condition of approval of any applicable permits.
- e. A sign permit is required for exterior signage in accordance with the sign code, Chapter [18.42](#) KMC.

⁹ Campgrounds and RV parks shall not be permitted.

¹⁰ A *conditional use permit* is required if the building footprint is greater than 65,000 sq. ft.

¹¹ Prohibited east of 80th Avenue NE. Standalone surface parking lots for vehicles, boats or boat racks shall not exceed 10,000 sq. ft. in size west of 80th Avenue NE.

¹² Permitted only within 250 feet of the intersection of 80th Avenue NE and SR-522. Prohibited in other portions of the east subarea.

¹³ A standalone townhouse development is prohibited.

¹⁴ On *street frontages*, the following conditions apply:

- a. A minimum of 80 percent of the *structure's* street front facade at street level shall be occupied by nonresidential (e.g., retail, office or service) *uses*.

- b. The required nonresidential *uses* shall extend at least 30 feet in depth at street level from the street front facade of the *structure*; provided, that the minimum required depth may be averaged, with no depth less than 15 feet.

Exception: These requirements do not apply to multifamily structures containing 100 percent *affordable housing units*.

Exception: This section, as amended by Ordinance No. 23-0574, shall not apply to certain real properties located within the area of the transit oriented development (TOD) district overlay as identified in KMC [18.29.020](#) and Figure 18.29.020.1, and as further identified by the following tax parcel numbers (TPN): TPN 011410-0889, TPN 011410-0881, TPN 011410-0870, TPN 011410-0885, TPN 011410-0865, TPN 011410-0860, and TPN 011410-0855 (collectively, the “parcels”). This section adopted under Ordinance No. 19-0481 shall apply and remain in full force and effect for these parcels.

XV. Section 18.25B.020 is amended to read as follows:

18.25B.020 Use allowances.

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

Table A. Waterfront Commercial Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Adult entertainment business</i> ¹ <i>Ambulatory surgery center</i> <i>Animal kennel/shelter</i> ² <i>Arts, entertainment, indoor</i> <i>Arts, entertainment, outdoor</i> ³ <i>Automotive sales and service, marine</i> <i>Business service, standard</i> <i>Cemetery, columbarium or mausoleum</i> ⁴ <i>Community residential facility (CRF)</i>	<i>Air transportation service</i> <i>College/university</i> <i>Fire or police facility</i> <i>Hospital</i> <i>Laboratory</i> ⁶ <i>Regional land use</i>	<i>Auction house</i> <i>Automotive sales and service, nonmarine</i> <i>Business service, intensive</i> <i>Construction and trade</i> <i>Family child-care home</i> <i>Manufactured housing community</i> <i>Manufacturing, heavy</i> <i>Marijuana Cannabis cooperative</i> <i>Resource land use</i> <i>Retail sales, bulk</i>

Table A. Waterfront Commercial Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Day care</i> <i>Eating and drinking place⁵</i> <i>Educational service</i> <i>Funeral home/crematory</i> <i>Health care and social assistance</i> <i>Laboratory⁶</i> <i>Manufacturing, light</i> <i>Marijuana Cannabis business</i> <i>Mobile food service⁷</i> <i>Multiple-family dwelling⁸</i> <i>Office</i> <i>Park</i> <i>Personal service</i> <i>Recreational facility, indoor</i> <i>Recreational facility, outdoor^{3,9}</i> <i>Religious institution</i> <i>Retail sales</i> <i>Standalone parking¹⁰</i> <i>Supportive living facility</i> <i>Temporary lodging</i>		<i>Secure facility</i> <i>Single detached dwelling unit</i> <i>Utility facility</i> <i>Warehousing</i> <i>Wholesale trade</i>
<i>Transportation¹¹</i> <i>Vehicle or equipment rental¹²</i> <i>Vehicle refueling station</i>		

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

- a. Residentially zoned property;
- b. Public or *private* school for general education of any grade K through 12;
- c. School bus stop;

- d. Licensed *day care* or licensed preschool facility;
- e. Public *park*;
- f. Publicly dedicated *trail*; provided, however, that the *setback* distance shall apply only on the south side of the Burke-Gilman Trail, and that there shall be no *setback* on the north side of that trail due to the separation provided by Highway 522;
- g. Sports fields or playgrounds;
- h. Recreation or community center;
- i. *Religious institution*;
- j. Public library.

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

² Provided:

- a. No burning of refuse or dead animals is allowed;
- b. The portion of the *building* or *structure* in which animals are kept or treated shall be soundproofed. All run areas, excluding *confinement areas* for *livestock*, shall be surrounded by an eight-foot solid wall and surfaced with concrete or other impervious material;
- c. Outdoor runs shall be prohibited on properties adjacent to residential zones; and
- d. The provisions of Chapter [18.70](#) KMC relative to animal keeping shall be met.

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

⁴ Limited to indoor columbariums and mausoleums only.

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

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

⁷ Provided:

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

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

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

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

e. A sign permit is required for exterior signage in accordance with the sign code, Chapter [18.42](#) KMC.

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

⁹ Campgrounds and RV parks shall not be permitted.

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

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

¹² Equipment rental is prohibited.

XVI. Section 18.26.030 KMC is amended to read as follows:**18.26.030 Use allowances – Regional business north subarea.**

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

Table A. Regional Business North Subarea Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Adult entertainment business¹</i> <i>Ambulatory surgery center</i> <i>Animal kennel/shelter²</i> <i>Arts, entertainment, indoor</i> <i>Arts, entertainment, outdoor</i> <i>Automotive sales and service, marine³</i> <i>Automotive sales and service, nonmarine⁴</i> <i>Business service, standard</i> <i>Community residential facility</i> <i>Construction and trade</i> <i>Day care</i> <i>Eating and drinking place⁵</i> <i>Educational service</i> <i>Fire or police facility</i> <i>Health care and social assistance</i> <i>Laboratory⁶</i> <i>Manufacturing, light</i> <i>Marijuana Cannabis business</i> <i>Mobile food service⁷</i> <i>Multiple-family dwelling⁸</i> <i>Office</i> <i>Park</i> <i>Personal service</i> <i>Recreational facility, indoor</i> <i>Religious institution</i> <i>Retail sales</i> <i>Standalone parking⁹</i> <i>Supportive living facility</i> <i>Temporary lodging</i>	<i>College/university</i> <i>Laboratory⁶</i> <i>Recreational facility, outdoor¹³</i> <i>Regional land use</i> <i>Utility facility</i>	<i>Air transportation service</i> <i>Auction house</i> <i>Automotive sales and service, nonmarine⁴</i> <i>Business service, intensive</i> <i>Cemetery, columbarium or mausoleum</i> <i>Family child-care home</i> <i>Funeral home/crematory</i> <i>Hospital</i> <i>Manufactured housing community</i> <i>Manufacturing, heavy</i> <i>Marijuana Cannabis cooperative</i> <i>Resource land use</i> <i>Retail sales, bulk</i> <i>Secure facility</i> <i>Single detached dwelling unit</i> <i>Vehicle or equipment rental¹¹</i> <i>Vehicle refueling station</i> <i>Warehousing</i>

Table A. Regional Business North Subarea Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Transportation</i> ¹⁰ <i>Vehicle or equipment rental</i> ¹¹ <i>Wholesale trade</i>		

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

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

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

² Provided:

- a. No burning of refuse or dead animals is allowed;
- b. The portion of the *building* or *structure* in which animals are kept or treated shall be soundproofed. All run areas, excluding *confinement areas* for *livestock*, shall be surrounded by an eight-foot solid wall and surfaced with concrete or other impervious material;
- c. Outdoor runs shall be prohibited on properties adjacent to residential zones; and
- d. The provisions of Chapter [18.70](#) KMC relative to animal keeping shall be met.

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

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

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

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

⁷ Provided:

- a. No permanent fencing, walls, or other structures shall be installed which hinder removal of the structure from the site, unless the structure is permanently permitted.
- b. No required parking stall shall be blocked or rendered unusable as a result of the mobile vendor.
- c. Safe ingress and egress shall be maintained. Visibility for transportation and pedestrian access shall be maintained.

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

e. A sign permit is required for exterior signage in accordance with the sign code, Chapter [18.42](#) KMC.

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

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

¹⁰ Trucking and freight hauling businesses are not permitted.

¹¹ Equipment rental is prohibited.

¹² Reserved.

¹³ Campgrounds and RV parks shall not be permitted.

XVII. Section 18.26.040 KMC is amended to read:

18.26.040 Use allowances – Regional business east subarea.

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

Table B. Regional Business East Subarea Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Adult entertainment business¹</i> <i>Ambulatory surgery center</i> <i>Animal kennel/shelter²</i> <i>Arts, entertainment, indoor</i> <i>Arts, entertainment, outdoor³</i> <i>Auction house⁴</i>	<i>College/university</i> <i>Hospital</i> <i>Laboratory⁸</i> <i>Regional land use</i> <i>Secure facility¹⁷</i> <i>Utility facility</i>	<i>Air transportation service</i> <i>Automotive sales and service, nonmarine⁵</i> <i>Business service, intensive</i> <i>Family child-care home</i> <i>Manufactured housing community</i>

Table B. Regional Business East Subarea Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Automotive sales and service, marine</i> <i>Automotive sales and service, nonmarine⁵</i> <i>Business service, standard</i> <i>Cemetery, columbarium or mausoleum⁶</i> <i>Community residential facility</i> <i>Construction and trade</i> <i>Day care</i> <i>Eating and drinking place⁷</i> <i>Educational service</i> <i>Fire or police facility</i> <i>Funeral home/crematory</i> <i>Health care and social assistance</i> <i>Laboratory⁸</i> <i>Manufacturing, light</i> <i>Marijuana Cannabis business</i> <i>Mobile food service⁹</i> <i>Multiple-family dwelling¹⁰</i> <i>Office</i> <i>Park</i> <i>Personal service</i> <i>Recreational facility, indoor</i> <i>Recreational facility, outdoor^{3,11}</i> <i>Religious institution</i> <i>Retail sales¹²</i> <i>Standalone parking¹³</i> <i>Supportive living facility</i> <i>Temporary lodging</i> <i>Transportation¹⁴</i> <i>Vehicle or equipment rental</i> <i>Warehousing¹⁵</i> <i>Wholesale trade</i>		<i>Manufacturing, heavy</i> <i>Marijuana Cannabis cooperative</i> <i>Resource land use</i> <i>Retail sales, bulk</i> <i>Single detached dwelling unit</i> <i>Vehicle refueling station</i>

¹ It shall be unlawful for any person to establish an *adult entertainment business* or to relocate an *adult entertainment business* within 330 feet, measured from the property line of the parcel or parcels proposed to contain the *adult entertainment business* to the

property line of the parcels containing the *uses* in this subsection, without regard to intervening *structures* or objects, of any:

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

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

² Provided:

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

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

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

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

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

⁴ Excluding animal auctions.

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

⁶ Limited to indoor columbariums and mausoleums.

⁷ *Social card games*, as defined by this title, are prohibited.

⁸ *Laboratories* that must comply with special containment procedures for large quantities of hazardous materials are subject to a *conditional use permit*.

⁹ Provided:

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

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

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

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

e. A sign permit is required for exterior signage in accordance with the sign code, Chapter [18.42](#) KMC.

¹⁰ Allowed only as part of a *mixed use development* subject to the conditions of Chapter [18.50](#) KMC.

¹¹ Campgrounds and RV parks shall not be permitted.

¹² Allowed only as part of a *mixed use development*.

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

¹⁴ Trucking and freight hauling businesses are not permitted.

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

¹⁶ Reserved.

¹⁷ Jails are prohibited. *Secure community transition facilities* as defined in RCW [71.09.020](#) are subject to the following restrictions:

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

b. Siting Criteria.

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

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

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

(b) Adjacent to, immediately across a street or parking lot from, or within the line of sight of a “risk potential activity” as defined in RCW [71.09.020](#), as amended, including, but not

limited to, public and private schools; school bus stops; licensed *day care* and licensed preschool facilities; public *parks*, publicly dedicated *trails* and sports fields; recreational and community centers; playgrounds; *religious institutions*; and public libraries.

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

(3) The distances specified in subsection (17)(b)(2) of this footnote shall be measured by following a straight line from the nearest point of the property parcel upon which the SCTF is to be located to the nearest point of the parcel of property or land use district boundary line from which the proposed land use is to be separated.

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

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

(1) The siting process used for the SCTF, including alternative locations considered. At least three alternative locations must be considered.

(2) An analysis showing that utmost consideration was given to potential sites such that siting of the facility will have no unreasonable impact on any one racial, cultural, or socio-economic group, and that there will not be a resulting concentration of similar facilities in a particular neighborhood, community, jurisdiction or region.

(3) Proposed mitigation measures including the use of extensive buffering from adjacent uses.

(4) A detailed security plan for the facility and the residents.

(5) Proposed operating rules for the facility.

(6) A schedule and analysis of all public input solicited or to be solicited during the siting process.

XVIII. Section 18.26.050 is amended to read as follows:

18.26.050 Use allowances – Regional business west subarea.

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

Table C. Regional Business West Subarea Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Adult entertainment business¹</i> <i>Ambulatory surgery center</i> <i>Arts, entertainment, indoor</i> <i>Arts, entertainment, outdoor</i> <i>Automotive sales and service, marine²</i> <i>Business service, standard</i> <i>Community residential facility</i> <i>Day care</i> <i>Eating and drinking place³</i> <i>Educational service</i> <i>Fire or police facility</i> <i>Health care and social assistance</i> <i>Laboratory⁴</i> <i>Marijuana Cannabis business</i> <i>Mobile food service⁵</i> <i>Multiple-family dwelling⁶</i> <i>Office</i>	<i>College/university</i> <i>Laboratory⁴</i> <i>Manufacturing, light</i> <i>Regional land use</i>	<i>Air transportation service</i> <i>Animal kennel/shelter</i> <i>Auction house</i> <i>Automotive sales and service, nonmarine</i> <i>Business service, intensive</i> <i>Cemetery, columbarium or mausoleum</i> <i>Construction and trade</i> <i>Family child-care home</i> <i>Funeral home/crematory</i> <i>Hospital</i> <i>Manufactured housing community</i> <i>Manufacturing, heavy</i> <i>Marijuana Cannabis cooperative</i> <i>Resource land use</i> <i>Retail sales, bulk</i> <i>Secure facility</i>
<i>Park</i> <i>Personal serviceRecreational facility, indoor</i> <i>Recreational facility, outdoor⁷</i> <i>Religious institution</i> <i>Retail sales⁸</i> <i>Standalone parking⁹</i> <i>Supportive living facility</i> <i>Temporary lodging</i> <i>Transportation¹⁰</i> <i>Vehicle or equipment rental¹¹</i> <i>Vehicle refueling station¹²</i>		<i>Single detached dwelling unit</i> <i>Utility facility</i> <i>Warehousing</i> <i>Wholesale trade</i>

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

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

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

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

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

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

⁵ Provided:

- a. No permanent fencing, walls, or other structures shall be installed which hinder removal of the structure from the site, unless the structure is permanently permitted.
- b. No required parking stall shall be blocked or rendered unusable as a result of the mobile vendor.
- c. Safe ingress and egress shall be maintained. Visibility for transportation and pedestrian access shall be maintained.
- d. The limited duration of the mobile vendor shall be established as a condition of approval of any applicable permits.
- e. A sign permit is required for exterior signage in accordance with the sign code, Chapter [18.42](#) KMC.

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

⁷ Campgrounds and RV parks shall not be permitted.

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

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

¹⁰ Only passenger transportation uses are permitted.

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

¹² Allowed only as an accessory to a permitted use.

XIX. Section 18.27.020 KMC is amended to read as follows:

18.27.020 Public and semi-public zone – Use allowances.

A. The following *uses* listed in Table A are identified as *permitted*, conditionally permitted, or *prohibited uses* in the public and semi-public zone:

Table A. Public and Semi-Public Zone Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Arts, entertainment, indoor</i>	<i>College/university</i>	<i>Marijuana Cannabis business</i>
<i>Arts, entertainment, outdoor¹</i>	<i>Construction and trade⁴</i>	<i>Marijuana Cannabis cooperative</i>
<i>Educational service</i>		<i>Regional land use⁵</i>
<i>Fire or police facility</i>		<i>Secure facility</i>
<i>Multiple-family dwelling^{6,7}</i>		
<i>Office²</i>		
<i>Park</i>		
<i>Recreational facility, indoor</i>		
<i>Recreational facility, outdoor</i>		
<i>Standalone parking³</i>		
<i>Utility facility</i>		

1. Except outdoor performance center which is conditionally permitted.
2. Limited to *public agency offices*.
3. Limited to commuter parking facilities for users of transit, carpools or ride-share programs. Standalone parking garages shall be part of a *mixed use development* and shall use techniques such as architectural screening treatments and/or “wrapping” of the building with other uses to mitigate the visual impacts of the garage.
4. Limited to *public agency* maintenance yards or facilities.
5. Landfill and transfer station are specifically prohibited. Consideration of all other *regional land uses* shall follow the process outlined in KMC Section [18.27.060](#).
6. Limited to: (a) developments sponsored by a *public agency* on properties abutting SR-522 containing at least 25 percent *very-low* or *low-income affordable housing units*; or (b) developments on surplus *public agency* property. Developments containing *very-*

low or low-income affordable housing units shall meet the standards of Chapter [18.77](#) KMC.

7. A standalone townhouse development is prohibited on properties abutting SR-522.

B. Classified land *uses* not listed or prohibited in Table A may be allowed through completion of a site plan review process pursuant to KMC [18.27.060](#) and Chapter [18.105](#) KMC.

C. *Uses* Established by *Master Plan*. Adopted *master plans* that specify *uses* include the following:

1. Bastyr University Master Plan, December 2009, approved by *City Ordinance* 09-0304.

XX. Section 18.28.020 KMC is amended to read as follows:

18.28.020 Parks zone – Use allowances.

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

Table A. Parks Zone Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Arts, entertainment, indoor</i>		<i>Marijuana Cannabis business</i>
<i>Arts, entertainment, outdoor</i>		<i>Marijuana Cannabis cooperative</i>
<i>Construction and trade</i> ¹		
<i>Mobile food service</i> ²		
<i>Office</i> ³		
<i>Park</i>		
<i>Recreational facility, indoor</i>		
<i>Recreational facility, outdoor</i>		
<i>Single detached dwelling unit</i> ⁴		

Table A. Parks Zone Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Utility facility</i>		

1. *City* maintenance facility only.
 2. *Mobile Food Service* Requirements.
 - a. No permanent fencing, walls, or other *structures* are installed which hinder removal of the *mobile food service* from the *site*;
 - b. No required parking stall shall be blocked or rendered unusable as a result of the *mobile food service*;
 - c. Safe ingress and egress shall be maintained. Visibility for transportation and pedestrian access shall be maintained;
 - d. The duration of the *mobile food service* shall be established as a condition of approval of any applicable permits;
 - e. A sign permit is required for exterior signage in accordance with the sign code, Chapter [18.42](#) KMC.
 3. *City office* only.
 4. One *dwelling unit* allowed per existing legal *lot* as of December 11, 2006.
- B. Classified land *uses* not listed or prohibited in Table A may be allowed through completion of a site plan review process pursuant to KMC [18.28.060](#) and Chapter [18.105](#) KMC. Proponents of projects that include land *uses* of different sizes or dimensions than those allowed in Table A may also request allowance of such *uses* pursuant to KMC [18.28.060](#) and Chapter [18.105](#) KMC.

XXI. Section 18.28A.020 KMC is amended to read as follows:

18.28A.020 Golf course zone – Use allowances.

A. The following *uses* listed in Table A are identified as *permitted*, conditionally permitted, or *prohibited uses* in the golf course zone:

Table A. Golf Course Zone Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
Arts, entertainment, indoor	Arts, entertainment, outdoor	Marijuana Cannabis business
Park		Marijuana Cannabis cooperative
Recreational facility, indoor		Multiple-family dwelling
Recreational facility, outdoor		Single detached dwelling unit
Utility facility		

B. Classified land *uses* not listed or prohibited in Table A may be allowed through completion of a site plan review process pursuant to KMC [18.28A.060](#) and Chapter [18.105](#) KMC.

XXII. Section 18.29.040 KMC is amended to read as follows:

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

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

Permitted	Conditionally Permitted	Prohibited
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
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 ⁶	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 Cannabis business
		Recreational facility, outdoor
		Resource land use
		Retail sales, bulk
		Secure facility
		Single detached dwelling unit
		Standalone parking
		Transportation

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

Permitted	Conditionally Permitted	Prohibited
		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, or 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.

XXIII. Section 18.30.112 KMC is amended to read as follows:

18.30.112 Marijuana Cannabis businesses – Standards.

Nothing in this code or the ordinances of the City shall be construed as an authorization to violate any federal law. Affirmative terminology used in this section regarding permitting, licensing, authorization, and similar terms shall not be construed as approval, support, endorsement, or encouragement of the activities addressed in this code or City ordinances with regard to *marijuana cannabis businesses*. Such terms shall instead be construed only to describe circumstances under which there is conditional absence of local prohibition. The City does not intend to aid, abet, counsel, command, induce or procure any offense against the United States. The City also does not intend to conspire with any *marijuana cannabis producer, processor, researcher, or retailer* to commit any offense against the United States. The purpose of all regulations relating to *marijuana cannabis businesses* is to establish local laws which protect public safety, health and welfare to the greatest extent allowed by a Washington State law that cannot be reconciled with federal law. Nothing herein shall be construed to supersede federal law prohibiting the possession, use, manufacture, or sale of *marijuana cannabis*.

The following standards shall apply to *marijuana cannabis businesses*:

- A. No person or entity may apply for, receive or maintain a permit to locate a *marijuana cannabis business* in the City unless that person or entity holds a valid *marijuana cannabis business license* from the Washington State Liquor and Cannabis Board verifying that the business complies with Chapter [314-55](#) WAC and all state laws relating to *marijuana cannabis businesses*. A *marijuana cannabis business* with an active administrative violation

notice from the Washington State Liquor and Cannabis Board and/or a suspended license shall not be permitted to locate in the City until the violation is resolved and/or any associated fines have been paid or suspensions concluded.

B. *Marijuana Cannabis* businesses shall maintain a 1,000-foot separation from the perimeter of the grounds of any of the following entities:

1. Elementary or secondary school;
2. Playground;
3. Recreation center or facility;
4. Child care center;
5. Public park;
6. Public transit center;
7. Library;
8. Any game arcade (where admission is not restricted to persons age 21 or older);
9. Properties owned or under contract by a public entity such as a school district or the City where a future elementary or secondary school or public park is planned when such plans have been approved or adopted by the public entities' governing authority; or
10. Another *marijuana cannabis* business, except that a *marijuana cannabis* researcher shall not have this particular separation requirement.

Definitions of subsections (B)(1) through (8) of this section, and the methodology for measuring the buffers outlined above, shall be as provided in Chapter [314-55](#) WAC.

C. *Marijuana Cannabis* businesses shall not be located on a parcel any portion of which is within 200 feet of a residential zone (R-1, R-4, R-6, R-12, R-18, R-24, R-48, or UR).

D. *Marijuana Cannabis* producers or *marijuana cannabis* processors shall not be located in a building that includes residential uses.

E. Outdoor *marijuana cannabis* production shall be prohibited.

F. Drive-through *marijuana cannabis* retail sales shall be prohibited.

G. Signage for *marijuana cannabis* businesses shall comply with Chapter [18.42](#) KMC and Chapter [314-55](#) WAC. In the event of a conflict between these regulations, the more restrictive regulation shall apply.

H. A *marijuana cannabis* business shall have a valid City business license.

I. By accepting a permit issued pursuant to this section, the licensee, its owners, officers, operators, and employees, waives and releases the City, its officers, officials, employees, volunteers and agents from any and all liability for injuries, damages, suits or liabilities, including attorneys' fees, that result from any arrest or prosecution of licensees' owners, officers, operators, employees, clients or customers for a violation of federal, State or local laws and regulations.

J. By accepting a permit issued pursuant to this chapter, the licensee, its owners, officers, operators, and employees, indemnifies, defends and holds harmless the City, its officers, officials, employees, volunteers, agents, insurers and self-insurance pool against any and all liability, claims, injuries, damages, losses or suits, including attorneys' fees, arising out of or in any manner connected with the *marijuana cannabis* business that is the subject of the license.

K. In addition to any other applicable remedy and/or penalty, any violation by a licensee, and persons associated with licensee as described in subsections I and J of this section, of this code or City ordinances is declared to be a public nuisance per se, and may be abated by the City under the applicable provisions of this code or State law including, but not limited to, Chapter [1.20](#) KMC.



City Council Agenda Bill City of Kenmore, WA

Subject/Topic: Public Hearing and adoption of Ordinance No. 24-0608. Proposed Council Action/Motion: Public Hearing and adoption of Ordinance No. 24-0608 to amend Chapter 18.20 of the Kenmore Municipal Code (KMC) to update the definitions of "Family" and "Adult family home."	For Council Meeting Agenda of: 06/17/2024 Department: Development Services Prepared by: Reilly Rosbotham, Planner Samantha Loyuk, DS Director <table><tr><td></td><td>Initial & Date</td></tr><tr><td>Approved by Department Head:</td><td>SL 5/31/2024</td></tr><tr><td>Approved by City Attorney:</td><td>DR 5/31/2024</td></tr><tr><td>Approved by Finance Director:</td><td>MM 6/3/2024</td></tr><tr><td>Approved by City Manager:</td><td>RK 6/3/2024</td></tr></table> Attachments/Exhibits: 1. Ordinance no. 24-0608 2. Exhibit A to Ordinance no. 24-0608 - Amended Code Sections		Initial & Date	Approved by Department Head:	SL 5/31/2024	Approved by City Attorney:	DR 5/31/2024	Approved by Finance Director:	MM 6/3/2024	Approved by City Manager:	RK 6/3/2024
	Initial & Date										
Approved by Department Head:	SL 5/31/2024										
Approved by City Attorney:	DR 5/31/2024										
Approved by Finance Director:	MM 6/3/2024										
Approved by City Manager:	RK 6/3/2024										
Summary: Technical changes are made to Chapter 18.20 of the KMC to update the definitions of "Family" and "Adult family home." The purpose of the code amendment is to remove the limit on the number of unrelated persons occupying a household or dwelling unit, in order to comply with RCW 35.21.682. The code amendment will also update the definition of "Adult family home" in order to allow up to eight adult residents, which is consistent with the definition in RCW 70.128.010.											
Information/Background: Currently, the KMC excludes groups of greater than eight residents living together as a single housekeeping unit who are not related by blood or marriage from the definition of "Family." The KMC definition of "Dwelling unit" means "one or more rooms designed for occupancy by a person or family for living and sleeping purposes [...]." Based on the current definitions, the KMC limits occupancy of a dwelling unit to up to eight unrelated persons. In 2021, the WA state legislature passed Engrossed State Senate Bill (ESSB) 5235, which prohibits cities from regulating or limiting the number of unrelated persons that may occupy a household or dwelling unit, on the basis that occupant limits on households worsen the state housing crisis by preventing full utilization of homes, discriminate against nontraditional households, and provide no public benefit. State law still allows occupant limits on group living arrangements regulated under											

state law or on short-term rentals, and any lawful limits on occupant load per square foot or health and safety provisions as established by applicable building code or city ordinance.

The proposed code amendment removes the eight-person limit on unrelated residents from the definition of “Family” in order to comply with state code and to allow full utilization of homes.

Additionally, state law regulates adult family homes, which are community-based facilities licensed for up to six individuals who need long-term care. In 2020, the WA state legislature passed Engrossed Substitute House Bill (ESHB) 1023, which allows an increase in the adult family home’s bed capacity to seven or eight beds if the provider demonstrates that the home meets certain criteria, including financial solvency, management experience, and safety, health, and operating standards, including mitigation of potential traffic impacts.

Currently, the KMC definition of “Adult family home” means “a residential home in which a person or persons provide personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services, or as otherwise defined in Chapter 70.128 RCW.” The proposed code amendment adds a sentence to the definition of “Adult family home” allowing up to eight residents in compliance with state law.

Fiscal Consideration:

N/A.

City Council Priority or Budget Objective Being Addressed:

City Council Priority #1: Increase and preserve the options for affordable housing.

City Council Priority #5: Implement the Diversity, Equity, Inclusion, and Accessibility (DEIA) Strategic Plan.

City Council Priority #7: Support public safety and social justice reform.

**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 24-0608**

**AN ORDINANCE OF THE CITY OF KENMMORE, WASHINGTON,
AMENDING SECTIONS 18.20.095 AND 18.20.1010 OF THE
KENMORE MUNICIPAL CODE TO AMEND THE DEFINITIONS OF
“FAMILY” AND “ADULT FAMILY HOME,” PROVIDING FOR
SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the Kenmore Municipal Code (“KMC”) defines “Family” and “Adult family home” as well as a range of related uses; and

WHEREAS, the KMC limits the number of unrelated residents living together as a single housekeeping unit to eight; and

WHEREAS, the KMC limits the number of persons receiving care at an adult family home to six; and

WHEREAS, in 2021, the Washington state legislature passed ESSB 5235, which prohibits cities from regulating or limiting the number of unrelated persons that may occupy a household or dwelling unit; and

WHEREAS, occupant limits on unrelated residents have been shown to worsen the housing crisis, discriminate against nontraditional households, and provide no public benefit; and

WHEREAS, in 2020, the Washington state legislature passed ESHB 1023, which allows an increase in adult family home capacity to seven or eight beds, provided the facility demonstrates compliance with certain criteria; and

WHEREAS, the City Council finds that the Proposed Amendments meet the criteria found in KMC Section 19.20.090; and

WHEREAS, the City sent notice of the Proposed Amendments to the Washington State Department of Commerce pursuant to RCW 36.70A.106; and

WHEREAS, on May 10, 2024, the City’s Responsible Official issued a Determination of Non-Significance pursuant to the State Environmental Policy Act in relation to the Proposed Amendments; and

WHEREAS, the City Council desires to adopt the Proposed Amendments and finds that such amendments are consistent with the goals, objectives and policies of the Comprehensive Plan; and

WHEREAS, the City Council finds that adoption of the Proposed Amendments is in the best interests of the residents of Kenmore and will promote the public health, safety and welfare of the City.

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

Section 1. Adoption. The City Council adopts the recitals set forth above as findings in support of this Ordinance, which are incorporated by reference as if set forth in full.

Section 2. Amendment. The City Council amends Title 18 of the Kenmore Municipal Code as set forth in Exhibit A, attached hereto and incorporated by reference as if set forth in full.

Section 3. 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 4. Effective Date. This Ordinance shall take effect and be in force five (5) days after the date of publication of this Ordinance.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON AT A REGULAR MEETING THEREOF THIS 17TH DAY OF JUNE, 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:

ORDINANCE NO. 24-0608

EXHIBIT A TO ORDINANCE NO. 24-0608**I. Section 18.20.095 KMC is amended to read as follows:****18.20.095 Adult family home.**

“Adult family home” means a residential home in which a person or persons provide personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services, or as otherwise defined in Chapter [70.128](#) RCW. An adult family home may provide services to up to eight adults upon approval from the Washington State Department of Social and Health Services pursuant to RCW [70.128.066](#).

II. Section 18.20.1010 KMC is amended to read as follows:**18.20.1010 Family.**

“Family” means an individual; two or more persons related by blood or marriage; a group of two or more disabled residents protected under the Federal Housing Act Amendments, who are not related by blood or marriage, living together as a single housekeeping unit; a group of ~~eight or fewer~~ residents, who are not related by blood or marriage, living together as a single housekeeping unit; or a group living arrangement where eight or fewer residents receive supportive services such as counseling, foster care, or medical supervision at the *dwelling unit* by resident or nonresident staff. For purposes of this definition, minors living with parent shall not be counted as part of the maximum number of residents.



City Council Business Agenda Item City of Kenmore, WA

Subject/Topic: Public Hearing and Resolution Adopting the 2025-2030 Six-Year Transportation Improvement Program	For Council Meeting Agenda of: June 17, 2024 Department: Public Works/Engineering Prepared by: John Vicente, PE <table style="width: 100%;"> <tr> <td></td><td style="text-align: right;"><u>Initial & Date</u></td></tr> <tr> <td>Approved by Department Head:</td><td style="text-align: right;">JV 5/30/2024</td></tr> <tr> <td>Approved by City Attorney:</td><td style="text-align: right;">DR 5/29/2024</td></tr> <tr> <td>Approved by Finance Director:</td><td style="text-align: right;">NA</td></tr> <tr> <td>Approved by City Manager:</td><td style="text-align: right;">RK 5/31/2024</td></tr> </table> Exhibits/Attachments: A: Resolution No. 24-413		<u>Initial & Date</u>	Approved by Department Head:	JV 5/30/2024	Approved by City Attorney:	DR 5/29/2024	Approved by Finance Director:	NA	Approved by City Manager:	RK 5/31/2024
	<u>Initial & Date</u>										
Approved by Department Head:	JV 5/30/2024										
Approved by City Attorney:	DR 5/29/2024										
Approved by Finance Director:	NA										
Approved by City Manager:	RK 5/31/2024										
Proposed Council Action/Motion: Public Hearing and Adoption of Resolution No. 24-413 for the 2025-2030 Six-Year Transportation Improvement Program											

INFORMATION/BACKGROUND:

In accordance with RCW 35.77.010, the legislative body of each city in Washington State must prepare and adopt a six-year comprehensive transportation improvement program (TIP) annually. The TIP may also be modified at any time during the year as needed. The purpose of the TIP is to assure that each city “perpetually have available advanced plans looking to the future for not less than six years as a guide in carrying out a coordinated transportation program.” The 6-year TIP has been prepared and is attached to Resolution No 24-413 (Exhibit A).

A public hearing has been scheduled for June 17, 2024 to receive public comment and to consider adoption of the TIP.

The TIP provides a summary of potential transportation projects and funding for each project. The projects listed in the TIP are consistent with Transportation element of the City’s adopted Comprehensive Plan. The revenue sources are categorized into three groups: Local funds; reasonably secured Federal and State Funds; and funding not secured. The TIP is a planning document that is not fiscally constrained, meaning all funds identified do not need to be “in hand” to include a project in the TIP.

The recommended TIP continues the City’s emphasis on multimodal transportation safety such as maintaining our City infrastructure (including sidewalks and pavement), adding new sidewalks, and replacing/repairing existing infrastructure.

FISCAL CONSIDERATION:

Funding secured for projects are noted on the attached TIP. For projects with unsecured funding, additional local funds would be needed and/or Federal/State funding would be required to complete the projects. Staff will continue to actively pursue funding for those projects currently not fully funded. For those projects listed that do not get full funding during the Capital Improvement Program update, they will be pushed out to subsequent years with each TIP amendment.

COUNCIL PRIORITY:

Goal #3: Emphasize multimodal transportation implementation including pedestrian and bicycle Safety.

**CITY OF KENMORE
WASHINGTON
RESOLUTION NO. 24-413**

**A RESOLUTION OF THE CITY COUNCIL OF KENMORE,
WASHINGTON, ADOPTING THE 2025-2030 SIX-YEAR
TRANSPORTATION IMPROVEMENT PROGRAM.**

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

WHEREAS, on June 17, 2024, the City Council held a public hearing and took public comment on the proposed 2025-2030 Six-Year Transportation Improvement Program; and

WHEREAS, the City Council finds that the proposed 2025-2030 Six-Year Transportation Improvement Program is consistent with the Transportation Element of the City of Kenmore Comprehensive Plan, and includes the facilities, projects, programs and information required by RCW 35.77.010;

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

Section 1. Program Adopted. The 2025-2030 Six-Year Transportation Improvement Program for the City of Kenmore, attached as an Exhibit and incorporated by this reference, is approved and adopted.

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

PASSED BY THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON, AT A REGULAR MEETING THEREOF THIS 17th DAY OF JUNE 2024

CITY OF KENMORE

Nigel Herbig, Mayor

ATTEST/AUTHENTICATED:

Anastasiya Warhol, City Clerk

APPROVED AS TO FORM:

Dawn Reitan, City Attorney



CITY OF KENMORE

2025-2030 Transportation Improvement Program

Project name	Ped. Priority Number	Funding	Year							2025-2030 Totals	Project Totals
			Prior Years	2025	2026	2027	2028	2029	2030		
Burke Gilman Trail Accessibility Project	NA	Local	\$ 8,246							\$ -	\$ 8,246
		Federal/State	\$ 290,097	\$ 186,884	\$ 1,288,075	\$ 234,944				\$ 1,709,903	\$ 2,000,000
		Unsecured								\$ -	\$ -
		Subtotal	\$ 298,343	\$ 186,884	\$ 1,288,075	\$ 234,944	\$ -	\$ -	\$ -	\$ 1,709,903	\$ 2,008,246
ADA Transition Program	NA	Local	\$ 500,000	\$ 250,000	\$ 250,000	\$ 825,000	\$ 250,000	\$ 1,000,000	\$ 250,000	\$ 2,825,000	\$ 3,325,000
		Federal/State								\$ -	\$ -
		Unsecured								\$ -	\$ -
		Subtotal	\$ 500,000	\$ 250,000	\$ 250,000	\$ 825,000	\$ 250,000	\$ 1,000,000	\$ 250,000	\$ 2,825,000	\$ 3,325,000
Pavement Preservation Program	NA	Local	\$ 5,040,455	\$ 1,070,000	\$ 650,000	\$ 1,520,000	\$ 200,000	\$ 1,520,000	\$ 200,000	\$ 5,160,000	\$ 10,200,455
		Federal/State	\$ 1,275,351							\$ -	\$ 1,275,351
		Unsecured								\$ -	\$ -
		Subtotal	\$ 6,315,806	\$ 1,070,000	\$ 650,000	\$ 1,520,000	\$ 200,000	\$ 1,520,000	\$ 200,000	\$ 5,160,000	\$ 11,475,806
61st Ave NE Sidewalk Replacement Project, Phase 1	NA	Local	\$ 54,283	\$ 125,717	\$ 25,000					\$ 150,717	\$ 205,000
		Federal/State	\$ 283,737	\$ 1,080,528						\$ 1,080,528	\$ 1,364,265
		Unsecured		\$ 1,068,906	\$ 153,275					\$ 1,222,181	\$ 1,222,181
		Subtotal	\$ 338,020	\$ 2,275,151	\$ 178,275	\$ -	\$ -	\$ -	\$ -	\$ 2,453,426	\$ 2,791,446
80th Ave NE Pedestrian and Bicycle Project (SR522-NE 185th)	38, 51, 53, 107, 108, 117	Local	\$ 37,230	\$ 73,085	\$ 229,059	\$ 37,642				\$ 339,786	\$ 377,016
		Federal/State	\$ 339,190	\$ 657,761	\$ 1,225,685					\$ 1,883,446	\$ 2,222,636
		Unsecured								\$ -	\$ -
		Subtotal	\$ 376,420	\$ 730,846	\$ 1,454,744	\$ 37,642	\$ -	\$ -	\$ -	\$ 2,223,232	\$ 2,599,652
NE 181st St Sidewalk Project (61st Ave NE - 63rd Ave NE) - South Side	10, 44	Local				\$ 52,000				\$ 52,000	\$ 52,000
		Federal/State	\$ 75,000	\$ 250,000	\$ 1,175,000					\$ 1,425,000	\$ 1,500,000
		Unsecured								\$ -	\$ -
		Subtotal	\$ 75,000	\$ 250,000	\$ 1,175,000	\$ 52,000	\$ -	\$ -	\$ -	\$ 1,477,000	\$ 1,552,000
Lower Swamp Creek Bridge Replacement	NA	Local	\$ 4,403			\$ 45,597				\$ 45,597	\$ 50,000
		Federal/State	\$ 45,445	\$ 522,984	\$ 474,169	\$ 3,684,402				\$ 4,681,555	\$ 4,727,000
		Unsecured								\$ -	\$ -
		Subtotal	\$ 49,848	\$ 522,984	\$ 474,169	\$ 3,729,999	\$ -	\$ -	\$ -	\$ 4,727,152	\$ 4,777,000
NE Arrowhead Drive Sidewalk Project (NE 151st St - 64th Ave NE)	74	Local	\$ 68,372	\$ 62,210	\$ 226,980	\$ 54,150				\$ 343,340	\$ 411,712
		Federal/State	\$ 225,230	\$ 210,740	\$ 1,561,485					\$ 1,772,225	\$ 1,997,455
		Unsecured								\$ -	\$ -
		Subtotal	\$ 293,602	\$ 272,950	\$ 1,788,465	\$ 54,150	\$ -	\$ -	\$ -	\$ 2,115,565	\$ 2,409,167
80th Ave NE Corridor Project (NE 185th - NE 205th)	52, 72, 73, 82, 97, 105, 106, 109, 110, 115, 116, 122, 123, 127	Local								\$ -	\$ -
		Federal/State								\$ -	\$ -
		Unsecured		\$ 50,000	\$ 1,043,085	\$ 1,043,085	\$ 1,043,085	\$ 15,918,240	\$ 15,918,240	\$ 35,015,735	\$ 35,015,735
		Subtotal	\$ -	\$ 50,000	\$ 1,043,085	\$ 1,043,085	\$ 1,043,085	\$ 15,918,240	\$ 15,918,240	\$ 35,015,735	\$ 35,015,735
73rd Ave NE Pedestrian and Bicycle Project (NE 192nd St - City Limits) - East Side	7, 63	Local								\$ -	\$ -
		Federal/State								\$ -	\$ -
		Unsecured			\$ 250,000	\$ 304,840	\$ 300,000	\$ 4,000,000	\$ 1,395,000	\$ 6,249,840	\$ 6,249,840
		Subtotal	\$ -	\$ -	\$ 250,000	\$ 304,840	\$ 300,000	\$ 4,000,000	\$ 1,395,000	\$ 6,249,840	\$ 6,249,840
192nd St Sidewalk Project (73rd - 75th) - North Side	40	Local	\$ 7,500	\$ 8,890	\$ 112,459					\$ 121,349	\$ 128,849
		Federal/State	\$ 75,000	\$ 88,900	\$ 597,000					\$ 685,900	\$ 760,900
		Unsecured								\$ -	\$ -
		Subtotal	\$ 82,500	\$ 97,790	\$ 709,459	\$ -	\$ -	\$ -	\$ -	\$ 807,249	\$ 889,749



CITY OF KENMORE

2025-2030 Transportation Improvement Program

Project name	Ped. Priority Number	Funding	Year							2025-2030 Totals	Project Totals
			Prior Years	2025	2026	2027	2028	2029	2030		
84th Ave NE Pedestrian and Bicycle Project (NE 150th St - NE 155th St)	5, 12, 17, 37	Local								\$ -	\$ -
		Federal/State		\$ 300,000	\$ 300,000	\$ 2,500,000				\$ 3,100,000	\$ 3,100,000
		Unsecured								\$ -	\$ -
		Subtotal	\$ -	\$ 300,000	\$ 300,000	\$ 2,500,000	\$ -	\$ -	\$ -	\$ 3,100,000	\$ 3,100,000
84th Ave NE Pedestrian and Bicycle Project (NE 155th St-Simonds Rd) - West Side	28, 29, 60, 61	Local								\$ -	\$ -
		Federal/State								\$ -	\$ -
		Unsecured			\$ 300,000	\$ 300,000	\$ 2,400,000			\$ 3,000,000	\$ 3,000,000
		Subtotal	\$ -	\$ -	\$ 300,000	\$ 300,000	\$ 2,400,000	\$ -	\$ -	\$ 3,000,000	\$ 3,000,000
NE 175th St Sidewalk and Bicycle Project (68th Ave NE - 73rd Ave NE) - South Side	32	Local								\$ -	\$ -
		Federal/State								\$ -	\$ -
		Unsecured			\$ 250,000	\$ 250,000	\$ 1,725,000			\$ 2,225,000	\$ 2,225,000
		Subtotal	\$ -	\$ -	\$ 250,000	\$ 250,000	\$ 1,725,000	\$ -	\$ -	\$ 2,225,000	\$ 2,225,000
NE 155th St (81st - 84th) Sidewalk Project	11	Local								\$ -	\$ -
		Federal/State								\$ -	\$ -
		Unsecured			\$ 300,000	\$ 300,000	\$ 2,468,000			\$ 3,068,000	\$ 3,068,000
		Subtotal	\$ -	\$ -	\$ 300,000	\$ 300,000	\$ 2,468,000	\$ -	\$ -	\$ 3,068,000	\$ 3,068,000
NE 155th St (84th - 87th) Sidewalk Project	9, 19	Local								\$ -	\$ -
		Federal/State								\$ -	\$ -
		Unsecured			\$ 300,000	\$ 300,000	\$ 1,459,867			\$ 2,059,867	\$ 2,059,867
		Subtotal	\$ -	\$ -	\$ 300,000	\$ 300,000	\$ 1,459,867	\$ -	\$ -	\$ 2,059,867	\$ 2,059,867
NE 181st St Sidewalk Project (63rd Ave NE -65th Ave NE) - South Side	41	Local								\$ -	\$ -
		Federal/State								\$ -	\$ -
		Unsecured				\$ 400,000	\$ 400,000	\$ 2,974,945		\$ 3,774,945	\$ 3,774,945
		Subtotal	\$ -	\$ -	\$ -	\$ 400,000	\$ 400,000	\$ 2,974,945	\$ -	\$ 3,774,945	\$ 3,774,945
NE 181st St Sidewalk Project (62nd Ave NE - 65th Ave NE) - North Side	49, 50	Local								\$ -	\$ -
		Federal/State								\$ -	\$ -
		Unsecured				\$ 600,000	\$ 600,000	\$ 5,000,000		\$ 6,200,000	\$ 6,200,000
		Subtotal	\$ -	\$ -	\$ -	\$ 600,000	\$ 600,000	\$ 5,000,000	\$ -	\$ 6,200,000	\$ 6,200,000
NE 192nd St (73rd - 80th) Pedestrian and Bicycle Project	31, 79	Local								\$ -	\$ -
		Federal/State								\$ -	\$ -
		Unsecured					\$ 500,000	\$ 500,000	\$ 5,000,000	\$ 6,000,000	\$ 6,000,000
		Subtotal	\$ -	\$ -	\$ -	\$ -	\$ 500,000	\$ 500,000	\$ 5,000,000	\$ 6,000,000	\$ 6,000,000
61st Ave NE Sidewalk Replacement Project, Phase 2	NA	Local								\$ -	\$ -
		Federal/State	\$ 50,000	\$ 300,000	\$ 300,000	\$ 150,000	\$ 4,200,000			\$ 4,950,000	\$ 5,000,000
		Unsecured								\$ -	\$ -
		Subtotal	\$ 50,000	\$ 300,000	\$ 300,000	\$ 150,000	\$ 4,200,000	\$ -	\$ -	\$ 4,950,000	\$ 5,000,000



City of Kenmore Capital Improvement Program

Project Name: Burke Gilman Trail Accessibility Project

Project No. T-8

Project Location: Burke Gilman Trail to SR 522 at 61st Avenue NE

Project Description: This project will provide an American's with Disabilities Act (ADA) connection to the Burke Gilman Trail/Log Boom Park, close left turn access to 60th Ave NE, and remove the eastbound to southbound right turn pocket on 61st Ave NE. Work also includes updating the gateway sign entering Kenmore at the west border.

Background: Since its incorporation, the City of Kenmore has completed improvements to SR 522 (Bothell Way) between 61st Avenue NE and the east city limits to increase safety, improve transit reliability, and ease congestion. Improvements included adding new traffic signals, street lighting and sidewalks, widening SR 522 for Business Access and Transit lanes, enhancing the corridor with new landscaping and medians to improve access management, replacing the Swamp Creek Bridge, undergrounding utilities, and more.

The final segment, SR 522 West B (61st Ave NE to the western city limits) was originally scoped to include new sidewalk with buffer, utility undergrounding, adding a dual left turn lane at 61st Ave NE, and closing off left turn access to 60th Ave NE. After re-evaluating priorities and with funding reduced for this project, the scope was modified to focus on accessibility to the Burke Gilman Trail and Log Boom Park. The above description reflects these changes to the project.





City of Kenmore Capital Improvement Program

Project Name: ADA Transition Program

Project No.: T-252

Project Location(s): Citywide

Project Description: This program is intended to replace curb ramps, sidewalks, crosswalks, pedestrian push buttons and marked on-street parking that are not compliant with ADA guidelines with ADA compliant facilities per the ADA Transition Plan.

Background: The City completed an inventory and assessment of its pedestrian facilities within the right of way. Several locations were identified as not being compliant with the American with Disabilities Act (ADA) standards. The ADA Transition Plan was adopted in June 2022 and contains a list of all facilities that are out of compliance and the approximate cost to replace those facilities. The ADA Transition Plan is a living document that will updated regularly when changes are made to the City's infrastructure.





City of Kenmore Capital Improvement Program

Project Name: Pavement Preservation Program

Project No.: T-35

Project Location: Citywide.

Project Description: This program includes grind and overlay of selected streets within the City. Typically grind and overlay projects are completed on roadways with pavement ratings between 60 and 70 while pavement seal operations are completed on roadways with ratings above 70. As part of any pavement overlay, curb ramps within the project limits are upgraded to comply with the American's with Disabilities Act (ADA). In addition, pavement overlay may also include major pavement repairs, utility adjustments and pavement markings. The project also includes regular updates and analysis of existing pavement condition to assist in assessing future overlay locations.

Background: The City of Kenmore Comprehensive Plan promotes a fiscally constrained Transportation Element that prioritizes operation and maintenance of existing facilities within the City. There are 3 goals listed in the Comprehensive Plan that support this program:

1. Provide a complete transportation network serving local and regional circulation needs, safely accommodating all users (Goal 1);
2. Promote a transportation system that contributes to fiscal and environmental sustainability (Goal 3);
3. Facilitate freight mobility and economic prosperity (Goal 6).





City of Kenmore Capital Improvement Program

Project Name: 61st Avenue Sidewalk Replacement Project, Phase 1 Project No. T-44

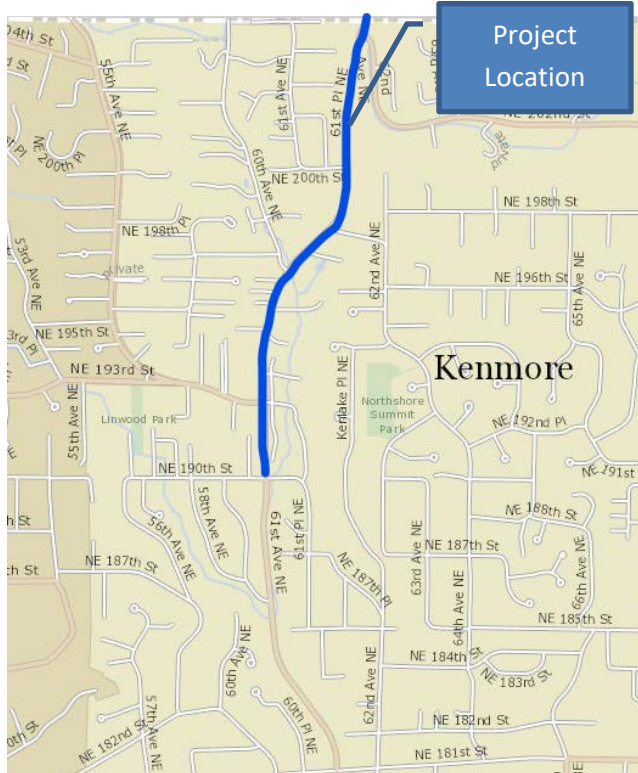
Project Location: 61st Ave/Pl NE (NE 190th Street north to 62nd Ave NE)

Project Description:

This project will update the alternatives analysis and include other possible scenarios for sidewalk replacement. Non-ADA sidewalk panels will be replaced on the east side of 61st Avenue NE between NE 190th St and 60th Avenue NE and on 61st Place NE from 60th Avenue NE to the northern city limits. In addition to replacing sidewalk panels, the following will also be included in the project:

- A 2-inch grind and HMA overlay
- New bike lanes.
- On-street parking will be removed within this section
- Right turn pockets at NE 193rd St, 60th Ave NE, and 62nd Ave NE will be removed
- Rectangular Rapid Flashing Beacon (RRFB) at 193rd St and 60th Ave Intersections.
- Intersection improvements at 193rd St and 60th Ave NE

Background: 61st Avenue/Place NE is an arterial that runs north to south (north of SR 522). The intersection with NE 193rd Street is a major intersection that could utilize additional control. The sidewalks north of NE 190th Street do not meet American with Disability Act (ADA) compliance with many location having gaps or uplift issues. Over 70 locations along this corridor are experiencing sidewalk uplift due to nearby trees and several other panels have shifted and pedestrians with accessibility issues are sometimes forced into the existing shoulder/travel lane.





City of Kenmore Transportation Improvement Program

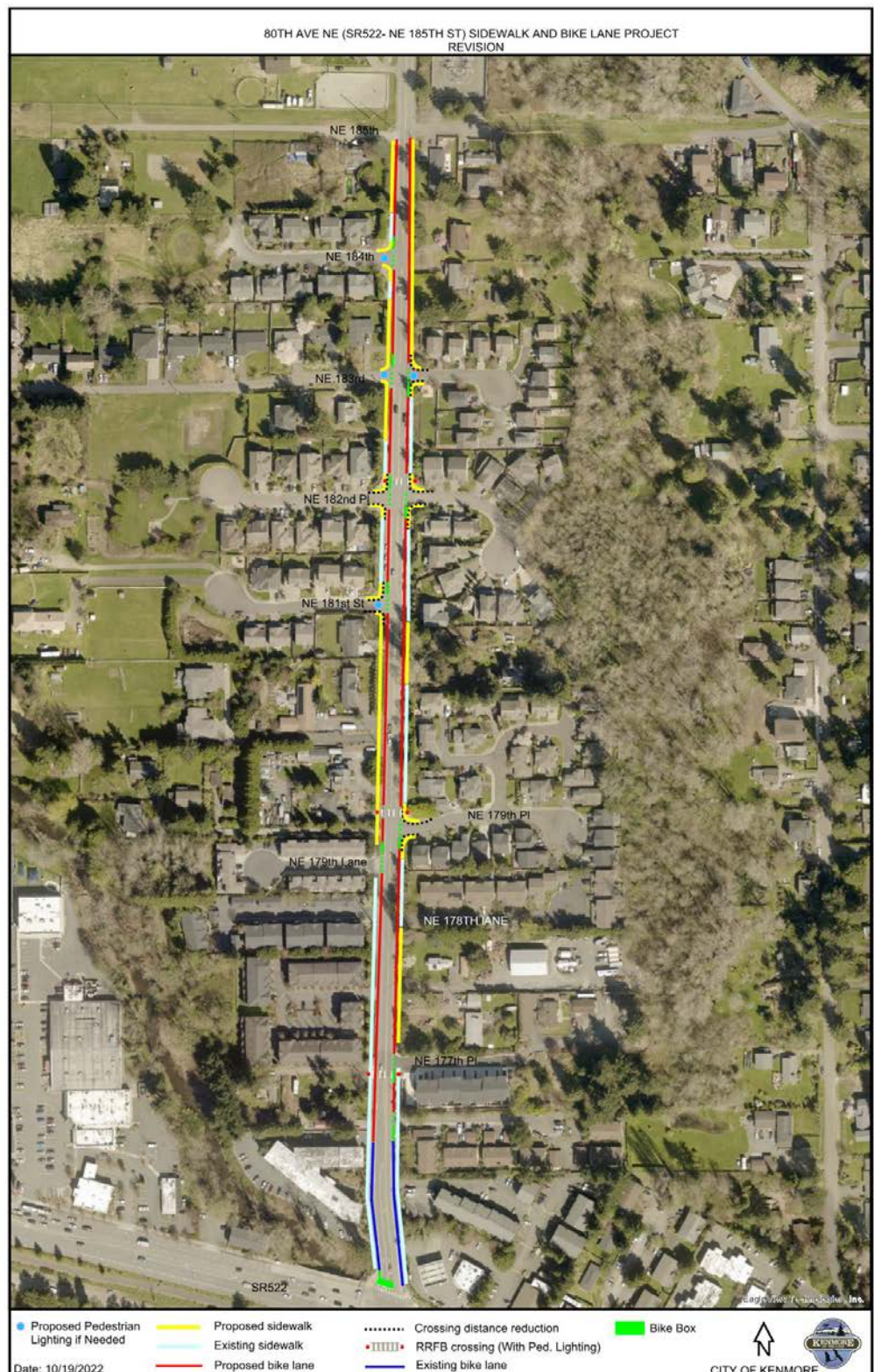
Project Name: 80th Ave NE Ped/Bike Project (SR522 – NE 185th St)

Project No.: T-260

Project Location: 80th Ave NE between NE 179th PI and NE 185th St (Tolt line).

Project Description: This project builds approximately 1,175 LF of new sidewalks on both sides of 80th Ave NE between NE 179th PI and NE 185th St (the Tolt water line corridor) with buffered bike lanes on both sides. This project also includes a flashing crosswalk near NE 182nd St. All on-street parking will be eliminated within the project limits.

Background: Sidewalk exists at sporadic location along 80th Ave NE within the project limits. This project will close gaps and create a continuous sidewalk on both sides of the street connecting to SR522.





City of Kenmore Transportation Improvement Program

Project Name: NE 181st St Sidewalks (61st Ave – 63rd Ave)

Project No.: T-253

Project Location: NE 181st Street between 61st Avenue NE and 63rd Avenue NE.

Project Description: This project builds approximately 615 LF of new sidewalks on south side of NE 181st Street from 61st Ave to 63rd Ave.

Background: There are limited sidewalks and pedestrian facilities along this section of NE 181st. Adding sidewalk would provide sidewalk connections along NE 181st to existing sidewalk on 62nd Ave NE and 61st Ave NE. This sidewalk is located in a community business zone. This project is being constructed in coordination with Sound Transit and their Bus Rapid Transit project for SR522.





City of Kenmore Capital Improvement Program

Project Name: Lower Swamp Creek Bridge Replacement

Project No.: T-38

Project Location: NE 175th Street/Swamp Creek Crossing

Project Description: Design and construction of the existing bridge.

Background: The bridge over Swamp Creek at NE 175th Street is aging and is in need of replacement. This structure is on NE 175th Street, adjacent to the Burke Gilman Trail and crosses Swamp Creek. This structure currently is wide enough for two way vehicle traffic. The existing structure is routinely evaluated by the King County Bridge Engineering group. Maintenance is provided to the structure as needed. King County recommended evaluation of the structure for rehabilitation vs. replacement. A study and alternatives analysis was performed in 2016 and revised in 2023 that recommended replacement of the bridge.



Figure A: Existing Bridge

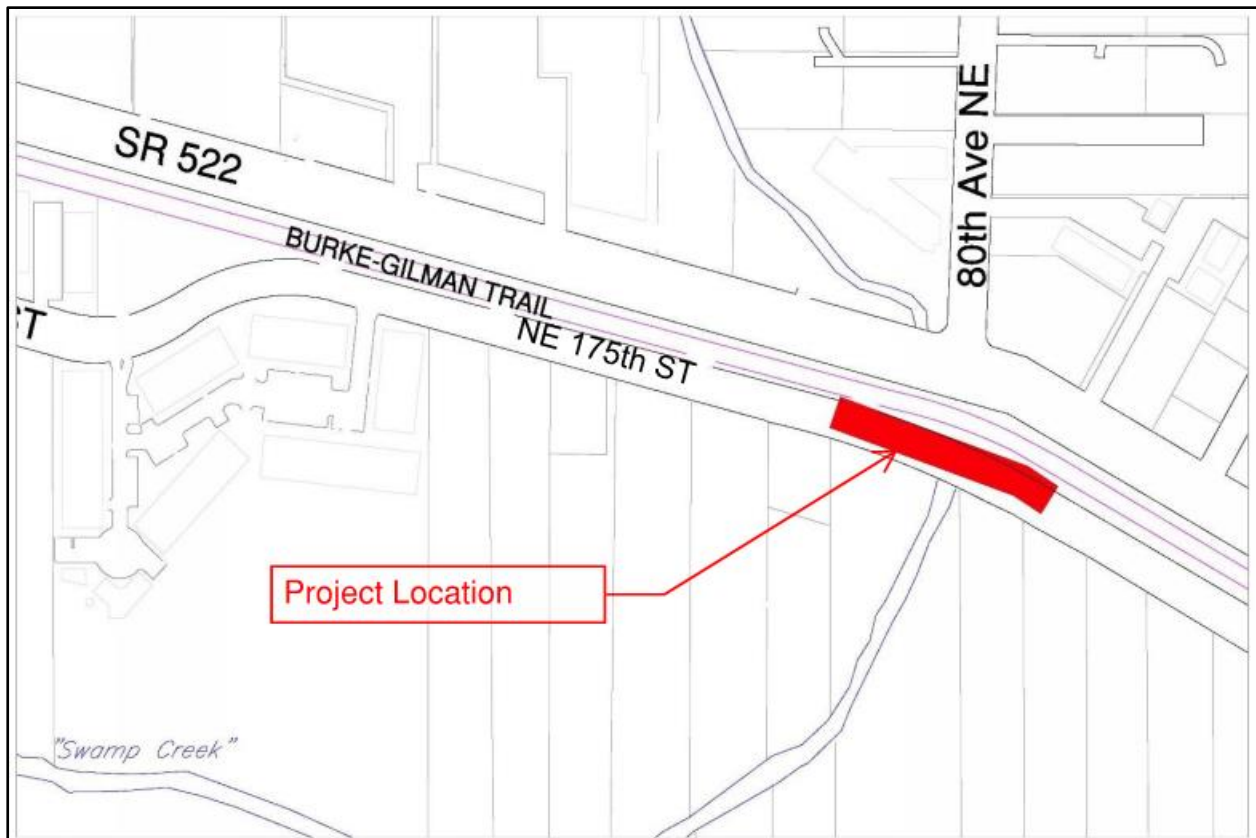


Figure B: Project Location



City of Kenmore Transportation Improvement Program

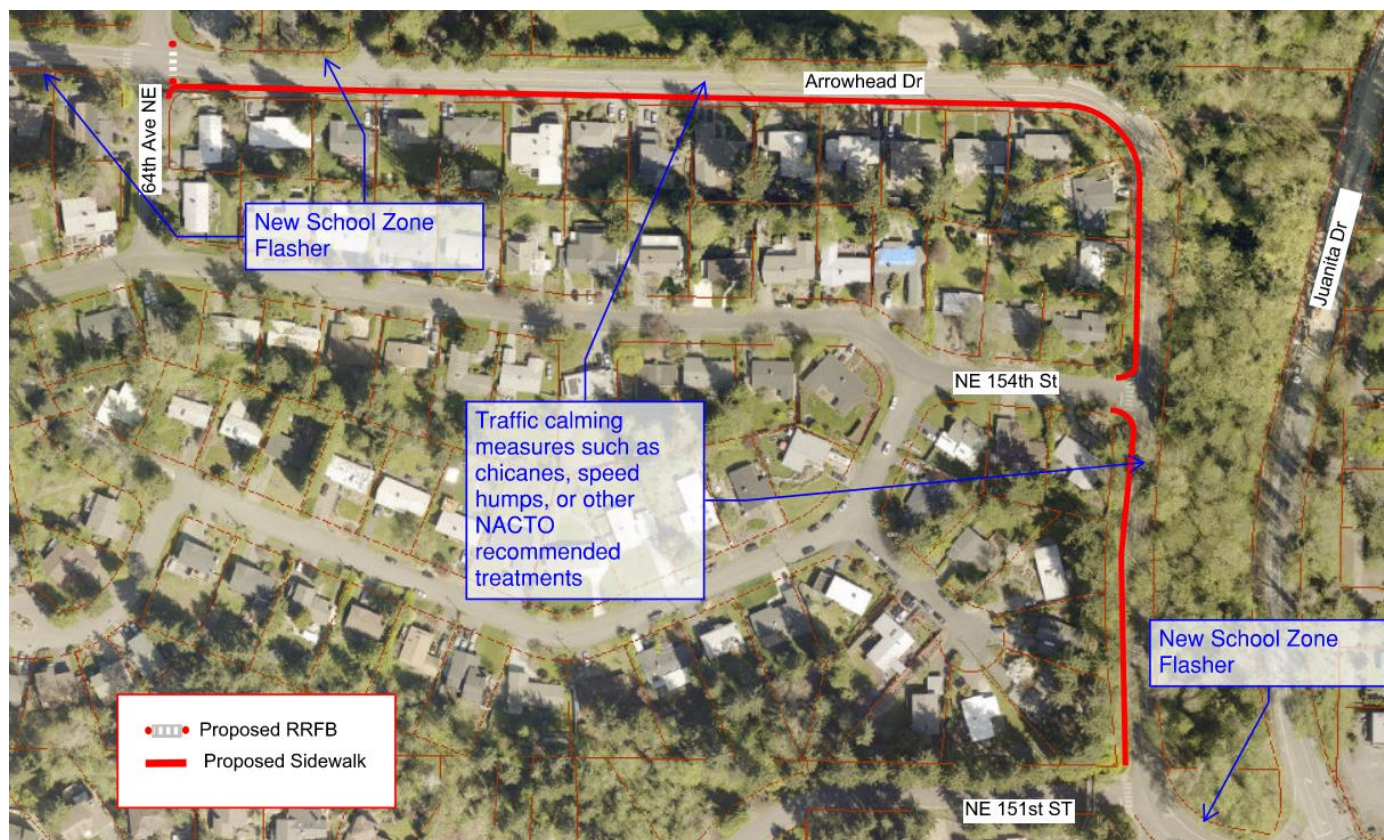
Project Name: NE Arrowhead Drive Sidewalks

Project No.: T-262

Project Location: NE Arrowhead Drive between NE 151st Street and 64th Avenue NE.

Project Description: This project builds approximately 2,050 LF of new sidewalks on the west side/south side of NE Arrowhead drive from NE 151st St to 64th Ave NE. On-street parking adjacent to new sidewalk will be removed. Project will also include one rectangular rapid flashing beacon (RRFB), narrowing of street crossings, additional school zone signage, and several traffic calming features such as chicanes or speed humps.

Background: NE Arrowhead Drive varies from 3-foot wide to 5-foot wide shoulder with two way traffic. NE Arrowhead Drive is a designated walking route for Arrowhead Elementary School students. Sidewalks along this road were identified as a high priority during the neighborhood meetings held for this area as part of the Neighborhood Transportation Program Plan and is listed as a high priority sidewalk in the Sidewalk Program.





City of Kenmore Transportation Improvement Program

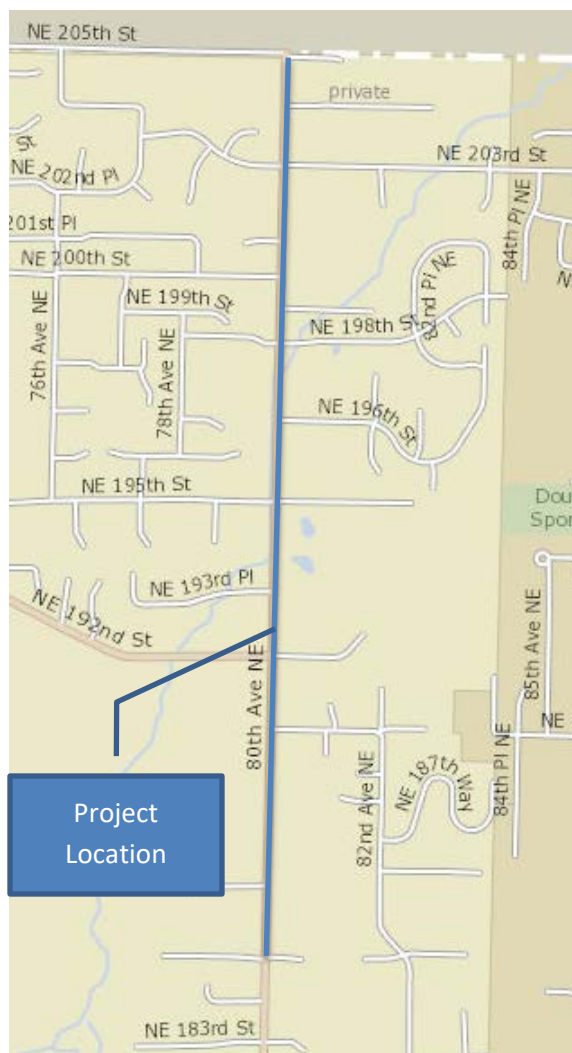
Project Name: 80th Ave NE Corridor Project (185th St – 205th St)

Project No.: TBD

Project Location: 80th Ave NE between NE 185th St and NE 205th St.

Project Description: This project builds approximately 10,000 LF of new sidewalks and bike paths on both sides of 80th Ave NE from NE 185th St to NE 205th St. Project will also include landscaped buffering between the bike path and the travel lanes. Other pedestrian/bicycle safety measures such as flashing crossing signs and raised intersections are proposed. This project will look at the possibility of a roundabouts at the NE 192nd St, NE 198th St, and NE 203rd St intersections. In addition to the roadway improvements if funding is available, swamp creek will be relocated to increase the buffer from the roadway and the culvert crossing NE 195th will be replaced with a fish passable culvert.

Background: A painted shoulder exists on both sides of 80th Ave NE separating pedestrians from the travel lane. Intermittent sidewalk exists at locations within this area of 80th Ave NE. NE 192nd and 80th Ave is currently an all-way stop while the remaining intersections are minor street stop controlled. This project will add multimodal facilities, narrow intersection crossings where possible, add crossing treatments as needed, and the intersections along 80th will be evaluated for a possible roundabouts or raised pavement. 80th Ave NE is a designated school bus stop corridor for students. Sidewalks at this location are identified in the Pedestrian Facilities Plan and 80th Ave NE is a designated bike route.





City of Kenmore Capital Improvement Program

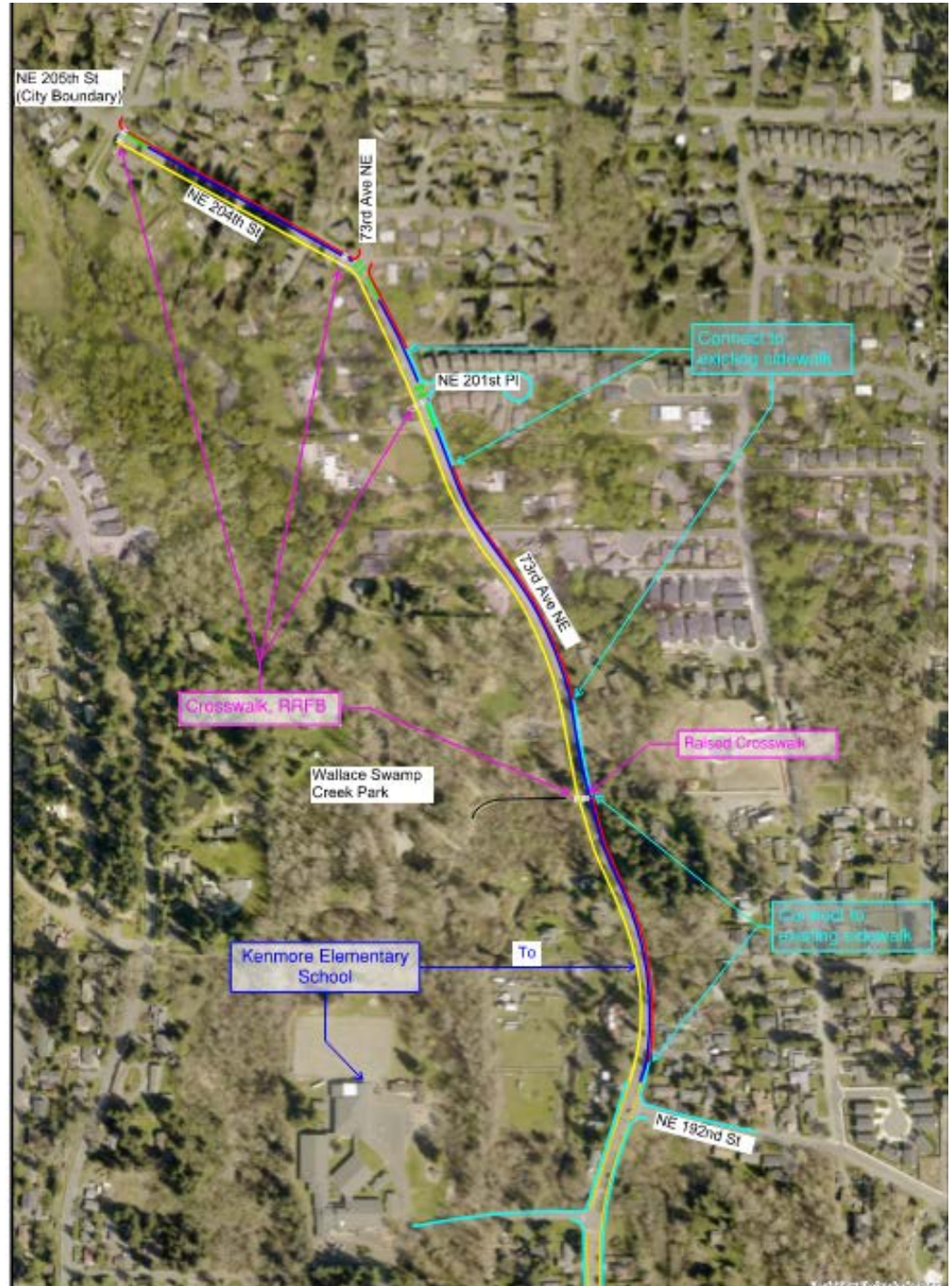
Project Name: 73rd Ave NE (NE 192nd St – NE 205th St) Sidewalk

Project No. TBD

Project Location: East side of 73rd Ave NE between NE 192nd St and NE 205th St.

Project Description: This project will provide sidewalk and a separated bike lane along the east side and a marked bike lane on the west side of 73rd Ave NE from NE 192nd St to NE 205th St. The project will also install marked crossings using flashing beacons and intersections and at the entrance to Wallace Swamp Creek Park.

Background: This section of 73rd Ave NE is limited to pedestrian access via a 5-foot shoulder. This road provides the only pedestrian connection for residents along 73rd Ave NE. 73rd Ave NE is a main connection to the City's downtown, parks, transit, and other public amenities. This project would close gaps in the sidewalk network nearly completing sidewalk along the east side of 73rd Ave NE within the city limits.





City of Kenmore Transportation Improvement Program

Project Name: NE 192nd St Sidewalks (73rd Ave – 75th Ave)

Project No.: T-261

Project Location: NE 192nd Street between 73rd Ave NE and 75th Avenue NE.

Project Description: This project builds approximately 275 LF of new sidewalks on north side of NE192nd Street from 73rd Ave – 75th Ave and approximately 75 LF of sidewalk on the east side of 75th Ave NE to close the sidewalk gap.

Background: Sidewalk exists on NE 192nd Street at 73rd Avenue NE and terminates approximately 240 feet from 75th Ave NE. Approximately 500 LF of sidewalks were installed east of 75th Ave NE as part of private developments. Sidewalk also exists up 75th Ave NE. This project will close gaps and create a continuous sidewalk to Kenmore Elementary in this area. NE 192nd St is a designated walking route for Kenmore Elementary School students. Sidewalks at this location were identified as a high priority sidewalk in the Sidewalk Program.





City of Kenmore Transportation Improvement Program

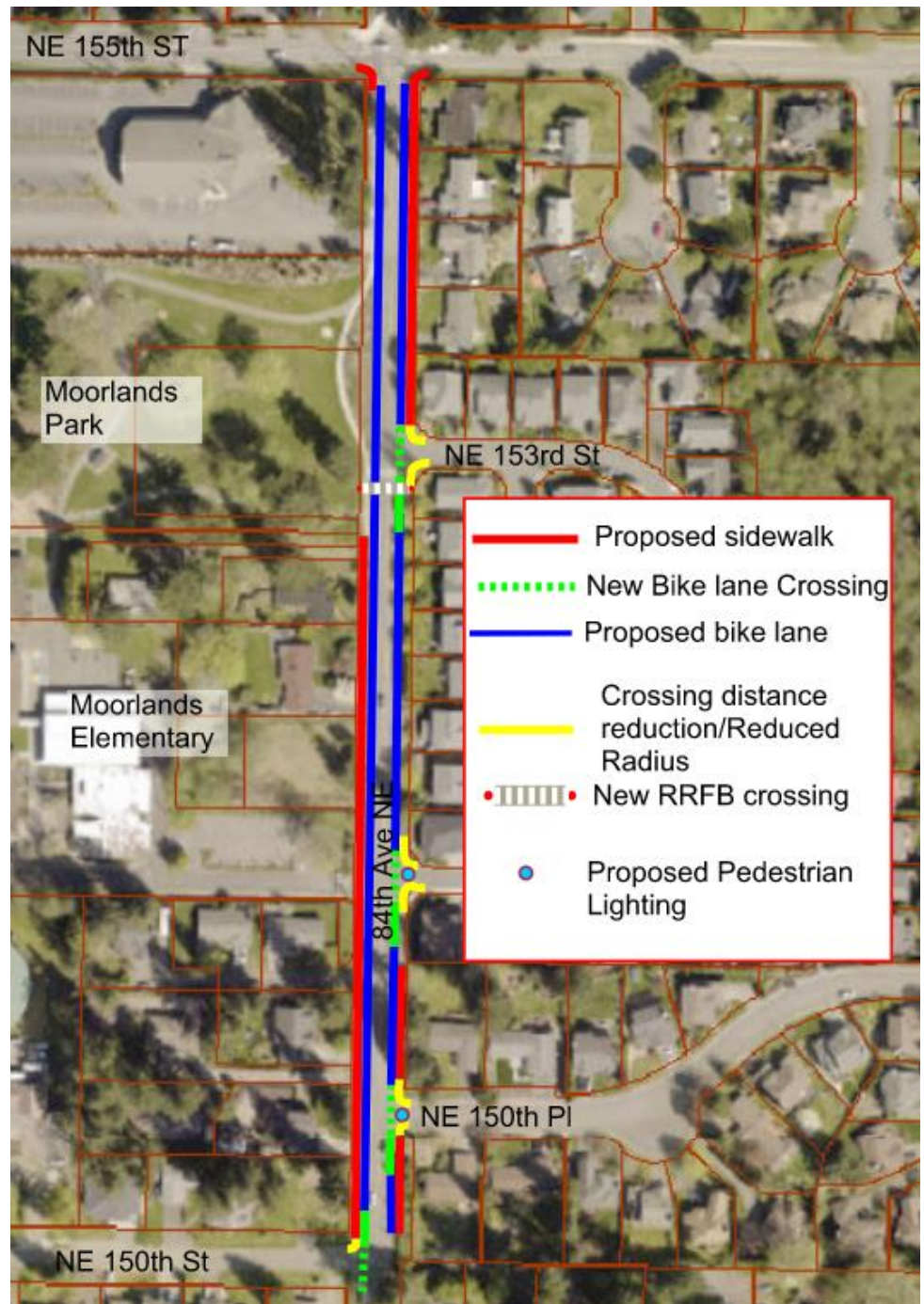
Project Name: 84th Ave NE Sidewalks (150th St – 155th St)

Project No.: T-266

Project Location: 84th Ave NE
between 150th St and 155th St.

Project Description: This project builds approximately 742 LF of new sidewalks on west side of 84th Ave NE and 715 LF of new sidewalk on the east side of 84th Ave NE from NE 150th St – NE 155th St. Project will also include buffered bike lanes on both sides of the street as well as reduction in crossing distances on side streets, a new rectangular rapid flashing beacon (RRFB) and some added pedestrian lighting.

Background: Sidewalk exists on the west side of 84th Ave NE at NE 155th St. and terminates approximately 500 feet south of NE 155th St and on the east side of 84th Ave NE between NE 151st PI and NE 153rd St. This project will extend the sidewalk south and create a continuous sidewalk between NE 150th St and NE 155th St. 84th Ave NE is a designated walking route for Moorlands Elementary School students.





City of Kenmore Transportation Improvement Program

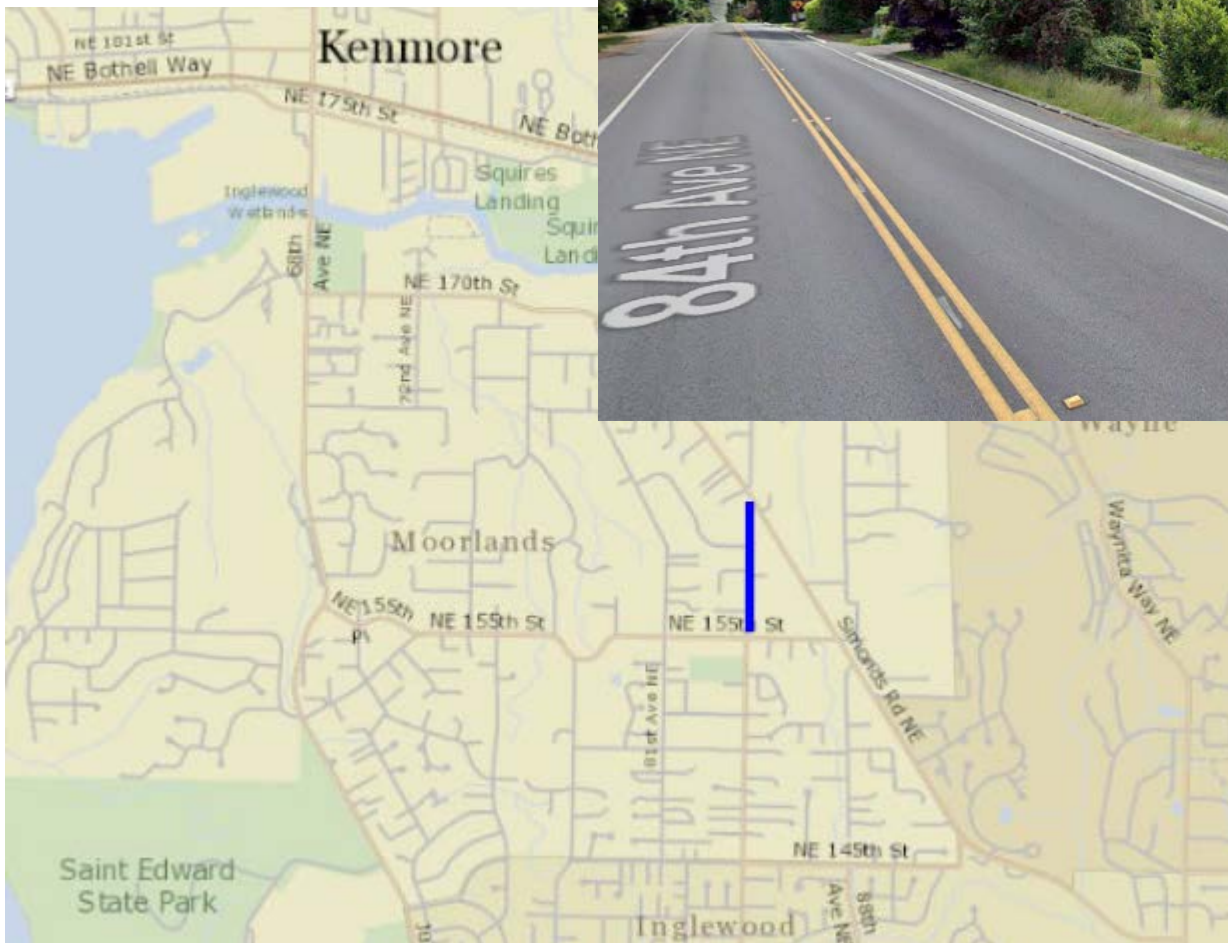
Project Name: 84th Ave NE Sidewalks (155th St – Simonds Rd)

Project No.: TBD

Project Location: 84th Ave NE between NE 155th St and Simonds Rd.

Project Description: This project builds approximately 1,500 LF of new sidewalks on the west side of 84th Ave NE from NE 155th St to Simonds Rd. Project will also include a separated bike lane on the west side and a buffered bike lanes on the east sides of the street and reconfigure the southern intersection with Simonds Rd to reduce the crossing distance of 84th at this location.

Background: An extruded curb separated shoulder exists on the west side of 84th Ave NE separating pedestrians from the travel lane. A large “paved desert” exists at the northern end of this segment resulting in a long crossing and excess impervious surfacing. This project will reconfigure the southern intersection by removing the pavement and narrowing the crossing of 84th and extending sidewalk south to 155th St to connect to the existing sidewalk to Moorlands Elementary. 84th Ave NE is a designated walking route for Moorlands Elementary School students. Sidewalks at this location were identified as a top 10 priority project in the Pedestrian Facilities Plan left to be completed.





City of Kenmore Transportation Improvement Program

Project Name: NE 175th St Sidewalks (68th Ave – 73rd Ave)

Project Location: The project is located along the south side of NE 175th St from 68th Ave NE to 73rd Ave NE

Project Description: The project will install sidewalk along the south side of NE 175th Street starting at the 68th Ave NE and terminating at the existing sidewalk approximately 810 feet to the east. New bike lanes will be installed on both sides of the street from 68th Ave NE to 73rd Ave NE.

Background: This section of NE 175th is the last remaining gap in the sidewalk network along the south side of NE 175th St. This sidewalk will connect the residential units to the sidewalk network along 68th Ave NE which provide continuous pedestrian and cyclist facilities to downtown, Bastyr University, and St. Edwards Park.

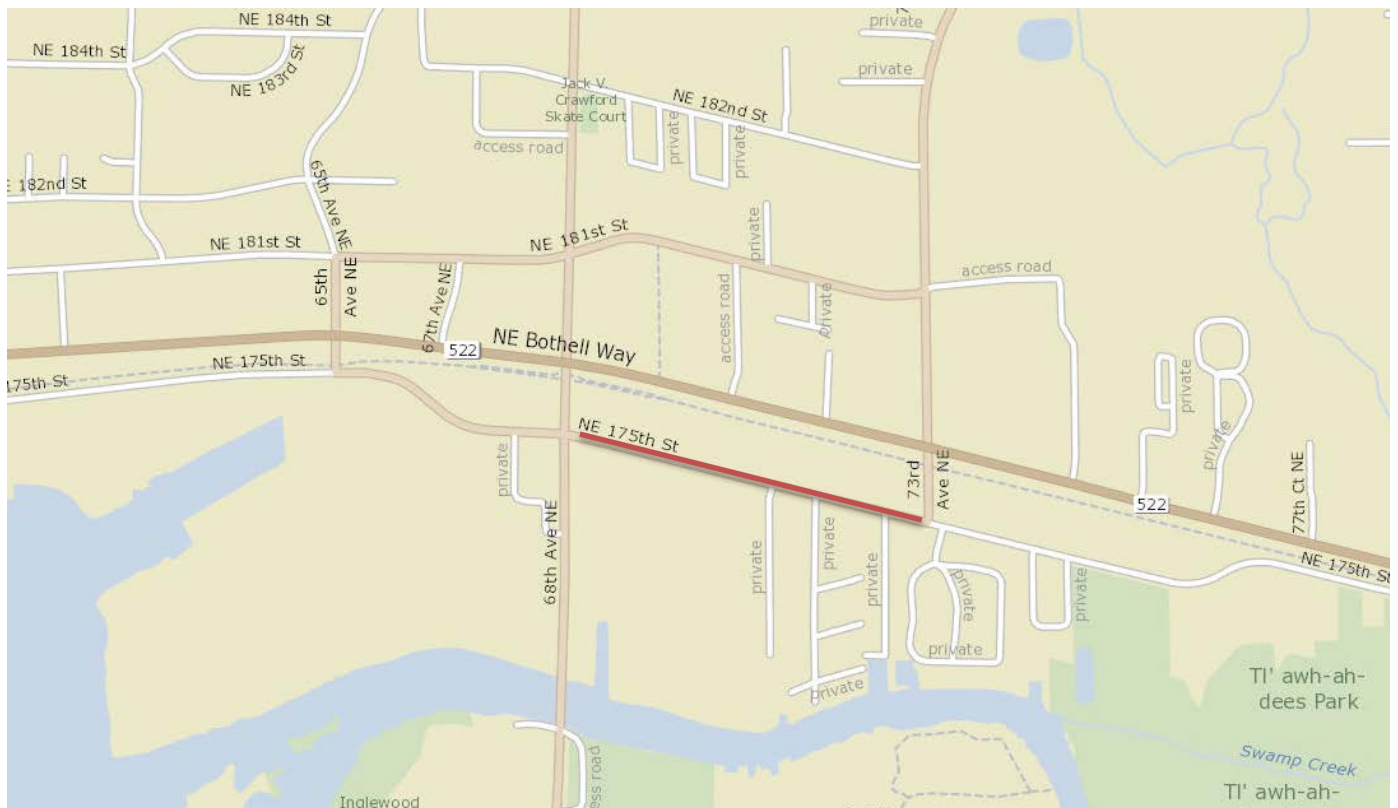


Figure A



City of Kenmore Capital Improvement Program

Project Name: NE 155th St (81st Ave NE - 84th Ave NE) Sidewalk

Project No. TBD

Project Location: NE 155th St from 81st Ave to 84th Ave NE

Project Description: This project will provide sidewalk and bike lanes along the south side of NE 155th St from 81st Ave NE to 84th Ave NE

Background: This section of NE 155th St is limited to pedestrian access via a sidewalk along the north side of the street. This road provides connection for students to Inglemoor High School and access to Moorlands Elementary school students.





City of Kenmore Capital Improvement Program

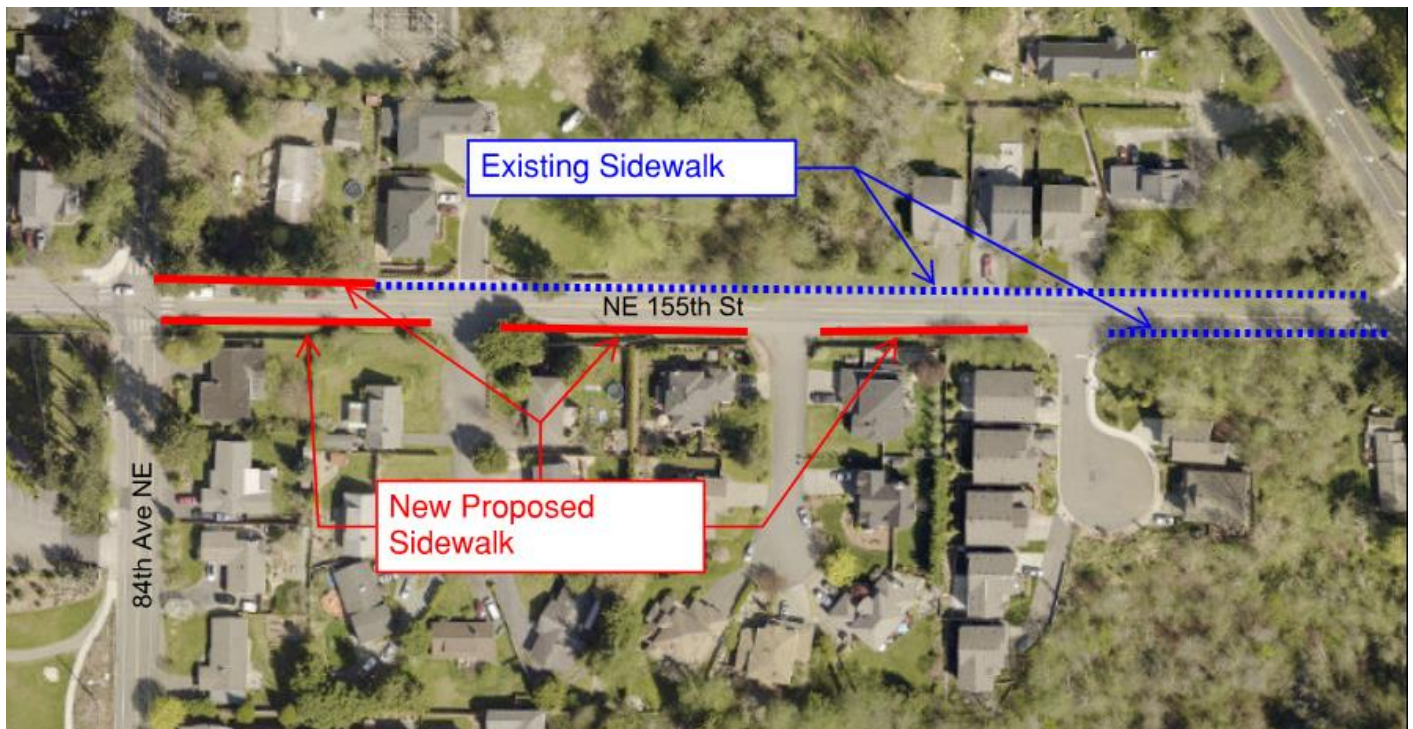
Project Name: NE 155th St (84th Ave NE – Simonds Rd) Pedestrian and Bicycle project

Project No. TBD

Project Location: NE 155th St from 84th Ave NE to Simonds Rd

Project Description: This project will provide sidewalk on both sides of NE 155th St from 84th Ave NE to 87th Ave NE and bike lanes along both sides from 84th Ave NE to Simonds Rd.

Background: This section of NE 155th is limited to pedestrian access via a 5-foot shoulder with existing sidewalk on the east end within the project limits. There are no bike facilities on this stretch of road. This road provides connection for students to Inglemoor High School and access to Moorlands Elementary school students.. This project will provide a continuous sidewalk and bike lanes between Simonds Rd to sidewalks and bike lanes on 84th Ave NE (planned for 2027) and sidewalk on NE 155th St.





City of Kenmore Transportation Improvement Program

Project Name: NE 181st St Sidewalks (63rd Ave – 65th Ave)

Project No.: TBD

Project Location: NE 181st Street between 63rd Ave NE and 65th Avenue NE.

Project Description: This project builds approximately 1,115 LF of new sidewalks on south side of NE 181st Street from 63rd Ave – 65th Ave. Project will include undergrounding of utilities if funding is available.

Background: There are limited sidewalks and pedestrian facilities along this section of NE 181st. Adding sidewalk would provide a continuous sidewalk along NE 181st and connect the City's downtown area to the east to this community business zoned area. This sidewalk would also provide connectivity to the neighborhood to the north with Downtown, City Hall, the library and other key public areas.





City of Kenmore Transportation Improvement Program

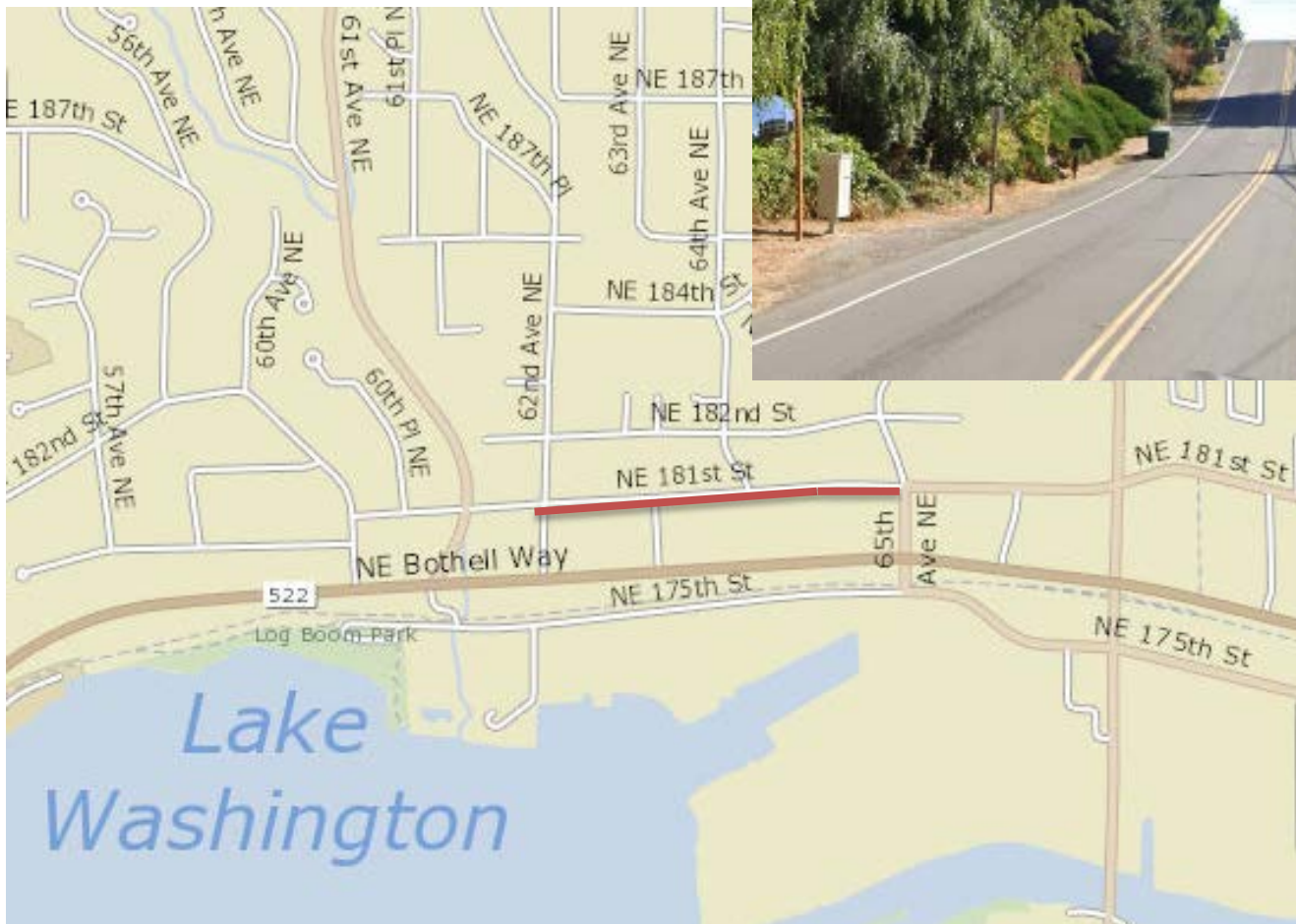
Project Name: NE 181st St Sidewalks (62nd Ave – 65th Ave)

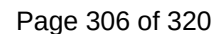
Project No.: TBD

Project Location: NE 181st Street between 62nd Ave NE and 65th Avenue NE.

Project Description: This project builds approximately 1,650 LF of new sidewalks on north side of NE 181st Street from 62nd Ave – 65th Ave. Project will include undergrounding of utilities if funding is available.

Background: There are limited sidewalks and pedestrian facilities along this section of NE 181st. Adding sidewalk would provide a continuous sidewalk along NE 181st and connect the City's downtown area to the east to this community business zoned area. This sidewalk would also provide connectivity to the neighborhood to the north with Downtown, City Hall, the library and other key public areas.



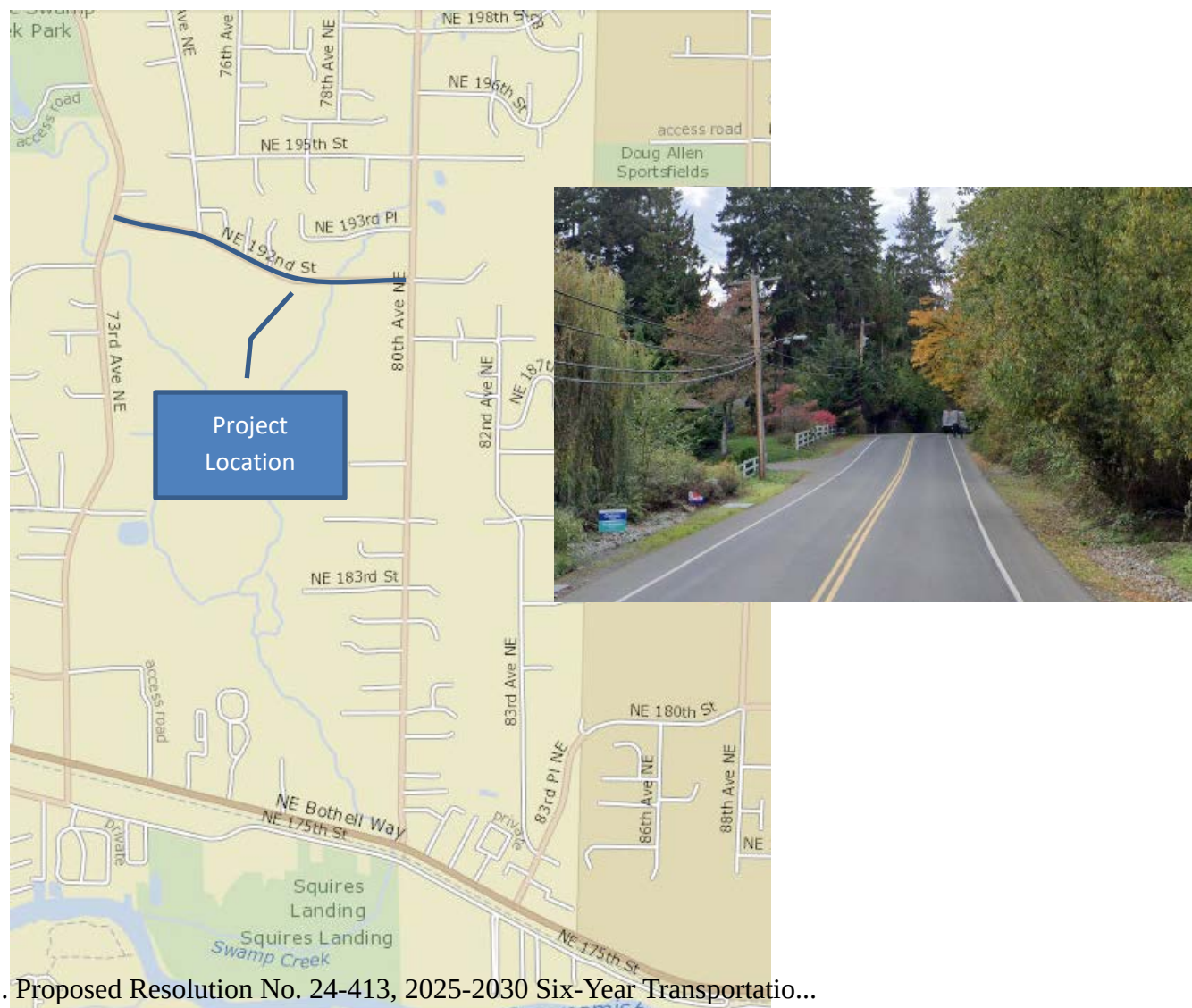


Project Name: NE 192nd St Pedestrian and Bicycle Project (73rd Ave – 80th Ave)
Project No.: TBD

Project Location: NE 192nd St between 73rd Ave NE and 80th Ave NE.

Project Description: This project builds approximately 3,190 LF of new sidewalks on both sides of NE 192nd St from 73rd Ave NE to 80th Ave NE. Project will also include buffered bike lanes on both sides of the street and other pedestrian/bicycle safety measures.

Background: A painted shoulder exists on both sides of NE 192nd St separating pedestrians from the travel lane. Sidewalk exists on the north side of NE 192nd St from 75th Ave NE to 76th Pl NE. NE 192nd St and 80th Ave NE is currently an all-way stop. This project will add multimodal facilities, narrow intersection crossings where possible, add crossing treatments as needed, and the intersection of 80th/192nd will be evaluated for a possible roundabout, to either be constructed with this project or planned as a later project. NE 192nd St is the only direct east/west connection to bike lanes and sidewalk proposed along 80th Ave NE. NE 192nd St is designated as a Suggested Walk Route for Kenmore Elementary School students. Sidewalks at this location are identified in the Pedestrian Facilities Plan and NE 192nd St is a designated bike route and the alternative route to connect the future Tolt Trail on either side of Swamp Creek.





City of Kenmore Capital Improvement Program

Project Name: 61st Avenue Sidewalk Replacement Project, Phase 2

Project No. T-276

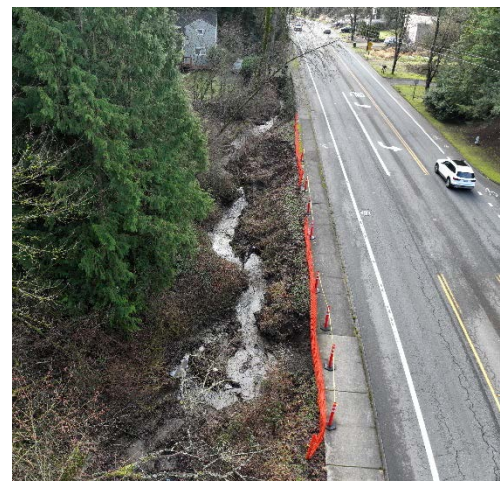
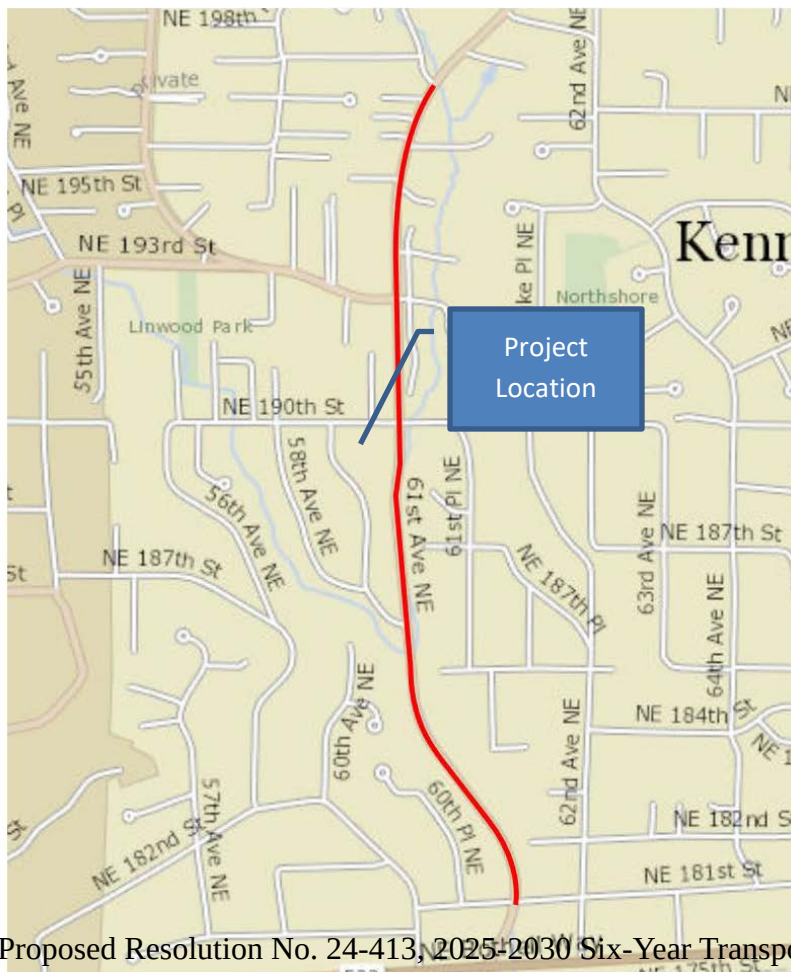
Project Location: 61st Ave NE (NE 181st St to 60th Ave NE)

Project Description:

This project will replace the non-ADA sidewalk panels on the west side of 61st Avenue NE between NE 193rd St and 60th Ave NE and relocate the sidewalk on the east side of 61st Ave NE between NE 181st St and NE 190th St away from Cha Thl Creek (Tributary 0056). In addition to replacing sidewalk panels, the following will also be included in the project:

- A 2-inch grind and HMA overlay
- Center two-way left turn lane will be removed
- Rectangular Rapid Flashing Beacon (RRFB) at 61st Ave NE and 58th Ave NE Intersection.
- Stream corridor improvements
- Increased stream buffer

Background: 61st Avenue is an arterial that runs north to south (north of SR 522) to the city limits. Cha Thl Creek runs parallel to 61st Ave NE with minimal buffer. The roadway/sidewalk in the section has a history of damage from the creek and other issues involving the creek have caused erosion along the channel. The sidewalks north of NE 190th Street do not meet American with Disability Act (ADA) compliance with many location having gaps or uplift issues. Over 70 locations along this corridor are experiencing sidewalk uplift due to nearby trees and several other panels have shifted and pedestrians with accessibility issues are sometimes forced into the existing shoulder/travel lane. Phase 1 replaces the panels on the east side of 61st.



CITY OF KENMORE

Engineering

Six Year Transportation Improvement Program: 2025-2030

Presented by: John Vicente, Engineering Director



Tonight's Discussion

- Review of the proposed Transportation Improvement Program (TIP)
- Review of new projects
- Summary of 2023 Improvements
- Public Hearing
- Recommendation to Adopt Resolution 24-413 and approve the 2025-2030 Six-Year Transportation Improvement Program



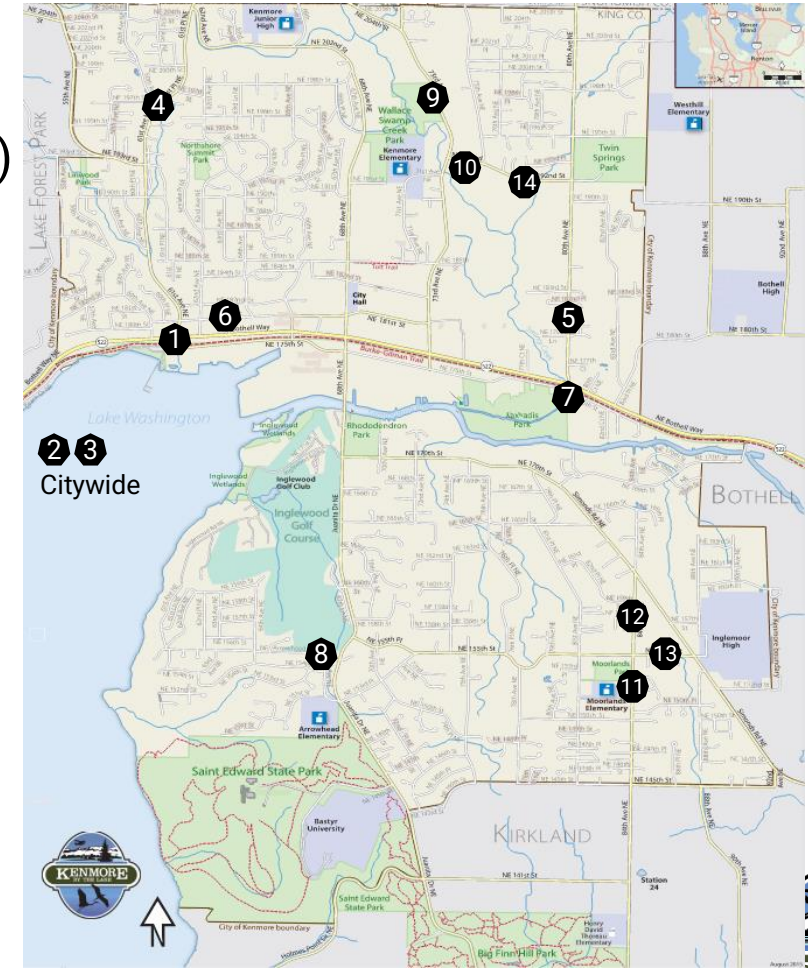
Background

- RCW 35.77.010 requires municipalities to create a Transportation Improvement Program (TIP)
- Update must be performed each year
- TIP must show how a City proposes to utilize funds for transportation related projects in the ensuing 6 years
- Consistent with the City's Comprehensive Plan
- TIP aligns with the Complete Streets Policy
- TIP is a planning document and not fiscally restrained
- A public hearing is required prior to approval
- TIP filed with WA State Secretary of Transportation
- Local funds based upon approved CIP



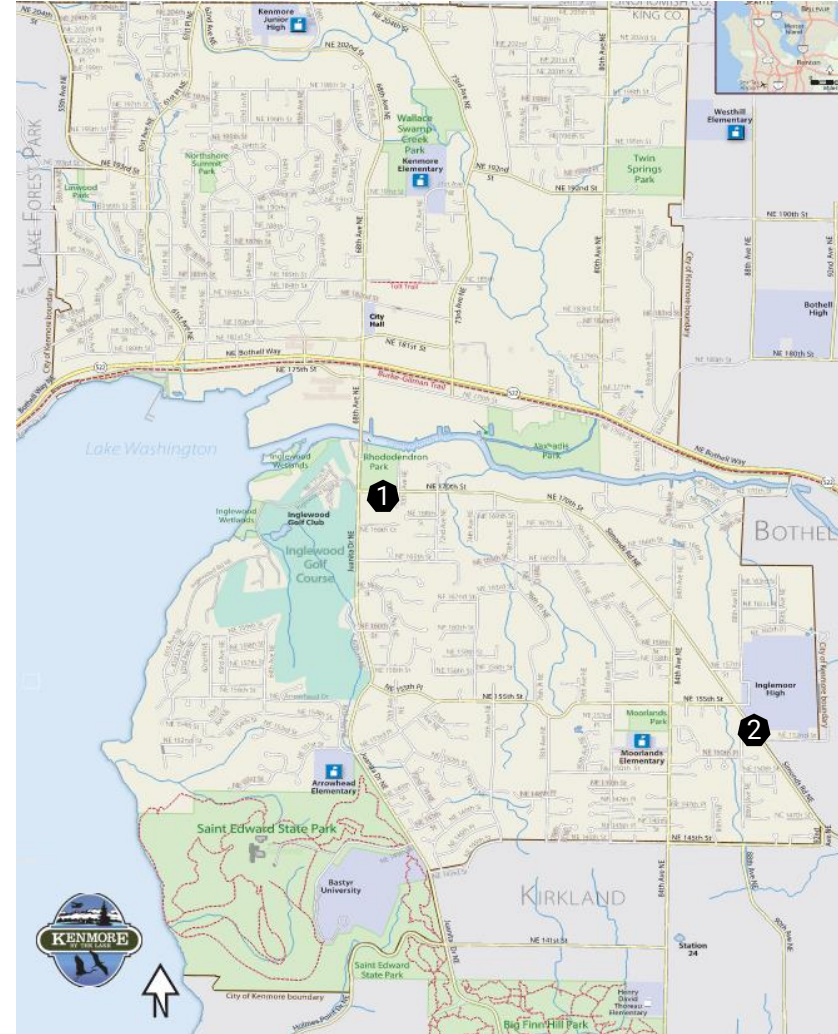
Carryover Projects

- 14 projects from 2024-2029 carried over
 1. Burke Gilman Accessibility (Formally SR522 West B)
 2. ADA Transition Program
 3. Pavement Preservation
 4. 61st Ave Sidewalk Replacement, Phase 1
 5. 80th Ave NE Ped/Bike(SR522 - 185th)
 6. NE 181st St Sidewalk (61st – 63rd)
 7. Lower Swamp Creek Bridge Replacement
 8. NE Arrowhead Dr Sidewalk (151st - 64th)
 9. 73rd Ave Sidewalk (192nd – 201st **City Limits**)
 10. NE 192nd St Sidewalk (73rd – 75th)
 11. 84th Ave NE Ped/Bike (150th – 155th)
 12. 84th Ave NE Ped/Bike (155th – Simonds)
 13. NE 155th St Sidewalk (84th – 87th)
 14. NE 192nd St Ped/Bike (73rd – 80th)



Projects Completed/Removed

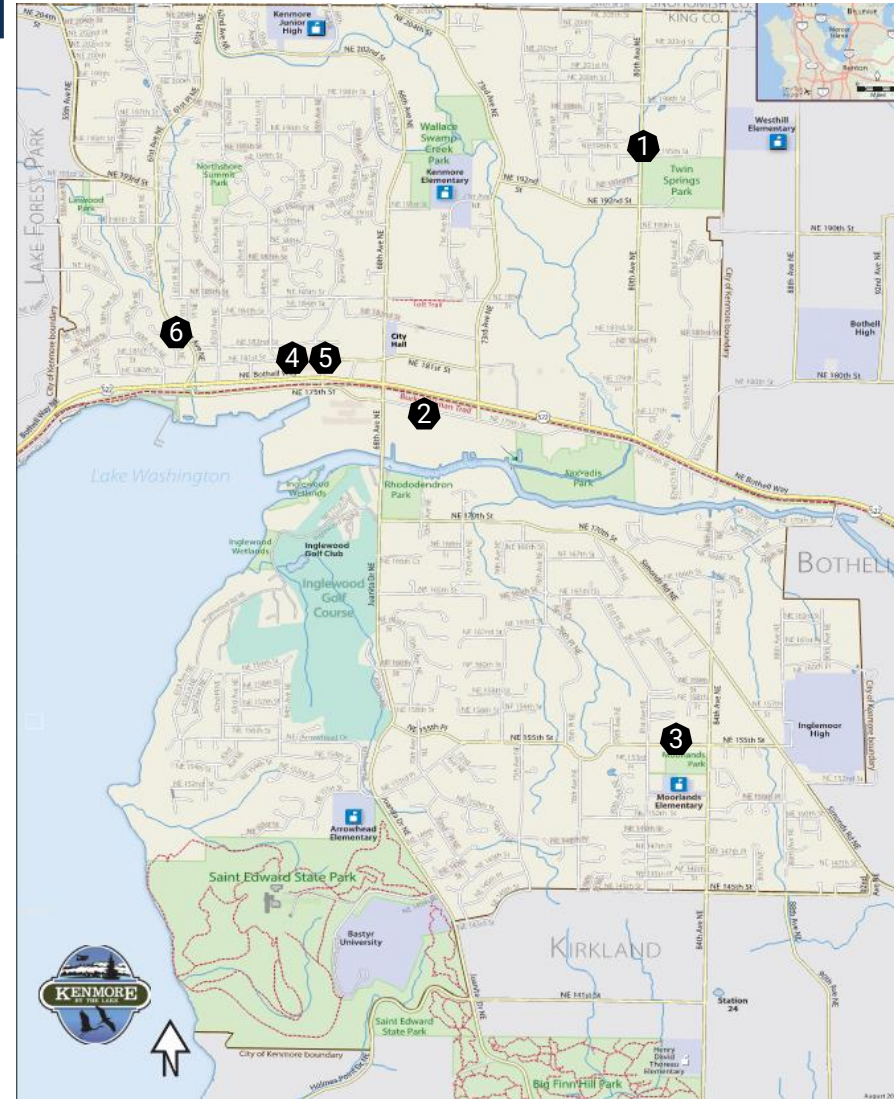
1. NE 170th St Sidewalk
(70th – 72nd)
2. Simonds Rd Sidewalk
(NE 152nd – 88th)



New Projects Added

Sub-header, 35 point

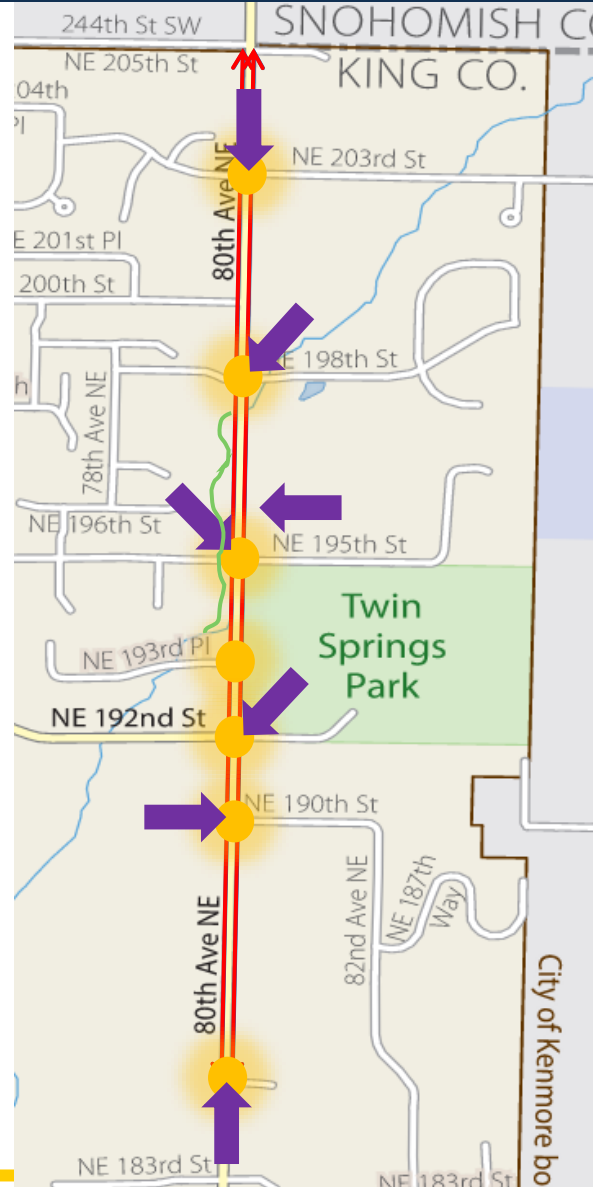
1. 80th Ave NE Corridor Project (185th – City Limits)
2. NE 175th St Ped/Bike (68th – 73rd)
3. NE 155th St Ped/Bike (81st – 84th)
4. NE 181st St Sidewalk (63rd – 65th), south side
5. NE 181st St Sidewalk (62nd-65th), north side
6. 61st Ave Sidewalk Replacement, Phase 2



New Projects

80th Ave NE Corridor

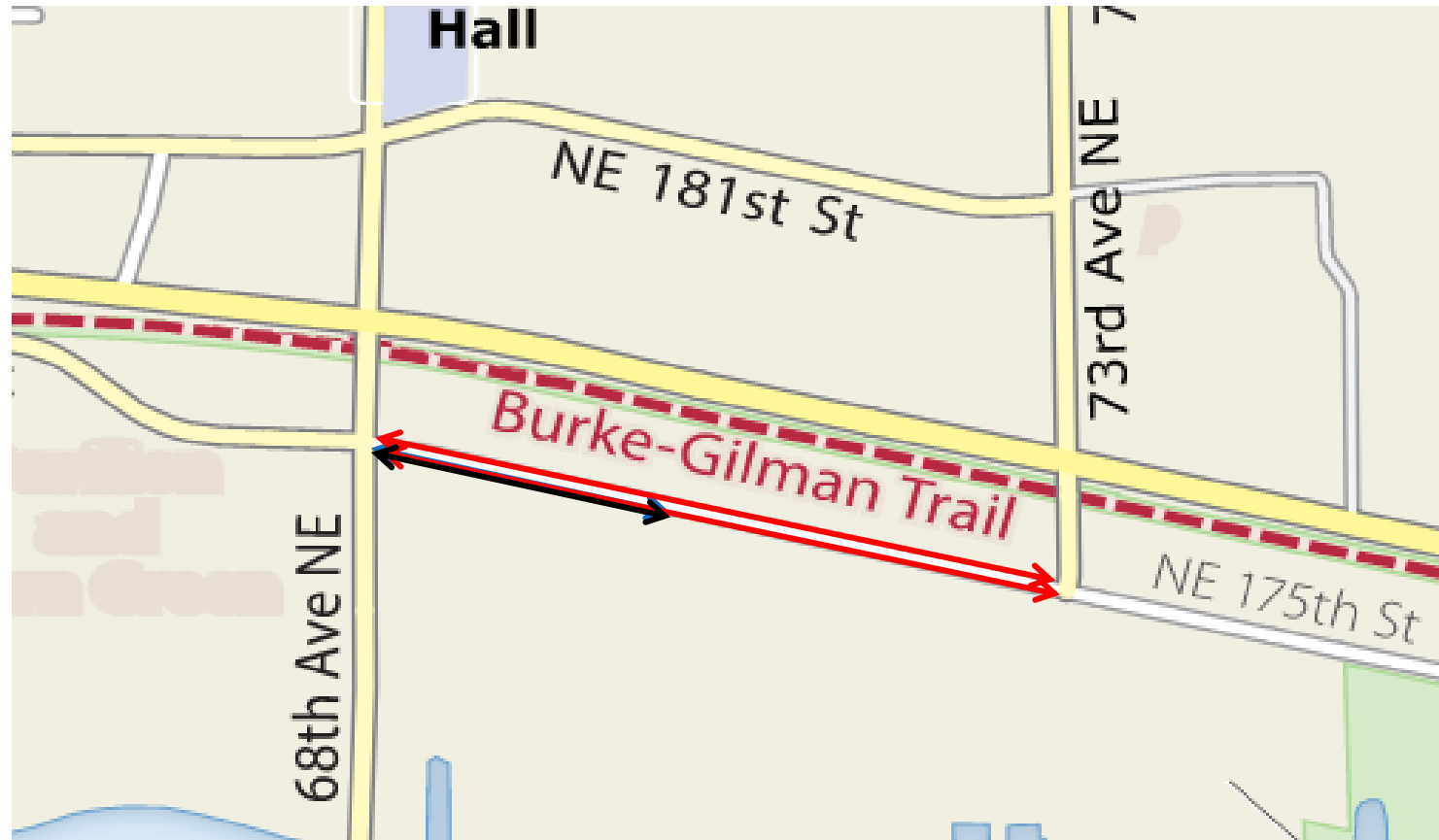
- Sidewalk
- Separated bike lanes
- Intersection treatments
- Flashing crossings
- Culvert replacement
- Stream relocation



New Projects

175th St Sidewalk and Bicycle (68th-73rd)

- Sidewalk
- Bike lanes
- On-street parking



New Projects

155th St Sidewalk (81st – 84th)

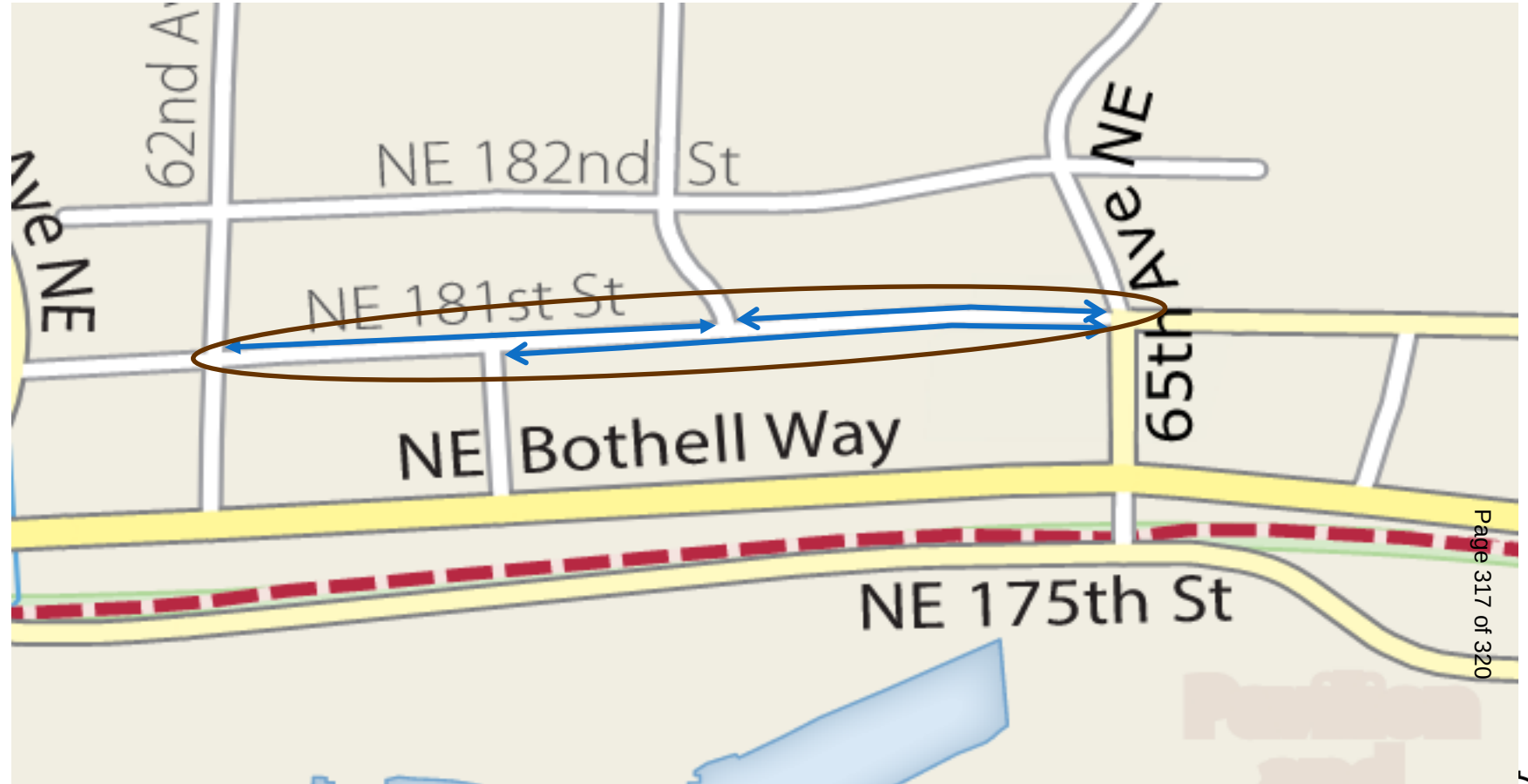
- Sidewalk
- Bike lanes



New Projects

181st St Sidewalks

- Sidewalk
- On-street parking
- Utility undergrounding (pending funding)



-
- A map snippet showing a section of a road network. A yellow line represents a main road, with a red arrow pointing to a specific intersection. The road is labeled '61st Ave NE' in black text. To the right, a road labeled '61st PINE' runs diagonally. Other roads visible include '60th Ave NE', 'NE 197th St', 'NE 199th St', and 'NE 193rd St'. A blue line representing a waterway or stream runs parallel to the main road. The map is oriented with North at the top.



2023 Summary of Improvements

Complete Streets Policy

- 2023 Advances towards implementation of the Complete Streets Policy
 - Total LF of sidewalks repaired: 1,230
 - Total LF of new bike lanes: 9,410
 - Enhanced crossings: 2



PUBLIC HEARING

