



CITY OF KIRKLAND CITY COUNCIL

Joan McBride, Mayor • Penny Sweet, Deputy Mayor • Dave Asher • Jessica Greenway
Doreen Marchione • Bob Sternoff • Amy Walen • Marilynne Beard, Interim City Manager

123 Fifth Avenue • Kirkland, Washington 98033-6189 • 425.587.3000 • TTY 425.587.3111 • www.ci.kirkland.wa.us

AGENDA KIRKLAND CITY COUNCIL MEETING City Council Chambers Tuesday, May 4, 2010 7:30 p.m. – Regular Meeting

COUNCIL AGENDA materials are available on the City of Kirkland website www.ci.kirkland.wa.us, or at the Public Resource Area at City Hall on the Friday afternoon prior to the City Council meeting. Information regarding specific agenda topics may also be obtained from the City Clerk's Office on the Friday preceding the Council meeting. You are encouraged to call the City Clerk's Office (587-3190) or the City Manager's Office (587-3001) if you have any questions concerning City Council meetings, City services, or other municipal matters. The City of Kirkland strives to accommodate people with disabilities. Please contact the City Clerk's Office at 587-3190, or for TTY service call 587-3111 (by noon on Monday) if we can be of assistance. If you should experience difficulty hearing the proceedings, please bring this to the attention of the Council by raising your hand.

1. *CALL TO ORDER*
2. *ROLL CALL*
3. *STUDY SESSION*
4. *EXECUTIVE SESSION*
5. *HONORS AND PROCLAMATIONS*
 - a. Mike Metteer, Parks and Community Services Business Services Program Manager – Twenty-Five Year Recognition
 - b. Peace Officers Memorial Day Proclamation
6. *COMMUNICATIONS*
 - a. *Announcements*
 - b. *Items from the Audience*
 - c. *Petitions*
7. *SPECIAL PRESENTATIONS*
 - a. Green Tips
8. *CONSENT CALENDAR*
 - a. *Approval of Minutes:* April 20, 2010
 - b. *Audit of Accounts:*

<i>Payroll</i>	\$
<i>Bills</i>	\$

EXECUTIVE SESSIONS may be held by the City Council to discuss matters where confidentiality is required for the public interest, including buying and selling property, certain personnel issues, and lawsuits. An executive session is the only type of Council meeting permitted by law to be closed to the public and news media

ITEMS FROM THE AUDIENCE provides an opportunity for members of the public to address the Council on any subject which is not of a quasi-judicial nature or scheduled for a public hearing. (Items which may not be addressed under Items from the Audience are indicated by an asterisk*.) The Council will receive comments on other issues, whether the matter is otherwise on the agenda for the same meeting or not. Speaker's remarks will be limited to three minutes apiece. No more than three speakers may address the Council on any one subject. However, if both proponents and opponents wish to speak, then up to three proponents and up to three opponents of the matter may address the Council.

P - denotes a presentation from staff or consultant

GENERAL CORRESPONDENCE

Letters of a general nature (complaints, requests for service, etc.) are submitted to the Council with a staff recommendation. Letters relating to quasi-judicial matters (including land use public hearings) are also listed on the agenda. Copies of the letters are placed in the hearing file and then presented to the Council at the time the matter is officially brought to the Council for a decision.

ORDINANCES are legislative acts or local laws. They are the most permanent and binding form of Council action, and may be changed or repealed only by a subsequent ordinance. Ordinances normally become effective five days after the ordinance is published in the City's official newspaper.

RESOLUTIONS are adopted to express the policy of the Council, or to direct certain types of administrative action. A resolution may be changed by adoption of a subsequent resolution.

PUBLIC HEARINGS are held to receive public comment on important matters before the Council. You are welcome to offer your comments after being recognized by the Mayor. After all persons have spoken, the hearing is closed to public comment and the Council proceeds with its deliberation and decision making.

NEW BUSINESS consists of items which have not previously been reviewed by the Council, and which may require discussion and policy direction from the Council.

c. General Correspondence

d. Claims

e. Award of Bids

f. Acceptance of Public Improvements and Establishing Lien Period

(1) Everest Park Grandstands Replacement Project, Construction International, Inc., Kirkland, Washington

(2) Rose Hill Meadows Park Development Project, Construction International, Inc., Kirkland, Washington

g. Approval of Agreements

h. Other Items of Business

(1) Resolution R-4815, Ratifying Amendments to the King County Countywide Planning Policies

9. PUBLIC HEARINGS

10. UNFINISHED BUSINESS

a. Kirkland Teen Union Building Operations

b. Annual Sidewalk Maintenance Program Update

c. Inquiry on Regulating Hedges

d. Animal Services Options – Letter of Intent

e. Council Rules of Procedure

11. NEW BUSINESS

12. REPORTS

a. City Council

(1) Regional Issues

b. City Manager

(1) Calendar Update

13. ADJOURNMENT



CITY OF KIRKLAND
Department of Parks & Community Services
505 Market Street, Suite A, Kirkland, WA 98033 425.587.3300
www.ci.kirkland.wa.us

MEMORANDUM

To: Marilynne Beard, Interim City Manager

From: Jennifer Schroder, Director
Carrie Hite, Deputy Director

Date: April 26, 2010

Subject: Mike Metteer, Business Services Manager 25 Year Service Award

RECOMMENDATION:

That the City Council recognize Mike Metteer, Business Services Manager, for his 25 years of service with the City of Kirkland.

BACKGROUND DISCUSSION:

Mike Metteer began his career with the City of Kirkland as a seasonal worker in 1984 making \$4 per hour. In 1986 he was hired full-time as a Groundsperson. Mike continued advancing in his career with promotions to Lead Worker in 1994, Supervisor in 1996, and his current position as the Business Services Manager on November 1, 2006. Examples of his responsibilities as the Business Services Manager include developing business partnerships, overseeing the special event permit program, expanding seasonal concessions for both food and recreational opportunities and oversight of the Friday Night Market at Juanita Beach Park. Most notably, he has been continually working to improve operations at Marina Park, including transient moorage options, tour dock operations, improvements to the boat launch, and operating the 2nd Avenue South dock.

Mike is well known for his quick wit, sense of humor and his never-wavering positive attitude and belief that Kirkland is the place to be! He is one of Kirkland's biggest fans, always looking for, or developing, opportunities to promote the city. Mike is a graduate of the Leadership Eastside program, and it was his team that developed the "Wednesday Market."

Mike graduated from Lake Washington High School in 1983 and attended Bellevue Community College. Mike and his wife Julie live in Kirkland, and he is the proud father of two children, Dale and Emily.



CITY OF KIRKLAND

Police Department

123 Fifth Avenue, Kirkland, WA 98033 425.587.3400

www.ci.kirkland.wa.us

MEMORANDUM

To: Marilynne Beard, Interim City Manager
From: Eric Olsen, Chief of Police
Date: April 26, 2010
Subject: Peace Officers Memorial Day Proclamation

RECOMMENDATION:

That Mayor McBride sign the proclamation designating May 15, 2010 as Peace Officers Memorial Day to recognize and honor all law enforcement personnel.

BACKGROUND DISCUSSION:

Congress and the President of the United States have designated May 15 as Peace Officers Memorial Day, and the week in which it falls as Police Week. The members of the Kirkland Police Department play an essential role in safeguarding the rights and freedoms of the citizens of the City of Kirkland and it is important that all citizens know and understand the problems, duties and responsibilities of their police department.



A PROCLAMATION OF THE CITY OF KIRKLAND

Proclaiming May 15, 2010 as Peace Officers Memorial Day in Kirkland, Washington and Honoring all Law Enforcement Personnel

WHEREAS, established in 1962 by President John F. Kennedy and a joint resolution of Congress, National Police Week pays special tribute to those law enforcement officers who have lost their lives in the line of duty for the safety and protection of others; and

WHEREAS, Peace Officers Memorial Day is held annually in the United States on May 15 in honor of federal, state and local officers killed or disabled in the line of duty and is observed in conjunction with Police Week; and

WHEREAS, it is important that all citizens know and understand the problems, duties and responsibilities of police departments, and that members of police departments recognize their duty to serve the people by safeguarding life and property, by protecting them against violence or disorder, and by protecting the innocent against deception and the weak against oppression or intimidation; and

WHEREAS, the mission of the Kirkland Police Department is to provide quality law enforcement, with fair and respectful treatment of our community through partnerships, personal dedication, and courage; and

WHEREAS, the Kirkland Police Department plays an essential role in safeguarding the rights and freedoms of the citizens of the City of Kirkland; and

WHEREAS, the City of Kirkland participates with communities across the nation in honoring fellow law enforcement officers by the placement of a memorial wreath in honor of the men and women who have made the ultimate sacrifice; and

NOW, THEREFORE, I, Joan McBride, Mayor of Kirkland, do hereby proclaim May 15 as Peace Officers Memorial Day in Kirkland, Washington and call upon all Kirkland citizens to recognize the service and sacrifice of U.S. law enforcement, especially the dedicated men and women of the Kirkland Police Department, and to recognize the faithful and loyal devotion of law enforcement officers in preserving the rights and security of citizens.

Signed this 4th day of May, 2010

Joan McBride, Mayor



KIRKLAND CITY COUNCIL REGULAR MEETING MINUTES
April 20, 2010

1. CALL TO ORDER
2. ROLL CALL

ROLL CALL:

Members Present: Councilmember Dave Asher, Councilmember Jessica Greenway, Councilmember Doreen Marchione, Mayor Joan McBride, Deputy Mayor Penny Sweet, and Councilmember Amy Walen.

Members Absent: Councilmember Bob Sternoff.

Councilmember Sternoff was absent/excused as he was out of town.

3. STUDY SESSION

- a. Animal Care and Control Services

Joining Councilmembers for this discussion were Interim City Manager Marilynne Beard and Intergovernmental Relations Manager Erin Leonhart.

4. EXECUTIVE SESSION

- a. To Discuss Potential Litigation

5. HONORS AND PROCLAMATIONS

6. COMMUNICATIONS

- a. Announcements

- b. Items from the Audience

Susan Robinson, Waste Management
Todd Gauthier
Larry Toedtli
Marie Toedtli
Sandra Bigley

- c. Petitions

7. SPECIAL PRESENTATIONS

8. CONSENT CALENDAR

- a. Approval of Minutes:

(1) April 6, 2010

(2) April 8, 2010

b. Audit of Accounts:

Payroll \$ 2,071,947.51
Bills \$ 1,584,797.42
run # 906 checks # 516361 - 516365
run # 907 checks # 516392 - 516548
run # 908 check # 516549
run # 909 checks # 516551 - 516696

c. General Correspondence

d. Claims

e. Award of Bids

f. Acceptance of Public Improvements and Establishing Lien Period

(1) The 2009 Striping Program including Schedules A,C,D, and E, was accepted as completed by Apply-A-Line Inc., of Pacific, WA and the use of \$9,600 in additional funds from the Street Improvement Program were approved to close out the project.

(2) The Peter Kirk Community Center HVAC Replacement Project was accepted as completed by Trane U.S. Inc. Comprehensive Solutions Group.

g. Approval of Agreements

(1) Resolution R-4811, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF KIRKLAND AND KING COUNTY FOR THE HOUSING OF INMATES IN THE KING COUNTY JAIL AND ACCESS TO OTHER JAIL SERVICES."

(2) Resolution R-4812, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND REGARDING SUPPLEMENTAL ANIMAL CONTROL SERVICES BETWEEN THE CITY OF KIRKLAND AND KING COUNTY."

(3) Resolution R-4813, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE SEATTLE DEPARTMENT OF PARKS AND RECREATION, THE UNIVERSITY OF WASHINGTON, THE PORT OF SEATTLE, CHATEAU STE. MICHELLE WINERY ESTATES, THE CITIES OF BELLEVUE, KENT, RENTON, SEATAC, MERCER ISLAND, MOUNTLAKE TERRACE, TUKWILA, WOODINVILLE AND KIRKLAND TO MANAGE WATERFOWL."

h. Other Items of Business

(1) Resolution R-4814, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING APPLICATION(S) FOR FUNDING ASSISTANCE FOR A WASHINGTON WILDLIFE AND RECREATION PROGRAM (WWRP) PROJECT TO THE RECREATION AND CONSERVATION OFFICE (RCO) AS PROVIDED IN RCW CHAPTER 79A.15."

(2) Ordinance No. 4239, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE MEMBERSHIP OF THE LODGING TAX ADVISORY COMMITTEE."

(3) Report on Procurement Activities

(4) Surplus Equipment Rental Vehicles/Equipment for Sale

<u>Fleet #</u>	<u>Year</u>	<u>Make</u>	<u>VIN/Serial Number</u>	<u>License #</u>	<u>Mileage</u>
F308X	1997	Ford Road Rescue Aid Vehicle	1FDKE30F5VHA13136	23953D	42,304
PU-22X	1998	Ford Ranger Pickup (4x2)	1FTYR14UXWPB12557	23997D	93,300

(5) Ordinance No. 4240, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING THE BIENNIAL BUDGET FOR 2009-2010."

This item was pulled from the consent calendar for consideration under New Business, item 11.c.

Motion to approve the Consent Calendar, with the exception of item 8.h.(5)., which was pulled for consideration under New Business, as item 11.c.

Moved by Councilmember Doreen Marchione, seconded by Councilmember Dave Asher

Vote: Motion carried 6-0

Yes: Councilmember Doreen Marchione, Councilmember Jessica Greenway, Mayor Joan McBride, Deputy Mayor Penny Sweet, Councilmember Dave Asher, and Councilmember Amy Walen.

9. PUBLIC HEARINGS

None.

10. UNFINISHED BUSINESS

a. South Rose Hill/Bridle Trails Neighborhood Meeting With the City Council

Council discussed topics for introductory statements and finalized the meeting agenda for the upcoming meeting with the South Rose Hill/Bridle Trails Neighborhood.

b. 2010 Annexation Quarterly Update

Intergovernmental Relations Manager Erin Leonhart provided an update on several annexation-related subjects.

11. NEW BUSINESS

a. Permit System Replacement Purchase

Chief Information Officer Brenda Cooper reviewed the project issues, process and staff recommendation.

Motion to approve the purchase of a permit system, authorize use of Major System Replacement Reserve funds and authorize the City Manager to sign a contract with Energov Solutions.

Moved by Councilmember Dave Asher, seconded by Councilmember Jessica Greenway

Vote: Motion carried 6-0

Yes: Councilmember Doreen Marchione, Councilmember Jessica Greenway, Mayor Joan McBride, Deputy Mayor Penny Sweet, Councilmember Dave Asher, and Councilmember Amy Walen.

b. Emergency Preparedness Program Update

Deputy Fire Chief and Emergency Manager Helen Ahrens-Byington shared information on the

City's emergency preparedness efforts.

- c. Ordinance No. 4240, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING THE BIENNIAL BUDGET FOR 2009-2010."

This item was pulled from the consent calendar (8.h.(5).) for consideration under New Business.

Motion to approve the draft alternative version of Ordinance No. 4240, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING THE BIENNIAL BUDGET FOR 2009-2010."

Moved by Councilmember Dave Asher, seconded by Councilmember Amy Walen

Vote: Motion carried 6-0

Yes: Councilmember Doreen Marchione, Councilmember Jessica Greenway, Mayor Joan McBride, Deputy Mayor Penny Sweet, Councilmember Dave Asher, and Councilmember Amy Walen.

12. REPORTS

- a. City Council

- (1) Regional Issues

Councilmembers shared information regarding the recent retirement event for City Manager Dave Ramsay; Cascade Bicycle Club 40th Anniversary Annual Breakfast; King County Conservation Earth Day event; Compliments to Public Works staff (Terry Hedges) for beautifully landscaped downtown medians; Friends of Youth "Bright Futures" bracelets; Eastside Human Services Forum & The Alliance for Eastside Agencies program on Strong Communities and Social Sustainability on June 3rd; and the agenda for the May 25th Joint Meeting with the Redmond City Council.

- b. City Manager

- (1) 2010 Legislative Update 8

- (2) Calendar Update

13. ADJOURNMENT

The Kirkland City Council regular meeting of April 20, 2010 was adjourned at 8:43 p.m.

City Clerk

Mayor



CITY OF KIRKLAND
Department of Parks & Community Services
505 Market Street, Suite A, Kirkland, WA 98033 425.587.3300
www.ci.kirkland.wa.us

MEMORANDUM

To: Marilynne Beard, Interim City Manager

From: Jennifer Schroder, CPRP, Director of Parks and Community Services
Michael Cogle, Park Planning Manager

Date: April 22, 2010

Subject: ACCEPTANCE OF WORK AND ESTABLISH LIEN PERIOD:
Everest Park Grandstands Replacement Project

RECOMMENDATION:

It is recommended that City Council accept the work of Construction International, Inc. for construction of new grandstands at Everest Park and establish the statutory lien period.

BACKGROUND DISCUSSION:

At their meeting of April 21, 2009 the City Council approved the Park Board's recommendation to replace the wooden grandstands at Everest Park's "A" Field. In order to fully fund the replacement, the Council also approved transfer of funds from the Everest Park Restroom and Storage Building Project (CPK0071) to the Everest Park Grandstands Project (CPK0112). Total funding available for the project is \$530,000.

Construction International was awarded a contract in the amount of \$355,000 (plus sales tax). Two change orders in the amount of \$37,249.48 (plus tax) were approved for this project. The added work was primarily due to finding unsuitable fill material underneath the old grandstands and the need to import new structural fill material. This also necessitated additional engineering, soil testing, and inspections by an independent firm to assure conformance with permit requirements, engineering specifications, and to satisfy safety concerns, costing an additional \$12,000. In spite of these unanticipated events, the project has been completed within budget.

The new grandstands were finished in time for opening day of Kirkland American Little League's spring season and we are receiving positive reports about the new amenity. We have also been able to substantially increase storage capacity (by using the space under the raised seating) for use by Parks' staff and the youth baseball organization.

Before.....Steep steps, rotting wood and many layers of paint.



After.....Sturdy, Safe, Easy to Maintain, Ready for World Series!

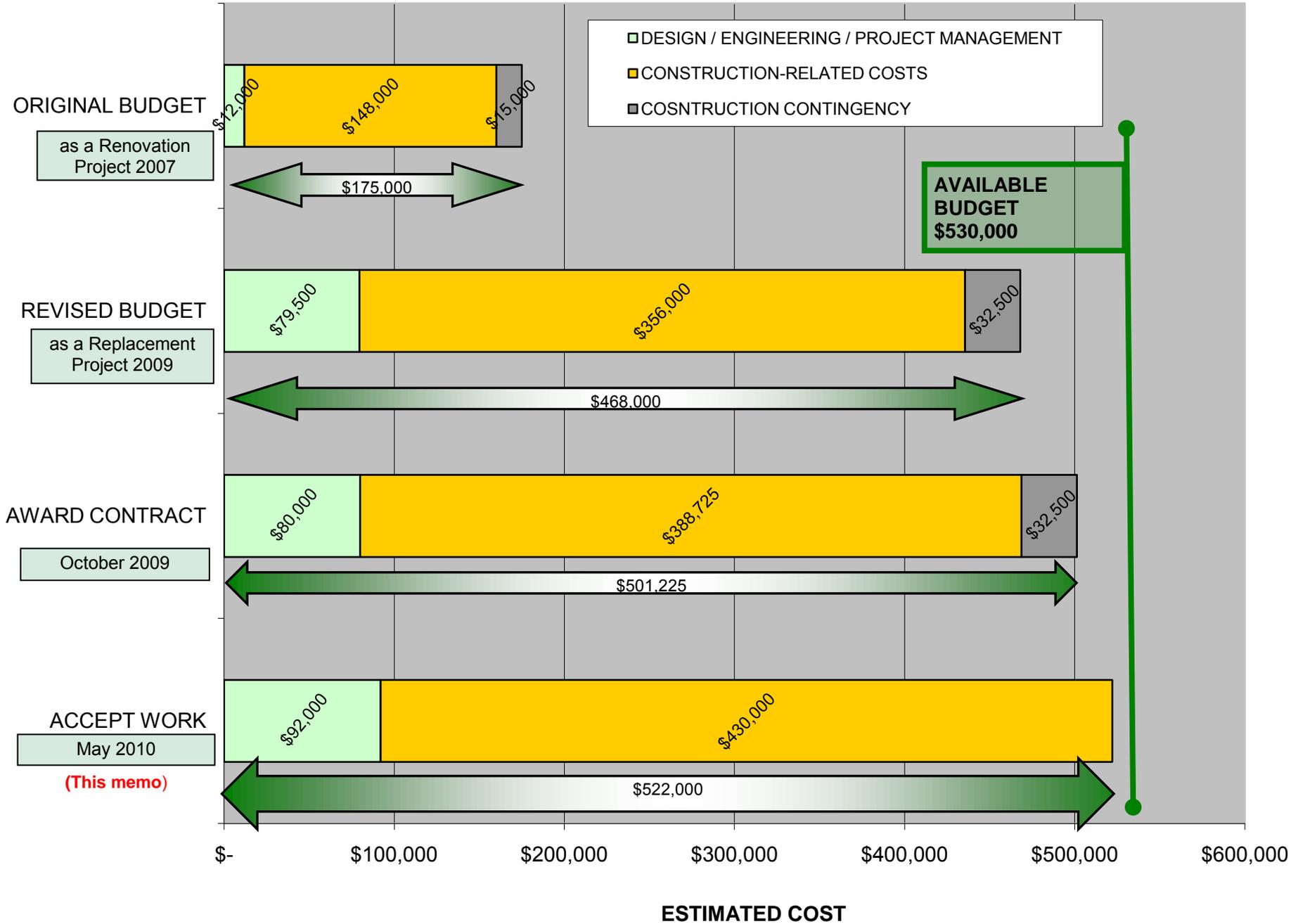


Attachment:

Project budget chart

EVEREST GRANDSTANDS REPLACEMENT PROJECT

PROJECT BUDGET REPORT





CITY OF KIRKLAND
Department of Parks & Community Services
505 Market Street, Suite A, Kirkland, WA 98033 425.587.3300
www.ci.kirkland.wa.us

MEMORANDUM

To: Marilynne Beard, Interim City Manager

From: Jennifer Schroder, CPRP, Director of Parks and Community Services
Michael Cogle, Park Planning Manager

Date: April 21, 2010

Subject: ACCEPTANCE OF WORK AND ESTABLISH LIEN PERIOD:
Rose Hill Meadows Park Development

RECOMMENDATION:

It is recommended that City Council accept the work of Construction International, Inc. for development of Rose Hill Meadows and establish the statutory lien period.

BACKGROUND DISCUSSION:

A development plan for Rose Hill Meadows, a neighborhood park site in the South Rose Hill neighborhood, was approved by the City Council in January of 2007. A contract was awarded to Construction International Inc., a Kirkland company, in April of 2009. The park was substantially completed in late fall of 2009 and final corrections by the contractor were completed in April of 2010.

The total budget for this project was \$629,000, which included funding for costs associated with park master planning, community process, demolition of several residential structures, removal of building hazardous materials, and construction of park improvements. The project will be completed within budget.

Construction International was awarded a contract in the amount of \$273,000 (plus sales tax). Two change orders totaling \$27,730.08 (plus tax) were approved for the project. The additional work was related to discovery of an old well on the site (and subsequent decommissioning), additional grading and fill, extension of asphalt pathways, irrigation modifications, and removal and disposal of buried debris.

With acceptance of work, staff will proceed with purchase and installation of playground equipment to add to the constructed park. Approximately \$40,000 has been set aside in our budget for this purpose. In addition, the South Rose Hill / Bridle Trails Neighborhood Association has allocated a portion of their Neighborhood Connection grant funds for installation of a meditative walking labyrinth, to be constructed by volunteers later this year.

Project Photos

New Group Picnic Shelter and Landscaping



Two acres of wetlands and buffer protected



Playground (typical) to be installed by Park Staff this summer



Surprise! Residential Well Found, Filled and Capped

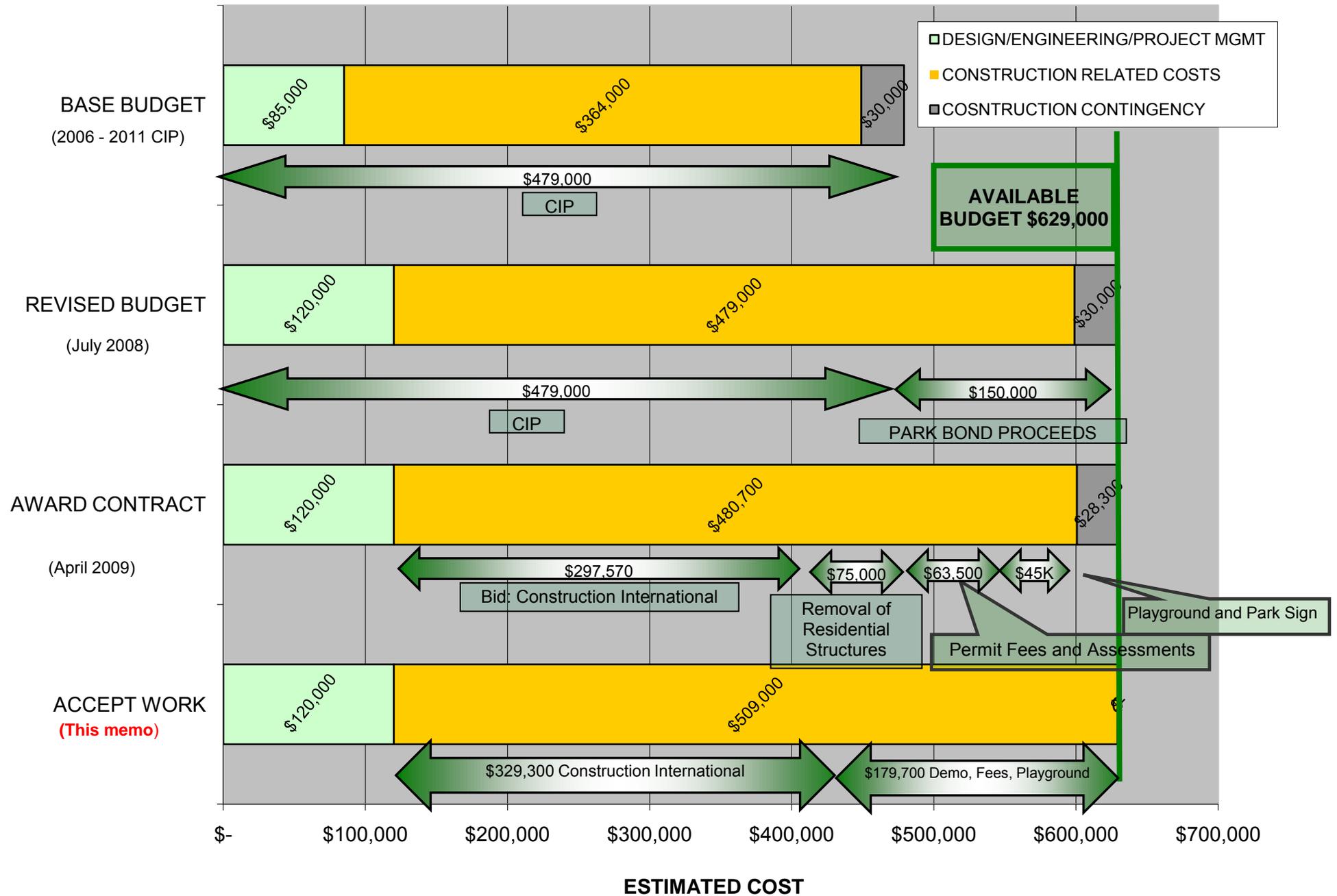


Attachment:

Project budget report

ROSE HILL MEADOWS PARK DEVELOPMENT

PROJECT BUDGET REPORT





CITY OF KIRKLAND
Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 425.828.1257
www.ci.kirkland.wa.us

MEMORANDUM

To: Marilynne Beard, Interim City Manager
From: Eric Shields, Planning Director
Date: April 16, 2010
Subject: Countywide Planning Policies Ratification - Growth Targets

RECOMMENDATION

City Council approves the proposed resolution ratifying amendments to the King County Countywide Planning Policies.

BACKGROUND DISCUSSION

Pursuant to the Growth Management Act, the King County Council has adopted Countywide Planning Policies (CPPs) to guide comprehensive planning by jurisdictions within King County. Amendments to the CPPs must first be reviewed and recommended by the Growth Management Planning Council (GMPC), a body of elected officials representing jurisdictions throughout the county. The amendments to the CPPs were recommended by the GMPC through Motion 09-2 on October 28, 2009 and adopted by the King County Council by Ordinance 16747 on February 4, 2010. Pursuant to the procedures established in the CPPs, the proposed amendments will become effective when ratified by ordinance or resolution, within 90 days of adoption, by 30 percent of city and county governments representing 70 percent of the county population. The deadline for ratification is May 15, 2010.

The CPPs include targets for housing and employment growth for a 20 year period and must be updated every ten years. The targets are based on growth forecasts prepared by the State Office of Financial Management. The new targets are for the year 2031 and will guide the next round of local comprehensive plan updates by local jurisdictions. Those updates were originally required to be completed by 2012, but a bill recently passed by the legislature extended the deadline by three years.

The new targets were developed to comply with the Vision 2040 Multicounty Planning Policies adopted by the Puget Sound Regional Council (PRSC) in 2008.

Under those policies, growth is targeted to cities throughout the Puget Sound region (King, Pierce, Snohomish and Kitsap counties) based on a hierarchy of city centers. Cities with Regional Growth Centers are assigned the largest amount of growth. Cities with centers are divided into two categories: Metropolitan Cities (Seattle, Bellevue, Tacoma, Everett and Bremerton) and Core Cities (including Kirkland), with Metropolitan Cities given a larger share of growth than Core Cities. Other categories of cities are Larger Cities and Small Cities, each with successively lower growth targets.

The targets for Kirkland (including the annexation area are 8,570 new housing units and 20,850 new jobs. The most recent analysis of growth capacity in Kirkland (not including the annexation area) indicated a capacity for 7,200 new housing units and 23,000 jobs. It should be noted that a large portion of that capacity is in the Totem Lake Neighborhood. In addition, it is important to note the distinction between capacity (properties with an assumed likelihood of redevelopment by 2031) and build-out (maximum development under zoning regulations). A new capacity analysis is needed as part of the next major Comprehensive Plan update.

Attachments:

- Letter to Mayor McBride from County Executive Dow Constantine and County Council Chair Bob Ferguson
- King County Signature Report Ordinance 16747
- Growth Management Planning Council Motion 0-2
- King County Council Physical Environment Committee Staff Report

Es CPP targets approval 5-10

**King County****Metropolitan King County Council**

Anne Noris, Clerk of the Council

King County Courthouse

516 Third Avenue, Room W1039

Seattle, WA 98104-3272

Tel: 206-296-1020

Fax: 206-205-8165

TTY/TDD: 206-296-1024

Email: anne.noris@kingcounty.govWeb: www.kingcounty.gov/council/clerk

February 17, 2010

The Honorable Joan McBride
City of Kirkland
123 Fifth Avenue
Kirkland, WA 98033-6189

Dear Mayor McBride:

We are pleased to forward for your consideration and ratification the enclosed amendments to the King County Countywide Planning Policies (CPP).

On January 25, 2010, the Metropolitan King County Council approved and ratified the amendments on behalf of unincorporated King County. The Ordinances became effective February 14, 2010. Copies of the King County Council staff reports, ordinances and Growth Management Planning Council motions are enclosed to assist you in your review of these amendments.

In accordance with the Countywide Planning Policies, FW-1, Step 9, amendments become effective when ratified by ordinance or resolution by at least 30 percent of the city and county governments representing 70 percent of the population of King County according to the interlocal agreement. A city will be deemed to have ratified the amendments to the CPP unless, within 90 days of adoption by King County, the city takes legislative action to disapprove the amendments. **Please note that the 90-day deadline for this amendment is Saturday, May 15, 2010.**

If you adopt any legislation relative to this action, please send a copy of the legislation by the close of business, Friday, May 14, 2010, to Anne Noris, Clerk of the Council, W1039 King County Courthouse, 516 Third Avenue, Seattle, WA 98104, anne.noris@kingcounty.gov.

RECEIVED

FEB 19 2010

**CITY OF KIRKLAND
CITY MANAGER'S OFFICE**

If you have any questions about the amendments or ratification process, please contact Paul Reitenbach, Senior Policy Analyst, King County Department of Development and Environmental Services, at 206-296-6705, or Rick Bautista, Metropolitan King County Council Staff, at 206-296-0329.

Thank you for your prompt attention to this matter.

Sincerely,

Handwritten signatures of Bob Ferguson and Dow Constantine. Bob Ferguson's signature is on the left, and Dow Constantine's signature is on the right, written in a cursive style.

Bob Ferguson, Chair
Metropolitan King County Council

Dow Constantine
King County Executive

Enclosures

cc: King County City Planning Directors
Suburban Cities Association
Paul Reitenbach, Senior Policy Analyst, DDES
Rick Bautista, Council Staff, Environment and Transportation Committee
(ETC)



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

January 25, 2010

Ordinance 16747

Proposed No. 2009-0641.1

Sponsors Hague and Phillips

1 AN ORDINANCE adopting amendments to the
 2 Countywide Planning Policies; adopting a work plan and
 3 schedule to address policies related to allocation of regional
 4 services, and adopting new housing and employment
 5 growth targets, and ratifying the amended Countywide
 6 Planning Policies for unincorporated King County; and
 7 amending Ordinance 10450, Section 3, as amended, and
 8 K.C.C. 20.10.030 and Ordinance 10450, Section 4, as
 9 amended, and K.C.C. 20.10.040.

10 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

11 SECTION 1. Findings:

12 A. The metropolitan King County council adopted and ratified the Growth
 13 Management Planning Council recommended King County 2012 - Countywide Planning
 14 Policies (Phase I) in July 1992, under Ordinance 10450.

15 B. The metropolitan King County council adopted and ratified the Phase II
 16 amendments to the Countywide Planning Policies on August 15, 1994, under Ordinance
 17 11446.

18 C. The Growth Management Planning Council met on October 28, 2009 and
 19 voted to recommend amendments to the King County Countywide Planning Policies,

20 adopting Motion 09-1 approving a work plan and schedule to address the policy
21 framework for allocation of regional services and facilities as shown in Attachment A to
22 this ordinance and adopting Motion 09-2 amending Table LU-1 of the Countywide
23 Planning Policies and approving related policy amendments as shown on Attachment B
24 to this ordinance.

25 SECTION 2. Ordinance 10450, Section 3, as amended, and K.C.C. 20.10.030 are
26 each hereby amended to read as follows:

27 A. The Phase II Amendments to the King County 2012 Countywide Planning
28 Policies attached to Ordinance 11446 are hereby approved and adopted.

29 B. The Phase II Amendments to the King County 2012 - Countywide Planning
30 Policies are amended, as shown by Attachment 1 to Ordinance 12027.

31 C. The Phase II Amendments to the King County 2012 - Countywide Planning
32 Policies are amended, as shown by Attachment 1 to Ordinance 12421.

33 D. The Phase II Amendments to the King County 2012 - Countywide Planning
34 Policies are amended, as shown by Attachments 1 and 2 to Ordinance 13260.

35 E. The Phase II Amendments to the King County 2012 - Countywide Planning
36 Policies are amended, as shown by Attachments 1 through 4 to Ordinance 13415.

37 F. The Phase II Amendments to the King County 2012 - Countywide Planning
38 Policies are amended, as shown by Attachments 1 through 3 to Ordinance 13858.

39 G. The Phase II Amendments to the King County 2012 - Countywide Planning
40 Policies are amended, as shown by Attachment 1 to Ordinance 14390.

41 H. The Phase II Amendments to the King County 2012 - Countywide Planning
42 Policies are amended, as shown by Attachment 1 to Ordinance 14391.

43 I. The Phase II Amendments to the King County 2012 - Countywide Planning
44 Policies are amended, as shown by Attachment 1 to Ordinance 14392.

45 J. The Phase II Amendments to the King County 2012 - Countywide Planning
46 Policies are amended, as shown by Attachment 1 to Ordinance 14652.

47 K. The Phase II Amendments to the King County 2012 - Countywide Planning
48 Policies are amended, as shown by Attachments 1 through 3 to Ordinance 14653.

49 L. The Phase II Amendments to the King County 2012 - Countywide Planning
50 Policies are amended, as shown by Attachment 1 to Ordinance 14654.

51 M. The Phase II Amendments to the King County 2012 - Countywide Planning
52 Policies are amended, as shown by Attachment 1 to Ordinance 14655.

53 N. The Phase II Amendments to the King County 2012 - Countywide Planning
54 Policies are amended, as shown by Attachments 1 and 2 to Ordinance 14656.

55 O. The Phase II amendments to the King County 2012 - Countywide Planning
56 Policies are amended, as shown by Attachment A to Ordinance 14844.

57 P. The Phase II Amendments to the King County 2012 - Countywide Planning
58 Policies are amended as shown by Attachments A, B and C to Ordinance 15121.

59 Q. The Phase II Amendments to the King County 2012 - Countywide Planning
60 Policies are amended, as shown by Attachment A to Ordinance 15122.

61 R. The Phase II Amendments to the King County 2012 - Countywide Planning
62 Policies are amended, as shown by Attachment A to Ordinance 15123.

63 S. Phase II Amendments to the King County 2012 - Countywide Planning
64 Policies are amended, as shown by Attachments A and B to Ordinance 15426.

65 T. Phase II Amendments to the King County 2012 - Countywide Planning

66 Policies are amended, as shown by Attachments A, B, and C to Ordinance 15709.

67 U. Phase II Amendments to the King County 20.12 - Countywide Planning

68 Policies are amended, as shown by Attachment A to Ordinance 16056.

69 V. Phase II Amendments to the King County 2012 - Countywide Planning

70 Policies are amended, as shown by Attachments A, B, C, D, E, F and G to Ordinance

71 16151.

72 W. Phase II Amendments to the King County 2012 - Countywide Planning

73 Policies are amended as shown by Attachment A to Ordinance 16334, and those items

74 numbered 1 through 11, 13 and 15 as shown on Attachment B to Ordinance 16334, are

75 hereby ratified on behalf of the population of unincorporated King County. Those items

76 numbered 12 and 14, shown as struck-through on Attachment B to Ordinance 16334, are

77 not ratified.

78 X. Phase II Amendments to the King County 2012 - Countywide Planning

79 Policies are amended as shown by Attachment A to Ordinance 16335.

80 Y. Phase II Amendments to the King County 2012 - Countywide Planning

81 Policies are amended as shown by Attachment A to Ordinance 16336.

82 Z. Phase II Amendments to the King County 2012 - Countywide Planning

83 Policies are amended, as shown by Attachments A and B to this ordinance.

84 SECTION 3. Ordinance 10450, Section 4, as amended, and K.C.C. 20.10.040 are

85 each hereby amended to read as follows:

86 A. Countywide Planning Policies adopted by Ordinance 10450 for the purposes

87 specified are hereby ratified on behalf of the population of unincorporated King County.

88 B. The amendments to the Countywide Planning Policies adopted by Ordinance
89 10840 are hereby ratified on behalf of the population of unincorporated King County.

90 C. The amendments to the Countywide Planning Policies adopted by Ordinance
91 11061 are hereby ratified on behalf of the population of unincorporated King County.

92 D. The Phase II amendments to the King County 2012 Countywide Planning
93 Policies adopted by Ordinance 11446 are hereby ratified on behalf of the population of
94 unincorporated King County.

95 E. The amendments to the King County 2012 - Countywide Planning Policies, as
96 shown by Attachment 1 to Ordinance 12027 are hereby ratified on behalf of the
97 population of unincorporated King County.

98 F. The amendments to the King County 2012 - Countywide Planning Policies, as
99 shown by Attachment 1 to Ordinance 12421, are hereby ratified on behalf of the
100 population of unincorporated King County.

101 G. The amendments to the King County 2012 - Countywide Planning Policies, as
102 shown by Attachments 1 and 2 to Ordinance 13260, are hereby ratified on behalf of the
103 population of unincorporated King County.

104 H. The amendments to the King County 2012 - Countywide Planning Policies, as
105 shown by Attachment 1 through 4 to Ordinance 13415, are hereby ratified on behalf of
106 the population of unincorporated King County.

107 I. The amendments to the King County 2012 - Countywide Planning Policies, as
108 shown by Attachments 1 through 3 to Ordinance 13858, are hereby ratified on behalf of
109 the population of unincorporated King County.

110 J. The amendments to the King County 2012 - Countywide Planning Policies, as
111 shown by Attachment 1 to Ordinance 14390, are hereby ratified on behalf of the
112 population of unincorporated King County.

113 K. The amendments to the King County 2012 - Countywide Planning Policies, as
114 shown by Attachment 1 to Ordinance 14391, are hereby ratified on behalf of the
115 population of unincorporated King County.

116 L. The amendments to the King County 2012 - Countywide Planning Policies, as
117 shown by Attachment 1 to Ordinance 14392, are hereby ratified on behalf of the
118 population of unincorporated King County.

119 M. The amendments to the King County 2012 - Countywide Planning Policies, as
120 shown by Attachment 1 to Ordinance 14652, are hereby ratified on behalf of the
121 population of unincorporated King County.

122 N. The amendments to the King County 2012 - Countywide Planning Policies, as
123 shown by Attachments 1 through 3 to Ordinance 14653, are hereby ratified on behalf of
124 the population of unincorporated King County.

125 O. The amendments to the King County 2012 - Countywide Planning Policies, as
126 shown by Attachment 1 to Ordinance 14654, are hereby ratified on behalf of the
127 population of unincorporated King County.

128 P. The amendments to the King County 2012 - Countywide Planning Policies, as
129 shown by Attachment 1 to Ordinance 14655, are hereby ratified on behalf of the
130 population of unincorporated King County.

131 Q. The amendments to the King County 2012 - Countywide Planning Policies, as
132 shown by Attachments 1 and 2 to Ordinance 14656, are hereby ratified on behalf of the
133 population of unincorporated King County.

134 R. The amendments to the King County 2012 - Countywide Planning Policies, as
135 shown by Attachment A to Ordinance 14844, are hereby ratified on behalf of the
136 population of unincorporated King County.

137 S. The amendments to the King County 2012 - Countywide Planning Policies, as
138 shown by Attachments A, B and C to Ordinance 15121, are hereby ratified on behalf of
139 the population of unincorporated King County.

140 T. The amendments to the King County 2012 - Countywide Planning Policies, as
141 shown by Attachment A to Ordinance 15122, are hereby ratified on behalf of the
142 population of unincorporated King County.

143 U. The amendments to the King County 2012 - Countywide Planning Policies, as
144 shown by Attachment A to Ordinance 15123, are hereby ratified on behalf of the
145 population of unincorporated King County.

146 V. The amendments to the King County 2012 - Countywide Planning Policies, as
147 shown by Attachments A and B to Ordinance 15426, are hereby ratified on behalf of the
148 population of unincorporated King County.

149 W. The amendments to the King County 2012 - Countywide Planning Policies,
150 as shown by Attachments A, B, and C to Ordinance 15709, are hereby ratified on behalf
151 of the population of unincorporated King County.

152 X. The amendments to the King County 2012 - Countywide Planning Policies, as
153 shown by Attachment A to Ordinance 16056 are hereby ratified on behalf of the
154 population of unincorporated King County.

155 Y. The amendments to the King County 2012 - Countywide Planning Policies, as
156 shown by Attachments A, B, C, D, E, F and G to Ordinance 16151, are hereby ratified on
157 behalf of the population of unincorporated King County.

158 Z. The amendments to the King County 2012 - Countywide Planning Policies, as
159 shown by Attachment A to Ordinance 16334, and those items numbered 1 through 11, 13
160 and 15, as shown in Attachment B to Ordinance 16334, are hereby ratified on behalf of
161 the population of unincorporated King County. Those items numbered 12 and 14, shown
162 as struck-through on Attachment B to Ordinance 16334, are not ratified.

163 AA. The amendments to the King County 2012 - Countywide Planning Polices,
164 as shown by Attachment A to Ordinance 16335 are hereby ratified on behalf of the
165 population of unincorporated King County.

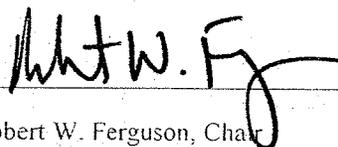
166 BB. The amendment to the King County 2012 - Countywide Planning Policies,
167 as shown by Attachment A of Ordinance 16336, is hereby ratified on behalf of the
168 population of unincorporated King County. Additionally, by Ordinance 16336, an
169 amendment to the Interim Potential Annexation Area Map to include any additional
170 unincorporated urban land created by the Urban Growth Area (UGA) amendment in the
171 Potential Annexation Area of the city of Black Diamond is hereby ratified on behalf of
172 the population of unincorporated King County.

173 CC. The amendments to the King County 2012 - Countywide Planning Policies,
 174 as shown by Attachments A and B to this ordinance are hereby ratified on behalf of the
 175 population of unincorporated King County.

Ordinance 16747 was introduced on 11/23/2009 and passed by the Metropolitan King County Council on 1/25/2010, by the following vote:

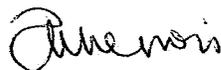
Yes: 8 - Ms. Drago, Mr. Phillips, Mr. von Reichbauer, Ms. Hague,
 Ms. Patterson, Ms. Lambert, Mr. Ferguson and Mr. Dunn
 No: 0
 Excused: 1 - Mr. Gossett

KING COUNTY COUNCIL
 KING COUNTY, WASHINGTON



Robert W. Ferguson, Chair

ATTEST:



Anne Noris, Clerk of the Council

RECEIVED
 2010 FEB - 5 PM 11:05
 CLERK
 KING COUNTY COUNCIL

APPROVED this 4th day of February, 2010



Dow Constantine, County Executive

Attachments: A. Motion 09-1, B. Motion 09-2

16747

2009-0641 Attachment B

10/28/09

Sponsored By: Executive Committee

/pr

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MOTION NO. 09-2

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A MOTION by the Growth Management Planning Council of King County recommending the amendment of the Countywide Planning Policies updating existing policies to provide for housing and employment targets for the period 2006-2031. This motion also amends Table LU-1 of the Countywide Planning Policies by replacing the existing Household and Employment Growth Targets for the 2001-2022 period with new Housing and Employment Growth Targets for the 2006-2031 period.

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WHEREAS, in accordance with the Growth Management Act (GMA), the 2002 Countywide Planning Policies established household and employment targets for each city and for King County through 2022; and

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WHEREAS, the 2002 targets need to be updated to reflect projected growth through 2031 in accordance with the GMA (RCW 36 70A 110); and

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WHEREAS, Countywide Planning Policy FW-3 states that the adopted household and employment targets shall be monitored by King County annually with adjustments made by the Growth Management Planning Council utilizing the process established in FW-1, Step 6; and

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WHEREAS since June, 2008 staff from King County and the cities in King County have worked cooperatively to analyze and recommend new 20-year housing and employment targets; and

WHEREAS the Growth Management Planning Council met and discussed the updates of the housing and employment growth targets for the period 2006-2031, with opportunity for public comment on April 15, 2009, July 15, 2009 and September 16, 2009.

33 BE IT RESOLVED THAT THE GROWTH MANAGEMENT PLANNING COUNCIL OF
 34 KING COUNTY HEREBY MOVES TO AMEND THE POLICIES, TEXT, AND TABLE
 35 LU-1 OF THE COUNTYWIDE PLANNING POLICIES AS FOLLOWS:

36 **C. Urban Areas**

37 *The following policies establish an Urban Growth Area (UGA), determine the amount of*
 38 *household housing and employment growth to be accommodated within the UGA in the*
 39 *form of targets for each jurisdiction, and identify methods to phase development within this*
 40 *area in order to bring certainty to long-term planning and development within the County.*
 41 *All cities are included in the UGA, with the cities in the Rural Area identified as islands of*
 42 *urban growth. The UGA is a permanent designation. Land outside the UGA is designated*
 43 *for permanent rural and resource uses. Countywide Policies on Rural and Resource Areas*
 44 *are found in Chapter IIIA, Resource Lands, and Chapter IIIB, Rural Areas.*

45
 46
 47 *In accordance with the State Growth Management Act (GMA) (RCW 36.70A.110), the State*
 48 *Office of Financial Management (OFM) provides a population projection to each county.*
 49 *The county, through a collaborative intergovernmental process established by the Growth*
 50 *Management Planning Council, allocates the population as growth targets to individual*
 51 *jurisdictions. Forecasts prepared by the Puget Sound Regional Council are used to*
 52 *establish the county employment projection.*

53
 54 *The process for allocating growth targets in King County is a collaborative exercise*
 55 *involving input from the county and cities. The allocations determined through this process*
 56 *are to be guided by existing relevant policies at the regional, countywide, and local levels*
 57 *and are to take into account best available data on factors influencing future growth in the*
 58 *region, as follows:*

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1. ~~The PSRC employment forecasts are calculated for the four geographic subareas of the UGA (Sea Shore, South, East, and Rural Cities). These then become subarea employment targets.~~
 2. ~~The jurisdictions collectively allocate the OFM population projection to the four subareas based on the projected employment for each area. A small amount of population growth is assumed to occur in the Rural area.~~
 3. ~~The technical staff translates the population projections into projected households, taking into account different average household sizes within each subarea. These projections then become subarea household targets.~~
 4. ~~Jurisdictions within each subarea negotiate the distribution of subarea household and employment targets using criteria based on Countywide Planning Policies.~~

72 *The housing and employment capacity in the UGA, based on adopted plans and regulations,*
 73 *should accommodate the projected 20-year growth. Growth is to be accommodated within*
 74 *permanent Urban Areas by increasing densities, as needed. Phasing should occur within*
 75 *the UGA, as necessary, to ensure that services are provided as growth occurs.*
 76

- 77 FW-11 The land use pattern for King County shall protect the natural environment by
78 reducing the consumption of land and concentrating development. An Urban
79 Growth Area, Rural Areas, and resource lands shall be designated and the
80 necessary implementing regulations adopted. This includes Countywide estab-
81 lishment of a boundary for the Urban Growth Area. Local jurisdictions shall
82 make land use decisions based on the Countywide Planning Policies.
83
- 84 FW-12 The Urban Growth Area shall provide enough land to accommodate future urban
85 development. Policies to phase the provision of urban services and to ensure
86 efficient use of the growth capacity within the Urban Growth Area shall be
87 instituted.
88
- 89 FW-12(a) All jurisdictions within King County share the responsibility to accommodate the
90 20-year population projection and job employment forecast. ~~The population~~
91 ~~projection shall be assigned to the four subareas of King County (Sea Shore, East,~~
92 ~~South and the Rural Cities) proportionate with the share of projected employment~~
93 ~~growth.~~ Anticipated growth shall be allocated pursuant to the following
94 objectives:
95 a. To plan for a pattern of growth that is guided by the Regional Growth
96 Strategy contained in Vision 2040, the growth management, transportation,
97 and economic development plan for the 4-county central Puget Sound region;
98 b. To ensure efficient use of land within the UGA by directing growth to Urban
99 Centers and Activity Centers;
100 c. To limit development in the Rural Areas;
101 d. To protect designated resource lands;
102 e. To ensure efficient use of infrastructure;
103 f. To improve the jobs/housing balance within the county on a subarea basis;
104 g. To promote a land use pattern that can be served by public transportation and
105 other alternatives to the single occupancy vehicle; and
106 h. To provide sufficient opportunities for growth within the jurisdictions.
107
- 108 FW-12(b) The growth targets established pursuant to the methodology described in LU-25c
109 and LU-25d shall be supported by both regional and local transportation
110 investments. The availability of an adequate transportation system is critically
111 important to accommodating growth. The regional responsibility shall be met by
112 planning for and delivering county, state, and federal investments that support the
113 growth targets and the land use pattern of the County. This includes investments
114 in transit, state highways in key regional transportation corridors, and in improved
115 access to the designated Urban Centers. The local responsibility shall be met by
116 local transportation system investments that support the achievement of the
117 targets.
- 118 FW-12(c) Ensuring sufficient water supply is essential to accommodate growth and
119 conserve fish habitat. Due to the substantial lead-time required to develop water
120 supply sources, infrastructure and management strategies, long-term water supply
121 planning efforts in the Region must be ongoing.
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1. *Urban Growth Area*

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The Growth Management Act requires King County to designate an Urban Growth Area in consultation with cities. The Countywide Planning Policies must establish an Urban Growth Area that contains enough urban land to accommodate at least 20 years of new population and employment growth. The Growth Management Act states: "based upon the population forecast made for the County by the Office of Financial Management, the Urban Growth Areas in the County shall include areas and densities sufficient to permit urban growth that is projected to occur in the County for the succeeding 20-year period. Each Urban Growth Area shall permit urban densities and shall include greenbelt and open space areas." An Urban Growth Area map is attached as Appendix 1, which guides the adoption of the 1994 Metropolitan King County Comprehensive Plan.

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LU-25a Each jurisdiction shall plan for and accommodate the household housing and employment targets established pursuant to LU-25c and LU-25d. This obligation includes:

- a. Ensuring adequate zoning capacity; and
- b. Planning for and delivering water, sewer, transportation and other infrastructure, in concert with federal and state investments and recognizing where applicable special purpose districts; and
- c. Accommodating increases in household housing and employment targets as annexations occur.

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The targets will be used to plan for and to accommodate growth within each jurisdiction. The targets do not obligate a jurisdiction to guarantee that a given number of housing units will be built or jobs added during the planning period.

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LU-25b Growth targets for each Potential Annexation Area shall be set as a proportional share of the overall Urban Unincorporated Area target commensurate with the PAA's share of total Unincorporated Urban Area housing and employment capacity determined in the most recent Buildable Lands Report. As annexations or incorporations occur, growth targets shall be adjusted. Household Housing and employment targets for each jurisdiction's potential annexation area, as adopted in Table LU-1, shall be transferred to the annexing jurisdiction or newly incorporated city as follows:

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- a. King County and the respective city will determine new housing household and employment targets for areas under consideration for annexation prior to the submittal of the annexation proposal to the King County Boundary Review Board;
- b. A city's household housing and employment targets shall be increased by a share of the target for the potential annexation area proportionate to the share of the potential annexation area's development capacity located within the area annexed. In the case of incorporation, an equivalent formula shall be used to establish household housing and employment targets for the new city.

- 168 Each city will determine how and where within their corporate boundaries to
 169 accommodate target increases;
- 170 c. The County's unincorporated Urban areas targets shall be correspondingly
 171 decreased to ensure that overall target levels in the county remain the same;
- 172 d. The household housing and employment targets in Table LU-1 will be
 173 updated periodically to reflect changes due to annexations or incorporations.
 174 These target updates do not require adoption by the Growth Management
 175 Planning Council.
 176

177 LU -25c The target objectives identified in FW-12a shall be realized through the following
 178 methodology for allocating housing household targets:
 179

- 180 a. Determine the additional population that must be accommodated countywide
 181 ~~by calculating the difference between the most recent Census count and the~~
 182 ~~State Office of Financial Management population projection for the end of~~
 183 during the twenty year planning period based on the range of population
 184 projections made by the State Office of Financial Management for the county
 185 and 4-county central Puget Sound region and guided by the Regional Growth
 186 Strategy contained in Vision 2040;
- 187 b. ~~Subtract a percentage from that number to represent the amount of growth~~
 188 ~~that is assumed to occur in the unincorporated Rural Area;~~
- 189 b. Assign proportions of the urban countywide population growth to each of six
 190 Regional Geographies as defined by Vision 2040 to include Metropolitan
 191 Cities, Core Cities, Larger Cities, Small Cities, Unincorporated Urban
 192 Growth Areas, and Rural and Natural Resource Lands ~~the four subareas (Sea-~~
 193 ~~Shore, South, East, and Rural Cities) based on the proportion of future~~
 194 ~~employment growth forecasted for each of those subareas by the Puget Sound~~
 195 ~~Regional Council;~~
- 196 c. Allocate population growth to each Regional Geography as guided by Vision
 197 2040 and also taking into account additional factors;
- 198 d. Assume that a small amount of population growth, approximately 3% to 4%
 199 of the countywide total, will occur in the Rural area;
- 200 e. Convert the estimated projected population for each subarea Urban Regional
 201 Geography to an estimated number of households housing units needed,
 202 using projected average household sizes, group quarters population, and
 203 vacancy rates that reflect the variation among those subareas observed in the
 204 most recent Census;
- 205 f. Allocate a household housing target to individual jurisdictions, within each
 206 subarea Regional Geography, based on FW-12a and considering the
 207 following factors:
 208 1. the availability of water and the capacity of the sewer system;
 209 2. the remaining portions of previously adopted household targets;
 210 3. the presence of urban centers and activity areas within each jurisdiction;
 211 4. the availability of zoned development capacity in each jurisdiction; and
 212 5. the apparent market trends for housing in the area.
- 213 f. Jurisdictions shall plan for housing household targets as adopted in Table LU-
 214 1; and

- g. Monitoring should follow the process described in policy FW-1.

A portion of the urban employment growth will occur in Activity Areas and neighborhoods in the Urban Area. This employment growth will support the Urban Centers, while balancing local employment opportunities in the Urban Area

LU - 25d The target objectives identified in FW-12a shall be realized through the following methodology for allocating employment targets:

- a. Determine the number of jobs that must be accommodated in each of the four subareas of King County (Sea Shore, South, East, and the Rural Cities) in accordance with the most recent PSRC job estimates and forecasts for during the 20-year planning period based on the most recent forecast of employment growth produced by the Puget Sound Regional Council for the four-county central Puget Sound region, and guided by the Regional Growth Strategy contained in Vision 2040. To account for uncertainty in the employment forecasts, establish a range of new jobs that must be accommodated in each subarea. Unless exceptional circumstances dictate, the range should be 5% on either side of the PSRC forecast.
- b. Assign proportions of the countywide employment growth to each of six Regional Geographies as defined by Vision 2040 to include Metropolitan Cities, Core Cities, Larger Cities, Small Cities, Unincorporated Urban Growth Areas, and Rural and Natural Resource Lands;
- c. Allocate employment growth to each Regional Geography as guided by Vision 2040 and also taking into account additional factors;
- d. Assume that a small amount of employment growth, less than 1% of the countywide total, will occur in the Rural area;
- e. Allocate an employment target to individual jurisdictions, within each Urban Regional Geography, based on FW-12a and considering the following factors:
- ~~b. For each subarea, determine the point within the range upon which jurisdictions within the subarea will base their targets and allocate employment growth targets to individual jurisdictions based on consideration of the following:~~
 1. the PSRC small area forecasts;
 2. the presence of urban centers, manufacturing/industrial centers, and activity areas within each jurisdiction;
 3. the availability of zoned commercial and industrial development capacity in each jurisdiction and;
 4. the access to transit, as well as to existing highways and arterials.
- c. Jurisdictions shall plan for employment targets as adopted in Table LU-1.

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Table EU-1: Housing and Employment Growth Targets (2006-2031)				
Regional Geography City / Subarea	Housing Target	PAA Housing Target	Employment Target	PAA Employment Target
	Net New Units	Net New Units	Net New Jobs	Net New Jobs
Metropolitan Cities				
Bellevue	17,000	290	53,000	
Seattle	86,000		146,700	
Subtotal	103,000		199,700	
Core Cities				
Auburn	9,620		19,350	
Bothell	3,000	810	4,800	200
Burien	3,900		4,600	
Federal Way	8,100	2,390	12,300	290
Kent	7,800	1,560	13,200	290
Kirkland	7,200	1,370	20,200	650
Redmond	10,200	640	23,000	
Renton	14,835	3,895	29,000	470
SeaTac	5,800		25,300	
Tukwila	4,800	50	15,500	2,050
Subtotal	75,255		167,250	
Larger Cities				
Des Moines	3,000		5,000	
Issaquah	5,750	290	20,000	
Kenmore	3,500		3,000	
Maple Valley**	1,800	1,060	2,000	
Mercer Island	2,000		1,000	
Sammamish	4,000	350	1,800	
Shoreline	5,000		5,000	
Woodinville	3,000		5,000	
Subtotal	28,050		42,800	
Small Cities				
Algona	190		210	
Beaux Arts	3		3	
Black Diamond	1,900		1,050	
Carnation	330		370	
Clyde Hill	10		-	
Covington	1,470		1,320	
Duvall	1,140		840	
Enumclaw	1,425		735	
Hunts Point	1		-	
Lake Forest Park	475		210	
Medina	19		-	
Milton	50	90	160	
Newcastle	1,200		735	
Normandy Park	120		65	
North Bend	665		1,050	
Pacific	285	135	370	
Skykomish	10		-	
Snoqualmie	1,615		1,050	
Yarrow Point	14		-	
Subtotal	10,922		8,168	
Urban Unincorporated				
Potential Annexation Areas	12,930		3,950	
North Highline	1,360		2,530	
Bear Creek UPD	910		3,580	
Unclaimed Urban Unincorporated	650		90	
Subtotal	15,850		10,150	
King County UGA Total	233,077		428,068	
* Targets base year is 2006. PAA / city targets have been adjusted to reflect annexations through 2008.				
** Target for Maple Valley PAA contingent on approval of city - county joint plan for Summit Place.				

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ADOPTED by the Growth Management Planning Council of King County on October 28, 2009 in open session, and signed by the chair of the GMPC.



Kurt Triplett, Chair, Growth Management Planning Council



King County

Metropolitan King County Council Physical Environment Committee

STAFF REPORT

Agenda Item:	8	Name:	Rick Bautista
Proposed No.:	2009-0641	Date:	January 12, 2010
Invited:	Paul Reitenbach, GMPC staff coordinator		

SUBJECT

An Ordinance adopting Growth Management Planning Council ("GMPC") recommendations relating to a policy framework for allocating regional services and facilities and to the updating of housing and employment targets.

BACKGROUND

Pursuant to CPP FW-1 step 9¹, the GMPC voted unanimously to recommend GMPC Motions 09-1 and 09-2, however it is noted that the City of Seattle representatives abstained from voting on Motion 09-2. These GMPC motions recommend the following actions:

- **GMPC Motion 09-1:** adopts a work plan and schedule to address the policy framework for allocation of regional services and facilities; and
- **GMPC Motion 09-2:** amends the Countywide Planning Policies ("CPP") to (1) update policies relating to housing and employment targets for the period 2006-2031 and (2) amend Table LU-1 by replacing the existing Household and Employment Growth Targets for the 2001-2022 period with new Housing and Employment Growth Targets for the 2006-2031 period.

Proposed Ordinance 2009-0641 would ratify the change on behalf of the population of unincorporated King County, as required by CPP FW-1, Step 9.

¹ **FW-1 (Step 9)** Amendments to the Countywide Planning Policies may be developed by the Growth Management Planning Council or its successor, or by the Metropolitan King County Council, as provided in this policy. Amendments to the Countywide Planning Policies, not including amendments to the Urban Growth Area pursuant to Step 7 and 8 b and c above, shall be subject to ratification by at least 30 percent of the city and County governments representing 70 percent of the population of King County. Adoption and ratification of this policy shall constitute an amendment to the May 27, 1992 interlocal agreement among King County, the City of Seattle, and the suburban cities and towns in King County for the Growth Management Planning Council of King County.

THE GROWTH MANAGEMENT PLANNING COUNCIL

The GMPC is a formal body comprised of elected officials from King County, Seattle, Bellevue, the Suburban Cities, and Special Districts. The GMPC was created in 1992 by interlocal agreement, in response to a provision in the Washington State Growth Management Act ("GMA") requiring cities and counties to work together to adopt CPPs.

Under GMA, Countywide Planning Policies ("CPPs") serve as the framework for each individual jurisdiction's comprehensive plan, and ensure countywide consistency with respect to land use planning efforts. As provided for in the interlocal agreement, the GMPC developed and recommended the CPPs, which were adopted by the County Council and ratified by the cities. Subsequent amendments to the CPPs follow the same process: recommendation by the GMPC, adoption by the County Council, and ratification by the cities.

Amendments to the CPPs become effective when ratified by ordinance or resolution by at least 30% of the city and County governments representing at least 70% of the population of King County. A city shall be deemed to have ratified an amendment to the CPPs unless, within 90 days of adoption by King County, the city by legislative action disapproves it.

SUMMARY OF GMPC MOTIONS

GMPC MOTION 09-1 (Phase 1 of the Major Update to the CPPs)

The CPPs were first adopted in 1992 and have not been significantly amended. Directed to do so by the GMPC, staff began in 2009 to develop recommendations for a major update of the CPPs in 2010. The initial goals of the update were to:

- ensure consistency with the GMA;
- ensure consistency with the Multi-County Planning Policies contained within the Puget Sound Regional Council's ("PSRC") *Vision 2040* document; and
- reflect current terminology and relevant references.

However, during the discussions about the adoption of the new growth targets (see discussion of Motion 9-2 in this staff report), a number of cities stated concerns that the existing CPPs related to public services and facilities did not provide adequate linkage between future growth targets and the provision of such services and facilities to serve that future growth.

To address these concerns, Motion 9-1 adopts the work plan for Phase 1 of this major update to the CPPs. Phase 1 focuses on establishing one or more CCP Framework Policy that will advance the CPPs regional growth strategy through a prioritized allocation of regional services and facilities, while continuing to serve all communities in King County. The key tasks in Phase 1 of the work program will be to:

- Define what constitutes the "regional services";
- Identify the existing CPP basis for delivering regional services;
- Draft new policy options that address regional service delivery for GMPC consideration by the end of the first quarter of 2010.

Note: GMPC staff will continue work on the broader update the CPPs once Phase 1 is completed.

GMPC MOTION 09-2 (HOUSING AND EMPLOYMENT TARGETS – 2006 TO 2031)

The CPPs establish household and job growth targets for cities, Potential Annexation Areas ("PAAs"), and unclaimed urban unincorporated areas.

Growth Target Update Required By State Growth Management Act

The state GMA requires that local growth targets be updated at least every ten years. The GMPC last updated growth targets in 2002 for a planning period extending to the year 2022.

The GMPC growth targets are statements of planning policy indicating the minimum number of housing units and jobs that each jurisdiction will accommodate during their respective 20-year planning periods. However, since many factors influencing growth and development are beyond local government control, the targets do not represent a commitment that a given level of population or employment increase will actually occur in each locality.

Every five years, the state Office of Financial Management ("OFM") issues population projections for each county in the state as a basis for determining growth targets under the GMA. In addition, employment forecasts are produced by PSRC. Based on these projections, counties and cities collaborate in determining local allocations of that growth.

According to the 2007 OFM and 2006 PSRC projections, King County remains an attractive region which, over the long term, is expected to see robust amounts of both residential and employment growth. The OFM projections show that King County is expected to grow by about 450,000 people between 2006 and 2031 to a total population of 2.3 million. The PSRC employment forecasts show growth in the County, over this same 25-year period, of about 490,000 jobs to a total of about 1.7 million jobs in 2031.

New Policy Guidance from Vision 2040

The GMPC adopted growth targets incorporate new policy guidance from the PSRC's recently adopted *VISION 2040*, a growth management, transportation, and economic development strategy for the 4-county region. With *VISION 2040*, the PSRC amended its Multicounty Planning Policies ("MPPs") to address coordinated action

around the distribution of growth and established a Regional Growth Strategy (“Strategy”) that provides substantive guidance for planning for new growth expected in the region between 2000 and 2040. The strategy retains much of the discretion that counties and cities have in setting local targets, while calling for broad shifts in where growth locates within the region.

It establishes six clusters of jurisdictions called “regional geographies” – four types of cities defined by size and status in the region and two unincorporated types, urban and rural. In comparison to current targets and plans, the Strategy calls for:

- Increasing the amount of growth targeted to cities that contain regionally designated urban centers (to include both Metropolitan Cities and Core Cities)
- Increasing the amount of growth targeted to other Larger Cities
- Decreasing the amount of growth targeted to Urban unincorporated areas, Rural designated unincorporated areas, and to many Small Cities
- Achieving a greater jobs-housing balance within the region by shifting projected population growth into King County and shifting forecasted employment growth out of King County

Proposed Changes

This GMPC Motion 09-2 recommends two amendments to the CPPs.

1. CPP Text Changes:

The first amendment revises CPP text to align with the following methodology and assumptions used in updating the growth targets:

- **Establish target time frame.** The year 2031 was established as the target horizon year, giving cities a full 20-year planning period from the GMA update deadline of 2011. The year 2006 was used as a base year because of the availability of complete data, including Buildable Lands estimates.
- **Establish county total for population growth.** Assuming that the entire 4-county region develops plans reflecting the mid-range OFM projection, King County gets 42% of the regional population growth through 2031, consistent with *VISION 2040*. The result: growth of 567,000 people between 2000 and 2031 to a total population of 2,304,000. This number represents a small shift of population to King County compared with state projections.
- **Establish county total for job growth.** Using the PSRC forecast of employment for the region, King County gets 58% of the regional employment growth through 2031, consistent with *VISION 2040*. The result: growth of 441,000 jobs between 2000 and 2031 to a total of 1,637,000 jobs. This number represents a shift of about 50,000 jobs out of King County to the other three counties in the region compared with current forecasts.

- **Allocate population to Regional Geographies.** The use of Regional Geographies is based closely on *VISION 2040*. In addition, the allocation accounts for other factors such as recent growth trends and anticipated annexation of major PAAs.
- **Convert population to housing units.** The current CPPs set targets by the number of “households”, which unfortunately cannot be effectively regulated or monitored. Jurisdictions now use “housing units”, which can be readily regulated and monitored. Also, *VISION 2040* calls for housing unit targets for each regional geography and jurisdiction. Total stock of housing units needed in 2031 was calculated based on the following assumptions:
 - Assumed group quarter (institutions) rates, 2.5% of the year 2031 population;
 - Assumed future average household size of 2.26 persons, a decline of 0.14 pph from the 2000 Census;
 - Assumed vacancy rates to convert households into housing units, a countywide average of 4.3%.
- **Calculate housing growth need within Regional Geographies.** As a final step, the base year (2006) housing stock was subtracted from the total 2031 units to determine the net additional new housing units needed by 2031 in each Regional Geography.
- **Allocate employment growth to Regional Geographies** The use of Regional Geographies is based closely on *VISION 2040*. In addition, the allocation accounts for employment changes since 2000.
- **Allocate housing units and jobs to individual jurisdictions.** Within each Regional Geography, the overall targeted level of housing and employment growth was sub-allocated to individual jurisdictions, based on a range of factors that included:
 - Fair share distribution of the responsibility to accommodate future growth
 - Existing CPPs, including 2022 growth targets
 - Development trends and land use capacity of current plans
 - Current population, jobs, and land area
 - Local policies, plans, zoning and other regulations
 - Local factors, such as large planned developments, and opportunities and constraints for future residential and commercial development
 - Location within the county
 - Recent annexations to the cities of Renton, Auburn, and Issaquah
- **Sub-allocate the Urban Unincorporated Area targets to smaller areas.** The housing and employment targets for the unincorporated UGA were further allocated to individual PAAs claimed by an individual city as well as to unclaimed or disputed unincorporated urban designated areas currently under County jurisdiction. PAA targets were based on the proportion share of

unincorporated Buildable Lands capacity located in each PAA. As annexations occur, a share of the unincorporated PAA targets will be shifted to cities.

Note: In 2010, more comprehensive policy review will occur as part of the overall update of the entire CPPs document, and that may result in additional policy amendments to the CPP section that describes the growth targets process.

2. New Growth Table:

Currently, Table LU-1, contains the household and employment growth targets for the 2001-2022 period and by this GMPC motion would be replaced with a new Table LU-1, which contains housing and employment targets for each city and unincorporated urban area covering the 2006-2031 period.

In the new Table LU-1, the ranges of potential future housing units and jobs for each jurisdiction have been narrowed further to single number targets. The target numbers shown reflect 25 years of growth. Over time, with the addition of new jobs and housing units, the target obligation of each jurisdiction is reduced, commensurate with the findings of monitoring efforts under the King County Buildable Lands and Benchmarks programs.

The new Table LU-1 also now shows targets for each PAA. As annexations occur, PAA growth targets will be shifted from the County to annexing cities, following a methodology that is described in the CPPs. The version of Table LU-1 contained in Motion 09-2 has been adjusted to reflect current city boundaries, including several annexations that occurred after 2006.

AMENDMENTS

None

ATTACHMENTS

1. Proposed Ordinance 2009-0641, with attachments A and B
2. Transmittal Letter, dated November 19, 2009
3. Staff Reports to GMPC Motions 09-1 and 09-2

RESOLUTION R-4815

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND RATIFYING AMENDMENTS TO THE KING COUNTY COUNTYWIDE PLANNING POLICIES.

WHEREAS, the King County Council adopted the original King County Countywide Planning Policies in July 1992; and

WHEREAS, the Growth Management Planning Council (GMPC) was established by interlocal agreement in 1991 to provide collaborative policy development of King County Countywide Planning Policies; and

WHEREAS, the 1991 interlocal agreement requires ratification of the King County Countywide Planning Policies and amendments to the Countywide Planning Policies by 30% of the jurisdictions representing at least 70% of the population of King County, within 90 days of adoption by the King County Council; and

WHEREAS, the King County Growth Management Planning Council passed motions 09-1 and 09-2 on October 28, 2009, which recommended amendments to the King County Countywide Planning Policies; and

WHEREAS, on January 25, 2010, the Metropolitan King County Council adopted Ordinance 16747 approving amendments to the King County Countywide Planning Policies recommended by the GMPC.

NOW, THEREFORE, be it resolved by the City Council of the City of Kirkland as follows:

Section 1. The Kirkland City Council hereby ratifies King County Ordinance 16747 amending the King County Countywide Planning Policies.

Passed by majority vote of the Kirkland City Council in open meeting this ____ day of _____, 2010.

Signed in authentication thereof this ____ day of _____, 2010.

MAYOR

Attest:

City Clerk



CITY OF KIRKLAND
Department of Parks & Community Services
505 Market Street, Suite A, Kirkland, WA 98033 425.587.3300
www.ci.kirkland.wa.us

MEMORANDUM

To: Marilynne Beard, Interim City Manager

From: Jennifer Schroder, Director of Parks and Community Services
Carrie Hite, Deputy Director of Parks and Community Services

Date: May 4, 2010

Subject: Kirkland Teen Union Building (KTUB) Operations

RECOMMENDATION:

The City Council directs the City Manager to negotiate an agreement with the Bellevue YMCA for operation of the Kirkland Teen Union Building.

BACKGROUND:

The Parks and Community Center Youth Services section and the Youth Council adopted a work plan item in 1995 to develop a teen center for Kirkland. After extensive work with the Park Board, City Council, and public, the decision was made to build the teen center in Peter Kirk Park. Additionally, staff researched options for the operations of the teen center, and it was decided to publish a request for proposals to determine the interest and feasibility for third party operations. In June of 2001, the City of Kirkland opened the Kirkland Teen Union Building, and signed a ten year Use and Occupancy Agreement with Friends of Youth. At full term, this lease would expire on May 31, 2011. However, the termination clause allows either party to initiate an early termination of the lease. Friends of Youth opted to terminate early and have given the required notice.

Friends of Youth has been an excellent partner, continuing to satisfy the scope of work and often providing additional services to Kirkland youth. Their decision to terminate the agreement was based on redefining their mission and concentrating on their core services. Friends of Youth intends to operate the KTUB until July 1, 2010. After this date, they would like to continue providing youth outreach services at the KTUB. These services provide case management for some of the most vulnerable, at-risk for homeless youth in Kirkland.

The current scope of service includes:

- Staffing the Teen Center a minimum of 36 hours a week, 5 days a week
- Maintaining an Advisory Board of youth and adults
- Developing, promoting, and implementing a diverse array of programs that anticipate and meet the needs and interests of Kirkland teens.
- Developing and implementing a comprehensive evaluation plan to assess the effectiveness of programs and operations.

Current City Resources for KTUB

Currently, the City allocates a total of \$220,120 to the operations of KTUB. The funds are divided among operations, facility, and services. The City funds Friends of Youth for the operations of the KTUB for \$160,000. In addition, the City spends \$32,689 for facility maintenance and for the facility sinking fund charges. The City also funds \$27,431 to Youth Eastside Services to provide half time counseling services on-site at the KTUB through human services contract funding.

Options for Operation

In February staff presented options for operating the KTUB to the City Council. At that Council meeting, staff explained the operational model for the city to operate the KTUB (see attached PowerPoint from the previous Council presentation.) Based on staff's presentation, the City Council recommended researching three options further; 1. Request for Qualifications (RFQ) to seek a third-party operator, 2. Explore Friends of Youth ability to complete the contract term, and 3. City operation of KTUB.

Staff had discussions with Friends of Youth to explore their willingness and ability to continue the current contract. Friends of Youth communicated that they could not continue to operate the KTUB without a significant increase in City funding.

Per Council's direction, staff issued an RFQ to further explore possible partners to operate the KTUB. There were two respondents: Kirkland Boys and Girls Club and the Bellevue YMCA. Upon review of the proposals, staff invited both parties for interviews. There were two panels evaluating the merits of each during an interview process; a youth panel, comprised of 8 members of the Youth Council, and KTUB youth, and an adult panel, comprised of staff and community stakeholders. After completing the interviews, it was unanimous to proceed with the Bellevue YMCA for evaluation against the City operating option. The Bellevue YMCA focused on a youth empowerment model, had the commitment and passion to operate the KTUB as it is currently operated, and wanted the opportunity to learn from this successful model. They focused on keeping the same core program components and adding regional resources to enhance the operations of the KTUB.

Attachment A outlines the merits and challenges of the Bellevue YMCA and the City operating option. Both of these options were discussed with the Youth Council/KTUB youth, and with the Park Board. Both citizen boards felt that the Bellevue YMCA could operate the KTUB with more resources and flexibility and could satisfy, if not exceed, the current scope of work within existing funding.

The Youth Council and Park Board unanimously recommend that the City contract the KTUB operations to the Bellevue YMCA. The contract would be negotiated as a 10 year agreement, similar in terms and scope as the existing contract with Friends of Youth, and mirror the existing relationship the City has with Friends of Youth.

Kirkland Teen Union Building Operations

Options	Comments	Merits	Challenges	Budget
1. Third Party Operates KTUB	The City received two applications for operations. These were from the Kirkland Boys and Girls Club and the Bellevue YMCA. Both the evaluation of the RFP, and the interviews with youth and adult panel, Bellevue YMCA was selected unanimously to go forward in the process of evaluation.	Recognize KTUB as a regional model, and want to operate it with a youth empowerment focus. Recognize scope of work, local identity, Youth Council connection, and want to enhance these. Will keep local focus, while having resources to enhance program. Will not incorporate a membership model. Want to collaborate with the city in operations. Will look at current staff to help with smooth transition. Can operate the KTUB independent of national modeling. Longevity with staff, promotional opportunities. Experience and interest to further partnership models to "strengthen the foundation of the community". Would like to program more at KTUB during daytime hours, enhance revenue model for operations during peak teen time. Fund Development strength to balance the funding gap. Do not want to change the name, or recreate the identity to be a YMCA club. They would publicize the YMCA as the operator similarly as FOY does today. They would continue to work with YES to provide counseling, and FOY to provide youth outreach.	Could be a great fit, if what they said can be captured contractually. There may be some issues from youth of the perception of the YMCA, and will it be the same KTUB. This could be addressed in the communications and marketing plan.	Fixes cost at current level: \$220,120. This includes \$160,000 for operations, \$32,689 for facility operations and maintenance and facility sinking fund charges, and \$27,431 to Youth Eastside Services for counseling.
2. Discuss possibility with Friends of Youth to operate to full term, giving economy time to recover, consider possibilities with 2011-12 biennial budget.	Friends of Youth does not have an interest in operating KTUB long term. They will, however, continue to operate the KTUB beyond July 1, 2010, to help with a seamless transition to a new operator.	N/A	N/A	N/A
3. City operates KTUB.	City option falls short of \$27,000, which could impact the counseling program, or cut service level from other areas. We would need to raise revenues, or look at the general fund to support this.	More quality control, youth voice, empowerment model. Connection to KYC, possibly having them take more of a leadership role. Less time overseeing and forming partnership model. Lower staff turnover rate (there have been three directors in 9 years of operation). Infrastructure, facilities, higher level of service, nicer facility, better community relations. Gives the City the opportunity to maximize the use of the facility, programming more services during the daytime hours when teens are in school. With Annexation, and space being scarce, this would add space to the city's inventory to increase services. Current recreation staff could program in KTUB for the morning, early afternoon hours.	Limited on what we can do as a government operating the program; maybe not as many controversial issues? More expensive. Increased costs each year (i.e. salary, benefits, IT, etc). In order to continue to offer same level of service, we would need to raise funding/revenues by \$27,000.	Cost of operations is higher than current allocation. Increased staff costs each year.

Kirkland City Council Meeting February, 2010



Kirkland Teen Union Building 2010
Operational Options

Kirkland Teen Union Building

- ◆ Youth inspired, 1995-2000
- ◆ Opened in June 2001
- ◆ 5,000 square feet, custom designed to meet the needs of Kirkland youth.
- ◆ Strive for opportunities for economies by appropriately linking the building to the Peter Kirk Community Center.

Kirkland Teen Union Building

Entered into a 10 year operating lease with Friends of Youth. Scope of work included:

- ◆ Staff Teen Center
a minimum
36 hrs/wk.



Scope of Work



Maintain an advisory board of youth and adults

Scope of Work

Develop, promote, and implement a diverse array of programs that anticipate and meet the needs and interests of Kirkland teens.



Scope of Work



Develop and implement a comprehensive evaluation plan to assess the effectiveness of programs and operations.

So, who goes to the KTUB?

Statistics for time period: 7/08-7/09

- ◆ Number of total served: 10,181
- ◆ Number of visits/service: 26,955
- ◆ Age Range: 13-19
- ◆ Average age: 17
- ◆ Average grade: 10th
- ◆ Percentage not in school: 17%
- ◆ Percentage with an IEP: 25%

City Current Financial Support

Operations: \$160,000

Facilities: \$ 32,689

Services: \$ 27,431

Total: \$220,120

Operational Options

1. Close KTUB.
2. RFP to a third party.
3. City assist with Operations for 1-3 years, help KTUB establish a 501c3.
4. Discuss further operations with FOY.
5. City operate KTUB



1. Close KTUB

Pros

- ◆ Budget savings
- ◆ Facility available for other use.

Cons

- ◆ Limited youth opportunities
- ◆ Possible increase in loitering, crime, youth mischief.

Budget Impact

Budget savings to the city of \$220,120 less the cost of facility mothball/maintenance



2. RFP to third party

Pros

- ◆ Already established organizations.
- ◆ Nationally, recognized models, infrastructure solid.

Cons

- ◆ Mission based programming
- ◆ Loss of local identity?
- ◆ Is financial support enough?

Budget Impact

Fixes cost at current level.

If financial support isn't enough, need to anticipate increase.



3. Assist KTUB to 501c3

Pros

- ◆ Keeps local identity
- ◆ Community owns it
- ◆ Back up plan

Cons

- ◆ Takes time to establish.
- ◆ Some risk inherent in model.

Budget Impact

Similar costs to city operational model for 1-2 years, with the goal of reducing costs to a fixed amount after 1-3 years.



4. Negotiate with FOY

Pros

- ◆ Builds in time to weather recession, increase options
- ◆ Provides continuity of services

Cons

- ◆ Delay the inevitable?
- ◆ Increased cost?

Budget Impact

Cost to the city would be \$60,000 additional per year, prorated based on amount of months of service.(i.e. \$30,000 through Dec.31, 2010).

5. City Operates

Pros

- ◆ Ease of transition, continuity of service
- ◆ Lower staff turnover
- ◆ Kirkland identity
- ◆ Potential revenue increases
- ◆ Maximize use of facility, increase capacity for annexation
- ◆ Connect KYC/KTUB

Cons

- ◆ Limited role as government?
- ◆ Increased cost each year.
- ◆ Loss of clinical counseling services on site
- ◆ More expensive model

5. City Operates: Budget Impacts

Balanced budget
assumes:

- ◆ Use of current funds budgeted.
- ◆ Current program staffing allocated at 4.5 FTE, City model allocates 3.5, and redirects some current city staff time to KTUB, increases efficiencies.



5. City Operates: Budget Impacts

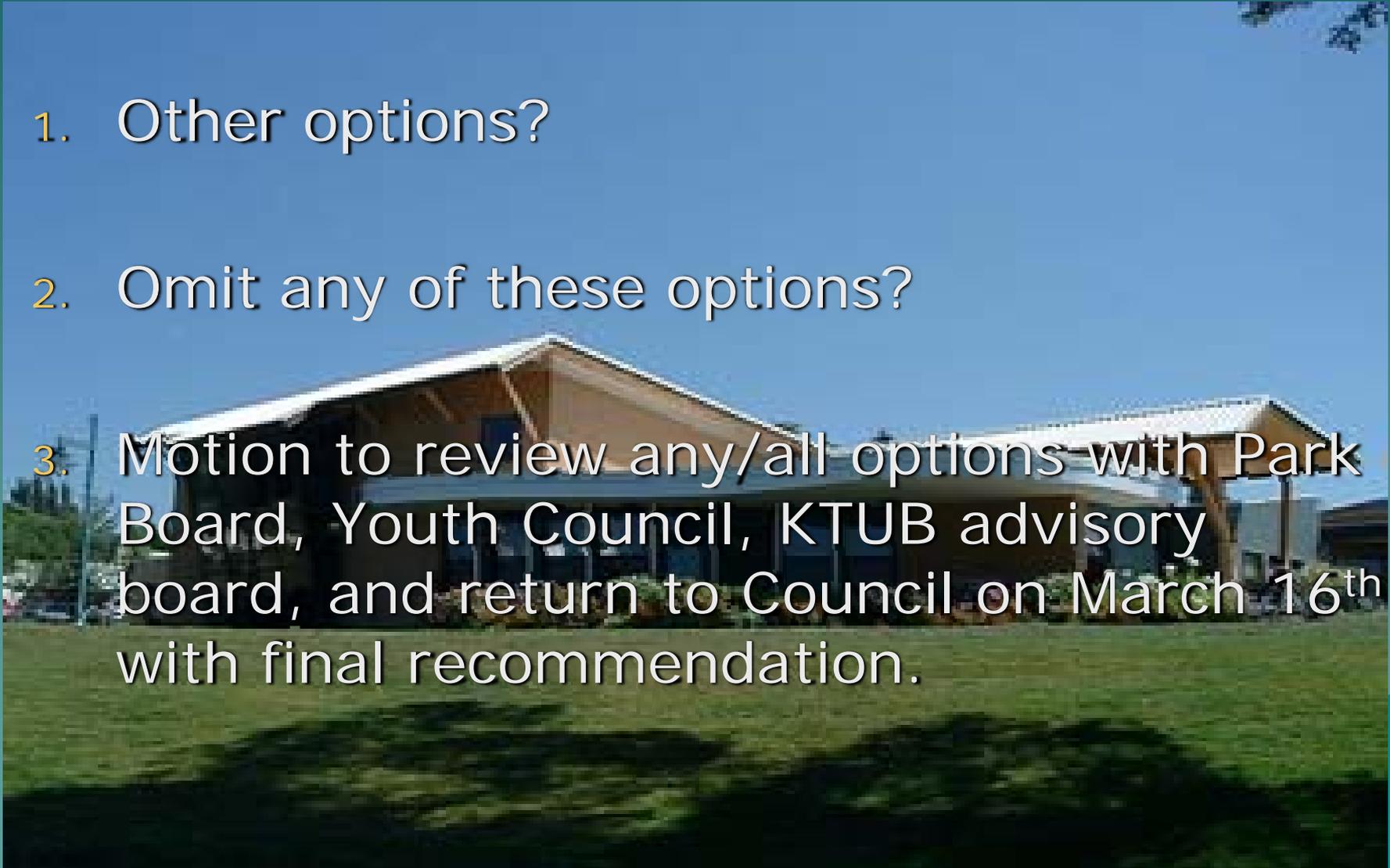
- ◆ Reallocates Human services funds for clinical counseling to KTUB youth development program.
- ◆ Increased current revenue by \$5000 during the first year.



5. City Operates: Budget Impacts

- ◆ Reallocated some overhead charges.
- ◆ Use of facility during the day for programs/facility rentals.
- ◆ Potential for increased revenue each year as we apply city policy and business practices to facility.

City Council Direction

1. Other options?
 2. Omit any of these options?
 3. Motion to review any/all options with Park Board, Youth Council, KTUB advisory board, and return to Council on March 16th with final recommendation.
- 

**CITY OF KIRKLAND**

Department of Public Works

123 Fifth Avenue, Kirkland, WA 98033 425.587.3800

www.ci.kirkland.wa.us**MEMORANDUM**

To: Marilynne Beard, Interim City Manager

From: Ray Steiger, P.E., Interim Public Works Director
David Snider, P.E., Interim Capital Projects Manager

Date: April 22, 2010

Subject: ANNUAL SIDEWALK MAINTENANCE PROGRAM

RECOMMENDATION:

It is recommended that City Council review the following summary of the City's Annual Sidewalk Maintenance Program.

BACKGROUND DISCUSSION:

The Public Works Department maintains of over 200 miles of sidewalk within the City (Attachment A) using two available funding sources – the Street Operating Fund and the Capital Improvement Program (CIP). The Street Operating Fund has been the longstanding means by which most repairs are performed; however, in 2006, Council established the *Annual Sidewalk Maintenance Program* in the CIP to fund larger-scale sidewalk replacement projects.

A number of factors cause sidewalk damage. The primary cause is from tree roots pushing up on concrete sidewalk panels which cause "offsets" between adjacent panels. Other causes are heavy vehicles, improper installations, and the heaving or consolidation of soils beneath sidewalks due to groundwater or leaking yard drain lines which lead to differential settlement; however, tree roots are the highest contributor to sidewalk damage throughout the City.



Depending on the nature and severity of the damage, different repair methods are employed. Because the City's policy is to protect trees, major emphasis is placed on maintaining sidewalks in ways that, to the largest extent possible, do no harm to the trees. This often includes root pruning under the direction of a certified arborist to preserve the tree root structure, protect the tree itself, and prolong the life expectancy of the replaced walking surface; tree removal is a last resort.

Maintenance strategies that are routinely employed include: mechanical grinding of offsets that are between 1/2 and 1-inch, the use of asphalt (Easy Street® or other similar patching products) to "wedge" offsets greater than 1-inch, or removing concrete panels and replacing them with either asphalt or more concrete, as appropriate, to reestablish the walking surface.



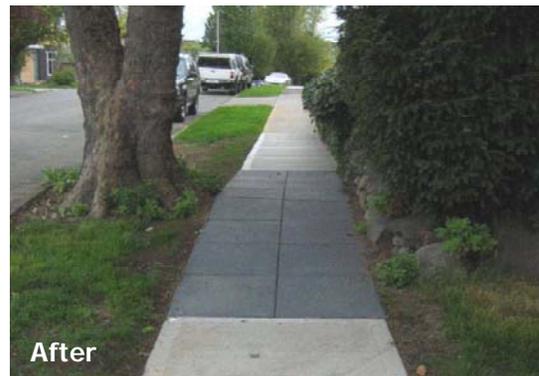
Grinding



Asphalt Wedge



Before (Tree Root Damage)



After

In 2006, the City added another tool for sidewalk maintenance with the use of rubber sidewalk panels. This work was performed in the Lakeview Neighborhood, and four years later the results continue to be favorable.

Prior to 2006, larger scale sidewalk maintenance was included as a part of the Annual Street Preservation Program Project. Approximately \$200,000 of Street Preservation money was being spent annually on repairing damaged sidewalks immediately adjacent to the pavement repair. This reduced the amount of

street pavement preservation that the City was able to accomplish. As a result, based on staff's recommendation, Council determined that such repairs were more appropriately funded as a separate annual maintenance project in the CIP and established the Annual Sidewalk Repair Program.

Rubber Sidewalk
Lakeview Neighborhood

Street Operating Fund

In 2004, a walking survey was performed on all sidewalks within the City. This was the third such inventory performed; two prior surveys were completed in 1991 and 1995. The 2004 survey however, was the first one that had the advantage of the City's GIS capabilities. That survey inventoried, documented, and mapped all cracks and offsets by using symbols, marks, and notations on aerial

photos (Attachment B). Using the results of the survey, the City’s Street Division crews have systematically repaired all of the identified offsets and patched all major cracks spending approximately 1,200 hours between 2004 and 2009. In total, street crews repaired approximately 700 lineal feet of offsets at a cost of approximately \$100,000 in labor, equipment, and materials. Since the beginning of this year, the crews have logged more than 90 hours with the grinding machine responding to the reports of new offsets.

As part of the Street Division’s annual work plan, City crews also walk the Central Business District twice a year – once in the spring and again in the fall prior to the holiday season to make sure the downtown area is as free of potential trip hazards as possible.

Capital Improvement Program

Between 2006 and 2008, the Annual Sidewalk Maintenance Program allowed for the removal and replacement of approximately 1,300 square yards of sidewalk and driveway apron that were in disrepair (Figure 1). For 2009 and 2010, a portion of the Annual Program is being used to replace damaged sections of sidewalk along the high pedestrian activity area of Park Lane using more than 300 square yards of the new product called Terrewalk®. This is the second generation of rubber sidewalk and is made of recycled rubber and plastic. It is promoted as being more durable, attractive, and economical than the first generation rubber sidewalks.

In addition to addressing immediate defects, repairs to Park Lane fit into the long term vision for the street which is to reconstruct the entire corridor between Lake Street and the new Transit Center at 3rd Street. This vision was established by a two-year process that started in 2008 and concluded with Council’s adoption of the “festival street” concept in February, 2010. The repairs being made at this time address the immediate need to minimize trip hazards in an area of heavy foot traffic as staff continues the process to reach the best long-term funding solution for dealing with the existing mature trees that now line Park Lane. As funding becomes available for the long-term solution, the Terrewalk® panels can be removed and re-used elsewhere in the City.

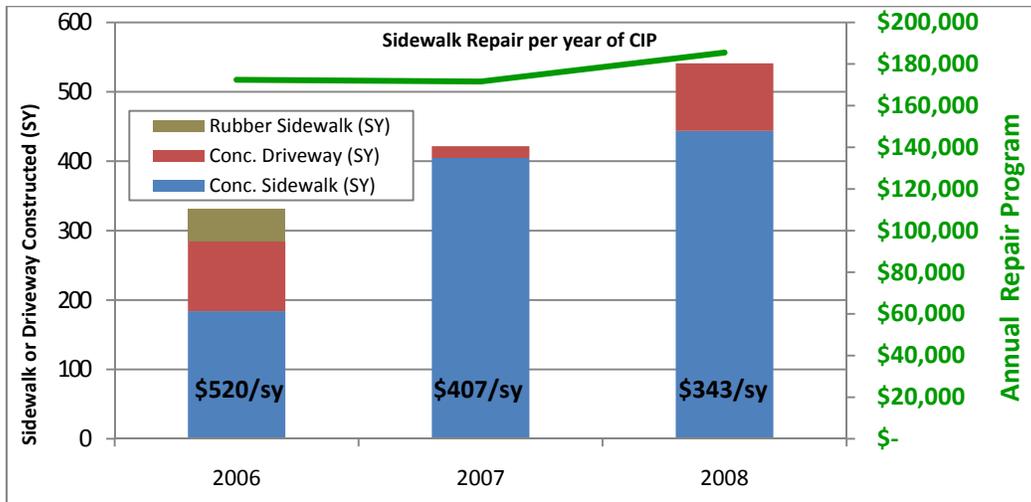


Figure 1

Park Lane maintenance activities command a significant portion of existing maintenance funding over the next two years, however the repairs are consistent with the prioritization process used throughout the City; this location is currently highest on the City's list of areas to address.

Prioritization

Because of the extensive sidewalk network that the City is responsible for, limited funding, and the continued degradation of this infrastructure, a systematic approach to prioritizing repairs is imperative. During the development of the City's Active Transportation Plan (ATP) in 2009, an analysis and characterization was made of likely pedestrian traffic generators. Schools, transit routes, parks and commercial areas were deemed to be those facilities most likely to experience high pedestrian use. As indicated in Table 10 from the ATP, various destinations have various relative weighting (priority). The Table distinguishes how walking facilities are prioritized in relation to their proximity to destinations; facilities near schools for example, receive a higher relative priority if 1/8 mile or closer (1.25) than those between 1/4 mile and 1/8 mile (1.00).

Table 10 Relative weighting between and within destination types

<i>Destination</i>	<i>Relative weighting within destination by type</i>				<i>Total % weighting for destination</i>
<i>Schools</i>	One school		Shared campus		30%
	1/8 mile or closer	between 1/4 and 1/8 mile	1/8 mile or closer	between 1/4 and 1/8 mile	
	1.25	1.00	1.30	1.10	
<i>Transit</i>	Peak hour		All-day		20%
	1/8 mile or closer	Between 1/4 and 1/8 mile	1/8 mile or closer	Between 1/4 and 1/8 mile	
	0.95	0.75	1.25	1.00	
<i>Parks and Commercial areas (counted separately)</i>	1/8 mile or closer	Between 1/4 and 1/8 mile	Not used, only one type		Parks 30%
	1.25	1.00			Commercial areas 20%

(Source: 2009 Active Transportation Plan)

As all locations throughout the City are mapped, based on their ATP rating, it becomes evident where the greatest number of pedestrians will be and will anticipate good walking facilities (Attachment C).

Utilizing the destination rating process in combination with known defects allows staff to prioritize maintenance activities. A combination of the defect survey(s) and pedestrian destinations from the

ATP provides an excellent visual representation of where and why programs may focus maintenance efforts in certain areas of town over others (Attachment E).

Summary

The City utilizes an active and ongoing sidewalk maintenance program on two fronts – through the annual Street Operating Fund and the CIP. The number of sidewalks throughout the City combined with the significant number of trees in our urban forest (Kirkland has qualified as a Tree City USA for eight years running) requires the City's Public Works Department to continually prioritize maintenance efforts.

The greatest emphasis on routine maintenance continues to be in the Central Business District due to its concentration of pedestrian foot traffic. Maintenance will also continue to be done concurrent with street preservation projects in order to minimize neighborhood disruption. However, considerable efforts are expended throughout the City responding to individual citizen calls and/or field observations as resources are available. This responsiveness and flexibility are often acknowledged through letters and feedback from residents which are especially nice to receive confirming that Staff and the City's programs are able to make a positive difference in someone's daily routine.

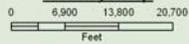
Likely there will continue to be areas to repair throughout the City, sidewalks continue to age and the tree canopy continues to be increased, but this approach to prioritization along with modifications to tree planting standards reduces the City's overall exposure to claims while at the same time strives to provide defect free facilities for the greatest number of pedestrians.

Attachments: (6)

City of Kirkland - Sidewalk Network



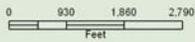
Vicinity Map



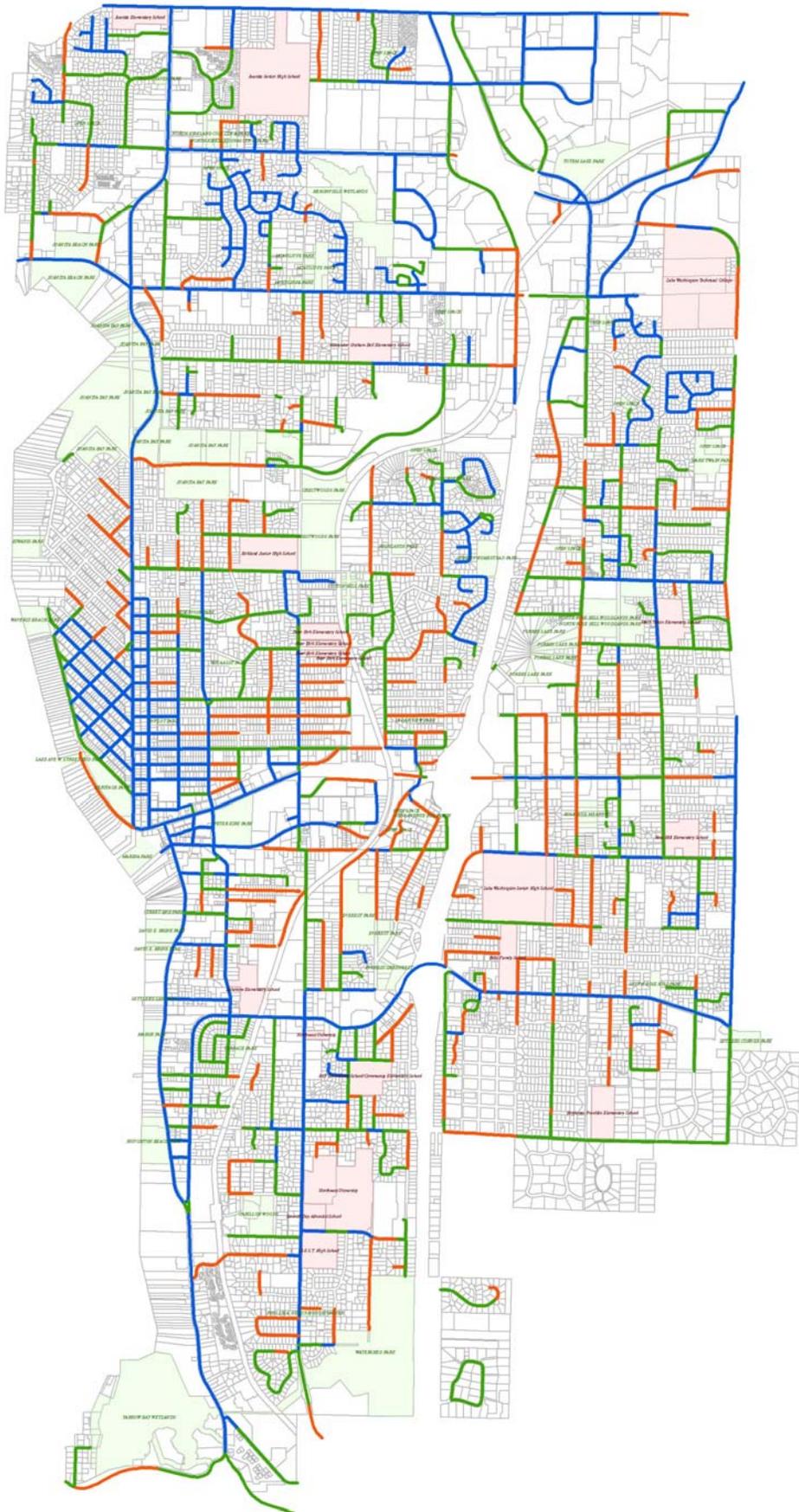
Legend

- Sidewalk Complete Both Sides
- Sidewalk Complete One Side
- Sidewalk Not Complete
- Parks
- Schools
- Tax Parcels

Note: Data last updated in February 2009.



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City of Kirkland - Pedestrian Access Scores



Vicinity Map

0 6,900 13,800 20,700
Feet

Legend

Pedestrian Access Scores

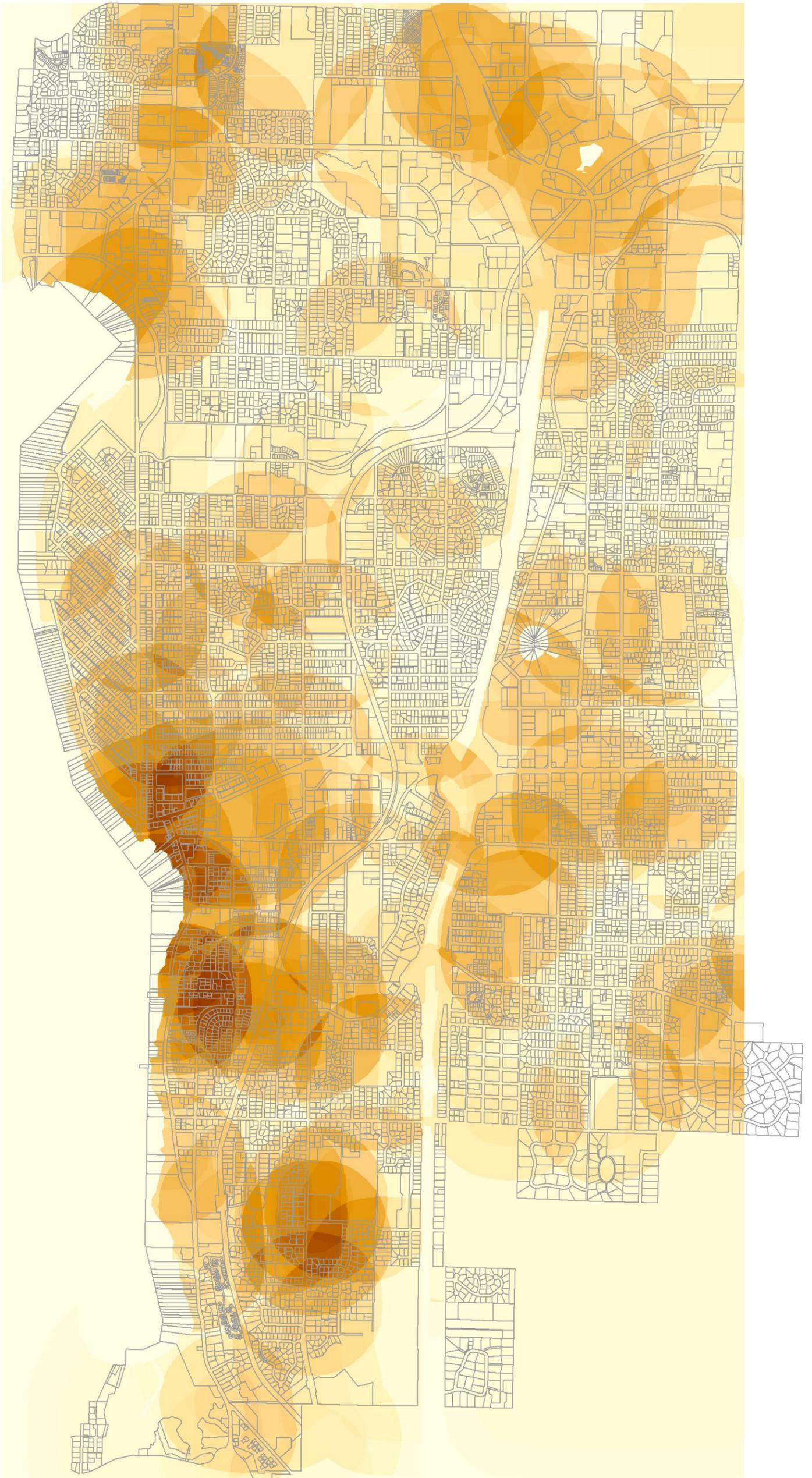
(from 2009 Active Transportation Plan)

Areas least likely to have pedestrians



Areas most likely to have pedestrians

Tax Parcels



0 7,500 15,000 22,500
Feet



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City of Kirkland - Claim History

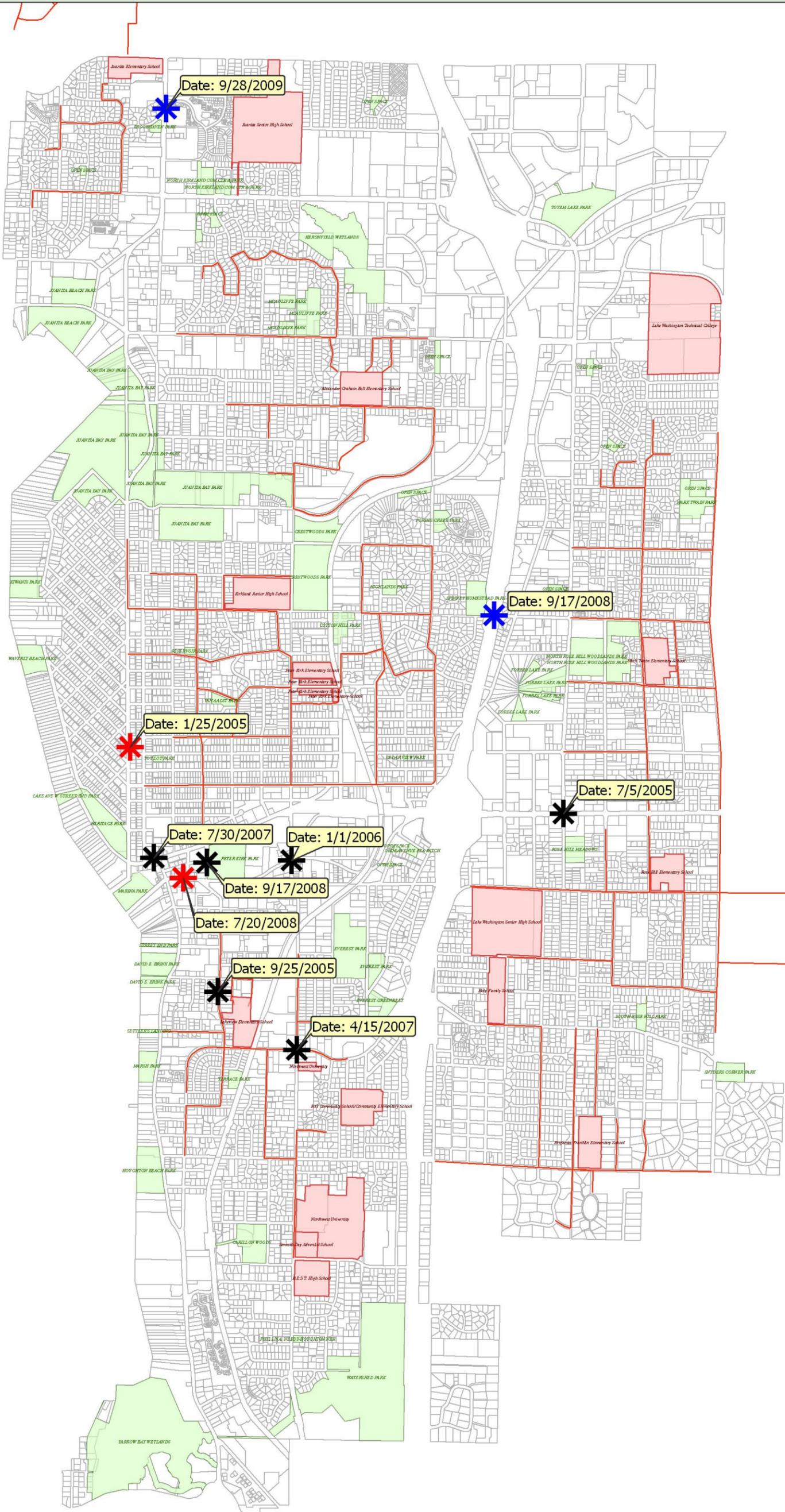


Vicinity Map
 0 6,900 13,800 20,700
 Feet

Legend

Trip & Fall Claims Since 2005

- Not Settled
- Denied
- Paid
- Parks
- Schools
- School Walk Routes
- Tax Parcels



0 930 1,860 2,790
 Feet

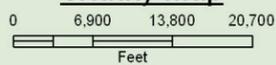


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City of Kirkland - Sidewalk Maintenance Combined Map



Vicinity Map



Legend

Trip/Fall Claims
Trip & Fall Claims Since 2005

- Not Settled (Blue starburst)
- Denied (Black starburst)
- Paid (Red starburst)

2004 Sidewalk Survey

- Crack (Blue triangle)
- Mixed Defect (Green square)
- Offset (Green circle)
- Obstacle (Pink star)

Pedestrian Access Scores
(from 2009 Active Transportation Plan)

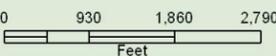
Areas least likely to have pedestrians (lightest yellow)

↑ ↓

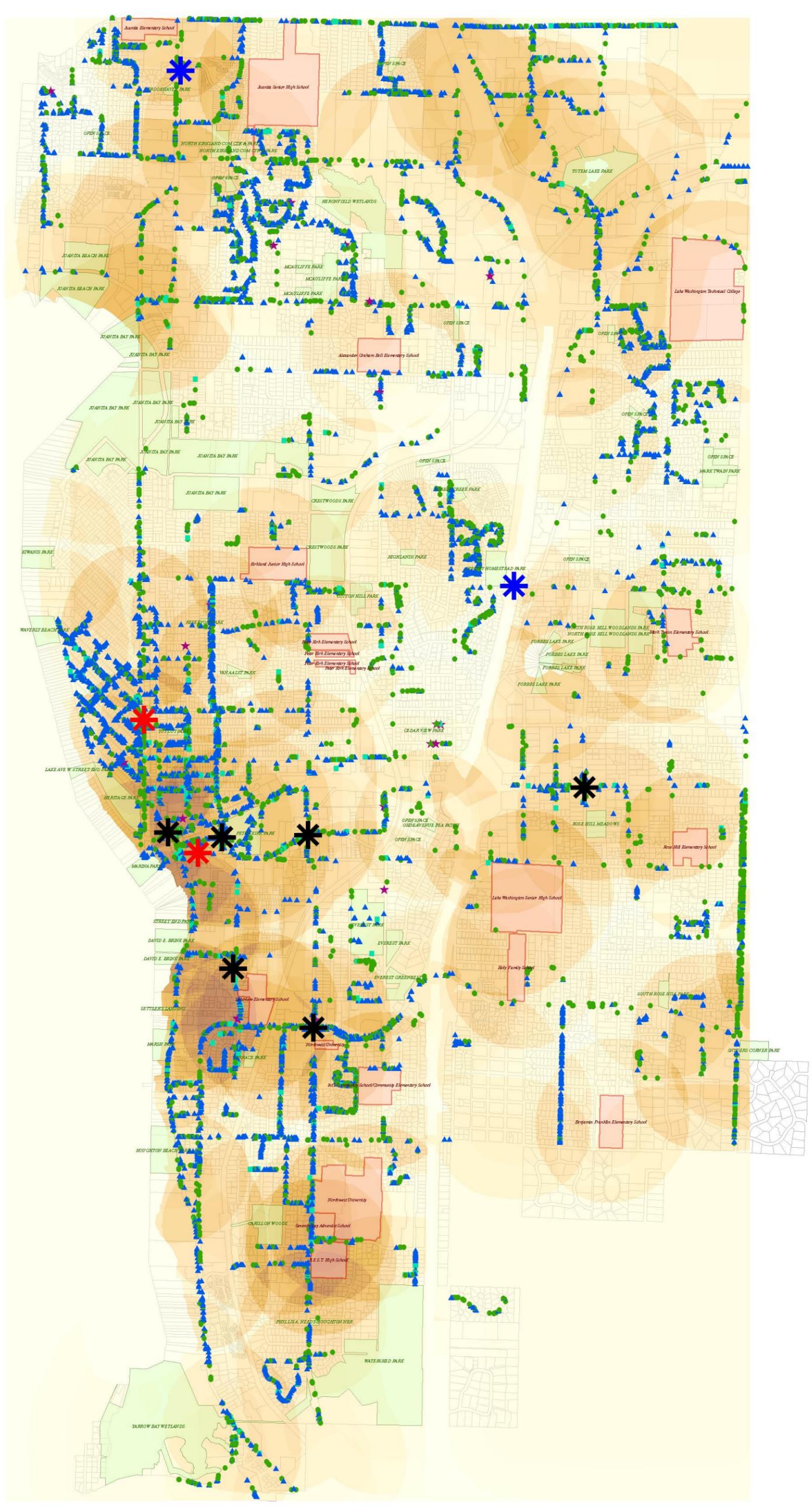
Areas most likely to have pedestrians (darkest brown)

- Parks (Green)
- Schools (Red)
- Tax Parcels (White)

Note: Sidewalk Defects noted are based on a survey performed in 2004.



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April 7, 2009

Kirkland Public Works,

Your work, I'm sure, often goes unnoticed.

Feb. 13, 2009 I was walking along Pointe Drive on my way to Kirkland. The next thing I knew I had stumbled on the sidewalk and screwed my nose into the pavement. Bumped my knee & bruised my dignity.

When I finally got my nerve up to walk to Kirkland imagine my surprise to see the offending sidewalk had been ground down, no longer tempting people to trip & fall.

Thank you from the tip of my nose to my careless toes. Good job!

Sincerely, Judie

Mark Berntsen

From: Jim Dare
Sent: Tuesday, July 08, 2008 3:06 PM
To: Mark Berntsen
Cc: John Hopfauf
Subject: RE: 132nd Sidewalks

Mark, Sarah called back. She called the change "amazing." She said she's been using it, says her wheelchair feels very stable and she feels really safe on it. She's totally impressed and pleased by what you guys were able to do out there. I honestly didn't think we would be able to completely meet her needs, but she was thrilled. Outstanding job, sir! I really appreciate you and Wendy investing the time in this.

- Jim



CITY OF KIRKLAND
Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 425.587-3225
www.ci.kirkland.wa.us

**DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
MEMORANDUM**

To: Marilynne Beard, Interim City Manager

From: Eric Shields, AICP, Planning Director
Jon Regala, Senior Planner

Date: May 4, 2010

Subject: RESPONSE TO INQUIRY ON HEDGES

RECOMMENDATION

City Council reviews the information below and provides direction as to whether this issue should be included on the list of this year's code amendments to be considered by the Planning Commission and Houghton Community Council.

BACKGROUND

During the *Items from the Audience* portion of the City Council's March 16, 2010 meeting, a Kirkland resident, voiced concern regarding her neighbor's hedge since the hedge reduces sunlight to her property and blocks her territorial view to the west. The hedge, comprised of Leyland Cypress trees, was planted by the adjoining property owner along their common north/south property line. The hedge also affects her neighbors. The Kirkland resident also stated that the property owners to the west were not interested in limiting the height of the hedge due to a desire to maintain their privacy. The concerned resident has requested that the City intervene and begin regulating hedges, similar to how the City regulates fences, in order to protect her views and property values. The City Council asked staff to prepare a background informational memo regarding regulating hedges.

The Kirkland Zoning Code (KZC) regulates fences (see Attachment 1), but does not regulate hedges. In general, fences are limited to a height of 3.5' if within the front yard setback and 6' within the side and rear yard setbacks. The maximum height limit for the zone dictates the fence height limit elsewhere on a property. The City recently completed an update to its tree and vegetation regulations. The KZC has not and does not regulate the height of vegetation. When issues regarding hedge height limitations for private view purposes arise, the practice has been to advise property owners to resolve the issue between them.

The Comprehensive Plan does have a policy about protecting public and private views:

Policy CC-4.5: Protect public scenic views and view corridors.

Public views of the City, surrounding hillsides, Lake Washington, Seattle, the Cascades and the Olympics are valuable not only for their beauty but also for the sense of orientation and identity that they provide. Almost every area in Kirkland has streets and other public spaces that allow our citizens and visitors to enjoy such views. View corridors along Lake Washington's shoreline are particularly important and should continue to be enhanced as new development occurs. Public views can be easily lost or impaired and it is almost impossible to create new ones. Preservation, therefore, is critical.

Private views are not protected, except where specifically mentioned in some of the neighborhood plan chapters of the Comprehensive Plan and in the City's development regulations.

Deb Powers, the City's Urban Forester has been in contact with the concerned Kirkland resident regarding the hedge height issue several times since spring 2009. Because the KZC does not regulate hedges, Ms. Powers had recommended the City of Bellevue's mediation program as a way to settle the dispute. Ms. Powers had also recommended that the concerned Kirkland resident check her title report for any private view covenants that may have been established between previous owners, obtain legal advice from an attorney, to get involved with the tree regulation amendment process (now complete), and/or to get involved with neighborhood planning as possible solutions.

HOW OTHER CITIES REGULATE HEDGES

Most Washington cities, including Kirkland, regulate the height and location of vegetation to ensure traffic safety at intersections. However, many cities do not regulate hedges in terms of placement and height. These cities include our neighbors Bellevue and Redmond, as well as King and Snohomish Counties and the cities of Auburn, Edmonds, Enumclaw, Maple Valley, Mercer Island, Port Townsend, Seattle, Spokane, Vancouver, Woodway, and Yakima.

The following chart and definitions summarize how some municipalities regulate hedges. The information was gathered from the Municipal Research and Services Center of Washington's website based on the list of municipalities that regulate fences and hedges.

CITY/COUNTY/TOWN	HEDGES – MAXIMUM HEIGHT			
	Front Yard	Side Yard	Rear Yard	General Notes
Anacortes	Sight obscuring - 2.5' Non-sight obscuring - 4.5'	7'	7'	
Bellingham	3.5* to 4.5 *Maximum height on corner lots	3.5* to 6'	6'	<ul style="list-style-type: none"> If not in a required yard, maximum structure height applies Hedge may exceed maximum height if abutting property owners consent and City determines it's not detrimental in terms of view, light, air, and traffic safety
Bonney Lake	4'	6'	6'	
Clyde Hill	8'	8'	8'	
Fircrest	4'	6'	6'	
Franklin County	4'-6'	6'	6'	
Longview	3.5'	No Limit	No Limit	
Lynnwood	Vision-obscuring hedge not allowed within 15' of front property line Non-vision obscuring hedge allowed -3'	Non-vision obscuring hedge – 3' Vision- Obscuring 3' to 6'	Non-vision obscuring hedge – 3' Vision-obscuring 3' to 6'	
Monroe	3.5'	6'	6'	6' anywhere else on the lot
Mountlake Terrace	4'	6'	6'	6' anywhere else on the lot
Yarrow Point	6'	6'	6'	

Of the municipalities that regulate hedges, the following municipalities have a definition for a hedge:

Anacortes	Municipal Code 17.06.385. "Hedge" means trees, vines, and/or shrubs which are planted in a substantially uniform configuration, grown and joined together in some definite manner and generally pruned to a uniform shape, creating a substantial barrier to sight. (Ord. 2316 (part), 1994) See also "Fence."
Clyde Hill	Municipal Code 17.04.230. A "fence" shall be any barrier that is naturally grown or constructed for purposes of confinement, means of protection or use as a boundary.
Fircrest	Municipal Code 22.98.338. Hedge means a row of small trees, shrubs, or other vegetation planted as a fence or boundary. (Ord. 1375 § 9, 2005).
Lynnwood	Municipal Code 21.02.390. "Hedge" means a row of closely planted shrubs or trees forming a boundary or barrier. <ul style="list-style-type: none"> • "Vision-obscuring fences and hedges" shall mean solid or partially open fences and hedges • "Non-vision-obscuring fences and hedges" shall include solid or partially open fences and hedges
Mountlake Terrace	Municipal Code 19.15.090. "Hedge" means a continuous barrier or screen formed of shrubs, trees or a combination thereof.
Yarrow Point	Municipal Code 17.08. Hedges exist whenever a row of two or more trees, shrubs, or other plants constitute a barrier in excess of six linear feet and establish a boundary, or hinder free passage of humans or animals on the surface of the ground or screen or obscure vision, or baffle sound.

The City of Edmonds repealed its hedge regulations in March 2004 because the regulations were not effective. It appears that the previous hedge regulations were subject to varying interpretations, making enforcement difficult. Copies of City of Edmond's Planning Board and City Council minutes have been attached to provide the Council insight into their discussion on this matter (see Attachments 2 and 3). Inadequate city resources, property rights issues, and difficulty in regulating vegetation were mentioned as reasons for the repeal of the Edmonds regulations.

ISSUES

The Merriam-Webster online dictionary defines a hedge as "1) a fence or boundary formed by a dense row of shrubs or low trees, or 2) a barrier, limit." Unlike fences, shrubs or trees are living things that grow and change over time. Because hedges are not static and because they have not previously been regulated within the City, staff has identified the following potential issues.

Objectives

The first issue is to clarify the intended objectives of regulating hedges. Since hedges may have similar impacts as fences, should hedges be regulated similarly? The City's fence regulations protect neighbors and the public from the impacts, such as reduced light and air, caused by structures close to property lines by limiting fence height within required yards. However, outside of required yards, fences may be built up to the same height limit allowed for other structures. On a side note, shrubs and trees, which the City encourages to be retained, may also have the same impacts as fences but are not regulated.

Another potential purpose for regulating hedges is to minimize view obstruction. This has been an area of regulation that the City has seldom pursued. If hedge regulations are intended to protect views, regulating them as fences may be overly restrictive, since development regulations already allow potentially view obstructing structures outside required yards up to the height limits established by the underlying zoning. Also, the height of trees and other vegetation are not regulated.

Regulations

The first step in regulating hedges would be to create a definition of a 'hedge' that achieves the intended objectives, is clear, and not subject to interpretation. The following points would need to be clarified with a 'hedge' definition:

- Clearly state what constitutes a hedge. Is a hedge a straight row of tightly planted vegetation of uniform species, as some of the definitions above suggest? Or is a hedge defined more broadly to include any dense grouping of vegetation?
- Clarify how a hedge, if made up of significant trees, relates to the City's tree regulations (tree topping, tree removal allowances, etc.)
- Differentiate between sight-obscuring vs. non sight-obscuring hedges
- Determine the minimum dimensional makeup of a hedge. What is the minimum length of a row of vegetation to be considered a hedge? What are the number and/or overall size of shrubs or trees? What is the spacing in between the individual shrubs or trees?

The second step would be to create regulations that determine where on the property hedges would be regulated (required yards or entire property) and the maximum height of hedges depending on their location on the property. As seen from the research on cities regulating hedges, the hedge height limit is typically shorter within the required front yard than in the required side and/or rear yards, and is not regulated outside of required yards.

Lastly, any potential new regulations will need to address how the City will review hedges for compliance. Key issues include:

- Will a permit be required for planting a hedge?
- Should property owners be required to sign maintenance agreements that limit the size of a hedge?
- How will the City ensure code compliance?

- Will inspections be necessary? On what reoccurring basis?

Non-Conformances

If Kirkland were to adopt hedge regulations, the following questions will need to be resolved when dealing with existing non-conforming hedges:

- How will the City track and regulate hedges planted before or after the effective date of a new hedge ordinance?
- How will the City treat existing hedges that become non-conforming as a result of the new regulations? Should all existing hedges be subject to the new regulations or at what threshold will existing hedges be required to conform? There are some legal issues that would need to be considered if the Council wanted to give the regulations retroactive effect, which include vesting and property rights.
- Hedges that are required to be reduced in height and that were not previously maintained may become eyesores. Should there be regulations that address this issue?

Code Enforcement

The City's current code enforcement process includes issuing a Notice of Violation and then a Notice of Civil Infraction if violations have not been rectified within a given time frame. At the point that a Notice of Infraction is issued, fines are assessed. Processing code enforcement violations can be a lengthy and involved process.

Due to the large number of 'over grown' hedges that exist throughout the City and the annexation area, retroactive application of new hedge regulations would subject many property owners to code enforcement.

RECOMMENDATION

Staff recommends that due to the complexity of issues that would need to be addressed, the City not take up the issue at this time and consider it during a future update to the City's landscape regulations.

ATTACHMENTS

1. Fence Regulations
2. City of Edmonds Planning Board Minutes December 10, 2003
3. City of Edmonds City Council meeting minutes March 2, 2004

115.40 Fences

1. General

a. Fences not over six feet in height may be anywhere on the subject property except:

- 1) A fence may not be within 15 feet of any street curb, or the edge of the street pavement, if no curb exists; or
- 2) If the applicant can show with a survey, or other reasonable means, the location of his/her property line, the fence can be placed on the property line regardless of the distance from a street curb or the edge of the pavement.
- 3) A fence may not violate the provisions of KZC 115.135.
Sight Distance Regs.
- 4) A detached dwelling unit abutting a neighborhood access or collector street may not have a fence over 3.5 feet in height within the required front yard.

On corner lots with two required front yards, this restriction shall apply only within the front yard adjacent to the front facade of the structure.

5) No fence may be placed within a high waterline setback yard or within any portion of a north or south property line yard which is coincident with the high waterline setback yard.

b. Fences over six feet in height may not be located in a required setback yard. See KZC 115.115, Required Yards, for regulations relating to fences on retaining walls.

c. The Planning Official may approve a modification to the fence height requirements, if:

- 1) The modification is necessary because of the size, configuration, topography or location of the subject property; and
- 2) The modification will not have any substantial detrimental effect on abutting properties or the City as a whole.

2. Barbed Wire – Barbed wire is permitted only atop a fence or a wall at least six feet in height.

3. Electrified Fences – Electrified fences are not permitted in Kirkland, except to contain large domestic animals (see KZC 115.20(2)(c)). All electric

fences and appliances, equipment, and materials used in connection therewith shall be listed or labeled by a qualified testing agency and shall be installed in accordance with manufacturer's specifications and in compliance with the latest edition of the National Electrical Code. Furthermore, electrified fences must be located at least 18 inches on the inside of wood fences when located along any property line. In addition, all electric fences shall be posted with permanent signs which are a minimum of 36 square inches in area at intervals of 15 feet along the fence stating that the fence is electrified.

**HEDGE ISSUE DISCUSSION
BEGINS HERE**

These Minutes Approved
January 14th

**PLANNING BOARD MINUTES
December 10, 2003**

Chair Crim called the regular meeting of the Planning Board to order at 7:00 p.m. in the Council Chambers, Public Safety Complex, 250 – 5th Avenue North.

BOARD MEMBERS PRESENT

Jim Crim, Chair
James Young, Vice Chair
Virginia Cassutt
Janice Freeman
John Dewhirst
Ronald Hopkins
Judith Works

BOARD MEMBERS ABSENT

Cary Guenther

STAFF PRESENT

Rob Chave, Planning Division Manager
Duane Bowman, Community Services Director
Karin Noyes, Recorder

READING/APPROVAL OF MINUTES

BOARD MEMBER DEWHIRST MOVED TO APPROVE THE MINUTES OF NOVEMBER 12, 2003 AS CORRECTED. BOARD MEMBER HOPKINS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

BOARD MEMBER FREEMAN MOVED TO APPROVE THE MINUTES OF NOVEMBER 19, 2003 AS CORRECTED. BOARD MEMBER WORKS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY, WITH BOARD MEMBER DEWHIRST ABSTAINING.

ANNOUNCEMENT OF AGENDA

No changes were made to the proposed agenda.

REQUESTS FROM THE AUDIENCE

There was no one in the audience who expressed a desire to speak before the Board during this portion of the meeting.

PUBLIC HEARING ON FILE NUMBER CDC-03-1

Mr. Bowman explained that the proposed draft ordinance would effectively move the City into a position of deregulating hedges. He briefly reviewed the history of this issue. He said that, currently, ECDC 21.40.020 defines hedges as “a fence or boundary formed by low growing trees.” This definition is vague and subject to interpretation. In 1989 there was a landmark ruling by the Hearing Examiner that defined the term “low growing.” His decision indicated that unless a specific species of tree was “low growing” they could not constitute a hedge. Even so, staff is still often caught between neighbors arguing over height and the composition of vegetation planted between properties.

Mr. Bowman advised that two appeals of Hearing Examiner decisions regarding hedges were heard by the City Council in 2002. In both cases, the decision of the Hearing Examiner was upheld, but the City Council referred the matter to the Planning Board for review on December 17, 2002.

Mr. Bowman explained that the Board has been considering two options to address the situation. They could either redefine the definition for hedges to make it more enforceable or they could discontinue regulating hedges. A public hearing was held and the Board has accepted written testimony on the issue, as well. Staff attempted to summarize the major topics that were raised by citizens. It appears that protection of views was the most important issue, and many felt the City should be involved in the process of resolving these disputes. The citizens who provided input also expressed concern about the impact hedges can have to property values. They also felt the City should pay to regulate situations where neighbors act spitefully.

Mr. Bowman provided pictures of vegetation growing within the City and identified those that could be considered a hedge according to the current definition. He advised that after receiving testimony and correspondence from residents, the Planning Board concluded that the best alternative was to not regulate hedges, except where they could create sight distance problems at driveway entrances or street intersections. He explained that some of the reasons for the selection of this alternative was that trying to regulate vegetation on private property could expose the City to potential lawsuits and increased attorney costs. In addition, any effort to adequately define and regulate hedges would require expensive enforcement procedures and an extensive inventory to create proper documentation of existing conditions.

Board Member Young arrived to the meeting at 7:20 p.m.

Mr. Bowman said the proposed amendments to ECDC 21.30.020 and ECDC 17.30 would eliminate all reference to hedges. He pointed out that existing language in ECDC 21.12.025 would address situations related to visibility from driveways and vehicle access points. He advised that while ECDC 17.30 deals with fences that are located at intersections, vegetation at intersections is regulated in ECDC 18.85.060. This section would require that a property owner prune vegetation that impacts sidewalks and streets for visibility purposes. In addition, Mr. Bowman advised that the traffic engineer is working on amendments to better define the site distance triangle.

Mr. Bowman referred the Board to a letter from Mr. Richard Passey regarding the hedge issue. This letter was entered into the record as an exhibit. A copy was provided to each of the Board members. He explained that the purpose of this hearing is to allow the Board an opportunity to accept public testimony and then forward a recommendation to the City Council.

Board Member Works pointed out that fences within the front setback areas are limited to three feet in height, yet there are no height limitations for vegetation that is located within the front setbacks. She suggested that perhaps there should be similar requirements for vegetation to ensure that view blockage to the streets does not occur. Mr. Bowman emphasized that a property owner would be required to prune or remove anything that obstructs the view of traffic. In addition, the City staff is working on further modifications of the code to provide better measurements for site distance.

Board Member Young recalled previous Board discussion that the City's jurisdiction to regulate the height of any kind of vegetation is limited to the first five feet within the property line. Mr. Bowman clarified that the Board did discuss at what point the City should stop regulating vegetation on private property. For example, should the City's regulatory authority apply only to vegetation within the setback areas. If this were the case, a property owner could plant a hedge or row of trees in the center of his/her property that could have the same impact as if they had been planted along the property line. In fact, someone could plant just a few tall trees that could have the same impact as if they had been planted as a hedge.

Mr. Bowman reminded the Board of their previous request that staff survey other cities to find out how they deal with hedges. Besides Clyde Hill, staff only found one other City, Mountlake Terrace, that regulates hedges. They only regulate hedges if they are blocking a view or on a complaint basis. Cities like Kirkland, Mukilteo, Bellevue, and Everett do not regulate hedges.

Bruce Fowler, 7471 – 174th Street Southwest, said he attended a Planning Board meeting a few months ago at which the issue of hedges was discussed. Since that time, he said he took photographs of different situations in his area where

APPROVED

vegetation or hedges are out of control. The first photograph was of a row of vegetation over 12 feet tall that is growing into the telephone wires. This vegetation has to be trimmed by the power company. It currently overhangs the City's right of way and paved road. Mr. Fowler suggested that where there are public roads or private access roads, property owners should be required to keep their vegetation out of the public right-of-way to allow for emergency access.

Mr. Fowler provided another photograph that showed utility trucks working in an area to maintain a utility line. This picture illustrates how the work crews ended up blocking off the emergency access. He cautioned that the Board should be careful about removing the hedge ordinance as it applies to vegetation in the front yard City right-of-way, or in the side yard when a corner lot is involved. The fire department and police department like to have a view of the front yards, and the City needs to be able to regulate vegetation in these situations. If the City decides to no longer regulate hedges, they need to make sure that regulations still exist for hedges within the City rights-of-way. Mr. Fowler said he does not believe that hedges and vegetation on rear lots should be regulated by the City. The City should not spend public dollars to resolve these situations.

Roger Hertrich, 1020 Puget Drive, said he addressed the Board regarding the issue of hedges in 1990, but the task was never completed. The task, at that time, was to redefine what hedges are. He said he has a copy of the Clyde Hill ordinance, and they use a different type of description that he found interesting. Most of their hedge regulations are found in combination of fence regulations. Clyde Hill's regulation states that, "fences shall be any barrier which is either naturally grown or constructed for purposes of confinement, protection or for use as a boundary."

Mr. Hertrich said that because the City has had a hedge regulation on the books for quite some time, there must be a reason for providing the limits and protection. A hedge could be considered to be a naturally growing fence since it ends up performing the same purposes as a fence (to act as a barrier or a boundary). Therefore, he felt it would be inappropriate for the City to separate the two and regulate fences but not hedges. People who live in Edmonds have enjoyed some level of protection and at least there are rules on the books giving an opportunity for compliance on a reasonable basis without involving the City. While most people follow these rules, some do not, and the City has to step in and get involved.

Mr. Hertrich said he believes that most citizens of Edmonds feel that the City needs to have rules and regulations for fences, and they also believe that hedges should be regulated as naturally growing fences, providing the same type of problems and protections. He said he believes the City should have regulations for hedges and fences, but they should only apply to the areas within the setbacks. The City already has rules and regulations to govern fences and buildings that are constructed within the setback area, and they should create rules for hedges, as well.

Mr. Hertrich said that while he agrees that a single tree can end up blocking a person's view, the issue before the Board is more related to naturally grown fences which are used as barriers and do not allow light or air to pass through them. When these natural fences get too high, the height limit regulations can resolve the situation. He suggested that the City should continue to regulate hedges, but they should be defined as naturally grown fences. The same regulations that apply to fences should also apply to naturally grown fences.

Mr. Hertrich said the efforts that have been made by the City to regulate hedges have had problems, mostly because by the time the City recognizes a problem, it is too late to trim the trees. These trees should be grandfathered rather than cut down at this point. But when new developments are constructed, the City's rules and regulations should prevent property owners from intentionally planting trees that grow to significant heights. He noted that Clyde Hill's ordinance states that, "When trees are intentionally planted as site obscuring barriers that cause problems, the intent must be taken into consideration."

Mr. Hertrich cautioned that he has a problem with the description that was provided in the sample ordinance prepared by staff, which states that hedge regulations have the potential of wasting public resources. He suggested that this is not a good reason for eliminating the hedge ordinance. The Planning Board should examine the reason for having a height limit on fences, and then apply this same philosophy to hedges since there is really no difference.

THE PUBLIC PORTION OF THE HEARING WAS CLOSED.

Board Member Dewhirst said he understands that a lot of people have testified about this issue over the past year, and he also understands the frustration that is contained in the letters the Board has received from the public. But he is troubled with this

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issue because he does not see this as a situation where an ordinance can do much good. If the Board were to pass a new ordinance or clarify the existing ordinance, every situation that exists now would be grandfathered in as a non-conforming use. Therefore, changing the regulations would not really achieve the result expressed by the citizens. He said it is really hard to correct things over time when the problem keeps growing. Fences are built to certain heights, and they do not continue to grow taller. While he can understand issues related to view blockage and property values, he is more concerned about sunlight being blocked from neighboring properties. However, the proposed amendments would not address this issue, and he said he does not believe that changing the zoning code is the right approach.

Board Member Dewhirst asked staff how many cases they have adjudicated over the past year. He also asked staff to provide information related to expenses and outcome. He said he is in support of getting hedge regulations out of the code. He suggested that, in the future, the City should consider some type of arbitration for property owners to go through if the City's financial situation improves.

Mr. Dewhirst referred to Mr. Fowler's concern about trees and other vegetation being allowed to overhang onto the public rights-of-way. This concern can be resolved easily with a phone call to the City staff or to the Mayor's office. He said he is not concerned about this issue, but he is concerned that no matter how the City changes its hedge regulation, it will not work. Therefore, he suggested that the City should conserve their resources to fight those battles in which they have a chance to make a difference or change the outcome. He said he would support the ordinance that gets the City out of the business of regulating hedges.

Mr. Chave clarified that fences are limited to six feet in height and slightly higher with a trellis. They can be located anywhere on a property. If a property owner wants to build a fence that exceeds this height, a variance would be required.

Board Member Freeman said the concern raised by Mr. Fowler is a safety issue that can be addressed with the existing code requirements as explained by Mr. Bowman. She suggested that later on, the Board might want to look at health issues related to light, etc. But right now, with the present fiscal difficulties of the City, she felt it would be inappropriate to pass an ordinance that would cost \$100,000 plus to administer. She questioned where the City would get the money to implement the ordinance. It would likely have to come from another City program. She suggested that perhaps the Board could revisit the issue later when the financial situation is different.

Mr. Bowman clarified that the estimated cost for implementing a new hedge ordinance would pay for documentation of all of the existing vegetation in Edmonds. The best alternative for documenting the existing vegetation would be to conduct an inventory at a cost of about \$100,000. This would give the City staff a solid baseline to administer the ordinance. Another less costly option would be to hire an outside expert to study the vegetation, but this type of information would be more clouded if the City were to get into a legal dispute.

Board Member Freeman clarified that existing situations would all be grandfathered in, so a new hedge regulation would only apply to new developments, which they do not have a lot of in the City right now. Mr. Bowman said all of the area in the south of Edmonds was developed as part of Snohomish County, and Snohomish County did not have hedge regulations.

Board Member Cassutt recalled that the Board discussed issues related to sunlight and basically concluded that there was really nothing the Board could do to address this issue now. Mr. Bowman said that, unless the City were to create separate regulations that deal with solar access issues, they would not be able to do anything about these situations. But all of the existing situations would be grandfathered in, even if a new solar access ordinance were approved. The new ordinance would only apply to new development. Board Member Freeman pointed out that if a hedge or other vegetation becomes a public safety issue, the City has the ability to handle these situations by using the existing regulations.

Board Member Young said that regardless of which direction the Board chooses to go, he would not be in favor of sending the ordinance, as written, to the City Council with a recommendation of approval. He said he feels the ordinance is too "whiney," and gives the impression that the Board is proposing the ordinance in order for the City to save money. In addition, protection of property values should not be portrayed as a waste of money and time since that is what most of the public testimony focused on.

APPROVED

Board Member Young agreed with Board Member Dewhirst that the City should get out of the business of regulating hedges. However, he is not convinced that the proposed ordinance is the way to accomplish this. He recalled that when the Board first started their review of this issue, Board Member Dewhirst pointed out that while the City has an enforcement officer, there is a backlog of enforcement complaints. Board Member Young asked staff to elaborate as to what type of complaints the City generally receives. Mr. Bowman answered that the City receives complaints on a large range of issues related to property nuisances, building code violations, etc. Board Member Young inquired if the complaints fall into the general category of health and safety issues. Mr. Bowman replied that the complaints are a mixture of health and safety issues, setback violations, land use problems, etc.

Board Member Young commented that there is just so far the Planning Board can go philosophically in terms of regulating something like hedges. He said he feels that any regulations for vegetation should only apply to areas within the setback. He said he would not want the City to be able to tell him what he can and cannot do on his property, with the exception of height, etc. If the goal is to protect property values, it would be necessary for the City to regulate the height of anything placed anywhere on private property that ends up blocking the view from a neighboring property. Regulating hedges within the setback area would not really accomplish the goal of protecting property values. Therefore, he said he would be in favor of the City getting out of the business of regulating hedges.

Board Member Young said he shares Board Member Freeman's concern about safety issues and staff has assured the Board that the City has codes already in place to deal with this concern. He concluded by stating that until the City can find a wholesale way to regulate hedges, they should get out of the business of doing so.

Mr. Bowman said that if the Board is concerned about the language in the proposed ordinance, it would be appropriate for them to identify those area that need to be revised. He said it is important for the Board to give clear direction to staff as to ordinance language that would support their position and clearly identify why they believe the ordinance should be adopted.

Board Member Young suggested that if the Board decides to recommend that the City no longer regulate hedges, they should clearly state that the reason is because they do not really think that hedge regulations accomplish that goal.

Board Member Crim suggested that the emphasis that is made in the WHEREAS statements regarding the waste of public resources is probably missing the mark a little bit. He said Board Member Dewhirst is right in the sense that a hedge regulation would not be able to accomplish the real regulation for hedges, height and encroachment on neighbors. He suggested that the ordinance be changed to reflect that intent.

Board Member Works referred to the regulations that deal with vegetation that is used to screen parking lot perimeters, and noted that these regulations reference the term "hedges." Mr. Bowman explained that the City Attorney has indicated that some type of definition for "hedge" must remain in the City codes because it used in other locations.

Board Member Crim referred to Section 20.12.025 and suggested that the word "vegetation" should be substituted for the word "hedge." Then they could take the definition for "hedge" out of this section. He also suggested that the City's code be more aggressive in enforcing the visual site distance regulations. Mr. Bowman said he would work with the traffic engineer to consider additional language in Section 17.13 to better clarify this issue.

Board Member Crim suggested that since the pressure to make a recommendation to the City Council on this issue is not overwhelming, perhaps the Board should take time to review the changes that staff will make to the ordinance before sending the document to the City Council with a recommendation for approval. Mr. Bowman said he would rather make the changes as directed by the Board and then bring the ordinance back to the Board for final approval before sending it forward to the City Council.

BOARD MEMBER DEWHIRST MOVED THAT THE BOARD DIRECT STAFF TO CLEAN UP THE SECOND AND THIRD WHEREAS STATEMENTS TO ELIMINATE REFERENCE TO THE POTENTIAL WASTE OF PUBLIC RESOURCES AND ADD LANGUAGE TO THE EFFECT THAT THE ZONING ORDINANCE CANNOT REALLY SOLVE THE PROBLEMS RELATED TO HEDGES. ONCE THE CHANGES ARE MADE, THE DRAFT ORDINANCE

APPROVED

FOR CDC-03-1 SHOULD BE FORWARDED TO THE CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL. BOARD MEMBER CASSUTT SECONDED THE MOTION.

AFTER BRIEF BOARD DISCUSSION, BOARD MEMBERS DEWHIRST AND CASSUTT WITHDREW THEIR MOTION.

Mr. Bowman agreed with Board Member Crim that if the Board were to use the term “vegetation” instead of “hedge,” they could remove the definition for hedge.

BOARD MEMBER DEWHIRST MOVED THAT THE PLANNING BOARD RECOMMEND APPROVAL OF THE PROPOSED ORDINANCE AMENDING THE EDMONDS COMMUNITY DEVELOPMENT CODE CHAPTERS 21.40.020 AND 17.30.000 (FILE NUMBER CDC-03-1), WHICH WOULD CAUSE THE CITY TO CEASE TO REGULATE HEDGES. HE FURTHER MOVED THAT THE PROPOSED ORDINANCE BE AMENDED AS FOLLOWS:

- CHANGE THE SECOND WHEREAS STATEMENT TO READ, “WHEREAS THE CITY COUNCIL FINDS THAT ENFORCEMENT OF THE CITY’S CURRENT HEDGE ORDINANCE CANNOT BE DONE THROUGH THE ZONING AND DEVELOPMENT REGULATIONS.”
- CHANGE THE THIRD WHEREAS STATEMENT TO READ, “WHEREAS THE CITY COUNCIL DESIRES TO AVOID POTENTIALLY EXPENSIVE EXPENDITURES BY REPEALING THE CITY’S CURRENT HEDGE REGULATIONS.”
- ADD A NEW WHEREAS STATEMENT TO READ, “WHEREAS THE CITY COUNCIL DESIRES TO SOLVE SUCH LAND OWNER DISPUTES THROUGH OTHER METHODS TO BE LOOKED AT IN THE FUTURE.”
- REPLACE THE TERM “HEDGES ADJOIN” WITH “VEGETATION ADJOINS” IN SECTION 20.12.025.A.5.
- REMOVE THE DEFINITION OF HEDGES FROM THE DEFINITION SECTION OF THE ORDINANCE.

BOARD MEMBER CASSUTT SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

BOARD MEMBER YOUNG MOVED THAT THE ORDINANCE, AS AMENDED BY STAFF, BE BROUGHT BACK TO THE PLANNING BOARD AT THEIR NEXT MEETING FOR FINAL REVIEW PRIOR TO FORWARDING IT TO THE CITY COUNCIL.

Board Member Dewhirst suggested that the Board should allow staff to make the changes, provide a copy to the Board Chair for review and approval, and then forward the Planning Board’s recommendation to the City Council without further review by the Board as a whole. He recalled that this is the method the Board has used in the past when considering proposed amendments. He felt the Board provided clear direction to the staff to make the necessary changes.

BOARD MEMBER FREEMAN SECONDED THE MOTION. THE MOTION FAILED 4-3 WITH BOARD MEMBERS CRIM, CASSUTT, HOPKINS AND DEWHIRST VOTING AGAINST THE MOTION AND BOARD MEMBERS YOUNG, FREEMAN AND WORKS VOTING IN FAVOR.

The Board agreed that staff would provide the final draft ordinance to the Chair, and he would e-mail a copy to each of the Board Members before sending it on to the City Council.

WORK PROGRAM FOR 2004 – COMPREHENSIVE PLAN AND CRITICAL AREAS ORDINANCE

Mr. Chave explained that there are a few State mandates in 2004 that the City must address. First are the amendments to the Comprehensive Plan, which must be comprehensive and include updates of population projections, capacity, etc. The City is also required to update their critical areas ordinance, which must be based upon “best available science.” He said the combination of these two projects will mean a full year of work, using supporting consultants and studies—particularly in regard to the critical areas review since there are no staff members who have expertise in this area. Mr. Chave referred to the general outline of what these two processes might look like. He also provided an overview of the funding plan for the

APPROVED

**PUBLIC HEARING ON HEDGES BEGINS
ON NEXT PAGE****EDMONDS CITY COUNCIL APPROVED MINUTES
March 2, 2004**

The Edmonds City Council meeting was called to order at 7:00 p.m. by Mayor Haakenson in the Council Chambers, 250 5th Avenue North, Edmonds. The meeting was opened with the flag salute.

ELECTED OFFICIALS PRESENT

Gary Haakenson, Mayor
Michael Plunkett, Council President
Jeff Wilson, Councilmember
Mauri Moore, Councilmember
Peggy Pritchard Olson, Councilmember
Dave Orvis, Councilmember
Richard Marin, Councilmember
Deanna Dawson, Councilmember

ALSO PRESENT

David Dwyer, Student Representative

STAFF PRESENT

David Stern, Chief of Police
Duane Bowman, Development Services Director
Stephen Clifton, Community Services Director
Noel Miller, Public Works Director
Rob Chave, Planning Manager
Dave Gebert, City Engineer
Scott Snyder, City Attorney
Sandy Chase, City Clerk
Jana Spellman, Senior Executive Council Asst.
Jeannie Dines, Recorder

1. APPROVAL OF AGENDA

COUNCILMEMBER MARIN MOVED, SECONDED BY COUNCILMEMBER ORVIS, FOR APPROVAL OF THE AGENDA AS PRESENTED. MOTION CARRIED UNANIMOUSLY.

2. CONSENT AGENDA ITEMS

COUNCIL PRESIDENT PLUNKETT MOVED, SECONDED BY COUNCILMEMBER DAWSON, FOR APPROVAL OF THE CONSENT AGENDA AS PRESENTED. MOTION CARRIED UNANIMOUSLY. The agenda items approved are as follows:

- (A) ROLL CALL**
- (B) APPROVAL OF CITY COUNCIL MEETING MINUTES OF FEBRUARY 24, 2004.**
- (C) APPROVAL OF CLAIM CHECKS #69165 THROUGH #69373 FOR THE WEEK OF FEBRUARY 23, 2004, IN THE AMOUNT OF \$368,226.41.**
- (D) REPORT ON FINAL CONSTRUCTION COSTS FOR FIRE STATION 16 LOCATED AT 8429 – 196TH STREET SW AND COUNCIL ACCEPTANCE OF PROJECT.**
- (E) REPORT ON FINAL CONSTRUCTION COSTS FOR THE 200 DAYTON STREET BUILDING ROOF REPLACEMENT PROJECT AND COUNCIL ACCEPTANCE OF PROJECT.**
- (F) REPORT ON FINAL CONSTRUCTION COSTS FOR THE ANDERSON CENTER WINDOW REPLACEMENT – PHASE II PROJECT AND COUNCIL ACCEPTANCE OF PROJECT.**

**HEDGE DISCUSSION
BEGINS HERE**

update their amateur radio antenna regulations and bring them to state-of-the-art. He urged the Council to consider the information he provided when revising the amateur radio antenna regulations.

Bob Preston, 809 Carey Road, Edmonds, questioned why if a property owner could have a 12-foot antenna on a 25-foot structure, why could they not have a 37-foot free-standing tower. He also questioned why only a crank-up tower was allowed above 37 feet. He recognized in certain areas of the City where there were views it may be helpful to have a crank-up tower, however, in many areas where there are no views, a 65-foot fixed tower would not have an impact on the neighborhood. He acknowledged some fee was justified but preferred the fees be kept low.

Hearing no further public comment, Mayor Haakenson closed the public participation portion of the public hearing.

COUNCILMEMBER MARIN MOVED, SECONDED BY COUNCILMEMBER ORVIS, FOR APPROVAL OF ORDINANCE NO. 3490. MOTION CARRIED UNANIMOUSLY. The ordinance approved is as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE PROVISIONS OF ECDC 16.20.050 SITE DEVELOPMENT STANDARDS – ACCESSORY BUILDINGS IN ORDER TO AMEND ITS REGULATIONS RELATING TO AMATEUR RADIO ANTENNAS AND TO ADOPT AN INTERACTIVE PROCESS IN CONFORMANCE WITH FCC REGULATIONS, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

COUNCILMEMBER MARIN MOVED, SECONDED BY COUNCIL PRESIDENT PLUNKETT, TO DIRECT THE CITY ATTORNEY TO PREPARE A FEE RESOLUTION FOR COUNCIL CONSIDERATION ON MARCH 16.

Councilmember Wilson inquired about the amount of the recommended fee. Mr. Chave explained the basic administration cost for advertising, posting and mailing was estimated at \$97; staff's recommendation was a \$100 fee. He noted the \$15 surcharge would also be applied.

Councilmember Marin clarified his intent was the \$97 fee plus the \$15 surcharge for a total of \$112.

MOTION CARRIED UNANIMOUSLY.

4. PUBLIC HEARING ON PROPOSED AMENDMENTS TO ECDC CHAPTER 21.40.020 AND 17.30.000 REPEALING THE CITY'S CURRENT HEDGE REGULATIONS. THE PROPOSED AMENDMENTS WOULD CAUSE THE CITY TO CEASE TO REGULATE HEDGES EXCEPT WHEN RELATED TO STREET OR ACCESS SAFETY (FILE NO. CDC-03-1)

Development Services Director Duane Bowman explained this ordinance was scheduled for a public hearing based on the Planning Board's recommendation which would cause the City to cease regulating hedges except when related to street or access safety.

Mr. Bowman recalled in 1989, the Hearing Examiner issued a landmark ruling in regard to an interpretation of ECDC 21.40.020, the definition of hedges. His decision indicated that unless a specific kind of tree was low growing, it did not constitute a hedge; however, staff was still often caught between neighbors arguing over height and composition of vegetation between properties. He recalled the Council referred the matter to the Planning Board in December 2002 after considering cases that illustrated the difficulty with regulating hedges.

Mr. Bowman read the current definition of hedge, "Hedge means a fence or boundary formed by a row of shrubs or low trees," commenting this definition was very vague and non-specific. The Planning Board reviewed the issue, took public testimony and considered two options, 1) redefine the definition of hedges

to make it more enforceable, or 2) discontinue regulating hedges. After receiving testimony and correspondence from residents, the Planning Board concluded the best alternative was not to regulate hedges except where they created sight distance problems at street intersections, driveways, etc. The Planning Board concluded the current regulations were difficult to interpret and basically unenforceable. He recalled the Planning Board considered several different hedge definitions, however, none were deemed workable. The Planning Board concluded there were more appropriate methods of resolving disputes between neighbors such as view easements, vegetation maintenance agreements, or mediation.

Mr. Bowman explained the Planning Board again considered the ordinance at their February 11 meeting, following the Council work session, and made some slight changes to the ordinance but basically forwarded the same recommendation to repeal the City's regulations governing hedges. He noted the Council packet included the complete Planning Board record regarding this topic as well as the Council minutes from the work session.

Councilmember Moore inquired what would happen in the future when neighbors had a dispute if this ordinance were passed. Mr. Bowman answered residents would be informed the City did not regulate vegetation and inform them of options for resolving issues such as view easement, maintenance agreement, or mediation. He referred to a handout that would be distributed by Code Enforcement, "How to Deal with Neighborhood Issues."

Mayor Haakenson reopened the public participation portion of the public hearing.

Darrell Marmion, 750 Edmonds Street, Edmonds, supported regulating fences and hedges similarly as they usually served the same function. He noted most of the letters in the Council packet had the same opinion. He expressed concern with staff's comment that the ordinance was unenforceable and difficult to interpret and the solution that was reached to eliminate the regulation. He preferred consideration be given to potential solutions used by other cities. He referred to several other instances in the code where reference was made to hedges, specifically Title 14, 16 and 23.

Roger Hertrich, 1020 Puget Drive, Edmonds, agreed with eliminating regulation of hedges. He referred to the Clyde Hill regulation that stated a fence shall be any barrier which is naturally grown or constructed for the purposes of confining, a means of protection or use as a boundary. He suggested eliminating the concept of a hedge and only regulate barriers, whether naturally grown or constructed.

Hearing no further public comment, Mayor Haakenson closed the public participation portion of the public hearing.

Councilmember Moore asked staff to respond to Mr. Hertrich's suggestion regarding a naturally growing fence and Mr. Marmion's reference to the word hedge in other areas of the code. Mr. Bowman noted the fundamental question was whether an ordinance would be enforceable. He pointed out the possibility of a resident planting a natural barrier in the center of their backyard which could create as much of a problem as on the property line. If the Council chose to regulate things that grow, the Council needed to develop a definition. He agreed staff could redefine the definition to include natural barrier but regulating things that grow was problematic. He noted someone could also plant a single tree which would have the same impact as a row of 3-4 trees but single trees were not regulated.

Councilmember Moore asked how other cities addressed this issue. Mr. Bowman noted most cities did not regulate vegetation due to the difficulty.

Councilmember Moore asked staff to respond to Mr. Marmion's claim that hedge appeared in other sections of the ordinance, specifically Title 14, 16 and 23. Mr. Snyder recommended doing a word search to identify the word "hedge" in the ordinance.

Responding to further questions, Mr. Snyder explained his law firm also represented Clyde Hill which was a completely developed community that for years had governed itself via strong subdivision homeowners covenants. He stated the City could adopt a Clyde Hill-approach; however, the cost may be prohibitive. Mr. Bowman pointed out once such a change was made in the code, a base line for enforcement must be established. Options for establishing a baseline include an inventory which is very expensive or hiring an arborist to testify on individual cases.

Councilmember Wilson inquired about the cost of inventorying existing vegetation if the Council adopted a Clyde Hill-type ordinance. Mr. Bowman answered his initial estimate of a parcel-by-parcel inventory was \$100,000+. Due to the cost of the inventory, he commented that another alternative would be the use of an expert.

Responding to Council President Plunkett's question, Mr. Snyder stated if everything were grandfathered, an inventory of the existing hedges would need to be done or an arborist could be used to testify regarding the height of the hedge on the date it was grandfathered. He noted grandfathering did not eliminate the City's enforcement burden.

Councilmember Dawson noted if vegetation were grandfathered, the age of the hedge would be unknown without an inventory. Mr. Snyder noted one key principle was that one could not establish legal nonconforming rights unless the use was legally established. With buildings, structures, and manmade things, that was easy due to the need for a building permit. In this instance, to regulate something for which no permit has been required in the past, it would be the City's burden to show the use was not legally established. Mr. Bowman pointed out a large portion of the City was annexed from Snohomish County where there were no regulations regarding hedges.

Mr. Snyder noted when the ownership of a property changed, etc. it would become more difficult over time to establish the height of vegetation at the time it became nonconforming. Councilmember Dawson inquired whether hiring an arborist to testify on a case-by-case basis was a workable solution. Mr. Snyder answered an arborist would rely on information such as standard growth patterns and weather data to establish normal annual growth. He stated although it was possible to obtain that testimony, it required a great deal of preparation and expense.

Councilmember Dawson questioned whether the arborist's testimony would provide assistance if an inventory were not done first. Mr. Snyder agreed in many situations it would be difficult without an inventory.

Councilmember Dawson noted if the Council chose the arborist option, it was likely the City would lose the majority of enforcement actions. She inquired about the associated costs. Mr. Bowman answered the amount of time and the cost would vary by case. There was also the issue of who paid the cost of the arborist. Councilmember Dawson inquired about the number of cases this would impact. Mr. Bowman answered staff currently had seven active cases in a three year period. He emphasized the need to provide regulations that were enforceable.

Councilmember Orvis noted the law could be enforced now for certain trees and shrubs and the issue was whether to include more plants in the definition. He suggested codifying the current interpretation the way it was being enforced now. Mr. Bowman answered the Hearing Examiner stated in his decision that the City should do something to clarify the definition.

Councilmember Orvis recalled a complainant who was required to cut some of his shrubs because they fell within the current definition. Mr. Bowman answered that decision could potentially be challenged. He explained in that instance, the hedge-like material was pyramidalis which can reach 25-30 feet. Mr.

Snyder explained another problem with codifying the low growing principle was some of the bitterest neighborhood problems were spite situations and the City may not want to encourage residents to grow vegetation that was not low growing. He noted absent hedge regulations, the common law definition would apply and those who wanted to preserve a view could buy that right.

If the Council chose the arborist testimony route, Council President Plunkett inquired whether the City could shift some of the burden to the applicant. Mr. Snyder agreed, noting that may be an instance when full cost should be required for an appeal. Mayor Haakenson raised the issue of how the arborist and applicant could enter a neighbor's yard to evaluate their shrubs.

Councilmember Wilson inquired about the current fee structure, recalling it had been the Council's policy to minimize costs to appellants. He asked whether the City was likely to receive many appeals if the appellant was asked to pay the costs. Mr. Bowman answered probably not. He noted another potential issue may be when an appellant's appeal was successful, should they get a refund of their fee?

Councilmember Moore commented that in her experience, each arborist could have a different opinion.

Councilmember Dawson asked whether Council President Plunkett wanted the appellant to bear the cost. Council President Plunkett answered he would not support the proposed ordinance and preferred the matter be referred to the Community Services/Development Services Committee to identify a better solution. Councilmember Dawson acknowledged she was uncertain whether there was a more workable solution but the issue has been discussed for many years and no good solution has been identified.

COUNCILMEMBER MOORE MOVED, SECONDED BY COUNCILMEMBER OLSON, FOR APPROVAL OF ORDINANCE NO. 3491.

Councilmember Marin, a member of the Community Services/Development Services Committee last year, advised it was he who recommended the Planning Board's recommendation be forwarded to the full Council for deliberation but with reservations. Although he would prefer there was a way to regulate hedges, views and privacy must be balanced. The only reasonable answer was to exercise the golden rule and before taking rash action, consider your neighbor. He indicated he would support the motion.

Councilmember Dawson pointed out this issue had been considered for a long time and government must balance what it would like to do with what it needed to do as well as balance costs. She concluded the City did not have adequate funds to conduct an inventory and without an inventory, a hedge ordinance was not workable. Although she was willing to consider another option if the Council could provide specific direction, absent an inventory, the City had no choice but to cease regulating hedges.

Councilmember Olson agreed no other workable solutions had been identified. She planned to support the ordinance.

Councilmember Wilson expressed his support for the ordinance, noting if there had been a way to effectively regulate hedges, it would have been identified by now. He recalled there had not been a solution to the problem in the 14 years he had been with the City or in his 20 year career working with public agencies in the Puget Sound area.

Councilmember Moore agreed with Mr. Hertrich's comment that citizens of Edmonds were mostly law abiding, pointing out citizens of Edmonds were also mostly neighborly. She noted the instances when this would be a problem were few and it would be better not to regulate hedges.

MOTION CARRIED (5-2) COUNCIL PRESIDENT PLUNKETT AND COUNCILMEMBER ORVIS OPPOSED.



CITY OF KIRKLAND
City Manager's Office
123 Fifth Avenue, Kirkland, WA 98033 425.587.3001
www.ci.kirkland.wa.us

MEMORANDUM

To: Marilynne Beard, Interim City Manager
From: Erin Leonhart, Intergovernmental Relations Manager
Date: April 23, 2010
Subject: ANIMAL SERVICES OPTIONS – LETTER OF INTENT

RECOMMENDATION

It is recommended that the City Council provide direction as to the preferred animal services option below and authorize the City Manager to sign a letter of intent to King County similar to the attached draft (Attachment A). The options for animal services provision are:

- Option A – Regional model/new contract with King County;
- Option B – Sub-regional consortium of cities starting on January 1, 2011 (new contract with King County July 1-December 31, 2010); or
- Option C – Sub-regional consortium of cities starting on July 1, 2010.

Contingent upon approval from the City of Bellevue City Council and City of Redmond City Council, staff recommends pursuing option C. In the absence of approval from these two partners, the sub-regional option does not exist so Option A would be the alternate recommendation.

On April 15th, the Council Public Safety Committee recommended pursuing the sub-regional option if it is available.

BACKGROUND

The issue of animal services and options for service were discussed at the April 20th Council Study Session. Details of the options continue to emerge as of the writing of this memorandum. The basic proposals for the King County/Regional model and the Sub-Regional model are included for reference (see April 20th Council Packet for details). Additional materials will be provided to the City Council as they are available.

Recap of Materials Provided for April 20 Study Session

Following is a summary of the materials provided in the previous Council packet. Please note that the figures provided below do not reflect any additional work performed by King County or Bellevue, but reflect the original estimates.

Regional Model/New Contract with King County

In anticipation of the termination of contracts, a small work group consisting of staff from King County and representatives from cities in sub-regions of the county was formed and began meeting in January. This group developed a proposed Agreement in Principle ("AIP") for a new regional model for animal services under which King County would continue to provide animal control, licensing and sheltering services, if it is adopted by a sufficient number of cities. This AIP was distributed to cities on April 7th.

As the work group reviewed data about the present system, it became clear that cities face very different circumstances with respect to animal services: some are very heavy users of the shelter and control operations; others use it much less. The reasons could relate to demographics, behavior, the geographic proximity of the County shelter or nonprofit shelters, or some combination of factors. The licensing revenue generated by the system also varies dramatically among jurisdictions on a per capita basis, in part based on where the County has in the past focused marketing efforts.

Economies of scale exist in providing animal services: the more cities that participate in a regional system, the lower the costs are for everyone. Conversely, if the geographic distribution of cities participating in the regional system starts to look like a patchwork, the service delivery becomes more challenging and inefficient; at some point, the County will not be willing or able to effectively provide service.

Summary of the Agreement in Principle

The AIP represents a departure from the existing King County Animal Care and Control Services arrangement. The primary difference is that animal control officers will be dedicated to each of four districts five days per week (currently officers work seven days per week), while allowing individual cities or a sub-regional group to contract for higher levels of service as Kirkland currently does. The Parks & Community Services Department has prepared an interlocal agreement to continue this supplemental service through 2010 for the Council's consideration at the April 20th meeting. In the event Kirkland proceeds with a sub-regional option before 2011, the 30-day cancellation clause could be exercised and alternative arrangements would be made.

Operations at the King County Kent shelter will be augmented through closure of the Crossroads shelter and concentration of staff resources in Kent. Due to improvements at the Howard Hansen Dam, the flood threat in Kent has been significantly reduced. King County has a contingency plan in the event of a flood (including temporary facilities at another King County site, agreements with regional partners and a continued lease for the Crossroads shelter facility).

TABLE 1
JOINT CITIES-COUNTY WORK GROUP FOR REGIONAL ANIMAL SERVICES
OUTLINE OF TERMS FOR AGREEMENT IN PRINCIPLE (ABBREVIATED)

	CONTROL	SHELTER	LICENSING
Services	4 districts, each staffed with 1 Animal Control Officer, 5-day/week, 8-hour/day (TBD: M-F or T-S). Regionally shared resources	Humane standards of care Kent Shelter remains open Crossroads Shelter closes PAWS serves Northern Cities under separate contract	Administration of licensing system; marketing, education and outreach to maintain and increase licensing sales. County will absorb costs of using mainframe IT system.
Cost Allocation	Allocate one quarter of total costs to each district. Within each district, allocate costs to jurisdictions by combination of 50% calls for service and 50% population.	Allocate costs by 50% shelter intake 50% and population. Northern Cities pay half of the population-based factor for regional system benefits.	Allocate by 50% usage and 50% population
Revenue Allocation	Control revenues netted from total control costs before allocation.	Shelter revenues netted from total shelter costs before allocation.	Regular licensing fees allocated to jurisdiction of resident buying license.

The proposed system costs to be allocated are \$5.6 million (annualized for 2010). The AIP seeks to balance the different situations of cities by proposing a cost allocation methodology based on both population and usage factors (a 50-50 split), which results in a subsidy from jurisdictions with higher licensing revenue and/or lower usage to jurisdictions with lower licensing revenue and/or higher usage. Licensing revenues (\$3.2 million) are credited to jurisdictions based on the residence of the person buying a pet license. The cost allocation formula is intended to:

- (a) Provide incentives to minimize use of the system and decrease the homeless pet population (use component); and
- (b) Recognize that the system benefits everyone and that animals don't respect jurisdictional boundaries (population component).

Additionally, the cost allocation was designed to balance burdens across jurisdictions in hopes of maximizing participation and preserving a regional system.

The City will be responsible for animal services in the Annexation Area beginning in June 2011 so projected annualized regional program (King County) costs for both the existing city and the Annexation Area are included in Table 2 to demonstrate a projected annual cost for the larger city.

The AIP proposes a 2.5 year agreement, during which time the parties, through a Joint Cities-County Committee, will focus on increasing system revenue and reducing system costs. Parties would be allowed to terminate for convenience upon six months' notice to effectively contract with King County through 2010 only. The City must state its intention to take advantage of the

six month contract extension no later than May 5, 2010. The projected cost for six months of service is also included in Table 2.

TABLE 2
CITY OF KIRKLAND AND ANNEXATION AREA
ESTIMATED ANNUALIZED REGIONAL PROGRAM COST ALLOCATION

AREA	ESTIMATED COST ALLOCATIONS				2009 LICENSING REVENUE	EST NET COST ALLOCATION
	ANIMAL CONTROL	SHELTER	LICENSING	TOTAL		
Kirkland	\$50,147	\$97,540	\$38,979	\$186,666	\$159,211	(\$27,455)
<i>Annexation Area**</i>	<i>\$34,400</i>	<i>\$68,200</i>	<i>\$27,300</i>	<i>\$129,900</i>	<i>\$111,100</i>	<i>(\$18,800)</i>
Kirkland & AA	\$84,547	\$165,740	\$66,279	\$316,566	\$270,311	(\$46,255)
Kirkland -6 Months	\$25,074	\$48,770	\$19,490	\$93,334	\$79,606	(\$13,728)

**The Annexation Area allocation amounts are rough estimates based on Kirkland and the nearby city use values. These are 2010 annualized values so the cost allocations may be higher in future years.

Under the proposed regional system, Kirkland's licensing revenue would not cover expenses requiring a payment to King County of the difference ("Estimated Net Cost Allocation"). Previous studies indicate that Kirkland's license revenue is sufficient to cover costs based on actual use. However, the 50/50 cost distribution model allocates more costs to Kirkland to "balance" the regional system.

Sub-Regional Consortium of Cities

Staff from Kirkland, Bellevue and Redmond began discussing options for animal services in 2009 when the King County Executive announced his intent to discontinue King County Animal Care and Control. A sub-regional model for animal services is being developed where the City of Bellevue Police Department would conduct the field services portion (the City of Bellevue's Police Chief is developing an option for sub-regional service delivery). Estimates for this option may be on the low end as there are costs that may not have been captured.

A request for proposals for licensing services garnered one proposal from a professional licensing company that would charge a nominal set-up charge plus a per-license fee to provide a full range of services. Finally, conversations with Seattle Humane Society have resulted in a proposed flat fee for any stray animal brought to the shelter by the City/animal control officer or by a Good Samaritan. These unit costs were analyzed using historical data to derive Kirkland's estimated costs of a sub-regional program in Table 3. Although the projected cost for the last six months of 2010 is higher than that projected for the regional option, it is projected that those costs would be recovered during the first full year of the program. The full year projections use 2011 rates although the City of Kirkland will not be responsible for animal services in the Annexation Area until June 1, 2011.

TABLE 3
CITY OF KIRKLAND AND ANNEXATION AREA
ESTIMATED ANNUAL SUB-REGIONAL PROGRAM COSTS

NOTE: INFORMATION LIKELY TO CHANGE, UPDATES WILL BE PROVIDED WHEN AVAILABLE

AREA	ESTIMATED COST ALLOCATIONS				2009 LICENSING REVENUE	EST NET (COST)/REVENUE
	ANIMAL CONTROL	SHELTER	LICENSING	TOTAL		
<i>2010 ONE-TIME PLUS 6 MONTHS (JULY-DECEMBER) *</i>						
Kirkland	\$52,441	\$14,738	\$11,580	\$78,758	\$63,684	(\$15,074)
<i>PROJECTED FULL YEAR KIRKLAND AND ANNEXATION AREA</i>						
Kirkland	\$55,463	\$29,475	\$21,160	\$106,098	\$159,211	\$53,113
Annexation Area**	\$36,720	\$21,375	\$13,825	\$71,920	\$111,100	\$39,180
Kirkland & AA	\$92,183	\$50,850	\$34,985	\$178,018	\$270,311	\$92,293

*Includes one-time costs of \$27,214 for field services (vehicle, equipment, etc.) and \$1000 for licensing set-up.

**The Annexation Area allocation amounts are rough estimates based on Kirkland and the nearby city use values.

If a city chooses to separate from the regional system, King County has stated there will be no transfer of revenues for pet licenses sold before the end of a city's contract. As a result, the sub-regional group and, therefore, Kirkland would incur costs before revenues from new license sales would be received. There is also likely to be a delay in licensing revenues since King County has been the regional provider for over 20 years.

It should be noted that these costs and revenues are estimates. The cities would be entering a new line of business and there are likely to be unexpected costs to deliver this service. In addition, it would take time to ramp-up staff and equipment for animal control services and transfer licensing. This additional time may result in a delay of services so staff would create a contingency plan for the transfer period. One option during the ramp-up period would be to sign a regional contract with King County through December 2010. Another option would be to address only high-priority field calls during this period (in 2008, 25% of Kirkland's field calls for service were considered high-priority).

Summary of Actions Since Last Study Session

Since the last materials were prepared, the City of Bellevue City Council directed their staff to carefully review the estimates for the subregional model and to return with more refined estimates. Bellevue City Council expressed concern about the cost of the regional model. Bellevue staff was also directed to initiate further discussions with King County to determine if the cost allocation model could be modified to reduce costs. We understand that the discussions are occurring and Kirkland participated in a conference call with King County staff on April 23rd. As of the due date for this packet, neither revised estimates from Bellevue or a revised regional cost allocation formula were available.

Next Steps

Due to the July 1st termination of existing King County services, there is a very strict timeline for this decision. The full proposed timeline for the Regional Animal Services process is shown in Table 4. The proposed services and related costs are contingent upon participation from all 30 jurisdictions included in the AIP. As a result, there are two check-in points to determine costs and interest. The key decision dates are highlighted.

TABLE 4 – REGIONAL ANIMAL SERVICES
REVISED Timeline for Confirming and Adopting New Interlocal Agreements

<i>Date*</i>	<i>Item</i>
April 7	Distribute Agreement in Principle to cities
April 30 Extended to May 5	Initial statements of interest in contracting from cities due to King County (including statement of whether city wishes to contract only for the first 6 months).
May 7	Adjusted costs circulated to all parties based on May 5 indications of interest. If costs have increased due to some Cities declining to participate, a second statement of intent will be requested from Cities later in May.
May 26	Second statement of intent due to King County.
May 28	Results of second statement of intent circulated to all parties
May 28	FINAL Interlocal Agreement (ILA) circulated, including final estimated costs only those parties indicating interest as of May 26.
May 27-June 3	Interested parties confer and determine whether/how to proceed
Mid-late June	All participating jurisdictions adopt legislation approving ILA by approximately mid- to late June in order for agreement to become effective July 1.

**NOTE: All dates after April 7th were revised on April 24th.*

In addition to the Regional Animal Services timeline, the sub-regional option for services is contingent upon decisions to be made by the City of Bellevue and City of Redmond City Councils. The schedules for Council action in those two cities are:

- City of Bellevue City Council – Scheduled to take action on May 3rd; and
- City of Redmond City Council – Scheduled to consider on April 27th and take action on May 4th.

Staff must submit a Statement of Interest to King County by May 5th expressing one of the following three interests:

- Regional model/new contract with King County – 2.5 year contract;
- Regional model/new contract with King County – 6 month contract (sub-regional consortium of cities starting on January 1, 2011); or
- No new contract with King County (sub-regional consortium of cities starting on or near July 1, 2010).

King County has also asked jurisdictions signing new contracts to state if there is interest in purchasing “enhanced” animal control (field) services in addition to the services provided in the

base-level regional model. Kirkland currently has an enhanced agreement with King County for off-leash patrol on a part-time basis. This will continue to be an option in the regional model and King County is in the process of developing specific cost estimates.

Staff is currently working with King County and the Cities of Bellevue, Redmond, Mercer Island and Clyde Hill on potential revisions to both the Regional and Sub-regional model and associated costs. Staff anticipates receiving new information from Bellevue and King County by Friday, April 30th. Once updated information is received by Kirkland, a revised staff report will be forwarded to Council with a target of noon Monday.

D R A F T

ATTACHMENT A



May 5, 2010

King County Regional Animal Services – City Statement of Interest

Carrie Cihak, Director of Strategic Initiatives, King County

By email: carrie.cihak@kingcounty.gov

City of Kirkland

(A) Base Services:

Based on information provided in early April, and subject to later review and consideration of revised cost projections and proposed contract language:

____ The City of Kirkland is seriously interested in participating in the regional animal services model through a contract with King County for (*select one*)

_____ **6 months (July-December 2010** _____ **2.5 years (July 2010 – December 2012).**

Please include Kirkland in the list of potential contract cities for purposes of refining the cost calculations that will be shared in early May with all interested jurisdictions. I understand that in late May, Kirkland will be asked to indicate a preliminary commitment to the contract based on refined numbers developed as a result of this initial statement of interest. I further understand that I will need to sign a new contract with King County by June 30th to continue receiving regional animal services.

____ The City of Kirkland is not interested in participating in the regional animal services model.

Please do not include my jurisdiction in further cost calculations. I understand that Kirkland will no longer receive animal services from King County as of July 1, 2010.

(B) Enhanced Control Services

Some cities have expressed interest in purchasing “enhanced” animal control (field) services in addition to the services provided in the base-level regional model. This will continue to be an option in the regional model and we are in the process of developing specific cost estimates. Please indicate below if your city is interested in contracting for enhanced animal control services.

____ The City of Kirkland is seriously interested in contracting for enhanced animal control services. I estimate that we will be interested in having an enhanced animal control officer in for ____ hours per week. I understand that the availability of enhanced animal control services at less than the equivalent of one full-time position may be dependent upon the interest of other cities in receiving these services.

Sincerely,
City of Kirkland

Marilynne Beard, Interim City Manager



CITY OF KIRKLAND
City Manager's Office
123 Fifth Avenue, Kirkland, WA 98033 425.587.3001
www.ci.kirkland.wa.us

MEMORANDUM

To: Kirkland City Council

From: Marilynne Beard, Interim City Manager

Date: April 22, 2010

Subject: COUNCIL RULES OF PROCEDURE – ITEMS FROM THE AUDIENCE AND COUNCIL CORRESPONDENCE

RECOMMENDATION:

City Council reviews the attached memoranda concerning rules of procedure and provides direction to staff regarding possible changes.

BACKGROUND DISCUSSION:

At the City Council retreat, staff was asked to prepare a report regarding certain practices contained in the City Council's rules of procedure. Among the specific items requested, the City's practice with regard to processing Council Correspondence and items from the audience are addressed in two staff reports attached to this memo.

Items from the Audience

At the April 6, 2010 meeting, the City Council approved language clarifying the practice of allowing three minutes per speaker during items from the audience. During Council's discussion, a suggestion was made to add a second opportunity for the public to speak at the end of the regular meeting. Information regarding the City of Woodinville's practice was also requested.

The first attached memo from City Attorney Robin Jenkinson provides background information and sample language for Council to incorporate in the rules of procedure to add a second "Items from the Audience" to the regular agenda.

Council Correspondence

The second memo provides background and options for the City's processing of correspondence addressed to the City Council. A background memo that was included in the April 15 Reading File is also included as an attachment to the memo for reference.

Staff is requesting Council direction regarding changes to current procedures. A resolution adopting revised rules of procedure will be prepared for approval at the next regular City Council meeting based on Council direction.



CITY OF KIRKLAND

City Attorney's Office

123 Fifth Avenue, Kirkland, WA 98033 425.587.3030

www.ci.kirkland.wa.us

MEMORANDUM

To: Marilynne Beard, Interim City Manager

From: Robin S. Jenkinson, City Attorney

Date: April 22, 2010

Subject: Council Rules of Procedure/Items from the Audience

RECOMMENDATION:

It is recommended that Council consider amending the Rules of Procedure for the Conduct of Kirkland City Council Meetings with respect to Items from the Audience and provide direction to staff.

BACKGROUND DISCUSSION:

At the meeting of April 6, 2010, Councilmembers discussed adding an "Items from the Audience" period at the end of the regular Council Meetings. Amendments that could be made to the Council Rules of Procedure to accomplish this change are shown in edited format below:

Order of Business

Section 4. The order of business shall be as follows:

1. Call to order
2. Roll call
3. Study session
4. Executive session
5. Honors and Proclamations
6. Communications
 - a. Announcements
 - b. Items from the audience (3 minute limitation. See Section 5)
 - c. Petitions
7. Special presentations
8. Consent calendar
 - a. Approval of minutes
 - b. Audit of accounts and payment of bills and payroll
 - c. General Correspondence
 - i. Routine
 - ii. Written correspondence relating to quasi-judicial, including land use public hearing matters and placed in the appropriate hearing file.

- d. Claims
- e. Award of bids
- f. Acceptance of public improvements and establishing lien periods
- g. Approval of agreements
- h. Other items of business

Any matter, which because of its routine nature, would qualify for placement on the Consent calendar pursuant to this section, may be included on the Consent Calendar, notwithstanding action on the matter may, by law or otherwise, require adoption of a Resolution or Ordinance.

Any item may be removed from the consent calendar and moved to the regular agenda upon the request of any Councilmember. All items remaining on the consent calendar shall be approved by a single motion. Whenever an Ordinance is included on the Consent Calendar, approval of the calendar shall be by roll call vote.

- 9. Public hearings
- 10. Unfinished business
- 11. New business
- 12. Reports
 - a. Council Reports
 - b. City Manager Reports
- 13. Items from the Audience
- ~~13~~14. Adjournment

Items from the Audience

Section 5. The Council believes that the following procedure for public comment during regular City Council meetings will best accommodate the desires and concerns of the Council:

1. During the time for "Items from the audience", speakers may not comment on matters which are scheduled for a public hearing, or quasi-judicial matters. The Council will receive comments on other issues, whether the matter is otherwise on the agenda for the same meeting or not. When possible, items on the agenda will be marked with an asterisk when the Council cannot receive comments on such matters during the time for "Items from the audience".

2. During the time for "Items from the audience", each speaker will be limited to 3 minutes. No more than 3 speakers may address the Council on any one subject. However, if both proponents and opponents wish to speak, then up to 3 proponents and up to 3 opponents of the matter may address the Council. Unless it is 10:00 p.m. or later, speakers may continue to address the Council during an additional Items from the Audience period, at the end of the meeting; provided, that total amount of time allotted for the additional Items from the Audience period shall not exceed 15 minutes.

Based on direction from the Council, staff will prepare a resolution making appropriate edits to the Council Rules of Procedure for adoption at an upcoming Council Meeting.



CITY OF KIRKLAND
City Manager's Office
123 Fifth Avenue, Kirkland, WA 98033 425.587.3001
www.ci.kirkland.wa.us

MEMORANDUM

To: Kirkland City Council

From: Marilynne Beard, Interim City Manager

Date: April 22, 2010

Subject: COUNCIL RULES OF PROCEDURES – COUNCIL CORRESPONDENCE

RECOMMENDATION:

City Council reviews their current policy for responding to Council correspondence and provides direction to staff regarding any changes to the current procedure.

BACKGROUND DISCUSSION:

The City Council earlier indicated an interest in revisiting the current practice regarding responses to Council correspondence. A memo was included in the April 15, 2010 reading file providing background on Kirkland's current practice and a summary of policies for other cities (see Attachment A). The primary difference that emerged between Kirkland and other cities is the practice of bringing most response letters to the City Council on a regular agenda for approval before mailing the response. In most cases, responses are drafted by the appropriate department staff and reviewed by the City Manager and, in some cases, the Mayor prior to being mailed. The City of Shoreline's procedures provide an example of a policy that reflects this practice.

Resolution 4810, Section 7 contains the current policy for Council correspondence (see Attachment B). It distinguishes between four different types of correspondence and provides procedures for each:

Correspondence of an Information Only Nature – Forwarded to the City Council but not placed on the Council Meeting Agenda.

Routine Requests – Placed on the Council Meeting Agenda with a brief memo "explaining the request and recommending a course of action." In most cases, this is in the form of a draft response letter from the City Council.

Significant Correspondence – Policy-related correspondence that requires Council discussion or is non-routine in nature. These items are placed on the City Council meeting agenda for discussion and/or approval.

Correspondence Related to Quasi-Judicial Matters – The letter is placed in the appropriate communication holding file for the case and presented to the City Council when the matter comes before Council at a regular meeting.

The following discussion provides an overview of current practices and options for modifying procedures.

Routine Requests

All correspondence addressed to the City Council is forwarded to the City Council when it is received along with an indication of the department that is responsible for responding (with the exception of those related to quasi-judicial matters). As a practical matter, operational matters that can be met with a service response from a department or that can answer a simple question are addressed by department staff. Most of these responses take the form of a telephone call or email from staff responding to the sender. If a written response is prepared, it is also forwarded to Council when it is sent along with a copy of the original letter. This practice allows the City to quickly resolve issues for the customer.

Resolution 4810 calls for all correspondence to routine matters to be placed on the Consent Calendar. When an item is placed on the agenda, the staff person may have contacted the correspondent to acknowledge the issue and, most likely, to resolve it. However, a formal letter from the City Council is not sent until it has been approved on the Consent Calendar.

Option: The City Council may want to consider allowing staff to respond to routine matters without requiring Council approval at a regular meeting in order to expedite resolution.

Significant Correspondence

There is a range of issues that could be considered “significant correspondence.” By their nature, they call for different types of processing and response.

Regional Policy Positions -- Clearly, any letter sent on behalf of the Kirkland City Council to another governmental unit or agency expressing the Council’s position on a policy matter requires City Council discussion and approval at a regular meeting.

Local Policy Issues -- Correspondence that questions the City Council’s policy choices, raises a serious policy issue or recommends a change in City Council policy should also be reviewed and approved by the City Council. This practice allows the Council to either affirm its policies or to request further study and a possible change. The City Council’s response will necessarily reflect the Council’s direction regarding further study or action to be taken. The drawback of requiring Council review of responses before they are sent is the lag between the time the letter is received and the response is sent. In addition, the response is included in the City Council agenda packet making it available to the general public at the same time or before it is received by the originator.

Option: The City Manager may be provided some discretion about the appropriate handling of policy-related correspondence either based on his/her own judgment or in consultation with the Mayor and/or Deputy Mayor (or other Council designee). The response letter can be signed by

either the City Manager or signed by the Mayor/Deputy Mayor/designee on behalf of the Kirkland City Council. In effect, the City Council would be delegating their response. This approach would not be appropriate for major policy issues and would be based on the appropriate delegate's direction regarding how it should be handled.

Volume Email Correspondence -- A variation on this type of correspondence that emerged with the widespread use of email is the practice encouraging Council input by generating many emails on a particular subject. The emails are often based on a template provided by an advocacy group that the writer can use and enter their own name as the author. Examples of recent issues for which many "form letters" were received via email include the off leash dog area matter and the BNSF rail/trail matter. Similarly, the Council received numerous emails about the Bank of American project, stating various positions on the matter. Again, all of the correspondence was forwarded to Council, however, a City Council response letter was not provided due to the sheer volume of letters and the fact that the writers were not requesting a response, but simply stating their position.

Option: The City Council may want to consider allowing staff to develop a template response that thanks the writer, indicates that the City Council received the correspondence and provided any further pertinent information such as when the item will be before the City Council at a regular meeting.

When to Respond -- At this time, the City does not have a practice of acknowledging the receipt of every correspondence received by the City Council. Although this may be a simple form letter from the City Manager's Office acknowledging receipt of the correspondence, it provides an opportunity to thank the sender for their letter and an opportunity to indicate whether a further response is being prepared.

Option: Provide a brief response to all City Council correspondence.

The objective of making any change in the current practice would be to improve the City's response time for correspondence and to provide a response to every correspondent. Additional CMO staff time would be required to send acknowledgements. Allowing some letters to be processed by the City Manager and/or Mayor will reduce some response times and save staff time that would otherwise be needed to process it as an agenda item.

Based on direction from Council, staff will prepare appropriate edits to the Council Rules of Procedure for adoption at regular meeting.

**CITY OF KIRKLAND****City Manager's Office**

123 Fifth Avenue, Kirkland, WA 98033 425.587.3001

www.ci.kirkland.wa.us**MEMORANDUM**

To: Marilynne Beard, Interim City Manager

From: Marie Stake, Communications Program Manager

Date: April 8, 2010

Subject: Reading File: City Council Correspondence Process

The City of Kirkland prides itself on being responsive to citizen correspondence to the City Council. Correspondence addressed to the Council and/or the Mayor is typically received by mail or email. In 2009, more than 40 response letters drafted by staff on behalf of the City Council were presented to the full Council for review and approval under the "Consent Calendar/General Correspondence" section of the City Council meeting agenda.

The purpose of this memorandum is to provide the City Council with background information on the City's current practice for processing citizen correspondence addressed to the City Council and/or the Mayor so that the Council may provide direction to staff when this issue is presented at an upcoming Council meeting.

The City's current process is described in Chapter 4.2, Correspondence Procedures, and Chapter 4.3, Distribution of Information and Correspondence, of the Kirkland City Council Policies and Procedures Manual. (Attachment A)

For reference purposes, included in this memo is a summary of processes of other cities: Bellevue, Bothell, Mercer Island, Sammamish, Shoreline, Tacoma and Vancouver (Attachment B).

Types of Correspondence Typically Received and Method of Response

The majority of correspondence addressed to the City Council and/or the Mayor is received either by mail or email. Letters to the City Council are received in the City Manager's Office (CMO) on behalf of the City Council. Emails addressed to the City Council are typically received via the council@ci.kirkland.wa.us email address which is regularly monitored by CMO administrative staff. Individual City Council members often receive emails through their individual city email accounts.

Incoming correspondence may best be defined as "policy-related" and "operations-related." Policy-related correspondence typically expresses the opinion of the correspondent (individual, business or organization) about a policy decision made by the Kirkland City Council or other legislative bodies that impact Kirkland residents and businesses. Sometimes the City Council receives requests to consider new policy (e.g. Styrofoam ban). The City Council may also receive multiple letters and/or emails regarding the same subject (e.g. annexation or off-leash dog areas). Operational correspondence often seeks factual information (e.g. code

requirements, project information) or asks the City to resolve an individual's situation (e.g. citation).

All incoming correspondence is forwarded to the City Council. The type of response and review procedure depends upon the nature of the issue expressed in the correspondence. The City Council may receive duplicative emails from different correspondents about the same subject. These may not require individual responses if they express a collective opinion about a particular issue (e.g. BNSF trail/rail advocates or off-leash dog park advocates). In certain circumstances, the City Council may request that a template response be prepared by staff and approved by the City Council. Otherwise, this correspondence is simply forwarded to the City Council. The following table describes the different types of correspondence received by the City Council and the current practice for preparing a response:

Types of Correspondence	Method of Response	Council Approval Required	Signature
POLICY ISSUE			
Addresses a pending quasi-judicial decision	Correspondence is responded to by the Planning & Community Development Director.	No	Planning & Community Development Director
Raises a policy question	Staff prepares draft response for Council agenda. Original correspondence and response are provided to all Council members.	Yes	Mayor
Expresses opinion or seeks City's position on regional or other policy issue	Staff prepares draft response for Council agenda. Original correspondence and response are provided to all Council members.	Yes	Mayor
Multiple correspondence (emails or letters) on a single topic	Copies are provided to City Council. Template response may be requested by Council or recommended by staff.	Yes	Mayor (if response is provided)
OPERATIONAL ISSUE			
Requests a service or information	Correspondence is responded to by the appropriate department. Original correspondence and response are provided to City Council.	No	Department Director, Manager or appropriate staff member
Compliments or complaints about City service	Correspondence is provided to appropriate department. Response letter is drafted for Mayor's review & signature. Original correspondence and response are provided to City Council.	No	Mayor (Deputy Mayor)

Types of Correspondence	Method of Response	Council Approval Required	Signature
Compliments or complaints about City employee	Correspondence is provided to appropriate department. Appropriate director or manager responds via phone or letter.	No	City Manager, Assistant City Manager or Department Director
Seeks resolution to dispute or waiver of City-imposed restriction	Staff prepares draft response for Council agenda. Original correspondence and response are provided to all Council members.	Yes	Mayor

Internal Process to Draft Response and Receive Approval

For correspondence that is placed on the City Council agenda, draft responses are prepared by staff. Draft correspondence is reviewed and approved by the City Manager prior to inclusion in the Council packet. The City Council packet is posted online no later than the Friday preceding the regular Tuesday meeting; making the draft response available for public view on the Internet.

Over the past year, a few citizens who sent correspondence to the City Council expressed concern that their name, address and email address are posted to the Internet. Public records law requires that all correspondence to and from the City Council is considered a public document unless it is specifically exempted. Others have expressed concern that website browsers see the draft response before the originator receives an official response. Based on current practice it is possible that a final response letter is not received by the originator until weeks after submitting it to the City due to the time it was received and the date of the next available City Council meeting. The following table describes the current procedure for tracking, routing and responding to correspondence:

CURRENT PRACTICE
<p>1. Tracking: Council Correspondence (email and letters) is received by CMO administrative staff.</p>
<p>2. Assignment for Response and Distribution: CMO determines the appropriate department/staff for a response and provides a copy of the original correspondence to City Council indicating the assigned staff person.</p> <p>CMO determines which correspondence is to be placed on the agenda as "General Correspondence" and assigns to the appropriate department/staff for preparation of Council packet item. "General Correspondence" agenda items require a cover memo, original correspondence and draft response for approval by City Council.</p> <p>CMO assigns operational issues to the appropriate department/staff. Once a response is prepared, a copy of the response and the original letter is copied to City Council.</p> <p>Quasi-judicial related issues are responded to by the Planning & Community Development</p>

Director.
3. City Council Review of Agendized Items: "General Correspondence" is included on the consent calendar portion of the agenda and approved along with the remainder of the consent calendar. If a correspondence item is removed from the consent calendar and editorial corrections are requested by Council, the assigned staff person makes the content changes and forwards the final letter to the Mayor for signature.
4. Response Distribution: For all City Council approved correspondence, CMO mails/emails the corrected final response letter, files it, and provides a copy to all Council Members, City Manager, Assistant City Manager, and appropriate staff. Operational responses are also copied to the City Council once it is received in the CMO from the responding department.

Process of Other Cities

Seven "Council-Manager" cities were briefly surveyed about their policies and procedures for Council correspondence. A matrix summarizing the practices of other cities is included as Attachment B to this memo.

- Most cities surveyed have a group City Council email address as well as individual member email accounts.
- Most cities surveyed do not have a formal policy/procedure, do not require full Council review and do not include the original correspondence and draft response in the City Council packet.
- Most cities have a response prepared by staff and, depending on the issue, signed by staff or by the Mayor; in all cases, the original letter and response is provided to the City Council for informational purposes.
- Two cities surveyed have formal procedures; two track correspondence via a database.
- For most cities surveyed, the types of correspondence shared with Council are letters and emails about policy issues (not operational issues).

The City of Shoreline's process is well-documented and provides an alternative review and approval process from Kirkland's current practice. Their process is included as Attachment C.

Council Consideration to Amend Current Practice

There has been recent interest by the City Council to review its policy and procedure for correspondence. At its March 2010 Retreat, the Council identified the issue of reviewing Council Correspondence procedures as "urgent and important." Staff will follow-up with a staff report which includes options and recommendations at the May 4 Council meeting.

Attachments:

- A: Kirkland City Council Policies and Procedures Manual, Chapter 4.2, Correspondence Procedures and Chapter 4.3, Distribution of Information and Correspondence
- B: Overview of Council Correspondence Procedures of other cities
- C: City of Shoreline "City Council/City Manager Correspondence Process" (January, 2010)

KIRKLAND CITY COUNCIL POLICIES AND PROCEDURES MANUAL

CHAPTER 4: COMMUNICATIONS

CHAPTER
4

4.2 CORRESPONDENCE PROCEDURES

Correspondence written on behalf of the City Council shall have a signature block of the following:

Kirkland City Council

By _____, Mayor

Letters on regional issues should be signed by the appropriate City Council representative.

A Councilmember writing a letter or email as an individual (as compared to correspondence signed by the Mayor on behalf the entire Council) should clarify that he/she is writing the letter or email as an individual and not speaking on behalf of the Council as a whole. Councilmembers may use Council letterhead and envelopes regardless of whether writing as an individual or on behalf of the entire body.

4.3 DISTRIBUTION OF INFORMATION
AND CORRESPONDENCE

City Manager's Office Staff generally copies and distributes all information and correspondence to all Councilmembers. This includes emails sent to citycouncil@ci.kirkland.wa.us. Exceptions to this practice include personal correspondence arriving via the city, correspondence and information addressed to only one Councilmember with no cc's, and items addressed to the Mayor only. In the case of non-personal items addressed to the Mayor, the City Manager's Office determines the distribution, always erring on the side of providing copies to all Councilmembers.

City business-related correspondence is also copied to the affected Department Director responsible for drafting a response for Council review and the Mayor's signature.

City	Coordinating office	Process	Full Council Review?	Formal Procedure?	Comments
Bellevue	City Clerk's Office	<ul style="list-style-type: none"> Email/letter addressed to Council is forwarded to full Council, City Manager, Department Director and appropriate staff member. Response drafted by staff. <ul style="list-style-type: none"> "I'm writing on behalf of the City Council...." Depending on issue City Manager, Dept. Director or staff signs letter. Response letter forwarded to Council, City Manager 	No	No	<ul style="list-style-type: none"> Group and individual Council emails Clerk's office does not track emails sent to individual Council members.
Bothell	City Clerk's Office	<ul style="list-style-type: none"> Email/letter addressed to Council is forwarded to full Council, City Manager, Department Director and appropriate staff member. Correspondence is assigned a tracking number Acknowledgement letter is sent to citizen within 2 business days. Copy to City Manager & City Clerk. Detailed response drafted by staff. Original correspondence, acknowledgement letter and response letter are included in Council Information Packet (distributed every Friday) 	No	Yes	<ul style="list-style-type: none"> Clerk's office does not track emails sent to individual Council members.
Mercer Island	City Clerk's Office	<ul style="list-style-type: none"> Email/letter addressed to Council is forwarded to full Council, City Manager, Department Director and appropriate staff member. Response drafted by staff; signed by staff. Response letter forwarded to Council, City Manager. 	No	No	<ul style="list-style-type: none"> Group and individual Council emails. Individual emails are forwarded to personal accounts. Clerk's office does not track emails sent to individual Council members.
Sammamish	Varies	<ul style="list-style-type: none"> Email/letter addressed to Council is forwarded to full Council, City Manager, Department Director and appropriate staff member. Response drafted by staff. 	No	No	<ul style="list-style-type: none"> Group and individual Council emails. Council is aware that if responding as individual, he/she will state so in response. Broad issue: Communications Manager drafts response.

City	Coordinating office	Process	Full Council Review?	Formal Procedure?	Comments
Shoreline	City Manager's Office	<ul style="list-style-type: none"> Email/letter addressed to Council is forwarded to full Council, City Manager, Department Director and appropriate staff member. <ul style="list-style-type: none"> CMO staff determine what correspondence is shared with Council If correspondence relates to an administrative issue ("everyday work process or city service"), then staff, Dept. Director or City Manager will respond. If correspondence relates to a policy or legislative issue or is a "hot topic", then response will be signed by Mayor on behalf of full council. All correspondence receives an "acknowledgement" from the City Manager's Office. Correspondence is logged within 2 hours into a database (Hansen) Draft responses are reviewed by CMO Management Analyst within 2 days. CMO staff coordinates signature and mail/email response Copies of signed response provided to Council & appropriate staff 	No	Yes	<ul style="list-style-type: none"> Group and individual Council emails Council member may ask staff to respond
Tacoma	City Clerk's Office	<ul style="list-style-type: none"> Email/letter addressed to Council is forwarded to full Council, City Manager, Department Director and appropriate staff member. Council member may ask City Manager to respond. Staff responds to factual/informational requests 	No	No	<ul style="list-style-type: none"> No group council email; only individual email. Letters of regional significance may be presented to full council for review/approval
Vancouver	City Council's Office	<ul style="list-style-type: none"> Email/letter addressed to Council is forwarded to full Council. Distributed via packets. <ul style="list-style-type: none"> Letters addressed to Council are forwarded to full Council; emails sent go directly to Council members (unless the email is sent to Council staff) Correspondence addressed to the Council about dissatisfaction with city service, staff, etc. is referred to the City Manager and/or Department Director or Citizen Advocate. Council members may request staff to draft response Responses shared with full Council. 	No	No	<ul style="list-style-type: none"> Individual Council member email accounts

City of Shoreline
CITY COUNCIL CORRESPONDENCE PROCESS
January 2010

Step 1 – Correspondence Received	Step 2 – Response Determination	Step 3 – Signatory Determination	Step 4 – Correspondent Notification
<ul style="list-style-type: none"> • The City Manager’s Office (CMO) receives correspondence (email, letter, or a public comment form) from an individual on behalf of the City Council or City Manager. • The CMO Administrative Assistant (AA) and CMO Management Analyst (MA) determine whether the correspondence should be responded to or whether it should be distributed to the City Council, City Manager and/or other appropriate parties. 	<ul style="list-style-type: none"> • If there is a clear question and the correspondent is requesting information, the correspondence is responded to. • As well, if there is a policy question or staff feels that the correspondent would like to feel reassured that they are being heard, a response is provided. • However, if the correspondent is just providing their opinion or position on a policy, making a request of Council where no response is requested, providing an “FYI” or community announcement, or stating questions that are rhetorical, this correspondence is typically not responded to, but rather distributed. • If there are any questions about whether a piece of correspondence should be responded to or not and a judgment call is made, the CMO MA will typically involve the Assistance City Manager or City Manager for their input. 	<ul style="list-style-type: none"> • If the correspondence relates to an administrative issue that is part of the staff’s “everyday” work process or provision of service, the correspondence will be responded to by staff, typically a department director or the City Manager. • However, if the corresponded relates to a past or present policy issue, an issue, Ordinance or Resolution that the Council will be acting on in the future, or a “hot button” issue that necessitates a Councilmember’s signature, the correspondence will be responded to by the Mayor on behalf of the Council (or Deputy Mayor in the Mayor’s absence.) • If there are any questions about whether a piece of correspondence is administrative in nature or more policy-oriented, the CMO MA will involve the Assistance City Manager or City Manager for their input. 	<ul style="list-style-type: none"> • For received Council correspondence that will be distributed (and not responded to), the CMO AA will immediately reply to inform the correspondent that staff will forward the correspondence onto the City Council and appropriate staff for their review. • For correspondence that will receive a staff response, the CMO AA immediately replies to inform the correspondent that staff will provide a formal response in the near future, and that if the correspondent has any questions, they should contact the City Manager’s Office.

CITY COUNCIL/CITY MANAGER CORRESPONDENCE PROCESS

January 2010

Step 5 – Response Tracking	Step 6 – Response Draft	Step 7 – Response Review	Step 8 – Response Final Action
<ul style="list-style-type: none"> • For all received correspondence, the CMO AA will enter the correspondence into the City’s tracking database, within two (2) hours. • If the correspondence is to receive a response, the CMO AA will designate a City department contact person for response and tracking responsibility after consulting with the CMO MA. • All responses to correspondence requiring a response should be drafted, edited, finalized and signed by the appropriate party in 10 business days. 	<ul style="list-style-type: none"> • Upon receipt of the request, the department contact coordinates the drafting of a response with staff in their department. • Once the response is written, the department contact returns the draft to the CMO AA. • The department contact ensures the completion of these tasks within five (5) working days from the date in which the request was received. • <i>Note:</i> The department may determine that a more appropriate response is to discuss the issue directly with the correspondent. It is perfectly acceptable to respond with a telephone call or visit to the correspondent; however, the department is still responsible for writing a memo to the City Council/City Manager summarizing the interaction. 	<ul style="list-style-type: none"> • Upon receipt of the draft response, the CMO AA reviews and formats the response and then sends to the CMO MA for his review. • The CMO MA then reviews the response within two (2) working days. • If needed, the CMO MA works with the department(s) to resolve or clarify issues that may exist with the draft response. • Once the review is complete, the CMO MA will email a final draft to the signatory for final review and signature. 	<ul style="list-style-type: none"> • Upon approval, the signatory will notify the CMO MA that the letter is ok to send, and the CMO MA will forward this response to the CMO AA for action. • The CMO AA will send the approved response via email for correspondence received electronically and will print a letter for signature for correspondence received via letter. • The CMO AA will then distribute copies of the signed response to all applicable parties, including the City Council.

ATTACHMENT B

Excerpt from Resolution 4810 Regarding City Council Rules of Procedure

Section 7. Written Correspondence: Access to the City Council by written correspondence is a significant right of all members of the general public, including in particular, citizens of the City. The City Council desires to encourage the exercise of this access right by the general public to bring to the attention of the Council, matters of concern to Kirkland residents. In order to do this most effectively, some orderly procedure for the handling of written correspondence is essential. One concern of the City Council is application of the appearance of fairness doctrine to correspondence addressed to the Council, concerning matters which will be coming before the City Council in a quasi-judicial or land use hearing context. Special care in the way the content of those letters is brought to the attention of the individual members of the Council is essential in order that an unintended violation of the appearance of fairness doctrine does not result.

The Council believes that the following procedure for handling of written correspondence addressed to the Council will best accommodate the desires and concerns of the Council as set forth in this section:

1. Correspondence of an Information Only Nature - Correspondence which is purely of an informational nature and which does not require a response or action should not be placed on the Council Meeting Agenda by the City Clerk, but rather transmitted to the Council members in the normal course of daily business.
2. Routine Requests - Items of a routine nature (minor complaints, routine requests, referrals, etc.) shall be placed by the Clerk on the agenda under the Written Correspondence - Routine Section of the consent calendar. A brief staff memorandum should accompany each letter explaining the request and recommending a course of action.
3. Significant Correspondence - Written correspondence which obviously requires some Council discussion, is of a policy nature or for which a non-routine official action or response is required, shall be placed by the Clerk on the regular Council agenda, either under New Business or if appropriate, under Unfinished Business, and shall be accompanied by staff report as are all other agenda items.
4. Correspondence Directly Relating to Quasi-Judicial Hearing Matters - All such correspondence when so identified by the City Clerk shall be listed by name and reference to hearing matter on the consent agenda under the item Written Correspondence Relating to Quasi-Judicial Matters. Copies of such correspondence shall not then be included within the agenda materials, but shall be placed in a City Council communication holding file, or directly into the appropriate hearing file, so that they will be circulated to City Councilmembers at the time that the matter comes before the City Council for its quasi-judicial consideration, and as a part of the hearing record for that matter. The City Clerk shall also advise the sender of each such letter, that the letter will be coming to the attention of the City Council at the time that the subject matter of the letter comes before the Council in ordinary hearing course.