



Economic & Community Development Committee Agenda

Councilmembers: Jim Berrios, Tina Budell, Bill Boyce, Chair

SPECIAL MEETING AGENDA

January 11, 2016

Time Change

4:00 p.m.

<u>Item</u>	<u>Description</u>	<u>Action</u>	<u>Speaker(s)</u>	<u>Time</u>	<u>Page</u>
1.	Call to Order		Bill Boyce	1 min	
2.	Roll Call		Bill Boyce	1 min	
3.	Changes to the Agenda		Bill Boyce	1 min	
4.	Approval of November 9, 2015 Minutes	YES	Bill Boyce	2 min	1
5.	Park and Open Space Plan Emergency Resolution	YES	Charlene Anderson	5 min	5
6.	Code Enforcement Abatement Liens Ordinance	YES	Matt Gilbert	5 min	11
7.	Extension of Plat Expirations <i>Information Only</i>	NO	Matt Gilbert	10 min	47
8.	Sound Transit Update <i>Information Only</i>	NO	Charlene Anderson Chelsea Levy Eric Chipps	15 min	49
9.	Mill Creek Historic District Design Guidelines <i>Information Only</i>	NO	Charlene Anderson	5 min	51

Unless otherwise noted, the Economic & Community Development Committee meets at 5 p.m. on the second Monday of each month in Kent City Hall, Council Chambers East, 220 4th Ave S, Kent, 98032.

For additional information please contact Julie Pulliam at 253-856-5454.

Any person requiring a disability accommodation should contact the City Clerk's Office at 253-856-5725 in advance. For TDD relay service call Washington Telecommunications Relay Service at 1-800-833-6388.



**ECONOMIC & COMMUNITY DEVELOPMENT COMMITTEE
MINUTES**

NOVEMBER 9, 2015

Committee Members Committee Chair Bill Boyce, Tim Higgins, Jim Berrios in attendance

1. Call to Order

Chair Boyce called the meeting to order at 5:00 pm.

2. Roll Call

3. Changes to the Agenda None

4. Approval of Minutes

Committee Member Berrios Moved and Committee Member Higgins Seconded a Motion to Approve the Minutes of October 12, 2015. Motion PASSED 3-0.

5. Accessory Dwelling Units Zoning Code Amendment Ordinance

Long Range Planner Hayley Bonsteel stated that based on previous Committee direction to broadly explore the issue of accessory dwelling structures, staff drafted code amendments that will regulate all accessory structures regardless of the use therein. The Land Use and Planning Board held a public hearing on the amendments on October 26, 2015 and recommended approval.

Revisions to Kent City Code Sections 15.04 and 15.08 include:

- Clarifying language that groups all accessory structures under same regulations;
- Regulations allowing only one guest cottage or accessory dwelling unit per lot;
- A new footprint calculation where the total of all accessory buildings cannot exceed 15% of the lot area;
- Maximum accessory building height of 23 feet, not to exceed the height of the principal building;
- Design requirements for accessory buildings taller than 12 feet in height so they are visually compatible with primary building in material, trim and roof pitch;
- Other revisions included in packet.

Committee Member Higgins Moved and Committee Member Berrios Seconded a Motion to recommend to the full City Council approval of the Ordinance amending Title 15 of the Kent City Code including new regulations in KCC 15.08.160 regulating all accessory buildings along with related amendments to KCC Chapters 15.02, 15.04 & 15.08. Motion PASSED 3-0.

6. Meeker Street Design Guidelines Ordinance

Bonsteel stated that more work needs to be completed on redesigning the Meeker Street corridor, beautifying the streetscape and strengthening the sense of place to achieve the vision for this key corridor. In order to ensure any development in the meantime is pedestrian-friendly, staff proposed as an interim measure, code amendments to extend Kent's Downtown and Multi-family Design Review to zoning districts along Meeker Street from 64th Avenue west to Kent-Des Moines Road; and classifying Meeker Street as a Class B pedestrian street according to the Downtown Design Guidelines. After holding a public hearing on October 26, 2015, the Land Use and Planning Board recommended approval of the amendments.

Committee Member Berrios MOVED and Committee Member Higgins Seconded a Motion to recommend approval of the Ordinance amending Kent City Code to extend Downtown Design Guidelines & Multifamily Design Review to the zoning districts along the Meeker Street Corridor from 64th Avenue South to Kent-Des Moines Road including designating Meeker Street in this area as a Class B pedestrian street for the purpose of applying the downtown design guidelines. MOTION PASSED 3-0.

7. Assisted Living Facilities Zoning Code Amendment

Bonsteel provided an update to the Committee on the project, stating that staff received additional information on facility types and more research will be conducted to differentiate between the types of facilities. Staff is considering revisions that may incorporate some or all of the independent senior facilities in Phase One of the project. Bonsteel stated she will follow up with the Committee at a future meeting.

8. Lodging Tax Advisory Committee

Economic and Community Development Director Ben Wolters stated that there is a proposal to increase the number of committee members from 7 to 9. A larger community representation is needed because there has been major growth in the community.

9. Sound Transit Update

Long Range Planning Manager Charlene Anderson stated that Sound Transit is in the environmental and review phase of the light rail project. Meetings are being held to define design concepts, as well as work through the engineering and permitting process.

10. Economic Development Update

Wolters stated that a recreational vehicle (RV) rental business is looking for a location in Kent. A pasta maker is looking to establish its business in Kent. New Space conference is scheduled for June. Kent is working with other communities to sponsor the conference. Maralco Aluminum is trying to find a path forward to redevelop their 12-acre site.

11. ShoWare Update

Wolters stated that ShoWare is on pace to set a record for over 400,000 in attendance, although the net operating income statement will still show a loss for this year. If you include the City's admission tax which is only collected on ticketing activity at ShoWare and the potential settlement on the past losses related to repairs at ShoWare, the results could show a positive outcome.

Adjournment

Chair Boyce adjourned the meeting at 6:00 p.m.

Pamela Mottram for Julie Pulliam, Secretary,
Economic & Community Development Committee

JP:pm \ P:\Planning\ECDC\2015\Minutes\11-9-15_Min.docx



ECONOMIC and COMMUNITY DEVELOPMENT

Ben Wolters, Director
 Phone: 253-856-5454
 Fax: 253-856-6454

220 Fourth Avenue S.
 Kent, WA 98032-5895

January 11, 2016

TO: Chair Bill Boyce and Economic & Community Development Committee
 FROM: Charlene Anderson, AICP, Long Range Planning Manager
 RE: Park and Open Space Plan

For Meeting of January 11, 2016

MOTION: Recommend approval of a Resolution that declares an emergency to pursue an amendment to the Kent Comprehensive Plan to incorporate the Park Plan.

SUMMARY: Strategic goals of the City Council include: Create neighborhood urban centers; Create Connections for People and Places; Foster Inclusiveness; and Beautify Kent. The update to the 2010 Park & Open Space Plan (the "Plan") will address these strategic goals.

The State of Washington Recreation and Conservation Funding Board distributes a number of grants pertaining to parks and recreation. Eligibility for the grants is based, in part, on having a state-approved parks comprehensive plan, which must be updated every six years. RCW 36.70A.120 requires Kent to perform its activities and make capital budget decisions in conformity with its comprehensive plan; thus the master plan for parks must be consistent with and incorporated into the Kent Comprehensive Plan.

In order to be eligible for the next round of grants, the City must update its Park Plan and incorporate it into the Kent Comprehensive Plan outside of the annual comprehensive plan update cycle. The State's Growth Management Act (GMA) and Kent City Code require a declaration of an emergency to amend the Kent Comprehensive Plan outside the annual update cycle.

EXHIBITS: Draft Resolution

BUDGET IMPACT: No

RESOLUTION NO. _____

A RESOLUTION of the city council of the city of Kent, Washington, declaring an emergency and proposing an amendment to the Kent comprehensive plan, separately from the annual cycle, to incorporate the Park and Open Space Plan into the comprehensive plan.

RECITALS

A. Pursuant to the Growth Management Act (GMA), the Kent comprehensive plan provides for planning activities and capital budget decisions that are consistent with the comprehensive plan. RCW 36.70A.120.

B. The city council's strategic goals include the creation of neighborhood urban centers, connections for people and places, fostering inclusiveness, and beautifying Kent.

C. The Parks and Recreation Element of the 2015 Kent Comprehensive Plan anticipated that an update to the Park and Open Space Plan would be completed in 2016.

D. The city council instead desires to proceed now with an update to the existing Park and Open Space Plan, adopted by the city council on May 4, 2010, to reflect current park and open space opportunities.

E. The GMA requires that the city establish procedures governing amendments to the comprehensive plan that limit amendments to once each year unless certain circumstances exist. RCW 36.70A.130(2). The city has established a procedure for amending the comprehensive plan in Chapter 12.02 of the Kent City Code (KCC) that permits amendments in addition to the standard annual update if an emergency exists. An emergency is defined as an issue of community-wide significance that promotes the public health, safety, and general welfare of the city of Kent. KCC 12.02.010(A).

F. On January 11, 2016, the Economic and Community Development Committee moved to direct staff to update the Park and Open Space Plan.

G. The city council finds that consideration of proposed amendments to the comprehensive plan through revision of the Park and Open Space Plan is an issue of community-wide significance that promotes the public health, safety, and general welfare of the city of Kent; NOW THEREFORE,

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY RESOLVE AS FOLLOWS:

RESOLUTION

SECTION 1. – *Recitals.* The recitals above are incorporated herein by this reference.

SECTION 2. – *Emergency.* The update to the existing Park and Open Space Plan, adopted by the city council on May 4, 2010, constitutes an issue of community-wide significance that promotes the public health, safety, and general welfare in accordance with the definition of an emergency as set forth in KCC 12.02.010(A). The city council, therefore, declares that an emergency exists and authorizes staff and the Land Use and Planning Board to process this

amendment to the comprehensive plan outside the annual amendment process in KCC 12.02.030.

SECTION 3. – *Severability.* If any section, subsection, paragraph, sentence, clause or phrase of this resolution is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this resolution.

SECTION 4. – *Effective Date.* This resolution shall take effect and be in force immediately upon its passage.

PASSED at a regular meeting of the city council of the city of Kent, Washington this ____ day of _____, 2016.

CONCURRED in by the mayor of the city of Kent, this ____ day of _____, 2016.

SUZETTE COOKE, MAYOR

ATTEST:

RONALD F. MOORE, CITY CLERK

APPROVED AS TO FORM:

TOM BRUBAKER, CITY ATTORNEY

I hereby certify that this is a true and correct copy of Resolution No. _____ passed by the city council of the city of Kent, Washington, the _____ day of _____, 2016.

RONALD F. MOORE, CITY CLERK (SEAL)

P:\Civil\Resolution\Comp Plan Incorporate Park Plan.doc



ECONOMIC and COMMUNITY DEVELOPMENT

Ben Wolters, Director

Phone: 253-856-5454

Fax: 253-856-6454

220 Fourth Avenue S.

Kent, WA 98032-5895

January 6, 2016

TO: Chair Bill Boyce and Economic & Community Development Committee
 FROM: Matt Gilbert, AICP, Current Planning Manager
 RE: Dangerous Building Abatement funding under RCW 35.80

For Jan 11, 2016 Meeting

Motion: Recommend Council adopt an ordinance amending the Kent City Code to repeal the City's adoption of the Uniform Code for the Abatement of Dangerous Buildings by amending sections 14.01.010 and repealing section 14.01.080, to adopt a new chapter 14.02, entitled "Unfit Dwellings, Buildings, and Structures" to create an additional enforcement tool for code violations involving unfit dwellings, buildings, and structures, and amending sections 14.08.040, 14.08.060, and 14.08.200 to reference the newly adopted chapter 14.02.

SUMMARY: This proposed ordinance will enable Kent to recoup costs incurred by abating dangerous buildings and properties while increasing due process protections for owners of dangerous properties.

BACKGROUND: From time to time city staff becomes aware of dwellings that are unfit for human habitation as well as buildings, structures, and premises that are unsafe for use because dilapidation and structural defects have increased the chance of fire, accidents, or other calamities. Problems such as inadequate ventilation, uncleanliness, inadequate light or sanitary facilities, inadequate drainage, overcrowding, and other conditions that are harmful to the health and welfare of the residents of the City are not uncommon. Unfortunately, the owners of those properties are often unwilling or unable to correct these conditions.

CURRENT AUTHORITY: When such conditions are discovered and voluntary compliance efforts fail, the City is authorized to act to abate the problem. Action is authorized through the Uniform Code for Abatement of Dangerous Buildings (UCADB), which is adopted by reference with other building-related codes. The City may attempt to recoup abatement costs from the owner by filing a lien against the property. However, abatement liens are typically junior to other creditor's liens, and are not typically an effective means for the City to recover its costs. Accordingly, if the City chooses to abate a dangerous situation, abatement costs are paid from the general fund and seldom recovered. Because of this limitation, it has been historically rare for the City to undertake this type of direct abatement.

STATE AUTHORITY: RCW 35.80 gives cities authority to more reliably recoup costs associated with abating dangerous dwellings, buildings and structures by

adding the cost to the annual tax rolls of violating properties. If unpaid, the abatement costs have top priority for payment, like unpaid taxes. This statute also contains significant due process protections for the owners of properties in violation. In order to adopt this authority, the City must establish a process that ensures every reasonable step has been taken to achieve voluntary compliance. Clear definitions of dangerous problems, owner notification requirements, formal meeting requirements and appeal processes must all be established to ensure that owners are well informed of their obligations and have time to act before the City adds abatement costs to their property tax bill. To avoid redundancy, if the provisions of RCW 35.80 are implemented, the UCADB should be repealed. The proposed ordinance mimics the currently adopted UCADB such that no major change in what the City considers dangerous is included. Rather, the change would be limited to the added due process provisions and to creating a more self-sustaining funding model for the City's abatement efforts.

Staff will be at the January 11th meeting to provide additional details and answer questions regarding this proposed change.

MG:jp P:\Planning\ECDC\2016\Pckt Documents\1-11-16\1 11 16 Abatement Memo.docx
cc: Ben Wolters, Economic & Community Development Director
Charlene Anderson, AICP, Planning Manager

ORDINANCE NO. _____

AN ORDINANCE of the city council of the city of Kent, Washington, amending the Kent City Code to repeal the City's adoption of the Uniform Code for the Abatement of Dangerous Buildings by amending sections 14.01.010 and repealing section 14.01.080, to adopt a new chapter 14.02, entitled "Unfit Dwellings, Buildings, and Structures" to create an additional enforcement tool for code violations involving unfit dwellings, buildings, and structures, and amending sections 14.08.040, 14.08.060, and 14.08.200 to reference the newly adopted chapter 14.02.

RECITALS

A. The city council finds that there are, within the city of Kent, dwellings that are unfit for human habitation, and buildings, structures, and premises or portions of premises that are unfit for other uses due to dilapidation, disrepair, structural defects, defects increasing the hazards of fire, accidents, or other calamities, inadequate ventilation and uncleanliness, inadequate light or sanitary facilities, inadequate drainage, overcrowding, or other conditions that are harmful to the health and welfare of the residents of the City. Unfortunately, the owners of those properties are often unwilling or unable to correct these conditions.

B. Chapter 35.80 of the Revised Code of Washington ("RCW") authorizes cities to adopt ordinances enabling them to address these

conditions fairly, effectively, and with substantial assurance that the city can recover its costs incurred to abate these conditions. The City adopts this ordinance so that staff can use the code enforcement process provided for within Chapter 35.80 RCW to eradicate dwellings and other buildings or structures that are unfit or otherwise harmful.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

ORDINANCE

SECTION 1. – *Amendment – KCC 14.01.010.* Section 14.01.010 of the Kent City Code, entitled “Building codes—Adopted,” is amended to repeal the City’s prior adoption of the Uniform Code for the Abatement of Dangerous Buildings as follows:

Sec. 14.01.010. Building codes – Adopted. In accordance with Chapter 19.27 RCW, the following codes (collectively, the “building codes”) together with any additions, deletions, and exceptions currently enacted or as may be amended from time to time by the state of Washington through its Building Code Council pursuant to the Washington Administrative Code (“WAC”), and as further amended in this chapter, are adopted by reference:

A. The International Building Code, 2012 Edition, published by the International Code Council, Inc., as amended pursuant to Chapter 51-50 WAC.

B. The International Existing Building Code, 2012 Edition, published by the International Code Council, Inc., but its application is limited as provided for in Chapter 34 of the International Building Code, and as amended pursuant to WAC 51-50-480000 through 51-50-481500.

C. The International Residential Code, 2012 Edition, published by the International Code Council, Inc., as amended pursuant to Chapter 51-51 WAC.

D. The International Mechanical Code, 2012 Edition, published by the International Code Council, Inc., as amended pursuant to Chapter 51-52 WAC.

E. The Uniform Plumbing Code, 2012 Edition, published by the International Association of Plumbing and Mechanical Officials, including the Uniform Plumbing Code Standards (Appendices A, B, and I to the Uniform Plumbing Code) as amended pursuant to Chapter 51-56 WAC.

F. The Uniform Housing Code, 1997 Edition, published by the International Conference of Building Officials.

~~G. The Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, published by the International Conference of Building Officials.~~

~~H. G. The International Energy Conservation Code, 2012 Edition, published by the International Code Council, Inc., as amended pursuant to Chapters 51-11C and 51-11R WAC.~~

~~I. H. The International Property Maintenance Code, 2012 Edition, published by the International Code Council, Inc., including the Boarding Standard (Appendix A to the International Property Maintenance Code).~~

One (1) copy of each of these codes is on file with the city's building official.

SECTION 2. - *Amendment - New Chapter 14.02 KCC.* Title 14 of the Kent City Code is amended by adding a new chapter 14.02, entitled "Unfit Dwellings, Buildings, and Structures," to read as follows:

**3 Ordinance Amending Title 14 KCC—
Unfit Dwellings, Buildings, and Structures**

Chapter 14.02 Unfit Dwellings, Buildings, and Structures

Sec. 14.02.010. Findings and Purpose. Pursuant to Chapter 35.80 of the Revised Code of Washington (RCW), the city council finds that dwellings exist within the city of Kent that are unfit for human habitation. When all or any portion of buildings, structures, and premises become unfit for their intended uses due to dilapidation; disrepair; structural defects; defects increasing the hazards of fire, accidents or other calamities; inadequate ventilation; uncleanliness; inadequate light or sanitary facilities; inadequate drainage; overcrowding; or other conditions, they are harmful to the health, safety, and welfare of the city's residents.

The purpose of this chapter is to implement the process and to acquire and exercise the powers authorized by Chapter 35.80 RCW to address conditions such as those described above that render dwellings, buildings, structures, and premises in the city unfit.

The purpose of this chapter is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this chapter.

Sec. 14.02.020. Definitions. The definitions contained in KCC 1.04.020 and KCC 14.08.020 will also apply to this chapter. In addition, the following words, terms, and phrases, when used in this chapter, will have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

A. *Abandoned* means any property, real or personal, that is unattended and either open or unsecured so that, in the case of real property, admittance may be gained without materially damaging any portion of the property, or which reasonably appears not to be presently possessed by

any person. Examples of real or personal property that may reasonably appear abandoned include, without limitation, dwellings, buildings, structures, and other premises where utilities are disconnected, debris is accumulated, uncleanliness or disrepair is evident, or where items of personal property are located in places where those items are not normally kept or used.

B. *Appeals Commission* means the office of the hearings examiner as created in Chapter 2.32 KCC.

C. *Boarded-up building* means any unoccupied building the exterior of which is closed by extrinsic materials or devices installed on a long-term, rather than brief temporary basis, giving to the building the appearance of non-occupancy or non-use for an indefinite period of time. Appendix A of the International Property Maintenance Code (IPMC), adopted for use and enforcement within the city, provides criteria that regulates how dwellings, buildings, and structures may be properly secured against unlawful entry, and otherwise maintained to protect the public health, safety, and welfare and the provisions and purposes of this chapter.

D. *Building* means all or any portion of any building, dwelling, structure, mobile home, or factory-built house built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

E. *Costs* means the city's actual expenses incurred to correct illegal conditions pursuant to the provisions of this chapter, plus any applicable administrative fee.

F. *Director* means the city's director of the Economic and Community Development Department or the director's designee.

G. *Imminent danger* means an immediate exposure or liability to injury, harm, or loss.

H. *Improvement officer* means the person authorized by the director to conduct a review hearing pursuant to this chapter.

I. *Nuisance* means: (a) a nuisance defined by statute or ordinance; (b) a nuisance at common law, either public or private; (c) an attractive nuisance, whether realty, fixture, or chattel, in or on a building, a building premises, or an unoccupied lot, that might reasonably be expected to attract children and constitute a danger to them, including without limitation, abandoned wells, ice boxes or refrigerators with doors and latches, shafts, basements or other excavations, abandoned or inoperative vehicles or other equipment, structurally unsound fences or other fixtures, lumber, fencing, vegetation or other debris; (d) uncleanness or other condition that is dangerous to human life or detrimental to health; (e) overcrowding; or (f) abandoned as defined in this chapter.

J. *Subject property* means the dwelling, building, structure, or premises that is the subject of investigation or an enforcement action pursuant to this chapter.

K. *Unfit* means a dwelling, building, structure, or premises that has any or all of the defects enumerated in KCC 14.02.080 and is therefore unfit for human habitation or other uses.

L. *Value* means the amount assessed upon a dwelling, building, structure, or premises for purposes of general taxation.

Sec. 14.02.030. Duties of the code enforcement officer. The code enforcement officer's duties and powers include:

A. Investigating dwellings, buildings, structures, or premises the officer, pursuant to this chapter, has reasonable grounds to believe are unfit; and

B. Preparing, serving, and posting of notices and orders according to the provisions of this chapter regarding subject properties that the officer has reasonable grounds to believe, pursuant to this chapter, are unfit; and

C. Doing all things necessary and proper to carry out and enforce this chapter.

Sec. 14.02.040. Duties of the improvement officer. The improvement officer's duties and powers include:

A. Conducting review hearings pursuant to RCW 35.80.030 to consider notices and orders issued by code enforcement officers with other evidence that may be received from code enforcement officer or other parties and persons; and

B. Preparing, serving and posting a Summary of Decision, including findings of fact in support of the improvement officer's determination, pursuant to KCC 14.02.140(D); and

C. Doing all things necessary and proper to carry out and enforce this chapter.

Sec. 14.02.050. Duties of the hearing examiner. The hearing examiner is the appeals commission for purposes of this chapter. In addition to the powers conferred through ch. 2.32 KCC, the Hearing Examiner shall:

A. Conduct administrative hearings pursuant to KCC 14.02.170 to consider notices and orders issued by the code enforcement officer or the improvement officer together with other evidence that may be received from the improvement officer, code enforcement officer, or other parties and persons, and where appropriate, affirm, modify, or overturn the notices and orders by written decision; and

B. Do all things necessary and proper to carry out and enforce this chapter.

Sec. 14.02.060. Rules and regulations. The director may establish rules and procedures to reasonably and fairly administer the provisions and achieve the purposes of this chapter. The improvement and code enforcement officers shall recognize and give appropriate effect to special and extenuating circumstances that, in order to do substantial justice in specific cases, warrant the exercise of discretion to adjust the timeframes, standards, and other provisions of this chapter. Examples of circumstances that may warrant an exercise of discretion include without limitation: medical illness or disability affecting the ability of the person responsible for the violation to respond to orders or appear at hearings, and bona fide insurance coverage disputes that create a definite risk that enforcement of this chapter would unfairly result in a substantial economic loss to the property owner or the person responsible for the violation.

The building official, improvement officer, or code enforcement officer is authorized to exercise all powers, consistent with the provisions of this chapter that may be necessary or convenient to reasonably and fairly achieve its purposes. When authorized by consent of the owner or other party in possession of a subject property, or if consent to enter either cannot be requested because the owner or party in lawful possession is not available, or consent to enter is refused or revoked, and when authorized by judicial warrant or other legal authority, the building official, code enforcement officer, or designee, may enter upon a subject property to investigate violations or to enforce the provisions of this chapter. When authorized entry occurs, the building official, code enforcement officer, or designee, will take reasonable steps to minimize inconvenience to persons in lawful possession of the property.

Sec. 14.02.070. Determination of unfitness. The code enforcement officer, improvement officer, or hearing examiner may determine that a dwelling, building, structure, or premises are unfit if conditions exist in the dwelling, building, structure, or premises that are dangerous or injurious to the health or safety or welfare of the occupants of the dwelling, building, structure, or premises, the occupants of neighboring dwellings, or other residents of the city.

Sec. 14.02.080. Standards for determination of unfitness. Dwellings, buildings, structures, or other premises that have any or all of the following defects may be deemed dangerous or unfit:

- A. Interior walls or other vertical structural members that list, lean, or buckle to an extent that a plumb line passing through the center of gravity falls outside the middle third of its base.
- B. Dwellings, buildings, and structures that, exclusive of the foundation, show 33 percent or more of damage or deterioration of the supporting member or members, or 50 percent of damage or deterioration of the non-supporting enclosing or outside walls or covering.
- C. Dwellings, buildings, and structures that have improperly distributed loads upon the floors or roofs, or in which are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.
- D. Dwellings, buildings, and structures that have become damaged by fire, wind, or other causes so as to have become dangerous to the occupants or to the general public health, safety, or welfare.
- E. Dwellings, buildings, and structures that have become or are so dilapidated or decayed or unsafe or unsanitary that they are unfit, or are likely to cause sickness or disease, so as to work injury to those living or who may enter within or to the general public health, safety, or welfare.

F. Dwellings, buildings, and structures that have inadequate light, air, or sanitation facilities, including the lack of running potable water, to protect those who live or who may enter within or to protect the general public health, safety, or welfare.

G. Dwellings, buildings, and structures that do not comply with the applicable fire code for means of egress in case of fire or panic or that have insufficient stairways, elevators, fire escapes, or other means of escape.

H. Dwellings, buildings, and structures that have attached parts that may fall and injure any person or damage any property.

I. Dwellings, buildings, and structures that, because of their condition, are unsafe or unsanitary, or dangerous to those living or who may enter within or the general public health, safety, or welfare.

J. Dwellings, buildings, and structures that have any exterior cantilever wall, or parapet, or appendage attached to or supported by an exterior wall of the building located adjacent to a public way or to a way set apart for exit from a building or passage of pedestrians, if that cantilever, parapet, or appendage is not so constructed, anchored, or braced as to remain wholly in its original position in event of earthquake capable of producing a lateral force equal to 0.2 of gravity.

K. Dwellings, buildings, and structures that in whole or in part are erected, altered, remodeled, or occupied contrary to the ordinances adopted by the city and create a risk of harm to person or property.

L. Dwellings, buildings, and structures that have any exterior wall located adjacent to a public way or to a way set apart for exit from a building or passage of pedestrians, if that wall is not so constructed,

anchored, or braced as to remain wholly in its original position in event of an earthquake capable of producing a lateral force equal of 0.2 of gravity.

M. Premises that constitute a public nuisance pursuant to KCC 8.01.030 and are dangerous or injurious to the occupants, the occupants of neighboring premises, or the general public health, safety, or welfare.

N. Premises that have any number of unsecured vehicles, cars, trucks, bikes, farm equipment, construction equipment, boats, trailers, snowmobiles, jet skis, or other machinery or implements that meet the definition of junk vehicle provided in KCC 8.08.020 and that create a risk of harm to person or property.

O. Premises that are unsecured and unsafe due to conditions that pose a hazard or attractive nuisance including without limitation sink holes, exposed underground vaults, pipes or wires, trenches, unstable slopes, or hazardous materials.

P. Developed premises that have over 50 percent of the area covered in blackberries or other noxious vegetation constituting a nuisance under KCC 8.07.050.

Sec. 14.02.090. Standards for repair, vacation, or demolition.

The following standards shall be followed in substance by the improvement officer and the hearing examiner when ordering repair, remediation, vacation, or demolition of dwellings, buildings, structures, or premises:

A. If the dangerous or unfit dwelling, building, structure, or premises can reasonably be repaired or remedied so that it will no longer exist in violation of the terms of this chapter, the improvement officer or hearing examiner shall order repair or remediation.

B. If the estimated cost to repair the dangerous or unfit dwelling, building, structure or premises is 50 percent or more of the current assessed value, it will be demolished.

C. If the dangerous or unfit dwelling, building, structure, or premises cannot be reasonably repaired or remedied so that it will no longer exist in violation of the terms of this chapter, it will be demolished.

D. If the dangerous or unfit dwelling, building, structure, or premises is a fire hazard and that condition violates any provision of this chapter or any other ordinance of the city or the laws of the state, the unfit dwelling, building, structure, or premises shall be demolished or abated, unless the owner eliminates the fire hazard within 10 days, but the improvement officer or hearing examiner, for good cause shown, may grant additional time to remedy the violation.

Sec. 14.02.100. Security of unoccupied dwellings, buildings, structures, or premises.

A. The code enforcement officer, improvement officer, or hearings examiner may determine that an unoccupied property is unfit for reasons including without limitation:

1. It is not secure against unauthorized entry by children, trespassers, vagrants, or other persons;
2. It is not secure against infestation by insects or animals;
3. It is not secure against deterioration as a result of exposure to vandalism, weather, or the elements; or
4. It is inadequately maintained and repaired as evidenced by broken windows, overgrown vegetation, graffiti, or other conditions.

B. In making this determination, the code enforcement officer will consider and document with photographs and written accounts the factors

that in his or her judgment reasonably bear on the determination, including without limitation:

1. The physical condition of the subject property and whether it reflects ongoing maintenance and repair, including the presence of broken windows or evidence of vandalism, overgrown vegetation, the presence of insect or animal pests, deterioration due to weather or exposure to the elements, and whether graffiti, when it occurs, is painted over promptly.
2. The length of time the subject property has been unoccupied.
3. The subject property is being actively marketed for sale or lease.
4. Other facts that demonstrate that the subject property has been or will likely be subject to hazards and circumstances contrary to the public health, safety, and welfare.
5. Other considerations established by this chapter.

C. In addition to any other powers authorized by this chapter, the improvement officer may order the person responsible for the violation to perform any or all of the following on or before a stated compliance deadline:

1. Secure all exterior openings of the subject property in accordance with Appendix A of the International Property Maintenance Code, or if the property owner requests otherwise in writing, by using alternative materials or methods that the code enforcement officer or improvement officer determines are adequate to make the dwellings, buildings, structures, premises weather-tight and secure against unauthorized entry.
2. To disconnect all utilities including electricity, gas, and water.
3. To remove any graffiti and to keep the property free of graffiti.
4. To maintain the premises generally free of any vegetation or other matter that may constitute a nuisance or a fire hazard.

D. The improvement officer may modify orders issued under KCC 14.02.100(C) from time to time in response to new information or changed circumstances regarding all or a portion of the dwelling, building, structures, or premises.

E. The code enforcement officer may monitor compliance of any unoccupied dwelling, building, structures, or premises that has been the subject of orders issued under this chapter. Monitoring may include regular inspections at an interval determined appropriate by the code enforcement officer based upon the subject property's violation history.

Sec. 14.02.110. Preliminary investigation. After the city learns of a dwelling, building, structure, or other premises that may be unfit, the code enforcement officer will investigate whether the condition exists, and if so, whether that condition is a violation of this chapter or other provision of the Kent City Code. This investigation should typically include reasonable efforts to speak with the owner of the subject property, or the tenant if the property is rented. The code enforcement officer will make a record of the investigation, including:

- A. Identification of the subject property.
- B. Documentation of inspection actions, including relevant dates, efforts to establish identity of, and contact with owners, tenants, or others responsible for the violations.
- C. Written observations relevant to possible conditions of unfitness, possibly including diagrams of the building or premises and photographs.
- D. The officer's conclusion of whether the dwelling, building, structure, or other premises is unfit and the officer's reasons for that conclusion.

If the code enforcement officer determines no violation exists, the officer will note that determination for the record and the matter will be concluded. The code enforcement officer will notify the owner or other person responsible for the violation, or other persons who have requested notice of the officer's determination.

Sec. 14.02.120. Notice and order—Contents. If, after preliminary investigation, the code enforcement officer determines that a dwelling, building, structure, or other premises is unfit, the officer will serve, according to the provisions of KCC 1.04.060, a notice and order that will state, identify, or describe:

- A. The subject property including at least the property address and county assessor's tax parcel number.
- B. The condition(s) on the subject property that is illegal or that renders one or more dwellings, buildings, structures, or premises unfit;
- C. The actions needed to correct the non-compliant condition(s);
- D. The deadline for correction of the condition(s), which should allow a reasonable time for correction and must be set at least 48 hours before the matter will be presented at a hearing before the improvement officer;
- E. The cost or administrative fees that may be charged to the person responsible for the violation as a consequence of the described non-compliant conditions, as described in KCC 14.02.190;
- F. The place and date where and when the matter will be presented to the improvement officer, which will be at least 10 and not more than 30 days after the notice and order is served or posted.

G. Advise that at the improvement officer hearing, the improvement officer will be requested to:

1. Affirm the code enforcement officer's determination of unfitness;

2. Authorize the city to proceed to abate the described non-conforming conditions on the subject property, if those conditions are not corrected before the deadline or otherwise corrected by the person responsible for the violation; and

3. Affirm that the owner will pay administrative fees plus the costs incurred by the city, through the date of the code enforcement officer's determination of the non-conforming conditions, together with all reasonable costs that the city subsequently incurs to abate the non-conforming conditions, together with all administrative fees incurred for the subsequent abatement.

H. That all parties responsible for the violation shall be given the right to file an answer to the notice and order, to appear in person or otherwise, and to give testimony at the time and place for the improvement officer's review stated in the notice and order;

I. That city policy allows the improvement officer to waive the city's costs or administrative fees, or both, for a first offense if the non-conforming conditions are corrected at least 48 hours prior to the improvement officer's hearing;

J. Invite the cooperation of the person(s) responsible for the violation and inform the violator(s) that city policy allows first offenders to negotiate a voluntary correction agreement consistent with the provisions of KCC 1.04.070 in which, among other things, the person responsible for the violation:

1. Admits that the non-conforming condition(s) exist(s);

2. Promises to correct the non-conforming condition(s) by an agreed deadline;

3. Understands that he or she: (i) may refuse consent to enter, (ii) may limit the scope of any consent to enter to certain areas, (iii) may withdraw at any time any consent to enter once consent is given, (iv) must allow entry by representatives of the city or persons under contract with the city to correct any non-conforming condition(s) that the violator fails to correct by the required deadline; and (v) acknowledges that any evidence discovered during the consent to entry may be used against the person responsible for the violation in the existing proceeding or in other proceedings, including criminal proceedings; and

4. Agrees to pay the city's costs to abate the illegal conditions if the owner fails to abate, pursuant to KCC 14.02.190.

K. If the subject property is lawfully occupied by someone other than the person responsible for the violation and if the person(s) responsible for the violation has not corrected the violations by the required deadline, no voluntary correction agreement will be offered unless the persons lawfully occupying the property also consent to entry by either the city or persons under contract with the city to correct the illegal condition(s);

L. Advise the violator(s) that if the non-conforming conditions are not timely corrected, the city may pursue the matter further by civil or criminal enforcement, or both, in addition to further proceedings authorized under this chapter; and

M. Advise the violator(s) that city policy is to criminally prosecute repeat offenders.

Sec. 14.02.130. Service of notice and order—Filing with county auditor. If, after a preliminary investigation of any dwelling, building, structure, or premises, the code enforcement officer determines

that it is unfit, he or she will serve, all parties responsible for the violation, either personally or by certified mail, return receipt requested. The officer must also post at one or more conspicuous places on the subject property, a copy of the notice and order stating, in accordance with the provisions of Section 14.02.120, in what respects the dwelling, building, structure, or premises is unfit. If the whereabouts of the violator(s) is unknown and cannot be ascertained by the officer in the exercise of reasonable diligence, and the officer makes an affidavit to that effect, then the serving of the notice and order upon the violator(s) may be made either by personal service or by mailing a copy of the notice and order by certified mail, postage prepaid, return receipt requested, to each violator at the address of the building involved in the proceedings, and mailing a copy of the notice and order by first class mail to any address of each violator in the records of the county assessor or the county auditor. A copy of the notice and order must also be filed with the county recorder's office, and filing the notice and order shall have the same force and effect as other lis pendens notices provided by law.

Sec. 14.02.140. Improvement officer hearing to review notice and order.

A. Unless, prior to the time fixed in the notice and order for a hearing before the improvement officer, the property owner has entered into a voluntary correction agreement, or city staff have determined that the nonconforming conditions have been corrected, the improvement officer will hold a hearing to review the notice and order and determine the immediate disposition of any nonconforming conditions existing at the subject property. The hearing will be canceled if the code enforcement officer approves the completed corrective action at least 48 hours before the scheduled hearing, and the code enforcement officer will provide notice of satisfactory correction to the owner, complainants, and other interested

persons, and to the county recorder's office if a notice of the enforcement action was previously filed.

B. The improvement officer shall conduct a hearing pursuant to any rules adopted by the director. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the improvement officer. The code enforcement officer, the person(s) subject to the violation, and other parties entitled to be served with the notice and order may participate as parties in the hearing, and each party may call witnesses. The city has the burden of demonstrating by a preponderance of the evidence that the subject property is unfit and that the required corrective action stated in the notice and order is reasonable. When considering the evidence, the code enforcement officer's determination of unfitness and order to correct nonconforming conditions shall be accorded substantial weight.

C. If the cited violator or other parties fail to appear at the scheduled hearing, the improvement officer may affirm the notice and order by finding that the subject property is unfit as determined by the code enforcement officer. The improvement officer may further authorize the city to assess costs and administrative fees according to the provisions of this chapter.

D. If persons appear and provide testimony, then the improvement officer will consider evidence and argument submitted by the code enforcement officer, the party responsible for the violation, and the complainant(s). The improvement officer will then determine whether the subject property is unfit for human habitation or other use and, if so determined, issue a summary of decision according to the provisions of this section. Within 5 business days following the date of hearing, the summary of decision shall be served, either personally or by certified mail, with return receipt requested, upon the person responsible for the violation

and other persons entitled to notice of the notice and order, and shall be posted in a conspicuous place on the subject property. The summary of decision will include at least the following:

1. Findings of fact in support of the improvement officer's decision affirming the notice and order; and

2. Either:

a. That the compliance deadline under the notice and order was reasonable and has passed without satisfactory correction of the illegal conditions; or

b. That the compliance deadline under the notice and order should be extended until a date certain by which time the illegal conditions must be corrected.

3. An accounting of the city's costs and administrative fees which, as of the date of the hearing, have been incurred as a consequence of the illegal conditions, and that those costs and fees will be charged to the owner and shall be specially assessed and shall constitute a lien against the real property if they are not paid timely.

4. Direction that, after exhaustion of any appeal rights, if the owner or responsible parties fail to comply with the notice and order as confirmed by the improvement officer, the city may, with judicial warrant or other legal authority, directly or by private contract, correct the illegal conditions, and the costs incurred by the city for that correction, including administrative fees as authorized by this chapter, will be charged to the person determined to be responsible for the violation and will be specially assessed and that special assessment will constitute a lien against the real property if not paid timely.

E. The summary of decision shall state that the person responsible for the violation is entitled to appeal the improvement officer's decision to the hearing examiner within 30 days and, unless he or she does appeal or correct the illegal conditions, the city has the power, when authorized by

judicial warrant or other legal authority, to secure the subject property, to do any act required of the person responsible for the violation in the notice and order, to charge costs and administrative fees incurred to correct the illegal conditions to the person responsible for the violation, and to assess those costs and fees against the property.

F. If no appeal is filed, a copy of the summary of decision will be filed with the recorder's office of King County and the notice and order will be final.

Sec. 14.02.150. Enforcement. The summary of decision may prescribe times other than times stated in the notice and order within which correction of nonconforming conditions must be commenced or completed. If the required corrective action is not commenced or completed within the prescribed time, or if no time is prescribed within the time for appeal, the code enforcement officer may, after the period for appeal has expired, begin the legal process to obtain a warrant to abate the nonconforming conditions. If satisfactory progress has been made and sufficient evidence is presented that the nonconforming conditions will be corrected within a reasonable time, the code enforcement officer or improvement officer may extend the time for completion of the work. If the time for appeals to the hearing examiner under KCC 14.02.170 and petition to the court under KCC 14.02.180 has passed, the person responsible for the violation may, for good and sufficient cause beyond his or her control, request in writing an extension of time. The improvement officer may grant a reasonable extension of time only if the officer finds that the delay was due to extenuating circumstances beyond the control of the person responsible for the violation, as evidenced by supporting documentation or other reliable information. There shall be no appeal or petition from the improvement officer's ruling on an extension of time.

Sec. 14.02.160. Appeal of improvement officer's decision.

A. The owner or any party responsible for the violation, as those terms are defined in KCC 1.04.060, may file an appeal of the improvement officer's decision within 30 days from the date of service and posting. The appeal must be filed with the director.

B. Appeals shall be in writing, be accompanied by an appeal fee as set by the city council, and contain the following information:

1. Appellant's name, address, phone number, and email address;
2. Appellant's statement describing his or her standing to appeal;
3. Identification of the summary of decision which is the subject of the appeal;
4. Appellant's statement of grounds for appeal and the facts upon which the appeal is based;
5. The relief sought, including the specific nature and extent; and
6. A statement affirming that the appellant has read the appeal and believes the contents to be true, followed by the appellant's signature.

C. Any appeal of the improvement officer's decision will be heard by the city's hearing examiner. Notice of the time and place of the hearing shall be served by regular first class mail to the address of the party who filed the appeal. The matter of the appeal will be scheduled for public hearing before the hearing examiner so as to allow 10 days' notice of the hearing to the appellant and all responsible parties and to permit final decision thereon to be made within 60 days after the filing of the appeal. The filing of the notice of appeal shall stay the notice and order as confirmed by the improvement officer, except so much thereof as requires

temporary measures, such as securing of a building to minimize any emergent danger to the public health or safety.

Sec. 14.02.170. Hearings before the hearing examiner.

A. Upon timely appeal, the hearing examiner shall review the proceedings and decisions of the improvement officer and determine whether to affirm, modify, or vacate those decisions.

B. The hearing examiner's review shall be on the record as prepared before the improvement officer, not de novo. In the absence of new information or changes in circumstances outside the parties' control, the hearing examiner will not accept new evidence or evidence not made available to the improvement officer. At the appeal hearing, the hearing examiner shall consider the file of the proceedings before the improvement officer and such other evidence as the hearing examiner may permit in accordance with this section. Unless other rules or guidelines are set by the hearing examiner at the time of the hearing, each party will be given 15 minutes to present oral argument to the hearing examiner.

C. The hearing examiner shall review the record, oral argument of the parties and such supplemental evidence as is permitted under KCC 14.02.170(B). The hearing examiner may grant relief only if the party seeking relief has carried the burden of establishing that one of the following standards has been met:

1. The improvement officer or code enforcement officer engaged in unlawful procedure or failed to follow a prescribed process, unless the error was harmless;

2. The improvement officer's decision is an erroneous interpretation of the law;

3. The improvement officer's decision is not supported by evidence that is substantial when viewed in light of the whole record before the hearing examiner;

4. The improvement officer's decision is a clearly erroneous application of the law to the facts;

5. The improvement officer's decision is outside the authority or jurisdiction of the improvement officer;

6. The improvement officer's decision or the code enforcement officer's notice and order violates the constitutional rights of the party seeking relief; or

7. Special and extenuating circumstances exist that, in order to do substantial justice, warrant the grant of relief from the improvement officer's summary of decision.

D. After the hearing, the hearing examiner may affirm, modify, or vacate the decision of the improvement officer, or may continue the matter for further deliberation or presentation of additional evidence.

E. A record of the proceedings shall be made and kept in accordance with the state records retention schedule and applicable to local governments.

F. The hearing examiner shall prepare a written order that contains findings of fact and conclusions of law based on the record before the hearing examiner that includes the following information:

1. For each alleged violation of the city code, a statement indicating whether the violation has been found committed;

2. For violations found committed, the monetary penalties and costs to be assessed pursuant to this chapter;

3. For violations found committed, any required corrective actions;

4. For violations found committed, a finding that abatement of the violations by the city is authorized, at the expense of the violator(s);

5. A statement notifying the violator(s) that the violator(s) may be subject to additional civil and/or criminal penalties if the violation(s) is not corrected or abated.

6. A statement that the violator(s) has the right to petition the King County superior court for appropriate relief within 30 days from the date the order was issued.

G. The hearing examiner's findings, conclusions, and order shall be served upon the same persons in the same manner as the summary of the improvement officer's decision.

H. The hearing examiner must file the order within 60 days after the filing of a notice of appeal, unless continued with consent of the owner or occupant.

I. The appeal hearing will be recorded and a copy of the recording will be made available to the violator or other party. Should the violator or other party request a transcript of the appeal hearing, in lieu of the recording, a transcript will be made available at the requestor's expense.

J. The findings, conclusions, and orders of the hearing examiner on appeals of decisions issued by the improvement officer shall be reported in the same manner and shall bear the same legal consequences as if issued by the improvement officer, and shall be subject to review only in the manner and to the extent provided in KCC 14.02.180.

Sec. 14.02.180. Appeals to superior court. Pursuant to KCC 14.02.170, any person affected by the hearing examiner's order may, within 30 days after the posting and service of the order, petition the superior court for an injunction restraining the city from carrying out the provisions of the order.

Sec. 14.02.190. Costs of abatement and administrative fees.

A. The costs of abatement, repair, alteration, or improvement, or vacating and closing, or removal or demolition, when those actions are performed at the city's cost, will be assessed against the real property upon which those costs were incurred unless paid within 30 days after billing by the city, or unless alternative payment arrangements are made within 30 days after billing. The building official will forward a report of any unpaid costs of abatement and administrative fees to the city finance director, who will certify them to the county treasurer for assessment on the tax rolls, as provided by RCW 35.80.030(h).

B. The cost of "vacating and closing" as referenced in subsection A will include:

1. The amount of relocation assistance payments that a property owner has not repaid to the city or other local government entity that has advanced relocation assistance payments to tenants under RCW 59.18.085; and

2. All penalties and interest that accrue as a result of the failure of the property owner to timely repay the amount of these relocation assistance payments under RCW 59.18.085.

C. The city must use a licensed contractor when bidding to correct nonconforming conditions. Contract documents must provide that the value of the materials and other salvage of the property will be credited against the costs of the corrective action. The contract documents may require bidders to estimate the salvage value of the property and, by claiming the salvage, reduce the amount of the contractor's bid accordingly. After the city accepts the bid, the contractor may not adjust the bid to reflect the actual salvage value. Bids may be let prior to the time for compliance or appeal, but cannot be binding or accepted until the order for corrective action is final.

D. In addition to actual abatement costs, the city may assess the following administrative fees and collect those fees in the same manner as for the collection of actual abatement costs:

1. If the code enforcement officer approves the abatement before the improvement officer's hearing, the administrative fee will be two hundred dollars (\$200.00), except that this fee will not be required for a first offense if the abatement required in the notice and order is complete at least 48 hours prior to the improvement officer's hearing.

2. Where the abatement required in the notice and order is accomplished less than forty-eight hours before the improvement officer's hearing as provided for in KCC 14.02.140, the administrative fee will be three hundred dollars (\$300.00).

3. When abatement is accomplished after breach of a voluntary correction agreement between the property owner and the city, the administrative fee will be six hundred dollars (\$600.00).

4. Where abatement is accomplished after the issuance of the improvement officer's summary of decision or following material breach of a voluntary correction agreement, the administrative fee will be one thousand dollars (\$1,000).

5. Where abatement is accomplished following the issuance of the hearing examiner's order, the administrative fee shall be one thousand two-hundred-fifty dollars (\$1,250).

6. Where abatement is accomplished following the issuance of an order from the Superior Court or higher appellate court, the administrative fee will be one thousand five hundred dollars (\$1,500).

E. The improvement officer or the hearing examiner may, upon recommendation from the code enforcement officer, modify the amount, methods, or time of payment of these administrative fees as the condition of the property and the circumstances of the owner may warrant. In determining any adjustments, the hearing examiner may reduce the costs

to an owner who has acted in good faith and would suffer extreme financial hardship. The hearing examiner may, upon recommendation from the code enforcement officer, increase the administrative fees if evidence is presented in an appeal under KCC 14.02.170 that the scheduled fees are inadequate to make the city whole with respect to a particular unfit dwelling, building, structure, or other premises.

Sec. 14.02.200. Assessment and lien on the real property.

A. All costs incurred by the city to abate illegal conditions pursuant to this chapter, including administrative fees, will be charged against the owner of the subject property, will be specially assessed, and will constitute a lien against the subject property unless those amounts are timely paid.

B. The finance director, or designee, will certify to the county treasurer any unpaid costs to correct nonconforming conditions as a special assessment due and owing to the city. Pursuant to RCW 35.80.030, the county treasurer will enter the amount of the special assessment upon the tax rolls against the property for the current year and the same will become a part of the general taxes due for that year and will be collected at the same time and with interest at the rates and in the manner provided for in RCW 84.56.020, as now enacted or subsequently amended, for delinquent taxes. When collected, the proceeds will be deposited to the credit of the city's abatement project fund. If the city removes all or part of the dwelling, building, structure, or premises, the city will, if possible, sell the materials removed and credit the proceeds against the cost of removal. If any balance remains, the improvement officer will determine the appropriate parties to receive the balance, after deducting the city's costs and administrative fees incident thereto.

C. The assessment will constitute a lien against the property that will be of equal rank with state, county, and municipal taxes.

14.02.210 – Abatement Project Fund.

A. The city council establishes a special revolving fund to be designated as the abatement project fund. The director may require that payments from this fund to defray the costs and expenses that the city incurs when conducting work necessary to abate dangerous or unfit buildings, structures, or premises.

B. The city council may transfer to the abatement project fund those sums it determines are necessary to expedite the performance of the work or repair or demolition. Any sum so transferred will be deemed a loan to the abatement project fund and will be repaid out of the proceeds of the collections made to the fund. All funds collected will be paid to the city and the finance director will credit them to the abatement project fund.

SECTION 3. Amendment – 14.08.040. Section 14.08.040 of the Kent City Code, entitled “Administration and enforcement” is amended to read as follows:

Sec. 14.08.040. Administration and Enforcement.

A. It shall be the duty of the building official to enforce the building codes in the manner generally described in each of the respective building codes, and as more particularly described in this chapter, Ch. 14.02 KCC, and in Ch. 1.04 KCC.

B. The obligation of complying with the requirements of the building codes shall fall upon any person or entity defined under KCC 1.04.020(K) as a “person responsible for the violation,” and shall expressly include an

the owner, occupier, or other person responsible for the condition of the buildings, structures, dwelling units, or premises within the scope of the building codes.

C. In case of conflict between the provisions of the building codes and of this chapter, the provisions of this chapter shall be controlling. In the case of any conflict between this chapter and Ch. 1.04 KCC, this chapter shall control.

SECTION 4. Amendment – KCC 14.08.060. Section 14.08.060 of the Kent City Code, entitled “Investigation and Notice of Violation” is amended to read as follows:

Sec. 14.08.060. Investigation and notice of violation.

A. The building official shall investigate any building, structure, dwelling unit, or premises which the building official reasonably believes does not comply with the standards and requirements of the building codes.

B. If, after investigation, the building official determines that the standards or requirements of the building codes have been violated, the building official may seek compliance and serve a notice of violation on a person responsible for the violation or may otherwise enforce the building codes pursuant to this chapter, Ch. 14.02 KCC, and Ch. 1.04 KCC.

SECTION 5. Amendment – KCC 14.08.200. Section 14.08.200 of the Kent City Code, entitled “Violations” is amended to read as follows:

Sec. 14.08.200. Violations.

A. It shall be unlawful to intentionally fail to comply with a notice of violation, final order, emergency order, ~~or stop work or stop use order,~~ or any other notice, complaint or order issued pursuant to this chapter, Ch. 14.02 KCC, or Ch. 1.04 KCC.

B. It shall be unlawful to remove or deface any sign, notice, complaint or order posted by the building official in accordance with his enforcement duties under this chapter, Ch. 14.02 KCC, or Ch. 1.04 KCC.

C. It shall be unlawful for any person to intentionally obstruct, impede or interfere with any lawful attempt to serve any notice of a violation, final order, emergency order, stop work or stop use order, or any other notice, complaint or order, or intentionally obstruct, impede or interfere with any lawful attempt to comply with any notice of violation, final order, emergency order, ~~or stop work or stop use order,~~ or any other notice, complaint or order issued pursuant to this chapter, Ch. 14.02 KCC or Ch. 1.04 KCC.

SECTION 6. – *Repealer – KCC 14.01.080.* Section 14.01.080 of the Kent City Code, entitled “Amendments to the Uniform Code for the Abatement of Dangerous Buildings” is hereby repealed in its entirety.

SECTION 7. – *Savings.* The existing sections of the Kent City Code that are repealed by this ordinance, KCC 14.01.010(G) and KCC 14.01.080, shall remain in full force and effect until the effective date of this ordinance.

SECTION 8. – *Severability.* If any one or more section, subsection, or sentence of this ordinance is held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

SECTION 9. - *Corrections by City Clerk or Code Reviser.* Upon approval of the city attorney, the city clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; ordinance, section, or subsection numbering; or references to other local, state or federal laws, codes, rules, or regulations.

SECTION 10. - *Effective Date.* This ordinance shall take effect and be in force thirty days from and after its passage, as provided by law.

SUZETTE COOKE, MAYOR

ATTEST:

RONALD F. MOORE, CITY CLERK

APPROVED AS TO FORM:

TOM BRUBAKER, CITY ATTORNEY

PASSED: _____ day of _____, 2016.

APPROVED: _____ day of _____, 2016.

PUBLISHED: _____ day of _____, 2016.

I hereby certify that this is a true copy of Ordinance No. _____
passed by the city council of the city of Kent, Washington, and approved
by the Mayor of the city of Kent as hereon indicated.

_____(SEAL)
RONALD F. MOORE, CITY CLERK

p:\civil\ordinance\35.80_draft_12.28.15 kak.docx



ECONOMIC and COMMUNITY DEVELOPMENT

Ben Wolters, Director
 Phone: 253-856-5454
 Fax: 253-856-6454

220 Fourth Avenue S.
 Kent, WA 98032-5895

January 7, 2016

TO: Chair Bill Boyce and Economic & Community Development Committee
 FROM: Matt Gilbert, AICP, Current Planning Manager
 RE: Preliminary Plat Validity Periods

For Meeting of January 11, 2016

MOTION: For Information Only

SUMMARY: 2012 legislation lengthened the validity period for preliminary plats in order to ease the effects of the recession on the building industry, and allow more time for these larger division of land to be completed. Some of the projects that benefitted from the extension are unfinished and approaching expiration. The Council may want to consider further extension of the validity period.

BACKGROUND: The expiration period for a preliminary plat begins on the date it receives approval from the Hearing Examiner. Before the recession, preliminary plats were allowed 5 years to record, which was generally more than enough time for developers to install roads, utilities and meet other conditions of approval before recording the plat. When financial institutions began limiting available credit during the recession, developers struggled to construct and record plats within the five year window. As this issue was widespread, the state legislature intervened in 2010, then again in 2012 when it created a schedule of new, longer validity periods designed to provide relief for developers until the housing market improved. This schedule creates a range of validity periods for preliminary plats, based on the approval date of an individual project. The state legislation includes a provision that cities can allow preliminary plats more time than the state schedule indicates. Based on this provision, Kent allows one additional year. The table below depicts the state schedule, plus Kent's additional year:

Approval date	Total validity period
Before December 31, 2007	11 years
January 1, 2008 –December 31, 2014	8 years
January 1, 2015 forward	6 years

Per these timelines, six plats that were approved in 2008 are scheduled to expire in 2016. A total of 100 new lots are proposed in these plats. Some of these projects continue to struggle towards recording and the City has received interest in examining whether or not the dates and associated validity periods are appropriate to meet the purpose of the extensions.

When a preliminary plat expires, the only way for the owner to move forward with dividing the land is to file a new preliminary plat application. This filing costs several thousand dollars and effectively starts the city approval process from square one. Often, some redesign of the project is necessary as current development regulations apply; new public notice and a new public hearing are also required.

NEXT STEPS: Since any changes to the City's validity policy will require amendment of the subdivision code (KCC 12.04), consideration of any changes will begin before the Land Use and Planning Board. This issue will be discussed at their January 11, 2016 meeting, with potential LUPB action on January 25, 2016. This would allow a recommendation to be brought before the ECDC at its February meeting.

Staff will be at the January 11th ECDC meeting to answer questions and gather input on this matter

MG:pm P:\Planning\ECDC\2016\Pckt Documents\1-11-16\011116_Memo Plat Expirations.doc
cc: Ben Wolters, Economic & Community Development Director
Charlene Anderson, AICP, Long Range Planning Manager

**ECONOMIC and COMMUNITY DEVELOPMENT**

Ben Wolters, Director

Phone: 253-856-5454

Fax: 253-856-6454

220 Fourth Avenue S.

Kent, WA 98032-5895

January 4, 2016

TO: Chair Bill Boyce and Economic & Community Development Committee
FROM: Hayley Bonsteel, Long Range Planner & GIS Coordinator
RE: Sound Transit 3

For Jan 11, 2016 Meeting

Information Only

SUMMARY: Sound Transit is evaluating candidate projects for the next set of regional high-capacity transit investments. Each candidate project is described in a report, which includes a description, budget and evaluation measures. Over the next several months, the Sound Transit Board will use these reports to develop Sound Transit 3 (ST3), a system of capital projects and services that will be presented to voters in November.

Several candidate projects could be significant for Kent. Some of these are deferred projects from Sound Transit 2 that will be implemented more quickly if they are included in a successful ST3 package. These deferred projects are the Kent Souder Station access improvements (including a parking garage), platform extensions for the South Souder stations and the extension of Link light rail to South 272nd Street. New projects of interest include additional South Souder service and a regional system access program to improve non-motorized facilities at Sound Transit stations. Sound Transit staff will be available at the January 11, 2016 meeting to discuss these projects and answer questions about ST3.

HB:jp P:\Planning\Hayley\Transpo\1.11.16 ST3 Memo for ECDC.docx
cc: Ben Wolters, Economic & Community Development Director
Charlene Anderson, AICP, Planning Manager



ECONOMIC & COMMUNITY DEVELOPMENT

Ben Wolters, Director

Phone: 253-856-5454

Fax: 253-856-6454

220 Fourth Avenue S.
Kent, WA 98032-5895

January 11, 2016

TO: Chair Bill Boyce and Economic and Community Development Committee
FROM: Charlene Anderson, AICP, Long Range Planning Manager
RE: Mill Creek Historic District Design Guidelines

For January 11, 2016 Meeting

<p>MOTION: Information Only</p>
--

SUMMARY:

On November 20, 2014, the Kent Landmarks Commission designated a portion of the Mill Creek Neighborhood as a Historic District. Since that time, volunteers from the district have been working with King County and City staff to develop design guidelines. The district includes 60 properties, the majority of which are privately-owned. The City-owned Bereiter House is located within the Historic District and was separately designated a landmark in 2008.

At the January 11th Committee meeting, staff is seeking direction from the City Council on historic preservation as it pertains to fees, design guidelines, and preservation compliance. For example:

- What role should City staff play in reviewing design guidelines pertaining to the Mill Creek Historic District or other private property landmarks? Should the guidelines be codified in Kent City Code? (Some of the design guidelines pertain to work that would not require a City permit.)
- Should the City establish a budget for services provided under the interlocal agreement? Should private property owners reimburse the City for costs incurred in design review and for costs incurred by King County and billed to the City under the interlocal agreement?

BUDGET IMPACT: To be determined

BACKGROUND:

On September 5, 2006, the Kent City Council passed Ordinance No. 3809 adding a new chapter to Kent City Code entitled Landmark Designation and Preservation. The ordinance provided a framework for an interlocal agreement between King County and the City related to landmark designation and protection services. The interlocal agreement was executed on January 25, 2007.

According to the interlocal agreement, the County provides the following services on Kent's behalf:

1. Processes landmark nomination applications,
2. Conducts planning, training, and public information tasks necessary to support landmarking activities in the City,
3. Reviews and decides Certificate of Appropriateness applications,
4. Acts as the Local Review Board for special valuations of historic properties within the City boundaries, and
5. Reviews and approves applications for permits which affect landmarks, and forwards comments to the City official responsible for issuing building and related permits.

For those services, the City fully reimburses the County, with the rate of reimbursement revised annually. In 2007, the reimbursement rate was in the range of \$60 - \$76 per hour, depending on the individual providing the services. In February, 2015, King County notified the City the reimbursement rates for 2015 ranged from \$97 to \$101 per hour. During the past four years, it appears the City has paid King County less than \$1,000 for their services under the interlocal agreement. The primary financial impact of County services for property owners in the Mill Creek Historic District would be obtaining certificates of appropriateness for exterior work on houses in the district. For a typical certificate, the estimated time spent by County staff would be 1.5 hours, for a cost of approximately \$145. The County reviewed two certificates of appropriateness for work within the district in 2015.

Staff will be available at the January 11th ECDC meeting to further discuss landmark services.

INTERLOCAL AGREEMENT FOR LANDMARK SERVICES

**AN AGREEMENT BETWEEN KING COUNTY AND THE CITY OF KENT RELATING TO
LANDMARK DESIGNATION AND PROTECTION SERVICES**

THIS IS AN AGREEMENT between King County, a home rule charter county and a political subdivision of the State of Washington, hereinafter referred to as the "County," and the City of Kent, a municipal corporation of the State of Washington, hereinafter referred to as the "City."

WHEREAS, the City is incorporated; and

WHEREAS, local governmental authority and jurisdiction with respect to the designation and protection of landmarks within the city limits resides with the City; and

WHEREAS, the City desires to protect and preserve the historic buildings, structures, districts, sites, objects, and archaeological sites within the city for the benefit of present and future generations; and

WHEREAS, the County is able to provide landmark designation and protection services for the City; and

WHEREAS, the City has elected to contract with the County to provide such services; and

WHEREAS, it is in the public interest that the jurisdictions cooperate to provide efficient landmark designation and protection; and

WHEREAS, pursuant to Chapter 39.34 RCW., the Interlocal Cooperation Act, the parties are each authorized to enter into an agreement for cooperative action;

NOW THEREFORE, the County and the City hereby agree:

1. Services. At the request of the City, the County shall provide landmark designation and protection services within the City limits using the criteria and procedures adopted in King County Ordinance 10474, King County Code (K.C.C.), Chapter 20.62.

2. City's Responsibilities.

A. Adopt an ordinance establishing regulations and procedures for the designation of historic buildings, structures, objects, districts, sites, objects, and archaeological sites as landmarks and for the protection of landmarks. Regulations and procedures shall be substantially the same as the regulations and procedures set forth in K.C.C. Chapter 20.62. The ordinance shall provide that the King County Landmarks Commission, with the addition of a special member, acting as the City of Kent Landmarks Commission (Commission) shall have the authority to designate and protect landmarks within the City limits in accordance with the City ordinance. The ordinance shall include:

1) Provision for the appointment of a special member to the King County Landmarks Commission as provided by K.C.C. 20.62.030.

2) A provision that appeals of decisions of the Commission pertaining to real property within the City limits shall be taken to the hearing examiner.

3) A provision for penalties for violation of the certificate of appropriateness procedures (K.C.C. Chapter 20.62.080).

4) A provision that the official responsible for the issuance of building and related permits shall promptly refer applications for permits which affect historic buildings, structures, objects, sites, districts, or archaeological sites to the King County Historic Preservation Officer (HPO) for review and comment. The responsible official shall seek and take into consideration the comments of the HPO regarding mitigation of any adverse effects affecting historic buildings, structures, objects, sites or districts.

B. Appoint a Special Member to the King County Landmarks Commission in accordance with the ordinance adopted by the City. Pursuant to K.C.C. Chapter 20.62 such Special Member shall be a voting member of the Commission on all matters relating to or affecting landmarks within the City, except review of applications to the Special Valuation Tax Program, and the Current Use Taxation Program.

C. Except as to Section 5, the services provided by the County pursuant to this agreement do not include legal services.

3. County Responsibilities.

A. Process all landmark nomination applications and conduct planning, training, and public information tasks necessary to support landmarking activities in the city. Such tasks shall be defined by mutual agreement of both parties on an annual basis.

B. Review and decide all Certificate of Appropriateness applications to alter, demolish, or move any significant feature of a landmark property within the City limits.

C. Act as the "Local Review Board" for the purposes related to Chapter 221, 1986 Laws of Washington, (Chapter 84.26 RCW and WAC 254.20) for the special valuation of historic properties within the city limits.

D. Review and approve all applications to the King County Landmark Loan Program.

E. Review and comment on applications for permits which affect historic buildings, structures, objects, sites, districts, and archaeological sites. Forward comments to the City official responsible for the issuance of building and related permits

4. Compensation.

A. Costs. The City shall reimburse the County fully for all costs incurred in providing services under this agreement, including overhead and indirect administrative costs. Costs charged to the City may be reduced by special appropriations, grants, or other supplemental funds, by mutual agreement of both parties. The rate of reimbursement to the County for labor costs shall be revised annually.

B. Billing. The County shall bill the City quarterly. The quarterly bill shall reflect actual costs plus the annual administrative overhead rate. Payments are due within 30 days of receipt by the City of the County's invoice.

5. Indemnification.

A. The County shall indemnify and hold harmless the City and its officers, agents and employees or any of them from any and all claims, actions, suits, liability, loss, costs, expenses, and damages of any nature whatsoever, by reason or arising out of any negligent act or omission of the County, its officers, agents, and employees, or any of them, in providing services pursuant to this agreement. In the event that any suit based upon such a claim, action, loss, or damage is brought against the City, the County shall defend the same at its sole cost and expense; provided, that the City retains the right to participate in said suit if any principle of governmental or public law is involved; and if final judgment be rendered against the City and its officers, agents, employees, or any of them, or jointly against the City and the County and their respective officers, agents and employees, or any of them, the County shall satisfy the same.

B. In executing this agreement, the County does not assume liability or responsibility for or in any way release the City from any liability or responsibility which arises in whole or in part from the existence or effect of City ordinances, rules or regulations, polices or procedures. If any cause, claim, suit, actions or administrative proceeding is commenced in the enforceability and/or validity or any City ordinance, rule or regulation is at issue, the City shall defend the same at its sole expense and if judgment is entered or damages are awarded against the City, the County, or both, the City shall satisfy the same, including all chargeable costs and attorneys' fees.

C. The City shall indemnify and hold harmless the County and its officers, agents, and employees, or any of them from any and all claims, actions, suits, liability, loss, costs, expenses and damages of any nature whatsoever, by reason of or arising out of any negligent act or omission of the City, its officers, agents, and employees, or any of them. In the event that any suit based upon such a claim, action, loss or damage is brought against the County, the City shall defend the same at its sole cost and expense; provided that the County retains the right to participate in said suit if any principle of governmental or public laws is involved; and if final judgment be rendered against the County, and its officers, agents, and employees, or any of them, the City shall satisfy the same.

D. The City and the County acknowledge and agree that if such claims, actions, suits, liability, loss, costs, expenses and damages are caused by or result from the concurrent negligence of the City, its agents, employees, and/or officers and the County, its agents, employees, and/or officers, this Article shall be valid and enforceable only to the extent of the negligence of each party, its agents, employees and/or officers.

6. Duration. This agreement is effective beginning upon execution, and shall remain in effect until terminated by either party.

7. Termination. Either party may terminate this agreement by forty-five (45) days written notice from one party to the other.

8. Administration. This agreement shall be administered for the County by the Director of the Office of Business Relations and Economic Development, or the director's designee, and for the City by the Planning Manager or the manager's designee.

9. Amendments. This Agreement may be amended at any time by written, mutual agreement of the parties.

IN WITNESS WHEREOF, the parties have executed this Agreement on the last day signed below.

CITY OF KENT Replacement of lost City of Kent Signature, originally executed on 1/25/2007. See attached exhibit.

By: *Suzette Cooke*
Print Name: SUZETTE COOKE
Its: MAYOR
Date: 2/28/08

APPROVED AS TO FORM:

Jim Pulehn
Kent Law Department

KING COUNTY

By: *[Signature]*
King County Executive

APPROVED AS TO FORM:

By: *Ian Taylor*
King County Prosecutor

P:\Civil\Files\OpenFiles\0125-2006\HistoricLandmark-ILA-KC.doc

Interlocal Contract for Historic Preservation Services**Addendum A: King County Labor Costs**

The following hourly rates for County-provided historic preservation services apply for 2007. The hourly figure incorporates wages, benefits, and overhead as set in the indirect cost rate plan for the Office of Cultural Resources. The figure is adjusted to account for vacation, sick leave and holidays and thus reflects actual working hours.

Historic Preservation Officer:	\$76.25 per hour
Preservation Planner:	\$70.77 per hour
Landmarks Coordinator:	\$59.77 per hour

Addendum B: City of Kent Expenditure Maximum

During the calendar year 2007, total reimbursable costs billable to the City for historic preservation services provided by the County under this interlocal agreement shall not exceed \$5,000.00.

INTERLOCAL AGREEMENT FOR LANDMARK SERVICES**AN AGREEMENT BETWEEN KING COUNTY AND THE CITY OF KENT RELATING TO
LANDMARK DESIGNATION AND PROTECTION SERVICES**

THIS IS AN AGREEMENT between King County, a home rule charter county and a political subdivision of the State of Washington, hereinafter referred to as the "County," and the City of Kent, a municipal corporation of the State of Washington, hereinafter referred to as the "City."

WHEREAS, the City is incorporated; and

WHEREAS, local governmental authority and jurisdiction with respect to the designation and protection of landmarks within the city limits resides with the City; and

WHEREAS, the City desires to protect and preserve the historic buildings, structures, districts, sites, objects, and archaeological sites within the city for the benefit of present and future generations; and

WHEREAS, the County is able to provide landmark designation and protection services for the City; and

WHEREAS, the City has elected to contract with the County to provide such services; and

WHEREAS, it is in the public interest that the jurisdictions cooperate to provide efficient landmark designation and protection; and

WHEREAS, pursuant to Chapter 39.34 RCW., the Interlocal Cooperation Act, the parties are each authorized to enter into an agreement for cooperative action;

NOW THEREFORE, the County and the City hereby agree:

1. Services. At the request of the City, the County shall provide landmark designation and protection services within the City limits using the criteria and procedures adopted in King County Ordinance 10474, King County Code (K.C.C.), Chapter 20.62.

2. City's Responsibilities.

A. Adopt an ordinance establishing regulations and procedures for the designation of historic buildings, structures, objects, districts, sites, objects, and archaeological sites as landmarks and for the protection of landmarks. Regulations and procedures shall be substantially the same as the regulations and procedures set forth in K.C.C. Chapter 20.62. The ordinance shall provide that the King County Landmarks Commission, with the addition of a special member, acting as the City of Kent Landmarks Commission (Commission) shall have the authority to designate and protect landmarks within the City limits in accordance with the City ordinance. The ordinance shall include:

1) Provision for the appointment of a special member to the King County Landmarks Commission as provided by K.C.C. 20.62.030.

2) A provision that appeals of decisions of the Commission pertaining to real property within the City limits shall be taken to the hearing examiner.

3) A provision for penalties for violation of the certificate of appropriateness procedures (K.C.C. Chapter 20.62.080).

4) A provision that the official responsible for the issuance of building and related permits shall promptly refer applications for permits which affect historic buildings, structures, objects, sites, districts, or archaeological sites to the King County Historic Preservation Officer (HPO) for review and comment. The responsible official shall seek and take into consideration the comments of the HPO regarding mitigation of any adverse effects affecting historic buildings, structures, objects, sites or districts.

B. Appoint a Special Member to the King County Landmarks Commission in accordance with the ordinance adopted by the City. Pursuant to K.C.C. Chapter 20.62 such Special Member shall be a voting member of the Commission on all matters relating to or affecting landmarks within the City, except review of applications to the Special Valuation Tax Program, and the Current Use Taxation Program.

C. Except as to Section 5, the services provided by the County pursuant to this agreement do not include legal services.

3. County Responsibilities.

A. Process all landmark nomination applications and conduct planning, training, and public information tasks necessary to support landmarking activities in the city. Such tasks shall be defined by mutual agreement of both parties on an annual basis.

B. Review and decide all Certificate of Appropriateness applications to alter, demolish, or move any significant feature of a landmark property within the City limits.

C. Act as the "Local Review Board" for the purposes related to Chapter 221, 1986 Laws of Washington, (Chapter 84.26 RCW and WAC 254.20) for the special valuation of historic properties within the city limits.

D. Review and approve all applications to the King County Landmark Loan Program.

E. Review and comment on applications for permits which affect historic buildings, structures, objects, sites, districts, and archaeological sites. Forward comments to the City official responsible for the issuance of building and related permits

4. Compensation.

A. Costs. The City shall reimburse the County fully for all costs incurred in providing services under this agreement, including overhead and indirect administrative costs. Costs charged to the City may be reduced by special appropriations, grants, or other supplemental funds, by mutual agreement of both parties. The rate of reimbursement to the County for labor costs shall be revised annually.

B. Billing. The County shall bill the City quarterly. The quarterly bill shall reflect actual costs plus the annual administrative overhead rate. Payments are due within 30 days of receipt by the City of the County's invoice.

5. Indemnification.

A. The County shall indemnify and hold harmless the City and its officers, agents and employees or any of them from any and all claims, actions, suits, liability, loss, costs, expenses, and damages of any nature whatsoever, by reason or arising out of any negligent act or omission of the County, its officers, agents, and employees, or any of them, in providing services pursuant to this agreement. In the event that any suit based upon such a claim, action, loss, or damage is brought against the City, the County shall defend the same at its sole cost and expense; provided, that the City retains the right to participate in said suit if any principle of governmental or public law is involved; and if final judgment be rendered against the City and its officers, agents, employees, or any of them, or jointly against the City and the County and their respective officers, agents and employees, or any of them, the County shall satisfy the same.

B. In executing this agreement, the County does not assume liability or responsibility for or in any way release the City from any liability or responsibility which arises in whole or in part from the existence or effect of City ordinances, rules or regulations, policies or procedures. If any cause, claim, suit, actions or administrative proceeding is commenced in the enforceability and/or validity or any City ordinance, rule or regulation is at issue, the City shall defend the same at its sole expense and if judgment is entered or damages are awarded against the City, the County, or both, the City shall satisfy the same, including all chargeable costs and attorneys' fees.

C. The City shall indemnify and hold harmless the County and its officers, agents, and employees, or any of them from any and all claims, actions, suits, liability, loss, costs, expenses and damages of any nature whatsoever, by reason of or arising out of any negligent act or omission of the City, its officers, agents, and employees, or any of them. In the event that any suit based upon such a claim, action, loss or damage is brought against the County, the City shall defend the same at its sole cost and expense; provided that the County retains the right to participate in said suit if any principle of governmental or public laws is involved; and if final judgment be rendered against the County, and its officers, agents, and employees, or any of them, the City shall satisfy the same.

D. The City and the County acknowledge and agree that if such claims, actions, suits, liability, loss, costs, expenses and damages are caused by or result from the concurrent negligence of the City, its agents, employees, and/or officers and the County, its agents, employees, and/or officers, this Article shall be valid and enforceable only to the extent of the negligence of each party, its agents, employees and/or officers.

6. Duration. This agreement is effective beginning upon execution, and shall remain in effect until terminated by either party.

7. Termination. Either party may terminate this agreement by forty-five (45) days written notice from one party to the other.

8. Administration. This agreement shall be administered for the County by the Director of the Office of Business Relations and Economic Development, or the director's designee, and for the City by the Planning Manager or the manager's designee.

9. Amendments. This Agreement may be amended at any time by written, mutual agreement of the parties.

IN WITNESS WHEREOF, the parties have executed this Agreement on the last day signed below.

CITY OF KENT

By: *Suzette Cooke*
Print Name: Suzette Cooke
Its: Mayor
Date: 1/25/07

APPROVED AS TO FORM:

K. A. Hart
Kent Law Department

KING COUNTY

By: _____
King County Executive

APPROVED AS TO FORM:

By: _____
King County Prosecutor

P:\Civil\Files\OpenFiles\0125-2006\HistoricLandmark-ILA-KC.doc

Interlocal Contract for Historic Preservation Services**Addendum A: King County Labor Costs**

The following hourly rates for County-provided historic preservation services apply for 2007. The hourly figure incorporates wages, benefits, and overhead as set in the indirect cost rate plan for the Office of Cultural Resources. The figure is adjusted to account for vacation, sick leave and holidays and thus reflects actual working hours.

Historic Preservation Officer:	\$76.25 per hour
Preservation Planner:	\$70.77 per hour
Landmarks Coordinator:	\$59.77 per hour

Addendum B: City of Kent Expenditure Maximum

During the calendar year 2007, total reimbursable costs billable to the City for historic preservation services provided by the County under this interlocal agreement shall not exceed \$5,000.00.

SERVICE PROCEDURES FOR INTERLOCAL CITIES



King County

Historic Preservation Program, Department of Natural Resources and Parks
201 S. Jackson, Suite 700, Seattle, WA 98104 (206) 477-4545 | TTY Relay: 711

When any person requests King County Historic Preservation Program staff to conduct work in a city with which the County has an interlocal agreement for historic preservation services the following procedures shall apply:

- Within five working days of a request for services the county staff person receiving the request shall provide the Historic Preservation Officer (HPO) with the following information:
 - property address;
 - name and contact information for person requesting service, and their relationship to the property;
 - description of service requested (landmarking inquiry; environmental review; Certificate of Appropriateness (COA) application; technical assistance*, etc.);
 - a copy of any correspondence or information specific to the request; and,
 - an estimate of time needed to render the service.
- The HPO shall forward this information, along with an estimate of cost to complete the work, to the designated City representative for consideration. The City shall provide the HPO with electronic or written notification to proceed or not to proceed within two business days of receipt of notification from the HPO.
- The HPO shall provide copies of any information or correspondence generated in the process of providing the service to the City for its files (final reports, formal correspondence, recommendations, research data, etc.) unless otherwise agreed upon by the City and the HPO.
- In addition, the City should establish internal administrative rules on how to process a request for historic preservation services including, but not limited to, landmark nominations, COA applications and review, environmental review, and incentive program coordination.

** The City will not be billed nor formally notified per the above process for technical assistance inquiries or questions, or requests for information that can be handled by phone or e-mail in 15 minutes or less. The City representative per the above process must approve any services which will exceed 15 minutes of staff time.*