

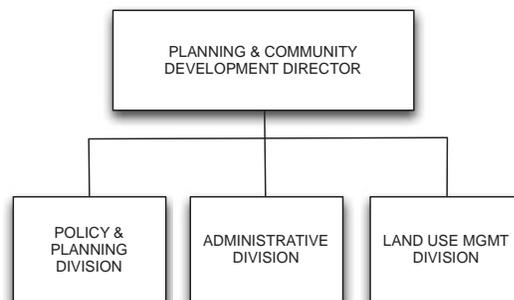
VI. PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

A. PROFILE

Overview

The Planning & Community Development Department is responsible for directing Comprehensive Planning, processing development applications, Tree Preservation/Urban Forestry, and Code Enforcement/Complaint Investigation activities of the City. The Department is comprised of three (3) functional divisions as shown in Figure 9, including the Administrative, Land Use Management, and Policy and Planning Divisions. A Planning Director/SEPA Responsible Official manages the Planning & Community Development Department. All Planning & Community Development Department Staff are housed in the City Hall building, located at 123 5th Avenue.

Figure 9
Existing Planning & Community Development Department Functional Areas Organization



Authority

The Planning & Community Development Department is charged with preparing, updating, implementing and enforcing the City's Comprehensive Plan, Growth Management, and various other local and state planning regulatory and planning policy documents in accordance with various City Policies,

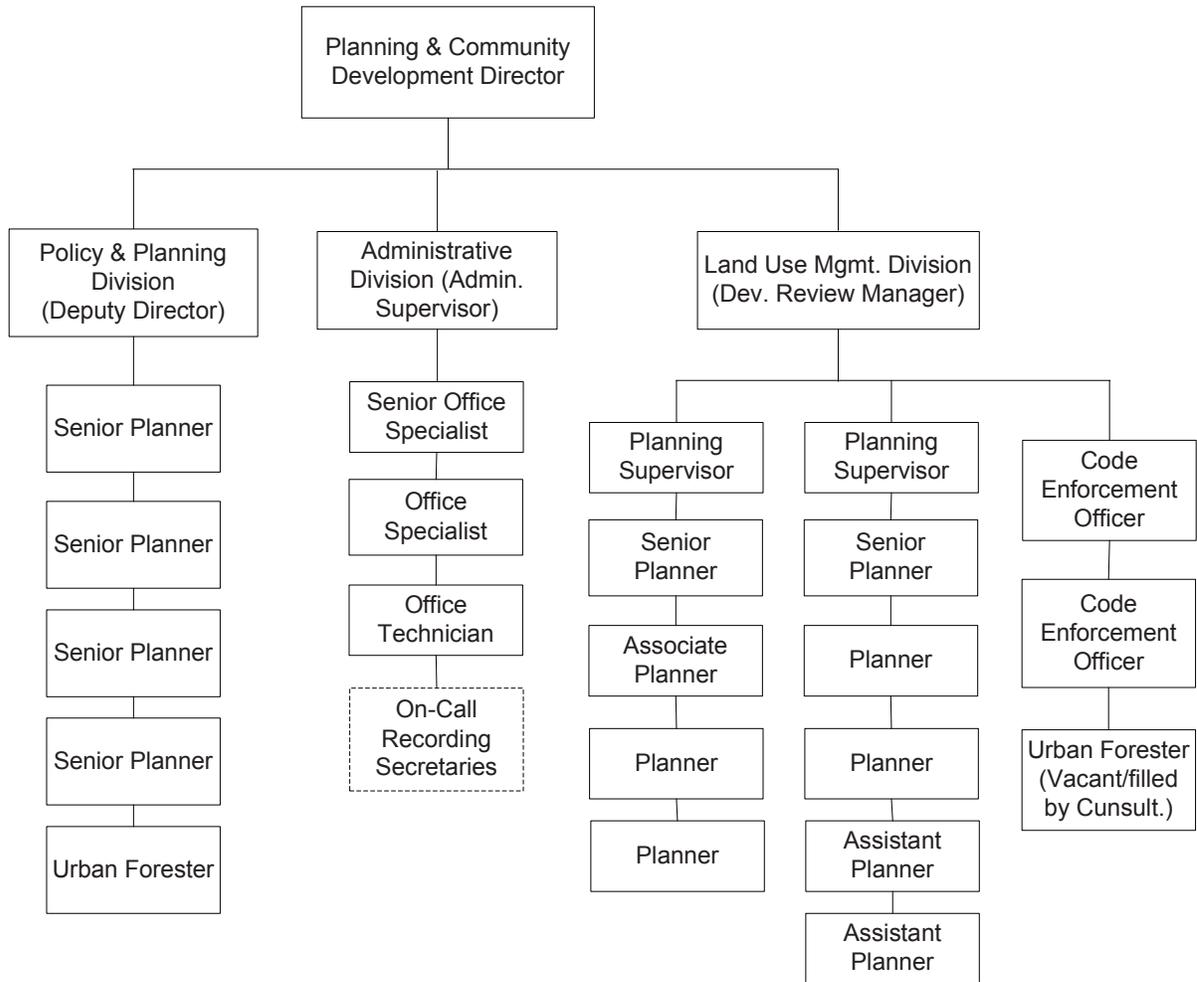
Regulations, Ordinances and provisions within the Kirkland Municipal Code, including, but not limited to, Titles 1, 3, 5, 11, 15, 17, 19, 20, 21, 22, 23, 24, 25, 27, 28, 29, Article XI, Section 11, of the Washington State Constitution, the State of Washington Administrative Codes (WAC), Chapter 197, et seq., and the State Revised Code of Washington (RCW), Chapter 35 (Zoning, Comprehensive Planning), Chapter 36 (State Growth Management Act, Local Project Review Act), Chapter 43

(State Environmental Policy Act), Chapter 58, 63, 64 (Subdivision, Comprehensive Planning), Chapter 82 (Impact Fees), Kirkland Natural Resources Management Plan, Surface Water Master Plan, Lake Washington/Cedar/Sammamish Watershed Chinook Salmon Conservation Plan, Shoreline Management Act, Chapter 90.58, etc.

Organization

The existing organizational structure for the Planning & Community Development Department is shown in Figure 10 below.

Figure 10
Existing Planning & Community Development Department Organization



The Planning & Community Development Department currently consists of 23.95 FTE (Full-Time Equivalent) positions for FY 2011/2012 as outlined in Table 13 below.

**Table 13
Existing Planning & Community Development Department Staffing**

Position Title	Number of FTE Positions (Per Budget)	Responsibilities	Reports To
Planning & Community Development Director	1	Plans, directs and reviews the activities of the City's Department of Planning and Community Development. Serves as part of the City's senior management.	City Manager
Deputy Director	1	Under direction of the Planning Director, provides leadership and manages, supervises, and administers the activities of the Department of Planning and Community Development. Assists the Director in the day-to-day operations of the Department, personnel, budget, administration and work program tasks. Oversees the activities of the Department in Director's absence. Manages the Long-Range planning activities.	Director
Development Review Manager	1	Under direction of the Planning Director, provides leadership and manages, supervises, and administers the current planning activities of the Department of Planning and Community Development.	Director
Planning Supervisor	2	Supervises professional staff of planners; assists in preparation and implementation of work program and budget; and develops department policies and procedures. Manages long-range planning projects. Administers land use regulations ensuring regulatory compliance.	Development Review Mgr
Administrative Supervisor	0.85	Provides secretarial and administrative support to the Director and supervises the office support staff. Coordinates and manages office support functions and activities of clerical staff, and provides liaison between the Director and other management positions, hearing bodies and the public.	Director
Senior Office Specialist	1	Provides administrative support, coordinates recording secretary for hearings, schedules public meetings, creates and distributes meeting packets, performs duties in the absence of the Admin Supervisor..	Admin. Supervisor
Office Technician	1	Provides front desk administrative support to contribute to the effective office operation of the department. First point of contact for the department in providing quality customer service to the public. Performs administrative tasks for the code enforcement officers and planners in addition to helping maintain official city records.	Admin. Supervisor
Office Specialist	1	Provides administrative support, maintains official city records, creates and distributes meeting packets and official records to hearing bodies..	Admin. Supervisor
Recording Secretaries	Various (on call)	Record and transcribe minutes of various planning-related meetings.	Admin. Supervisor

Position Title	Number of FTE Positions (Per Budget)	Responsibilities	Reports To
Senior Planner	5.1	Serves as a senior level professional planner. Implements the mission of the Department in order to assure the orderly growth of the City. Undertakes and coordinates professional planning services for a broad range of planning activities involving long-range and neighborhood planning; drafting regulations; processing discretionary and ministerial development applications; providing public information; and collection and analysis of data.	Deputy Dir./Planning Supervisor
Urban Forester	1*	Provides urban forestry services for a broad range of city activities including permit and development application review, long-range comprehensive and neighborhood planning, drafting of regulations and standards and providing public information and education. Works cooperatively with other departments as needed to coordinate vegetation management practices.	Deputy Dir./Dev Review Mgr.
Associate Planner	1	Serves as a mid- level professional planner. Implements the mission of the Department in order to assure the orderly growth of the City. Undertakes and coordinates a broad range of planning activities involving long-range and neighborhood planning; drafting regulations; processing discretionary and ministerial development applications; providing public information; and collection and analysis of data.	Planning Supervisor
Planner	4	Serves as a first- level professional planner. Implements the mission of the Department in order to assure the orderly growth of the City. Assists and coordinates with preparing a broad range of planning activities involving long-range and neighborhood planning; drafting regulations; processing discretionary and ministerial development applications; providing public information; and collection and analysis of data.	Planning Supervisor
Assistant Planner	2	Serves as a customer liaison for the Planning Department. Implements the mission of the Department in order to assure the orderly growth of the City. Undertakes and coordinates planning services involving providing public information; conducting technical plan review and processing minor administrative development applications.	Planning Supervisor
Code Enforcement Officer	2	Responsible for investigating and ensuring compliance with the City's codes and regulations regarding land use and development.	Dev. Review Mgr.
TOTAL	23.95		

* This is two positions, .5 each.

Activity

Activity levels for each division or function are shown in specific sections addressing each function. Public Assistance cuts across all section and activity levels are shown in Table 14.

**Table 14
Public Assistance**

Activity by Function	2007	2008	2009	2010	2011	2012 (YTD)	Five Year Average
Public Assistance Hours	4,696	4,328	4,978	4,894	4,968	Not Available	4,773
TOTAL	4,696	4,328	4,978	4,894	4,968	Not Available	4,773
% Change	N/A	(-8%)	15%	(-17%)	1.5%	-	-

The five-year average for public assistance hours for the Division was 4,773 hours. Activity levels for public assistance hours declined in 2008, but increased in 2009. In 2010, there was another significant decline (17%) in public assistance activity hours, followed by a slight increase in activity in 2011. Given the annexation, it is likely that activity levels could increase for 2012.

B. POSITIVE FINDINGS

The following are positive findings for the Planning & Community Development Department:

- The Director, Deputy Director, Development Review Manager, Planning Supervisors, and several Planners are or have been AICP certified. In addition, one of the Code Enforcement Officers is also certified by the National Association of Code Enforcement Officers.
- The Policy and Planning Division is proactive and prepares a comprehensive work program, which is adopted by the City Council annually to focus their efforts.
- The majority of the staff planners have worked in the Department for over 10 years and have established a cooperative working relationship with one another and a good understanding of the City's sophisticated planning regulatory scheme.
- Staff has made a concerted effort to simplify processing systems to facilitate streamlining objectives.
- The Department's staff is friendly, experienced, dedicated and accessible without an appointment and strives to provide high-quality customer service.
- Some of the planners have a broad skill-set and work on both development review and Long Range planning tasks.

- The City offers mediation services free of charge to complaining parties, through the Bellevue Neighborhood Mediation Program to assist property owners in resolving their disputes.

C. ORGANIZATIONAL ISSUES

Chain of Command

The Department is organized into 3 divisions that are managed by three separate individuals, all of which report to the Planning Director. The Management staff interviewed indicated that the structure that is in place requires a higher degree of coordination and that the biggest challenges are communication, equity and consistency. However, the department has established a chain of command, adopted job descriptions, developed a mission statement and instituted various reoccurring meetings with a mix of staff to help alleviate these issues.

Nevertheless, line staff indicated that equity, communication and consistency issues are still prevalent in the Department, which causes frustration and morale issues. For example, because the management structure includes both supervisors and management staff, decision-making has become less effective. It is not clear which managers have decision-making authority over which issues, and who staff should go to resolve certain issues, introduce efficiency measures and troubleshoot problems. Instead, stronger personalities end up making decisions, regardless of designated titles.

114. Recommendation: The Planning & Community Development Director should reestablish a formal chain of command to help alleviate personality conflicts, and facilitate communication, equity and decision-making consistency by creating written policies, with consequences.

Data Collection/Reporting

In conducting our audit of the Planning & Community Development Department Application processing activities and system, we were able to obtain the majority of the data related to processing, such as activity levels over the last several years; however, some data, such as information corresponding to the number of staff reviews on permits, applicant revision periods, and specific timeframes for processing applications, was not readily available and had to be reassembled in a new spreadsheet and tabulated in order for us to conduct our analyses. For example, data compiled by the Department relating to overall processing timeframes was available, but tabulated in ranges and medians, which makes it difficult to determine exactly how the Department is performing, and draw conclusions about performance. As such, this data had to be re-tabulated for our analysis at considerable effort.

In addition, staff stated that the timekeeper system, which is used in part to collect data on the number of staff hours per task category, is inefficient and inaccurate. For example, all staff members have created and are maintaining a separate Excel spreadsheet to keep an accurate record of their time, which is inefficient. Management Staff indicates that all staff hours (including all hours over 8 and beyond the normal work week) that are spent working on a project are recorded in the Excel timesheet as well as the Timecard Online timesheet. However, the Finance Department has indicated that the City's timekeeping and payroll system cannot be used for this purpose.

Precise performance measurement data allows management to more accurately evaluate application processing systems and resources so that they can be efficiently modified, as the need arises, in order to respond to changes in the market.

We recommend that additional performance data be collected and tabulated to reflect actual numbers, rather than averages, medians or ranges to facilitate the quarterly evaluation of permit processing systems. Once performance standards are established, the reports should show the number and percent of applications that meet the performance standards. We generally want to see at least 90% meeting the performance standard. For example, data should be collected on the amount of time an applicant has an application, versus the amount of time staff has an application for every application type throughout the application process so that the Department can identify and respond to processing complaints. In addition, data should be collected on the number of days it takes each staff reviewer to review an application, as well as the number cycles each reviewer takes to review an application (e.g., fire, building, planning, public works, etc., reviewers). Data should be compiled in the City's EnerGov system, to improve accuracy and accelerate report generation so that management can accurately, efficiently and effectively evaluate performance standard data to ensure standards are being met, and how often, and if not, determine why and make necessary adjustments.

115. Recommendation: The Planning & Community Development Department should compile and generate monthly performance reports through EnerGov that track overall permit processing timelines, each staff reviewer time, the number of cycles of review, and applicant time, as well as other performance standard time frames recommended in this Study.

116. Recommendation: The Planning & Community Development Department should record all data in their EnerGov system to improve reporting accuracy and continue to create weekly and monthly reports based on the performance standard data in order to track performance and troubleshoot performance issues.

Education and Outreach

The Staff interviewed indicated that the Department does not do enough community education and outreach. “Neighborhood U” (e.g., a workshop held by staff to educate the community about neighborhood issues) and other educational workshops are only held periodically and more proactive efforts are needed to inform and instruct citizens and the development community about innovative zoning provisions.

117. Recommendation: The Planning & Community Development Department should increase public outreach and community education efforts to inform and instruct citizens and the development community about innovative zoning provisions.

Equipment

Planning & Community Development Department staff indicated that they generally have adequate equipment to conduct assigned work efficiently; however, some staff indicated a need for a centralized color copier. In addition, staff indicated that Printer PCD-5 is chronically out of service and requires excessive staff time to troubleshoot problems and bring it back on line. Finally, staff indicated that additional controls or procedures are needed for meeting rooms to eliminate meeting room scheduling conflicts.

118. Recommendation: The Planning & Community Development Department should consider purchasing a replacement printer and a color copier that can be placed in a centralized location so that it is more accessible to all staff members.

119. Recommendation: The City should establish clear structured policies and procedures regarding the use and management of meeting rooms.

Filing Systems/Records Management

Staff indicates that the on-site paper filing system is workable, however several systems exist, so the system is inefficient. The Department keeps up to five years of project files on-site to facilitate research and reporting efforts. Files are arranged by permit type by year. Older files are moved to an off-site storage location, which is managed by a paper file archive company called, “Access.” When staff needs an archived file to conduct research as part of a case or public information request, the Department Administrative staff makes a request for the file through the online file retrieval request system set up by the company. Requested files are then delivered on one of three scheduled delivery days (i.e., Monday, Wednesdays and Friday). Archived files are disposed of according to the City’s file retention policy.

While this system works, it is not efficient or cost-effective. To eliminate the storage, management and delivery expenses associated with maintaining paper files, the City should begin electronically scanning archived files (digitize), to convert them to an electronic format.

120. Recommendation: The Planning & Community Development Department should convert all paper files to an electronic format to reduce costs associated with storing, maintaining and delivering paper files.

Staff indicates that the archive system works well overall, however, at times, staff does not always return files to the archive management company in a timely manner and occasionally files are misplaced. The Department, along with the archive management company maintains a record of all files requested and delivered by the City, so files misplaced files can be tracked down, which is helpful.

In addition to paper project files, the Department also creates and maintains paper and electronic parcel data files onsite which are annotated by planners to note research findings until the file is converted to a permit file through an application. Once a permit application is made on a particular parcel, the annotated file is merged with the new permit files. The EnerGov system should have the capability to handle these notes prior to having an actual application.

121. Recommendation: EnerGov should be programmed to handle file notes prior to an actual application being received.

Staff indicated that the City recently purchased HP TRIM software, which is an enterprise paper and electronic document and records management system that is designed to help capture, manage, and secure City contract documents and other City documents. HP TRIM is currently managed by the City Clerk's Office, however staff indicates that the system is not being used consistently, which has caused some confusion and frustration. Staff indicates that the EnerGov system is intended and designed for permitting, rather than document and records management, so the City uses the TRIM system to help manage documents.

122. Recommendation: All contract documents generated by the Planning & Community Development Department should be created, managed and secured through the HP TRIM software.

Front Counter/Reception Areas

Staff indicates that two Assistant Planners have primary responsibility for covering the Planning & Community Development Department Counter. A back-up coverage system is in place to ensure counter coverage.

Ensuring continuous counter coverage through the assignment of planners on a rotating schedule is necessary in order to provide good customer service and we are in agreement with this practice. However, it is important that all staff assigned to front counter coverage are adequately trained on EnerGov so that they can be efficient and effective, without needing assistance from other planners.

See recommendations regarding EnerGov training for all planning staff earlier in this Study.

The Assistant Planners are responsible for the Intake of Land Use Permit pre-submittal conference meeting applications; the Intake of some types of Land Use Permits; the review of permits for compliance with the State Environmental Policy Act (SEPA); the review of building permits for completeness and land use code compliance; and disseminating information to the public about land use codes, policies and regulations.

To prevent long lines from forming at the counter, walk-in customers are limited to about 15 minutes to complete their inquiries/business. After 15 minutes, planners direct customers to fill out and schedule a pre-application meeting with staff, where they can obtain more detailed information about a project or area, which is a good practice.

Customers who need information about code enforcement also utilize the front counter. However, staff interviews indicated that code enforcement staff members are often unavailable to assist walk-in customers with code enforcement related questions, which can frustrate customers looking for an immediate answer.

123. Recommendation: The Development Review Manager should ensure that walk in customers with code enforcement questions are logged (through EnerGov if possible) and assigned to Code Enforcement Staff to make contact within the same day or no later than 24 hours of their visit.

Meetings/Communication/Team Work

Our interviews with the staff indicated that there are of number of recurring and regularly scheduled meetings in the Department, which are aimed at facilitating communication and coordination between department staff, interrelated development review staff, and the development community, including the following:

All department functions:

- Periodic meetings with the Kirkland Developer's Partnership to educate partnership members about city policies, regulations, procedures, development-related codes and processes;

- A periodic meeting with the entire 60 + member Development Services staff in the City Council Chambers to introduce new staff, review code amendments, provide general instruction, and discuss items of function-wide and City-wide importance;
- A regularly scheduled biweekly meeting held by the Director with all department staff on Wednesdays following a City Council Meeting to discuss City Council agendas and decisions;
- A regularly scheduled weekly meeting on Tuesday afternoon with the Planning Director with Senior Staff that includes all department managers and supervisors to discuss and resolve operational-related issues;

Code Enforcement

- A bi-monthly Code Enforcement Service Team meeting (i.e., meets six times per year) on the second Thursday morning of the month with the Development Review Manager and various interdepartmental team members that work on code enforcement in some capacity, including building, fire, public works, police, fire, finance, planning, city manager’s office, etc., to discuss cases that cross departments, as well as recent Hearing Examiner’s decisions;
- A regularly scheduled weekly meeting on Monday with the Planning Director, Development Review Manager and Code Enforcement Staff to discuss current code enforcement cases and issues, and problem-solve;

Current Planning

- A regularly scheduled weekly meeting on Wednesday morning with current planning staff and planning supervisors to discuss active cases, code interpretations, permit processing issues and problem-solve.
- A regularly scheduled hour-long weekly Development Review Committee meeting (DRC) with staff and supervisors from various city departments involved in the development review process, including a current planning supervisor, a planner, Development & Environmental Services Manager and Supervisor, the Development Engineer, the Building Official, the Permit Tech Supervisor, and the Fire Marshall, to discuss the permit review status report generated by EnerGov in order to help drive staff review timeframes and the permit process;
- A regularly scheduled weekly DRC II meeting on Thursdays with the Development Review Manager, Building Official and the Development & Environmental Services Manager to discuss and troubleshoot development review process and procedures in an effort to continuously improve the development review process; and
- Regular weekly one-on-one meetings between the Planning Supervisors and the current planners to discuss workload, issues, etc.

Long Range Planning

- Regular weekly one-on-one meetings between the Deputy Director and long-range planners to discuss the status of long-range projects, talk about issues and problem-solve.

An agenda is prepared for each meeting, and attendees strive to wrap up meetings within the scheduled time frame.

Despite the existence of the above list of reoccurring meetings and corresponding agendas, staff reported that communication, coordination and consistency issues still exist within the Department and that they believe silos still exist between the various departments and divisions involved in Development Services functions. For example, staff indicated that the Current Planning Staff meetings are ineffective and inefficient because decision-making staff is often not in attendance. Issues, such as code or processes issues are raised and discussed, but not resolved by formal direction from decision-making staff. When the group reaches an informal decision, managers do not always subsequently ratify it, so it is not memorialized in a permanent record. As a result, the same issues are discussed and debated over and over, with differing outcomes.

We were able to observe one Current Planning meeting. The meeting is similar to those we observe in many communities. An Agenda was distributed, a few announcements are made, and various issues are introduced and discussed by participants. The meeting lasted a little over one hour. However, despite the presence of supervisors and a manager, there seemed to be no one in charge of clearly leading the meeting. In addition, there did not appear to be anyone recording the actions taken and directions given to staff. Further, some of the information shared could have been handled via a group email, rather than occupying staff's time in a meeting format, which would have left more time for discussion of what we believe should be higher priority items.

The management and supervisory staff could achieve a greater benefit and purpose of this and all other meetings by implementing a few basic changes.

Generally all meetings that are held in the department should be structured. They should have:

- A clear established objective/purpose;
- A Leader – someone who runs the meeting and keeps everyone on point and the agenda moving;
- An Agenda with action items and summary notes that can be distributed electronically to participants in advance of and following the meetings. Decisions coming out of meetings should be formally memorialized so that everyone in the Department is equally informed. In addition, plans, policies

and regulations discussed in meetings should be also be communicated to all staff through a written meeting summary notes.

- Some time in each meeting should be spent to discuss the mission and direction of the Department, particularly as related to customer service issues.

124. Recommendation: The Planning & Community Development Department Director should evaluate all existing reoccurring meetings to ensure that they have a clear purpose and objective and that the reoccurring meetings being held still fulfill the intended purpose and objective.

125. Recommendation: All reoccurring meetings held by the Planning & Community Development Department should include an agenda, with action items and summary notes that can be distributed electronically to participants in advance of and following the meeting; a leader to guide meetings; and decision-maker(s), when issues are to be discussed and resolved; follow-up summary meeting notes that are distributed to all relevant staff, whether in attendance or not.

See additional recommendations under “Process Issues” and regarding the DRC, and DRC II meetings/function.

Mission Statement

Under a website tab labeled, “Planning Department Functions,” is a Mission Statement and Functional Statements explaining the function, services and activities of the Department. However, interviews with staff revealed that some are aware that a Mission Statement has been adopted for the Department, but are not sure what it says.

126. Recommendation: The Planning & Community Development Department should meet with all staff regarding the mission and function of the department, so that each staff member has an understanding of the overall charge of the Department.

Staff Reports and Presentations

The Planning & Community Development staff managers, supervisors, planners and code enforcement officers prepare different types of staff reports for the various hearings they attend. Staff indicates that they have made a concerted effort to distill the staff reports down to a checklist format for the more routine, simpler projects, to improve efficiency and effectiveness, which is excellent. For example, the staff reports for the Design Review Board (DRB), Wireless and Short Plat applications are now in a standardized checklist format. In addition, Code Enforcement staff reports have been simplified so that they summarize the issues and facts of the case and

provide a succinct legal analysis and a conclusion that includes staff recommendations.

However, there may be additional opportunities to streamline the staff report formats for other types of applications as well. For example, variance and shoreline/substantial development permit (SDP) applications have specific information that must be relayed in a staff report and these types of reports could be simplified into standardized checklist format.

127. Recommendation: The Development Review Manager should determine whether there are opportunities to condense staff reports for additional types of the routine applications, such as variances and SDP's, into a simplified, standardized checklist format and if so, convert them accordingly, so that they can be prepared more efficiently.

Staff indicates that the staff report format for more complex types of applications, such as Planned Unit Developments (PUD's) is fairly standardized, however, it contains too many unnecessary headings and subject areas that are only used under special circumstances and that a significant amount of time is spent culling unnecessary subject matter from the report. There appears to be further opportunity to streamline the staff report template for more complex projects into a more simplified format so that report writing efficiency is improved.

According to staff interviews, the staff report review and approval process is straightforward. Generally, planners draft staff reports electronically and then transmit them electronically to their respective planning supervisors for review and edit via track changes. The edited version is then returned to staff electronically and finalized. Staff then forwards the final report to administrative staff, along with attachments, electronically for assembly into electronic and paper hearing packets. We agree with electronic staff report drafting, editing and assembly process since it promotes efficiency and moves the city toward its goal of becoming paperless. This is an excellent process.

Staff presentations to the Hearing Examiner, Design Review Board, Planning Commissions and City Council are generally accomplished using PowerPoint, however there are times when less formal presentations are provided by staff, when appropriate.

However, interviews with staff revealed that the Department has yet to provide clear written direction and/or create presentation templates for staff to use as a guide when preparing Power Point presentations, and as such, presentations are prepared inefficiently, inconsistently and at times, are not as effective as they could be. Staff needs clear direction about the format, content and length of power point presentations so that they are prepared and delivered consistently, efficiently and effectively at hearings. Management staff should immediately create a written policy

providing staff with clear direction on expectations for the format, content and length of power point presentations. In addition, a presentation template should be prepared for staff to use as a guide in preparing power point presentations.

128. Recommendation: The Development Review Manager should create a written policy providing staff with clear direction on expectations for the format, content and length of power point presentations. In addition, a presentation template should be prepared for staff to use as a guide in preparing power point presentations.

Training & Procedures Manual

Department staff have created detailed “Step Sheets,” that provide staff with instruction for setting up electronic files in EnerGov and paper files, sending determination of completeness and notice of application letters, preparing hearing notifications and conducting SEPA reviews, and filing related SEPA documents, which is excellent. The Department Administrative Staff has also created and maintains a complete list of templates for notices, letters, memos, staff reports, etc., which is also exceptional.

In addition, the Department has created “Follow-up Checklists,” to guide staff through the processing steps after approval. There are also “Timeline Guides” for each planning application/permit type, which pilot planners through completing the various processing steps – all of which are excellent tools. However, staff revealed that they do not use them regularly to guide their processing efforts, which can result in processing inconsistencies between planners.

The Department created and maintains a Development Review Committee Manual (DRC 2), which outlines the permitting procedures for interdepartmental permit processing, which is excellent. It includes the details of permit review process to facilitate coordination and consistency among the departments involved in permitting. The DRC Manual is intended as a living document, and has to be continually updated, as processes are refined.

See our recommendation under the “Building Division Section,” regarding updating this document.

129. Recommendation: “Development Review Committee Manual,” should be updated regularly and included in the Department’s annual work plan to ensure that there are adequate resources available to keep the Manual relevant.

130. Recommendation: Planning Staff should be directed to process applications as required by the Zoning Code and Development Review

Committee Manual so that all applications are consistently processed in the same manner by all staff.

See recommendations in the “Process Issues” section about further streamlining processes, where possible.

Management Staff indicated that in-house training is provided to planning staff following adoption of revised codes; however, staff revealed that all staff involved in the development services functions are not equally informed of changes and adequately trained on revised codes.

In addition, many of the staff interviewed indicated that they had not received sufficient training on the EnerGov system and have been left to figure out the system as they go, through trial and error, which has created inefficiencies and frustration among staff (see EnerGov training and support discussion for more detailed information on training issues). Many staff that were interviewed indicated that there is a need for an “Energov Operations Procedure Manual,” (in addition to more training) to assist them in becoming more proficient users and facilitate training of new staff on the system.

A review of the budget materials for the Department indicates that there is inadequate amount budgeted for annual staff training. Currently, the biennial training budget is \$8,760. According to staff, the training money is normally spent over the course of the two-year budget biennium. However, at the end of 2011 City Management asked the Department not to spend any funds that were remaining in the 2011 budget. Staff indicates that they have an informal process to determine which staff members receive training funds. Typically a staff member requests training and management reviews their training history and if training is warranted and funds are available, training is granted.

This training budget amount represents just over .2% of the Department’s personnel budget (~\$3.7m), which is low. The general rule of thumb is to set aside at least 2% of the Department’s Personnel budget for annual training of employees (~\$74,000). In addition to the training budget, we typically suggest that about 5% of staff’s time be devoted to annual training. Given that the training budget is not available for use, it appears that 5% of staff’s time is not being devoted to training.

131. Recommendation: The budget for the Planning & Zoning Department function should continue to include a line item for training, which is equivalent to 2% of the function’s annual personnel budget, and 5% of staff’s time, so that supervisors and staff can receive adequate technical training and stay abreast of new trends in the industry.

Staff indicates that there is little opportunity for training due to workload and budget constraints, particularly in the areas of computer literacy (i.e., Microsoft office suite, adobe, etc.) and technology, such as the GIS and permit tracking system. In addition, the City no longer pays for membership in professional organizations (APA, AICP, ULI), and as a result, many planners have dropped their membership resulting in fewer opportunities or participation in conferences, training, workshops, etc.

Inadequate training impedes staff's ability to grow and advance professionally. It can also lead to unnecessary processing missteps, which hinders efficiency. When inadequate training is coupled with inconsistent or untimely decision-making and a lack of training manuals and/or resource materials (as noted above) it creates frustration and low morale issues.

132. Recommendation: The Planning & Community Development Director should identify additional staff training needs of staff and schedule necessary internal and external training to help staff grow professionally, raise competency and work efficiency and reduce frustration and low morale issues in the Department.

Telephone, Emails

Telephone coverage for the Department during the lunch hour is inadequate according to survey respondents. The Department currently assigns planners to cover the phones and the front counter/reception simultaneously during the lunch hour, due to administrative staff shortages. There is often a high volume of phone calls along with walk-in customers who need immediate in-person assistance. As a result, assigned planning staff is unable to answer all of the telephone calls that are received and calls are routinely ignored and allowed to go into voice mail, and/or not returned in a timely manner, which results in customer service complaints. We agree that it is important to provide telephone and counter coverage during the lunch hour, as long as customer service request volumes warrant this practice. However, if calls are being ignored and unreturned, the purpose for lunchtime phone coverage is defeated. We recommend that the Department reassign administrative staff to cover lunch hour phone calls to ensure that all calls are answered and customers assisted. Planning staff should continue to provide walk-in customer service on a rotating basis during the lunch hour.

133. Recommendation: In order to improve telephone customer service during the lunch hour, the Planning & Community Development Department Director should reassign lunch time telephone coverage to administrative staff so that assigned planning staff can assist walk-in

customers with technical and other questions. (We have been told that this has now been accomplished.)

It was also reported that email is often used as the primary communication vehicle for relaying critical information to staff, such as new ordinances and other code revision information, which is good. However, the email system should not be relied upon as the primary source for memorializing new regulatory changes, while the Department awaits codification of the Zoning Code to reflect new code changes. The Department should maintain a searchable database of all new code changes, which should be updated as changes are adopted, so that staff has an accurate and readily accessible catalogue available as a reference tool. Once code documents are codified, the database should be edited accordingly.

Further, staff indicates that they are inundated with emails concerning staff members' personal appointments, vacation and sick days, etc. To help reduce the volume of these types of emails, the Department Director should establish a policy to require staff members to schedule approved external appointments and out-of-office days on the outlook system calendar. Calendars should be required to be updated daily, and should be viewable by all staff members. Department Administrative staff should be granted access to update individual staff calendars to reflect when staff calls in sick or is out of the office due to an emergency.

134. Recommendation: The Planning & Community Development Department Director should (re) establish a formal policy to require staff members to update outlook system calendar for appointments only.

Terminology

There appears to be inconsistency in how the City refers to this Department in various communications. For example, it is referred to as the "Planning Office," "Planning Department," "Department of Planning & Community Development," and the "Planning & Community Development Department depending on the communication resource (e.g., the website, handouts, codes, organizational charts, etc.). The use of varying names for the department can be confusing to new users. The Department's official name should be labeled consistently in all communications.

135. Recommendations: The City should select one name to describe this Department and use this name consistently in all communication, codes, handouts and the website.

D. ADMINISTRATION

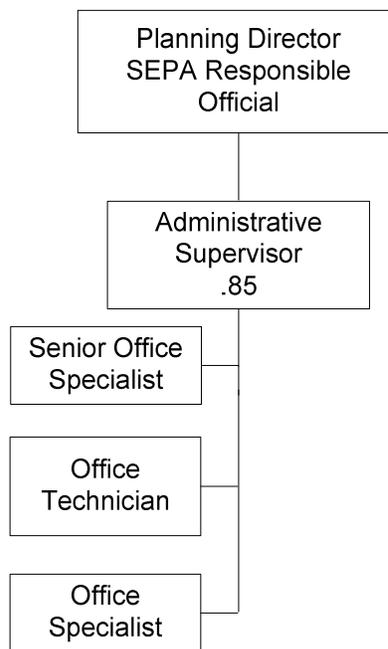
Overview

The Administration Division coordinates personnel, training and budgeting activities and provides support to department staff, City Council, Planning Commission, and the Houghton Community Council. Approximately 20% of the department’s resources are expended on Administrative Division functions.

Organization

The Administrative Division includes the Planning Director and four staff positions as shown in Figure 11. Two of the staff positions are part time resulting in 3.55 FTEs. The daily functions are directed by an Administrative Supervisor.

Figure 11
Administrative Division



Staffing Analysis

As indicated earlier in this Study, we will be using an actual productive or billable hours number of 1,338 for Kirkland government employees. The current approved budget indicates that the Division has a 4.55 FTE’s. However, the Director would normally not be included in the administrative number resulting in 3.85 staff available.

Data obtained from the Department for the nine-month period from December 2011 through August 2012, indicates that 5,575 man-hours were spent in administrative activities over this period, including 1,334 hours for EnerGov implementation. The staff for this same time period would be 1003.5 times 3.85 or 3,863 hours. This means there would be a shortage of 1,712 hours or roughly the equivalent of 1.7 staff.

However, there is an obvious problem with this analysis. How did staff that was available for 3,863 hours actually work for 5,575 hours? It is possible that there is some double counting of input. It was reported that there are insufficient administrative personnel to handle the workload in the Department, and that planners are needed to cover administrative counter duties, while administrative staff is at lunch, at various administrative duties relating to permit processing has been shifted to planners due to the shortage. This could explain the difference in numbers. However, in this case the equivalent staffing would need to be deducted from the available staff for planning activities. Additionally, once EnerGov is fully in place, the amount of time spent on EnerGov should be reduced bring the numbers closer in balance.

Calculating staffing for Administrative staff is always difficult and existing data sources make it impossible to conduct a definitive analysis. We suggest staff remain the same until the EnerGov implementation is completed and work load for 2013 is clarified. However, if EnerGov continues to require continued heavy administrative support, it may be appropriate to supplement administrative staff on a temporary basis.

136. Recommendation: Until EnerGov is fully implemented and operating efficiently, add a half time temporary help to the Administrative Division.

Training

The Administrative Division staff indicated that a procedural manual was developed for each administrative position to help train and guide administrative activities; however, they have not been consistently updated by individual staff assigned to updating. In addition, some administrative staff feel there is a need for additional training or additional documentation of IFAS (Integrated Financial Accounting System) and HP TRIM Manual(document and enterprise management software) to assist staff in becoming proficient users of these systems and facilitate the training of new staff.

137. Recommendation: IFAS and TRIM, and EnerGov Operation Manuals should be provided to staff involved in those functions to assist them in becoming proficient users of those systems.

138. Recommendation: The Administrative Division Supervisor should immediately update all administrative staff procedures so that they are current and available for use by administrative staff in conducting their duties.

E. CODE ENFORCEMENT

Overview

The Code Enforcement function is part of the Land Use and Management Division and consists of two full-time Code Enforcement Officers that respond to predominantly zoning enforcement related issues; however, they also assist other City departments, such as public works, building, fire and police departments with their enforcement efforts (e.g., public trees, graffiti, stop work orders, etc.), as part of the City's combined enforcement initiatives, aimed at increasing the overall efficiency and effectiveness of various departments code enforcement efforts.

In addition, the Code Enforcement Officers are members of a city-wide enforcement effort, known as, "the Code Enforcement Service Team," which is an interdepartmental team that includes staff members from the Police, Fire, Building, Public Works, Parks, City Manager City Attorney and Finance Departments. The Service Team meets once every other month on the 2nd Thursday, for one hour, to discuss and strategize how to effectively manage city-wide code enforcement policies and regulations, issues and actions, such as recent Hearing Examiner decisions and medical marijuana, annexation complainant confidentiality, property maintenance code amendments, etc.

Activity

The Code enforcement activity levels compiled by Department staff for the last five years are shown in Table 15.

Table 15
Land Use Management Division Code Enforcement Activities

Activity	2007	2008	2009	2010	2011	2012 (YTD) ²	Five Year Average
Cases ¹	308	306	254	230	256	286	271
% Change	N/A	(-.6%)	(-17%)	(-9.4%)	11%	12%	

¹Includes violations of the Tree Ordinance, Commercial/Residential Noise Complaints, Permits, Signs, Home Businesses, Junk/Garbage, Sensitive Areas, Wetland/Stream, Sidewalk/Street Obstruction, Animals, Fences, Grass Height, Nonconformance, and Setbacks

From 1/1/12 to 11/30/12

The five-year average for Planning Complaint Code Enforcement complaint activities was 271 per year. There was a slight decrease in activity in 2008, followed by a significant (17%) decrease in activity in 2009. 2010 activity levels decreased again from the previous year; however 2011 activity levels increased by 11%. Given the annexation, the activity levels have increased in 2011 and 2012.

Equipment

Code Enforcement Staff indicated a need to increase their voice mail phone storage capacity (from 25 to 35+ messages) so that more messages can be preserved longer, while enforcement cases are being investigated.

139. Recommendation: The Planning & Community Development Director should consult with Code Enforcement Officers to determine the appropriate volume of voice mail storage needed and obtain additional voice mail storage capacity for code enforcement officers to allow Officers to preserve more messages for a longer period, while enforcement cases are being investigated.

Process

Code Enforcement Officers largely respond to citizen-initiated complaints, rather than instigating complaints, due to limited staff resources. The majority of complaints received are non-emergency and are received through the City's on-line complaint reporting system on the City's website. They can also be reported by fax or over the counter. Non-emergency complaints are not anonymous and may be subject to disclosure under the Public Records Act (RCW 42.56), which helps to eliminate false reporting. Life Safety Complaints are considered emergency complaints and can be reported anonymously. These types of complaints are typically phoned in due to their time sensitive nature; however some are received over the counter or through the online complaint system.

Complaints that are received by the function are collected by staff the same or next day, depending on when the complaint is initiated. Administrative staff then creates an electronic file in the EnerGov system, as well as a paper file for dissemination to Code Enforcement Officers. Once the paper file is created, it is forwarded to the Development Review Manager who immediately assigns it to a Code Enforcement Officer, based on caseload. Once EnerGov is fully operational it should be possible to eliminate the paper file.

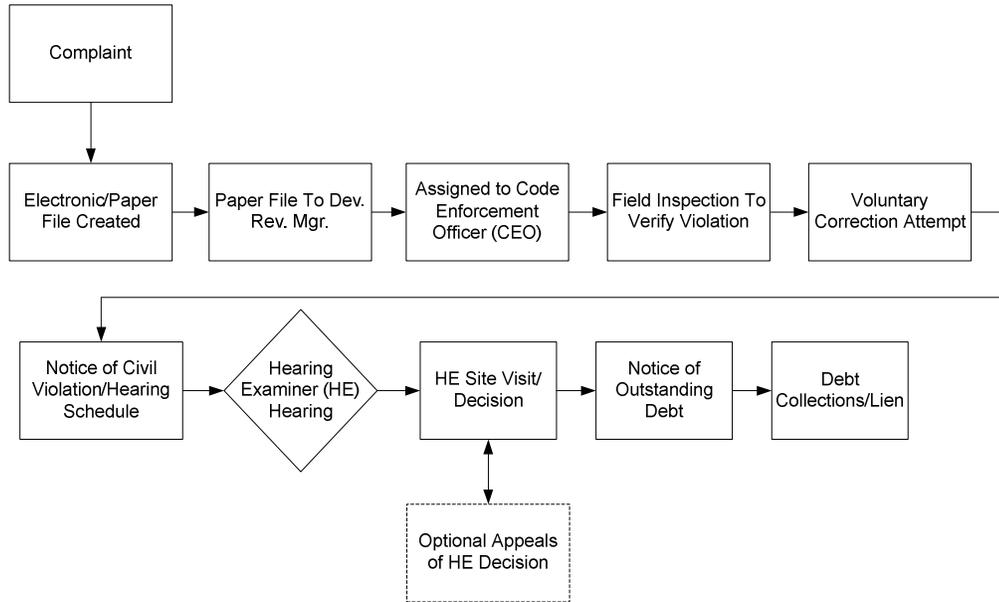
The assigned Officer then conducts a field inspection within the next business day to verify the violation. If there is no evidence of a violation, the complainant is contacted to relay the findings and the case is closed. If the Officer finds evidence of a violation, the complainant is contacted to relay the findings and the enforcement process is initiated.

The Code Enforcement Officer will try to resolve the matter first through education, voluntary compliance, and/or negotiation. In addition, the City offers mediation services free of charge to complaining parties, through the Belleview Neighborhood Mediation Program to assist property owners in resolving their disputes, which is excellent.

Voluntary Compliance typically includes requiring the property owner to sign a “Voluntary Correction Agreement,” which gives the property owner a reasonable period of time to correct the violation or be automatically subject to the assessment of monetary penalties. If property owner signs the agreement, the Code Enforcement Officer follows up to ensure the violation is corrected by the date agreed upon. Once corrected the case is closed, and the complainant is notified of the disposition of the case. If this proves ineffective, then more formal enforcement proceedings commence.

The Code Enforcement Officer sends a standardized Notice of Civil Violation letter, informing the property owner that a hearing has been scheduled before the Kirkland Hearing Examiner to order corrective action of the violation, and that monetary penalties will be assessed if found in violation. If corrective action is achieved 48 hours prior to the hearing, the hearing is cancelled and no monetary penalties are assessed. If the Hearing Examiner finds the property owner in violation, the corrective action is specified and monetary penalties may be assessed. Staff indicates that if the evidence presented supports the Notice of Civil Violation issued by a code enforcement officer and the violator unreasonably delays correcting the violation, or refuses to comply with the written Decision and Order issued by the City Hearing Examiner setting the compliance date, fines are routinely imposed against violators for code violations. The property owner must pay the fines and correct the violation as ordered by the Hearing Examiner, or the Code Enforcement Officer will send a standardized letter to the property owner advising them of the debt owed (e.g., Notice of Outstanding Debt) and that failure to pay debt and correct violation will result in additional fines that accrue daily. At times, the City will enlist the help of collection agencies to secure the debt or place a lien on the property. The property owner can appeal the Hearing Examiner’s decision to Superior Court, if desired. Figure 12 below shows the *basic* existing flow of the Zoning Code Enforcement Process.

**Figure 12
Existing Zoning Code Enforcement Process**



Interviews with staff indicated that the Code Enforcement function has improved over the last few years, however there are still issues. For example, it was reported that confusion still exists as to their scope of responsibility and their level of accountability, particularly with regard to which staff are responsible for processing certain types of complaints and “Exceptions to Work Hours Request” forms, as well as what type of enforcement issues take priority over others.

140. Recommendation: The Development Review Manager should continue to meet with Code Enforcement staff to clearly outline all areas of responsibility for processing “Exceptions to Work Hours Request Forms” and all complaints under their purview, and provide guidance on enforcement priorities.

In addition, at times there remains some disagreement between Code Enforcement Staff, Building Staff and Public Works staff regarding areas of responsibility for inspecting, investigating and enforcing various types of building and/or public works code violations. As a result, the enforcement process can be lengthened while the various departments attempt to resolve enforcement responsibility conflicts. In addition, various departments approach code enforcement less systematically, which creates documentation issues and can impede compliance efforts.

Staff interviews also revealed that the City has been working on resolving these issues in an effort to create a more efficient, holistic, citywide enforcement approach, which we agree is necessary. As part of this effort, the City should consider increasing

communication between the various enforcement functions by holding regularly month meetings, and increasing its public education efforts to further improve voluntary compliance rates. Enforcement data should be analyzed to identify the type of violations that occur most often, as well as the geographic areas where they occur the most, so that a more comprehensive enforcement strategy can be developed, including: identifying city-approved companies and facilities that can haul and accept junk cars, scrap, trash, etc., at affordable rates for violators with little financial means.

141. Recommendation: The City should consider increasing public education & outreach efforts to improve voluntary compliance rates for code enforcement activities.

142. Recommendation: The Planning & Community Development Department should analyze enforcement data to identify the type of violations that occur most often, as well as the geographic areas where they occur the most, to assist in the formulation of a more comprehensive enforcement strategy, which includes identifying city sponsored companies and facilities that can haul and accept various types of trash and junk at affordable rates.

Staffing

There are two full-time code enforcement officers charged with investigating zoning code enforcement cases. Recent data obtained from the Department for the period from December 2011 through August 2012, indicates that 2709.5 man-hours were spent by Code Enforcement Officers investigating code enforcement cases. During this same period, the Officers worked on a total of 194 cases, which equates to about 14 man-hours spent on average per case. Table 16 below outlines the average number of hours, per staff data, involved in the processing code enforcement cases.

**Table 16
Land Use Management Code Enforcement Officers – Hours Required for Processing**

Process Type	No. Of Cases Processed FY 10	No. of Cases Processed FY 11	Average Hours Required to Process ¹	Total Time Processing FY 10	Total Time Processing FY 11
Code Enforcement Cases	230	256	14	3220	3584

¹ Per Staff 2012 Data

According to our billable hour analysis each staff member has 1,338 hours per year available for productive time. Using the 3,584 hours processing time for 2011 would result in the need for 2.7 positions. However, mathematically, this is not possible. Either the actual hours devoted to enforcement are wrong or the hours required per case processing are too high. The proposed fee study should provide more definitive numbers to use for staffing analysis.

Code enforcement staffing is based on two items. First the amount of enforcement cases received, and secondly the amount of pro-active enforcement the community wishes to undertake. It will also require determining the amount of new activity generated from the annexation area. In the interim, we suggest that the average hours per case be set at 11 hours. If the caseload goes up from the 256 in FY 11, this factor should be used to determine need for any additional staffing.

143. *Recommendation: Initially use a factor of 11 hours needed for each code enforcement case received and as numbers increase, adjust staffing accordingly.*

F. LAND USE MANAGEMENT (CURRENT PLANNING)

PROFILE

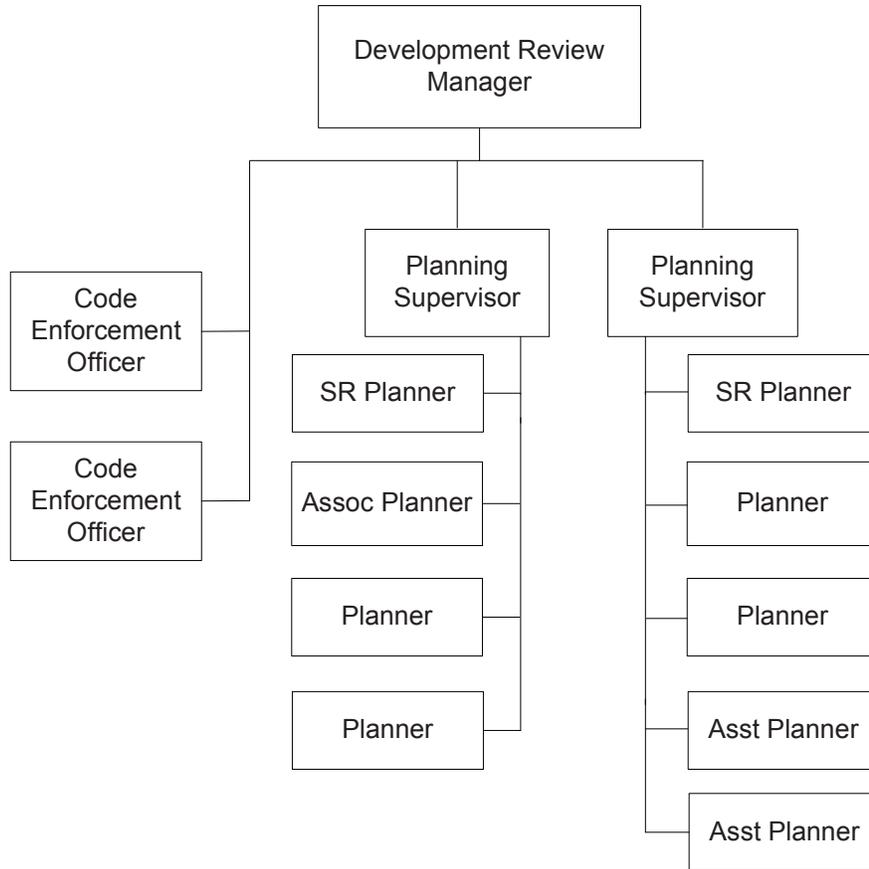
Overview

The Land Use Management Division performs permit and development review functions to implement the State Environmental Policy Act (SEPA) and the City's Comprehensive Plan, Zoning Code, Subdivision Ordinance, and the Shoreline Master Program. The Urban Forestry position, which is currently contracted out on a part-time basis, administers the tree code, reviews proposed developments for tree protection, and processes tree removal permits, as well as other urban forest-related activities. This Division also provides regulatory and development policy information, enforces zoning and development-related codes and provides staff support for the Hearing Examiner, the City's Design Review Board, the Houghton Community Council and the City Council. Approximately 50% of the department's resources are spent on Land Use Management Division functions.

Organization

The staff is headed by a Development Review Manager. There are 11 planners including two Planning Supervisors, plus two Code Enforcement Officers. The organization is shown in Figure 13.

Figure 13
Land Use Management Division Organization Chart



Activity

The Land Use Management activity levels for the Planning & Community Development Department, compiled by Department staff for the last five years are shown in Table 17.

Table 17
Land Use Management Division (Current Planning, Code Enforcement),
Activities

Activity by Function	2007	2008	2009	2010	2011	2012 2 (YTD)	Five Year Average
Current Planning							
Zoning, Subdivisions, Other Discretionary Land Use Permits ¹	192	117	73	82	144	155	122
Pre-Submittals	124	66	84	70	106	119	90
Building Permit Application Reviews ²	848	671	495	597	625	943	647
Total	1,164	854	652	749	875	1,219	859
% Change	N/A	(-26%)	(-23%)	15%	17%	39%	

¹ Includes Planning Official Decisions, Director Decisions, Process I, Process IIA, Process IIB/III, Design Review, SEPA Determinations, and Miscellaneous Permit types.

² From 1/1/12 to 11/30/12

³ Equals actual Planning Building Plan Reviews for 4/2/12 through 11/30/12 and estimated Planning Plan Reviews for 1/1/12 through 4/1/12.

The five-year average for current planning permits, pre-submittal and building permit review activities was 859 per year. Activity levels for permits, pre-submittals and building permit reviews dropped significantly in 2008, by 26% and then dropped again in 2009, which reflects lower activity levels due to the national recession. In 2010, and 2011, these activities increased by 15% and 17% respectively. Given the City's annexation the numbers increased to 1,219 or 39%, however this was only for 11 months. The actual year-end will be higher.

ORGANIZATION ISSUES

Project Managers

Interviews with staff indicated that the Land Use Management Planning Staff function as Planning Project Managers, which is commonly referred to as a "Cradle-to-Grave," system. In a traditional "Cradle-to-Grave" project management system, the assigned current planner manages the permit project and works directly on the project. We advocate this system because it promotes processing consistency, coordination and communication in the permitting Process. In addition, we have found this system to be generally more fulfilling for planning staff because they are elevated from processors and regulators to problem-solvers. However, a true Planning Project Manager permitting system entails having the Planning Project Managers perform the following functions:

- Conduct (e.g., leading) pre-submittal conference meetings.
- Review/Screen formal applications to ensure they are complete.
- Coordinate plan routing to other reviewing agencies.
- Drive (e.g., be an advocate during the review process) the interdepartmental review process to ensure reviews are completed on time.
- Coordinate input from regional, state or federal agencies and collect and integrate all review comments.
- Challenge other department conditions when they appear inappropriate.
- Resolve interdepartmental project-level problems/issues.
- Analyze the project for compliance with policies and regulations, and long-range plans.
- Coordinate with key decision-makers.
- Write and sign staff reports that provide decision-makers with a recommendation.
- Present formal presentations of the project at public meetings.
- Sign off prior to issuing building permit and Certificate of Occupancy.
- Conduct field reviews of the project to verify required improvements and within six months or a year after construction to determine if approvals were satisfactory or if unintended impacts have occurred.

Our interviews with staff, as well as our observations, indicated that current planning staff performs most of the above functions, but not all of them. In particular, planning staff is not consistently leading permit-related meetings as the project manager. In addition, planning staff is not driving (e.g., tracking, monitoring, etc.) the interdepartmental/outside agency review process to ensure reviews are coordinated and completed on time. For example, the DRC meeting (described in greater detail below) is often used as a forum for senior-level staff to monitor and push review timelines of current permit projects, rather than empowering the assigned planner to perform this function. Moreover, it appears that planners are reluctant to challenge other department conditions that they believe may be inappropriate and/or resolve project-level issues without assistance. Finally, planning staff does not consistently perform field inspections to ensure that required improvements have been constructed and within six months or a year after construction to determine if approvals were satisfactory or if unintended impacts have occurred. Instead, it was reported that Public Works inspectors conduct some inspections on behalf of the project planner to verify the construction of improvements.

144. Recommendation: The Land Use Management Division of the Planning & Community Development Department should empower

current planners to perform all of the functions described above through formal policy and interdepartmental (DRC 2) agreement (e.g., agree planners are the lead, and act as projects managers; also agree on review timelines) with other departments involved in the permitting process to promote processing consistency, coordination and communication in the permitting

Staffing

The Land Use Management Division Planners manage the processing of all land use (zoning) permit applications including subdivisions, building permit reviews (site plans), and zoning applications, etc., through various processes that have been established, which are shown in the table below. Per the Department's approved budget, there are 11 planning positions in the Land Use Division (Current Planning). Two of these positions are supervisors and we assume spend half time supervision and the other half time on direct activities. This results in a net staff of 10 positions. However, as discussed in the Long Range Planning sections, we assume that at least 1.15 of these positions work on Long Range planning projects. This leaves a net of 8.85 positions available for direct projects.

Department counter duties are largely the responsibility of the Assistant Planners. During the instances when they are not available, the substitute is called according to the published schedule. As a result, with the exception of the Assistant Planners, who also focus on customer service and intake in addition to processing less complicated land use permits, the majority of the Planner's available work hours can be focused on permit application processing/case management.

We obtained permit and time by task data from the Department for an nine-month period, from December 11, 2011 to August 2012, in order to estimate the average number of hours required to complete each of the zoning and building permit tasks identified in Table 18 below.

Table 18
Land Use Management Planners – Hours Required for Processing by Permit Type

Permit Application Type	Total Hours (12/11-8/12)	Total Permits	Average Hours Required to Process¹
Building Permit Reviews	3117.25	656	4.75
Admin Design Rev. Permit	5.5	1	5.5
Pre-Submittal Conf. Mtgs.	554.5	71	7.8
Planning Official	355.5	45	7.9
Planning Director	368.25	18	20
Process I	1096	14	78
Process IIA	442.5	7	63
Process IIB/III	919.75	3	307
Design Review	390.75	2	195
SEPA Reviews	525.0	32	16
Other	45.5	3	15
Potala EIS	133	1	133
Public Information/Records Requests	2891.75	No Data	-
Procedures Interpretations	106	No Data	-
Land Use Applications	652.25	No Data	-
Total	12,143.5		

¹ Per Dept. Data

The number of average hours required to process a permit can be a useful start at producing a staffing model. However, care must be taken in interpreting the data as related to accuracy. Our billable hour's analysis shown earlier in this report indicates 1,338 hours available per staff person. For the same nine-month period this would be 1,003 hours per staff person. If all 11 staff were working on projects there would be up to 11,003 hours (1,003 times 11) or a shortage of 1,140 hours, roughly one person.

However, if we modify our analysis to assume that only 8.85 staff are available, there would only be 8,877 hours (1,003 times 8.85) available for production, which is a shortage of 2,165 hours, or roughly two staff. It should be noted that this analysis assumes using current performance standards, which in some cases are not being met. Additionally, we are recommending faster processing time in some categories, which can increase staffing, needs.

We believe that some of the data being used for this analysis is suspect. However, it is a good starting point that can be refined. If the demand for 12,143 hours is divided by the nine-month period it results in a demand of 1,349 hours per month. As a starting

point to determine the need for additional staff or consultants, we suggest using the hours per application analysis. When hour demands exceed this 1,349 hours for the activities shown in Table 18, additional staffing or consultants should be considered. Additionally, as performance standards change, the demand hour number may need to be reduced. Once the proposed fee study is completed, it should be possible to design a more precise staffing model.

In addition to the full-time staff planners, the department uses various part-time consultants to help them manage spikes in development activity. For example, the Department currently employs a planning consultant, and an urban forestry consultant to handle short plat permit applications, and regulatory reviews related to the Tree Ordinance.

Staff interviews revealed that the use of qualified consultants has helped them manage their work flow more effectively; however, at times, less qualified consultants have been hired, which has taxed staff resources because they have had to train and assist them and/or correct their mistakes. We understand that management staff is making a conscience effort to ensure that only qualified consultants are hired to assist the department, which is good.

145. Recommendation: Add one temporary planner to the current planning functions.

146. Recommendation: Use 1,349 hours as the current base productivity hours needed for current planners. Should that application numbers increase, supplement staff with consultants. Additionally, re-examine the number as performance standards change.

POLICY ISSUES

Decision Authority

Table 19 shows the Decision Making Authority for Land Use Management (Current Planning) permit applications.

**Table 19
Decision Making Authority for Planning (Current Planning) Applications**

Action	Planning Official (staff)	CDD Director	Design Review Board (DRB)	Hearing Examiner (HE)	Houghton Community Council (HCC)	Planning Commission (PC)	City Council (CC)
LAND USE MANAGEMENT DIVISION PERMIT APPLICATIONS							
Annexations	R	R	N/A	N/A	N/A	N/A	D
Planning Official Decision (Accessory DU, Admin. Wireless, Admin. Design Review, Minor (PUD) Modifications, Review for Code Compliance)	D	N/A	N/A	N/A A-Admin Wireless only	N/A	N/A	N/A
Director Decision Process (Variance Exception, Off-Site. Dir. Signage, Master Sign Plan, LLA, Bldng. Site Plan, TUP's)	R	D	N/A	N/A A-Off-site & MSP only	N/A	N/A	N/A
Process I (Short Sub. Substantial Dev. Permit*, Wireless)	R	D	N/A	A	N/A	N/A	N/A
Process IIA (Prelim. Sub., Shoreline CUP/Var*, Plat Alterations)	R	N/A	N/A	D	N/A	N/A	A
Process IIB (PUD'S, Subdiv. Vacations, Wireless)	R	N/A	N/A	R	R ¹	N/A	D
Miscellaneous:							
Sidewalk Cafe	D	N/A	N/A	N/A	N/A	N/A	N/A
Final Subd.	R	R	N/A	N/A	R ¹	N/A	D
Street Vacations	R	R	N/A	N/A	N/A	N/A	D
Design Response Conference (if in 1 of 6 Districts)	R	N/A	D	A	N/A	N/A	N/A
Conceptual Design Conference (if in 1 of 6 Districts)	R	N/A	Prelim. guidance	N/A	N/A	N/A	N/A
Other?							
POLICY & PLANNING DIVISION							
Process IV (Amendments to Zoning Map, Code, and Comp. Plan, Neighborhood Plans)	R	R	N/A	N/A	R ¹	R	D
Process IVA (Abbrev. Process for Minor Zoning Map & Code Amendments)	R	R	N/A	N/A	R ¹	N/A	D
R = Review/Recommendation, R ¹ = HCC Review/Decision if in HCC Area, D=Decision, A=Appeal, N/A= Not Applicable, *Appeal to State Shorelines Hearing Board							

As the table above shows, staff has decision-making authority over many types of permit applications, including Planning Official, Planning Director and Process I permits, which is excellent and Best Practice.

The Hearing Examiner makes decisions on code enforcement cases, serves as the appeal body for administrative decisions, has decision-making authority over Process

IIA permits, and is a recommendation body for Process IIB permits. The Planning Commission function has been adjusted so that they serve as a recommendation body on legislative matters only, which has eliminated the need for Process III permits, and streamlined Process IV and IVA permits. The City Council has decision-making authority over Process IIB permits, and serves as the appeal body for Hearing Examiner (Process IIA) permits. Staff has made a concerted effort to shift non-legislative decision-making permits to the Hearing Examiner and the administrative decision-making level, in order to streamline processing, which is consistent with Best Practices. Shifting non-legislative decision-making away from the City Council to Hearing Examiners and staff in order to expedite processing, provide for appeal avenues and free up City Council time so that they can focus on policy and legislative functions is an excellent approach.

Overall, staff has done a good job streamlining current planning permit processes by moving the decision-making authority of land use permits to lower levels. However, interviews with staff indicated that there might be additional opportunity to move even more land use permits to lower levels. For example, staff indicates that the administrative wireless permit could be approved over-the-counter, without the need for Planning Official processing. In addition, there are some land use permits that are designated for Director-level decision-making that could be moved to Planning Official-level decision-making. For example, Staff indicates that the noticing requirements for Temporary Use Permits for Tent Cities are overly burdensome and unnecessary and that these Director-level decision-making permits should be moved to Planning Official-level decision-making permits. Further, Hearing Examiner approval (e.g., Process IIA) to Planning Director approval, with appeals to the Hearing Examiner. Finally, the City Council should consider further reducing its role in hearing appeals of quasi-judicial decisions. One possibility is for short plats with through road connections.

147. Recommendation: The Planning & Community Development Department should explore further opportunities to streamline and condense land use permitting processes, such as moving certain Director-level decision-making to Planning Official decision-making (e.g., Lot Line Alterations, Binding Site Plans, Temporary Use Permits) and certain Hearing Examiner decision-making to Planning Director-level decision-making, with appeals to the Hearing Examiner.

148. Recommendation: The City Council should consider further reducing its role in hearing appeals of quasi-judicial decisions by moving these types of appeals to the Hearing Examiner level.

PROCESS ISSUES

Building Permit Plan Review

Building Plan Reviews

The Assistant Planners have primary responsibility for reviewing and approving some building plans for compliance with zoning regulations. The Assistant Planners conduct completeness reviews for some single-family permits, tenant improvements, signs and other permits before the application is accepted. The applicant does a walk around to the Building, Public works and Planning counters to accomplish the completeness checks with each department before the Building Department intakes the permit. Staff from various departments (e.g., building, planning, public works, etc.) also conducts a completeness meeting for new multifamily & commercial permits, prior to accepting an application for submittal. Completeness checklists have been created for the various permit types and are used by the Assistant Planners as a tool to guide their completeness checks, which is excellent.

The review process includes the Building Permit Technicians routing plans for Fast Track and Express permits directly to the Assistant Planners for review. Other building permits go to the Planning Supervisor for assignment. Planners are given between one and ten weeks to conduct reviews, depending on the project type. Planners review the site plans associated with building permits to ensure there are no issues with setbacks, easements, zoning, etc., and ensure compliance with all conditions of approval. For electronic submittals, Bluebeam software is used to review, mark-up and electronically stamp/approve plans. Paper plan submittals are reviewed and marked by hand. Comments are recorded in EnerGov and approved plans are signed off in the EnerGov System. Staff indicates that the Building Plan Review process works well overall. However, Building staff indicate that there are timeline issues related to Planning's review of single-family houses.

Express Permits and Fast Track Permits

Staff indicated that Express Permit and Fast-Track permits were introduced in 2001 in order to segregate the less complex permits so that they could be reviewed more quickly.

- Express Permits, such as rooftop appurtenances, tenant improvements, basic decks, single family first floor additions, and ground mounted mechanical units, are permits that are intended to be issued in three (3) working days or less.
- Fast-Track Permits are intended to be issued within ten (10) working days or less. Typical Fast-Track permits include new single family homes, more complex single family additions or garages under 500 square feet and other small projects, such as deck, sheds, repair/maintenance projects in or near sensitive areas that are exempt from the State Environmental Policy Act. In

addition, complex rooftop appurtenances, rockeries and retaining walls up to 8 feet tall, tenant Improvements up to 5000 square feet without a change in use, slab on grade greenhouse additions under 500 square feet and single family outdoor swimming pools.

Staff interviewed indicated that they are generally able to perform the reviews of Express and Fast-Track Permits within the review timeframes, and that the process works well.

However, see recommendations under the “Building Section,” regarding establishing shorter review performance standards for certain building permit reviews.

Expedited Review and Priority Reviews

In 2003, the City initiated a new program for single-family dwellings to allow builders to pay an additional review fee in exchange for an expedited review process.

However, interviews with staff indicated that the City no longer hires outside planning and building consultants to perform expedited reviews for new single family residences. Rather the plans are routed to in-house Building Plan Reviewers and Assistant Planners to conduct the reviews through over-time. Since these staff members are eligible for over-time compensation, a portion of the expedited review fees is utilized to defray the over-time costs associated with plan review. However, there are only two Assistant Planners and these staff members are not always available to work over-time and the other Planners are not assigned expedited review work as a backup.

In the Building Chapter of this report we have recommended a comprehensive expedited plan review process. Although much of the work would be by consultants, some work could be done by staff if the pay issues were resolved or in some cases if salaried planners would perform expedited reviews as needed as part of their salaried duties and use the expedited fee monies to adjust salaries to compensate for additional work load.

149. Recommendation: The City Manager should resolve the wage issues associated the Expedited Review Program for in-house plan reviewers.

Permit Review

Applications for single-family dwelling (SFD) permits are accepted every day from 8am to 4pm, except Wednesday mornings. On Wednesday mornings the counter is closed until about 10:30am, so that staff can conduct internal meetings. SFD Applicants must first undergo a completeness check through all relevant departments, including Public Works, Planning and Fire/Building before they are accepted for processing. Once all departments have signed off on completeness the application

processing begins. A building plan reviewer is then assigned to track the progress of the review and coordinate redlines and the correction letter.

The Development Review Committee II (DRC II Team) has worked diligently on continuously improving the SFD permit process to streamline permitting, which is good. For example, the completeness review process has been modified, and the exemption level for the number of residential units subject to SEPA review has been increased.

However, despite their efforts some issues still exist. For example, staff indicated that there are still issues with reviewers communicating when they have signed off on land use permits. In addition, staff indicates that, at times, Multi-family permit applications are substandard. Further, staff indicates that it typically takes as long as four (4) hours to review a SFD permit because of onerous code requirements, planner workloads, varying plan review styles and EnerGov programming issues. Planners also indicated that the submittal checklists and application instructions are too convoluted and need to be simplified, which could help improve planners conduct reviews more quickly.

See previous recommendations under the “Front Counter Section” regarding reassigning Administrative Staff to cover lunch hour so the planners can focus on completing reviews and other substantive tasks, and under “Antiquated Code Section” regarding updating the zoning code to simply and clarify language and computerize the code.

150. Recommendation: The DRC II Team should ensure that all plan reviewers are consistently communicating when they have signed off on land use permits via EnerGov, and when warranted, via email.

151. Recommendation: The DRC II Team should ensure that the submittal checklist for Multi-family dwelling permits provides clear instructions for applicants to ensure that submittals are accurate and complete.

152. Recommendation: The Development Review Manager should ensure that all planners responsible for conducting building plan review have adequate training and tools to ensure that reviews are conducted in a consistent manner and similar level of effort.

Planning Permit Processes

The Land Use Management Division (Current Planning) Permitting process varies somewhat according to the permit process used as follows:

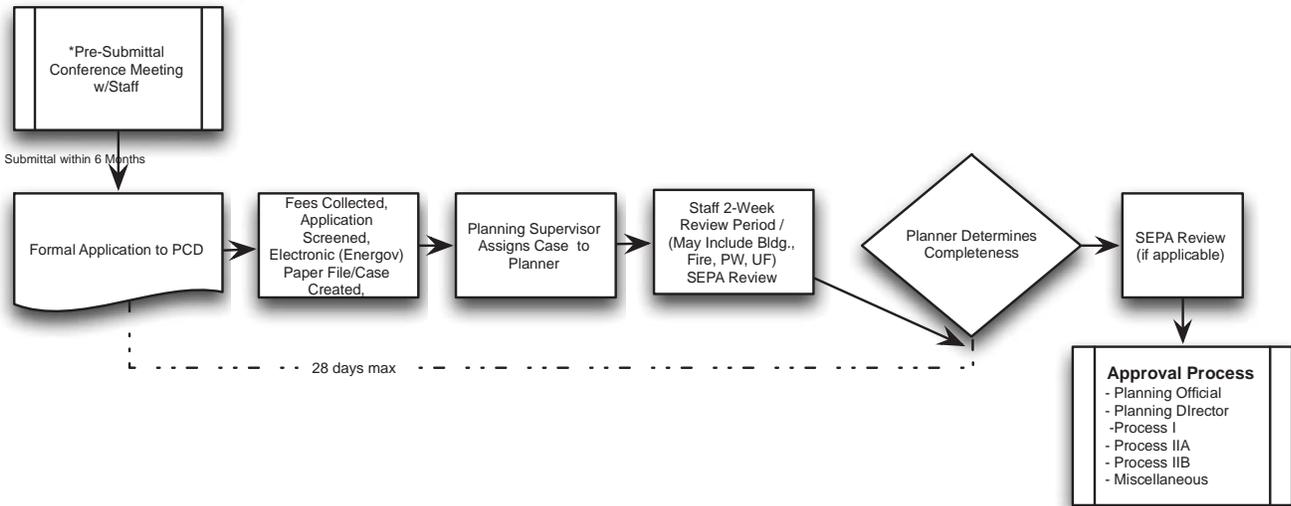
- The Department has established Planning Official, Planning Director and Process I administrative decision-level processes for approving less complicated, more routine permits.
- More complicated permits, such as PUD's and CUP's are processed through Process IIA and IIB procedures, which require Hearing Examiner approval.
- Projects located within any of the six (6) design districts required Design Review Board Approval.
- Legislative matters are considered by the Planning Commission and approved by the City Council.

Although different Processes have been established to process permits in the Department, all of the processes have some initial steps in common. For example, nearly all the permit processes start with a mandatory pre-submittal application submittal followed by a pre-submittal conference meeting. A formal application is filed within six months of the pre-submittal conference meeting, then fees are collected and electronic and paper files are created. The formal application is also checked to ensure that it contains all required submittal materials.

The file is then forwarded to a planning supervisor, who assigns it to a planner within a few days. The assigned planner does an initial completeness check and forwards a copy to each of the various departments that conduct a review of the permit application (e.g., building, fire, public works and the urban forester). Reviewers have up to two weeks to complete their review. Following the two-week review, the planner makes a determination whether the application is complete. Once deemed complete, the Planner conducts an initial SEPA review (if applicable). The permit application then proceeds through one of five processes, depending on the type(s) of application(s) submitted.

Figure 14 below details the initial broad steps of the permit application process. The text that follows summarizes the process as well as our recommended changes. A more detailed description of each process follows.

Figure 14
Existing Initial Steps of Permit Approval Processes



1. As the above figure depicts, most of the current planning permit applicants are required to attend a Pre-submittal Conference Meeting with Planning Staff as their first step in the approval process.. In addition, some application permit types, such as zoning applications, also encourage meetings with neighborhood groups prior to the formal submittal, which is a good practice.
2. The next step in the process is the formal submittal to the Planning & Community Development Department front counter. An appointment or coordination with the planner is necessary, and application materials and fees can be submitted anytime in person.

Interviews with staff indicated that the department has not created a “Submittal Deadline Schedule” for each process to help them manage the counter, flow of submittals, and corresponding staff resources. As development activity increases, the Department should consider creating and publishing a “Submittal Deadline Schedule.” The “Schedule(s)” should outline: 1) Front counter submittal days and times; 2) Submittal Deadlines for each process type; 3) Corresponding hearing dates for each submittal deadline. Adequate time should be built in between the submittal deadline and corresponding hearing/decision date to accommodate the time required to deem the application complete, conduct staff reviews, give public notice, provide public comment periods, prepare and distribute staff reports, etc.

“Submittal Deadline Schedules” are an excellent tool used by many Best Practice communities to manage submittal intake activities and staff resources and help guide both staff and applicants through the submittal processes.

153. Recommendation: The Department should create/establish “Submittal Deadline Schedules” as development activity increases to help them manage the counter, flow of submittals, and corresponding staff resources.

Submittal requirements for the permit applications vary but generally include the following:

- Paper copy of a completed, Signed Application Forms;
- A road concurrency application (e.g., for preliminary subdivisions, etc.) must be submitted to the Public Works Department and a notice of passing must be received;
- Fee;
- Vicinity Map;
- Completed environmental checklist (for non-exempt SEPA projects);
- Supporting Affidavits;
- Neighborhood Meeting Sheet (if conducted);
- Five (5) paper copies of dimensioned site plans, drawn at 1" = 20' or a comparable scale, and folded to “8 1/2 x 11” size;
- One (1) copy of all plans reduced onto 8 1/2" x 11" sheets;
- Perspective drawings, photographs, color renderings or other graphics may be needed to adequately evaluate the application;
- A CD of all submittal materials for presentation at public meetings and/or permanent storage;
- Copies of recorded easements;
- Other special studies (geotech report, tree retention plan, etc.).

Interviews with staff indicate that the Department strives to require the minimum number of plan sets for plan review in an effort to further their goal of becoming paperless, which is good.

See previous recommendation regarding updating applications so that they can be filled in online, online submittals, fee payments and electronic plan review.

3. Fees are collected, the application is screened and an electronic file is created in EnerGov by the intake person (e.g., assistant planner), along with a paper file. The EnerGov system creates file labels for the paper file. As mentioned earlier in the Study, detailed “Step Sheet” have been created for Administrative and Planning staff to guide them in the electronic (EnerGov) and paper file preparation and maintenance throughout the process to ensure files are set-up and maintained consistently, which is good.
4. The new file is immediately forwarded to the Planning Supervisors for assignment to planners based on a number of factors, including who conducted the pre-submittal meeting, level of difficulty, existing case loads, etc. Cases are generally assigned to planners on Fridays, so there is lag time between submittal and assignment of up to five working days.

Because state law requires a 28 day maximum completeness check, which begins on the day the application is submitted, all new cases, regardless of whether they are being processed via “fast tracked,” or “express reviewed” should immediately be assigned to planning staff, rather than be collected and assigned on Fridays. Immediate assignment of cases will become even more critical if completeness check timeframes are shortened, as we recommend in this Study.

154. *Recommendation:* The Planning Supervisors should immediately assign new permit cases to planners, rather than collecting them and assigning them on Fridays to ensure the completeness checks are conducted within established performance standards.

The assigned planner then typically conducts a cursory review to determine that the project is complete and distributes the submittals materials and plans to various city reviewers, including building, fire, public works, and the urban forester, and third-party reviewers, when warranted, for a two-week review period.

See our recommendations under the “Performance Standards Section” regarding establishing formal review performance standards for up to three (3) review cycles.

5. Following the two-week review period, administrative applications (e.g., Planning Official, Planning Director, Process I) are formally deemed complete (or incomplete) by the assigned planner. Process IIA and IIB applications often receive a preliminary SEPA review prior to determining that the application is complete.

If the application is found to be incomplete, the applicant is notified in writing to revise and resubmit the required information. Once resubmitted, staff has an additional 14 calendar days to review the resubmittal and deem it complete, per state law. However, it should be possible to complete this review in a much shorter timeframe. We recommend five working days. The Department has created a “Step Sheet” that provide instructions to the administrative staff and planners in the determination of completeness process, which is good. For example, planners have to send an electronic completeness form to administrative staff to send to the applicant three working days prior to its due date, for distribution to the applicant.

155. Recommendation: The Department should establish a performance standard to complete completeness checks within five working days of the resubmittal.

6. Following the completeness determination for more routine administrative processes, the Planner may conduct a SEPA review, if applicable. For more complex projects processed through Process IIA or Process IIB, Planners often conduct a preliminary SEPA review prior to deeming the application complete, as noted in the above step.
7. At this point, the application processes varies according to the application type, as described in more detail below.

Planning Official and Planning Director Decision Processes

Minor, more routine application categories are processed administratively through the Planning Official Approval Process, Planning Director Decision Processes Following the SEPA review (if required), a final decision is made by staff on Planning Official applications. For Planning Director applications, a hearing with the Planning Director is scheduled and a staff report is drafted. The report is edited electronically by Planning Supervisors and then finalized and transmitted to the Planning Director in advance of the scheduled hearing (e.g., typically nine calendar days). Following the hearing, the assigned planner directs administrative staff to send a Notice of Decision to the applicant, within four calendar days. Again, procedural “Step Sheets” outline the numerous detailed steps for administrative and planning staff to follow to complete the Notice of Decision process, which have been streamlined by staff to the extent possible, which is good.

An appeal of the Planning Official or Planning Director decision can be made in writing and filed with the Department within 14 calendar days of the date the decision was mailed. Appeals are heard by the Hearing Examiner. Figures 15 and 16 outline the *basic* Planning Official and Planning Director Approval Processes.

Figure 15
Existing Planning Official Decision Process

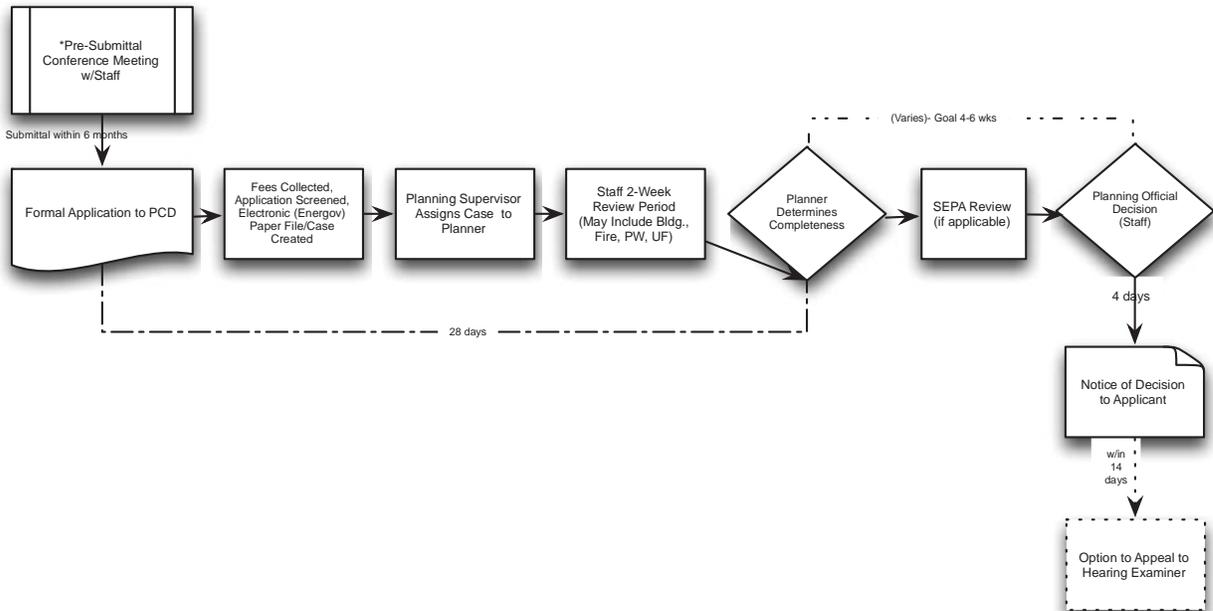
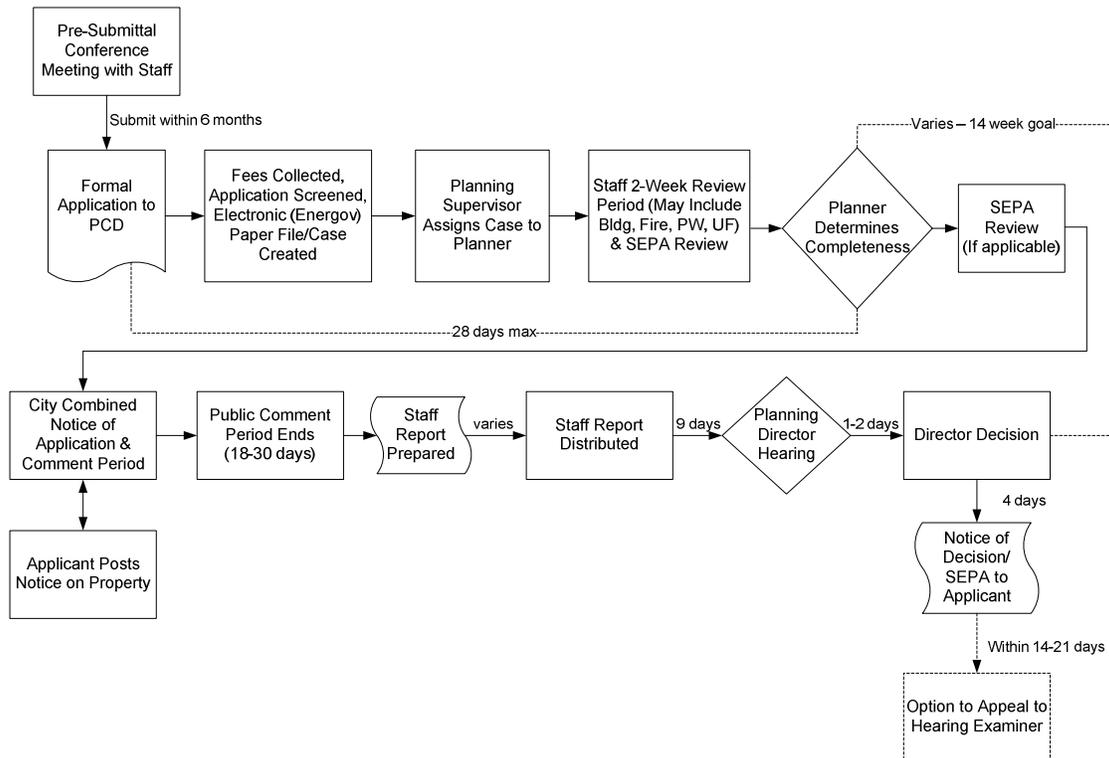


Figure 16
Existing Planning Director Decision Process



Pre-Submittal Conference Meetings

Currently, pre-submittal conference meetings are mandatory for several types of permits, including some types that undergo the Planning Official and Planning Director decision processes and all permits that undergo Process I, IIA, IIB and the Design Response process. Miscellaneous permit types, such as final plats, sidewalk cafes, etc., are not required to attend pre-submittal application meetings because they are more routine.

We agree with the requirement for pre-submittal meetings for more complicated permit types, and often recommend this as a standard practice to our clients. When structured properly, pre-submittal conference meetings can be invaluable to staff, and applicants/developers during their due diligence period because they provide applicants/ developers with an understanding of the required application submittal materials, help them to understand major project issues, the development review/permit process, and the timing and cost of the entitlement process, including impact fees.

We agree that Pre-submittal conference meetings should be attended by key (senior-level staff, if possible) representatives from the Planning, Building, Fire and various disciplines within Public Works, so that critical development issues that have the potential to create delays in the approval process can be outlined by experienced staff. The City engineer who attends the Pre-submittal conference represents stormwater and transportation issues and consults with appropriate staff prior to the meeting. For complex issues, the stormwater or transportation expert may also attend. Some staff indicated that the Public Works Storm Water Engineer should be in attendance for all pre-submittal conference meetings to outline and discuss critical storm water issues. This is a complex issue that we see in many of our studies. It is not practical to have all specialists attend all meetings. However, given the increased focus on stormwater issues, additional attendance at these meetings could serve an educational purpose.

156. Recommendation: The Public Works Storm Water Engineer should attend some additional pre-submittal conference meetings.

Staff interviews indicated that a “Project Manager,” is introduced at the Pre-Submittal Conference Meeting. For Land Use Management permits, the Team Leader is intended to be the assigned Planner. In addition, staff indicated that they complete a “pre-submittal worksheet/checklist to record staff comments about the proposal, which is also a good practice and one that we often recommend. The Department also collects a fee for pre-submittal applications, which is credited back (less a small surcharge fee) to the applicant if a formal application is made within 180 days of the pre-submittal conference. Staff said that pre-submittal meetings are scheduled about

ten (10) days after the application materials are received to allow all reviewing staff ample opportunity to study the submittal and prepare comments in advance of the scheduled meeting

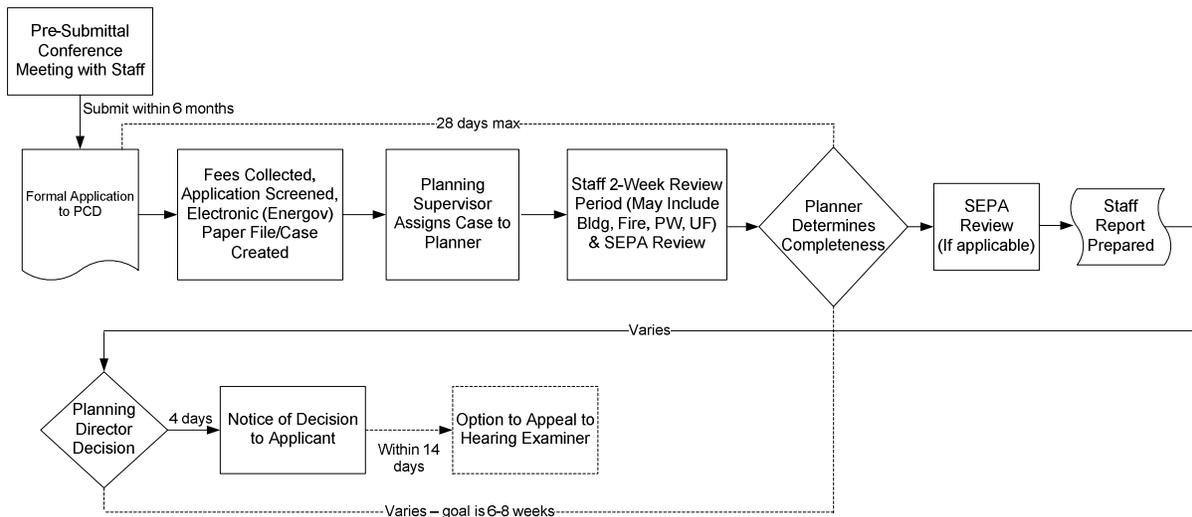
Currently, Pre-submittal conference meetings can't be submitted, paid for or scheduled online through the City's website. This is a relatively simple application process, with minimal submittal requirements and is a good candidate for online submittal.

157. Recommendation: The Planning & Community Development Department should transition the pre-submittal conference meeting submittal process to an online process, so that applicants can apply for, submit, pay for and schedule these meetings online.

Process I Approval Process

In addition to the steps identified above in the Planning Official and Planning Director Approval processes, the Process I Approval process also includes requirements for a "Notice of Application and Public Comment Period" before the final decision by Planning Director. A "Step Sheet" has been created to guide administrative and planning staff through the numerous steps required to complete this Notice of Application/Public Comment period process.

**Figure 17
Process I Approval Process**



1. After deeming the application complete, the assigned planner directs administrative staff to electronically prepare a "Notice of Application and Comment Period," which is published in the general newspaper and posted on

designated City boards and the City website. In addition, the notice is sent to adjacent property owners. The property owner is also required to provide for and erect public notice signs at various locations on or near the property as instructed by the assigned planner. The Comment period for the public is a minimum of 18 calendar days from the date of the Notice and no more than 30 calendar days, depending on the type of application (e.g., shoreline permits require 30 days comment period).

2. Following the close of the comment period, the assigned planner prepares a brief staff report/memo, which evaluates and provides a recommendation of the proposal for the Director Decision. The report is forwarded to the Planning Supervisor for electronic review and edit, and then finalized by the assigned planner.
3. The Staff report is distributed electronically, along with any supplemental materials, to the Planning Director, approximately 9 days prior to the scheduled meeting.
4. Staff presents the proposed project to the Planning Director at an open meeting. The Director considers the proposal using decision criteria established in the code. Administrative staff records the meeting and prepares minutes of the proceedings to preserve the record.

Following the public meeting, the Planning Director considers the proposal in light of all of the information submitted and can grant, conditionally grant, modify or deny the application by written decision within one to two working days of the hearing. However, for most cases we believe the Planning Director should provide his decision at the end of the hearing while persons of interest are still present.

158. Recommendation: The Planning Director should provide a decision at the close of the meeting rather than two days later.

5. The assigned planner prepares the SEPA determination. A written Notice of the Director's Decision is sent within four calendar days of the decision to the Applicant and other participants, both electronically and by mail. The Notice of Decision is also posted on the City's website.

Interviews with staff indicated that the Notice of Application and Comment Period form letter is too wordy and should be simplified. We agree.

159. Recommendation: The Development Review Manager should review and simplify the Notice of Application/Comment Period form.

160. Recommendation: The Notice of Decision should be transmitted only by electronic means, and posted on the City’s website to streamline the distribution process and reduce mailing costs.

161. Recommendation: EnerGov should be programmed to create and distribute Form letters, such as Notices of Application and Comment Period and Notices of Decision.

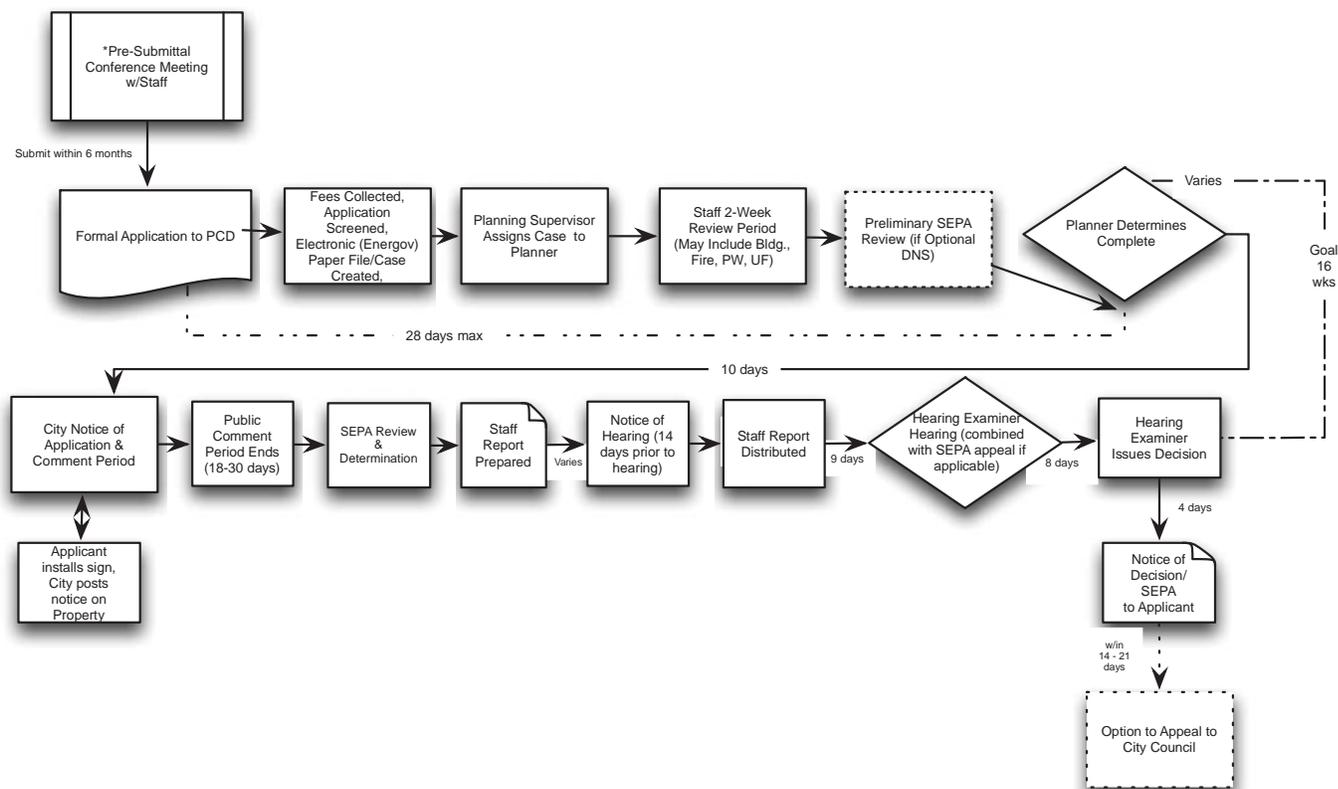
7. The applicant, or anyone who has submitted written comments, can appeal the Planning Director (Process I) decisions to the Hearing Examiner within 14 calendar days of the distribution of the Notice of Decision. If the project involves a SEPA determination, the applicant has up to 21 calendar days to file an appeal.

Process IIA Approval Process

Process IIA application types include preliminary subdivisions, shoreline variances and CUP’s and Plat Alterations. The Hearing Examiner (HE) has final decision-making authority over these types of applications. As with the Process I applications, Process IIA applications also include requirements for a “Notice of Application and Public Comment Period.” Process IIA also requires public notice 14 calendar days before they can be considered by the Hearing Examiner for a final decision. Public Notice has to be published, and posted on the City’s website and designated posting boards. Public Notice must also be mailed to adjacent property owners within a 300’ radius.

Figure 18 below outlines the basic steps involved in the Process IIA approval process, after Staff deems the application complete

Figure 18
Process IIA Approval Process



1. Following the determination that the application is complete, the planner directs administrative staff to electronically prepare a “Notice of Application and Comment Period,” in the same manner described in Process I. Again, the Comment period varies according to the application type.

See earlier recommendation regarding programming EnerGov to automate form letters and public notices.

2. After the close of the Public Comment Period, the Assigned Planner gathers any public comments received and completes the SEPA review and makes a determination as to whether the project is Non-significant (DNS) Non-significant with Mitigation (MDNS) or determined to be Significant (DS), which triggers the preparation of an Environmental Impact Statement (discussed in greater detail later in this Study). The Department has created a detailed “SEPA Instructions Sheet” to guide administrative and planning staff in completing the SEPA determination process, which will not be detailed here.

3. The Planner then schedules a hearing before the Hearing Examiner, and drafts a staff report with a recommendation, as outlined earlier.
4. In addition, a notice of public hearing is published, posted, etc., and mailed to adjacent property owners within a 300' radius a minimum of 14 calendar days prior to the scheduled hearing before the HE. Public Notice is given as early in the process as practicable following the SEPA determination, which is good practice. The Department has created a detailed instruction sheet to guide administrative and planning staff through the public notice process, which is good.

Interviews with Staff indicated that the Public Notice form letter is too wordy and should be simplified. We agree.

162. Recommendation: The Planning & Community Development Department should review the Public Notice form and simplify the wording.

The finalized staff report is then transmitted electronically to administrative staff, along with other materials for inclusion into agenda packets. As noted above, applicants provide staff with a CD of electronic plans, studies, etc., for inclusion into the agenda packet and record-keeping purposes.

5. Electronic and paper agenda packets are prepared and distributed to the HE, applicant and other participants at least seven (7) calendar days before the scheduled HE hearing.

Interviews with staff indicate that in addition to creating, distributing and posting electronic packets, paper packets are also prepared and mailed to the applicant, Hearing Examiner and various participants. The Department should no longer produce paper agenda packets in order to reduce administrative staff workload, reduce costs and further its paperless goals. In the short-term, the Department Director should establish a written policy indicating that only electronic packets will be prepared, posted and distributed, so that applicants and the public are aware of the new policy. Exceptions to this policy can be made for applicants that do not have electronic capability.

163. Recommendation: The Planning & Community Development Department Director should establish a written policy indicating that only electronic packets will be prepared, posted and distributed, to reduce staff workload, and further is paperless goal. The policy should include exceptions for applicants without electronic capability.

1. The HE holds an open hearing to consider the application (and any SEPA appeal, if applicable). A recording secretary creates an audio recording of the hearing and

prepares minutes of the proceedings. The HE can grant, modify or deny the application. In addition, the HE can continue the open hearing if necessary.

2. The HE issues a written decision based on decisional criteria listed in the Zoning Code, within 8 calendar days of the date of the open record hearing.
3. The Planner directs Administrative Staff to distribute a written paper and electronic Notice of Decision to the applicant and other required participants within 4 calendar days after the HE's written decision is issued. The Notice of Decision is also immediately posted on the City's website. The Department has established an overall processing goal of 16 weeks for Process IIA Applications.

See above recommendations regarding Notice of Decisions only being transmitted and posted electronically, and generated by EnerGov.

4. Appeals of Process IIA are heard by the City Council. Appeals must be submitted in writing within 14 -21 calendar days (depending on SEPA) of the distribution of the Notice of Decision.
5. Once the file is closed, a "Step Sheet" guides the administrative and planning staff through the detailed steps for closing out a file, which we will not detail here. As part of this process, the assigned planner makes a CD of all the emails, files and other information related to the file to preserve the record.

Interviews with staff indicated that Planners have a difficult time completing the task of creating a CD of all emails, etc., related to the file to preserve the record, due to work load and other priorities. This task should be assigned to administrative staff to allow planners to focus on substantive planning tasks and to ensure that it is completed and files are closed out properly.

164. Recommendation: The Planning & Community Development Department Director should reassign the task of making a CD of all emails, etc., related to the case file to administrative staff for all Process II applications and all relevant application types, so that planners can focus on substantive planning tasks, and ensure that files are closed out properly.

165. Recommendation: The Planning & Community Development Department should work with EnerGov to determine whether the closing file step can be automated through Energov for Process II applications and all relevant application types, or whether the TRIM Software or an alternative storage solution can be implemented to allow efficient transfer of planner emails to administrative staff.

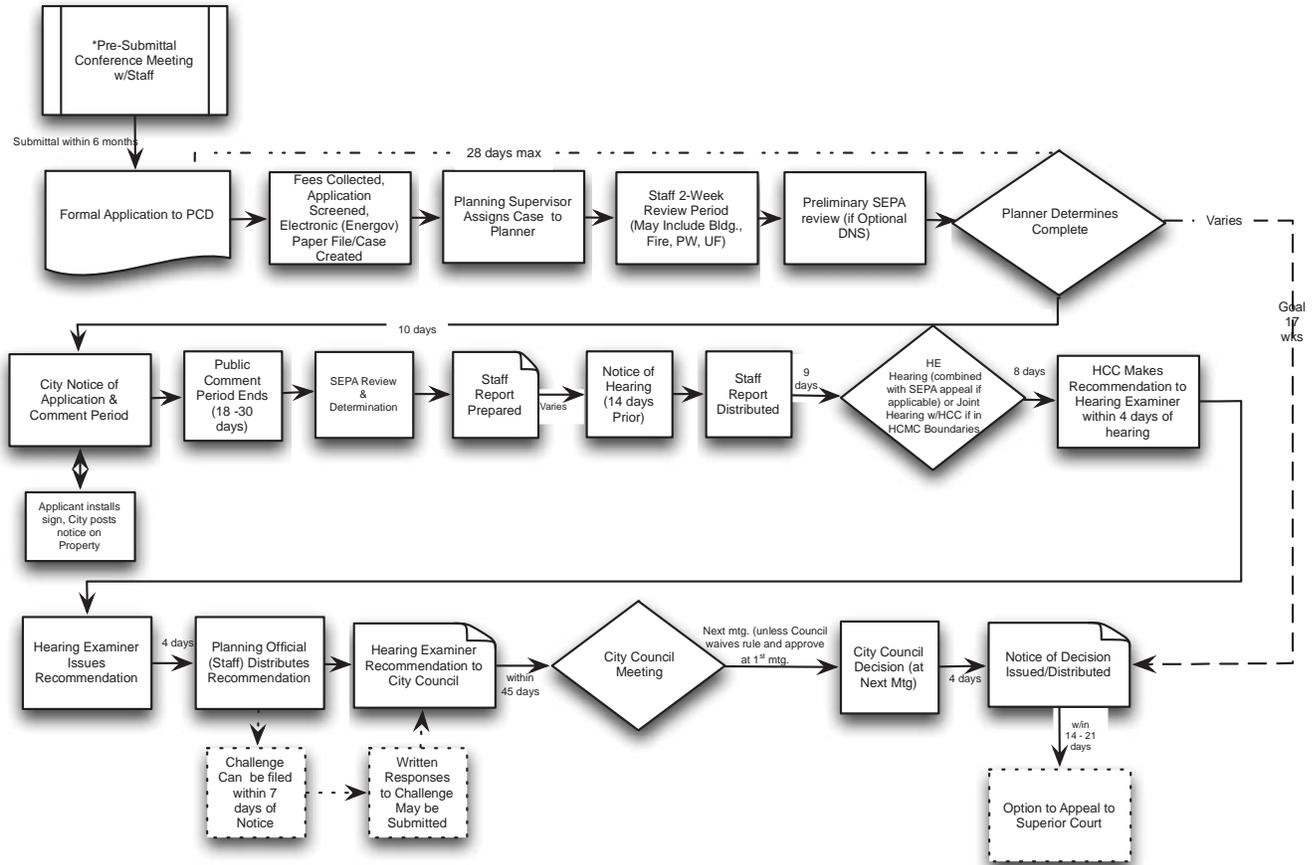
Process IIB Approval Process

Process IIB application types include more complex applications, such as PUD's, subdivision vacations, and certain types of wireless communication projects. The HE is a recommendation body and the City Council has final decision-making authority over these types of applications. Process IIB applications may also require a recommendation by the HCC if the project is located within the HCMC boundaries.

The Process IIB permit approval process includes all of the same steps as the Process IIA application, except that the HE is not the final decision-maker. Instead, the HE provides the City Council with a recommendation, based on the open record proceedings and decisional criteria established in the Zoning Code, so additional processing steps are necessary to complete the approval process. The hearing of the HE is the hearing for City Council and the City Council makes a final decision at a subsequent closed record hearing.

Figure 19 below outlines the *basic* steps involved in the Process IIB approval process, from the issuance of the HE's recommendation to City Council to the closed hearing Council hearing, where the final decision is rendered

**Figure 19
Process IIB Approval Process**



1. Following the HE Hearing (joint hearing with HCC, if within the HCMC boundaries), the HE issues a written recommendation to grant, modify or deny the application to the City Council within 8 calendar days of the open record hearing. The HE’s recommendation is based on evidence presented at the open record hearing and decisional criteria established in the zoning code. Hearings are recorded and summary minutes are prepared by a recording secretary.

Interviews indicated that the HE needs up to eight calendar days to review project evidence and make a final recommendation.

2. The Planner distributes a Notice of the HE’s recommendation within four calendar days to the applicant and other parties, electronically and, when requested in paper form.

166. Recommendation: The Planning & Community Development Department Director should establish a written policy indicating that Hearing Examiner recommendations for Process IIB applications will only be distributed and posted on the City's website in electronic format to reduce staff workload, and further the paperless goal.

3. A Challenge to the HE's recommendation can be filed by any person who submitted written or oral testimony to the HE, within seven calendar days of the Notice of Hearing Examiner's Recommendation. Any person receiving a copy of the Challenge letter can file a written response to the Challenge. Responses must be submitted to the Department within seven (7) calendar days after the day the challenge letter was filed. Written responses to the Challenge may be submitted to Planning Staff, which will be transmitted to the City Council for consideration during their subsequent meeting.
4. Staff schedules the City Council meeting for final consideration of the project within 45 calendar days of the HE's Notice of Recommendation. Staff prepares a report in the same manner described earlier, along with a draft ordinance or resolution incorporating the HE's recommended action, and any challenge material received in an electronic agenda to the City Council at least 12 calendar days prior to the scheduled meeting. Electronic agenda packets are also posted on the City's website.

Staff indicates that the 45-day scheduling time frame for City Council is a worst case (outside limit) time frame, which takes into consideration a maximum of four days for the HE to issue a decision; a seven day challenge period; a seven day response to challenge period; staff report/memo, ordinance or resolution preparation time; City Manager review of the agenda packet; and the City Council meeting schedule (e.g. meeting on the 1st and 3rd Tuesdays). The project is scheduled for City Council consideration as soon as practicable, considering these variables, which is often within two to three weeks.

See above recommendation regarding only preparing electronic agenda packets.

5. The City Council will hold a closed record hearing.
6. At the next regularly scheduled City Council meeting (unless the Council waives the rule and makes a decision at the first council meeting), the Council will by resolution or ordinance decide to grant, modify or deny the application. By motion, the council can also remand the matter back to the HE if it concludes, based on a challenge to the recommendation or its own review of the recommendation, that the record compiled by the HE is incomplete or inadequate

for the City Council to make a decision on the application. The HE will then be required to reopen the hearing and provide supplementary findings and conclusions on the matter or matters specified in the motion. In the case of the HCC disapproval jurisdiction, the Council Ordinance or Resolution becomes effective within their jurisdiction after the approval by a majority of the entire membership of the HCC by Resolution or the failure of the HCC to disapprove the Ordinance, by resolution, within 60-calendar day of City Council approval.

7. The Planner distributes the SEPA determination. The Notice of Decision to be distributed to the applicant and other required participants within four (4) working days following the City Council decision. The Notice is also posted on the City's website. City Council decisions can be appealed to the Superior Court.

SEPA (State Environmental Policy Act)

Planning staff must review various permits and legislative projects (e.g., plans, code updates, etc.) for compliance with the State Environmental Policy Act (SEPA). The SEPA process is controlled by the Washington Administrative Code (WAC) 197-11, et seq., and Title 24 & 25 of the Kirkland Municipal Code.

SEPA compliance review occurs within the context of the permit/project review process. The Act establishes various processing timeframes, which must be met by planning staff (e.g., time frame for determining completeness, completing threshold determinations, public comment periods, posting requirements, etc.). The SEPA process is similar to other state environmental review acts and involves the following primary steps:

1. Determining if a permit/project is subject to SEPA;
2. If it is, completion of an Environmental Checklist;
3. Staff evaluation and identification of potential/probable adverse environmental impacts from a review of the environmental checklist and supporting information. Additional studies may be requested in order to complete the evaluation;
4. Staff identification of mitigation measures to reduce, avoid or eliminate the environmental impacts identified;
5. A Threshold determination by planning staff as to whether any remaining potential/probable adverse environmental impacts remain after mitigation applied;
6. Staff issuance of a Determination of Nonsignificance (DNS), or Mitigated DNS (MDNS), which may include a public comment period, when no significant impacts are found to exist. If a comment period is required, the comments are collected and evaluated and Planning Staff either retains, modifies or withdraws

the DNS after the close of the comment period. If the DNS is withdrawn by staff due to evidence presented in comment letters that potential adverse impacts still exist, planning staff will issue a Determination of Significance (DS)/scoping notice for public review/comment, and begin the Environmental Impact Statement process, which culminates in a Draft Environmental Impact Statement (EIS).

7. Public review and comment on the EIS.
8. EIS revisions based on public comments;
9. Preparation of a Final EIS, which is reviewed and adopted/approved by decision-makers.

In addition to the above broad steps that are listed, staff completes numerous other procedural steps in between these steps in order to complete the SEPA compliance process, which we are not outlining in this Study for the sake of brevity.

Our interviews with staff indicate that they have streamlined the SEPA compliance process where possible, and in the majority of cases, have been able to distill environmental issues down to traffic (e.g. concurrency management review).

Staff indicates that the SEPA determinations are now being generated in EnerGov, which is good. However, not all staff are able to generate EnerGov determinations and largely relying on one staff person, who is adept at it, to either help them or do the task for them, which is inefficient. All Planning staff should receive additional training on EnerGov so that they can create SEPA determinations without assistance.

167. Recommendation: The Planning & Community Development Department Director should ensure that all Planning staff receive additional training on EnerGov so that they can create SEPA determinations without assistance.

Application Processing Times

Given problems with the permitting system we were unable to obtain comprehensive data on application processing times. We did obtain a sampling of projects as shown in Table 20. The Table shows a sampling of recent permits (2011), categorized by Process Type, which were processed by the Land Use Management (Current Planning) staff.

**Table 20
Actual Current Planning Permits Processed**

Permit Process Type	Submit Date	Date Application Deemed Complete	Calendar Days to Deemed Complete	Standard for Deemed Complete in Calendar Days (CD)	Calendar Days for Staff		Decision Date	Calendar Days from Deemed Complete to Decision	Actual Processing from Deemed Complete to Decision in Calendar Days	Processing Goal – (from Deemed Complete to Decision (weeks/ calendar days))	
					Review (e.g., Bldg. Fire, PW)						
Planning Official Decision Permits:											
Accessory Dwelling Unit	3/15/2011	No Data	No Data	28	N/A		8/5/2011	143	No Data	4-6wks/ 28-42CD	
Administrative Design Review	3/17/2011	No Data	No Data	28	N/A		4/13/11	27	No Data	4-6wks/ 28-42CD	
Wireless (Admin)	3/30/2011	No Data	No Data	28	N/A		5/12/2011	43	No Data	4-6wks/ 28-42CD	
Director Decision Permits:											
Lot Line Alteration	2/4/2011	3/17/2011	42	28	N/A		3/28/2011	52	11	6-8wks/ 42-56CD	
Lot Line Alteration	9/27/2011	10/5/2011	8	28	No Data		10/20/2011	23	15	6-8wks/ 42-56CD	
Variance Exception	3/23/2011	No Data	No Data	28	No Data		4/11/2011	19	19	6-8wks/ 42-56CD	
Process I Permits											
Short Subdivision	5/31/2011	7/19/2011	49	28	No Data		9/23/2011	115	66	14wks/ 98CD	
Substantial Development Permit	2/8/2011	3/30/2011	50	28	No Data		7/14/2011	156	106	14wks/ 98CD	
Wireless	4/7/2011	6/21/2011	56	28	No Data		10/4/2011	180	105	14wks/ 98CD	
Process IIA Permits											
Variance	2/1/2011	3/2/2011	29	28	No Data		10/24/2011	265	236	16wks/ 112CD	
Process IIB Permits											
Zon (New Comm. Bldg. parking, etc.)	8/18/2010	9/22/2010	35	28	No Data		4/5/2011	230	195	17wks/ 119CD	
Zon (Replace Elementary School Bldg.)	12/29/2010	4/12/2011	104	28	No Data		8/2/2011	216	112	17wks/ 119CD	
Design Review Board											
Design Response Conference	5/23/2011	No Data	No Data	28	No Data		8/15/2011	No data	85	None	
Miscellaneous											
Final Subdivision	9/1/2011	9/7/2011	6	28	No Data		12/12/2011	102	96	10-16wks/ 70-112CD	

The above table shows that two of the three Planning Official permits sampled, none of them contained data as to when the applications were deemed complete; however, it appears that at least two of the three were processed within the Department's established performance goal.

The three Director Decision permits that were reviewed were all processed well within the Department's established performance goal, which is good. However, deemed complete data was not recorded/provided for one of the permits, and only one out of the three was deemed complete within the established standard.

None of the three Process I permits evaluated were deemed complete within the Department's established performance standard time frame. However, one was processed within the Department's goal time frame and the other two were completed only about a week after the stated goal time frame. The only Process IIA permit that we reviewed was deemed complete within the performance standard time frame, but not processed within the Department's goal time frame. Neither of the two Process IIB permits we evaluated was deemed complete within the established performance standard time frame, and only one was processed within the Department's goal time frame. The data provided for the single Design Review Board case that we evaluated was incomplete; however it was processed within 84 calendar days, which appears to be excessive.

Finally, the miscellaneous permit that we reviewed was both deemed complete and processed within the Department's performance standard and goal time frame, which is good.

Performance Standards

Table 21 provides a summary of the Performance Standards and "goals" established either by State Law, the KMC or internal Department Policy for each type of Land Use Management Permit application. The table also shows whether a pre-application meeting is required, the city reviewers for each application type, and whether the Department monitors the performance standards to ensure they are met.

**Table 21
Existing Performance Standards/Goals for Land Use Management Division
Applications**

Land Use Permit Application Type	*Pre-Application Mtg. Requirement (Y/N)	Completeness Determination Standard in calendar days (Est. by KMC and State Law)	City Dept. 1 st Cycle Review Standard in weeks/working days (Est. by Internal Policy)*	2 nd /3 rd Cycle Review Standards	Applicant Review Time Tracked (Y/N)	Notice of Application Comment Period in calendar days	Overall Processing Time Standard or Goal	Monitored Quarterly (Y/N)	% Time Performance Standards Met
Planning Official Decisions – (Accessory DU, Wireless Admin., Admin. Review, Minor Modifications)	Y ¹	28 days	10 days (2 calendar weeks)	None	N	N/A	Goal is 4-6 weeks	Y	Not Tracked
Director Decisions (Variance Exception, Off- site Dir. Signs, Master Sign Plan, Lot Line Alteration, Binding Site Plan)	N ²	28 days	10 days (2 calendar weeks)	None	N	N/A	Goal is 6-8 weeks	Y	Not Tracked
Process I Permits (Short Subdiv., Substantial Dev. Permit, Wireless)	Y	28 days	10 days (2 calendar weeks)	None	N	18-30	Goal is 14 weeks	Y	Not Tracked
Process IIA Permits (Prelim. Subdiv., Shoreline CUP, Plats & Alterations)	Y	28 days	10 days (2 calendar weeks)	None	N	18-30	Goal is 16 weeks	Y	Not Tracked
Process IIB / III Permits (PUD's, Subdiv. Vacation, Wireless)	Y	28 days	10 days (2 calendar weeks)	None	N	18-30	Goal is 17 weeks	Y	Not Tracked
Design Review (Design Response Conf., Conceptual Design Conf.)	Y ³	28 days	10 days (2 calendar weeks)	None	N	N/A	N/A	Y	Not Tracked
SEPA	As Required by Land Use Permit	As Required by Land Use Permit	As Required by Land Use Permit	None	N	"" ""	N/A	Y	Not Tracked
Miscellaneous (Appeals, Sidewalk Café, St. Vacation, Final Subdiv.)	N/A	None	10 days (2 calendar weeks)	None	N	18-30	- Final Sub. 10 weeks, St. Vac. 16 weeks	Y	Not Tracked

*Reviewed by other City departments

As Table 21 indicates, the Performance Standards have been established for Completeness Reviews, and 1st Cycle Project reviews. In addition, the Department has established “goals” for overall processing timelines (from the point it is deemed complete to final decision) for each application type and conducts a quarterly review (e.g., quarterly report) to determine whether established Performance Standards and “goals” have been met. However, the Department has not established Performance

Standards for subsequent review cycles, nor do they track the amount of time the applicant has the project to complete requested revisions. Further, the Department does not quantify the percent of time that established Performance Measures and “goals” are actually met. Rather, Staff indicates that the quarterly report is reviewed by Senior Staff to generally determine whether Standards and “goals” have been met, and if not, they track down the permits that didn’t meet the Standards and Goals to determine the reasons that caused the delay.

In order to more accurately gauge and monitor the effectiveness and efficiency of Land Use Permit processing, Performance Standards should formally be established for up to 3 Review Cycles, (e.g., two review cycles following the initial review, until the project is accepted for final decision-making). In addition, the Department should establish formal Performance Standards, rather than “goals,” for overall processing time frames for each permit types, since a statutory approval time frame clock may begin following the determination that an application is deemed complete. Finally, Performance Standards should continue to be reviewed/monitored by the Department monthly to ensure that they are met 90% of the time. Performance Standards should be set up in the City’s EnerGov System (if possible) so that data can be consistently and efficiently recorded and quarterly reports generated quickly.

Table 22 below shows the existing Performance Standards and “goals” established by the Department and our recommended Performance Standards.

**Table 22
Existing & Recommended Performance Standards for Land Use Management
Division Permits**

Permit Types	Existing State Completeness Review Standard in Calendar Days (CD) /Working Days (WD)	Recommended Completeness Review Standard in Working Days (WD)	1st Cycle Review Goal in Working Days (WD)/Weeks	Recommended Comment Review Cycle Performance Standard in Working Days			Existing Code Notice Comment Period Standard in Calendar Days (CD)/Working Days (WD)	Recommended Notice Comment Period Standard in Calendar Days (CD)/Working Days (WD)	Existing Overall Processing Goal In Weeks/Calendar days/working days (WD)	Recommended Overall Processing Standard in Weeks/Working Days	Existing Goal for % Met	Recommended Goal for % Time Met
				1 st Cycle	2 nd Cycle	3 rd Cycle						
Planning Official Decisions	28CD/20WD	10WD	10 WD/2 weeks	5WD	2WD	1WD	N/A	Same	4-6wks/20-30WD	4 weeks/20 WD	None	90%
Director Decisions	28CD/20WD	10WD	10 WD/2 weeks	5WD	2WD	1WD	N/A	Same	6-8wks/30-40WD	6 weeks/25WD	None	90%
Process I	28CD/20WD	10WD	10 WD/2 weeks	5WD	3WD	2WD	18-30CD/13-20WD	Same	14wks/70WD	13weeks/65WD	None	90%
Process IIA	28CD/20WD	15WD	10 WD/2 weeks	8WD	4WD	2WD	18-30CD/13-20WD	Same	16wks/80WD	Same	None	90%
Process IIB/III	28CD/20WD	15WD	10 WD/2 weeks	10WD	5WD	3WD	18-30CD/13-20WD	Same	17wks/85WD	Same	None	90%
Design Review	28CD/20WD	15WD	10 WD/2 weeks	10WD	5WD	3WD	N/A	Same	None	17 weeks/85WD	None	90%
SEPA	As Required by Underlying Permit										None	90%
Misc.	None	8WD	10 WD/2 weeks	5WD	5WD	1WD	18-30CD/13-20WD	Same	10-16wks/50-80WD	9-15weeks/45-75WD	None	90%

As with our suggested Performance Standards for Building Review timeframes, we suggest that several of over the overall processing Performance Standards remain as is or only minimally shortened. By formally establishing the above suggested Performance Standards for Completeness Reviews, Staff Review for Three Cycles, Overall Processing, and % Time Met, and managing them through regular reporting and analysis, the City will be better able to track, monitor and evaluate the success of Performance Standards, and ensure that they are met 90% of the time.

168. Recommendation: The review times for Current Planning applications should be set and monitored as shown in Table 22.

G. POLICY AND PLANNING DIVISION (LONG RANGE PLANNING)

PROFILE

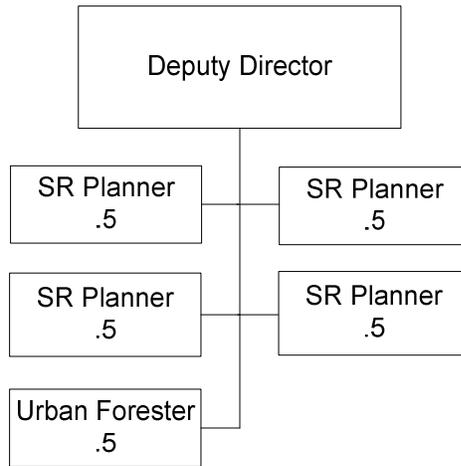
Overview

The Policy and Planning Division prepares and annually amends the City’s Comprehensive Plan, and Zoning Code, and periodically amends the Subdivision Ordinance, and the local SEPA ordinance. In addition, the Division has already scheduled an amendment for the new Shoreline Master Plan to keep it consistent with other policy documents and regulations. In addition, Staff provides support to the City Council, Planning Commission, Houghton Community Council, and a variety of citizen committees and task forces, and coordinates with other agencies on regional planning issues, and monitors legislative activity. They also maintain development-monitoring systems, and carryout special projects. About 30% of the Department’s resources are spent on Policy and Planning Division functions.

Organization

The Policy and Planning Division is headed by the Deputy Director and consists of five staff as shown in Figure 20. All of the staff work half time so the equivalent FTE is 2.5.

Figure 20
Policy Planning Division Organization



Activity

The Policy and Planning Division activities from FY 2005/2006 to present are shown in Table 23 below.

**Table 23
Policy and Planning (Long-Range) Division Activities**

2005/2006	2007/2008	2009/2010	2011	2012 (on-going)
Completed Annual Comp. Plan Amendments	Completed Annual Comp. Plan Amendments, & private amendment requests for 3 properties	Completed Annual Comp. Plan Amendments including updates to Capital Facilities Element and new policies addressing climate change and Environmental stewardship	Completed Annual Comp. Plan Amendments and review of private amendment request	Completed Annual Comp Plan amendments and two private amendment requests
Completed new Neighborhood Plans for Market, Norkirk & Highlands	Prepared an EIS, planned action ordinance and amendments to the Comp. Plan, Zoning Code and design guidelines for redevelopment of the Park Place Center & 2 nearby properties	Responded to an order by the Central Puget Sound Growth Management Hearing Board to Complete supplemental EIS Comprehensive Plan amendments for the Park Place Center site	Completed work on the Supplemental EIS for Park Place	Completed annual misc. Zoning Code Amendments
Completed two groups of misc. Zoning Code Amendments Completed revisions to zoning regulations for wireless communication facilities and floor area ratio standards (FAR).	Prepared two groups of annual misc. Zoning Code Amendments	Completed four groups of misc. Zoning Code Amendments. Completed code amendments to establish unified code enforcement procedures.	Completed misc. annual Zoning Code Amendments	Completed Commercial Code amendments and Residential Suite Code Amendments
Initiated revisions to design guidelines & zoning regulations	Completed revisions to urban design guidelines & regs.	Completed revisions to downtown zoning regulations to clarify permitted building heights & setbacks and to refine permitted ground floor uses	Completed work on CBD Code Amendments on ground floor uses.	Completed the draft Urban Forest Strategic Management Plan
Completed evaluation of innovative housing demonstration projects via interim regs. Initiated preparation of permanent regs. Completed new zoning regs for temp. homeless encampments temp. homeless encampments	Completed new zoning regulations governing cottage and other innovative housing projects. Received a 2008 Governor's Smart Communities award. Prepared Zoning Code amendments to provide requirements and incentives for affordable housing	Completed Zoning Code regulations to require affordable housing.	Initiated work on the Urban Forest Strategic Plan	Coordinated the interdepartmental Green Team to implement the NRMP

2005/2006	2007/2008	2009/2010	2011	2012 (on-going)
Completed new zoning regulations for tree management and landscaping	Coordinated the interdepartmental Green Team to implement the NRMP	Completed revisions to tree management regulations Obtained grant funding and initiated an urban tree canopy analysis for the City and the annexation area	Coordinated the interdepartmental Green Team to implement the NRMP	Initiated work on the Everest/Houghton Neighborhood Center Plan
Coordinated the Natural Resource Management Team to implement the NRMP	Completed new zoning and design regulations to implement the Market and	Coordinated the interdepartmental Green Team to implement the NRMP	Completed work on the Lakeview Neighborhood Plan and zoning regulations and the Central Houghton Neighborhood Plan	Participated in an RFP to select a developer for the South Kirkland Park and Ride
Completed zoning regulations & design standards for the Totem Lake and Rose Hill Business Districts.	Norkirk Neighborhood Plans, including new regulations allowing smaller lots for small and historic houses	Initiated work on the neighborhood plans for the Central Houghton and Lakeview Neighborhoods	Initiated work on code amendments for the Totem Lake Business District	Continue to Provide Staff Support for City Council, Planning Commission, HCC and Economic Dev. Program
Provided Staff Support to City Council, Planning Commission and HCC	Prepared Comprehensive Plan and Zoning Code amendments for the TL-9 zone	Provided staff support to the City's economic development program.	Completed work on the Shoreline Master Program for the annexation area	
Provided staff assistance to WRIA 8 in compliance with Endangered Species Act	Completed amendments to the Comp. Plan to allow a TOD at the South Kirkland park and ride facility	Initiated work on zoning regs and design guidelines for the South Kirkland Park and Ride property	Completed regulations for the South Kirkland Park and Ride	
Initiated a major update to the Shoreline Master Program	Provided Staff Support to City Council, Planning Commission and HCC	Provided Staff Support to City Council, Planning Commission and HCC	Provided Staff Support to City Council, Planning Commission and HCC.	
Initiated Update of Impact Fees	Assisted in efforts to prepare for potential annexation of Kingsgate, North Juanita and Finn Hill. Prepared new zoning regulations for the annexation area	Provided staff support for annexation activities. Completed new zoning regulations for the annexation area and revisions to neighborhood boundaries. Completed work on the Bridle View annexation and initiated work on the Wild Glen annexation	Completed work on the LID/Green Codes	

2005/2006	2007/2008	2009/2010	2011	2012 (on-going)
	Initiated a green building program	Initiated revisions to regulations to promote green development.		
	Completed the first draft of the Shoreline Master Program	Completed a five year process of preparing a new Shoreline Master Program		
		Participated in regional efforts on growth targets, Countywide Planning Policies and multi-county regional planning issues		

As the above table shows, the Planning & Policy Division has been very active with long-range planning for the period shown, undertaking more than a dozen projects per year from FY 2005 to FY 2011. In addition, this Division currently has at least 8 projects underway for the current year. Staff indicates that activity levels have remained fairly constant because they make a concerted effort, through their annual work program, to plan for and complete numerous policy projects each year.

ORGANIZATION ISSUES

Geographic Information System (GIS)

The City of Kirkland has an Enterprise Geographic Information System (GIS), which is administered through the IT Department and made available for users under a “maps” tab on the Planning and Community Development Department’s web page. Interviewees reported that the GIS system is excellent overall, however, there a few maps that need to be updated, including adding a canopy assessment so that it is accessible to multiple departments, and adding/updating the bald eagle protection zones to critical areas.

169. Recommendation: The Planning & Community Development Department should request that the IT Department update the GIS map(s) to include canopy assessments so that this information is available to multiple departments that use this information to conduct their work.

In addition, Land Use Management Division staff indicates that EnerGov needs to be integrated better with the City’s GIS system. For example, staff has to look up a

parcel on GIS, and then pull the parcel up on the EnerGov System in order to locate any permits or projects associated with the parcel.

170. Recommendation: The IT Department should integrate the GIS system with EnerGov so that staff can locate parcels and related permit/project data in one system.

Finally, the Policy & Planning Division indicates that GIS is not being fully utilized as a tool to map out and analyze planning data, such as employment densities, and demographic data to assist them in the planning efforts due to training and other issues.

See previous recommendations about GIS Training under the “Training” section of this Study.

Staffing

Per the Department’s approved budget, there are five, long-range Senior Planners, all of which work half time, for a total FTE of 2.5. There is also a half time Urban Forester discussed in another section of this report. Additionally, given the small size of this division we believe the Deputy Director can contribute 25% of his time to direct work program items. This results in a total of 3.0 FTEs available for the work program.

Other than attending meetings, and other miscellaneous activities (e.g. phone calls, etc.) the majority of the Planner’s available work hours can be focused on long-range planning activities.

As discussed below, the Division has a long history of preparing and having adopted an annual Work Program. The adopted work program for 2012 shows nine basic categories of work totaling the need for 4.9 positions. We were not in a position to examine how efficient staff is in meeting all the assignments or in estimating needed hours. However, given the longevity of this staff and the annual use of the work program, it is reasonable to assume that the numbers have a reasonably high degree of accuracy. The current staff equivalent of 3.0 positions is 1.9 positions short of what would be needed to complete the adopted work program which indicates that 4.9 positions are required. However, we are told that at times planners from the Development Review Division also work on Long Range planning projects. As such we will assume staffing is in balance for this Division and will reduce the available staffing in the Development Review Division by the 1.9 positions.

The staffing levels for Long Range planning is essentially a policy issue that exceeds to scope for this study. However, a number of our recommendations could result in the need to adjust the work program or add additional staff or consultants. These decisions should be made as part of adopting a 2013 work program.

171. Recommendation: Staffing needs for Long Range planning should be determined as part of the adoption of a 2013 work program.

Work Program

The Policy & Planning Division prepares an annual work program, which is reviewed and discussed with the Planning Commission at their annual retreat, and the Houghton Community Council and then refined and later presented to City Council with the Planning Commission's recommendation for adoption by Resolution. The adoption of an annual work program is an excellent practice, and one that is used by Best Practice communities.

The Work Program prepared by the Department establishes the major long-range planning projects/tasks to be accomplished in order of priority, along with corresponding staffing resource needs and completion schedules. Once adopted by Council, staff outlines all of the individual tasks that must be completed along with the resources required to implement the Work Program. The Program then becomes an "action plan" for the Policy and Planning Division, which sets the community's expectations for what the department is going to accomplish. It is also used, in part, to measure the City's success in accomplishing its major policy and administrative goals. As the Department works through the plan, Staff periodically updates the Council on their Work Plan implementation efforts.

Despite the existence of the Department Work Program, staff interviews indicated that staff is inundated with "special project" requests by decision-makers, which are not part of the adopted Annual Work Program. The volume and pressing nature of these "special project" requests consumes available staff time and resources and hinders their ability to successfully implement the Work Program, which causes frustration.

One way to deal with demands from decision-makers to undertake and complete "special projects" that are not on the adopted Work Program, is to include a category of "special projects" to the annual Work Program and budget sufficient staff time and resources for a reasonable number of them so that they can be accomplished effectively. Given the pressing nature of many of these requests, they may need to be rated as a higher priority than other Work Program tasks, which may result in some tasks being pushed to a subsequent year during the Work Plan formulation process. One of the benefits of adding "Special Project Tasks" to the annual Work Program is that it compels decision-makers reviewing and approving the Work Plan to acknowledge that "Special Projects" are a reality and must be programmed because they compete for available resources.

Another option, which is less politically palatable, is to reject decision-makers' requests to complete "Special Projects," that are not programmed in the Work Program, unless there is a vote of the entire City Council to modify the existing Work Program to add a particular "special project." However, we are not fans of this

approach as it we prefer the City Council to view the Planning Department as a “can do” department.

172. Recommendation: The Planning & Community Development Department should add a category of “special project” tasks to accommodate a reasonable number of “Special Project Tasks” to the annual Work Program so that adequate resources can be programmed for completing these projects.

POLICY ISSUES

Comprehensive Plan

The Planning Commission is responsible for reviewing and recommending updates to the City’s adopted Comprehensive Plan (Process IV) to the City Council. Updates/amendments are initiated by citizens through “Private Amendment Requests (PAR’s) and by the City. All updates/amendments are required to be in harmony with the Community’s Vision, and the State’s Growth Management Act (GMA). In addition, the GMA requires the City’s zoning to be in harmony with the Comprehensive Plan. The Plan was last updated in 2005, following consultation with the State to confirm the GMA legislative changes required for the Update and a community visioning and planning study process.

Interviewees indicated that the existing Comprehensive Plan and the various codes that implement the Plan, such as the zoning code and map, shoreline master program, and neighborhood plans may not always be in conformity with one another, which has periodically created processing challenges for the Land Use Management (current planning) division.

Although a 1997 Supreme Court of Washington ruling affirmed a superior court decision that essentially finds that zoning codes are the controlling document when inconsistencies between the comprehensive plan and zoning code are present (Citizens for Mount Vernon v the City of Mount Vernon), we believe that it is critical for all of the adopted implementation documents to be in conformance with the Comprehensive Plan.

The State Growth Management Act (RCW 36.70A.130) requires cities (including Kirkland) and counties to review and update their comprehensive plans and development regulations every seven years, however, the State legislation recently extended the deadline to December 1, 2014. According to the Planning & Community Development Department’s adopted 2011-2012 Planning Work Program, the Department is scheduled to begin the Comprehensive Plan Update project in late 2012. The Update is estimated to take approximately two years to complete and is

anticipated include the formulation of a new vision statement, and transportation network and revisions to the land use and capacity analysis, level of service standards, and updates to the capital facilities and transportation elements. The Update will also involve the adoption of an Environmental Impact Statement, and be used as a framework to subsequently revise the City's Impact Fees. While it is not unusual that Comprehensive Plan Updates last two years or even longer, we believe it is difficult to retain good citizen involvement over these long time periods. Consideration should be given to trying to complete this work within 12 months or a maximum of 18 months.

173. Recommendation: Staff should attempt to complete the Comprehensive Plan update within 12 months or a maximum of 18 months.

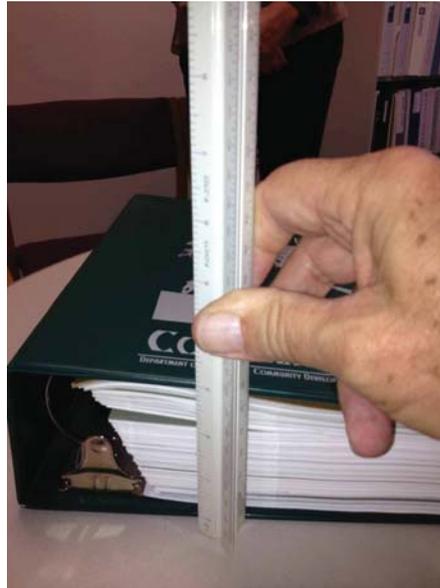
Interviewees indicated that during the update process, staff should ensure that comprehensive planning policy language should be carefully and succinctly written to ensure that it is interpreted accurately.

174. Recommendation: The Planning & Community Development Department should ensure that the updated comprehensive planning policies are written clearly to ensure they are interpreted accurately and the overall comprehensive plan and implementing codes are in conformance with one another.

We have also noted that the Comprehensive Plan includes 16 Chapters, plus Appendices, and is about 3 inches thick (some 665 pages long) as shown in Figure 21. Plans of this length are very common throughout the country but we believe are difficult to use as a policy document. We prefer plans that are more concise and compact.

175. Recommendation: As part of the revision to the Comprehensive Plan, attempts should be made to result in a more concise (smaller) document.

Figure 21
Kirkland Comprehensive Plan



Neighborhood Plans (Subarea Plans)

Currently, the City's Comprehensive Plan contains twelve (12) neighborhood plans and two corridor plans, which require maintenance and periodic updates. The recent annexation (~7 square miles) added three new neighborhood areas and expanded an existing neighborhood significantly. As a result, two new neighborhood plans will potentially need to be prepared for the two new neighborhoods and another substantially updated to reflect the expanded boundaries as a result of the annexation, in addition maintaining and revising the existing neighborhood and corridor plans.

In May of this year, the Policy and Planning Division initiated the Houghton and Everest Neighborhood Center Plan update project, which was a task outlined in their council-adopted Work Program. However, in September of this year, after much discussion with the Houghton Community Council and the City Planning Commission, the City Council voted to amend the adopted Work Program to remove the Update project, and work on the Neighborhood Plan was postponed. It was decided that the general role of all Kirkland business districts, including the Houghton/Everest Neighborhood Business District, in accommodating future growth will be considered during the 2013-2014 Comprehensive Plan update. In addition, the Council directed staff to conduct an assessment of the Neighborhood Plan process to develop recommendations as to how the planning process can be streamlined.

Our interviews revealed that there has been considerable discussion as to how to the Policy and Planning Division can complete neighborhood-planning projects more efficiently and effectively. Staff indicates that neighborhood planning is an important

tool for the City because it allows for the evaluation and planning of unique areas of the City on a local or micro-scale. Moreover, the City views neighborhood planning as another avenue to involve citizens in the planning process. However, the Department's approach to neighborhood planning has been inconsistent, partly in an attempt to adapt the process to the unique circumstances of each neighborhood. This fluctuating approach has extended the planning process for some neighborhood plans to more than two years.

In an attempt to define a more efficient neighborhood planning process staff, studied the issue in a "white paper," that was drafted in January of this year; however only options for improving the process, rather than recommendations for improving the process were presented.

Interviewees indicated that the City's neighborhood planning process should be systematized, so that it is predictable and can be completed more efficiently. In addition, the process should be designed so that it can be concluded within 6-12 months, rather than two or more years. Interviewees also said that neighborhood-planning documents are too wordy and lengthy, with far too much detail and that the documents needed to be standardized into a concise template.

176. Recommendation: The Planning & Community Development Department should define a uniform process for neighborhood planning that is designed to be concluded within 6-12 months, and includes a standardized, concise document template.

Zoning Code

Interviews with staff, focus groups, and officials, as well as a cursory review of the Kirkland Zoning Code (KZC) revealed that it is generally unwieldy and difficult for customers to understand and the staff to administer. For example, the KZC establishes more than 80 zones, which are tailored to specific geographic regions of the City, which is the result of the City's "micro-zoning philosophy." In addition, most of the business districts have multiple zone districts with their own unique zoning and there are numerous single-family residential zones as well. Some of the residential zones apply to areas annexed in 1988 and others to areas annexed in 2011.

Moreover, some code sections are antiquated, such as the permitted uses section, and other code provisions may no longer reflect the current philosophy of City Officials, such as the parking (e.g., requirements for parking demand analyses) and signage regulations, or may be too onerous such as the tree regulations (Chapter 95). Additionally, various regulations, such as those governing the location/setback and design of garages, Floor Area Ratios, height limits (e.g., plate heights and building heights), and drainage basins are overly complex, making them difficult and time consuming to administer. Finally, interviewees indicated that various provisions, such as variances (e.g., they are too subjective), and lot size calculations are not

administered consistently (e.g., some staff allow lot sizes to be averaged in order to meet code requirements) and that appeal provisions should be reviewed (e.g., concurrency appeals may not be necessary).

In addition, the KZC is amended often and done so on an incremental basis. As such, interviewees reported that some related provisions need further cross-referencing, so unfamiliar users are not immediately aware of all related requirements. Further, the code is filled with technical and legal jargon making it difficult for users to understand and staff to administer. Interviewees reported that a significant amount of staff's processing time is spent informally deliberating and interpreting code provisions. A code interpretation section exists at the beginning of the KZC to document formal code interpretations made by the Director. However, there are numerous informal code interpretations that are being made at the staff level that are not being memorialized effectively through internal department policy or another mechanism, and as a result, code provisions are not being interpreted consistently causing confusion and frustration for staff and customers.

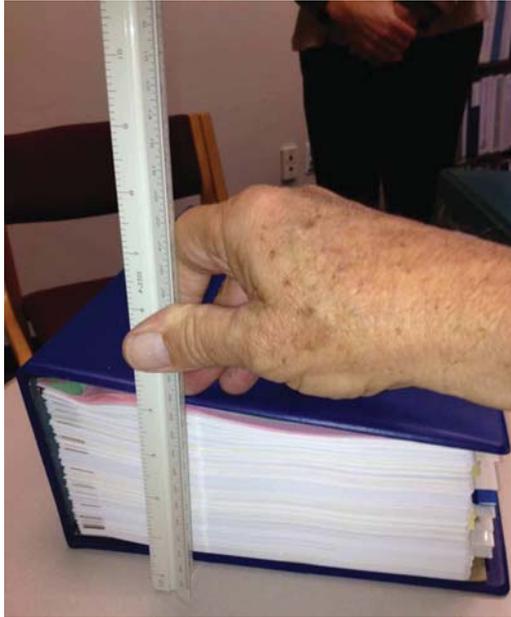
There are also code provisions, such as the Sensitive Areas provisions, which are so difficult for staff to administer, due to unclear language and overly complex concepts that many staff members spend excessive time trying to interpret provisions, as well as explain it to customers.

Moreover, staff indicates that there are so many code revisions requested and pending, that staff is unable to efficiently process the amendments. The need for constant revisions, staff interpretations, multiple processes, explanation handouts for customers, variances, etc., are clear signals that the Zoning Code needs to be updated to simplify administration, improve predictability and increase processing efficiency.

Finally, as discussed under the "Comprehensive Plan Section," the zoning code is not entirely consistent with the City's adopted Comprehensive Plan, which has created issues for current planning staff processing certain applications.

Contemporary and voluminous codes like Kirkland's Zoning Code can be difficult to use for both staff and customers, when they have been incrementally amended, contain overly complex provisions, and unclear technical jargon, an unwieldy number of zoning districts and overlays, and reflect philosophies that may no longer be desirable. As can be seen in Figure 22, the Zoning Code is over 1,338 pages long and 4 inches thick. This makes it a very difficult document to work with.

Figure 22
Kirkland Zoning Code



Ideally, the City should hire a consultant to complete a comprehensive rewrite of the Zoning Code. However, since this would likely cost plus or minus \$500,000, such a review may not be financially feasible at this time. Should this be the case, there are two additional approaches the City could consider.

1. The City could hire a Consultant to conduct an analysis of the Zoning Ordinance (e.g., Code Diagnosis), to identify the major issues that are interfering with effective and efficient administration of the code, as well as the goals and objectives of the Comprehensive Plan, and the policy direction of the city in order to facilitate streamlining the review and permit processes. Code Analyses typically cost between \$40,000 and \$50,000, depending on the scope of the project. Such an analysis could help the staff to prioritize its work on updating the Code.
2. The City could also hire a consultant to computerize the zoning code (i.e., on-line or electronic zoning code) so that it is easily searchable via hyperlinks, can be annotated by staff (e.g., note sections in margins) is color coded, and has a high interface with the City's GIS system. This work typically costs \$30,000 to \$50,000. Modern codes that provide a high interface with GIS can be very beneficial for fostering economic development, among other things, providing users with the capability to easily locate available properties, etc. The City of

Redmond is in the final stages of computerizing their zoning code, and is a good local example that Kirkland can investigate.

There could be a major advantage in the City pursuing both of these options with one consultant, which could reduce the cost and increase the effectiveness.

177. Recommendation: The City should hire a consultant to conduct a **Zoning Code Diagnosis** to identify the major issues that are interfering with effective and efficient administration of the code, as well as the goals and objectives of the Comprehensive Plan, and the policy direction of the city in order to facilitate streamlining the review and permit process.

178. Recommendation: The City should computerize the zoning code so that it more user friendly and provides a high interface with GIS.

179. Recommendation: In the long-term, the Planning & Community Development Department should include a comprehensive update of KZC as part of the Annual Work Plan, so that staff and budget resources can be allocated for this work effort. If Budget constraints prevent a comprehensive update of the Zoning Ordinance as a single project, the Department should get agreement on which code provisions should be amended, prioritize them according to need and budget for them in consecutive budget cycles to completion.

PROCESS ISSUES

Overview

The Policy and Planning Division processes both major and minor types of zoning code and comprehensive plan amendments, including both private individual initiated requests, called Private Amendment Requests (PAR's) and City initiated requests. Amendment requests are processed using the Process IV and IVA process procedures outlined in the Zoning Code. In addition, the Division has created very detailed, step-by-step procedures to guide planning and administrative staff through the process, which is excellent. However, the procedures should be updated to reflect recent changes that were instituted such as the conversion to the EnerGov System.

180. Recommendation: The Policy & Planning Division should update their Procedure Guides for Process IV and IVA to reflect recent changes that were instituted, such as the conversion to the EnerGov system.

The *basic* steps of both IV and IVA processes are summarized below, along with our recommended changes.

Process IV, Major Amendments

Process IV amendments consist of four categories of amendments:

- Annual City initiated amendments to the Comprehensive Plan that typically include Zoning text and Zoning Map amendments that are approved for study through the Annual Planning Work Program;
- Neighborhood and Business District Plan Updates that are initiated by the City and approved for study through the Annual Planning Work Program (these Plans also typically include Zoning Text and Map amendments). The Plans are part of the Comprehensive Plan, and constitute an Amendment to the Comprehensive Plan when updated;
- Citizen Initiated requests to amend the Comprehensive Plan and Zoning Map, which are called Private Amendment Requests (PAR's) that also typically include map and text amendments); and
- Annual Zoning and Municipal code amendments initiated by the City that are approved for study through the Annual Planning Work Program (typically).

Because these types of amendments are legislative actions, they involve the Planning Commission, the HCC (if the amendments are within their disapproval jurisdiction) and the City Council. Chapters 130 and 135 of the Zoning Code govern amendments to the Zoning Code text and map, and Chapter 140 governs amendments to the Comprehensive Plan. Chapter 160 establishes the Process IV procedures and describes the procedures that are used for processing amendments to the Comprehensive Plan and Zoning Code text and maps, whether city-initiated or privately initiated (PAR).

City-initiated amendments to the Comprehensive Plan with corresponding zoning text amendments, and annual zoning and municipal code text amendments are ratified for study and processing through the Division's Annual Planning Work Program approval process. The Planning Commission reviews the work program and makes a recommendation to the City Council for their consideration and approval. Once approved as part of the Planning Work Program, the Division undertakes processing the amendments according to the schedule established in the work program.

Staff indicates that the majority of the long-range planning work is on "major amendments," which are city-initiated comprehensive plan and zoning amendments, neighborhood, subarea and business district plans, and code amendments.

These types of projects typically involve extensive study sessions with the Planning Commission and HCC (where applicable) prior to a public hearing being scheduled. In addition, they often have substantial public outreach, such as workshops and open houses, etc., prior to the public hearing. According to the detailed procedures created by staff, the general Process IV procedure for City-Initiated Major Amendments is similar to the Process IVA procedure and generally includes the following:

1. Staff sets up electronic file;
2. Staff scopes out the proposed Amendment, which may include holding Study Sessions with Planning Commission and HCC; consulting the Transportation Commission and Park Board to determine whether they have any issues to study; meeting with City Council to determine if they have any suggested changes and obtain their agreement on the scope of work; staff deciding on the nature and extent of the public participation process, such as whether study session, workshop, focus groups, facilitation tours, questionnaires, etc., will be used in the process, etc.
3. Preparing the amendments, which entails putting amendments in draft form and then sending them to other departments for review and edit, and GIS prepare revisions to figures and graphics, etc.
4. Staff completes an environmental review under SEPA and decides whether the amendment fits within a SEPA Addendum, is determined to have Non-Significance (DNS) or determined to have Significance (DS), requiring the preparation of an Environmental Impact Statement (*See SEPA discussion earlier in this Study for additional details on the SEPA process*).
5. Combined Public Notice of the Study Session and Hearing (if all dates are known) is emailed to the Chamber of Commerce, neighborhood associations, and interested parties. In addition, administrative staff published notice in the newspaper at least 14 days prior to the Study Session and hearing. Mass mailing postcards announcing the study session and hearing may also be distributed to the community. Public notice signs may also be posted (e.g., for land use map or zoning map changes). For the 10-year Comprehensive Plan Update, the notices may also be posted on the City's cable channel and website, which is a good practice.
6. Staff sends two electronic copies of the draft amendments and cover letter/Notice of Intent to Adopt to the State Department of Commerce at least sixty days prior to final adoption, for review as required by the Growth Management Act.
7. A staff report/memo with a recommendation is drafted, edited, finalized and included in an agenda packet that is posted on the web and distributed to

- Planning Commission, HCC (when applicable) and/or Transportation Commission (when applicable).
8. Study Session(s) are held with the Planning Commission. A joint Study Session may be held with the Transportation Commission. The HCC may hold a courtesy hearing in the amendments and forward a recommendation through planning staff to the Planning Commission and City Council.
 9. Staff prepares a draft ordinance, staff memo/report, and recommendation of the Planning Commission and HCC for City Council action. For significant or extensive annual amendments, controversial private amendment requests (PAR's) and 10-year Comprehensive Plan Updates, the City Council may hold a Study Session on the proposed amendments prior to final Council action.
 10. Following adoption of the Ordinance, the City Clerk publishes the Ordinance, which is typically effective four months later, in order to allow the Planning & Community Development Department the opportunity to finalize amendments, prepare handouts, etc.
 11. Ten days after the City Council Adoption date, staff sends two copies of the adopting ordinance and the amendments to the State Department of Commerce, along with a cover letter, via registered mail, which provides Notice to the State of the amendments, as required by law.
 12. Staff prepares a memo and resolution to approve the City Council Ordinance and distributes it to the HCC for final approval (if applicable). The Ordinance becomes effective within their jurisdiction after the approval by a majority of the entire membership of the HCC by Resolution or the failure of the HCC to disapprove the Ordinance, by resolution, within 60-calendar day of City Council approval.
 13. Assigned Planning and Administrative staff complete a number of follow up tasks such as, circulating the adopted ordinance to staff, putting a copy of the ordinance at the front counter, removing posted signs, changing forms, updating the website, reporting back to the Planning Commission as to the final disposition of Council's action, etc.
 14. City Clerk sends the adopted ordinance to Code Publishing for codification.

Private Citizen Initiated Amendment Requests (PAR's)

Citizen-initiated requests to amend the Comprehensive Plan and Zoning Map are called Private Amendment Requests (PAR's). The Department considers PAR requests every other year, during odd years (e.g., 2013, 2015, etc.). PAR's applications must be submitted by December 1st on even years (e.g., 2012, 2014) to be

considered in the following odd year, in accordance with a submittal deadline published by the Department.

The PAR application is posted on the city's website, however, according to staff it can't be filled in paid for or submitted online.

181. Recommendation: The PAR application should be modified so that it can be filled in, paid for and submitted online.

PAR's typically include both map and text amendments to the Comprehensive Plan and Zoning Code as part of their request. While PAR's are sometimes processed separately, they are eventually folded into the annual comp plan update at the end of the year.

The PAR amendments are processed as outlined above, except that when staff is "preparing the amendments" (listed as #3 above), the PAR's undergo a two-step/phase review process involving a "Threshold Review," followed by final consideration. Staff has outlined the details of the PAR two-phase process in a comprehensive procedure memo, which is excellent.

Generally, the first step or Phase I of the process involves a "Threshold Review," which includes a study session with the Planning Commission (and HCC when applicable) to determine whether the PAR meets established "Threshold" criteria Review." The Planning Commission and HCC, when applicable will provide a recommendation to the City Council who reviews the recommendation and PAR at a council meeting (no public hearing is required) and makes a final determination as to whether the PAR has merit and should be further considered by the Planning Commission and HCC during the current year or during a subsequent year. The City Council may also determine that a PAR does not have merit and will not be given further consideration.

The second step or Phase II of the process involves a study session or sessions with the Planning Commission, and HCC (if applicable) and action by the City Council. The Planning Commission and HCC each hold a study session or sessions and makes a recommendation to the City Council. The City Council then approves, denies or alters the proposal. Notice of the City Council meeting is provided to the application and property owner of the study area, as well as interested parties, prior to the meeting.

Staff indicates that the Process IV process for PAR projects can take up to a year to complete, depending on the complexity of the project, but works well.

Interviews with staff revealed that application deadlines have been established for the submittal of private individual comprehensive plan amendments (PAR's), however

the Department is occasionally required to accept and process PAR applications after deadlines, which creates scheduling, staffing and work load issues.

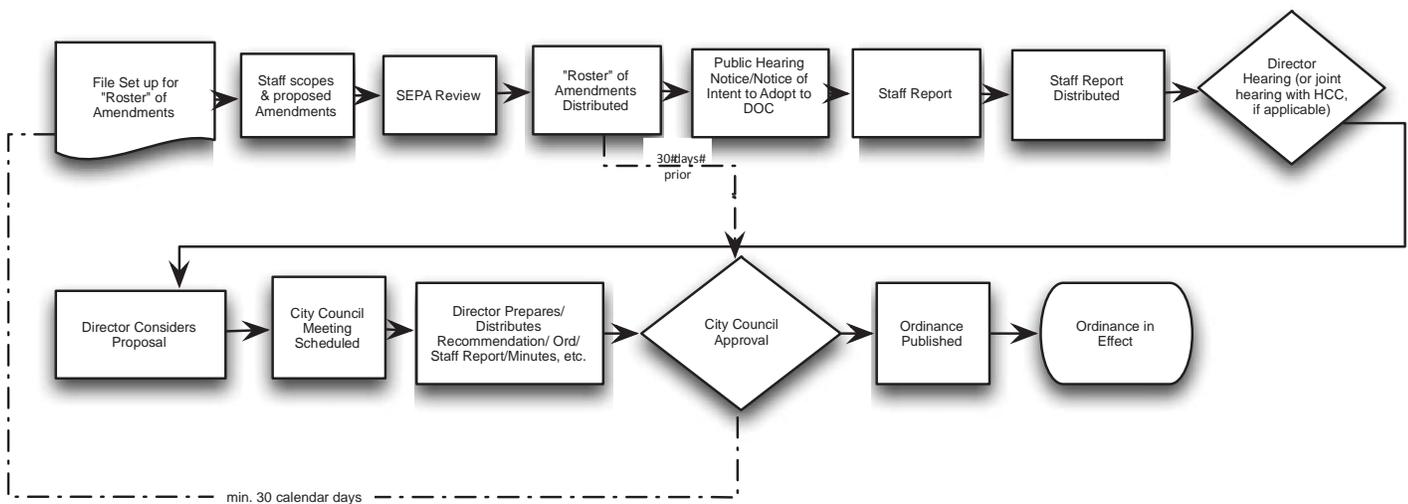
182. Recommendation: The Department should reaffirm its policy not to accept PAR’s for processing after established deadlines.

Process IVA, Minor Amendments

Process IVA is a “fast track” process used by the Policy & Planning Division staff to review and decide upon proposed minor Zoning Code amendments, that promote clarity, eliminate redundancy, or correct inconsistencies and grammatical, labeling, scrivener’s, or similar errors on the official Zoning Map.

It is an abbreviated process used for proposals that are not controversial and do not need extensive policy study. The Policy & Planning Division proposes minor amendments to the Zoning Code annually, through the Process IVA procedures, which does not involve the Planning Commission, but may involve the HCC if the amendments are within their disapproval jurisdiction. Staff maintains a list of potential code amendments and, as new issues arise, staff is constantly adding to and updating the list. The Division’s annual work program generally includes an on-going code update task each year so that staff resources are available to accomplish this task. Figure 23 below shows the *basic* existing basic flow of the Process IVA procedure.

**Figure 23
Existing Process IVA Process Flow**



The process IVA procedure generally works as follows:

1. The Policy & Planning Division staff sets up the official electronic file of a proposed “roster” of amendments for consideration and approval by the Planning Director at a public hearing.

Interviews with staff indicated that the Suitability Criteria established for Process IVA amendments should be broadened to allow more types of amendments to be processed using the IVA procedures.

183. Recommendation: The Department should review and broaden the suitability criteria established for Process IVA (minor zoning code amendment process), so that more types of amendments are eligible to be processed as IVA projects.

2. Assigned planner meets with Deputy Director/Director to decide the amendments that are suitable for Process IVA and studies issues around each amendment to narrow the list of acceptable amendments to fit within the scope of the work program.
3. Staff conducts a SEPA review and makes a SEPA determination.
4. A roster of amendments is compiled and distributed at least thirty days (30) prior to City Council consideration of the “roster” of proposed amendments, staff distributes an electronic link of the “roster,” to the City Council, the Planning Commission, the Houghton Community Council (if applicable), neighborhood associations and the Chamber of Commerce to obtain comments, along with brief comments explaining the list.
5. At the direction of the assigned planner, administrative staff prepares and distributes a public notice of a Planning Director hearing (and Houghton Community Council hearing, if applicable) to consider recommendation of approval of the minor amendment “roster,” for publication in the newspaper. Administrative staff forwards the notice, electronically, at least 20 days prior to the meeting to ensure that it is published in the newspaper a minimum of 14 days prior to the scheduled public hearing. In addition, Staff sends two electronic copies of the draft amendments and cover letter/Notice of Intent to Adopt to the State Department of Commerce at least sixty days prior to final adoption, for review as required by the Growth Management Act. Each planning agency subject to the Growth Management Act is required to notify the Washington State Department of Commerce, Growth Management Services Unit, when adopting or permanently amending it comprehensive plan and/or development regulations at least 60 days prior to final adoption. However, in the case of “fast track” amendments, planning staff can request, and the state can grant an expedited review.

6. The assigned planner prepares a staff report, which evaluates and provides a recommendation of the proposal for the Director Hearing (and Houghton Community Council Hearing, if applicable). The report is forwarded to the Deputy Director for electronic review and edit, and then finalized by the assigned planner.
7. The Staff report is distributed electronically, along with any supplemental materials, to the Planning Director and Houghton Community Council (HCC), if applicable, approximately nine days prior to the scheduled hearing.
8. The Planning Director and the HCC (if applicable) hold either a separate or joint hearing (unless the HCC elects not to hold a hearing). Staff presents the proposed minor amendments to the Planning Director at an open public hearing for recommendation to the City Council. The Director considers the proposal using decisional criteria established in the code. The hearing of the Planning Director is the hearing for City Council. City Council need not hold another hearing on the proposal. Administrative staff records the meeting and prepares minutes of the proceedings to preserve the record. The HCC may choose to have a public hearing on the amendments.
9. Following the public hearing, the Planning Director considers the proposal in light of all of the information submitted and may modify the proposal in any way. If modifications are materially significant, subsequent public notice must be given and a new public hearing on the proposal be held. If the Planning Director determines that the proposal meets the applicable decisional criteria established in the Code, the Director recommends that City Council give effect to the proposal by amending the appropriate text.
10. Following the hearing, staff schedules the proposed minor amendments for City Council consideration at a regular Council meeting.
11. The Planning Director prepares a Director (staff) report recommending approval of the proposal, along with a draft ordinance, and distributes the materials prior to the City Council meeting. Minutes from the HCC meeting are also forwarded, if applicable, or the HCC may forward a separate recommendation.
12. The City Council hold a meeting to consider the amendments and may pass the proposed ordinance and amend the Zoning Code or may carry the topic over as unfinished business, or may instead decide to hold a new public hearing on the proposed minor Zoning Code amendments. If the City Council elects to consider adoption of a materially modified ordinance, then the City Council has to first hold a public hearing on the proposal as modified, after public notice is provided.

13. If Council adopts an Ordinance approving the amendments, the City Clerk must post or publish the ordinance as required by law. The Ordinance will be in effect on the date specified in the Ordinance. In the case of the HCC disapproval jurisdiction, the Ordinance becomes effective within their jurisdiction after the approval by a majority of the entire membership of the HCC by Resolution or the failure of the HCC to disapprove the Ordinance, by resolution, within 60-calendar day of City Council approval.

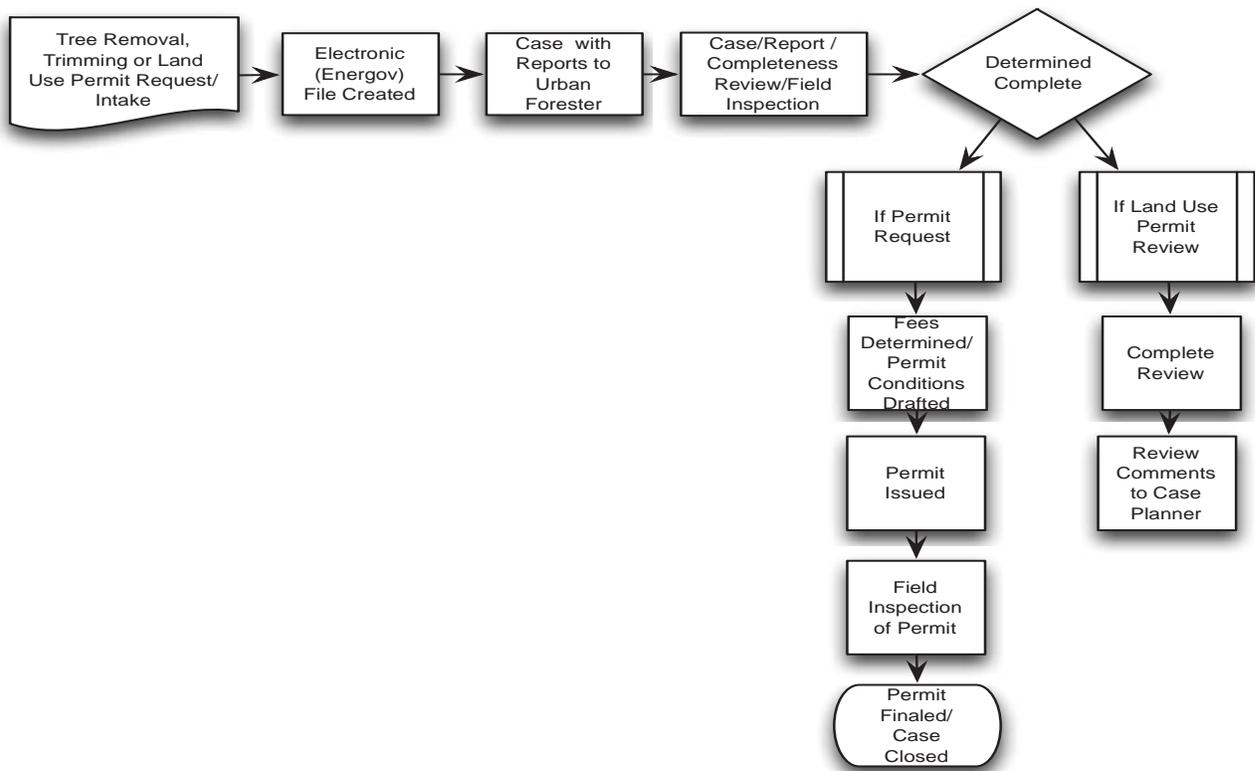
H. URBAN FORESTRY

The Urban Forestry function is part of the Planning & Community Development Department. Currently, an .5 FTE Urban Forester position works under the Policy and Planning Division of the Department, which is funded through the surface water utility fund in the Public Works Department. This position assists Policy and Planning (Long-range planning) with drafting, reviewing and amending long-range plans, policies and regulations related to urban forestry issues, writing grants, and other related duties.

In addition, another half time contract arborist works under the Land Use Management (Current Planning) Division, which is funded by the General Fund. The half time contract position assigned to the Land Use Management Division administers the tree management and protection codes (e.g., Chapter 95 of the Kirkland Zoning Code), including reviewing proposed developments to ensure compliance with tree protection codes (e.g., Arborist Reports, Tree Retention Plans, etc.), processing tree removal and providing public information on tree matters and acting as an advisor on urban forestry related matters. .

Staff indicates that they are not going to try to increase this .half time contract position in the Land Use Management Division to a full time for the upcoming fiscal year because they have determined that half time is adequate for now. Figure 24 below shows the *basic* existing flow of the Tree Pruning and Removal Permit Issuance Process conducted by the Urban Forester.

**Figure 24
Existing Tree Permit Review Process**



The Staff interviewed about the Urban Forestry function indicated that the function is still evolving and that there have been budgetary and staffing challenges, which have impeded their progress toward creating a comprehensive and efficient Urban Forestry/Tree Program. For example, they only recently hired a new contract arborist professional to administer the tree management and protection codes, including reviewing proposed developments to ensure compliance with tree protection codes.

In addition, the .5 FTE Urban Forester position assigned to the Policy & Planning Division function is currently funded by the Surface Water Utility Fund (as noted above), so there has been on-going interdepartmental discussion about whether the position should be moved to the Public Works Department or remain in the Planning & Community Development Department to focus on long-range activities. To date, there appears to be a tentative agreement that the position should be moved to the Public Works Department, and that the transition should occur over the next 6 months. However, it is not yet clear whether the position will be moved under the Surface Water Utility Division or some other Division within Public Works because various divisions are involved in different aspects of preserving and maintaining the urban forests.

184. Recommendations: The City should move the .5 Urban Forester position that is currently assigned to the Policy & Planning Division and funded by the Surface Water Utility Fund, as tentatively agreed, to the Surface Water Division of the Public Works Department.

Despite the challenges noted, the Planning & Community Development Department is moving forward in their efforts to improve the Urban Forestry function under the Land Use Management (Current Planning) Division. In 2011, the Department completed an Urban Tree Canopy Assessment, and more recently (2012) completed a Draft Urban Forest Strategic Management Plan, which was recently presented to City Council and is in the final approval stages. The Plan is important because it is intended to provide long-term, consistent guidance to Kirkland's citywide urban forestry operations and programs over the next twenty years.

Feedback we received from our focus group and staff interviews and the 2012 City survey feedback indicated that the community remains interested in the City's Urban Forestry efforts. Interviewees indicated that there are important existing issues that need to be addressed, as the City moves forward with the current planning urban forestry function. For example, interviewees indicated that they believe the tree code should be amended to more precisely define what constitutes a "High Retention Value Tree," because the term is inconsistently interpreted by staff and produces unintended results.

In addition, many of the interviewees stated that they felt the provisions in Chapter 95 gave the contract arborist position too much subjective interpretation discretion. They also indicated that the tree code does not provide adequate tree replacement options (e.g., option to replace with an equivalent or higher ratio of trees). Interviewees also said that they felt the five-year tree maintenance provision was excessive (some communities require only two years) and that the criteria for determining tree removal (with development activity) is unclear and poses too much risk for developers. Finally, interviewees indicated that they believe the thresholds established to trigger the requirement for an Arborist Report are applied inconsistently by staff, which frustrates applicants because it can unnecessarily increase cost and cause processing time delays.

185. Recommendations: The Planning & Community Development Planning & Policy Division should review Chapter 95 of the Kirkland Zoning Code with the goal of simplifying the language, clarifying definitions and criteria, and reducing five-year maintenance requirements and other provisions so that the code is less subjective and easier for staff to administer and the development community to gauge risk.

186. The City should finalize the Urban Forest Strategic Management Plan and implement its recommendations to create a comprehensive urban forestry program in the City.

As indicated above, the Contract Arborist assigned to the Land Use Management Division is charged with reviewing land use (current planning) permits for compliance with tree-related code requirements. Separate reviews occur at various points during the permitting processes including, but not limited to, a review at the Pre-submittal Conference Meeting (e.g., tree retention plan), reviews during the formal application approval process (e.g., supplemental tree retention plan), reviews during the grading permit process (Land Surface Modification), reviews during demolition and reviews during the building permit approval process.

In an effort to integrate the various individual reviews conducted by the Contract Arborist during different stages of the permitting process, the Land Use Management Division created a new, optional “Integrated Development Plan (IDP)” review process for short plats and subdivision projects. The IDP consists of a copy of the proposed plat that includes topography, home/structure footprints, utility placement and access locations, along with tree retention plan information. This detailed information allows staff and the applicant to discuss and resolve layout issues early in the entitlement process, which helps speed up the grading, demolition, and building permit issuance later in the process. This new process appears to help streamline the tree permit review processes and we support staff’s effort in this regard. Figure 25 is a flow chart created by staff that outlines the IDP process.

Figure 25
Integrated Development Plan Review Process

