



CITY OF KIRKLAND
Planning and Community Development Department
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MEMORANDUM

To: David Ramsay, City Manager

From: Eric Shields, AICP, Planning Director
Nancy Cox, AICP, Development Review Manager

Date: February 4, 2010

Subject: JOINT MEETING OF THE CITY COUNCIL AND THE HOUGHTON
COMMUNITY COUNCIL

RECOMMENDATION

Staff recommends the Council conduct the joint meeting with the Houghton Community Council (HCC). Rick Whitney, Chair of the HCC, has drafted a memo on behalf of the HCC that is in Attachment 1. The HCC discussed the items listed in the memo at a Special Meeting on February 4, 2010 and proposes to review them with the City Council at the joint meeting. Staff has provided a summary recommendation at the end of this memo.

BACKGROUND DISCUSSION

Members of the HCC

Rick Whitney, Chair
Elsie Weber, Vice-Chair
Bill Goggins
Lora Hein
John Kappler
Kathleen McMonigal
Betsy Pringle

Communication between the City Council and HCC

The HCC has disapproval authority over two types of land use decisions that are decided by the City Council. The two types of decisions are quasi-judicial Process IIB permits and legislative items such as plan or code amendments. Because the HCC "final action" occurs after the City Council adopts ordinances or resolutions and the City Council and HCC want to avoid disapprovals, several years ago the City Council and HCC agreed on procedures for communication in the event there is disagreement. The Planning Review Procedures are maintained in the HCC's Orientation Manual and can be found in

Attachment 2. The Planning Review Procedures are quite different for quasi-judicial Process IIB permits and plan or code amendments primarily because of the applicability of the Appearance of Fairness doctrine to quasi-judicial actions. In general, the lines of communication between the City Council and HCC can be more open with legislative than quasi-judicial items. Addressing differences of opinion on legislative long range projects, however, can still be challenging.

Following is background information about two long range projects from 2009 where significant differences of opinion between the City Council and HCC resulted in the HCC exercising/or considering their disapproval authority.

Tree Regulation Amendments – An issue relating to tree removal permits has created a difference of opinion between the City Council and HCC. In short, the Planning Commission recommended to the City Council and the City Council agreed that a tree removal permit for two trees per year be required at no charge at such time as an online tree removal permit system is created. Language in the City Council's adopting ordinance (Whereas statement) and in the regulations themselves directs staff to process a code amendment once an online permit system is available at no charge to an applicant.

The HCC exercised their disapproval authority on the entire ordinance on February 4th based on this one issue because the HCC doesn't have the ability to disapprove selected elements. Staff can bring an ordinance back to the City Council for their March 2 meeting if there is agreement between the City Council and the HCC on an approach to the permit issue.

Development Incentives for Affordable Housing – The critical issue in this package of zoning code amendments relates to the minimum requirement that at least 10 percent of the units be affordable for four or more new detached, attached or stacked dwelling units in commercial, high density residential, medium density and office zones. The HCC did not agree with the mandatory approach. Language exempting applicable projects within the disapproval jurisdiction of the HCC was adopted by the City Council on December 15, 2009 and approved by the HCC on January 25th, 2010. By creating different rules in Houghton, then, the City Council avoided a disapproval vote by the HCC.

Working Together Efficiently

The HCC is aware of the budget shortfall facing the City and is interested in exploring ways at the joint meeting to work together as efficiently as possible on all projects within their jurisdiction. Understanding which issues may lead to disapproval and determining the best way to work together on these issues could potentially avoid the inefficiencies created when it is necessary to act on an ordinance twice and/or when there are different rules in Houghton.

Upcoming Projects

The draft Planning Work Program (see Attachment 3) contains several projects that will involve Houghton in the next few years.

The Central Houghton and Lakeview Neighborhood Plans - These two neighborhood plans are currently being updated. Each has a Houghton member acting as Chair of the Advisory Groups (Betsy Pringle for Central Houghton and John Kappler for Lakeview). Houghton is taking the lead and the Planning Commission will be less involved in these updates than the typical process for neighborhood plans because of Houghton's jurisdiction.

Other projects – The Bridle Trails and South Rose Hill Neighborhood Plans, the Transit Oriented Development Park and Ride project, the Low Impact Development Green Codes, other code amendment projects, and updating the Comprehensive Plan are all significant projects that will be reviewed and acted upon by the HCC.

Summary

At the joint meeting, staff recommends:

- 1) The City Council provide general direction on the tree regulation amendment project; and
- 2) The City Council and HCC review the Planning Review Procedures in Attachment 2 and determine if they should be changed to allow for more positive outcomes. Looking at a process now may facilitate the major projects that are in the work program. If change to the procedures is desired, staff is requesting direction from the City Council regarding a process and timeline for accomplishing this work.

ATTACHMENTS

- 1 Memo from Rick Whitney, Chair of the HCC
- 2 Planning Review Procedures Involving HCC
- 3 Draft Planning Work Program

File MIS10-00005

MEMORANDUM

Date: February 4, 2010

To: Kirkland City Council

From: Rick Whitney, Chair
Houghton Community Council

Subject: Joint Meeting with the City Council

On behalf of the Houghton Community Council, we appreciate the opportunity to meet with the Kirkland City Council on February 16, 2010. In the brief time that we will have together, we hope to achieve a better working relationship and understanding between us.

To make the most of our time, we propose to discuss the following topics:

1. What can we do to enhance communications between our two councils?
2. Given Kirkland's budget constraints, how can we work together more efficiently?
3. Lakeview and Central Houghton Neighborhood Plan updates.
4. Other matters of mutual interest, if time allows.

We look forward to meeting with you on February 16.

Houghton Community Council Orientation Manual

Chapter 2: Role and Procedures of the Houghton Community Council

2.4 PLANNING REVIEW PROCEDURES INVOLVING HOUGHTON COMMUNITY COUNCIL

Project Stage	Type of Action	
	Quasi-judicial Process IIB Application	Legislative Plan or Code Amendment
Project Initiation	Notice of Application issued by City and forwarded to HCC within statutory time period.	<p>Planning staff discusses project with HCC to learn HCC's desired level of input.</p> <p>Planning staff discusses with Planning Commission HCC's desired level of input. Staff and Planning Commission develop a work plan to incorporate desired HCC involvement, including the possibility of joint Planning Commission/HCC study sessions.</p>
SEPA	<p>SEPA determination made by City Responsible Official and forwarded to HCC within statutory time period.</p> <p>HCC decides whether to comment on SEPA. If so, comments are forwarded to City Responsible Official.</p>	
Public Hearing	Planning staff coordinates date of joint public hearing with HCC and Hearing Examiner, transmits administrative record to both, and issues Notice of Public Hearing.	When agreed to by Planning Commission and HCC, hearing will be held jointly. Otherwise, HCC hearing will be held prior to Planning Commission hearing.
	Hearing Examiner and HCC conduct joint open record public hearing.	
	Hearing Examiner leaves after public hearing. He leaves record open to allow HCC deliberations and HCC's written recommendation.	
HCC Comments/ Recommendation	HCC deliberates after open record public hearing and agrees to a recommendation, identifies critical and non-critical issues, and directs Planning staff to prepare recommendation in writing and transmit to the Hearing Examiner.	HCC makes a recommendation and directs Planning staff to prepare recommendation in writing and transmit to Planning Commission.

Houghton Community Council Orientation Manual

Chapter 2: Role and Procedures of the Houghton Community Council

Project Stage	Type of Action	
	Quasi-judicial Process IIB Application	Legislative Plan or Code Amendment
Hearing Examiner/ Planning Commission Action	Hearing Examiner incorporates HCC's comments into administrative record and issues recommendation. Planning staff forwards Hearing Examiner recommendation to City Council.	After considering HCC recommendation, Planning Commission makes its recommendation.
Conflict Resolution	HCC or planning staff determine whether attorneys should discuss any divergence in Hearing Examiner's decision and HCC's comments.	Planning staff forwards Planning Commission recommendation to HCC.
	If necessary, attorneys for City Council and HCC discuss their client's positions and resolve issues.	Planning Commission and HCC may meet to discuss and reconcile differences.
	HCC does not contact City Council in this process. All interaction is between attorneys.	
City Council Decision	Planning staff schedules a meeting for City Council consideration of HCC and Hearing Examiner recommendation.	Planning staff forwards HCC and Planning Commission recommendations to City Council.
	City Council members read agenda packet and determine whether attorneys should discuss any divergence in Hearing Examiner's and HCC's recommendations. If necessary, City Council also may ask staff to reschedule the meeting to allow time for discussions.	City Council considers proposal at Council meeting. HCC and Planning Commission members are invited to attend to explain their recommendations.
	If necessary, attorneys for City Council and HCC discuss their client's positions and resolve issues.	HCC and City Council (and individual members) may discuss proposal at any time.
	City Council issues final decision.	City Council passes ordinance.
HCC Decision	Planning staff forwards City Council ordinance or resolution to HCC at next regular meeting. HCC 60-day disapproval period expires before decision becomes final, or HCC adopts resolution concurring with the City Council.	

PROPOSED 2010 – 2012 PLANNING WORK PROGRAM: LONG RANGE TASKS January 14, 2010

				2010												2011				2012			
TASK	PROJECT MANAGER	2009 STAFF		J	F	M	A	M	J	J	A	S	O	N	D	1st	2nd	3rd	4th	1st	2nd	3rd	4th
POLICIES, PLANS & REGULATIONS																							
1	Comprehensive Plan		1.8 FTE																				
	• Annual Comp Plan Update	Brill																					
	• GMA/Comp Plan	Swan																					
	• Transp. Principles/Policy	PW - Godfrey																					
	• Private Amendment Requests																						
	• Touchstone Planned Action	Ruggeri																					
2	Neighborhood Plans		2.0 FTE																				
	• Lakeview Plan	Soloff																					
	• Central Houghton Plan	Ruggeri																					
	• Bridle Trails & South Rose Hill																						
	• Everest and Moss Bay																						
3	Code Amendments		.4 FTE																				
	• Code enforcement consolidation	Cox																					
	• Misc. Code Amend	Brill																					
4	Housing		.4 FTE																				
	• Affordable Housing Regs																						
	• TOD @ Park & Ride	Collins																					
	• Housing Preservation	Collins																					
	• Affordable Housing Strategies	Nelson/ARCH																					
5	Natural Env/Stewardship		2.7 FTE																				
	• Shoreline Master Program	Swan																					
	• Critical Area Regs																						
	• Urban Forestry Program	Powers																					
	• LID/Green Codes	Gaus/Barnes																					
	• Green Building Program	Barnes/Jensen																					
	• Green Team/Env. Stewardship	Stewart/Schroder																					
6	Database Management	Goble	.2 FTE																				
7	Regional Coordination	Shields	.1 FTE																				
8	Annexation	Various	1.5 FTE																				
	• Update Maps																						
	• Amend Comp Plan																						
	• Update SMP																						
	• Update Regs																						
	• Wild Glen Annexation																						
	• Conduct Census																						
	• Prepare Neighborhood Plans																						
	Planning Commission Tasks																						
	Other Tasks																						