



2010-2012 PLANNING WORK PROGRAM

Summary of Tasks

Planning & Community Development

April, 2010

POLICIES, PLANS & REGULATIONS

Task 1: Comprehensive Plan Update (1.8 FTE)

Comprehensive Plan

In 2009 the Planning Department initiated a number of amendments to the Comprehensive Plan including minor housekeeping amendments, an updated Capital Facilities Plan and policies regarding the Totem Lake Urban Center. The amendments were adopted in October 2009.

The Growth Management Act (RCW 36.70A.130) (GMA) requires cities and counties to review and if needed, revise their comprehensive plans and development regulations every seven years. Under the existing GMA the schedule for King County and all cities in the County (including Kirkland) is December 1, 2011. In order to meet this time frame, this task would need to begin in mid 2010. However, due to the state's budget shortfall, GMA grants to update Comprehensive Plans were cancelled. The 2010 legislature passed a bill to extend the time frame to Dec. 1, 2014 and the Governor signed it. Staff supported the time extension. This will also give the City a chance to better incorporate the annexation area into the Comprehensive Plan.

The City is currently engaged in a process to allocate new housing and employment targets for 2031 to all the cities and King County through the countywide planning process. As part of the plan update, Kirkland will need to determine how and where to accommodate the targets in the land use plan. As a result revised transportation plan would be considered based on a new horizon year of 2031 along with possible amendments to the City's level of service standards for capital facilities. Depending on the scope of the update, this could include a revised vision statement, a new Environmental Impact Statement and updated land use, transportation and capital facilities plans.

With the major update to the Comprehensive Plan potentially deferred to 2014, staff would still need to undertake an annual Comprehensive Plan process in 2010 to incorporate the revised capital improvement program into the Capital Facilities Element.

Transportation Principles and Policies

Public Works has indicated an interest on the part of the Transportation Commission to explore a new direction on transportation that does not focus on the automobile. The initial effort would be to establish principles to form the basis decision-making and recommended policy changes. These principles are:

- Move people
- Be sustainable
- Create partnerships
- Link to land use

Once these principles are agreed upon, amendments to the City's Comprehensive Plan and concurrency system would occur. This would also guide CIP projects and

transportation funding. The Transportation Commission met with the Planning Commission on January 14th to discuss this approach in more detail.

Private Amendment Requests

December 1, 2010 is the deadline for private amendment requests applications to be submitted (every two years).

Touchstone SEIS and Planned Action Ordinance

Davidson Serles & Associates filed two appeals and challenges on the Park Place project – one to King County Superior Court and the other to the Central Puget Sound Growth Management Hearings Board (the Board). Both matters are described below.

1. Davidson Serles & Assoc. v. City of Kirkland, et al., King County Superior Court No. 09-2-02204-6:

This was an action for declaratory and injunctive relief. The action challenged the adequacy of the Environmental Impact Statement (EIS) prepared for the Planned Action Ordinance, Master Plan, Comprehensive Plan amendments, and Zoning Code related to the Touchstone and Altom private amendment requests. The action alleged that the EIS failed to identify, consider, and evaluate a full range of alternatives for the proposed action.

The plaintiff sought to have the Court declare that the EIS was inadequate and to have the City enjoined from taking action to implement the ordinances referenced above. Touchstone filed a motion seeking the dismissal of the Superior Court action in which the City joined. A hearing on the motion was held May 1, 2009. On June 4, 2009, the Judge issued her decision granting summary judgment and dismissing the case. The plaintiff filed a motion to ask the Judge to reconsider her decision which was denied. The plaintiff has filed an appeal with the Court of Appeals.

2. Davidson Serles & Assoc. v. City of Kirkland, et al., Central Puget Sound Growth Management Hearings Board No. 09-3-0007c:

This is the petition before the Central Puget Sound Growth Management Hearings Board (Board). The petitioners, Davidson Serles and Continental Plaza, sought review of Ordinance Nos. 4170 and 4171 which amended the Comprehensive Plan and Zoning Code, respectively, in association with the private amendment request for the Parkplace project. Among other grounds, the petitioners challenged the ordinances for: lack of compliance with the State Environmental Policy Act; inadequate service by transportation and other public facilities; lack of financing plans for capital improvements; intensity of development inconsistent with the County-wide Planning Policies for King County; and inadequate public facilities. A hearing was held before the Board on August 10, 2009.

The Board issued its Final Decision and Order (Order) on October 5, 2009. While it upheld the ordinances with respect to a number of the petitioners' objections, the Board found that the City should have considered additional alternatives to

the Parkplace project and that it needed to more specifically address how necessary traffic improvements would be financed. The Board did not invalidate the ordinances; rather, it remanded them to the City for the purpose of correcting the issues identified by the Board. The Board established April 5, 2010, as the deadline for the City to take appropriate legislative action to comply with the Board's Order. [Need to describe here.]

Ordinances No. 4170 and 4171 remain valid during the remand period. RCW 36.70A.300(4) provides:

Unless the board makes a determination of invalidity as provided in RCW 36.70A.302, a finding of noncompliance and an order of remand shall not affect the validity of comprehensive plans and development regulations during the period of remand.

The City requested that the Board reconsider the portion of its decision finding the City's environmental review for Ordinance Nos. 4170 and 4171 was insufficient for failure to assess reasonable alternatives to the Touchstone Parkplace proposal, including additional alternatives. The Board denied the reconsideration. Both the City and Davidson Serles have also filed an appeal to some parts of the Board's decision to Superior Court.

Staff is currently developing a scope of work and schedule to prepare a Supplemental EIS (SEIS) and revise the Planned Action Ordinance to comply with the Board's decision. This will likely take several months with the Planning Commission reviewing the proposed SEIS and making a recommendation to the City Council following a public hearing. The SEIS work is to be submitted to the Board by October, 2010.

Task 2: Neighborhood Plans (2.0 FTE)

The City initiated work on the Lakeview and Central Houghton Neighborhood Plans in late 2009. The Planning Work Program calls for completing those plans by the end of 2010. The work program anticipates that the GMA Comprehensive Plan update will be completed by 2014. The City could undertake two additional neighborhood plans in 2011. Next in line under the current schedule are Bridle Trails and South Rose Hill. The timing and priority for the annexed neighborhoods should also be considered. Even though the Potential Annexation Area identified three neighborhoods (Kingsgate, North Juanita and Finn Hill) there is interest in looking at the neighborhood boundaries more closely and perhaps revising them. The work program calls for establishing neighborhood boundaries as part of the 2010 Comprehensive Plan update.

Task 3: Code Amendments (.4 FTE)

Code Enforcement Consolidation

The City is currently working to consolidate all of the City's code enforcement regulations, including tree code enforcement, into the Kirkland Municipal Code. Background information is being gathered by staff on how other jurisdictions regulate and process code enforcement actions. This project is currently underway with

proposed changes coming before the Planning Commission and City Council in early 2010.

Miscellaneous Code Amendments

Staff continues to maintain an extensive list of potential amendments and, as new issues arise, staff is constantly adding to and updating the list. The work program generally strives to have an on-going code update task each year. The work program shows this beginning in February.

Task 4: Housing (.6 FTE)

Affordable Housing Regulations

Affordable housing is a priority for the City. The City Council created a Council Committee on housing which continues to meet. In 2004, the City adopted a package of incentives including density bonuses, tax exemptions and fee waivers, however to date the voluntary incentives have not been used. In 2009 the Planning Commission recommended ordinances establishing mandatory affordable housing requirements. The City Council reviewed these on December 1 and took action to adopt on December 15th.

Transit Oriented Development (TOD) at Park and Ride Facilities

In December 2008, the City Council adopted amendments to the Comprehensive Plan that support "transit oriented development" including affordable housing at the South Kirkland Park and Ride facility. On January 26th, 2009 the Houghton Community Council approved the amendments but expressed strong interest in ensuring that their concerns and issues are addressed to their satisfaction with the zoning and design regulations. Part of the park and ride lot is located in Bellevue. At this time, Bellevue has indicated they are not interested in pursuing this issue; however staff is continuing to explore the potential for a Kirkland-only project.

Housing Preservation

For 2010 staff would like to focus specifically on preservation housing. This would entail an inventory of potential properties, contacting property owners to gauge interest and exploring options for preservation of existing housing.

Affordable Housing Strategies

There are a number of other on-going staff efforts on housing including working with ARCH (A Regional Coalition for Housing) on the Housing Trust Fund, preservation of affordable housing, funding programs, and education.

Task 5: Natural Resources/Environmental Stewardship (2.7 FTE)

Shoreline Master Program (SMP)

On December 1, the City Council approved the Shoreline Master Program generally in accordance with the Planning Commission's recommendation. The City will be transmitting the SMP to the Department of Ecology along with a required checklist that shows how the SMP meets the adopted State guidelines. DOE will then have a public comment period and will hold a public hearing. Following the hearing, DOE will review the SMP and prepare a decision letter with their findings along with any recommended

or required changes. These are transmitted to the City for consideration. If changes are necessary, the City Council could take action in response to DOE and either agree to the proposed changes or submit an alternative proposal for DOE's approval. This will likely take several months.

In addition, with annexation, Kirkland will need to incorporate the annexed area into the SMP. We anticipate that this will take some work but will not be nearly as extensive as the current effort. The work program anticipates undertaking this task once we have completed the current SMP process with the Department of Ecology.

Critical Area Regulations

In accordance with state law, the City will need to amend its Critical Area Regulations. However, similar to the deadline for the Comprehensive Plan update, the timeline was extended in the legislative session. As a result this effort would occur in 2013-2014. Based on experiences in other jurisdictions and comments from the Department of Ecology, our regulations will need to be revised particularly to address buffer widths and our wetland classification system. This may require funding resources to assist in this update due to the technical, scientific and environmental issues that need to be addressed. This project may also be the appropriate time to review our slope regulations.

Urban Forestry Program

The Planning Commission completed work on the tree regulations in November and transmitted a recommendation of approval to the City Council. The City Council reviewed the proposed regulations at their meeting of December 1 and took action to adopt on December 15th.

In 2010, the focus will shift away from regulations to urban forestry management and education. In 2010 staff will undertake a canopy analysis as well as exploring a landmark tree program. The Urban Forester will also begin work on a citywide urban forestry management plan.

Low Impact Development (LID) and Green Codes

Efforts to adopt new standards to promote low impact development techniques and green codes have been deferred in the past due to staffing resources. It has been Kirkland's intent to move forward when feasible. Staff is available in 2010 to undertake this task in conjunction with the Public Works Department.

Green Building Program

In late 2007 the Council approved a green building program. The first phase entailed providing priority processing for certified "green" single family homes that have to meet either a Built Green or LEED standard (Leadership in Energy and Environmental Design). To date, six homes have been reviewed through this process and the City has 5 staff trained and accredited as LEED AP. In the fall of 2008, staff provided a report to the Council and received direction to continue the program and to expand it to include multi-family and commercial buildings.

Natural Resource Management Plan and Environmental Stewardship

In 2003 the City adopted a Natural Resources Management Plan. The City has in place a "Green Team" consisting of representatives from several City departments that meet on a regular basis. Over the past year, the team has been coordinating its efforts on implementation actions (education, funding, and programs). We have also broadened our role to address greenhouse emissions in response to the US Mayors Climate Protection Agreement, of which the City is participating. The City Council adopted a climate action plan in April 2009.

<http://www.ci.kirkland.wa.us/Assets/Kirkland+Green/Kirkland+Green+PDFs/Climate+Protection+Action+Plan.pdf>

In 2009, our staff team focused on a variety of environmental stewardship efforts including sustainable communities, green buildings, green businesses and community outreach. In January, a "community conversation" on environmental stewardship and sustainability was convened. A second "conversation" on the climate action plan was held on February 24, 2009. The Green Team is currently working on its priorities for 2010.

Task 6: Database Management (.2 FTE)

Database management consists of a number of sub-tasks such as our Community Profile, land use inventory, capacity analysis, housing data, etc. that are used for a variety of purposes including neighborhood plans and the Comprehensive Plan. In addition we are required to provide data on buildable lands and benchmarks to King County. The upcoming 2010 decennial census will require additional staff work over the next couple of years.

Task 7: Regional Coordination (.1 FTE)

This task involves participating on a variety of countywide and regional forums including the Puget Sound Regional Council, the King County Growth Management Planning Council, the Suburban Cities Association and Sound Transit.

Task 8: Annexation (1.5 FTE)

With approval of annexation, there are a number of long range tasks that will need to be undertaken prior and subsequent to the effective date (June 1, 2011). Staff is still determining the tasks, schedule and resources. Some tasks involve the Planning Commission while others are administrative. Task 8 shows a general list of the major tasks such as updating base maps, amending some of the general elements of the Comprehensive Plan, looking at neighborhood boundaries, conducting a census, and updating our regulations as appropriate. Of issue (as noted previously) is when to do the neighborhood plans. Neighborhood plan updates would be considered following annexation.