

City of Kenmore



City of Kenmore - 18120 68th Avenue NE Kenmore, WA 98028 Phone: 425-398-8900
Agendas also available at www.kenmorewa.gov E-mail: cityhall@kenmorewa.gov

City Council Special & Regular Meeting

ON-SITE & ONLINE

July 11, 2022 - 6:30 p.m.

ZOOM

LINK:<https://us02web.zoom.us/j/81120782479><https://us02web.zoom.us/j/85896395520><https://us02web.zoom.us/j/84917143242> <https://kenmorewa-gov.zoom.us/j/86955129763>

US: US: +12532158782,,86955129763# or +16699009128,,86955129763#

Or Telephone: Dial US: +1 253 215 8782

Webinar ID: 869 5512 9763

I. CALL SPECIAL MEETING TO ORDER - 6:30 PM

II. EXECUTIVE SESSION

Pursuant to RCW 42.30.110(1)(i), the City Council will now enter an executive session to discuss pending or potential litigation. The session is slated to conclude at 7 PM.

III. POSSIBLE ACTION RELATING TO EXECUTIVE SESSION

A. **NO ACTION**

IV. ADJOURN SPECIAL MEETING

V. CALL REGULAR MEETING TO ORDER - 7 PM

VI. ROLL CALL

VII. FLAG SALUTE

VIII. AGENDA APPROVAL

IX. PRESENTATION

- A. King County Regional Homelessness Authority Update, presented by Sub Regional Planning Manager Alexis Mercedes Rinck
[Presentation - KCRHA Kenmore City Council 7/11](#)

X. PUBLIC COMMENTS

- A. We welcome our community members to the Council's meeting. In this forum, the Council does not engage or dialogue with the public; the primary role of the Council is to listen. We will hear from our on-site guests first, followed by our virtual guests. If you're online, please use the "raise hand" feature now if you wish to speak. All guests must address comments to the Mayor and City Council. The Clerk will acknowledge your request and call your name when it is your turn. Your time will start when we confirm that we can hear you. Please state your name and city of residence for the record and keep your comments to the allotted time. We will not split your time with others or reset your time except by express approval of the Presiding Officer. Screen-sharing is not allowed; you can submit materials to the Council or Clerk in advance. Please do not comment about pending development projects on which the Council will make future decisions as those are quasi-judicial matters, and Councilmembers must limit their communications about such matters. This meeting is being recorded. Thank you for taking the time to express your comments.

XI. CONSENT AGENDA

APPROVED

- A. Council Retreat & Priorities Report - June 2022 Retreat
[Agenda Bill - June 2022 Retreat Report](#)
[June 2022 Final Retreat Report](#)
- B. Receive and File the April 2022 Financial Report
[Monthly Financial Report - April 2022](#)
- C. Authorize the City Manager to Execute Contract No. 22-C2836 with Opticos Design Inc. in an amount not to exceed \$74,415 for Missing Middle Housing Opportunity Sites - Conceptual Site Plan and Building Types
[Agenda Bill - Contract 22-C2836 with Opticos Design](#)
- D. Authorize the City Manager to execute Contract 22-C2767 with Verra Mobility to provide Traffic Safety Camera Services and Equipment for the KAPE program from amount of \$526,500 to the *revised* amount of \$900,000 over 5 years.
[Agenda Bill - Verra Mobility Award Correction](#)
- E. Adopt Ordinance 22-0549, Adopting the Powers of Initiative and Referendum for the Qualified Electors of the City; Adopting a New Chapter 1.360 of the Kenmore Municipal Code Entitled " Initiative and Referendum" and Establishing Procedures; Providing for Severability and Corrections; and Establishing an Effective Date.
[Agenda Bill - Initiative and Referendum Ordinance 6.17.22](#)
[Ordinance - Adopting Initiative and Referendum 5-31-2022](#)
[Resolution No. 22-375 -Initiative and Referendum Powers](#)
[Affidavit of Publication Resolution No. 22-375](#)

XII. BUSINESS AGENDA

- A. Ordinance No. 22-0546 Amending Kenmore Municipal Code Section 3.35 Utility Tax to include Cable television Business as an Occupation Subject to Tax, *for Adoption*

ADOPTED

[Agenda Bill - Cable Utility Tax Ordinance No. 22-0546](#)

[Cable Utility Tax Presentation-7-8-22](#)

- B. E2HSB-1099 (Addressing Climate Change) and the Comprehensive Plan Update, presented by Community Development Director Debbie Bent, Environmental Services Manager Richard Sawyer, City Engineer John Vicente, and Principal Planner Lauri Anderson, *for Information and Discussion*

DISCUSSED

[Agenda Bill - E2SHB -1099](#)

[Attachment 1 - E2SHB-1099 Conference Committee Report](#)

- C. Pilot Youth Swim Program in Partnership with the Northshore YMCA, presented by Community Development Director Debbie Bent, and Recreation Coordinator Rita Moreno, *for Action*

APPROVED- 4 -WEEK PILOT PROGRAM FOR THOSE 50% OR BELOW AMI

[Agenda Bill - Youth Swim Program](#)

- D. Resolution 22-388, Amending Council Rules and Procedures, presented by City Attorney Dawn Reitan, *for Discussion and/or Approval*

APPROVED

[Agenda Bill - Rev. Council Rules and Procedures](#)

[Resolution No. 22-388 Amending Council Rules of Procedure \(July 11 agenda\)](#)

XIII. STAFF REPORT

- A. Public Works Facility Status Update, presented by Operations Manager Jennifer Gordon and Environmental Services Manager Richard Sawyer

[Staff Memorandum - Public Works Facility Update](#)

XIV. COUNCILMEMBER REPORTS & COMMENTS

- A. Coffee with Council - Considering New Format

XV. ADJOURNMENT

XVI. UPCOMING MEETING SCHEDULE:

- A. July 18, 2022 Special Meeting - 6:30 PM
July 25, 2022 Regular Meeting
August 19, 2022 Special Meeting

September 12, 2022 Regular Meeting

Strengthening Regional Partnership

*The North King County ILA with
King County Regional Homelessness Authority*

Kenmore City Council, July 7th, 2022

By Alexis Mercedes Rinck, Sub-Regional Planning Manager



KCRHA
King County Regional Homelessness Authority

Our **mission** is to significantly decrease the incidence of homelessness throughout King County, using equity and social justice principles.

Our **theory of change:**

If we create a homelessness response system that centers customer voice (the voices of those who have lived experience of homelessness), then we will be able to focus on responding to needs and eliminating inequities, in order to end homelessness for all.



KCRHA
King County Regional Homelessness Authority

PURPOSE AND STRUCTURE

The Interlocal Agreement (ILA) describes the role, scope, and purpose of the KCRHA:

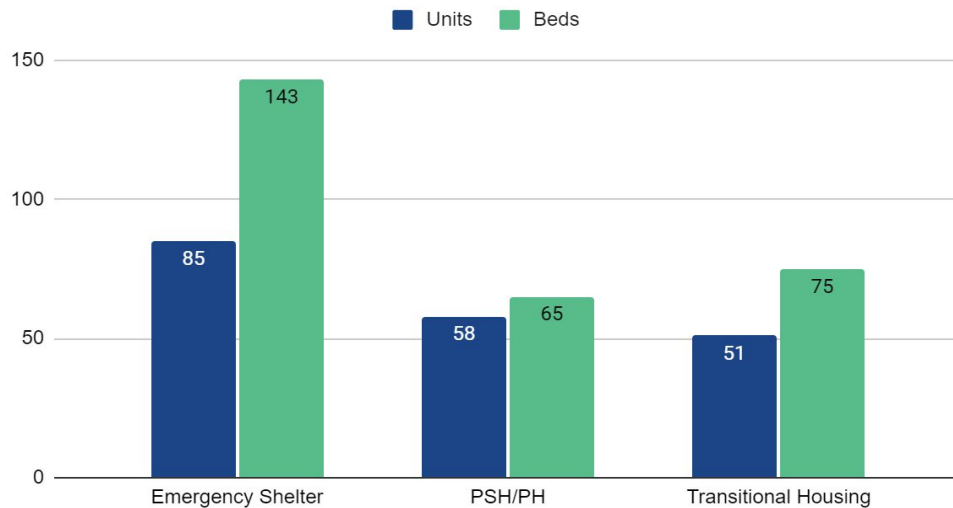
- Unified planning and coordination of funding and services for people experiencing homelessness countywide.
- Oversight on policy, contract management, and performance management.
- Continuum of Care functions, as required by the U.S. Department of Housing and Urban Development to receive federal funding, formerly housed within “All Home.
- Creation of a new Ombuds Office to serve as a single point of contact for customers. For more information reach out to: **Katara Jordan** at katara.jordan@kcrha.org
- Establishment of clear metrics and milestones for measuring success and for ensuring accountability and transparency.



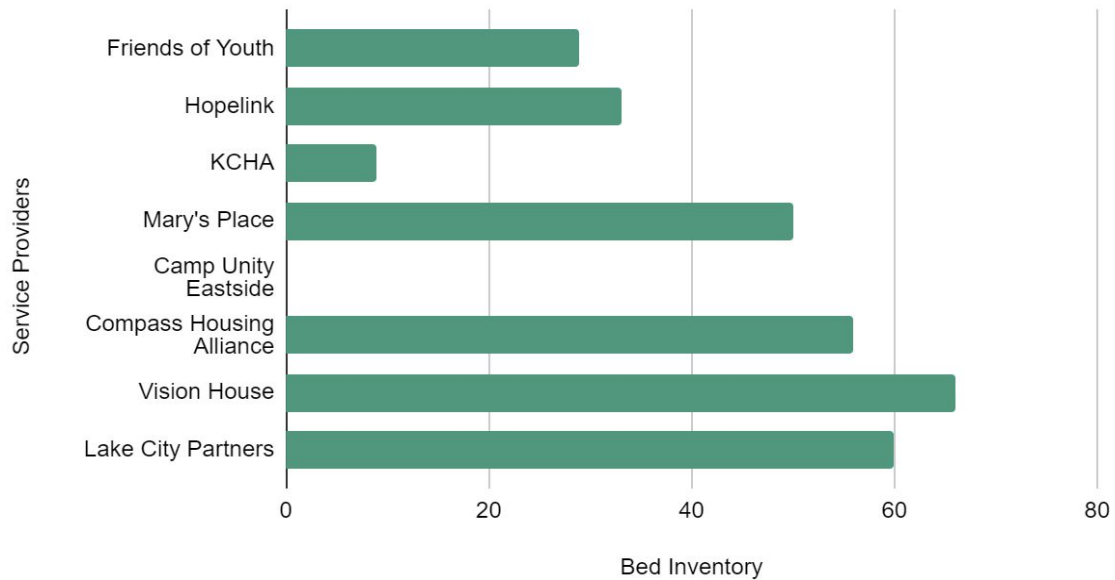
		 City of Seattle	 King County	 RHA King County Regional Homelessness Authority
INFRASTRUCTURE	Housing Capital and Development	✓	✓	✗
	CoC Funded Programs	✗	✗	✓
	Shelter			✓
PROGRAMS	Diversion	✗	✗	✓
	Rapid Re-Housing	✗	✗	✓
	Coordinated Entry	✗	✗	✓
	HMIS	✗	✗	✓
OTHER SERVICES	Outreach	✓	✗	✓
	Encampment Cleans	✓	✓	✗
	Behavioral Health and Crisis Response	✓	✓	✗

North King County Unit & Bed Count 2022

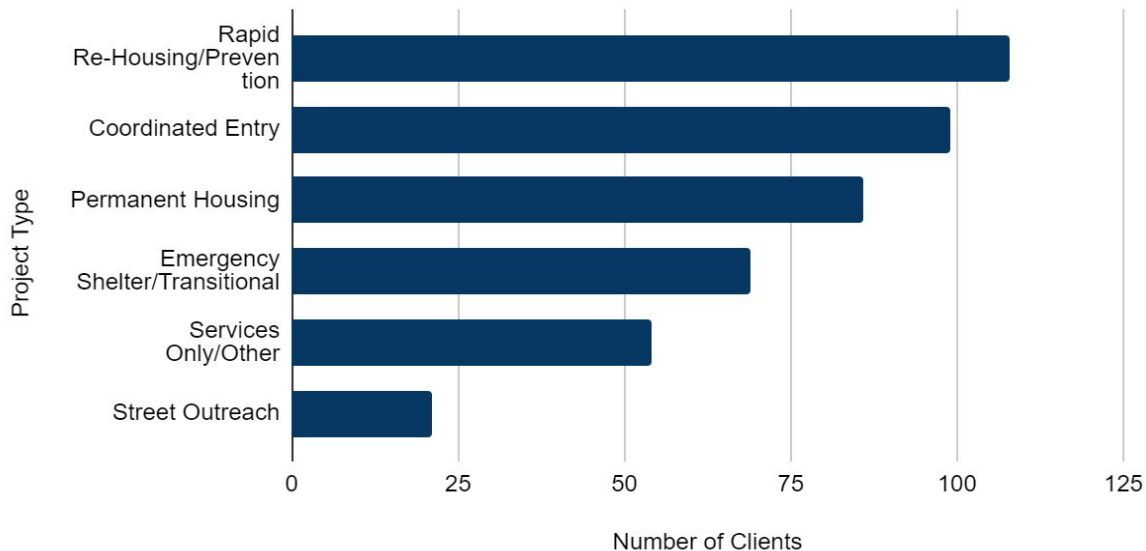
Units and Beds



Bed Inventory vs. Service Providers



City of Last Residence by Active Clients in HMIS for North King County by Project Type -- March 2022



Inspiration through Local Expertise

Looked to existing sub-regional collaborations such as A
Regional Coalition for Housing (ARCH) and South King County
Homelessness and Housing Partners (SKHHP)

Rooted in the sub-regional approach



The North King County Coalition on Homelessness

Originally convened to identify a space to establish the Oaks shelter.

Purpose:

“Work together across sectors and jurisdictions in North King County in support of policies and community-based efforts to provide services and housing options for those in the North King County communities who are experiencing homelessness or who are at risk of becoming homeless.”

Members:

- Government: Bothell, Kenmore, Lake Forest Park, Shoreline, Woodinville
- Non-Government: Bothell United Methodist Church, Health Care for the Homeless, Hopelink, Interfaith Task Force on Homeless, Lake City Partners Ending Homelessness, Lived Experience Coalition, North Sound Radar Navigator Program, North Urban Human Services Alliance, Ronald United Methodist Church.

Timeline



January & February

KCRHA Sub-Regional Planning staff regularly met with city staff from North King County cities to discuss avenues for partnership.

March

KCRHA presented to the North King County Coalition on Homelessness on the concept of pooling funding for an ILA.

Received feedback and guidance from the Coalition.

April & May

Staff reviewed and incorporated feedback from the Coalition.

June

North King County city staff co-presented with KCRHA staff a proposal for a North King County ILA.

Unanimous affirmation from the Coalition to move forward.

July & August

Presentations to North King County City Councils.

- Kenmore (7/11)
- Woodinville (7/19)
- Lake Forest Park (7/22)
- Shoreline (8/15)
- Bothell (9/TBD)

**Pooled funding on homelessness
response through the KCRHA will
improve:**

Transparency, Efficiency, Accountability



Transparency

An annual report to city council including metrics such as:

- HMIS origin city data,
- North King County sub-regional outcomes and activities,
- Progress on funding administration and distribution.

KCRHA staff can accommodate additional presentations/reports to council per request.



Efficiency

Eased administrative burden for providers and public funders.

One less system for providers to navigate.

Streamlined funding and contract management.

Accountability

An ILA will support improved accountability through:

- Defining the relationship between KCRHA and a partnering city
- Reporting on funding distribution
- Improved metrics

With greater confidence, we will be able to share what the impact of public funding was for the North King County sub-region.



The Mechanics

Funding Contribution

For cities are providing funding for the 2023-2024 cycle:

- For 2023 - 2024 budget, funding amount already allocated stays the same
- For 2025 - 2026 budget, funding allocation earmarked to KCRHA

For cities currently not providing funding:

- Determined by per-capita with amount based on average across NKC cities ~ \$1.20 per capita

Kenmore's calculated per capita: \$1.20

Local Authority

For the 2023-2024 funding year, cities who have made funding awards will be maintained in amount but contract will shift to KCRHA where dollars will be administered.



Duration & Withdrawal

- 4 year agreement (2023/2024 FY, 2025/2026 FY)
- 90 day written notice provided to other parties of agreement



Next Steps

Questions?





City Council Business Agenda Item
City of Kenmore, WA

Subject/Topic: June 3-4, 2022 City Council Retreat Report	For Council Meeting Agenda of: July 11, 2022 Department: City Manager's Office Prepared by: Rob Karlinsey, City Manager
Move to: Approve June 3-4, 2022 City Council Retreat Report	<div style="text-align: right;"><u>Initial & Date</u></div> <div>Approved by City Attorney: <u> N/A </u></div> <div>Approved by Finance Director: <u> N/A </u></div> <div>Approved by City Manager: <u> RGK </u></div> <div>Exhibits/Attachments: June 3-4, 2022 City Council Retreat Report</div>

INFORMATION/BACKGROUND:

The Kenmore City Council held its budget and priorities retreat on June 3-4, 2022. At the retreat, the City Council discussed the upcoming 2023-2024 biennium budget process and six-year financial forecast, as well as various other city issues. The City Council also discussed and established their top priorities for 2023-2024, which are as follows:

City Council Priorities for 2023-2024

1. Implement the Adopted Climate Action Plan and Promote Environmental Stewardship, including Water, Air, Forest, and Habitat Restoration and Preservation.
2. Increase and preserve the options for Affordable Housing stock
3. Enhance Multimodal Transportation Implementation, including Pedestrian and Bicycle Safety.
 - Pedestrian Facilities Plan
 - Target Zero
 - Bus Rapid Transit 522
 - Passenger Ferry
 - Photo Enforcement (KAPE) Program
4. Develop and Implement a Diversity, Equity, and Inclusion Policy and Program.
5. Complete Walkways and Waterways projects.
6. Enhance Public Safety.
7. Continue to seek opportunities to complete a successful Lakepointe Project.
8. Seek opportunities to promote Economic Development.
9. Foster Community Engagement and Participation.
10. Foster and create Fun.
11. Respond to the Pandemic.

The retreat report, including follow up items, is attached to this agenda bill.

*PENDLETON CONSULTING, L.L.C.*_____

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**THE
KENMORE CITY COUNCIL
ANNUAL RETREAT**

June 3 & 4, 2022

Summary Report

Introduction

The Kenmore City Council budget retreat was held on June 3rd and 4th, 2022 at the Kenmore City Hall. The purpose of this retreat was to discuss, in depth, key projects and policy issues identified by the participants during a pre-retreat interview to establish the agenda. These topics were discussed with a particular focus on the preparation of the upcoming 2023-2024 Biennium Budget. The following agenda guided the discussions during this council retreat:

1. Budget, Financial Forecast and Fiscal Issues
2. Housing and Neighborhoods
3. Environment
4. Diversity, Equity and Inclusion
5. The “Bench”
6. Downtown Vitality and City Events
7. Public Safety
8. General City Issues
9. Goal Setting for 2023-24

The following report is a summary of the discussions and outcomes of the retreat (a complete recording of this retreat was made and is retained by City officials):

Budget, Financial Forecast and Fiscal Issues

The Finance and Administration Director provided a financial review to include the Financial Sustainability Plan, the Financial Forecast FY 2023-2028 and the current budget. This review was based, in part, on fiscal trends over the last 22 years in the city, as well as the impacts of a possible recession. It was noted that projected revenues reflect a conservative assessment and are expected to be outpaced by expenditures beginning in 2026. Current factors such as inflation, impacts of federal funds were reflected in the fiscal assessment. Significant impacts such as a 14% increase in the police contract, higher-than-expected inflation, high staff workloads, inability to provide top tier service in some areas, and additions of numerous new programs were noted. Impacts and ripple effects of new programs across multiple city departments was discussed and acknowledged. Potential new revenue sources were noted along with anticipated impacts of recent property purchases and new policy initiatives. It was noted that a higher level of participation of the business sector as a revenue

source should be considered. After a long discussion the participants agreed to the following:

Agreement one: The City Manager will identify and send to the City Council the April 2020 memo outlining various budget cuts. This task was completed during the retreat. Email sent from the City Manager to the City Council on June 3rd, 2022.

Agreement two: During the budget preparation process “essential” vs. “wish list” or “discretionary” programs will be identified using the modified priority-based budgeting method (being renamed to service level budgeting) described during Ms. Salcido’s presentation.

Housing and Neighborhoods

Participants next discussed several topics related to the composition of housing and the future of neighborhoods within the city.

“15 minute” neighborhoods. The desirability of creating neighborhoods within the city that contain small stores, shops and amenities that are accessible within a 15-minute walk was introduced and discussed. Such an approach would both reduce dependence upon automobiles and add to the individual charm and character of various neighborhoods within the city. Such neighborhoods ideally, would have a mix of affordable housing options linked to a “corner store” concept that might feature cafes, shops and other desirable places to shop and gather. It was noted that the Planning Commission would hopefully be bringing forward concepts that would address this approach to neighborhoods. Affordable housing was noted as essential along with a sensitivity to not repeating past issues such as “redlining”. It was also noted that this approach would insure that the small community charm would not be replaced with a “big city” feel. The participants next discussed possible locations such as Station 54 and the NUD property on 78th Avenue where this concept might be implemented.

The implications of the 15 minute neighborhood concept were noted. Such factors as the need for infrastructure such as sidewalks, the management of stormwater, the need to protect wetlands and trees were noted. While the importance of infrastructure was noted, it was also suggested that such infrastructure should not be required in advance, while cities grow and change.

Missing middle. The discussion transitioned into the importance of affordable housing within all parts of the city including neighborhoods. It was

noted the need for infrastructure such as sidewalks is required by the Growth Management Act. Missing middle housing, as it pertains to Kenmore, is “house scale” residences that happen to have more than one unit. Accordingly, any missing middle policy will be accompanied by standards that assure “house scale” look and feel. It was noted that incremental growth is possible to manage density. It was further noted that affordable housing is not a well understood concept and surely needed more clarity. Finally, it was noted that connected spaces and communities within a city is often a factor in reducing homelessness and other social problems such as drug abuse.

After a long discussion the participants agreed to the following:

Agreement three: Staff will attempt to create a preliminary map showing a 15-minute circle distance (within walking or bicycling distance) to commercial areas from residential neighborhoods.

Environment

The participants next discussed several topics related to environmental stewardship and protection.

Climate Action Plan (CAP). It was noted that the CAP is very aggressive and will require additional resources, staffing, and funding. New funding sources will be explored. It was noted that it is preferred to see the nature of the work that is required from the plan and then seek the level and nature of funds required.

Sammamish River Restoration. The current progress on the Sammamish River Restoration was discussed. It was noted that King County is finally starting a meeting process that would likely include other city partners. Final negotiation with the project consultant is underway. King County Councilmember Dembowski was thanked for facilitating the acquisition of flood control funds.

Community Climate Council. The possible creation of a Community Climate Council was discussed. It was noted that community involvement would be important, particularly as a way to access community expertise. The added workload impacts of staffing a new committee were noted and discussed. After a discussion the participants made the following agreement:

Agreement four: Community engagement with the climate action plan and environmental stewardship is a good idea and important to keep visible. Rather than create a new committee, however, it was agreed to invite

community involvement, including specific engaged environmental organizations, to on-going processes.

Planting Trees on City Owned Property. Participants next discussed the planting of more trees on city owned property. It was noted that there are clearly opportunities to plant more trees; however, there would need to be a dedicated funding to support such an effort. It was noted that there are currently vacant tree boxes in the city that could use new trees. It was noted that more native and broad leaf trees would be desirable.

Diversity, Equity and Inclusion (DEI)

The participants next discussed the current status of DEI efforts within the city. Staff provided an overview of a DEI update memo prepared on May 20th, 2022. The continuation of the DEI task force was discussed. It was suggested that the task force be funded for another 1- 2 years. Continued support from the DEI consultant will also be needed through 2022 and into the next biennium. As part of a continuation of funding several participants requested metrics and/or deliverables that would enable an evaluation of the task force expenditure. Several participants noted the importance of the Task Force, the fact that their work cannot possibly be completed in one year, and their desire to continue funding.

Non-Discrimination Ordinance. Participants next discussed the nature and need for a city-wide Non-Discrimination Ordinance. Such an ordinance would provide “blanket” coverage across all aspects of city government and operation. It was noted that the DEI Task Force has been asked to look into such an ordinance and will include this in their overall recommendations and plan.

The “Bench”

Participants next discussed an area in the city known as “the bench”. This area is located near the western entrance to the city on the south side of Bothell Way, overlooking the Burke-Gilman Trail. The Cozy Inn Tavern property was recently purchased by the city in a first step to possibly improving the look and feel of the city as people enter from the west. While the importance of improving the city image was noted, concerns with the cost associated with the

development of the property were noted. It was also noted that there is no clear vision for this property and the allocation of capital funds to this was questionable at this point in time. It was also noted that the potential for the property should be explored. Work with a consultant for a limited cost would be useful to develop a vision of the business and other potentials of the property. Staff will also work with an architect to create one or more visual concepts for the bench. Staff will continue to keep an eye on potential property acquisitions that may arise on the bench.

Downtown Vitality and City Events

The participants next discussed a number of topics related to the Downtown and city events.

Kenmore Brand. During the January City Council retreat it was agreed to revisit the topic of the “Kenmore Brand” at this retreat. It was noted that a brand is more than simply logo. Rather, a brand is a “promise delivered” on what a city wants to be. It was noted that the city is doing a lot of good things with a lot of wonderful amenities such as the Burke Gillman Trail, the boat launch, waterfront parks, and the boat house just to quickly name a few. It was noted that as the city makes more strategic acquisitions it will work with developers and others to promote the Kenmore image.

City Events. It was briefly noted that with the hoped-for end of Covid, city events that had to be postponed will once again be produced.

Downtown Vitality. Participants briefly reviewed a June 2, 2022 “Downtown Revitalization Next Steps” memo from the City Manager. Based in part on a presentation recently given by consultant Rod Stevens to the City Council, the memo suggested “zoom in” and “zoom out” tactics and strategies for the downtown.

Public Safety

Participants next discussed a number of topics related to public safety in Kenmore.

RADAR Program. The RADAR program is a partner program with Kenmore’s neighboring cities in the north end of King County. A review is underway to expand the program to 7 days a week, the possible need for a governance board, and possibly even expanding to 24 hour a day coverage in

future years. Additional funding from each of the cities will be needed to pay for any RADAR program expansions. Such funding will be included in the upcoming 2023-2024 biennium budget process. A proposal for further program development is scheduled for a City Council meeting this coming September.

24/7 Regional Crisis Center. Staff provided a brief update on activities related to a possible 24/7 Regional Crisis Center. Meetings with King County have been held and there is hope that three potential providers have been identified. The five north King County cities are partnering on this effort and will interview possible providers in the coming weeks. There cannot be a siting of a center or state funding applications until a provider has been identified; the provider is the applicant for capital funding through the State Department of Commerce.

Pedestrian Safety on Border Streets (e.g. 55th Ave.). Staff provided an update on recent efforts to partner with Lake Forest Park (LFP) on sidewalks along the city border areas. Currently such a project(s) are not planned by LFP due to funding limitations. LFP has indicated a willingness to engage in further discussions on this topic. It was noted they may not be very competitive for obtaining grants. It was noted that other areas such as 205th and 240th should also be included in this discussion.

Life Preserver Ordinance and Program. Participants next discussed the importance of water safety and drowning prevention. A life preserver ordinance and program was introduced as a way to address water safety in Kenmore. It was noted that other cities are considering such an approach. The emphasis on such an approach is not to criminalize violations but to use as a means to educate. Other cities are considering such programs. It was noted that perhaps the city could, in conjunction with such a program provide life preservers at key city water recreation areas. It was noted that the King County Marine patrol would need to increase monitoring and enforcement of such an ordinance. It was noted that existing life preserver laws really only apply to motorized water craft and not human powered craft such a paddle boards. It was noted that the majority of existing water recreation organizations in Kenmore require either preservers or a “chase boat”. It was noted that such an ordinance should provide an exemption for supervised water sports. After a long discussion the participants agreed to the following:

Agreement five: The staff will bring and proposed Life Preserver and Program ordinance to the City Council that is similar to the Lake Forest Park program.

Safe Place Program-Funding. The Chief of Police updated the participants on the status of the Safe Place Program. Currently 18 businesses are participating. The website is still up and taking new participants. It was noted that the pandemic slowed participation in the program. There is a need for resources and staff time for marketing and program packets. It was noted that it is possible to do a small mailer and additional communication to “refresh” the program. It was noted that an announcement at the Kenmore Business Alliance would be most useful.

Locking Mailbox Program. Participants next discussed the possibility of a city sponsored locking mailbox program. Estimated costs are about 15 thousand dollars. The mailboxes would be purchased in bulk and sold at cost. Participants were directed to the May 19th, 2022 memo from the Chief of Police on this topic which provides an in-depth analysis of mail theft within the city. It was noted that use of the USPS informed delivery system, enhance reporting of suspicious behavior near boxes, and a referral effort to merchants who sell locking mailboxes would be most effective.

Community Court. Staff provided a brief up-date on this topic. The next step is to work with District Court to have Kenmore piggy back on the City of Shoreline’s program. The estimated cost of this effort will be about \$10 thousand dollars per year. This approach will be proposed in the up-coming biennium budget.

General City Issues

The participants next discussed, briefly, a number of general city issues.

Covid-19 Responsiveness. It was noted that it might be important to continue to fund covid related issues.

Social Media Policy. It was noted that some cities and King County are adopting social media policies. It was noted that social media use is problematic and needs attention. Other cities such as Burien have begun to address this issue. It was noted that it is important to be responsive to citizens, be transparent, yet keep city-related communications on social media responsive to public records requests. It was noted that it is also important make a clear distinction between acting in a public capacity vs. as a private person. It was noted that a Social Media Policy is currently on the staff work plan and will be forth coming.

Passenger Ferry. Participants next discussed the possibility of a Lake Washington passenger ferry that would link Kenmore to other cities, areas and the University of Washington on Lake Washington. Current efforts were reviewed. It was noted that the University of Washington's rowing program is against the ferry as it would dock near their facility. It was noted that other University of Washington members (facility and staff) may have a view that differs from the UW rowing program. It was also noted that the required penny tax is also an obstacle to the ferry program. It was noted that it might be time to get state legislators involved through letter writing and other actions. It was noted that Kenmore City Council members have been working this issue for some time. It was noted that it might be useful to have the city's local rowing leaders talk with the UW rowing leaders to seek a change of views.

Regional Aquatic Center. Staff provided an update on activities related to obtaining a regional aquatic center. Meetings are underway with the King County and others to use the recently-awarded grant funding (\$200,000) for a siting study. The City of Kenmore is the lead entity on this effort. Possible sites for the center such as Wayne's Golf Course and restoration of St Edward pool were discussed. It was also noted that it might be important to look to the Northshore School District as a partner in this effort. The City is awaiting the grant documents from King County so staff can proceed with this work.

Farmers Market Voucher Program. Participants next discussed the idea of a Farmers Market Voucher Program which would provide support to those in the community that need help acquiring fresh food. The future of the Farmers Market was discussed along with the city's financial support of the market. After a discussion the participants agreed to the following:

Agreement six: The staff will research the concept of a Farmers Market Voucher Program and come back to the City Council with possible ways to approach this program.

City Council Priorities

During the next portion of the retreat the City Council set their priorities for 2023-2024. The participants reviewed the major initiatives that are currently in progress within the city. The participants were reminded of the fiscal forecast and other budget issues presented at the beginning of this retreat. The participants next reviewed current City Council priorities established at last

year's retreat. The participants then revised the existing priorities based upon completion and desired for revised wording. No new priorities were nominated for consideration in the up-coming year. Finally, the participants used a Paired Comparison Methodology to select the order of their priorities for 2023-24. Note a second paired comparison vote was taken between those priorities that originally were tied for points to set the final order of the council's priorities. (See the priorities listed below).

The top five priorities will comprise a portion of the City Manager's annual performance review. Priorities will be addressed to generally reflect their priority; however, opportunity and/or necessity may require an emphasis on selected priorities outside the priority ranking listed in this report.

City Council Priorities for 2023-2024

1. Implement the Adopted Climate Action Plan and Promote Environmental Stewardship, including Water, Air, Forest, and Habitat Restoration and Preservation. 57 points.
2. Increase and preserve the options for Affordable Housing stock. 53 points.
3. Enhance Multimodal Transportation Implementation, including Pedestrian and Bicycle Safety. 43 points.
 - Pedestrian Facilities Plan
 - Target Zero
 - Bus Rapid Transit 522
 - Passenger Ferry
 - Photo Enforcement (KAPE) Program
4. Develop and Implement a Diversity, Equity, and Inclusion Policy and Program. 38 points.
5. Complete Walkways and Waterways projects. 38 points
6. Enhance Public Safety. 30 points
7. Continue to seek opportunities to complete a successful Lakepointe Project. 29 points.
8. Seek opportunities to promote Economic Development. 29 points.
9. Foster Community Engagement and Participation. 24 points.
10. Foster and create Fun. 23 points
11. Respond to the Pandemic. 21 points.

**Appendix One
Retreat Participants**

Mayor
Nigel Herbig

Deputy Mayor
Melanie O’Cain

Council Member
David Baker

Councilmember
Angela Kugler

Councilmember
Joe Marshall

Councilmember
Corina Pfeil

Councilmember
Debra Srebnik





City Manager
Rob Karlinsey

Selected Department Directors Participated During Specific Conversations

Facilitator
Michael Pendleton



**City Council Business Agenda Item
City of Kenmore, WA**

Subject/Topic: April 2022 Financial Report	For Council Meeting Agenda of: July 11, 2022
Proposed Council Action/Motion: Receive & file: April 2022 Financial Report for the City of Kenmore Washington	Department: Finance & Administration Prepared by: Leticia Salcido, Director of Finance & Administration <div style="display: flex; justify-content: space-between;"> <div> Approved by Department Head: Approved by City Attorney: Approved by Finance Director: Approved by City Manager: </div> <div style="text-align: right;"> <u>Initial & Date</u>  N/A    <small>RGK</small> </div> </div> Exhibits/Attachments: April 2022 Financial Report for the City of Kenmore, Washington
<u>INFORMATION/BACKGROUND:</u>	
<p>The April 2022 monthly financial report is presented for Council review. This provides the opportunity for the City Council and the community to receive information on the City of Kenmore's biennium to date revenues and expenditures in comparison to the City's 2021-2022 adopted biennial budget. The budget was adopted on November 23, 2020.</p>	
<u>FISCAL CONSIDERATION:</u>	
<p>April 2022 is the 16th month of the 2021-2022, biennium budget period with 67% of the biennium elapsed.</p>	
<p><u>General Fund:</u></p>	
<p>The General Fund accounts for operational activities and includes all financial resources except those required or elected to be accounted for in another fund. Activities within the General Fund include Public Safety, Public Works Engineering, Community Development, Development Services, Parks, Facility Maintenance, and administrative services such as City Manager, Legal, Finance, City Clerk and City Council.</p>	
<p><u>Revenues:</u></p>	
<p>As of April 30, 2022, biennium to date, revenues exceeded expenditures by \$4.6 million. Revenues totaled \$21.8 million while expenditures totaled \$17.2 million. Revenues in the amount of \$21.8 million represent 71% of the amended budget revenues in the amount of \$30.6 million. Major revenue sources in the General Fund include property taxes, sales taxes, utility taxes, franchise fees, building related fees and other.</p>	
<p>Property tax which is the major revenue source for the City generated \$7.1 million through April 30, 2022. This represents 65% of the biennium budget amount. The budget for the biennium for this revenue source is \$10.9 million.</p>	

Sales Tax revenue generated \$4.8 million through April 30, 2022 (16 months). This represents 80% of the amended biennium budget amount of \$6 million.

Sales tax revenue for the month of April 2022 was 18% higher than the amount received in April 2021. In comparison April 2021 receipts were 49% higher than amount received in 2020.

Sales Tax revenues for the four months of 2022 were \$1,190,529. This is 2% higher than the amount received in 2021 for the same period. The major decrease came from the construction industry. The following is the decrease from 2021 to 2022:

<u>Industry</u>	<u>Amount</u>	<u>% change</u>
Construction	\$77,182	<21%>

A review of the top 506 sales tax remitters accounting for 90% of total remittances in the month of April indicates that 19% of the total was generated from internet-based companies. In the retail category approximately 45% of the revenue was from internet sales.

Utility Taxes totaled \$1.5 million or 61% of the amount budgeted of \$2.4 million.

Development fees & permits revenue was \$1.8 million or 105% of the amount budgeted for the biennium (\$1.7 million).

Expenditures:

Expenditures totaled \$17.2 million for the first sixteenth months of the biennium. This is 60% of the budgeted amount of \$28.7 million.

Fund Balance:

The ending fund balance for the General fund, as of April 30, 2022, was \$7.3 million

Street Fund:

As of April 30, 2022, the year-to-date revenues totaled \$2 million or 54% of total budgeted revenues in the amount of \$3.8 million. Expenditures for the same time totaled \$1.9 million or 56% of total budget expenditures in the amount of \$3.3 million. The ending cash balance in this fund as of April 30, 2022, was \$1.8 million.

Surface Water Management Fund:

As of April 30, 2022, biennium to date revenues totaled \$4 million or 64% of the amended budgeted amount (\$6.2 million). Expenditures during the same time-period, totaled \$2.8 million or 36% of the amended biennial budgeted amount of \$7.7 million. Expenditures are lower during this time of the year as the transfer out (expense) to the Surface Water Management Capital Fund will be made at the end of the year.

COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:

Kenmore budget Policy 9a: A revenue/expenditure report will be produced monthly so that it can be directly compared to the actual results of the fiscal year to date.

Kenmore Budget Policy 9b: All budget amendments, both revenues and expenditures, will be noted in the monthly report.

Priority Based budgeting Result: Governance: Supports decision making with timely and accurate short-term and long-range analysis that enhances vision and planning.



18120 68TH AVE. NE
KENMORE, WASHINGTON 98028

MEMORANDUM

TO: Rob Karlinsey, City Manager
FROM: Leticia Salcido, Finance Director
DATE: June 23, 2022
RE: April 2022 Financial Reports for the City of Kenmore, Washington

April 2022 financial information is presented for your review and delivery to the City Council. Attached you will find the following reports:

- General Fund Summary
- General Fund Revenue Graphs
- General Fund Expenditure Graphs
- Street Fund Summary
- Cash and Investment Report
- Investment Schedule and Portfolio Analysis
- Sales Tax Receipts by Business Type
- Retail Sales and Use Tax Distribution

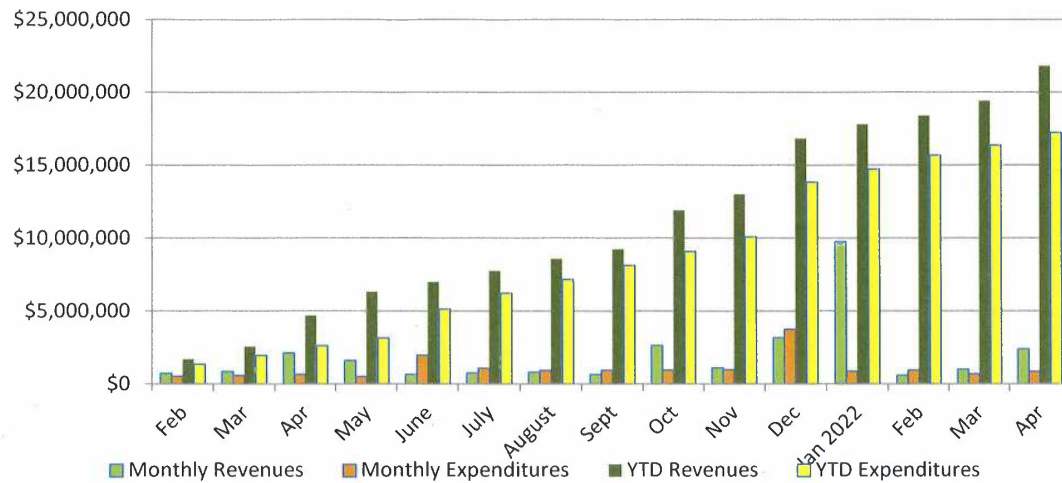
If you would like additional information or have any questions regarding the financial reports, please feel free to contact me.

GENERAL FUND

The first section of the monthly financial report is a review of the General Fund. This fund accounts for operational activities and includes all financial resources except those required or elected to be accounted for in another fund. Revenues include various taxes, per capita distributions from the State, fines and forfeitures, permits and licenses, and fees for service. In the context of the biennial budget, April is the sixteenth month (67%) of the 2021-2022 biennial budget period. For the month of April, revenues exceeded expenditures in the General Fund by \$1,540,480. Biennium to date, revenues exceed expenditures by \$4,572,356.

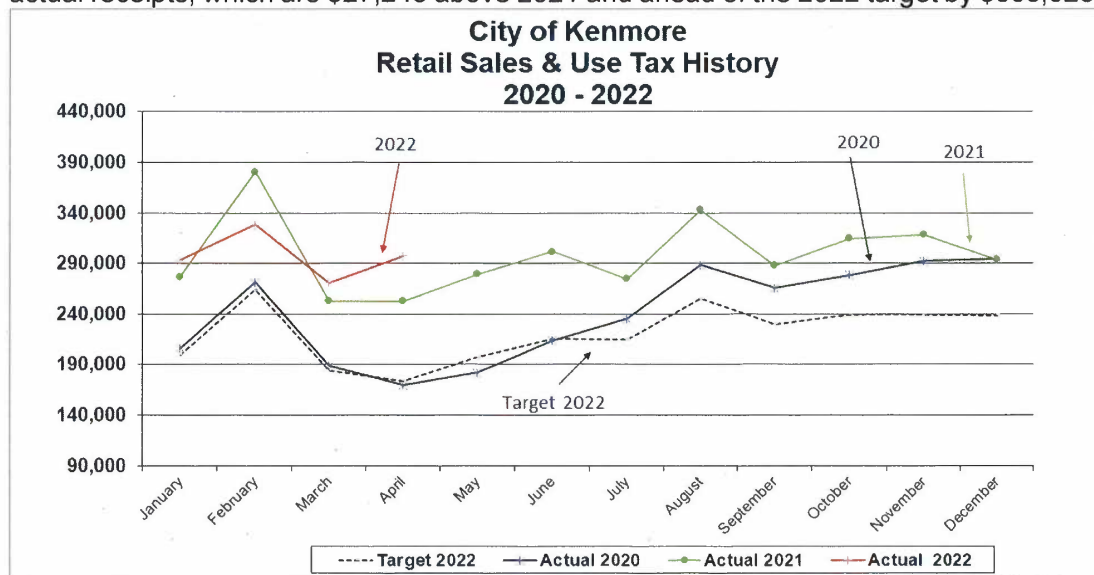
The following chart illustrates the monthly revenue and expenditure activity in the General Fund through April 2022.

City of Kenmore, Washington
Monthly Financial Report
April 2022



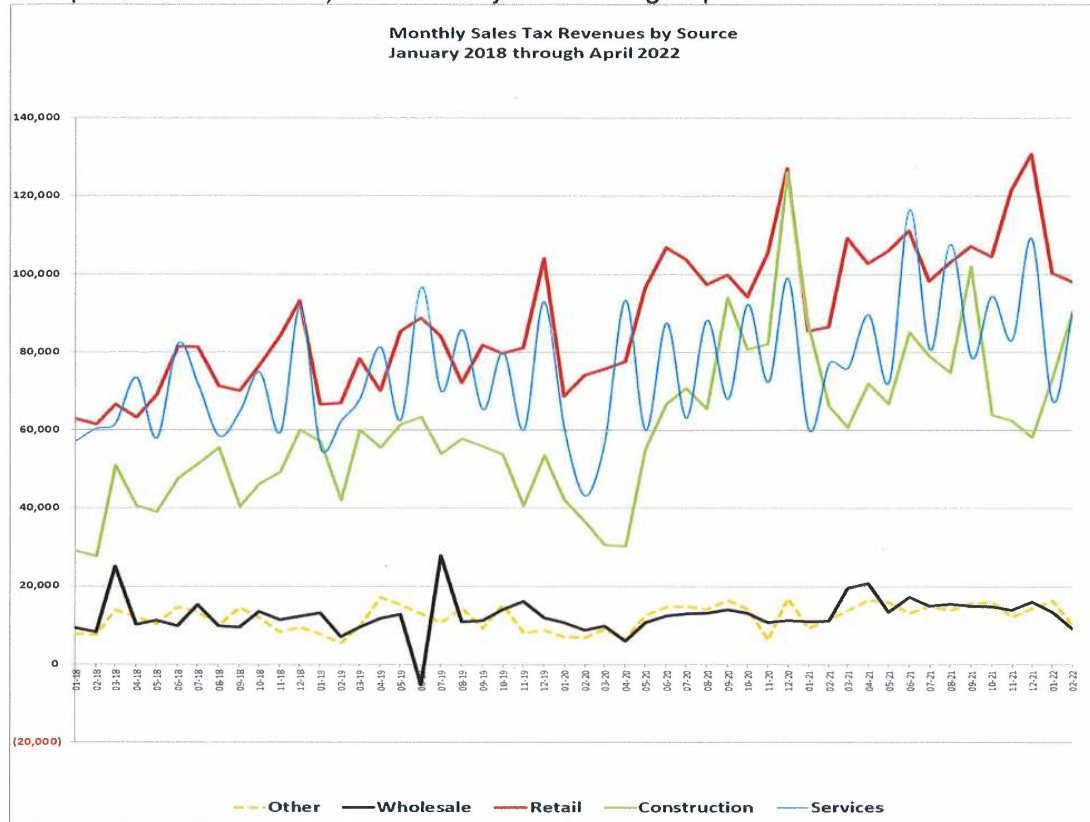
Total **revenues** for the month were **\$2,403,222**. Biennium to date revenues are \$21,821,909 which is 71% of the amended budgeted revenues of \$30,589,770. Primary sources of revenue for the month included property taxes in the amount of \$1,448,595, development fees & permits in the amount of \$199,979, retail sales and use taxes in the amount of \$297,790, intergovernment & grants in the amount of \$136,515, franchise fees in the amount of \$204,244, and utility taxes in the amount of \$113,465.

A summary of sales tax revenues received in **April** is attached. These receipts are based on **February** sales activity. The chart below gives a historical perspective of monthly sales tax receipts over the last several years. The black dotted Target 2022 line is a monthly average of actual receipts during 2019, 2020, and 2021. The red line represents 2022 actual receipts, which are \$27,243 above 2021 and ahead of the 2022 target by \$368,023.



City of Kenmore, Washington
Monthly Financial Report
April 2022

The following chart illustrates the historical trends of sales tax receipts from the major segments: construction, retail, wholesale, other (agriculture, services, manufacturing, transportation and utilities) from January 2018 through April 2022.



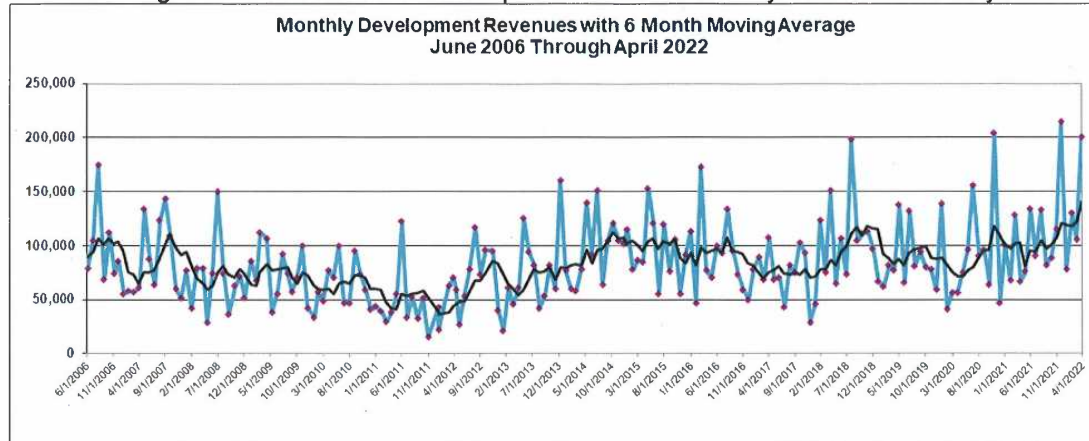
In April, the top 506 sales tax remitters, accounting for 90% or \$266,991 of total remittances, were reviewed for internet sales activity.

Of the \$266,991 of sales tax remitted by these companies in April, \$52,003 (19% of the total) was generated from internet-based companies. Below is a chart that illustrates the amount of internet based sales tax in the major segments that include it:

	Total Sales Tax Remitted in April	Internet Based Companies	% of Total Internet Sales Tax Collected
Retail Trade	\$76,480	\$34,124	45%
Information	7,602	2,660	35%
Services	73,011	12,659	17%
Wholesale	11,570	1,920	17%
Other	98,328	640	1%
	\$266,991	\$52,003	

City of Kenmore, Washington
Monthly Financial Report
April 2022

The following chart illustrates the development revenue activity over the last 15 years.



April 2022 expenditures were **\$862,742**. Biennium to date expenditures are \$17,249,553, which is 60% of the amended biennial budget expenditures of \$28,659,582.

Total City cash (\$23,567,615) and long-term investments (\$7,563,118), at the end of April, totaled \$31,130,733. Proposition 1 levy funds and ARPA Recovery Funds are included in this cash balance.

Total non-General Fund revenues were \$2,554,657 and total non-General Fund expenditures were \$4,469,828.

In the **Street Fund** revenue from gas tax distributions were \$31,112. \$50,690 was expended for maintenance and operations during the month.

In the **Transportation Capital Fund**, there were expenditures in the amount of \$2,100,234 on pedestrian safety projects & street maintenance. The fund received \$765 in grant reimbursements during the month.

The **Sammamish Bridge Replacement Fund** had \$622,398 in expenditures during the month. The fund received \$762,143 in bridge grant reimbursements during the month.

The **Park Impact Fee** fund received \$75,417 in revenues during the month.

There were \$185,078 in revenues for the **Transportation Impact Fee** fund during the month.

City of Kenmore, Washington
Monthly Financial Report
April 2022

The **Real Estate Excise Tax** Fund received \$153,210 of real estate excise taxes (REET) in April from sales activity that occurred in March. 35 transactions were reported during the month. The 2022 year to date revenue is lower than the 2021 revenue by \$137,446.

The **Park Capital** fund had \$593,032 in Park improvement expenditures during the month.

The **Walkways & Waterways Debt Service** Fund collected \$278,700 in property taxes related to the Prop 1 Bond for a biennium to date total revenue of \$1,114,910.

The **Transportation Benefit District** Fund received \$32,498 in vehicle license fees during the month.

SUMMARY

This concludes the financial report for the City of Kenmore as of **April 30, 2022**. I appreciate your feedback and encourage you to contact me if you have any questions prior to the City Council meeting.

City of Kenmore, Washington
General Fund Summary Report
April 30, 2022



	CURRENT PERIOD 2021-2022				PREVIOUS PERIOD 2019-2020			
	MONTH <u>April 2022</u>	BIENNIUM TO DATE <u>2021-2022</u>	% of <u>BUDGET</u>	AMENDED BIENNIUM BUDGET <u>2021-2022</u>	MONTH <u>April 2020</u>	BIENNIUM TO DATE <u>2019-2020</u>	% of <u>BUDGET</u>	AMENDED BIENNIUM BUDGET <u>2019-2020</u>
REVENUES								
Beginning Fund Balance		2,748,005		2,748,005		4,934,368		4,934,368
Property Taxes	1,448,595	7,109,637	65.4%	10,865,654	1,851,488	7,185,633	70.3%	10,224,205
Sales and Use Taxes	297,790	4,767,635	80.1%	5,954,280	215,671	4,562,020	73.4%	6,212,000
Utility Taxes	113,465	1,470,394	61.3%	2,399,290	19,697	1,380,122	56.0%	2,466,355
Other Taxes	493	132,149	72.5%	182,200	1,736	166,262	91.4%	181,868
Development Fees & Permits	199,979	1,809,931	105.2%	1,720,003	56,546	1,307,950	70.5%	1,854,042
Franchise Fees	204,244	1,292,413	74.0%	1,746,569	186,009	1,300,350	71.0%	1,831,835
Intergovernmental and Grants	136,515	1,940,021	79.1%	2,452,594	56,531	801,143	37.4%	2,142,292
Investment Interest	786	28,781	43.6%	66,000	47,133	143,326	150.4%	95,300
Fines and Forfeitures	0	2,341	0.0%	0	0	4,173	0.0%	0
Transfers and Other Revenues	1,356	3,268,607	62.8%	5,203,180	8,445	1,188,284	55.1%	2,155,352
Total Revenues	2,403,222	21,821,909	71.3%	30,589,770	2,443,255	18,039,262	66.4%	27,163,249

City of Kenmore, Washington
General Fund Summary Report
April 30, 2022



	CURRENT PERIOD 2021-2022				PREVIOUS PERIOD 2019-2020			
	MONTH	BIENNIUM	% of	AMENDED	MONTH	BIENNIUM	% of	AMENDED
	<u>April 2022</u>	<u>TO DATE</u>	<u>BUDGET</u>	<u>BIENNIUM</u>	<u>April 2020</u>	<u>TO DATE</u>	<u>BUDGET</u>	<u>BIENNIUM</u>
EXPENDITURES		<u>2021-2022</u>		<u>2021-2022</u>		<u>2019-2020</u>		<u>2019-2020</u>
<u>Cost Center</u>								
City Council	12,573	224,965	67.6%	332,711	13,910	250,761	74.6%	336,208
City Manager	170,235	1,941,317	62.2%	3,121,846	122,354	2,213,470	69.8%	3,170,520
City Clerk	76,977	626,660	66.9%	937,052	21,267	471,421	51.3%	919,466
Finance	58,784	1,579,098	71.4%	2,212,820	52,832	1,387,869	72.1%	1,925,756
Human Resources	18,421	177,441	0.0%	319,432		0	0.0%	0
Legal	59,514	629,027	111.3%	565,000	28,150	415,988	63.5%	654,782
Interfund Transfers	0	2,303,405	74.0%	3,110,617	0	2,606,529	80.8%	3,226,484
Public Safety	34,719	4,116,629	45.0%	9,152,371	37,403	4,485,997	50.0%	8,967,044
Engineering & Environmental Services	81,563	966,481	57.2%	1,689,574	43,470	867,066	55.7%	1,555,790
Community Development	75,216	1,131,778	66.7%	1,695,828	53,688	1,041,906	65.9%	1,580,826
Developmental Services	120,662	1,760,197	61.9%	2,845,428	92,139	1,663,786	88.8%	1,874,061
Parks & Facility Maintenance	154,078	1,792,555	67.0%	2,676,904	124,498	2,127,339	65.5%	3,247,606
Total Expenditures	862,742	17,249,553	60.2%	28,659,582	589,710	17,532,133	61.4%	28,543,158
Revenues over Expenditures	1,540,480	4,572,356		1,930,188	1,853,545	507,128		(1,379,909)
Ending Fund Balance		7,320,361		4,678,193	1,853,545	5,441,496	0	3,554,460

**City of Kenmore, Washington
General Fund Revenue Graphs
April 30, 2022**

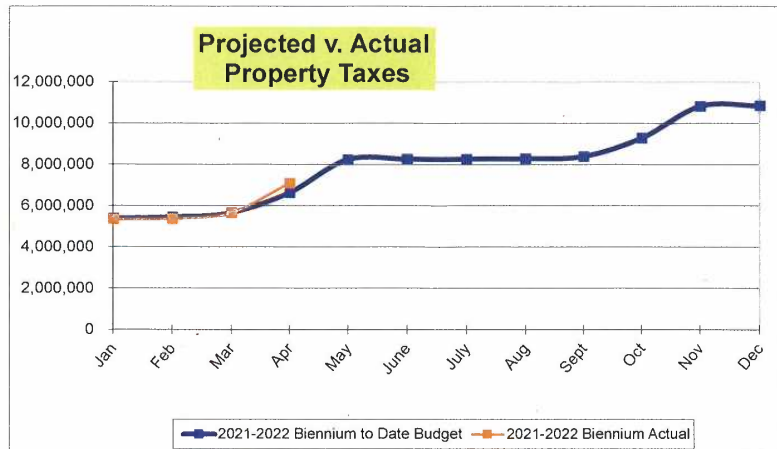
PROPERTY TAXES

	2021-2022 Biennium to Date Budget	2021-2022 Biennium Actual
2021	5,383,410	5,347,981
Jan	5,401,023	5,365,476
Feb	5,468,860	5,381,481
Mar	5,670,301	5,661,041
Apr	6,652,450	7,109,637
May	8,244,136	
June	8,259,460	
July	8,274,655	
Aug	8,290,802	
Sept	8,401,090	
Oct	9,291,005	
Nov	10,834,497	
Dec	10,865,654	
2021-22	10,865,654	

Year To Date

Actual v. Projected

107%



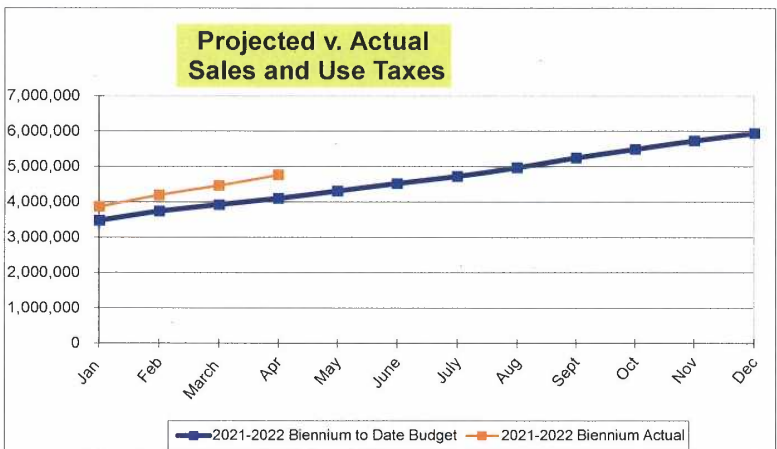
SALES & USE TAXES

	2021-2022 Biennium to Date Budget	2021-2022 Biennium Actual
2021	3,300,000	3,577,108
Jan	3,481,493	3,870,242
Feb	3,742,900	4,198,660
March	3,928,951	4,469,848
Apr	4,108,559	4,767,637
May	4,315,086	
June	4,530,232	
July	4,730,589	
Aug	4,978,663	
Sept	5,258,728	
Oct	5,497,740	
Nov	5,739,531	
Dec	5,954,280	
2021-22	5,954,280	

Year To Date

Actual v. Projected

116%



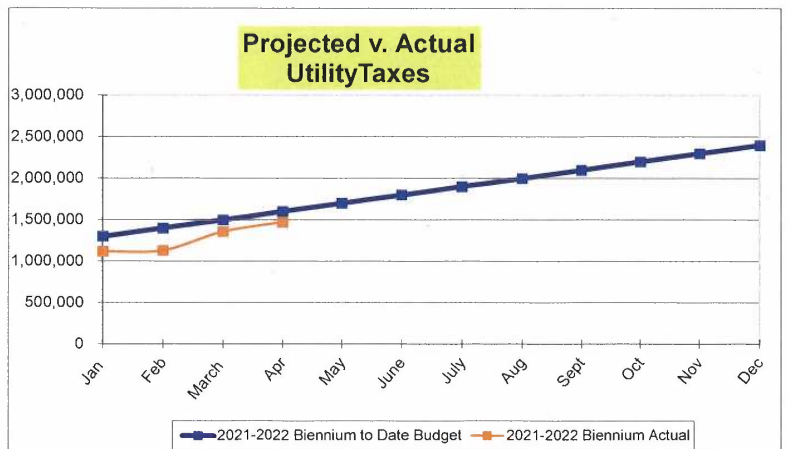
UTILITY TAXES

	2021-2022 Biennium to Date Budget	2021-2022 Biennium Actual
2021	1,199,640	933,662
Jan	1,299,611	1,117,517
Feb	1,399,582	1,131,117
March	1,499,553	1,356,930
Apr	1,599,523	1,470,394
May	1,699,494	
June	1,799,465	
July	1,899,436	
Aug	1,999,407	
Sept	2,099,378	
Oct	2,199,348	
Nov	2,299,319	
Dec	2,399,290	
2021-22	2,399,290	

Year To Date

Actual v. Projected

92%

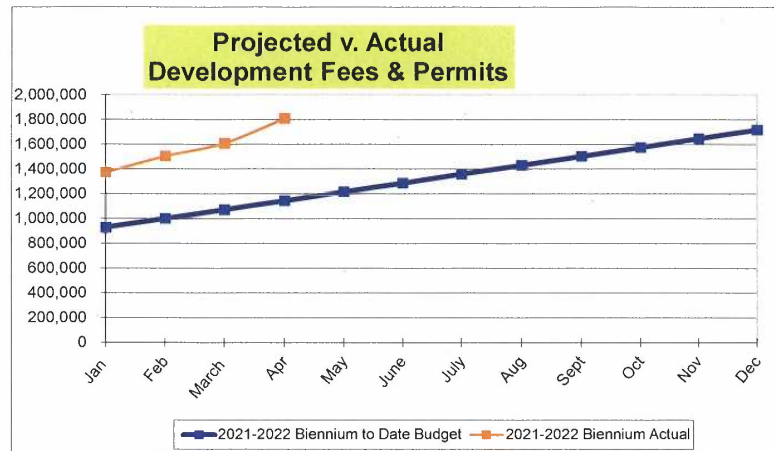


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City of Kenmore, Washington
General Fund Revenue Graphs
April 30, 2022

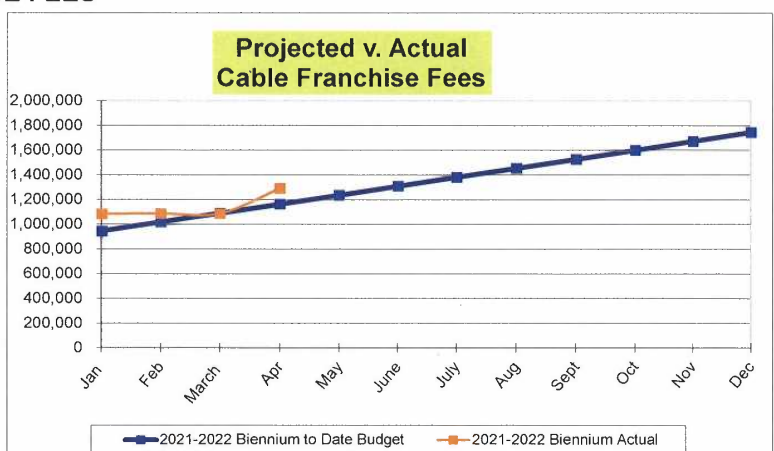
DEVELOPMENT FEES & PERMITS

	2021-2022 Biennium to Date Budget	2021-2022 Biennium Actual
2021	860,004	1,297,301
Jan	931,671	1,375,004
Feb	1,003,337	1,504,765
March	1,075,004	1,609,951
Apr	1,146,670	1,809,930
May	1,218,337	
June	1,290,004	
July	1,361,670	
Aug	1,433,337	
Sept	1,505,003	
Oct	1,576,670	
Nov	1,648,336	
Dec	1,720,003	
'2021-22	1,720,003	
Year To Date		
Actual v. Projected		158%



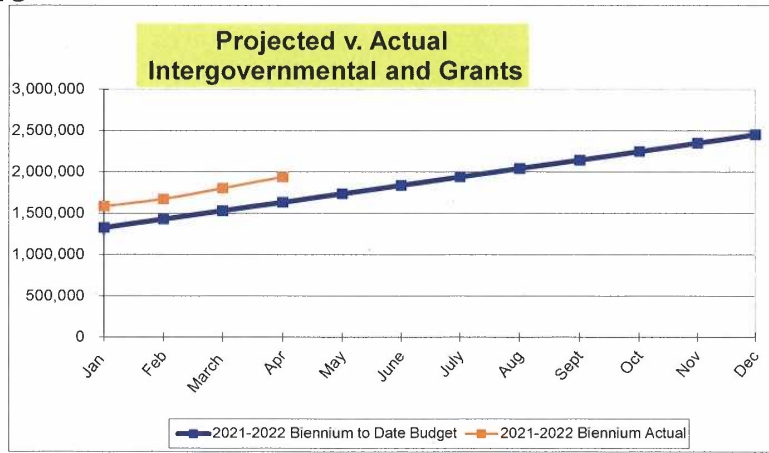
CABLE/WATER/SEWER FRANCHISE FEES

	2021-2022 Biennium to Date Budget	2021-2022 Biennium Actual
2021	873,288	848,118
Jan	946,061	1,085,513
Feb	1,018,835	1,088,169
March	1,091,608	1,088,169
Apr	1,164,382	1,292,413
May	1,237,155	
June	1,309,929	
July	1,382,702	
Aug	1,455,475	
Sept	1,528,249	
Oct	1,601,022	
Nov	1,673,796	
Dec	1,746,569	
'2021-22	1,746,569	
Year To Date		
Actual v. Projected		111%



INTERGOVERNMENTAL & GRANTS

	2021-2022 Biennium to Date Budget	2021-2022 Biennium Actual
2021	1,226,292	1,433,882
Jan	1,328,484	1,584,645
Feb	1,430,676	1,672,962
March	1,532,868	1,803,507
Apr	1,635,059	1,940,022
May	1,737,251	
June	1,839,443	
July	1,941,635	
Aug	2,043,827	
Sept	2,146,019	
Oct	2,248,210	
Nov	2,350,402	
Dec	2,452,594	
'2021-22	2,452,594	
Year To Date		
Actual v. Projected		119%



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City of Kenmore, Washington
General Fund Revenue Graphs
April 30, 2022

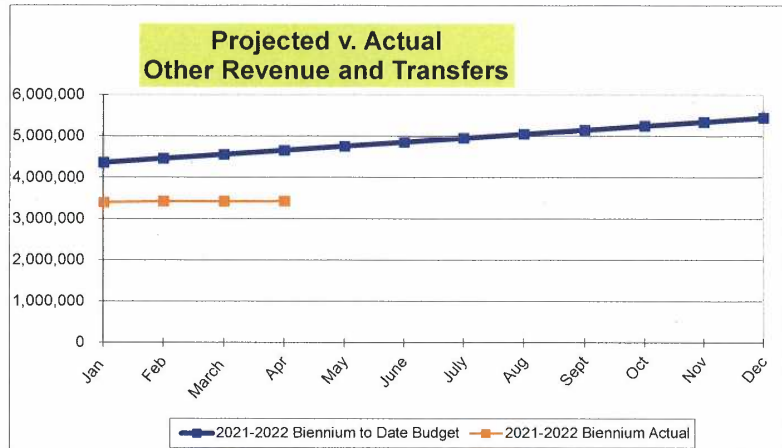
OTHER REVENUES AND TRANSFERS

	2021-2022 Biennium to Date Budget	2021-2022 Biennium Actual
2021	4,269,442	3,385,984
Jan	4,367,937	3,400,357
Feb	4,466,432	3,427,124
March	4,564,927	3,429,241
Apr	4,663,421	3,431,875
May	4,761,916	
June	4,860,411	
July	4,958,906	
Aug	5,057,401	
Sept	5,155,896	
Oct	5,254,390	
Nov	5,352,885	
Dec	5,451,380	
2021-22	5,451,380	

Year To Date

Actual v. Projected

74%



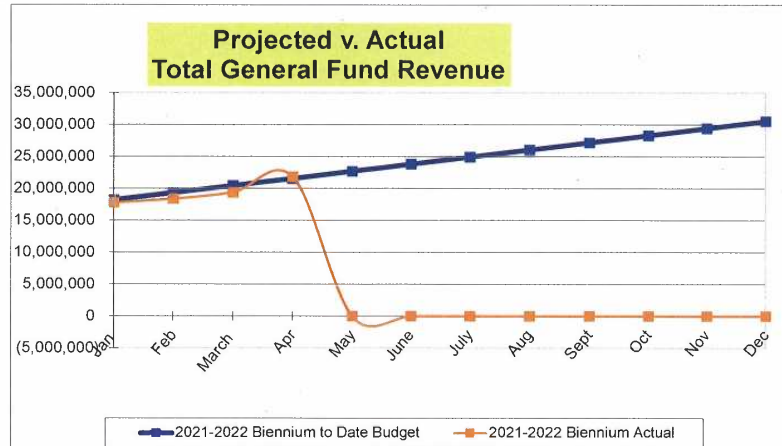
TOTAL GENERAL FUND REVENUE

	2021-2022 Biennium to Date Budget	2021-2022 Biennium Actual
2021	17,112,076	16,824,033
Jan	18,235,217	17,798,754
Feb	19,358,358	18,404,278
March	20,481,500	19,418,687
Apr	21,604,641	21,821,909
May	22,727,782	0
June	23,850,923	0
July	24,974,064	0
Aug	26,097,205	0
Sept	27,220,347	0
Oct	28,343,488	0
Nov	29,466,629	0
Dec	30,589,770	0
2021-22	30,589,770	

Year To Date

Actual v. Projected

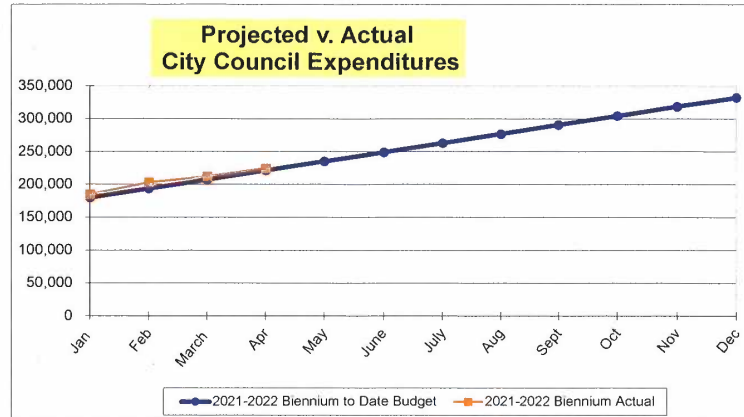
101%



City of Kenmore, Washington
General Fund Expenditure Graphs*
April 30, 2022

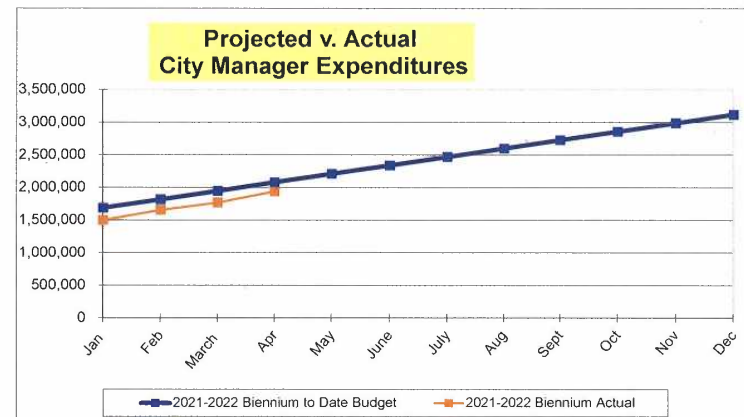
CITY COUNCIL

	2021-2022 Biennium to Date Budget	2021-2022 Biennium Actual
2021	166,356	141,202
Jan	180,219	185,182
Feb	194,082	203,467
March	207,945	212,391
Apr	221,808	224,965
May	235,671	
June	249,534	
July	263,396	
Aug	277,259	
Sept	291,122	
Oct	304,985	
Nov	318,848	
Dec	332,711	
2021-22	332,711	
Year To Date		
Actual v. Projected		101%



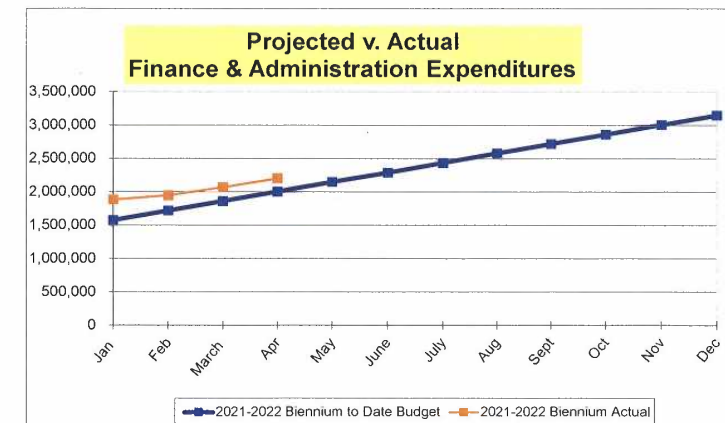
CITY MANAGER

	2021-2022 Biennium to Date Budget	2021-2022 Biennium Actual
2021	1,560,924	1,405,465
Jan	1,691,001	1,501,723
Feb	1,821,078	1,658,675
March	1,951,155	1,771,082
Apr	2,081,231	1,941,316
May	2,211,308	
June	2,341,385	
July	2,471,462	
Aug	2,601,539	
Sept	2,731,616	
Oct	2,861,692	
Nov	2,991,769	
Dec	3,121,846	
2021-22	3,121,846	
Year To Date		
Actual v. Projected		93%



FINANCE & ADMINISTRATION

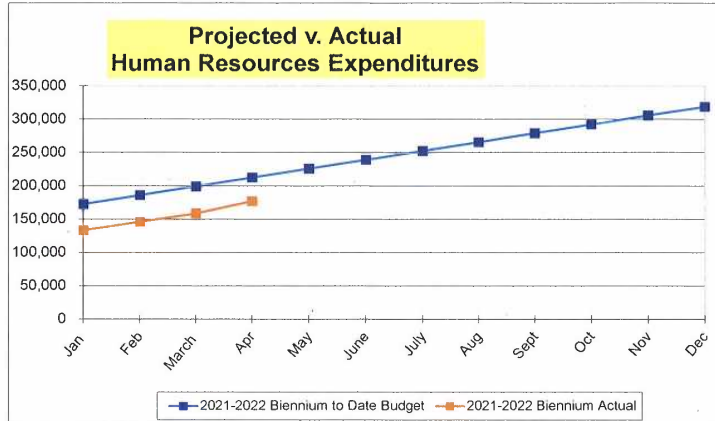
	2021-2022 Biennium to Date Budget	2021-2022 Biennium Actual
2021	1,436,124	1,466,725
Jan	1,578,936	1,885,672
Feb	1,721,749	1,949,745
March	1,864,561	2,069,996
Apr	2,007,373	2,205,757
May	2,150,185	
June	2,292,998	
July	2,435,810	
Aug	2,578,622	
Sept	2,721,434	
Oct	2,864,247	
Nov	3,007,059	
Dec	3,149,871	
2021-22	3,149,871	
Year To Date		
Actual v. Projected		110%



**City of Kenmore, Washington
General Fund Expenditure Graphs*
April 30, 2022**

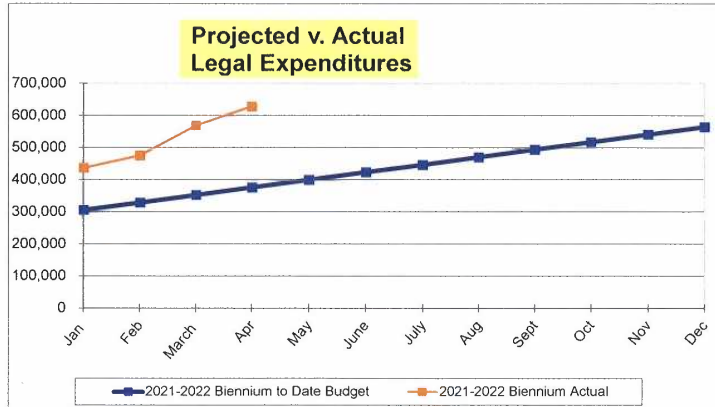
HUMAN RESOURCES

	2021-2022 Biennium to Date Budget	2021-2022 Biennium Actual
2021	159,720	121,298
Jan	173,029	133,802
Feb	186,339	146,326
March	199,648	159,020
Apr	212,957	177,441
May	226,267	
June	239,576	
July	252,885	
Aug	266,195	
Sept	279,504	
Oct	292,813	
Nov	306,123	
Dec	319,432	
2021-22	319,432	
Year To Date		
Actual v. Projected		83%



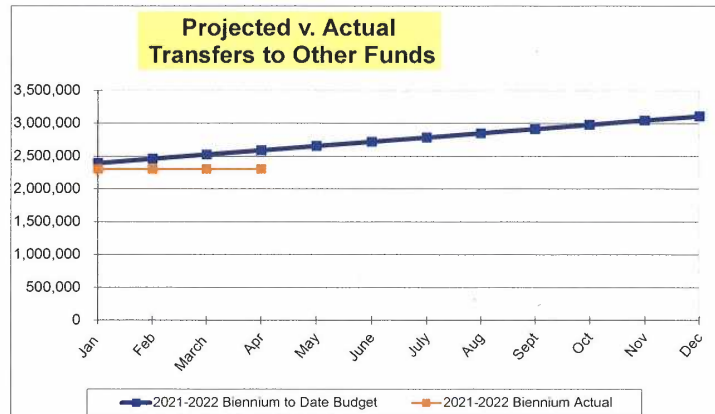
LEGAL

	2021-2022 Biennium to Date Budget	2021-2022 Biennium Actual
2021	282,504	437,313
Jan	306,045	437,313
Feb	329,587	475,661
March	353,128	569,513
Apr	376,669	629,027
May	400,211	
June	423,752	
July	447,293	
Aug	470,835	
Sept	494,376	
Oct	517,917	
Nov	541,459	
Dec	565,000	
2021-22	565,000	
Year To Date		
Actual v. Projected		167%



TRANSFERS TO OTHER FUNDS

	2021-2022 Biennium to Date Budget	2021-2022 Biennium Actual
2021	2,330,312	2,303,405
Jan	2,395,337	2,303,405
Feb	2,460,363	2,303,405
March	2,525,388	2,303,405
Apr	2,590,414	2,303,405
May	2,655,439	
June	2,720,465	
July	2,785,490	
Aug	2,850,515	
Sept	2,915,541	
Oct	2,980,566	
Nov	3,045,592	
Dec	3,110,617	
2021-22	3,110,617	
Year To Date		
Actual v. Projected		89%



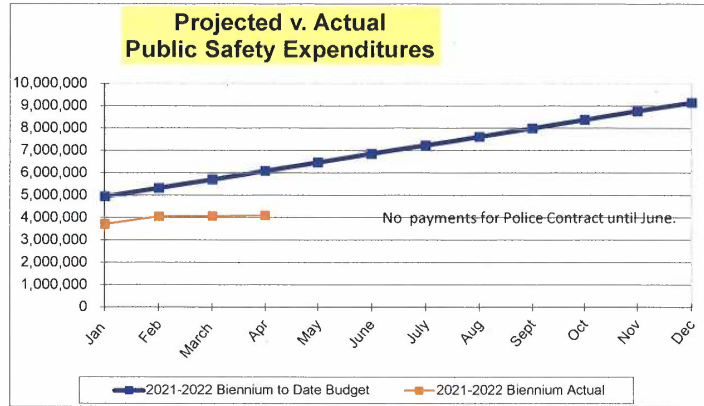
City of Kenmore, Washington
General Fund Expenditure Graphs*
April 30, 2022

PUBLIC SAFETY

	2021-2022 Biennium to Date Budget	2021-2022 Biennium Actual
2021	4,576,188	3,716,797
Jan	4,957,537	3,716,847
Feb	5,338,885	4,062,529
March	5,720,234	4,081,910
Apr	6,101,582	4,116,629
May	6,482,931	
June	6,864,280	
July	7,245,628	
Aug	7,626,977	
Sept	8,008,325	
Oct	8,389,674	
Nov	8,771,022	
Dec	9,152,371	
2021-22	9,152,371	

Year To Date
 Actual v. Projected

67%

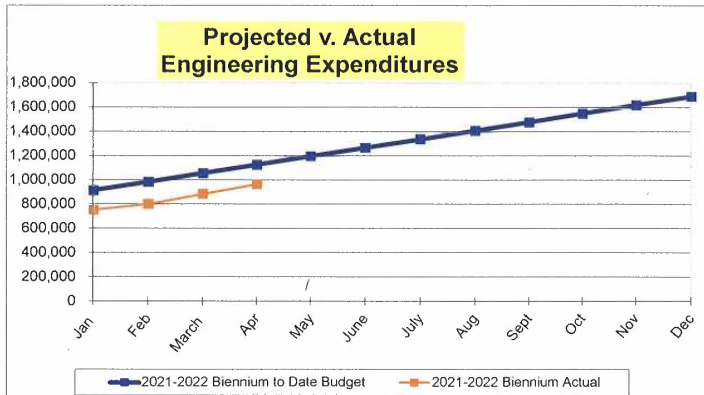


ENGINEERING

	2021-2022 Biennium to Date Budget	2021-2022 Biennium Actual
2021	844,788	701,750
Jan	915,187	754,024
Feb	985,586	802,031
March	1,055,985	884,917
Apr	1,126,383	966,480
May	1,196,782	
June	1,267,181	
July	1,337,580	
Aug	1,407,979	
Sept	1,478,378	
Oct	1,548,776	
Nov	1,619,175	
Dec	1,689,574	
2021-22	1,689,574	

Year To Date
 Actual v. Projected

86%

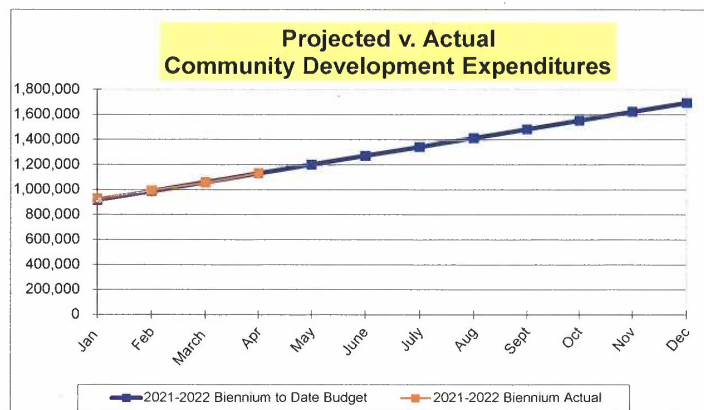


COMMUNITY DEVELOPMENT

	2021-2022 Biennium to Date Budget	2021-2022 Biennium Actual
2021	847,908	869,569
Jan	918,568	931,860
Feb	989,228	994,326
March	1,059,888	1,056,562
Apr	1,130,548	1,131,778
May	1,201,208	
June	1,271,868	
July	1,342,528	
Aug	1,413,188	
Sept	1,483,848	
Oct	1,554,508	
Nov	1,625,168	
Dec	1,695,828	
2021-22	1,695,828	

Year To Date
 Actual v. Projected

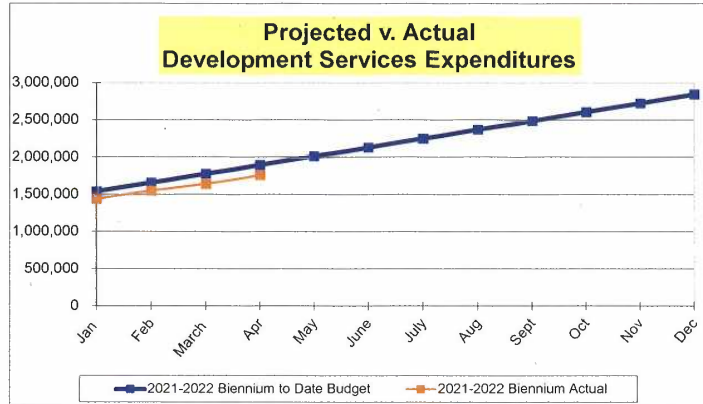
100%



**City of Kenmore, Washington
General Fund Expenditure Graphs*
April 30, 2022**

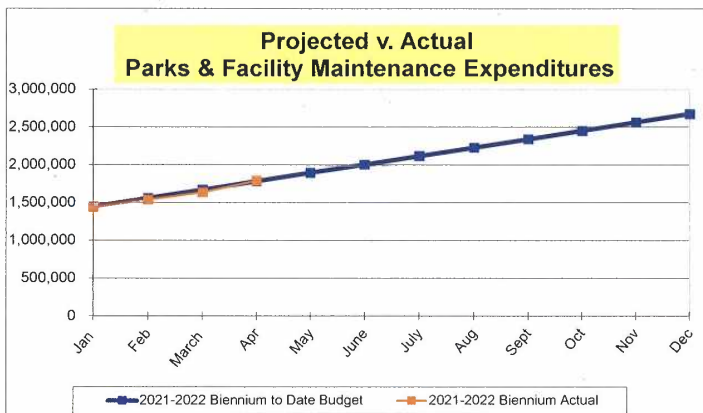
DEVELOPMENT SERVICES

	2021-2022 Biennium to Date Budget	2021-2022 Biennium Actual
2021	1,422,708	1,297,449
Jan	1,541,268	1,437,972
Feb	1,659,828	1,551,087
March	1,778,388	1,639,536
Apr	1,896,948	1,760,198
May	2,015,508	
June	2,134,068	
July	2,252,628	
Aug	2,371,188	
Sept	2,489,748	
Oct	2,608,308	
Nov	2,726,868	
Dec	2,845,428	
2021-22	2,845,428	
Year To Date		
Actual v. Projected		93%



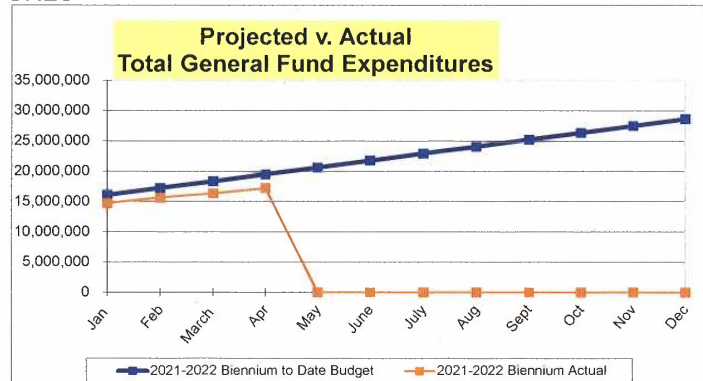
PARKS & FACILITY MAINTENANCE

	2021-2022 Biennium to Date Budget	2021-2022 Biennium Actual
2021	1,338,456	1,392,427
Jan	1,449,993	1,439,239
Feb	1,561,531	1,540,936
March	1,673,068	1,638,478
Apr	1,784,605	1,792,556
May	1,896,143	
June	2,007,680	
July	2,119,217	
Aug	2,230,755	
Sept	2,342,292	
Oct	2,453,829	
Nov	2,565,367	
Dec	2,676,904	
2021-22	2,676,904	
Year To Date		
Actual v. Projected		100%



TOTAL GENERAL FUND EXPENDITURES

	2021-2022 Biennium to Date Budget	2021-2022 Biennium Actual
2021	14,965,988	13,853,401
Jan	16,107,121	14,727,038
Feb	17,248,254	15,688,188
March	18,389,387	16,386,810
Apr	19,530,519	17,249,552
May	20,671,652	0
June	21,812,785	0
July	22,953,918	0
Aug	24,095,051	0
Sept	25,236,184	0
Oct	26,377,316	0
Nov	27,518,449	0
Dec	28,659,582	0
2021-22	28,659,582	
Year To Date		
Actual v. Projected		88%



**City of Kenmore, Washington
Street Fund Summary Report
April 30, 2022**



	2021 - 2022			
	MONTH	BIENNIUM TO DATE	% of	BUDGET
	<u>April 2022</u>	<u>2021-2022</u>	<u>BUDGET</u>	<u>2021-2022</u>
REVENUES				
Beginning Fund Balance		1,605,323		1,311,996
Fuel Tax	31,112	558,970	59.6%	938,058
Investment Interest	197	9,773	315.3%	3,100
Miscellaneous	10,004	23,601	331.0%	7,131
ROW Permit Fees/Inspections	0	156,889	53.5%	293,460
Multimodal Transportation	0	39,467	62.5%	63,160
MVA Transpo City	0	27,652	0.0%	0
Transfer from General Fund	0	753,405	48.3%	1,560,617
Transfer from REET	0	100,000	50.0%	200,000
Transfer from TBD	0	350,000	50.0%	700,000
Total Revenues	41,312	2,019,756	53.6%	3,765,526

	2021 - 2022			
	MONTH	BIENNIUM TO DATE	% of	BUDGET
	<u>April 2022</u>	<u>2021-2022</u>	<u>BUDGET</u>	<u>2021-2022</u>
EXPENDITURES				
Salary and Benefits	51,496	865,887	63.9%	1,355,214
Maintenance & Operations	50,690	968,680	51.7%	1,872,953
Capital	3,910	28,242	28.2%	100,000
Total Expenditures	106,096	1,862,810	56.0%	3,328,167
Revenues over Expenditures	(64,784)	156,946		437,359
Ending Fund Balance		1,762,269		1,749,355

City of Kenmore, Washington
Other Funds Monthly Activity
April 30, 2022

STRATEGIC OPPORTUNITIES FUND

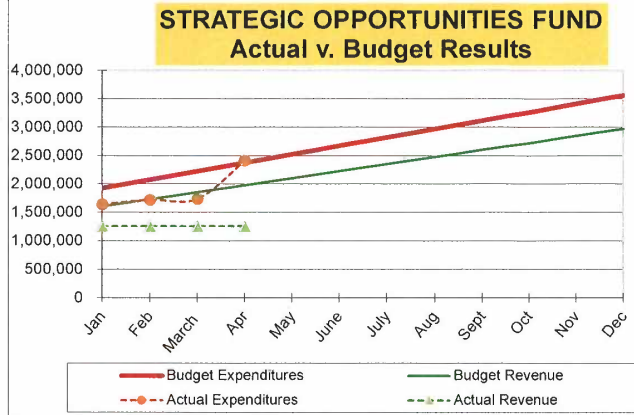
	2021-2022 Budget Expenditures	2021-2022 Actual Expenditures	2021-2022 Budget Revenue	2021-2022 Actual Revenue
2021	1,781,748	1,645,707	1,488,360	1,262,308
Jan	1,930,228	1,645,707	1,612,390	1,262,699
Feb	2,078,707	1,722,451	1,736,420	1,262,808
March	2,227,187	1,739,571	1,860,450	1,262,981
Apr	2,375,666	2,413,909	1,984,480	1,263,190
May	2,524,146		2,108,510	
June	2,672,626		2,232,540	
July	2,821,105		2,356,570	
Aug	2,969,585		2,480,600	
Sept	3,118,064		2,604,630	
Oct	3,266,544		2,728,660	
Nov	3,415,023		2,852,690	
Dec	3,563,503		2,976,718	
2021-22	3,563,503		2,976,718	

Total Actual to Date vs
Total Budget

68%

42%

The purpose of the Strategic Opportunities Fund is to have funds available for the City to make key investments or take advantage of strategic opportunities as they present themselves.



TRANSPORTATION BENEFIT DISTRICT FUND

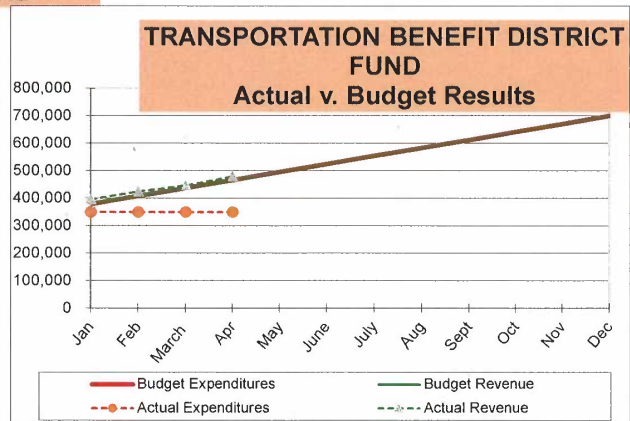
	2021-2022 Budget Expenditures	2021-2022 Actual Expenditures	2021-2022 Budget Revenue	2021-2022 Actual Revenue
2021	350,004	350,000	350,004	369,121
Jan	379,171	350,000	379,171	396,139
Feb	408,338	350,000	408,338	424,939
March	437,505	350,000	437,505	448,008
Apr	466,672	350,000	466,672	480,535
May	495,839		495,839	
June	525,006		525,006	
July	554,173		554,173	
Aug	583,340		583,340	
Sept	612,507		612,507	
Oct	641,674		641,674	
Nov	670,841		670,841	
Dec	700,000		699,998	
2021-22	700,000		700,000	

Total Actual to Date vs
Total Budget

50%

69%

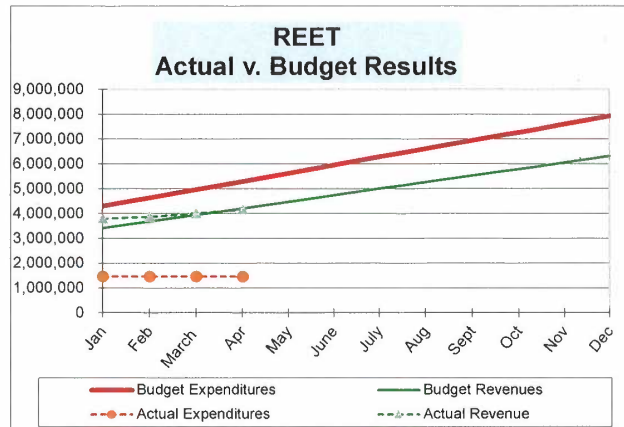
The Transportation Benefit District fund accounts for the \$20 vehicle license tab fees levied on vehicles located in the Kenmore city limits. The revenue generated will be used in maintaining the City's transportation system.



City of Kenmore, Washington
Other Funds Monthly Activity
April 30, 2022

REAL ESTATE EXCISE TAX FUND

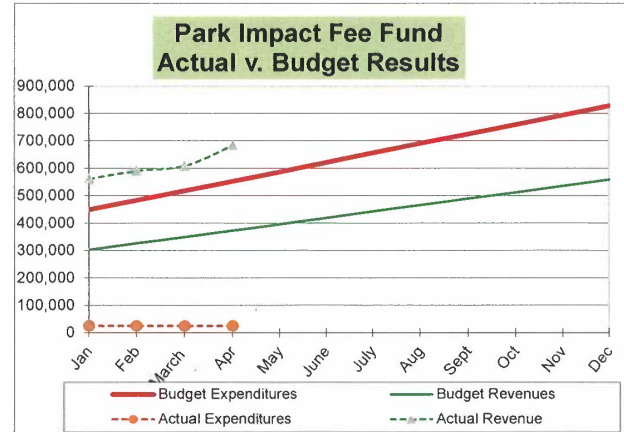
	2021-2022 Budget Expenditures	2021-2022 Actual Expenditures	2021-2022 Budget Revenue	2021-2022 Actual Revenue
2021	3,970,056	1,467,680	3,163,080	3,671,216
Jan	4,300,894	1,467,680	3,426,670	3,800,239
Feb	4,631,732	1,467,680	3,690,271	3,879,280
March	4,962,570	1,467,680	3,953,861	4,017,276
Apr	5,293,408	1,467,680	4,217,451	4,171,010
May	5,624,246		4,481,041	
June	5,955,084		4,744,631	
July	6,285,922		5,008,221	
Aug	6,616,760		5,271,811	
Sept	6,947,598		5,535,401	
Oct	7,278,436		5,798,991	
Nov	7,609,274		6,062,581	
Dec	7,940,122		6,326,171	
2021-22	7,940,122		6,326,171	
Total Actual to Date vs Total Budget		18%		66%



The Real Estate Excise Tax Fund accounts for the 1/2% real estate excise taxes levied by the City which are restricted to capital projects and improvements. Expenditures include transfers to the Park Capital Fund for park improvements and Transportation Capital Fund for transportation improvements. include transfers to the Park Capital Fund for park improvements and and Transportation Capital Fund for transportation improvements.

PARK IMPACT FEE FUND

	2021-2022 Budget Expenditures	2021-2022 Actual Expenditures	2021-2022 Budget Revenue	2021-2022 Actual Revenue
2021	414,708	25,358	280,212	561,886
Jan	449,267	25,358	303,563	562,009
Feb	483,826	25,358	326,914	591,591
March	518,385	25,358	350,265	609,548
Apr	552,944	25,358	373,616	685,076
May	587,503		396,967	
June	622,062		420,318	
July	656,621		443,669	
Aug	691,180		467,020	
Sept	725,739		490,371	
Oct	760,298		513,722	
Nov	794,857		537,073	
Dec	829,412		560,422	
2021-22	829,412		560,422	
Total Actual to Date vs Total Budget		3%		122%



This fund accounts for City imposed park impact fees on new development. Expenditures are for public park acquisitions and improvements.

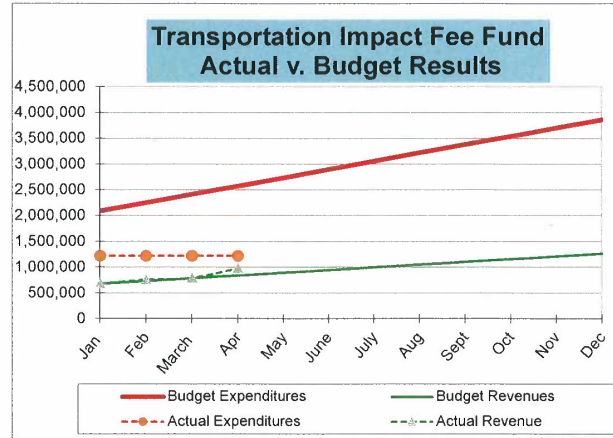
City of Kenmore, Washington
Other Funds Monthly Activity
April 30, 2022

TRANSPORTATION IMPACT FEE FUND

	2021-2022 Budget Expenditures	2021-2022 Actual Expenditures	2021-2022 Budget Revenue	2021-2022 Actual Revenue
2021	1,931,268	1,222,440	632,352	690,105
Jan	2,092,207	1,222,440	685,048	690,476
Feb	2,253,146	1,222,440	737,744	758,649
March	2,414,085	1,222,440	790,440	796,547
Apr	2,575,024	1,222,440	843,136	981,888
May	2,735,963		895,832	
June	2,896,902		948,528	
July	3,057,841		1,001,224	
Aug	3,218,780		1,053,920	
Sept	3,379,719		1,106,616	
Oct	3,540,658		1,159,312	
Nov	3,701,597		1,212,008	
Dec	3,862,547		1,264,695	
2021-22	3,862,547		1,264,695	

Total Actual to Date vs
Total Budget

32% 78%



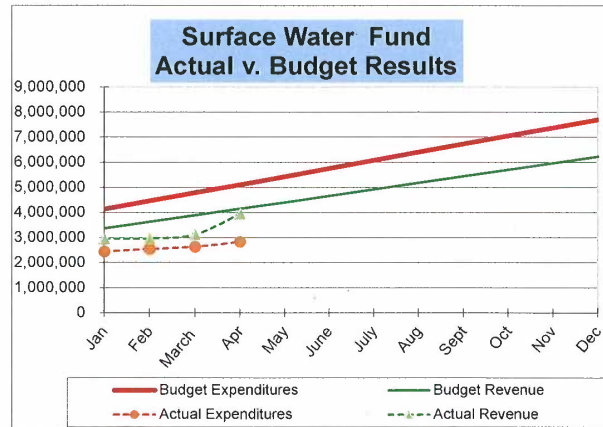
This fund accounts for City imposed transportation impact fees on new development. Expenditures are for public transportation improvements

SURFACE WATER MANAGEMENT FUND

	2021-2022 Budget Expenditures	2021-2022 Actual Expenditures	2021-2022 Budget Revenue	2021-2022 Actual Revenue
2021	3,811,740	2,314,112	3,116,172	2,958,871
Jan	4,136,330	2,444,737	3,375,853	2,965,041
Feb	4,460,920	2,544,319	3,635,534	2,971,877
March	4,785,510	2,636,895	3,895,215	3,128,738
Apr	5,110,100	2,828,697	4,154,896	3,960,684
May	5,434,690		4,414,577	
June	5,759,280		4,674,258	
July	6,083,870		4,933,939	
Aug	6,408,460		5,193,620	
Sept	6,733,050		5,453,301	
Oct	7,057,640		5,712,982	
Nov	7,382,230		5,972,663	
Dec	7,706,812		6,232,337	
2021-22	7,706,812		6,232,337	

Total Actual to Date vs
Total Budget

37% 64%



This fund accounts for receipts from surface water assessments. The assessments are collected through the property tax billings; the majority of the receipts are collected in May and November. Expenditures are for surface water maintenance activities such as sweeping and drainage as well as capital improvements. collected in May and November.

City of Kenmore, Washington
Cash and Investment Report
April 30, 2022



<u>Fund</u>	<u>Beg. Cash & Inv.</u> <u>from Prev. Mo.</u>	<u>Monthly</u> <u>Revenues</u>	<u>Monthly</u> <u>Expenditures</u>	<u>End. Cash & Inv.</u> <u>Current Month</u>
General	\$4,976,436	\$2,416,385	\$896,862	6,495,959
Street	1,828,528	41,312	106,096	1,763,744
Transportation Capital	-330,701	42,764	2,100,234	(2,388,170)
Public Art	118,646	13	0	118,659
Park Impact Fee	895,610	75,528	0	971,138
Transportation Impact Fee	2,176,707	185,341	0	2,362,048
Swamp Creek Basin	769,293	94	0	769,387
Transportation Benefit District	224,894	32,527	0	257,421
ARPA Fiscal Recovery Fund	2,036,592	0	155,377	1,881,215
Sammamish Bridge Replacement	1,522,892	762,143	622,398	1,662,637
Walkways & Waterways Debt Service	246,990	278,700	0	525,690
Real Estate Excise Tax	4,461,588	153,734	0	4,615,322
Park Capital	-1,804,684	0	593,032	(2,397,716)
Walkways & Waterways Bond	6,161,972	4,313	300	6,165,986
Surface Water Management	3,085,485	831,946	191,802	3,725,629
Surface Water Capital	145,783	101,500	15,170	232,113
Public Works Shop Fund	9,320	0	350	8,970
Strategic Reserve	1,352,896	151	0	1,353,047
Strategic Opportunities	2,383,632	210	674,338	1,709,505
Equipment Replacement	447,114	50	1,003	446,161
Trust & Agency	817,388	44,331	9,730	851,989
Totals	\$31,526,382	\$4,971,041	\$5,366,690	\$31,130,733

<u>Fund</u>	<u>Cash, Savings,</u> <u>Local Govt Investment Pool</u>	<u>(> One Year)</u> <u>Fixed</u> <u>Investments</u>	<u>Total</u>
General	\$4,067,841	\$2,428,118	6,495,959
Street	913,745	850,000	1,763,745
Transportation Capital	-2,388,170	0	(2,388,170)
Public Art	103,659	15,000	118,659
Park Impact Fee	41,138	930,000	971,138
Transportation Impact Fee	2,332,048	30,000	2,362,048
Swamp Creek Basin	-630,613	1,400,000	769,387
Transportation Benefit District	257,421	0	257,421
ARPA Fiscal Recovery Fund	1,881,215	0	1,881,215
Sammamish Bridge Replacement	1,662,637	0	1,662,637
Walkways & Waterways Debt Service	525,690	0	525,690
Real Estate Excise Tax	4,615,322	0	4,615,322
Park Capital	-2,397,716	0	(2,397,716)
Walkways & Waterways Bond	6,165,986	0	6,165,986
Surface Water Management	3,215,629	510,000	3,725,629
Surface Water Capital	232,113	0	232,113
Public Works Shop Fund	8,970	0	8,970
Strategic Reserve	503,048	850,000	1,353,048
Strategic Opportunities	1,709,505	0	1,709,505
Equipment Replacement	-3,840	450,000	446,160
Trust & Agency	751,989	100,000	851,989
Totals	\$23,567,615	\$7,563,118	\$31,130,733

note: negative balances are due to pending transfers from other funds, not yet recorded.

V:\Admin and Finance\Monthly Reports\2022\April 2022\CashInv

City of Kenmore, Washington
Investment Schedule
April 30, 2022



Average Yield to Maturity-Securities								Overall	0.51%
								Average Yield	0.39%
								Principal or	Yield
Investment #	Type	Purchase Date	Maturity Date	Rate	Yield			Balance	Equivalents
Time Value Investments									
3135G05G4	FNMA	11/9/2020	7/10/2023	0.20%	0.20%			1,501,588.50	3,003.18
3133EMHL9	FFCB	11/24/2020	11/30/2023	0.30%	0.30%			1,501,500.00	4,504.50
3130AQTT0	FHLB	3/2/2022	2/28/2025	1.67%	1.67%			1,494,768.00	24,962.63
3133EMMN9	FFCB	1/25/2021	1/11/2024	0.19%	0.19%			1,000,000.00	1,900.00
9128286Z8	US TREAS	1/25/2021	6/30/2024	0.18%	0.18%			1,065,261.38	1,917.47
Total TVI Purchases								6,563,117.88	36,287.77
Pacific Premier CD's									
11495975	CD	8/10/2021	8/10/2022	0.25%	0.25%			1,000,000.00	2,500.00
Total Pacific Premier CD's								1,000,000.00	2,500.00
TOTAL ALL SECURITIES								\$ 7,563,117.88	\$ 38,787.77
Banner Checking and Savings								0.02%	2,034,307.09
Pacific Premier Savings								0.23%	7,305.76
LGIP - Primary Account								0.40%	21,886.65
LGIP - Bond Proceeds Account								0.40%	52,494.31
Total Accounts								\$ 31,130,732.85	120,881.36

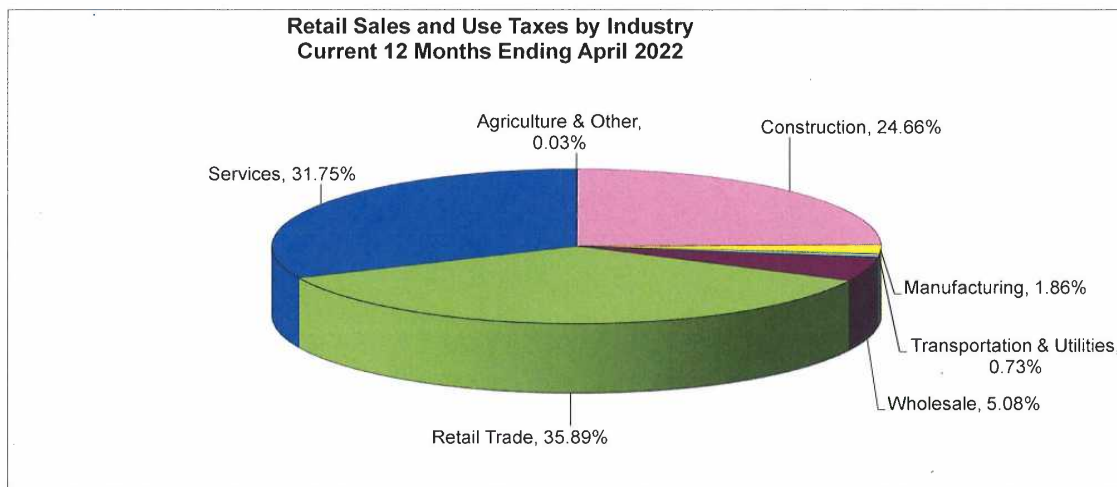
City of Kenmore, Washington
SALES TAX RECEIPTS BY BUSINESS TYPE
 April 2022

	SALES TAX	USE TAX	TOTAL	PERCENT
AGRICULTURE & OTHER	51.46	0.00	51.46	0.0%
CONSTRUCTION	89,959.66	542.67	90,502.33	30.4%
MANUFACTURING	3,463.59	487.04	3,950.63	1.3%
TRANSPORTATION & UTILITIES	3,201.09	174.15	3,375.24	1.1%
WHOLESALE	6,578.01	2,372.08	8,950.09	3.0%
RETAIL TRADE	98,033.99	154.11	98,188.11	33.0%
SERVICES	80,351.47	721.96	81,073.43	27.2%
INFORMATION	9,908.63	-742.93	9,165.70	3.1%
PUBLIC SERVICES	8.07	2,524.46	2,532.53	0.9%
	<u>291,555.97</u>	<u>6,233.55</u>	<u>297,789.52</u>	<u>100.0%</u>

City of Kenmore, Washington
Retail Sales and Use Tax Distribution
April 30, 2022

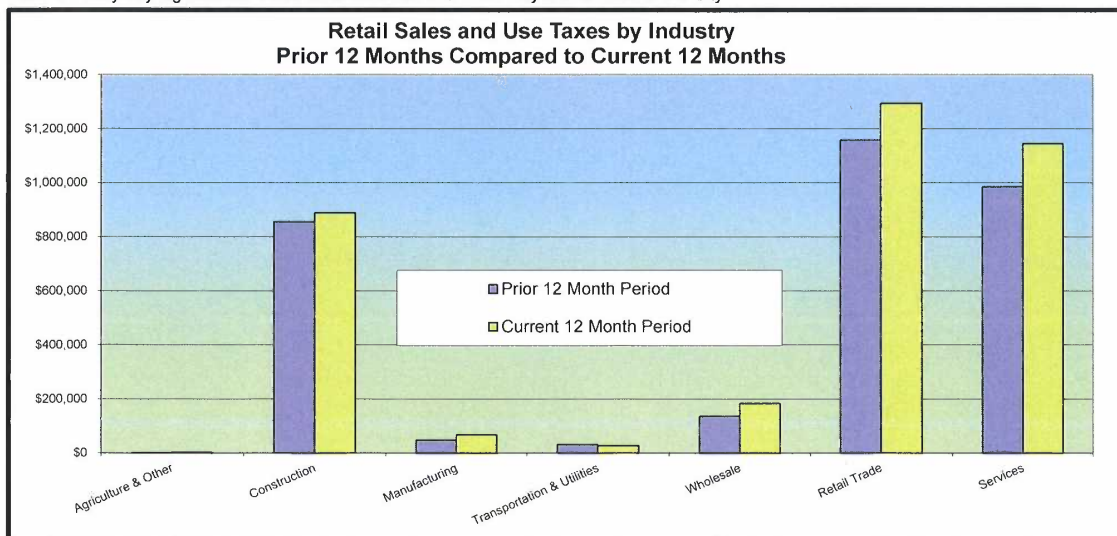


Industry	Prior 12 Months ending April 2021	Current 12 Months ending April 2022	% Increase/ (Decrease)	% of Total
Agriculture & Other (Landscaping, Animal Hospitals)	\$727	\$1,051	44.55%	0.03%
Construction	856,120	888,997	3.84%	24.66%
Manufacturing (Printing, Publishing, Other Manuf.)	48,661	66,863	37.41%	1.86%
Transp/Comm/Utilities (Telecomm., Air Transport.)	31,422	26,375	-16.06%	0.73%
Wholesale (Lumber, Other Wholesale)	136,115	183,209	34.60%	5.08%
Retail Trade (Eating, Merchandise, Food Stores)	1,157,102	1,293,425	11.78%	35.89%
Services (Auction, Recreation, Auto Repair, Financial)	984,695	1,144,428	16.22%	31.75%
Totals	\$3,214,842	\$3,604,348	12.12%	100%
Increase/(Decrease)		\$389,506	12.12%	



NOTE: Due to the City's Confidentiality Agreement with the Department of Revenue, specific business information cannot be disclosed.

There is a sixty-day lag between sales taxes collected and when they are remitted to the City



V:\Admin and Finance\Monthly Reports\2022\April 2022SalesTaxDist

Signature: RG Karlinsey
RG Karlinsey (Jun 27, 2022 16:56 PDT)
Email: rkarlinsey@kenmorewa.gov

Monthly financial Report 4-22

Final Audit Report

2022-06-27

Created:	2022-06-27
By:	Leticia Salcido (lsalcido@kenmorewa.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAmOuhX3MNQVMY7LX3hD6ppUkoz1O0hLrT

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City Council Business Agenda Item City of Kenmore, WA

<p>Subject/Topic: Contract 22-C2836 with Opticos Design Inc for Missing Middle Housing Opportunity Sites: Conceptual Site Plan and Building Types</p> <p>Proposed Council Action/Motion: Council motion authorizing the City Manager to execute Contract 22-C2836 with Opticos Design Inc in an amount not to exceed \$74,415 (\$67,650 plus 10% contingency)</p>	<p>For Council Meeting Agenda of: 7/11/22</p> <p>Department: Community Development</p> <p>Prepared by: Debbie Bent, Community Development Director a</p> <p style="text-align: right;"><u>Initial & Date</u></p> <p>Approved by Department Head: <u>6/16/22</u></p> <p>Approved by City Attorney: <u>N/A</u></p> <p>Approved by Finance Director: _____</p> <p>Approved by City Manager: <u>6/29/22</u></p> <p>Exhibits/Attachments:</p> <ol style="list-style-type: none"> Opticos Design Inc Scope
<p><u>INFORMATION/BACKGROUND:</u> Staff completed a Request for Qualification (RFQ) process to seek a qualified architecture firm to help the city test proposed missing middle housing regulations on actual parcels of land in the City.</p> <p>Opticos Design Inc were selected as the MMH qualified consultant. The scope of services (see Attachment #1) is to conduct a preliminary site analysis and prepare conceptual site plans for MMH for two opportunity sites located in single-family neighborhoods. The opportunity sites are publicly owned by the Northshore Fire District, (15036 70th Ave NE, parcel 3649100122) and Northshore Utility District (15100 block of 78th Ave SE, parcel 6190500540). The Northshore Utility District (NUD) and Northshore Fire District (NFD) are aware the City is working with Opticos Design Inc. It is important to note that the City has no current agreements with either NUD or NFD to acquire or develop the property for MMH.</p> <p>The goal of the project is to provide visual representations of what MMH concepts look and feel like on two sites located in single-family neighborhoods. For each site a more intense and less intense MMH option will be developed and analyzed.</p> <p>On 6/27/22 the Planning Commission provided a recommendation to the City Council on Missing Middle housing comprehensive plan policies and implementing regulations. The Planning Commission's recommendations support an incremental approach to allowing "Missing Middle" housing in the city. Their recommendations would permit duplexes (2-unit structures) and triplexes (3-unit structures) in areas of R-6, Residential zoning within ¼-mile of the City's two main transit corridors. To ensure compatibility with surrounding single-family residences, the Planning Commission is recommending size limits on new buildings, along with design standards that address height, entries, garages, parking, and driveways. The goal is to ensure that large structures, out of scale with existing neighborhoods, are not constructed.</p> <p>"Missing Middle" housing consists of <i>house-scale</i> buildings containing more than one dwelling unit that are compatible with single-family neighborhoods. "Missing Middle" housing includes duplexes, triplexes, cottage housing, or small single-family dwellings that offer alternatives to apartment living. This housing provides options in between mid-rise apartments and detached single-family homes.</p>	
<p><u>FISCAL CONSIDERATION:</u> The \$74,415 to execute the contract is not budgeted with the 2021-2022 budget. The budget amount will be identified as a budget adjustment for the 2022 budget.</p>	
<p><u>COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:</u></p> <p>2021—2022 Council Priorities: Priority #1 Increase and preserve the options for affordable housing stock</p>	



City Council Business Agenda Item City of Kenmore, WA

<p>Subject/Topic: Kenmore Automated Photo Enforcement (KAPE) Program Contract Award Correction</p> <p>Proposed Council Action/Motion: Revise the authorization for the City Manager to execute Contract 22-C2767 with Verra Mobility to provide traffic safety camera services and equipment for the KAPE program from an amount of \$526,500 to the amount of \$900,000 over 5 years.</p>	<p>For Council Meeting Agenda of: 07/11/2022</p> <p>Department: <u>Engineering</u></p> <p>Prepared by: <u>Tobin Bennett-Gold</u></p> <p>To Be Presented By: <u>N/A</u></p> <table style="width: 100%; margin-top: 10px;"> <tr> <td style="width: 70%;">Approved by Department Head:</td> <td style="width: 30%; text-align: right;"><u>Initial & Date</u> <u>JFV</u></td> </tr> <tr> <td>Approved by City Attorney:</td> <td style="text-align: right;"><u>N/A</u></td> </tr> <tr> <td>Approved by Finance Director:</td> <td style="text-align: right;"><u>N/A</u></td> </tr> <tr> <td>Approved by City Manager:</td> <td style="text-align: right;"><u>RGK</u></td> </tr> </table> <p>Exhibits/Attachments: None</p>	Approved by Department Head:	<u>Initial & Date</u> <u>JFV</u>	Approved by City Attorney:	<u>N/A</u>	Approved by Finance Director:	<u>N/A</u>	Approved by City Manager:	<u>RGK</u>
Approved by Department Head:	<u>Initial & Date</u> <u>JFV</u>								
Approved by City Attorney:	<u>N/A</u>								
Approved by Finance Director:	<u>N/A</u>								
Approved by City Manager:	<u>RGK</u>								
<p><u>STAFF RECOMMENDATION:</u> Staff recommends that City Council authorize the City Manager to execute Contract 22- C2767 with Verra Mobility in the amount of \$900,000 over 5 years to provide traffic safety camera services and equipment for the KAPE program.</p> <p><u>INFORMATION/BACKGROUND:</u></p> <p><u>Status:</u> On May 23rd, 2022, Council authorized the City Manager to execute Contract 22-C2767 with Verra Mobility in the amount of \$526,500. During subsequent contract review after authorization and before execution of the contract it was discovered that there had been a miscommunication regarding the terms of unit costs; the number of locations for which the contractor will provide traffic safety cameras was thought to be 3 locations:</p> <ol style="list-style-type: none"> 1) Red light camera for eastbound left-turns at 61st Av and SR 522 2) Arrowhead Elementary school zone on Juanita Dr 3) Kenmore Elementary school zone on 73rd Av <p>The correct number of locations to implement the Kenmore Automated Enforcement program, however, is 5 locations:</p> <ol style="list-style-type: none"> 1) Red light camera for eastbound left-turns at 61st Av and SR 522 2) Northbound Juanita Dr in the Arrowhead Elementary school zone 3) Southbound Juanita Dr in the Arrowhead Elementary school zone 4) Northbound 73rd Av in the Kenmore Elementary school zone 5) Southbound 73rd Av in the Kenmore Elementary school zone <p>Each location is served by a separate traffic safety camera for which the contractor is providing services, and the updated contract amount of \$900,000 over 5 years correctly reflects the unit cost of \$3,750 per location per month for 5 locations.</p> <p><u>Schedule:</u> The delay in contract authorization does not affect the timeline for implementing the KAPE program. In accordance with the request for proposals the City intends to issue a notice to proceed on immediately following authorization of the contract, and begin the warning period of the photo enforcement program no later than August 30th, 2022.</p>									

<p><u>FISCAL CONSIDERATION:</u></p> <p>The contractor assumes all up-front costs for implementing the KAPE program; there are no costs to the City for initial implementation of the program. The terms of the contract are that all month-to-month contractor payments for the KAPE program are not to exceed revenue for that month. In the case of shortfalls the uncovered contractor fees may be accrued to future payments, or forfeited by the contractor if the program is terminated. Under this model the KAPE program will always be at least revenue neutral.</p>
<p><u>COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:</u></p> <p>Council goal 6: Focus and emphasize multimodal transportation safety in the City of Kenmore with a specific focus on pedestrian, bicycle and other means of travel.</p> <p>Council goal 7: Enhance Public Safety</p>



City Council Business Agenda Item
City of Kenmore, WA

<p>Subject/Topic: Local Initiative and Referendum Powers</p> <p>Proposed Council Action/Motion: Enact Ordinance 22-0549, Adopting for the City the Powers of Initiative and Referendum</p>	<p>For Council Meeting Agenda of: 7/11/22</p> <p>Department: <u>City Manager's Office</u></p> <p>Prepared by: <u>Garrett Oppenheim</u></p> <p style="text-align: right;"><u>Initial & Date</u></p> <p>Approved by Department Head: RK Approved by City Attorney: JR Approved by Finance Director: LS Approved by City Manager: RK</p> <p>Exhibits/Attachments: Attachment 1: Ordinance 22-0549 Attachment 2: Resolution No. 22-375 Attachment 3: Proof of Publication of Resolution No. 22-375 in <i>Seattle Times</i> Attachment 4: Initiative and Referendum Memo by Garrett Oppenheim (presented to City Council 12/20/21)</p>
<p>Council Action: On April 11, 2022, the City Council passed Resolution No. 22-375, declaring its intention to adopt initiative and referendum powers. Consistent with state law, the City published the resolution in the <i>Seattle Times</i> on April 12, 2022. The July 11, 2022 City Council meeting is the first after the expiration of the ninetieth day from, but excluding the date of first publication of the resolution. Under Washington law, if no timely and sufficient referendum petition has been filed the City Council must pass an ordinance adopting initiative and referendum powers as intended in Resolution No. 22-375.</p> <p>Background: The resolution method for acquiring initiative and referendum powers is detailed in RCW 35A.02.030 and allows a majority of the city council to initiate the process of adopting the powers by enacting a resolution declaring its intention to do so. Within ten days of adoption, the resolution must be published at least once in a newspaper of general circulation within the city.</p> <p>At the January 24, 2022 council meeting, City Council voted unanimously to pass Resolution No. 22-375, as authorized by RCW 35A.11.080 and 35A.02.030, declaring its intention to adopt initiative and referendum powers. The resolution was not published within ten days therefore the City Council once again passed Resolution No. 22-375 at its April 11, 2022 meeting. The resolution was thereafter published in the <i>Seattle Times</i> on April 12, 2022. As of July 11, 2022, 90 days have passed since the date of publication, and pursuant to RCW 35A.02.030, City Council now is required to adopt an ordinance adopting initiative and referendum powers.</p> <p>Once adopted, the use of initiative and referendum is limited by RCW 35A.11.090 to the enactment of ordinances, such that initiative and referendum powers cannot be used on other legislative enactments like</p>	

I:/City Clerk/Agenda Items/Templates

motions, orders, and resolutions. Both RCW 35A.11.090 and Washington Courts exempts certain actions from initiative and referendum powers. These exemptions are outlined in the attached ordinance.

Once the powers of initiative and referendum have been adopted, RCW 35A.11.100 requires noncharter code cities such as Kenmore to exercise them in the same manner as prescribed for commission cities in RCW 35.17.240-.360, except that in noncharter code cities, the petition must include a number of signatures no less than 15% of the total number of registered voters within the city on the day of the last preceding city general election. All of the procedures for implementing initiative and referendum in Kenmore, including procedures for filing and processing an initiative or referendum, are set forth in the ordinance and are consistent with State law.

FISCAL CONSIDERATION:

King County Elections provided estimated ranges of the costs for Kenmore to place a local initiative or referendum on the ballot based on historical actual costs and known future costs. General elections in odd-numbered years are the least expensive because there are other local Kenmore races on the ballot. General elections in even-numbered years and spring elections in February and April are more expensive because Kenmore would not otherwise have any races on the ballot.

Estimated ranges for the additional costs to Kenmore for placing an initiative or referendum on the ballot can be summarized as such:

- General Election, odd-numbered years: \$0
- General Election, even-numbered years: \$35,591 to \$43,500
- Spring Election, any year: \$35,591 to \$39,545

The lone exception to Kenmore's exclusive participation in odd-numbered year elections was in 2016 when the local measure Proposition No. 1, General Obligation Bonds, Walkways and Waterways Improvements, appeared on the ballot. The cost to Kenmore for that election was \$20,250.

COUNCIL PRIORITY/BUDGET OBJECTIVE BEING ADDRESSED:

Service Vision: Propelling Kenmore Upward: We create a thriving community where all people love where they live.

**CITY OF KENMORE
WASHINGTON**

ORDINANCE NO. 22-0549

AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON, ADOPTING THE POWERS OF INITIATIVE AND REFERENDUM FOR THE QUALIFIED ELECTORS OF THE CITY; ADOPTING A NEW CHAPTER 1.30 OF THE KENMORE MUNICIPAL CODE ENTITLED “INITIATIVE AND REFERENDUM” AND ESTABLISHING PROCEDURES; PROVIDING FOR SEVERABILITY AND CORRECTIONS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Kenmore is a noncharter code city, and RCW 35A.11.080 authorizes the City Council to provide for the exercise of the powers of initiative and referendum within the City; and

WHEREAS, RCW 35A.11.080 specifies that such process shall be done pursuant to RCW 35A.02.020-.035, which includes initiating the process by way of resolution; and

WHEREAS, the City Council of the City of Kenmore, Washington, passed Resolution No. 22-375 on April 11, 2022, stating its intent to adopt the powers of initiative and referendum to the voters of the City of Kenmore as provided in RCW Chapter 35A.11; and

WHEREAS, within ten (10) days of passage of Resolution No. 22-375, the City caused Resolution No. 22-375 to be published at least once in a newspaper of general circulation within the City, to wit: the *Seattle Times*; and

WHEREAS, more than 90 days have expired since the first publication of Resolution No. 22-375 and no timely or sufficient referendum petition has been filed pursuant to RCW 35A.02.035, as determined by RCW 35A.29.170, therefore the City Council is empowered to now adopt this Ordinance providing for and defining the powers of initiative and referendum for Kenmore;

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

Section 1. Adoption. The City Council adopts a new Chapter 1.30 entitled “Initiative and Referendum” to the Kenmore Municipal Code to read as follows:

Chapter 1.30

INITIATIVE AND REFERENDUM

Sections:

- 1.30.010 Powers of initiative and referendum adopted.**
- 1.30.020 Statutory procedures.**
- 1.30.030 General ordinance defined.**
- 1.30.040 Effective date of general ordinance.**
- 1.30.050 Ordinances not subject to initiative and referendum.**
- 1.30.060 Restriction on or abandonment of powers.**

1.30.010 Powers of initiative and referendum adopted.

A. The city council adopts the powers of initiative and referendum for the qualified electors of the city as provided pursuant to RCW 35A.11.080 through RCW 35A.11.100.

1.30.020 Statutory procedures

The powers of initiative and referendum adopted in KMC 1.30.010 are to be exercised as set forth in RCW 35A.11.080 through RCW 35A.11.100 as they now exist or may be amended from time to time, and which are incorporated by reference as if set forth in full.

1.30.030 General ordinance defined.

For the purposes of this chapter and this chapter only, a general ordinance is defined as an ordinance of general application throughout the city.

1.30.040 Effective date of general ordinances.

General ordinances of the city shall not go into effect before 30 days from the time of final passage and are subject to referendum during that period. This clause shall not apply to ordinances exempted by KMC 1.30.040.

1.30.050 Ordinances not subject to initiative and referendum.

A. Ordinances of the city which shall not be subject to the powers of initiative and referendum and which shall become effective five days following their passage and legal publication are as follows:

1. Ordinances initiated by petition;
2. Ordinances providing for local improvement districts;
3. Ordinances appropriating money;
4. Ordinances providing for or approving collective bargaining;
5. Ordinances providing for the compensation of or working conditions of city employees;
6. Ordinances authorizing or repealing the levy of taxes; and
7. Ordinances exempted now or hereafter by the Washington Legislature or Washington Courts from the powers of initiative and referendum, including, but not limited to:
 - a. Ordinances which are administrative in nature; and
 - b. Ordinances adopted under power(s) granted by the Washington Legislature and Washington Court to the city council, as the legislative body for the city, including but not limited to:
 - i. Zoning regulations, critical areas regulations, and comprehensive plan amendments adopted pursuant to the Growth Management Act, Chapter 36.7A RCW;
 - ii. Ordinances adopting the use and operation of automated traffic safety cameras;

- iii. Ordinances adopting annexations;
- iv. Ordinances issuing revenue bonds; and
- v. Ordinances establishing a transportation benefit district;

B. Ordinances of the city which shall not be subject to the powers of initiative and referendum and which shall become effective immediately upon their passage are as follows:

- 1. Emergency Ordinances. Ordinances necessary for immediate preservation of public peace, health, and safety or for the support of city government and its existing public institutions which contain a statement of urgency and are passed by unanimous vote of the council.

1.30.060 Restriction of or abandonment of powers.

A. The exercise of initiative and referendum powers may be restricted or abandoned as set forth in RCW 35A.11.080, which is incorporated by reference as if set forth in full.

Section 2. Severability If any section, subsection, sentence, clause, phrase, or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase, or word of this ordinance.

Section 3. Corrections. Upon the approval of the city attorney, the city clerk and/or code publisher is authorized to make any necessary technical corrections to this Ordinance, including but not limited to the correction of scrivener's/clerical errors, references, Ordinance numbering, section/subsection numbers, and any reference thereto.

Section 4. Effective Date. This ordinance shall take effect and be in full force and effect five days after passage and publication of an approved summary consisting of the title.

PASSED by the City Council this ____ day of _____, 2022.

APPROVED:

MAYOR NIGEL HERBIG

APPROVED AS TO FORM:

DAWN REITAN

CITY ATTORNEY

ATTEST/AUTHENTICATED:

ANASTASIYA WARHOL
CITY CLERK

FILED WITH THE CITY CLERK:
PASSED BY THE CITY CLERK:
ORDINANCE NO. _____

RESOLUTION NO. 22-375

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON, DECLARING THE CITY COUNCIL'S INTENT TO ADOPT FOR THE CITY THE POWERS OF INITIATIVE AND REFERENDUM; PROVIDING FOR PUBLICATION OF THIS RESOLUTION; PROVIDING NOTICE THAT UPON THE EXPIRATION OF THE 90th DAY FROM, BUT EXCLUDING THE DATE OF FIRST PUBLICATION OF THE RESOLUTION, IF NO TIMELY AND SUFFICIENT REFERENDUM PETITION IS FILED PURSUANT TO LAW, THE INTENT EXPRESSED IN THIS RESOLUTION SHALL BE EFFECTED BY AN ORDINANCE ADOPTING THE POWERS OF INITIATIVE AND REFERENDUM.

WHEREAS, the City of Kenmore is a noncharter code city, and RCW 35A.11.080 authorizes the City Council to provide for the exercise of the powers of initiative and referendum within the City; and

WHEREAS, RCW 35A.11.080 specifies that such process shall be done pursuant to RCW 35A.02.020-.035, which includes initiating the process by way of resolution; and

WHEREAS, the City Council determines that it would serve the best interest and general welfare of the City to extend the powers of initiative and referendum to the voters of the City of Kenmore; and

WHEREAS, the City Council desires to adopt this resolution and initiate the process to establish the powers of initiative and referendum within the City;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. Declaration of intent. The City Council of the City of Kenmore, Washington, a non-charter optional municipal code city, declares its intention to adopt the power of initiative and referendum pursuant to RCW 35A.11.080, which authorizes the adoption of such powers in accordance with the provisions of state law set forth in RCW 35A.02.020 et seq.

Section 2. Publication. Within ten (10) days after the passage of this resolution the City Clerk shall cause this resolution to be published at least once in a newspaper of general circulation within the City, to wit: the *Seattle Times*.

Section 3. Notice. Notice is given that upon the expiration of the 90th day from, but excluding the date of first publication of the resolution, if no timely and sufficient referendum petition has been filed pursuant to RCW 35A.02.035, as determined by RCW 35A.29.170, the intent expressed in this resolution shall, at the next regular meeting of the City Council, be effected by an ordinance adopting for the City the powers of initiative and referendum.


RESOLVED by the City Council this 24th day of January, 2022.

APPROVED:



MAYOR NIGEL HERBIG

ATTEST/AUTHENTICATED:


Anastasiya Warhol (Jan 26, 2022 12:37 PST)

CITY CLERK, ANASTASIYA WARHOL


Dawn Reitan (Jan 25, 2022 20:39 PST)

CITY ATTORNEY, DAWN REITAN

FILED WITH THE CITY CLERK: 1/14/22
PASSED BY THE CITY COUNCIL: 1/24/22
RESOLUTION NO. 22-375











22-375 Initiative and Referendum Council Resolution

Final Audit Report

2022-01-26

Created:	2022-01-25
By:	Anastasiya Warhol (awarhol@kenmorewa.gov)
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"22-375 Initiative and Referendum Council Resolution" History

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The Seattle Times

AFFIDAVIT OF PUBLICATION

Anastasiya Warhol
City of Kenmore
18120 68th Ave NE
Kenmore WA 98028

STATE OF WASHINGTON, COUNTIES OF KING AND SNOHOMISH

The undersigned, on oath states that he/she is an authorized representative of The Seattle Times Company, publisher of The Seattle Times of general circulation published daily in King and Snohomish Counties, State of Washington. The Seattle Times has been approved as a legal newspaper by orders of the Superior Court of King and Snohomish Counties.

The notice, in the exact form annexed, was published in the regular and entire issue of said paper or papers and distributed to its subscribers during all of the said period.

04/12/2022

Notice is hereby given that on Monday, April 11, 2022, the Kenmore City Council Approved Resolution 22-375 during a regularly scheduled meeting, thereby declaring the Council's intent to adopt for the City the Powers of Initiative and Referendum. The full Resolution can be obtained at no cost by visiting www.kenmorewa.gov or by emailing awarhol@kenmorewa.gov. The full title of the Resolution is as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON, DECLARING THE CITY COUNCIL'S INTENT TO ADOPT FOR THE CITY THE POWERS OF INITIATIVE AND REFERENDUM; PROVIDING FOR PUBLICATION OF THIS RESOLUTION; PROVIDING NOTICE THAT UPON THE EXPIRATION OF THE 90th DAY FROM, BUT EXCLUDING THE DATE OF FIRST PUBLICATION OF THE RESOLUTION, IF NO TIMELY AND SUFFICIENT REFERENDUM PETITION IS FILED PURSUANT TO LAW, THE INTENT EXPRESSED IN THIS RESOLUTION SHALL BE EFFECTED BY AN ORDINANCE ADOPTING THE POWERS OF INITIATIVE AND REFERENDUM.

Agent Sharon Seligman Signature Sharon Seligman

Subscribed and sworn to before me on APRIL 13, 2022

Maureen Duggan MAUREEN DUGGAN
(Notary Signature) Notary Public in and for the State of Washington, residing at Seattle

Publication Cost: \$69.13
Order No: 27154
Customer No: 942
PO #:





City Council Business Agenda Item
City of Kenmore, WA

Subject/Topic:

Cable Utility Tax –

Amendment to Kenmore Municipal Code to include cable television business as an occupation subject to utility tax.

For Council Meeting Agenda of: July 11, 2022

Departments:

Finance and Administration

Prepared by:

Leticia Salcido - Finance and Administration Director

Initial & DateApproved by Department Head: JSApproved by City Attorney: JSApproved by Finance Director: JSApproved by City Manager: RAG**Proposed Council Action/Motion:**

- 1) Adopt Ordinance No. 22-0546
 Amending Kenmore Municipal Code
 Section 3.35 Utility Tax to include
 Cable Television Business as an
 occupation subject to tax.

Attachments/Exhibits:

Exhibit A: Ordinance No. 22-0546

Exhibit B: Financial Sustainability Plan

INFORMATION/BACKGROUND:

The City of Kenmore has adopted balanced budgets and maintained healthy fund balances over the years but in 2019 the City's financial forecasts showed that operating expenditures were likely to exceed operating revenues in future years. The contributors to the situation were a combination of state-imposed restrictions on property tax growth, unfunded mandates flat or little growth in other revenues and growth in operating revenues that was not keeping up with the cost of providing city services.

The City retained a firm to serve as independent consultant to review the financial condition and to assist in working toward a balanced financial forecast. The financial consultant confirmed the projected structural deficit. The consultant reviewed Kenmore's fiscal capacity and concluded that compared to other cities in the area, Kenmore's General fund revenues per capita were relatively low.

The City approved a Financial Sustainability Task Force to advise the City Manager on ways to resolve the structural deficit. Community input via means of a budget simulator tool was also obtained. The task force presented their findings and recommendations for a financial sustainability plan (FSP) to the City manager and City Council. The financial sustainability plan included a combination of expenditure reductions and revenue enhancements. The strategies in the plan were to strengthen the City's financial position and maintain fund balance at the City Council's target threshold (20% of operating expenditures) through 2028.

One of the strategies in the Financial Sustainability Plan was the implementation of a Cable utility tax. The proposed tax is only on cable and not on internet services. The following is a table presented by the FSP consultant in their report indicating the Cities around Kenmore and the applicable Cable Utility Tax rate at that point in time.

City	Cable Utility Tax
Kenmore	0%
Bothell	6%
Kirkland	6%
Lake Forest Park	0%
Mercer Island	7%
Mill Creek	0%
Mountlake Terrace	5%
SeaTac	0%
Shoreline	6%
Woodinville	0%

The Xfinity pricing list dated January 1, 2022, lists three Xfinity television services and corresponding monthly charge; Choice TV at \$40, Popular TV at \$70 and Ultimate TV at \$88.50. The utility tax on the Ultimate TV service would be \$5.31 (\$88.50 X 6%) per month. This amount will increase if additional TV services are added to the Ultimate package.

FISCAL CONSIDERATION:

The cable utility tax approved in the Financial Sustainability Plan is in the amount of 6% and is to begin in mid-2022. The projected revenue to the city's operating fund, from this utility tax is in the estimated amount of \$380,000 per year.

COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:

City Council Goal - Create and Implement a Financial Sustainability Plan

**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 22-0546**

Exhibit A

AN ORDINANCE OF THE CITY OF KENMMORE, WASHINGTON, AMENDING SECTIONS 3.35.020, 3.35.030 AND 3.35.040 OF THE KENMORE MUNICIPAL CODE TO ESTABLISH AND LEVY A UTILITY TAX ON THE PRIVILEGE OF CONDUCTING A CABLE TELEVISION BUSINESS IN THE CITY; PROVIDING FOR REFERENDUM; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Kenmore desires to protect the future financial soundness of the City, minimize financial risk, and promote sound financial management; and

WHEREAS, the City Council is authorized by Chapters 35.21 and 35A.82 RCW, among other laws, to establish and collect excise taxes from persons conducting business within the City, including utility businesses; and

WHEREAS, the City Council has previously established and levied excise taxes on the privilege of conducting electrical energy, natural gas, telephone, and cellular telephone businesses within the City, as stated in Chapter 3.35 of the Kenmore Municipal Code; and

WHEREAS, in 2019, the City's financial forecast demonstrated that the City is experiencing structural revenue issues whereby the City's operating revenue is not keeping pace with the cost of providing City services, and this trend still exists in 2022; and

WHEREAS, in 2020, the City convened the Financial Sustainability Plan Task Force, which held nine meetings from January 2020 to August 2020, and in September 2020 the Task Force presented its findings and recommendations for a Financial Sustainability Plan to the City Council, which recommendations included establishing a utility tax on cable television service businesses in the amount of six percent of gross revenues; and

WHEREAS, also in 2020, the City conducted public outreach on the issues relating to the Financial Sustainability Plan, by mailing postcards to all City residents, conducting a survey, accepting public comment at all Task Force meetings, holding an online open house, and placing articles in mailed newsletters, e-news articles, and social media; and

WHEREAS, after considering all of the information gathered by the City, on October 26, 2020, the City Council adopted Resolution No. 20-357, adopting the City of Kenmore Financial Sustainability Plan 2021 through 2026, in order that the City can sustain funding City services at current levels through 2028, and which includes the establishment in 2022 of a cable television utility tax in the amount of six percent of gross income of said businesses, as one of the adopted revenue strategies; and

WHEREAS, this Ordinance implements the City of Kenmore Financial Sustainability Plan 2021 through 2026, by establishing a cable television utility tax in the amount of six percent of total gross income of said businesses; and

WHEREAS, the City Council desires to amend certain sections in Chapter 3.35 of the Kenmore Municipal Code, to establish and levy an excise tax on the privilege of conducting a cable television business within the City in the amount of six percent of gross income of said businesses, in accordance with the provisions of Chapter 3.35; and

WHEREAS, the City Council has determined that the provisions of this Ordinance are in the best interests of the City, are necessary to implement the City of Kenmore Financial Sustainability Plan 2021 through 2026, and will protect and promote the public health, safety and general welfare;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON ORDAINS AS FOLLOWS:

Section 1. **Amendment.** The City Council amends Section 3.35.020 of the Kenmore Municipal Code to read as follows:

3.35.020 Utility Tax.

The tax provided for in this chapter shall be known as the “utility tax,” and is levied upon the privilege of conducting an electrical energy, natural gas, telephone, ~~or~~ cellular telephone, or cable television business within the city.

Section 2. **Amendment.** The City Council amends Section 3.35.030 of the Kenmore Municipal Code to read as follows:

3.35.030 Definitions.

As used in this chapter, unless the context or subject matter clearly requires otherwise, the words or phrases defined in this section shall have the indicated meanings.

A. “Cable television service” means the one-way transmission to subscribers or customers of video programming and associated non-video signals, and other programming service for subscriber or customer interaction, if any, which is provided in connection with video programming service.

B. “Cellular telephone service” means any two-way voice and data telephone or similar communications system based in whole or in substantial part on wireless radio communications, including cellular mobile service, and which is not subject to regulation by the Washington State Utilities and Transportation Commission. Cellular mobile service includes other wireless radio communications services including specialized mobile radio, personal communications services, and other wireless radio communications technology evolving after the effective date of the ordinance that accomplishes a purpose substantially similar to cellular mobile service.

CB. "City manager" means the city manager of the City of Kenmore, Washington, or his or her designee.

DE. "Gross income" means the value proceeding or accruing from the performance of the particular business involved, excluding receipts or proceeds from the use or sale of tangible property and real property or any interest therein, proceeds from the sale of notes, bonds, mortgages or other evidence of indebtedness, or stock and the like, receipts from operations incidental to the performance of the particular business involved, and with a deduction on the amount of credit loss and uncollectibles actually sustained.

ED. "Person" means any person, firm, corporation, association, or entity of any type engaged in a business subject to taxation under this chapter.

Section 3. Amendment. The City Council amends Section 3.35.040 of the Kenmore Municipal Code to read as follows:

3.35.040 Occupations subject to tax -- Amount.

There is levied upon, and shall be collected from, a person, because of certain business activities engaged in or carried on in the City, taxes in the amount to be determined by the application of rates given against gross income as follows:

A. Upon a person engaged in or carrying on the business of selling, furnishing, or transmitting electric energy, a tax equal to four percent of the total gross income from such business in the City during the period for which the tax is due;

B. Upon a person engaged in or carrying on the business of selling, furnishing, or transmitting natural gas, a tax equal to four percent of the total gross income from such business in the City during the period for which the tax is due;

C. Upon a person engaged in or carrying on the business of selling, furnishing, or transmitting telephone service, a tax equal to six percent of the total gross income from such business in the City during the period for which the tax is due; ~~and~~

D. Upon a person engaged in or carrying on the business of selling, furnishing, or transmitting cellular telephone service, a tax equal to six percent of the total gross income from such business in the City during the period for which the tax is due; and

E. Upon a person engaged in or carrying on the business of selling, furnishing, or transmitting cable television service, a tax equal to six percent of the total gross income from such business in the City during the period for which the tax is due.

Section 4. Referendum. This Ordinance shall be subject to the referendum procedures and provisions stated in KMC 3.35.150 and KMC 3.35.160, copies of which are attached to this Ordinance as **Attachment A**; provided, that a referendum petition seeking to repeal this Ordinance shall be filed with the city clerk within seven days of passage by the City Council of this Ordinance,

or publication thereof, whichever is later. In accordance with RCW 35.21.706 and KMC 3.35.160, the referendum procedure stated in KMC 3.35.150 and this Section 5 shall be the exclusive referendum procedure for the utility tax first imposed in this Ordinance, and shall supersede the procedures, to the extent applicable, under Chapters 35.17 and 35A.11 RCW and all other statutory provisions for initiative and referendum which might otherwise apply.

Section 5. Severability. If any section, sentence, clause or phrase of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 6. Effective Date. This Ordinance shall be published in the City's newspaper of record and shall take effect and be in full force five (5) days after the date of publication.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE
11 DAY OF JULY 2022.

CITY OF KENMORE

Nigel Herbig, Mayor

ATTEST/AUTHENTICATED:

Anastasiya Warhol, City Clerk

Approved as to form:

Dawn Reitan, City Attorney

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
ORDINANCE NO.:
DATE OF PUBLICATION:
EFFECTIVE DATE:

ATTACHMENT A

KMC 3.35.150 and KMC 3.35.160

3.35.150 Referendum procedure.

The provisions of this chapter are subject to the referendum procedure as follows:

A. A referendum petition seeking to repeal the ordinance codified in this chapter shall be filed with the city clerk, who shall be designated the person to receive petitions of all types, within seven days of the passage by the city council of the ordinance codified in this chapter or publication thereof, whichever is later.

B. Within 10 days, the city clerk shall confer with the petitioner concerning the form and style of the petition, issue an identification number for the petition, and cause to be written a ballot title for the measure.

C. The ballot title shall be posed as a question, so that an affirmative answer to the question and an affirmative vote on the measure results in the tax or tax rate increase being imposed, and a negative answer to the question and a negative vote on the measure results in the tax or tax rate increase not being imposed. The petitioner shall be notified of the identification number and ballot title within this 10-day period.

D. After notification of the identification number and ballot title, the petitioner shall have 30 days in which to secure on petition forms the signatures of not less than 15 percent of the registered voters of the City and to file the signed petitions with the city clerk.

E. Each petition form shall contain the ballot title and the full text of the measure to be referred. The city clerk shall verify the sufficiency of the signatures on the petitions. If sufficient, valid signatures are properly submitted, the city clerk shall cause the referendum measure to be submitted to the City voters at a general or special election held on one of the dates provided in RCW 29.13.010, as determined by the city council, which election shall not take place later than 120 days after the signed petition has been filed with the city clerk. [Ord. 98-0037 § 15.]

3.35.160 Exclusive procedure.

Pursuant to RCW 35.21.706, the referendum procedure set forth in KMC 3.35.150 shall be the exclusive referendum procedure for the utility tax imposed herein, and shall supersede the procedures, to the extent applicable, under Chapters 35.17 and 35A.11 RCW and all other statutory or charter provisions for initiative or referendum which might otherwise apply. [Ord. 98-0037 § 16.]

Exhibit A
City of Kenmore
Financial Sustainability Plan
2021 through 2028



Introduction and Background

Due to state-imposed limits on property tax growth, flat or slow growth in other revenues, unfunded state and federal mandates, and other factors, the City's operating revenues are not projected to keep pace with the cost of providing city services. As a result, the City of Kenmore faces an upcoming structural deficit in its operating budget (General Fund and Street Fund).

In 2019, the City Council directed staff to embark on the public process of creating a Financial Sustainability Plan (FSP) by examining the City's priorities, services, costs, and revenues. The City Council further directed that a Financial Sustainability Plan for Kenmore should produce balanced Street Fund and General Fund operating budgets for three biennia, or six years.

The process of creating a Financial Sustainability Plan began with the following activities in the 4th quarter of 2019 and early 2020:

- Formal establishment of the FSP process and timelines, as well as the creation of a charter for a Task Force of community members to recommend a financial sustainability plan to the City (October and November 2019)
- A community survey (December 2019)
- An independent assessment of the City's financial projections and long-range forecasts, provided by the firm Management Partners (November and December 2019)
- Updates to the City's Priority-Based Budgeting system (Fall 2019)
- Communications about the budget and City finances, including a financial forecast report to the City Council in January 2020 (ongoing through 2019 and into 2020)

Financial Sustainability Plan Task Force—January 2020 through August 2020

Starting in January 2020, the issue of financial sustainability and possible solutions were discussed through a public engagement process, including the use of a Task Force of community members to examine the issue and advise the City Manager on the City's options.

In addition to providing an independent review of the City's financial projections, Management Partners was retained to advise the City and the Task Force on evaluating budget balancing strategies. Management Partners also provided specific strategies for the Task Force to consider.

The Task Force held nine meetings between January 2020 and August 2020. During the first several meetings, Management Partners reported on its findings about the City's financial projections, and City staff provided the Task Force with information on city functions, funding sources, and how financial resources are allocated. The Task Force also learned about Priority Based Budgeting and how City programs were prioritized and scored against results established by the City Council.

The concept of "Price of Government" was also discussed, including Kenmore's tax revenue trends compared to household income in Kenmore. The Price of Government analysis showed that City revenues as a percentage of household income has been declining over the years.

The Task Force met several times up until April of 2020, then paused its work due to the pandemic. The Task Force resumed its meetings in an online virtual format in August 2020, including an online open house for additional public comment.

Public Outreach and Engagement

In August 2020, an online budget simulator tool, known as "Balancing Act," was provided as an interactive way for the public to consider Kenmore's budget challenges and offer input on how to balance the City budget. A post card was sent to all mailboxes in the city with the purpose of encouraging the public to engage the Balancing Act tool and provide comments on the City's finances. Preliminary results of public input from Balancing Act were provided to the Task Force at the August 24th, 2020 meeting.

Going back to 2019 up through the present, other methods of informing the public and seeking public participation included a statistically valid survey, public comment at all Task Force meetings, online public open house, FSP articles in several mailed newsletters, e-news articles, and social media posts.

Task Force Recommendations

At the ninth and Final Task force meeting on August 25, the Task Force deliberated and produced a set of recommendations for the City Manager and the City Council to consider. The recommendations included a combination of budget cuts, service level efficiencies, and new revenues.

At the September 10, 2020 City Council online budget retreat, the City Council heard additional public comment on the topic of financial sustainability, received an update on Priority Based Budgeting results and program rankings, reviewed a forecast update and potential strategies from the consultant, Management Partners, processed the results of the public feedback from the Balancing Act budget simulator, and listened to the Task Force recommendations for financial sustainability through 2027.

During deliberations, the Task Force established the following five principles in guiding their discussions and decisions:

1. Implement a balanced approach that recognizes and reflects: a) changes in state regulations; b) that Kenmore has changed since it became a City twenty-two years ago; and c) community conditions, needs, and interests.
2. Minimize the impacts on low-income residents.
3. Fund services of the highest value to Kenmore residents and businesses.
4. Where possible, shift the burden of paying for services to those who use them, including non-residents.
5. Maintain realistic levels of service, including when revenues increase.

The Task Force recommendations included the following:

Task Force's Proposed Expenditure Strategy	Year
Discontinue Contribution to School Resource Officer Program	2021
Continue most of the expenditure reductions made in 2020	2021
Add HR/Diversity, Equity, Inclusion Position & Program	2021
Increase Mental Health RADAR Program	2021
Increase Pavement Preservation Funding	2022
Seek Alternative Jail Providers	2024

Task Force's Proposed Revenue Strategy	Year	Phased In?
Property Tax Banked Capacity	2022	Yes; over three years
Cable TV Utility Tax (6%)	2022	Yes; begin in mid 2022
Traffic Photo Enforcement	2022	Yes; begin in mid 2022
User Fee Study	2022	No
Admissions Tax	2023	Yes; begin in mid 2023
Utility Tax on Solid Waste	2024	No

The Task Force's final report is attached as an addendum to this Financial Sustainability Plan.

After the Task Force report was presented to the City Council at the September 14, 2020 meeting, the City Council asked questions and provided feedback and direction. The City Council then directed the City Manager to finalize a Financial Sustainability Plan and bring it forward for City Council approval in October 2020.

Financial Sustainability Plan: 2021-2028

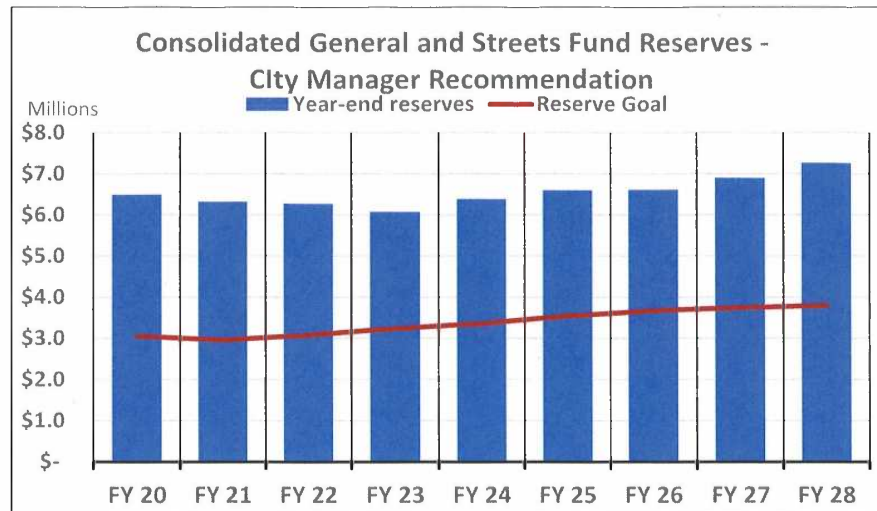
The following financial sustainability plan is based on the Task Force recommendations and subsequent direction from the City Council. Using conservative revenue and expenditure forecast assumptions, the following plan sustains funding of City services at current levels through 2028:

Expenditure Strategy

Discontinue Contribution to School Resource Officer Program	2021
Continue most of the expenditure reductions made in 2020	2021
Add HR/Diversity, Equity, Inclusion Position & Program	2021
Increase Mental Health RADAR Program	2021
Increase Pavement Preservation Funding	2022
Seek Alternative Jail Providers	2024

Revenue Strategy	Year	Phased In?
Cable TV Utility Tax (6%)	2022	Yes; begin in mid 2022
Traffic Photo Enforcement	2022	Yes; begin in mid 2022
User Fee Study	2022	No
Property Tax Banked Capacity	2023	Yes; over four years
Surface Water Utility Tax (6%)	2023	No
Admissions Tax	2024	No
Voter-Approved Transportation Sales Tax Increase (0.1%-0.2%)	2027	No

The above strategies for expenditures and revenues will strengthen the City's financial position and maintain fund balances above the City Council's target threshold (20% of annual budgeted operating expenditures) through 2028, assuming current service levels and the adjusted recessionary forecast assumptions used in Management Partners' report:



This financial sustainability plan accomplishes the goal set forth by the City Council in the fall of 2019, which was to create a sustainable financial plan for six years, or three biennia through 2026. This plan meets that goal with councilmanic authority. For continued financial sustainability beyond 2026, this plan recommends a voter-approved transportation sales tax increase to go into effect no later than 2027 and thereby extends the City's financial sustainability at least two years beyond the original six-year goal.

This plan should be reviewed regularly and adjusted as needed. Economic conditions that turn out to be worse than the recession-based assumptions in the plan may drive the need to accelerate some of the strategies in the plan; reductions in state-shared revenues or new unfunded mandates may also give cause to move up some of the strategies. On the other hand, better-than-anticipated financial conditions may delay the need to move forward with certain strategies.

The City appreciates the Task Force members for their many hours of service and their most helpful ideas and recommendations. We would also like to thank Steve Toler of Management Partners and his team for providing much needed analysis and expertise throughout this process.

Signature: *RG Karlinsey*
RG Karlinsey (Jun 27, 2022 17:01 PDT)

Email: rkarlinsey@kenmorewa.gov

AB Cable Utility Tax-7-11-22

Final Audit Report

2022-06-28

Created:	2022-06-27
By:	Leticia Salcido (lsalcido@kenmorewa.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAda39EBFY3yXW2JS3HNXi7XEXMYdR2G8G

"AB Cable Utility Tax-7-11-22" History



Document created by Leticia Salcido (lsalcido@kenmorewa.gov)

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Signature Date: 2022-06-28 - 0:01:52 AM GMT - Time Source: server- IP address: 24.22.167.111



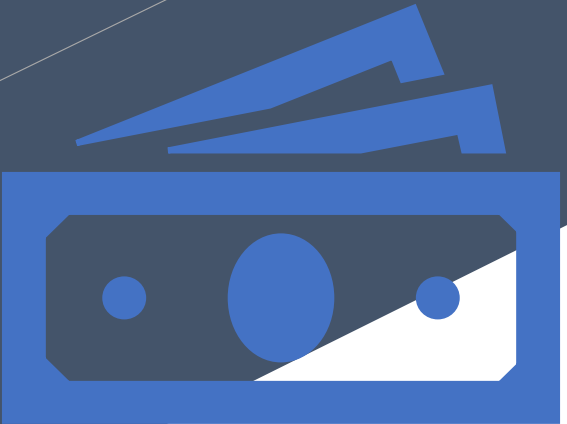
Agreement completed.

2022-06-28 - 0:01:52 AM GMT



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CABLE UTILITY TAX



Per Capita Utility Tax Revenue

CITY	UTILITY TAX PER CAPITA	NATURAL GAS	ELECTRIC	TELECOM	CABLE	WATER	SEWER	STORMWATER	SOLID WASTE
Bothell	\$179.71	6%	6%	6%	6%	11.5%	6%	6%	5%
Mercer Island	\$173.17	6%	6%	6%	7%	8%	8%	8%	7%
Kirkland	\$159.92	6%	6%	6%	6%	11.8%	9.5%	6.98%	9.5%
Mountlake Terrace	\$148.25	6%	6%	6%	5%	13.8%	10%	10%	10%
Woodinville	\$75.75	2%	2%	4%	0%	0%	0%	0%	4%
Shoreline	\$70.39	6%	0%	6%	6%	0%	6%	6%	6%
Kenmore	\$48.63	4%	4%	6%	0%	0%	0%	0%	0%
Lake Forest Park	\$41.72	6%	6%	6%	0%	0%	0%	0%	0%
Median	\$121.27	6%	6%	6%	6%	11.5%	8%	7%	6.5%

XFINITY - Services & Pricing Effective January 1, 2022 – King County

XFINITY TV SERVICES

Choice TV Select25 Includes Limited Basic, Streampix, 20 hours DVR Service, HD Programming, Streaming to 2 devices, and Broadcast TV Fee \$32.50
- with TV Box (Flex upgrade) \$40.00

Choice TV+ 22 Includes Limited Basic, Streampix, 20 hours DVR Service, and HD Programming \$10.00

Popular TV Includes Limited Basic, Sports & News, Kids & Family, Entertainment, Streampix, HD Programming, and 20 hours DVR Service \$70.00

Ultimate TV Includes Limited Basic, Sports & News, Kids & Family, Entertainment, 50+ Additional Channels, Streampix, HD Programming, and 20 hours DVR Service **\$88.50**

Cable Utility Tax on \$88.50 = \$5.31

QUESTIONS?

FSP – FINANCIAL SUSTAINABILITY PLAN

- **Why**

- Financial forecast 2023-2028
 - structural deficit
 - Reduction in fund balance
 - w/o recession <\$1.3m> 2028

- **Reasons**

- Restrictions increase - major revenue source
- Unfunded mandates
- Revenues not keeping up w/cost of providing city services

- **Plan**

- Expenditure reductions
- Revenue Enhancement

- **Goal**

- Strengthen financial position
- Maintain fund balance above 20%

Revenue Enhancement measures

- **General Fund**

- **Cable Utility Tax – 2022**
- Surface water utility tax – 2023
- Property Tax Banked capacity 2023-2027
- Admissions tax - 2024



Business of the City Council City of Kenmore, WA

<p>Subject/Topic: E2SHB-1099 (addressing climate change) and the Comprehensive Plan Update</p> <p>Proposed Council Action/Motion: For information and discussion.</p>	<p>For Council Meeting Agenda of: 7/11/22</p> <p>Department: Community Development, with Public Works</p> <p>Prepared by: Debbie Bent, Community Development Director, Richard Sawyer, Environmental Services Manager, John Vicente, City Engineer, and Lauri Anderson, Principal Planner</p> <table border="0"> <tr> <td></td><td style="text-align: right;"><u>Initial & Date</u></td></tr> <tr> <td>Approved by Department Head:</td><td style="text-align: right;">DB, 6/27/22</td></tr> <tr> <td>Approved by City Attorney:</td><td style="text-align: right;">NA</td></tr> <tr> <td>Approved by Finance Director:</td><td style="text-align: right;">NA</td></tr> <tr> <td>Approved by City Manager:</td><td style="text-align: right;">RK, 6/29/22</td></tr> </table> <p>Exhibits/Attachments: Attachment 1: E2SHB-1099</p>		<u>Initial & Date</u>	Approved by Department Head:	DB, 6/27/22	Approved by City Attorney:	NA	Approved by Finance Director:	NA	Approved by City Manager:	RK, 6/29/22
	<u>Initial & Date</u>										
Approved by Department Head:	DB, 6/27/22										
Approved by City Attorney:	NA										
Approved by Finance Director:	NA										
Approved by City Manager:	RK, 6/29/22										
<p>As part of the 2022 State legislative session, a Climate Action bill (E2SHB-1099) was considered and nearly adopted (Attachment 1). Members of the City Council have asked how the provisions of that bill could be incorporated into our Comprehensive Plan update.</p> <p>Following is a description of the major components of E2SHB-1099 and how they could be included. Some topics raised in the bill already have been addressed with prior updates to the Parks, Recreation and Open Space and Natural Environment Elements, and with the Land Use Element currently under review by the City Council.</p> <ul style="list-style-type: none"> • Encourage efficient multimodal transportation systems that will reduce greenhouse gas emissions and per capita vehicle miles traveled. Review level of service standards for transit and active transportation facilities. <p>These topics are identified in the City's recently adopted Climate Action Plan Transportation & Land Use goals and strategies and will be addressed in the Transportation Element update already underway.</p> <ul style="list-style-type: none"> • Prepare a Climate Change and Resiliency Element, ensuring that plans mitigate the effects of a changing climate, support reductions in greenhouse gas emissions and per capita vehicle miles traveled, foster climate resiliency, protect and enhance environmental, economic, and human health and safety, and advance environmental justice. <p>A Climate Change Element is an implementation measure of the City's recently adopted Climate Action Plan (Action TL 2.2): https://www.kenmorewa.gov/government/departments/public-works/environmental-services/climate-action-plan.</p> <p>Development of a new Climate Change Element is on the Planning Commission's docket for 2022 and discussions are anticipated to begin later this year and continue into 2023. The City applied for a Washington State Department of Commerce Climate Program grant in the amount of \$80,000 to help with this project and will be notified whether the grant was awarded on June 28, 2022. If awarded the grant, the City would be required to complete the project by June 15, 2023.</p> <p>It is anticipated that the Element would be structured like the other Comprehensive Plan Elements with an initial background section that includes discussion of the Growth Management Act, VISION 2050, King County-Cities Climate Collaboration (K4C) commitments, and the Countywide Planning Policies. As was done with the Parks, Recreation and Open Space Element and the PROS Plan, there would also be a discussion of how the two documents are interrelated. Existing conditions and future needs would be described, and goals, objectives and policies would follow. Implementation strategies also would be identified.</p>											

A specific measure identified in E2SHB-1099 is to develop “Missing Middle” housing types within ¼ mile of major transit stops as an alternative tool to address climate change. Allowances for duplexes and triplexes already are recommended by the Planning Commission as part of the Land Use Element update and associated “Missing Middle” regulations have been developed for Council consideration. The bill supports up to four units (fourplexes) in the ¼ mile area or a minimum density of no less than 33 dwelling units per acre. This approach could be part of a second phase of “Missing Middle” housing efforts and the City has applied for grant funding to support this project.

It is possible that the City’s Hazard Mitigation Plan (adopted as part of the King County Regional Hazard Mitigation Plan in 2020; see <https://kingcounty.gov/depts/emergency-management/emergency-management-professionals/regional-hazard-mitigation-plan.aspx>) could partially serve to address some of the new resiliency requirements.

- **Reduce risk to lives and property posed by wildfire in the wildland urban interface area, through buffers, preparedness, and fire adaptation measures.**

King County and Western Washington in general have historically been at a low risk from major wildland and wildland-urban interface fires (King County Regional Hazard Mitigation Plan). The Washington State Wildland Fire Protection 10-year Strategic Plan shows very little vulnerability for the City. It is possible that St. Edward State Park and the Swamp Creek wetland complex could pose a risk. This topic could be addressed in the Climate Change Element.

FISCAL CONSIDERATION: None at this time. The Engineering Department has budgeted \$315,000 in 2022 for the Transportation Element update. Grant applications have been submitted to further work on “Missing Middle” housing and the Climate Change Element.

COUNCIL PRIORITY BEING ADDRESSED: Most of the City Council’s June 2022 priorities are addressed by the Comprehensive Plan update, including Environment, Affordable Housing, Multimodal Transportation, and Diversity, Equity and Inclusion.

1099-S2.E AMC CONF S5423.1

E2SHB 1099 - CONF REPT
By Conference Committee

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 36.70A.020 and 2021 c 254 s 1 are each amended to
4 read as follows:

5 The following goals are adopted to guide the development and
6 adoption of comprehensive plans and development regulations of those
7 counties and cities that are required or choose to plan under RCW
8 36.70A.040 and, where specified, also guide the development of
9 regional policies, plans, and strategies adopted under RCW 36.70A.210
10 and chapter 47.80 RCW. The following goals are not listed in order of
11 priority and shall be used exclusively for the purpose of guiding the
12 development of comprehensive plans ~~((and))~~, development regulations,
13 and, where specified, regional plans, policies, and strategies:

14 (1) Urban growth. Encourage development in urban areas where
15 adequate public facilities and services exist or can be provided in
16 an efficient manner.

17 (2) Reduce sprawl. Reduce the inappropriate conversion of
18 undeveloped land into sprawling, low-density development.

19 (3) Transportation. Encourage efficient multimodal transportation
20 systems that will reduce greenhouse gas emissions and per capita
21 vehicle miles traveled, and are based on regional priorities and
22 coordinated with county and city comprehensive plans.

23 (4) Housing. Plan for and accommodate housing affordable to all
24 economic segments of the population of this state, promote a variety
25 of residential densities and housing types, and encourage
26 preservation of existing housing stock.

27 (5) Economic development. Encourage economic development
28 throughout the state that is consistent with adopted comprehensive
29 plans, promote economic opportunity for all citizens of this state,
30 especially for unemployed and for disadvantaged persons, promote the
31 retention and expansion of existing businesses and recruitment of new
32 businesses, recognize regional differences impacting economic

1 development opportunities, and encourage growth in areas experiencing
 2 insufficient economic growth, all within the capacities of the
 3 state's natural resources, public services, and public facilities.

4 (6) Property rights. Private property shall not be taken for
 5 public use without just compensation having been made. The property
 6 rights of landowners shall be protected from arbitrary and
 7 discriminatory actions.

8 (7) Permits. Applications for both state and local government
 9 permits should be processed in a timely and fair manner to ensure
 10 predictability.

11 (8) Natural resource industries. Maintain and enhance natural
 12 resource-based industries, including productive timber, agricultural,
 13 and fisheries industries. Encourage the conservation of productive
 14 forestlands and productive agricultural lands, and discourage
 15 incompatible uses.

16 (9) Open space and recreation. Retain open space and greenspace,
 17 enhance recreational opportunities, (~~(conserve)~~) enhance fish and
 18 wildlife habitat, increase access to natural resource lands and
 19 water, and develop parks and recreation facilities.

20 (10) Environment. Protect and enhance the environment and enhance
 21 the state's high quality of life, including air and water quality,
 22 and the availability of water.

23 (11) Citizen participation and coordination. Encourage the
 24 involvement of citizens in the planning process, including the
 25 participation of vulnerable populations and overburdened communities,
 26 and ensure coordination between communities and jurisdictions to
 27 reconcile conflicts.

28 (12) Public facilities and services. Ensure that those public
 29 facilities and services necessary to support development shall be
 30 adequate to serve the development at the time the development is
 31 available for occupancy and use without decreasing current service
 32 levels below locally established minimum standards.

33 (13) Historic preservation. Identify and encourage the
 34 preservation of lands, sites, and structures, that have historical or
 35 archaeological significance.

36 (14) Climate change and resiliency. Ensure that comprehensive
 37 plans, development regulations, and regional policies, plans, and
 38 strategies under RCW 36.70A.210 and chapter 47.80 RCW adapt to and
 39 mitigate the effects of a changing climate, support reductions in
 40 greenhouse gas emissions and per capita vehicle miles traveled,

prepare for climate impact scenarios, foster resiliency to climate impacts and natural hazards, protect and enhance environmental, economic, and human health and safety, and advance environmental justice.

Sec. 2. RCW 36.70A.480 and 2010 c 107 s 2 are each amended to read as follows:

(1) For shorelines of the state, the goals and policies of the shoreline management act as set forth in RCW 90.58.020 are added as one of the goals of this chapter as set forth in RCW 36.70A.020 without creating an order of priority among the ((fourteen)) 15 goals. The goals and policies of a shoreline master program for a county or city approved under chapter 90.58 RCW shall be considered an element of the county or city's comprehensive plan. All other portions of the shoreline master program for a county or city adopted under chapter 90.58 RCW, including use regulations, shall be considered a part of the county or city's development regulations.

(2) The shoreline master program shall be adopted pursuant to the procedures of chapter 90.58 RCW rather than the goals, policies, and procedures set forth in this chapter for the adoption of a comprehensive plan or development regulations.

(3)(a) The policies, goals, and provisions of chapter 90.58 RCW and applicable guidelines shall be the sole basis for determining compliance of a shoreline master program with this chapter except as the shoreline master program is required to comply with the internal consistency provisions of RCW 36.70A.070, 36.70A.040(4), 35.63.125, and 35A.63.105.

(b) Except as otherwise provided in (c) of this subsection, development regulations adopted under this chapter to protect critical areas within shorelines of the state apply within shorelines of the state until the department of ecology approves one of the following: A comprehensive master program update, as defined in RCW 90.58.030; a segment of a master program relating to critical areas, as provided in RCW 90.58.090; or a new or amended master program approved by the department of ecology on or after March 1, 2002, as provided in RCW 90.58.080. The adoption or update of development regulations to protect critical areas under this chapter prior to department of ecology approval of a master program update as provided in this subsection is not a comprehensive or segment update to the master program.

1 (c)(i) Until the department of ecology approves a master program
 2 or segment of a master program as provided in (b) of this subsection,
 3 a use or structure legally located within shorelines of the state
 4 that was established or vested on or before the effective date of the
 5 local government's development regulations to protect critical areas
 6 may continue as a conforming use and may be redeveloped or modified
 7 if: (A) The redevelopment or modification is consistent with the
 8 local government's master program; and (B) the local government
 9 determines that the proposed redevelopment or modification will
 10 result in no net loss of shoreline ecological functions. The local
 11 government may waive this requirement if the redevelopment or
 12 modification is consistent with the master program and the local
 13 government's development regulations to protect critical areas.

14 (ii) For purposes of this subsection (3)(c), an agricultural
 15 activity that does not expand the area being used for the
 16 agricultural activity is not a redevelopment or modification.
 17 "Agricultural activity," as used in this subsection (3)(c), has the
 18 same meaning as defined in RCW 90.58.065.

19 (d) Upon department of ecology approval of a shoreline master
 20 program or critical area segment of a shoreline master program,
 21 critical areas within shorelines of the state are protected under
 22 chapter 90.58 RCW and are not subject to the procedural and
 23 substantive requirements of this chapter, except as provided in
 24 subsection (6) of this section. Nothing in chapter 321, Laws of 2003
 25 or chapter 107, Laws of 2010 is intended to affect whether or to what
 26 extent agricultural activities, as defined in RCW 90.58.065, are
 27 subject to chapter 36.70A RCW.

28 (e) The provisions of RCW 36.70A.172 shall not apply to the
 29 adoption or subsequent amendment of a local government's shoreline
 30 master program and shall not be used to determine compliance of a
 31 local government's shoreline master program with chapter 90.58 RCW
 32 and applicable guidelines. Nothing in this section, however, is
 33 intended to limit or change the quality of information to be applied
 34 in protecting critical areas within shorelines of the state, as
 35 required by chapter 90.58 RCW and applicable guidelines.

36 (4) Shoreline master programs shall provide a level of protection
 37 to critical areas located within shorelines of the state that assures
 38 no net loss of shoreline ecological functions necessary to sustain
 39 shoreline natural resources as defined by department of ecology
 40 guidelines adopted pursuant to RCW 90.58.060.

(5) Shorelines of the state shall not be considered critical areas under this chapter except to the extent that specific areas located within shorelines of the state qualify for critical area designation based on the definition of critical areas provided by RCW 36.70A.030(~~((+5+))~~) (6) and have been designated as such by a local government pursuant to RCW 36.70A.060(2).

(6) If a local jurisdiction's master program does not include land necessary for buffers for critical areas that occur within shorelines of the state, as authorized by RCW 90.58.030(2)(~~((+f+))~~) (d), then the local jurisdiction shall continue to regulate those critical areas and their required buffers pursuant to RCW 36.70A.060(2).

Sec. 3. RCW 36.70A.070 and 2021 c 254 s 2 are each amended to read as follows:

The comprehensive plan of a county or city that is required or chooses to plan under RCW 36.70A.040 shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The plan shall be an internally consistent document and all elements shall be consistent with the future land use map. A comprehensive plan shall be adopted and amended with public participation as provided in RCW 36.70A.140. Each comprehensive plan shall include a plan, scheme, or design for each of the following:

(1) A land use element designating the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces and greenspaces, general aviation airports, public utilities, public facilities, and other land uses. The land use element shall include population densities, building intensities, and estimates of future population growth. The land use element shall provide for protection of the quality and quantity of groundwater used for public water supplies. The land use element must give special consideration to achieving environmental justice in its goals and policies, including efforts to avoid creating or worsening environmental health disparities. Wherever possible, the land use element should consider utilizing urban planning approaches that promote physical activity and reduce per capita vehicle miles traveled within the jurisdiction, but without increasing greenhouse gas emissions elsewhere in the state. Where

1 applicable, the land use element shall review drainage, flooding, and
 2 stormwater runoff in the area and nearby jurisdictions and provide
 3 guidance for corrective actions to mitigate or cleanse those
 4 discharges that pollute waters of the state, including Puget Sound or
 5 waters entering Puget Sound. The land use element must reduce and
 6 mitigate the risk to lives and property posed by wildfires by using
 7 land use planning tools, which may include, but are not limited to,
 8 reducing residential development pressure in the wildland urban
 9 interface area, creating open space buffers between human development
 10 and wildfire-prone landscapes, and protecting existing residential
 11 development through community wildfire preparedness and fire
 12 adaptation measures.

13 (2) A housing element ensuring the vitality and character of
 14 established residential neighborhoods that:

15 (a) Includes an inventory and analysis of existing and projected
 16 housing needs that identifies the number of housing units necessary
 17 to manage projected growth, as provided by the department of
 18 commerce, including:

19 (i) Units for moderate, low, very low, and extremely low-income
 20 households; and

21 (ii) Emergency housing, emergency shelters, and permanent
 22 supportive housing;

23 (b) Includes a statement of goals, policies, objectives, and
 24 mandatory provisions for the preservation, improvement, and
 25 development of housing, including single-family residences, and
 26 within an urban growth area boundary, moderate density housing
 27 options including((+,-)) but not limited to, duplexes, triplexes,
 28 and townhomes;

29 (c) Identifies sufficient capacity of land for housing including,
 30 but not limited to, government-assisted housing, housing for
 31 moderate, low, very low, and extremely low-income households,
 32 manufactured housing, multifamily housing, group homes, foster care
 33 facilities, emergency housing, emergency shelters, permanent
 34 supportive housing, and within an urban growth area boundary,
 35 consideration of duplexes, triplexes, and townhomes;

36 (d) Makes adequate provisions for existing and projected needs of
 37 all economic segments of the community, including:

38 (i) Incorporating consideration for low, very low, extremely low,
 39 and moderate-income households;

(ii) Documenting programs and actions needed to achieve housing availability including gaps in local funding, barriers such as development regulations, and other limitations;

(iii) Consideration of housing locations in relation to employment location; and

(iv) Consideration of the role of accessory dwelling units in meeting housing needs;

(e) Identifies local policies and regulations that result in racially disparate impacts, displacement, and exclusion in housing, including:

(i) Zoning that may have a discriminatory effect;

(ii) Disinvestment; and

(iii) Infrastructure availability;

(f) Identifies and implements policies and regulations to address and begin to undo racially disparate impacts, displacement, and exclusion in housing caused by local policies, plans, and actions;

(g) Identifies areas that may be at higher risk of displacement from market forces that occur with changes to zoning development regulations and capital investments; and

(h) Establishes antidisplacement policies, with consideration given to the preservation of historical and cultural communities as well as investments in low, very low, extremely low, and moderate-income housing; equitable development initiatives; inclusionary zoning; community planning requirements; tenant protections; land disposition policies; and consideration of land that may be used for affordable housing.

In counties and cities subject to the review and evaluation requirements of RCW 36.70A.215, any revision to the housing element shall include consideration of prior review and evaluation reports and any reasonable measures identified. The housing element should link jurisdictional goals with overall county goals to ensure that the housing element goals are met.

(3) A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by public entities, including green infrastructure, showing the locations and capacities of the capital facilities; (b) a forecast of the future needs for such capital facilities; (c) the proposed locations and capacities of expanded or new capital facilities; (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such

purposes; and (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent. Park and recreation facilities shall be included in the capital facilities plan element.

(4) A utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, components of drinking water, stormwater, wastewater, electrical ((lines)), telecommunications ((lines)), and natural gas ((lines)) systems.

(5) Rural element. Counties shall include a rural element including lands that are not designated for urban growth, agriculture, forest, or mineral resources. The following provisions shall apply to the rural element:

(a) Growth management act goals and local circumstances. Because circumstances vary from county to county, in establishing patterns of rural densities and uses, a county may consider local circumstances, but shall develop a written record explaining how the rural element harmonizes the planning goals in RCW 36.70A.020 and meets the requirements of this chapter.

(b) Rural development. The rural element shall permit rural development, forestry, and agriculture in rural areas. The rural element shall provide for a variety of rural densities, uses, essential public facilities, and rural governmental services needed to serve the permitted densities and uses. To achieve a variety of rural densities and uses, counties may provide for clustering, density transfer, design guidelines, conservation easements, and other innovative techniques that will accommodate appropriate rural economic advancement, densities, and uses that are not characterized by urban growth and that are consistent with rural character.

(c) Measures governing rural development. The rural element shall include measures that apply to rural development and protect the rural character of the area, as established by the county, by:

- (i) Containing or otherwise controlling rural development;
- (ii) Assuring visual compatibility of rural development with the surrounding rural area;
- (iii) Reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area;

(iv) Protecting critical areas, as provided in RCW 36.70A.060, and surface water and groundwater resources; and

(v) Protecting against conflicts with the use of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170.

(d) Limited areas of more intensive rural development. Subject to the requirements of this subsection and except as otherwise specifically provided in this subsection (5)(d), the rural element may allow for limited areas of more intensive rural development, including necessary public facilities and public services to serve the limited area as follows:

(i) Rural development consisting of the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas, whether characterized as shoreline development, villages, hamlets, rural activity centers, or crossroads developments.

(A) A commercial, industrial, residential, shoreline, or mixed-use area are subject to the requirements of (d)(iv) of this subsection, but are not subject to the requirements of (c)(ii) and (iii) of this subsection.

(B) Any development or redevelopment other than an industrial area or an industrial use within a mixed-use area or an industrial area under this subsection (5)(d)(i) must be principally designed to serve the existing and projected rural population.

(C) Any development or redevelopment in terms of building size, scale, use, or intensity shall be consistent with the character of the existing areas. Development and redevelopment may include changes in use from vacant land or a previously existing use so long as the new use conforms to the requirements of this subsection (5);

(ii) The intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location and setting, but that do not include new residential development. A small-scale recreation or tourist use is not required to be principally designed to serve the existing and projected rural population. Public services and public facilities shall be limited to those necessary to serve the recreation or tourist use and shall be provided in a manner that does not permit low-density sprawl;

(iii) The intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage

1 industries and isolated small-scale businesses that are not
 2 principally designed to serve the existing and projected rural
 3 population and nonresidential uses, but do provide job opportunities
 4 for rural residents. Rural counties may allow the expansion of small-
 5 scale businesses as long as those small-scale businesses conform with
 6 the rural character of the area as defined by the local government
 7 according to RCW 36.70A.030(23). Rural counties may also allow new
 8 small-scale businesses to utilize a site previously occupied by an
 9 existing business as long as the new small-scale business conforms to
 10 the rural character of the area as defined by the local government
 11 according to RCW 36.70A.030(23). Public services and public
 12 facilities shall be limited to those necessary to serve the isolated
 13 nonresidential use and shall be provided in a manner that does not
 14 permit low-density sprawl;

15 (iv) A county shall adopt measures to minimize and contain the
 16 existing areas or uses of more intensive rural development, as
 17 appropriate, authorized under this subsection. Lands included in such
 18 existing areas or uses shall not extend beyond the logical outer
 19 boundary of the existing area or use, thereby allowing a new pattern
 20 of low-density sprawl. Existing areas are those that are clearly
 21 identifiable and contained and where there is a logical boundary
 22 delineated predominately by the built environment, but that may also
 23 include undeveloped lands if limited as provided in this subsection.
 24 The county shall establish the logical outer boundary of an area of
 25 more intensive rural development. In establishing the logical outer
 26 boundary, the county shall address (A) the need to preserve the
 27 character of existing natural neighborhoods and communities, (B)
 28 physical boundaries, such as bodies of water, streets and highways,
 29 and land forms and contours, (C) the prevention of abnormally
 30 irregular boundaries, and (D) the ability to provide public
 31 facilities and public services in a manner that does not permit low-
 32 density sprawl;

33 (v) For purposes of (d) of this subsection, an existing area or
 34 existing use is one that was in existence:

35 (A) On July 1, 1990, in a county that was initially required to
 36 plan under all of the provisions of this chapter;

37 (B) On the date the county adopted a resolution under RCW
 38 36.70A.040(2), in a county that is planning under all of the
 39 provisions of this chapter under RCW 36.70A.040(2); or

(C) On the date the office of financial management certifies the county's population as provided in RCW 36.70A.040(5), in a county that is planning under all of the provisions of this chapter pursuant to RCW 36.70A.040(5).

(e) Exception. This subsection shall not be interpreted to permit in the rural area a major industrial development or a master planned resort unless otherwise specifically permitted under RCW 36.70A.360 and 36.70A.365.

(6) A transportation element that implements, and is consistent with, the land use element.

(a) The transportation element shall include the following subelements:

(i) Land use assumptions used in estimating travel;

(ii) Estimated traffic impacts to state-owned transportation facilities resulting from land use assumptions to assist ~~((the department of transportation))~~ in monitoring the performance of state facilities, to plan improvements for the facilities, and to assess the impact of land-use decisions on state-owned transportation facilities;

(iii) Facilities and services needs, including:

(A) An inventory of air, water, and ground transportation facilities and services, including transit alignments, active transportation facilities, and general aviation airport facilities, to define existing capital facilities and travel levels ~~((as a basis for))~~ to inform future planning. This inventory must include state-owned transportation facilities within the city or county's jurisdictional boundaries;

(B) Level of service standards for all locally owned arterials ~~((and)),~~ locally and regionally operated transit routes that serve urban growth areas, state-owned or operated transit routes that serve urban areas if the department of transportation has prepared such standards, and active transportation facilities to serve as a gauge to judge performance of the system and success in helping to achieve the goals of this chapter consistent with environmental justice. These standards should be regionally coordinated;

(C) For state-owned transportation facilities, level of service standards for highways, as prescribed in chapters 47.06 and 47.80 RCW, to gauge the performance of the system. The purposes of reflecting level of service standards for state highways in the local comprehensive plan are to monitor the performance of the system, to

1 evaluate improvement strategies, and to facilitate coordination
 2 between the county's or city's six-year street, road, active
 3 transportation, or transit program and the office of financial
 4 management's ten-year investment program. The concurrency
 5 requirements of (b) of this subsection do not apply to transportation
 6 facilities and services of statewide significance except for counties
 7 consisting of islands whose only connection to the mainland are state
 8 highways or ferry routes. In these island counties, state highways
 9 and ferry route capacity must be a factor in meeting the concurrency
 10 requirements in (b) of this subsection;

11 (D) Specific actions and requirements for bringing into
 12 compliance (~~((locally owned))~~) transportation facilities or services
 13 that are below an established level of service standard;

14 (E) Forecasts of (~~((traffic))~~) multimodal transportation demand and
 15 needs within cities and urban growth areas, and forecasts of traffic
 16 demand and needs outside of cities and urban growth areas, for at
 17 least ten years based on the adopted land use plan to (~~((provide~~
 18 ~~information on the location, timing, and capacity needs of future~~
 19 ~~growth))~~) inform the development of a transportation element that
 20 balances transportation system safety and convenience to accommodate
 21 all users of the transportation system to safely, reliably, and
 22 efficiently provide access and mobility to people and goods;

23 (F) Identification of state and local system needs to equitably
 24 meet current and future demands. Identified needs on state-owned
 25 transportation facilities must be consistent with the statewide
 26 multimodal transportation plan required under chapter 47.06 RCW.
 27 Local system needs should reflect the regional transportation system,
 28 local goals, and strive to equitably implement the multimodal
 29 network;

30 (iv) Finance, including:

31 (A) An analysis of funding capability to judge needs against
 32 probable funding resources;

33 (B) A multiyear financing plan based on the needs identified in
 34 the comprehensive plan, the appropriate parts of which shall serve as
 35 the basis for the six-year street, road, or transit program required
 36 by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
 37 35.58.2795 for public transportation systems. The multiyear financing
 38 plan should be coordinated with the ten-year investment program
 39 developed by the office of financial management as required by RCW
 40 47.05.030;

(C) If probable funding falls short of meeting the identified needs of the transportation system, including state transportation facilities, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met;

(v) Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions;

(vi) Demand-management strategies;

(vii) ~~((Pedestrian and bicycle))~~ Active transportation component to include collaborative efforts to identify and designate planned improvements for ~~((pedestrian and bicycle))~~ active transportation facilities and corridors that address and encourage enhanced community access and promote healthy lifestyles.

(b) After adoption of the comprehensive plan by jurisdictions required to plan or who choose to plan under RCW 36.70A.040, local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a locally owned or locally or regionally operated transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include active transportation facility improvements, increased or enhanced public transportation service, ride-sharing programs, demand management, and other transportation systems management strategies. For the purposes of this subsection (6), "concurrent with the development" means that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years. If the collection of impact fees is delayed under RCW 82.02.050(3), the six-year period required by this subsection (6)(b) must begin after full payment of all impact fees is due to the county or city. If it is possible to provide for the transportation needs of a development through active transportation facility improvements, increased or enhanced public transportation service, ride-sharing programs, demand management, or other transportation systems management strategies funded by the development, a development approval may not be denied because it fails to meet traffic level of service standards.

(c) The transportation element described in this subsection (6), the six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems, and the ten-year investment program required by RCW 47.05.030 for the state, must be consistent.

(7) An economic development element establishing local goals, policies, objectives, and provisions for economic growth and vitality and a high quality of life. A city that has chosen to be a residential community is exempt from the economic development element requirement of this subsection.

(8) A park and recreation element that implements, and is consistent with, the capital facilities plan element as it relates to park and recreation facilities. The element shall include: (a) Estimates of park and recreation demand for at least a ten-year period; (b) an evaluation of facilities and service needs; and (c) an evaluation of intergovernmental coordination opportunities to provide regional approaches for meeting park and recreational demand.

(9) A climate change and resiliency element that is designed to result in reductions in overall greenhouse gas emissions and that must enhance resiliency to and avoid the adverse impacts of climate change, which must include efforts to reduce localized greenhouse gas emissions and avoid creating or worsening localized climate impacts to vulnerable populations and overburdened communities. The greenhouse gas emissions reduction subelement of the climate change and resiliency element is mandatory for the jurisdictions specified in section 4(1) of this act and is encouraged for all other jurisdictions, including those planning under RCW 36.70A.040 and those planning under chapter 36.70 RCW. The resiliency subelement of the climate change and resiliency element is mandatory for all jurisdictions planning under RCW 36.70A.040 and is encouraged for those jurisdictions planning under chapter 36.70 RCW.

(a)(i) The greenhouse gas emissions reduction subelement of the comprehensive plan, and its related development regulations, must identify the actions the jurisdiction will take during the planning cycle consistent with the guidelines published by the department pursuant to section 5 of this act that will:

(A) Result in reductions in overall greenhouse gas emissions generated by transportation and land use within the jurisdiction but without increasing greenhouse gas emissions elsewhere in the state; and

1 (B) Result in reductions in per capita vehicle miles traveled
 2 within the jurisdiction but without increasing greenhouse gas
 3 emissions elsewhere in the state; and

4 (C) Prioritize reductions in overburdened communities in order to
 5 maximize the cobenefits of reduced air pollution and environmental
 6 justice consistent with chapter 70A.02 RCW.

7 (ii) Actions not specifically identified in the guidelines
 8 developed by the department pursuant to section 5 of this act may be
 9 considered to be consistent with these guidelines only if:

10 (A) They are projected to achieve greenhouse gas emissions
 11 reductions or per capita vehicle miles traveled reductions equivalent
 12 to what would be required of the jurisdiction under the guidelines
 13 adopted by the department; and

14 (B) They are supported by scientifically credible projections and
 15 scenarios that indicate their adoption is likely to result in
 16 reductions of greenhouse gas emissions or per capita vehicle miles
 17 traveled.

18 (iii) A jurisdiction may not restrict population growth or limit
 19 population allocation in order to achieve the requirements set forth
 20 in this subsection (9)(a).

21 (iv)(A)(I) Until December 31, 2034, actions not specifically
 22 identified in the guidelines developed by the department pursuant to
 23 section 5 of this act, or considered to be consistent with those
 24 guidelines according to the process established in (a)(ii) of this
 25 subsection (9), must still be considered to be sufficient to meet the
 26 requirements of the greenhouse gas emissions reduction subelement and
 27 must be approved by the department pursuant to section 5 of this act,
 28 if the actions provide for the authorization of the development of
 29 middle housing types within one-quarter mile of major transit stops
 30 within urban growth areas.

31 (II) A city planning under RCW 36.70A.040 may be considered to be
 32 consistent with the guidelines of this subsection (9)(a)(iv) if:

33 (1) The jurisdiction authorizes the development of no fewer than
 34 four residential units on all lots zoned for residential use within
 35 one-quarter mile of a major transit stop; or

36 (2) The jurisdiction alters local zoning to allow for an average
 37 minimum net density equivalent to no less than 33 dwelling units per
 38 acre within one-quarter mile of a major transit stop.

39 (B) Nothing in this subsection (9)(a)(iv) prohibits the
 40 authorization of the development of single-family residences.

1 **(b)(i) The resiliency subelement must equitably enhance**
 2 **resiliency to, and avoid or substantially reduce the adverse impacts**
 3 **of, climate change in human communities and ecological systems**
 4 **through goals, policies, and programs consistent with the best**
 5 **available science and scientifically credible climate projections and**
 6 **impact scenarios that moderate or avoid harm, enhance the resiliency**
 7 **of natural and human systems, and enhance beneficial opportunities.**
 8 **The resiliency subelement must prioritize actions in overburdened**
 9 **communities as defined in chapter 70A.02 RCW that will**
 10 **disproportionately suffer from compounding environmental impacts and**
 11 **will be most impacted by natural hazards due to climate change.**
 12 **Specific goals, policies, and programs of the resiliency subelement**
 13 **must include, but are not limited to, those designed to:**

14 **(A) Identify, protect, and enhance natural areas to foster**
 15 **resiliency to climate impacts, as well as areas of vital habitat for**
 16 **safe passage and species migration;**

17 **(B) Identify, protect, and enhance community resiliency to**
 18 **climate change impacts, including social, economic, and built**
 19 **factors, that support adaptation to climate impacts consistent with**
 20 **environmental justice; and**

21 **(C) Address natural hazards created or aggravated by climate**
 22 **change, including sea level rise, landslides, flooding, drought,**
 23 **heat, smoke, wildfire, and other effects of changes to temperature**
 24 **and precipitation patterns.**

25 **(ii) A natural hazard mitigation plan or similar plan that is**
 26 **guided by RCW 36.70A.020(14), that prioritizes actions in**
 27 **overburdened communities as defined in RCW 70A.02.010, and that**
 28 **complies with the applicable requirements of this chapter, including**
 29 **the requirements set forth in this subsection (9)(b), may be adopted**
 30 **by reference to satisfy these requirements, except that to the extent**
 31 **any of the substantive requirements of this subsection (9)(b) are not**
 32 **addressed, or are inadequately addressed, in the referenced natural**
 33 **hazard mitigation plan, a county or city must supplement the natural**
 34 **hazard mitigation plan accordingly so that the adopted resiliency**
 35 **subelement complies fully with the substantive requirements of this**
 36 **subsection (9)(b).**

37 **(A) If a county or city intends to adopt by reference a federal**
 38 **emergency management agency natural hazard mitigation plan in order**
 39 **to meet all or part of the substantive requirements set forth in this**
 40 **subsection (9)(b), and the most recently adopted federal emergency**

1 management agency natural hazard mitigation plan does not comply with
 2 the requirements of this subsection (9)(b), the department may grant
 3 the county or city an extension of time in which to submit a natural
 4 hazard mitigation plan.

5 (B) Eligibility for an extension under this subsection prior to
 6 July 1, 2027, is limited to a city or county required to review and,
 7 if needed, revise its comprehensive plan on or before June 30, 2025,
 8 as provided in RCW 36.70A.130, or for a city or county with an
 9 existing, unexpired federal emergency management agency natural
 10 hazard mitigation plan scheduled to expire before December 31, 2024.

11 (C) Extension requests after July 1, 2027, may be granted if
 12 requirements for the resiliency subelement are amended or added by
 13 the legislature or if the department finds other circumstances that
 14 may result in a potential finding of noncompliance with a
 15 jurisdiction's existing and approved federal emergency management
 16 agency natural hazard mitigation plan.

17 (D) A city or county that wishes to request an extension of time
 18 must submit a request in writing to the department no later than the
 19 date on which the city or county is required to review and, if
 20 needed, revise its comprehensive plan as provided in RCW 36.70A.130.

21 (E) Upon the submission of such a request to the department, the
 22 city or county may have an additional 48 months from the date
 23 provided in RCW 36.70A.130 in which to either adopt by reference an
 24 updated federal emergency management agency natural hazard mitigation
 25 plan or adopt its own natural hazard mitigation plan, and to then
 26 submit that plan to the department.

27 (c) For the jurisdictions set forth in section 4 of this act,
 28 updates to comprehensive plans and related development regulations
 29 made during the update cycle that begins in 2024 must adopt measures
 30 identified by the department pursuant to section 5 of this act that
 31 are likely to result in reductions of greenhouse gas emissions and
 32 per capita vehicle miles traveled.

33 (d) The adoption of ordinances, amendments to comprehensive
 34 plans, amendments to development regulations, and other nonproject
 35 actions taken by a county or city pursuant to (a) or (c) of this
 36 subsection in order to implement measures specified by the department
 37 pursuant to section 5 of this act are not subject to administrative
 38 or judicial appeal under chapter 43.21C RCW.

39 (10) It is the intent that new or amended elements required after
 40 January 1, 2002, be adopted concurrent with the scheduled update

provided in RCW 36.70A.130. Requirements to incorporate any such new or amended elements shall be null and void until funds sufficient to cover applicable local government costs are appropriated and distributed by the state at least two years before local government must update comprehensive plans as required in RCW 36.70A.130.

NEW SECTION. **Sec. 4.** A new section is added to chapter 36.70A RCW to read as follows:

(1) The requirements of the greenhouse gas emissions reduction subelement of the climate change and resiliency element set forth in RCW 36.70A.070(9) apply only to those counties that are required or that choose to plan under RCW 36.70A.040 and that also meet either of the criteria set forth in (a) or (b) of this subsection (1) on or after April 1, 2021, and the cities with populations greater than 6,000 as of April 1, 2021, within those counties:

(a) A county with a population density of at least 100 people per square mile and a population of at least 200,000; or

(b) A county with a population density of at least 75 people per square mile and an annual growth rate of at least 1.75 percent as determined by the office of financial management.

(2) The requirements of the amendments to the transportation element of RCW 36.70A.070 set forth in this act apply only to: (a) Counties and cities that meet the population criteria set forth in subsection (1) of this section; and (b) cities with populations of 6,000 or greater as of April 1, 2021, that are located in a county that is required or that chooses to plan under RCW 36.70A.040.

(3) The requirements of the amendments to the land use element of RCW 36.70A.070 set forth in this act apply only to: (a) Counties and cities that meet the population criteria set forth in subsection (1) or (2) of this section; and (b) counties that have a population of 20,000 or greater as of April 1, 2021, and that are required or that choose to plan under RCW 36.70A.040.

(4) The requirements of the amendments to the rural element of RCW 36.70A.070 set forth in this act apply only to counties that are required or that choose to plan under RCW 36.70A.040 and that have a population of 20,000 or greater as of April 1, 2021.

(5) Once a county meets either of the sets of criteria set forth in subsection (1) of this section, the requirement to conform with the greenhouse gas emissions reduction subelement of the climate change and resiliency element set forth in RCW 36.70A.070 remains in

effect, even if the county no longer meets one of these sets of criteria.

(6) If the population of a county that previously had not been required to conform with the greenhouse gas emissions reduction subelement of the climate change and resiliency element set forth in RCW 36.70A.070 changes sufficiently to meet either of the sets of criteria set forth in subsection (1) of this section, the county, and the cities with populations greater than 6,000 as of April 1, 2021, within that county, shall adopt a greenhouse gas emissions reduction subelement of the climate change and resiliency element set forth in RCW 36.70A.070 at the next scheduled update of the comprehensive plan as set forth in RCW 36.70A.130.

(7) The population criteria used in this section must be based on population data as determined by the office of financial management.

NEW SECTION. **Sec. 5.** A new section is added to chapter 70A.45 RCW to read as follows:

(1) The department of commerce, in consultation with the department of ecology, the department of health, and the department of transportation, shall publish guidelines that specify a set of measures counties and cities have available to them to take through updates to their comprehensive plans and development regulations that have a demonstrated ability to increase housing capacity within urban growth areas or reduce greenhouse gas emissions, allowing for consideration of the emissions reductions achieved through the adoption of statewide programs. The guidelines must prioritize reductions in overburdened communities as defined in RCW 70A.02.010, including communities that have experienced disproportionate harm due to air pollution and may draw upon the most recent health disparities data from the department of health to identify high pollution areas and disproportionately burdened communities. These guidelines must be developed using an environmental justice assessment pursuant to RCW 70A.02.060 and the guidelines must include environmental justice assessment processes. The guidelines must be based on:

(a) The most recent greenhouse gas emissions report prepared by the department of ecology and the department of commerce pursuant to RCW 70A.45.020(2);

(b) The most recent city and county population estimates prepared by the office of financial management pursuant to RCW 43.62.035;

1 (c) The locations of major employment centers and transit
2 corridors, for the purpose of increasing housing supply in these
3 areas; and

4 (d) Available environmental justice data and data regarding
5 access to public transportation for people with disabilities and for
6 vulnerable populations as defined in RCW 70A.02.010.

7 (2)(a) The department of commerce, in consultation with the
8 department of transportation, shall publish guidelines that specify a
9 set of measures counties and cities may have available to them to
10 take through updates to their comprehensive plans and development
11 regulations that have a demonstrated ability to reduce per capita
12 vehicle miles traveled, including measures that are designed to be
13 achievable throughout the state, including in small cities and rural
14 cities.

15 (b) The guidelines must be based on:

16 (i) The most recent greenhouse gas emissions report prepared by
17 the department of ecology and the department of commerce pursuant to
18 RCW 70A.45.020(2);

19 (ii) The most recent city and county population estimates
20 prepared by the office of financial management pursuant to RCW
21 43.62.035; and

22 (iii) The most recent summary of per capita vehicle miles
23 traveled as compiled by the department of transportation.

24 (3) The department of commerce shall first publish the full set
25 of guidelines described in subsections (1) and (2) of this section no
26 later than December 31, 2025. The department of commerce shall update
27 these guidelines at least every four years thereafter based on the
28 most recently available data, and shall provide for a process for
29 local governments and other parties to submit alternative actions for
30 consideration for inclusion into the guidelines at least once per
31 year. The department of commerce shall publish an intermediate set of
32 guidelines no later than December 31, 2022, in order to be available
33 for use by jurisdictions whose periodic updates are required by RCW
34 36.70A.130(5) to occur prior to December 31, 2025.

35 (4)(a) In any updates to the guidelines published after 2025, the
36 department of commerce shall include an evaluation of the impact that
37 locally adopted climate change and resiliency elements have had on
38 local greenhouse gas emissions and per capita vehicle miles traveled
39 reduction goals. The evaluation must also address the impact that

1 locally adopted greenhouse gas emissions reduction subelements have
2 had on zoned housing capacity.

3 (b) The updates must also include an estimate of the impacts that
4 locally adopted climate change and resiliency elements will have on
5 achieving local greenhouse gas emissions and per capita vehicle miles
6 traveled reduction goals. The evaluation must also include an
7 estimate of the impact that locally adopted greenhouse gas emissions
8 reduction subelements will have on zoned housing capacity.

9 (c) The department may include in the specified guidelines what
10 additional measures cities and counties should take to make
11 additional progress on local reduction goals, including any measures
12 that increase housing capacity and middle housing capacity, within
13 urban growth areas.

14 (5) The department of commerce may not propose or adopt any
15 guidelines that would include any form of a road usage charge or any
16 fees or surcharges related to vehicle miles traveled.

17 (6) The department of commerce may not propose or adopt any
18 guidelines that would direct or require local governments to regulate
19 or tax, in any form, transportation service providers, delivery
20 vehicles, or passenger vehicles.

21 (7) The department of commerce, in the course of implementing
22 this section, shall provide and prioritize options that support
23 housing diversity and that assist counties and cities in meeting
24 greenhouse gas emissions reduction and other requirements established
25 under this chapter.

26 (8) The provisions of this section as applied to the department
27 of transportation are subject to the availability of amounts
28 appropriated for this specific purpose.

29 NEW SECTION. **Sec. 6.** A new section is added to chapter 36.70A
30 RCW to read as follows:

31 (1) A county or city required to complete a greenhouse gas
32 emissions reduction subelement may submit the subelement to the
33 department for approval. When submitted to the department for
34 approval, the subelement becomes effective when approved by the
35 department as provided in this section. If a county or city does not
36 seek department approval of the subelement, the effective date of the
37 subelement is the date on which the comprehensive plan is adopted by
38 the county or city.

1 (2) The department shall strive to achieve final action on a
2 submitted greenhouse gas emissions reduction subelement within 180
3 days of receipt and shall post an annual assessment related to this
4 performance benchmark on the agency website.

5 (3) Upon receipt of a proposed greenhouse gas emissions reduction
6 subelement, the department shall:

7 (a) Provide notice to and opportunity for written comment by all
8 interested parties of record as a part of the local government review
9 process for the proposal and to all persons, groups, and agencies
10 that have requested in writing notice of proposed greenhouse gas
11 emissions reduction subelements. The comment period shall be at least
12 30 days, unless the department determines that the level of
13 complexity or controversy involved supports a shorter period;

14 (b) In the department's discretion, conduct a public hearing
15 during the 30-day comment period in the jurisdiction proposing the
16 greenhouse gas emissions reduction subelement;

17 (c) Within 15 days after the close of public comment, request the
18 local government to review the issues identified by the public,
19 interested parties, groups, and agencies and provide a written
20 response as to how the proposal addresses the identified issues;

21 (d) Within 30 days after receipt of the local government response
22 pursuant to (c) of this subsection, make written findings and
23 conclusions regarding the consistency of the proposal with the policy
24 of RCW 36.70A.070 and, after they are adopted, the applicable
25 guidelines adopted by the department pursuant to section 5 of this
26 act and any reduction allocations made pursuant to RCW 36.70A.100,
27 provide a response to the issues identified in (c) of this
28 subsection, and either approve the greenhouse gas emissions reduction
29 subelement as submitted, recommend specific changes necessary to make
30 the greenhouse gas emissions reduction subelement approvable, or deny
31 approval of the greenhouse gas emissions reduction subelement in
32 those instances where no alteration of the greenhouse gas emissions
33 reduction subelement appears likely to be consistent with the policy
34 of RCW 36.70A.070 and the applicable guidelines. The written findings
35 and conclusions shall be provided to the local government, and made
36 available to all interested persons, parties, groups, and agencies of
37 record on the proposal;

38 (e) If the department recommends changes to the proposed
39 greenhouse gas emissions reduction subelement, within 90 days after

1 the department mails the written findings and conclusions to the
2 local government, require the local government to:

3 (i) Agree to the proposed changes by written notice to the
4 department; or

5 (ii) Submit an alternative greenhouse gas emissions reduction
6 subelement. If, in the opinion of the department, the alternative is
7 consistent with the purpose and intent of the changes originally
8 submitted by the department and with this chapter it shall approve
9 the changes and provide notice to all recipients of the written
10 findings and conclusions. If the department determines the proposed
11 greenhouse gas emissions reduction subelement is not consistent with
12 the purpose and intent of the changes proposed by the department, the
13 department may resubmit the proposed greenhouse gas emissions
14 reduction subelement for public and agency review pursuant to this
15 section or reject the proposed greenhouse gas emissions reduction
16 subelement.

17 (4) The department shall approve a proposed greenhouse gas
18 emissions reduction subelement unless it determines that the proposed
19 greenhouse gas emissions reduction subelement is not consistent with
20 the policy of RCW 36.70A.070 and, after they are adopted, the
21 applicable guidelines.

22 (5) A greenhouse gas emissions reduction subelement takes effect
23 when and in such form as approved or adopted by the department. The
24 effective date is 14 days from the date of the department's written
25 notice of final action to the local government stating the department
26 has approved or rejected the proposed greenhouse gas emissions
27 reduction subelement. The department's written notice to the local
28 government must conspicuously and plainly state that it is the
29 department's final decision and that there will be no further
30 modifications to the proposed greenhouse gas emissions reduction
31 subelement. The department shall maintain a record of each greenhouse
32 gas emissions reduction subelement, the action taken on any proposed
33 greenhouse gas emissions reduction subelement, and any appeal of the
34 department's action. The department's approved document of record
35 constitutes the official greenhouse gas emissions reduction
36 subelement.

37 (6) Promptly after approval or disapproval of a local
38 government's greenhouse gas emissions reduction subelement, the
39 department shall publish a notice consistent with RCW 36.70A.290 that
40 the greenhouse gas emissions reduction subelement has been approved

or disapproved. This notice must be filed for all greenhouse gas emissions reduction subelements.

(7) The department's final decision to approve or reject a proposed greenhouse gas emissions reduction subelement or amendment by a local government planning under RCW 36.70A.040 may be appealed according to the following provisions:

(a) The department's final decision to approve or reject a proposed greenhouse gas emissions reduction subelement or amendment by a local government planning under RCW 36.70A.040 may be appealed to the growth management hearings board by filing a petition as provided in RCW 36.70A.290.

(b) A decision of the growth management hearings board concerning an appeal of the department's final decision to approve or reject a proposed greenhouse gas emissions reduction subelement or amendment must be based solely on whether or not the adopted or amended greenhouse gas emissions reduction subelement, any adopted amendments to other elements of the comprehensive plan necessary to carry out the subelement, and any adopted or amended development regulations necessary to implement the subelement, comply with the goal set forth in RCW 36.70A.020(14) as it applies to greenhouse gas emissions reductions, RCW 36.70A.070(9) excluding RCW 36.70A.070(9)(b), the guidelines adopted under section 5 of this act applicable to the greenhouse gas emissions reduction subelement, or chapter 43.21C RCW.

Sec. 7. RCW 36.70A.320 and 1997 c 429 s 20 are each amended to read as follows:

(1) Except as provided in subsections (5) and (6) of this section, comprehensive plans and development regulations, and amendments thereto, adopted under this chapter are presumed valid upon adoption.

(2) Except as otherwise provided in subsection (4) of this section, the burden is on the petitioner to demonstrate that any action taken by a state agency, county, or city under this chapter is not in compliance with the requirements of this chapter.

(3) In any petition under this chapter, the board, after full consideration of the petition, shall determine whether there is compliance with the requirements of this chapter. In making its determination, the board shall consider the criteria adopted by the department under RCW 36.70A.190(4). The board shall find compliance unless it determines that the action by the state agency, county, or

city is clearly erroneous in view of the entire record before the board and in light of the goals and requirements of this chapter.

(4) A county or city subject to a determination of invalidity made under RCW 36.70A.300 or 36.70A.302 has the burden of demonstrating that the ordinance or resolution it has enacted in response to the determination of invalidity will no longer substantially interfere with the fulfillment of the goals of this chapter under the standard in RCW 36.70A.302(1).

(5) The shoreline element of a comprehensive plan and the applicable development regulations adopted by a county or city shall take effect as provided in chapter 90.58 RCW.

(6) The greenhouse gas emissions reduction subelement required by RCW 36.70A.070 shall take effect as provided in section 6 of this act.

Sec. 8. RCW 36.70A.190 and 1991 sp.s. c 32 s 3 are each amended to read as follows:

(1) The department shall establish a program of technical and financial assistance and incentives to counties and cities to encourage and facilitate the adoption and implementation of comprehensive plans and development regulations throughout the state.

(2) The department shall develop a priority list and establish funding levels for planning and technical assistance grants both for counties and cities that plan under RCW 36.70A.040. Priority for assistance shall be based on a county's or city's population growth rates, commercial and industrial development rates, the existence and quality of a comprehensive plan and development regulations, ~~((and other relevant factors))~~ presence of overburdened communities, and other relevant factors. The department shall establish funding levels for grants to community-based organizations for the specific purpose of advancing participation of vulnerable populations and overburdened communities in the planning process.

(3) The department shall develop and administer a grant program to provide direct financial assistance to counties and cities for the preparation of comprehensive plans under this chapter. The department may establish provisions for county and city matching funds to conduct activities under this subsection. Grants may be expended for any purpose directly related to the preparation of a county or city comprehensive plan as the county or city and the department may agree, including, without limitation, the conducting of surveys,

1 inventories and other data gathering and management activities, the
 2 retention of planning consultants, contracts with regional councils
 3 for planning and related services, and other related purposes.

4 (4) The department shall establish a program of technical
 5 assistance:

6 (a) Utilizing department staff, the staff of other state
 7 agencies, and the technical resources of counties and cities to help
 8 in the development of comprehensive plans required under this
 9 chapter. The technical assistance may include, but not be limited to,
 10 model land use ordinances, regional education and training programs,
 11 and information for local and regional inventories; and

12 (b) Adopting by rule procedural criteria to assist counties and
 13 cities in adopting comprehensive plans and development regulations
 14 that meet the goals and requirements of this chapter. These criteria
 15 shall reflect regional and local variations and the diversity that
 16 exists among different counties and cities that plan under this
 17 chapter.

18 (5) The department shall provide mediation services to resolve
 19 disputes between counties and cities regarding, among other things,
 20 coordination of regional issues and designation of urban growth
 21 areas.

22 (6) The department shall provide planning grants to enhance
 23 citizen participation under RCW 36.70A.140.

24 (7) The department shall develop, in collaboration with the
 25 department of ecology, the department of fish and wildlife, the
 26 department of natural resources, the department of health, the
 27 emergency management division of the military department, as well as
 28 any federally recognized tribe who chooses to voluntarily
 29 participate, and adopt by rule guidance that creates a model climate
 30 change and resiliency element that may be used by counties, cities,
 31 and multiple-county planning regions for developing and implementing
 32 climate change and resiliency plans and policies required by RCW
 33 36.70A.070(9), subject to the following provisions:

34 (a) The model element must establish minimum requirements, and
 35 may include model options or voluntary cross-jurisdictional
 36 strategies, or both, for fulfilling the requirements of RCW
 37 36.70A.070(9);

38 (b) The model element should provide guidance on identifying,
 39 designing, and investing in infrastructure that supports community
 40 resilience to climate impacts, including the protection, restoration,

and enhancement of natural infrastructure as well as traditional infrastructure and protecting and enhancing natural areas to foster resiliency to climate impacts, as well as areas of vital habitat for safe passage and species migration;

(c) The model element should provide guidance on identifying and addressing natural hazards created or aggravated by climate change, including sea level rise, landslides, flooding, drought, heat, smoke, wildfires, and other effects of reasonably anticipated changes to temperature and precipitation patterns; and

(d) The rule must recognize and promote as many cobenefits of climate resilience as possible such as climate change mitigation, salmon recovery, forest health, ecosystem services, and socioeconomic health and resilience.

NEW SECTION. Sec. 9. A new section is added to chapter 47.80 RCW to read as follows:

The department shall compile, maintain, and publish a summary of the per capita vehicle miles traveled annually in each city in the state, and in the unincorporated portions of each county in the state.

NEW SECTION. Sec. 10. A new section is added to chapter 90.58 RCW to read as follows:

The department shall update its shoreline master program guidelines to require shoreline master programs to address the impact of sea level rise and increased storm severity on people, property, and shoreline natural resources and the environment.

Sec. 11. RCW 86.12.200 and 1991 c 322 s 3 are each amended to read as follows:

The county legislative authority of any county may adopt a comprehensive flood control management plan for any drainage basin that is located wholly or partially within the county.

A comprehensive flood control management plan shall include the following elements:

(1) Designation of areas that are susceptible to periodic flooding, from inundation by bodies of water or surface water runoff, or both, including the river's meander belt or floodway;

(2) Establishment of a comprehensive scheme of flood control protection and improvements for the areas that are subject to such

1 periodic flooding, that includes: (a) Determining the need for, and
 2 desirable location of, flood control improvements to protect or
 3 preclude flood damage to structures, works, and improvements, based
 4 upon a cost/benefit ratio between the expense of providing and
 5 maintaining these improvements and the benefits arising from these
 6 improvements; (b) establishing the level of flood protection that
 7 each portion of the system of flood control improvements will be
 8 permitted; (c) identifying alternatives to in-stream flood control
 9 work; (d) identifying areas where flood waters could be directed
 10 during a flood to avoid damage to buildings and other structures; and
 11 (e) identifying sources of revenue that will be sufficient to finance
 12 the comprehensive scheme of flood control protection and
 13 improvements;

14 (3) Establishing land use regulations that preclude the location
 15 of structures, works, or improvements in critical portions of such
 16 areas subject to periodic flooding, including a river's meander belt
 17 or floodway, and permitting only flood-compatible land uses in such
 18 areas;

19 (4) Establishing restrictions on construction activities in areas
 20 subject to periodic floods that require the flood proofing of those
 21 structures that are permitted to be constructed or remodeled; ((and))

22 (5) Establishing restrictions on land clearing activities and
 23 development practices that exacerbate flood problems by increasing
 24 the flow or accumulation of flood waters, or the intensity of
 25 drainage, on low-lying areas. Land clearing activities do not include
 26 forest practices as defined in chapter 76.09 RCW; and

27 (6) Consideration of climate change impacts, including the impact
 28 of sea level rise and increased storm severity on people, property,
 29 natural resources, and the environment.

30 A comprehensive flood control management plan shall be subject to
 31 the minimum requirements for participation in the national flood
 32 insurance program, requirements exceeding the minimum national flood
 33 insurance program that have been adopted by the department of ecology
 34 for a specific floodplain pursuant to RCW 86.16.031, and rules
 35 adopted by the department of ecology pursuant to RCW 86.26.050
 36 relating to floodplain management activities. When a county plans
 37 under chapter 36.70A RCW, it may incorporate the portion of its
 38 comprehensive flood control management plan relating to land use
 39 restrictions in its comprehensive plan and development regulations
 40 adopted pursuant to chapter 36.70A RCW.

1 NEW SECTION. **Sec. 12.** A new section is added to chapter 43.21C
2 RCW to read as follows:

3 The adoption of ordinances, amendments to comprehensive plans,
4 amendments to development regulations, and other nonproject actions
5 taken by a county or city pursuant to RCW 36.70A.070(9) (a) or (c) in
6 order to implement measures specified by the department of commerce
7 pursuant to section 5 of this act are not subject to administrative
8 or judicial appeals under this chapter.

9 NEW SECTION. **Sec. 13.** (1) The obligation of local governments
10 to comply with the requirements established in: (a) The amendments to
11 RCW 36.70A.070 set forth in this act; and (b) the updated shoreline
12 master program guidelines adopted pursuant to section 10 of this act,
13 is contingent on the provision of state funding to local governments
14 for the specific purpose of complying with these requirements.

15 (2) The obligation of local governments to comply with the
16 requirements established in: (a) The amendments to RCW 36.70A.070 set
17 forth in this act; and (b) the updated shoreline master program
18 guidelines adopted pursuant to section 10 of this act, takes effect
19 two years after the date the legislature appropriates state funding
20 to provide to local governments for the purpose of complying with
21 these requirements.

22 **Sec. 14.** RCW 36.70A.030 and 2021 c 254 s 6 are each amended to
23 read as follows:

24 Unless the context clearly requires otherwise, the definitions in
25 this section apply throughout this chapter.

26 (1) "Adopt a comprehensive land use plan" means to enact a new
27 comprehensive land use plan or to update an existing comprehensive
28 land use plan.

29 (2) "Affordable housing" means, unless the context clearly
30 indicates otherwise, residential housing whose monthly costs,
31 including utilities other than telephone, do not exceed thirty
32 percent of the monthly income of a household whose income is:

33 (a) For rental housing, sixty percent of the median household
34 income adjusted for household size, for the county where the
35 household is located, as reported by the United States department of
36 housing and urban development; or

37 (b) For owner-occupied housing, eighty percent of the median
38 household income adjusted for household size, for the county where

1 the household is located, as reported by the United States department
2 of housing and urban development.

3 (3) "Agricultural land" means land primarily devoted to the
4 commercial production of horticultural, viticultural, floricultural,
5 dairy, apiary, vegetable, or animal products or of berries, grain,
6 hay, straw, turf, seed, Christmas trees not subject to the excise tax
7 imposed by RCW 84.33.100 through 84.33.140, finfish in upland
8 hatcheries, or livestock, and that has long-term commercial
9 significance for agricultural production.

10 (4) "City" means any city or town, including a code city.

11 (5) "Comprehensive land use plan," "comprehensive plan," or
12 "plan" means a generalized coordinated land use policy statement of
13 the governing body of a county or city that is adopted pursuant to
14 this chapter.

15 (6) "Critical areas" include the following areas and ecosystems:
16 (a) Wetlands; (b) areas with a critical recharging effect on aquifers
17 used for potable water; (c) fish and wildlife habitat conservation
18 areas; (d) frequently flooded areas; and (e) geologically hazardous
19 areas. "Fish and wildlife habitat conservation areas" does not
20 include such artificial features or constructs as irrigation delivery
21 systems, irrigation infrastructure, irrigation canals, or drainage
22 ditches that lie within the boundaries of and are maintained by a
23 port district or an irrigation district or company.

24 (7) "Department" means the department of commerce.

25 (8) "Development regulations" or "regulation" means the controls
26 placed on development or land use activities by a county or city,
27 including, but not limited to, zoning ordinances, critical areas
28 ordinances, shoreline master programs, official controls, planned
29 unit development ordinances, subdivision ordinances, and binding site
30 plan ordinances together with any amendments thereto. A development
31 regulation does not include a decision to approve a project permit
32 application, as defined in RCW 36.70B.020, even though the decision
33 may be expressed in a resolution or ordinance of the legislative body
34 of the county or city.

35 (9) "Emergency housing" means temporary indoor accommodations for
36 individuals or families who are homeless or at imminent risk of
37 becoming homeless that is intended to address the basic health, food,
38 clothing, and personal hygiene needs of individuals or families.
39 Emergency housing may or may not require occupants to enter into a
40 lease or an occupancy agreement.

1 (10) "Emergency shelter" means a facility that provides a
2 temporary shelter for individuals or families who are currently
3 homeless. Emergency shelter may not require occupants to enter into a
4 lease or an occupancy agreement. Emergency shelter facilities may
5 include day and warming centers that do not provide overnight
6 accommodations.

7 (11) "Extremely low-income household" means a single person,
8 family, or unrelated persons living together whose adjusted income is
9 at or below thirty percent of the median household income adjusted
10 for household size, for the county where the household is located, as
11 reported by the United States department of housing and urban
12 development.

13 (12) "Forestland" means land primarily devoted to growing trees
14 for long-term commercial timber production on land that can be
15 economically and practically managed for such production, including
16 Christmas trees subject to the excise tax imposed under RCW 84.33.100
17 through 84.33.140, and that has long-term commercial significance. In
18 determining whether forestland is primarily devoted to growing trees
19 for long-term commercial timber production on land that can be
20 economically and practically managed for such production, the
21 following factors shall be considered: (a) The proximity of the land
22 to urban, suburban, and rural settlements; (b) surrounding parcel
23 size and the compatibility and intensity of adjacent and nearby land
24 uses; (c) long-term local economic conditions that affect the ability
25 to manage for timber production; and (d) the availability of public
26 facilities and services conducive to conversion of forestland to
27 other uses.

28 (13) "Freight rail dependent uses" means buildings and other
29 infrastructure that are used in the fabrication, processing, storage,
30 and transport of goods where the use is dependent on and makes use of
31 an adjacent short line railroad. Such facilities are both urban and
32 rural development for purposes of this chapter. "Freight rail
33 dependent uses" does not include buildings and other infrastructure
34 that are used in the fabrication, processing, storage, and transport
35 of coal, liquefied natural gas, or "crude oil" as defined in RCW
36 90.56.010.

37 (14) "Geologically hazardous areas" means areas that because of
38 their susceptibility to erosion, sliding, earthquake, or other
39 geological events, are not suited to the siting of commercial,

1 residential, or industrial development consistent with public health
2 or safety concerns.

3 (15) "Long-term commercial significance" includes the growing
4 capacity, productivity, and soil composition of the land for long-
5 term commercial production, in consideration with the land's
6 proximity to population areas, and the possibility of more intense
7 uses of the land.

8 (16) "Low-income household" means a single person, family, or
9 unrelated persons living together whose adjusted income is at or
10 below eighty percent of the median household income adjusted for
11 household size, for the county where the household is located, as
12 reported by the United States department of housing and urban
13 development.

14 (17) "Minerals" include gravel, sand, and valuable metallic
15 substances.

16 (18) "Moderate-income household" means a single person, family,
17 or unrelated persons living together whose adjusted income is at or
18 below 120 percent of the median household income adjusted for
19 household size, for the county where the household is located, as
20 reported by the United States department of housing and urban
21 development.

22 (19) "Permanent supportive housing" is subsidized, leased housing
23 with no limit on length of stay that prioritizes people who need
24 comprehensive support services to retain tenancy and utilizes
25 admissions practices designed to use lower barriers to entry than
26 would be typical for other subsidized or unsubsidized rental housing,
27 especially related to rental history, criminal history, and personal
28 behaviors. Permanent supportive housing is paired with on-site or
29 off-site voluntary services designed to support a person living with
30 a complex and disabling behavioral health or physical health
31 condition who was experiencing homelessness or was at imminent risk
32 of homelessness prior to moving into housing to retain their housing
33 and be a successful tenant in a housing arrangement, improve the
34 resident's health status, and connect the resident of the housing
35 with community-based health care, treatment, or employment services.
36 Permanent supportive housing is subject to all of the rights and
37 responsibilities defined in chapter 59.18 RCW.

38 (20) "Public facilities" include streets, roads, highways,
39 sidewalks, street and road lighting systems, traffic signals,

domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools.

(21) "Public services" include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services.

(22) "Recreational land" means land so designated under RCW 36.70A.1701 and that, immediately prior to this designation, was designated as agricultural land of long-term commercial significance under RCW 36.70A.170. Recreational land must have playing fields and supporting facilities existing before July 1, 2004, for sports played on grass playing fields.

(23) "Rural character" refers to the patterns of land use and development established by a county in the rural element of its comprehensive plan:

(a) In which open space, the natural landscape, and vegetation predominate over the built environment;

(b) That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;

(c) That provide visual landscapes that are traditionally found in rural areas and communities;

(d) That are compatible with the use of the land by wildlife and for fish and wildlife habitat;

(e) That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;

(f) That generally do not require the extension of urban governmental services; and

(g) That are consistent with the protection of natural surface water flows and groundwater and surface water recharge and discharge areas.

(24) "Rural development" refers to development outside the urban growth area and outside agricultural, forest, and mineral resource lands designated pursuant to RCW 36.70A.170. Rural development can consist of a variety of uses and residential densities, including clustered residential development, at levels that are consistent with the preservation of rural character and the requirements of the rural element. Rural development does not refer to agriculture or forestry activities that may be conducted in rural areas.

(25) "Rural governmental services" or "rural services" include those public services and public facilities historically and typically delivered at an intensity usually found in rural areas, and

1 may include domestic water systems, fire and police protection
 2 services, transportation and public transit services, and other
 3 public utilities associated with rural development and normally not
 4 associated with urban areas. Rural services do not include storm or
 5 sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

6 (26) "Short line railroad" means those railroad lines designated
 7 class II or class III by the United States surface transportation
 8 board.

9 (27) "Urban governmental services" or "urban services" include
 10 those public services and public facilities at an intensity
 11 historically and typically provided in cities, specifically including
 12 storm and sanitary sewer systems, domestic water systems, street
 13 cleaning services, fire and police protection services, public
 14 transit services, and other public utilities associated with urban
 15 areas and normally not associated with rural areas.

16 (28) "Urban growth" refers to growth that makes intensive use of
 17 land for the location of buildings, structures, and impermeable
 18 surfaces to such a degree as to be incompatible with the primary use
 19 of land for the production of food, other agricultural products, or
 20 fiber, or the extraction of mineral resources, rural uses, rural
 21 development, and natural resource lands designated pursuant to RCW
 22 36.70A.170. A pattern of more intensive rural development, as
 23 provided in RCW 36.70A.070(5)(d), is not urban growth. When allowed
 24 to spread over wide areas, urban growth typically requires urban
 25 governmental services. "Characterized by urban growth" refers to land
 26 having urban growth located on it, or to land located in relationship
 27 to an area with urban growth on it as to be appropriate for urban
 28 growth.

29 (29) "Urban growth areas" means those areas designated by a
 30 county pursuant to RCW 36.70A.110.

31 (30) "Very low-income household" means a single person, family,
 32 or unrelated persons living together whose adjusted income is at or
 33 below fifty percent of the median household income adjusted for
 34 household size, for the county where the household is located, as
 35 reported by the United States department of housing and urban
 36 development.

37 (31) "Wetland" or "wetlands" means areas that are inundated or
 38 saturated by surface water or groundwater at a frequency and duration
 39 sufficient to support, and that under normal circumstances do
 40 support, a prevalence of vegetation typically adapted for life in

1 saturated soil conditions. Wetlands generally include swamps,
 2 marshes, bogs, and similar areas. Wetlands do not include those
 3 artificial wetlands intentionally created from nonwetland sites,
 4 including, but not limited to, irrigation and drainage ditches,
 5 grass-lined swales, canals, detention facilities, wastewater
 6 treatment facilities, farm ponds, and landscape amenities, or those
 7 wetlands created after July 1, 1990, that were unintentionally
 8 created as a result of the construction of a road, street, or
 9 highway. Wetlands may include those artificial wetlands intentionally
 10 created from nonwetland areas created to mitigate conversion of
 11 wetlands.

12 (32) "Per capita vehicle miles traveled" means the number of
 13 miles traveled using cars and light trucks in a calendar year divided
 14 by the number of residents in Washington. The calculation of this
 15 value excludes vehicle miles driven conveying freight.

16 (33) "Active transportation" means forms of pedestrian mobility
 17 including walking or running, the use of a mobility assistive device
 18 such as a wheelchair, bicycling and cycling irrespective of the
 19 number of wheels, and the use of small personal devices such as foot
 20 scooters or skateboards. Active transportation includes both
 21 traditional and electric assist bicycles and other devices. Planning
 22 for active transportation must consider and address accommodation
 23 pursuant to the Americans with disabilities act and the distinct
 24 needs of each form of active transportation.

25 (34) "Transportation system" means all infrastructure and
 26 services for all forms of transportation within a geographical area,
 27 irrespective of the responsible jurisdiction or transportation
 28 provider.

29 (35) "Environmental justice" means the fair treatment and
 30 meaningful involvement of all people regardless of race, color,
 31 national origin, or income with respect to development,
 32 implementation, and enforcement of environmental laws, regulations,
 33 and policies; with a focus on the equitable distribution of
 34 resources, benefits, and burdens in a manner that prioritizes
 35 communities that experience the greatest inequities, disproportionate
 36 impacts, and have the greatest unmet needs.

37 (36) "Active transportation facilities" means facilities provided
 38 for the safety and mobility of active transportation users including,
 39 but not limited to, trails, as defined in RCW 47.30.005, sidewalks,

bike lanes, shared-use paths, and other facilities in the public right-of-way.

(37) "Greenspace" means an area of land, vegetated by natural features such as grass, trees, or shrubs, within an urban context and less than one acre in size that creates public value through one or more of the following attributes:

(a) Is accessible to the public;

(b) Promotes physical and mental health of residents;

(c) Provides relief from the urban heat island effects;

(d) Promotes recreational and aesthetic values;

(e) Protects streams or water supply; or

(f) Preserves visual quality along highway, road, or street corridors.

(38) "Green infrastructure" means a wide array of natural assets, built structures, and management practices at multiple scales that manage wet weather and that maintain and restore natural hydrology by storing, infiltrating, evapotranspiring, and harvesting and using stormwater.

(39) "Cottage housing" means at least four residential units on a lot with a common open space that is either:

(a) Owned in common; or

(b) Has units owned as condominium units with property owned in common and a minimum of 20 percent of the lot size as open space.

(40) "Courtyard apartments" means up to four attached dwelling units arranged on two or three sides of a central courtyard or lawn area.

(41) "Major transit stop" means:

(a) A stop on a high capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW;

(b) Commuter rail stops;

(c) Stops on rail or fixed guideway systems, including transitways;

(d) Stops on bus rapid transit routes or routes that run on high occupancy vehicle lanes;

(e) Stops for a bus or other transit mode providing actual fixed route service at intervals of at least 15 minutes for at least five hours during the peak hours of operation on weekdays; or

(f) Washington state ferry terminals.

(42) "Middle housing" means duplexes, triplexes, fourplexes, attached and detached accessory dwelling units, cottage housing, stacked flats, townhouses, and courtyard apartments.

(43) "Stacked flat" means dwelling units in a two or three story residential building on a residential zoned lot in which each floor may be separately rented or owned and is a discrete dwelling unit.

(44) "Townhouses" means dwelling units constructed in a row of two or more attached units, where each dwelling unit is located on an individual lot or parcel and shares at least one common wall with an adjacent unit.

NEW SECTION. Sec. 15. A new section is added to chapter 36.70A RCW to read as follows:

(1) Cities within counties planning under RCW 36.70A.215 and those counties may establish one or more real estate excise tax density incentive zones. A real estate excise tax density incentive zone is an area within an urban growth area where the city or county adopts zoning and development regulations to increase housing supply by allowing construction of additional housing types as outright permitted uses. Creation of a real estate excise tax density incentive zone enables the local government to receive a portion of the tax imposed under chapter 82.45 RCW for sales of qualified residential dwelling units within the zone.

(2) A real estate excise tax density incentive zone may only be located within a designated urban growth area, and must allow the following housing types: Single-family detached dwellings at a net density of at least six dwelling units per acre, duplexes, triplexes, fourplexes, townhomes, accessory dwelling units, and courtyard apartments.

(3) A real estate excise tax density incentive zone may also allow as outright permitted uses housing types and densities that exceed the minimum requirements in subsection (2) of this section.

(4)(a) Additional dwelling units must be in addition to the baseline density under existing zoning to implement the housing element in RCW 36.70A.070.

(b) For the purposes of this section, a "qualified residential dwelling" is either an individual residential dwelling unit or a residential building of two or more dwelling units constructed within a real estate excise tax density incentive zone that achieves a net increase in the total number of residential dwelling units compared

1 to the maximum number of residential dwelling units that could have
 2 been built prior to the adoption of zoning and development
 3 regulations creating the real estate excise tax density incentive
 4 zone. To be included as qualified residential dwelling units, the
 5 units must be restricted from being offered as short-term rentals for
 6 more than 30 days a year for the first 15 years after construction.
 7 The county or city shall determine within their respective
 8 jurisdictions how the residential dwelling units shall be restricted
 9 from being short-term rentals.

10 (c) If the qualified residential dwelling has two or more
 11 dwelling units, the amount distributed to the local government under
 12 RCW 82.45.060(4)(c) shall be reduced by the percent attributable to
 13 the number of new dwelling units within the building that could have
 14 been built under the zoning and development regulations that existed
 15 prior to the creation of the local real estate excise tax density
 16 incentive zone.

17 (5) A sale that does not involve a net increase above the maximum
 18 number of residential dwelling units that could have been constructed
 19 as an outright permitted use, prior to the creation of the real
 20 estate excise tax density incentive zone, is not a sale of a
 21 qualified residential dwelling unit.

22 (6) A real estate excise tax density incentive zone may be
 23 established for areas where a city or county previously enacted
 24 zoning and development regulations meeting the minimum requirements
 25 in this section, but not prior to January 1, 2017. A real estate
 26 excise tax density incentive zone may not be established later than
 27 one year after the date by which a city or county is required to
 28 update its growth management comprehensive plan under RCW 36.70A.130.
 29 Once a real estate excise tax density incentive zone is established
 30 in compliance with this section, a qualified residential dwelling
 31 unit may be constructed at any time.

32 (7)(a) Prior to establishing a real estate excise tax density
 33 incentive zone, the city or county must:

34 (i) Consider the race and income of existing residents within the
 35 area and the adjacent neighborhoods to be designated;

36 (ii) Consider displacement impacts of low, very low, and
 37 extremely low-income residents within the area and the adjacent
 38 neighborhoods to be designated; and

(iii) Assess the need for antidisplacement policies for high-risk communities within designated areas and the adjacent neighborhoods, and make the assessment publicly available.

(b) A local jurisdiction may use the requirements of RCW 36.70A.070(2) (e) through (h) to satisfy the requirements of this subsection.

Sec. 16. RCW 82.45.060 and 2019 c 424 s 1 are each amended to read as follows:

(1) There is imposed an excise tax upon each sale of real property.

(a) Through December 31, 2019, the rate of the tax imposed under this section is 1.28 percent of the selling price.

(b) Beginning January 1, 2020, except as provided in (c) of this subsection, the rate of the tax imposed under this section is as follows:

(i) 1.1 percent of the portion of the selling price that is less than or equal to five hundred thousand dollars;

(ii) 1.28 percent of the portion of the selling price that is greater than five hundred thousand dollars and equal to or less than one million five hundred thousand dollars;

(iii) 2.75 percent of the portion of the selling price that is greater than one million five hundred thousand dollars and equal to or less than three million dollars;

(iv) Three percent of the portion of the selling price that is greater than three million dollars.

(c) The sale of real property that is classified as timberland or agricultural land is subject to the tax imposed under this section at a rate of 1.28 percent of the selling price.

(2) Beginning July 1, 2022, and every fourth year thereafter:

(a) The department must adjust the selling price threshold in subsection (1)(b)(i) of this section to reflect the lesser of the growth of the consumer price index for shelter or five percent. If the growth is equal to or less than zero percent, the current selling price threshold continues to apply.

(b) The department must adjust the selling price thresholds in subsection (1)(b)(ii) through (iv) of this section by the dollar amount of any increase in the selling price threshold in subsection (1)(b)(i) of this section.

(c) The department must publish updated selling price thresholds by September 1, 2022, and September 1st of every fourth year thereafter. Updated selling price thresholds will apply beginning January 1, 2023, and January 1st every fourth year thereafter. Adjusted selling price thresholds must be rounded to the nearest one thousand dollars. No changes may be made to adjusted selling price thresholds once such adjustments take effect.

(d) The most recent selling price threshold becomes the base for subsequent adjustments.

(e) The department must report adjustments to the selling price thresholds to the fiscal committees of the legislature, beginning December 1, 2022, and December 1st every fourth year thereafter.

(3)(a) The department must publish guidance to assist sellers in properly classifying real property on the real estate excise tax affidavit for purposes of determining the proper amount of tax due under this section. Real property with multiple uses must be classified according to the property's predominant use. The department's guidance must include factors for use in determining the predominant use of real property.

(b) County treasurers are not responsible for verifying that the seller has properly classified real property reported on a real estate excise tax affidavit. The department is solely responsible for such verification as part of its audit responsibilities under RCW 82.45.150.

(4)(a) Beginning July 1, 2013, and ending December 31, 2019, an amount equal to two percent of the proceeds of this tax must be deposited in the public works assistance account created in RCW 43.155.050, an amount equal to four and one-tenth percent must be deposited in the education legacy trust account created in RCW 83.100.230, an amount equal to one and six-tenths percent must be deposited in the city-county assistance account created in RCW 43.08.290, and the remainder must be deposited in the general fund.

(b) Beginning January 1, 2020, except as provided under (c) of this subsection (4), amounts collected from the tax imposed under this section must be deposited as provided in RCW 82.45.230.

(c) Beginning July 1, 2023, the amounts collected on the sale of a qualified residential dwelling constructed within a real estate excise tax density incentive zone created under section 15 of this act shall be distributed to a city or county as follows:

(i) For a qualified residential dwelling unit located less than or equal to .25 miles, as measured by direct distance, from a major transit stop as defined in RCW 36.70A.030, 50 percent of the amounts collected to the city or county where the dwelling is located;

(ii) For a qualified residential dwelling unit located more than .25 miles, as measured by direct distance, from a major transit stop as defined in RCW 36.70A.030, 25 percent of the amounts collected to the city or county where the dwelling is located;

(iii) If any portion of the qualified residential dwelling unit is located less than or equal to .25 miles, as measured by direct distance, from a major transit stop as defined in RCW 36.70A.030, the entire building qualifies for distribution pursuant to (c)(i) of this subsection (4).

(d) The distribution to a city or county under (c) of this subsection (4) applies to both the initial and all subsequent sales of a qualified residential dwelling unit if the residential dwelling unit continues to meet the original requirements of a qualified residential dwelling unit. Counties are required to revalidate that the residential dwelling unit continues to meet the original applicable requirements on each subsequent sale of the residential dwelling unit. The amounts distributed to a city and county may be used solely for:

(i) Implementation of the housing element in RCW 36.70A.070 as required by chapter 254 (Engrossed Second Substitute House Bill No. 1220), Laws of 2021;

(ii) Costs for infrastructure, construction, and service support for moderate, low, very low, and extremely low-income housing;

(iii) Construction of capital facilities that promote livable and walkable neighborhoods, such as neighborhood-scale parks, trails, or other recreational amenities; or

(iv) Creation of permanently affordable homeownership, which means housing that is:

(A) Sponsored by a nonprofit organization or governmental entity; and

(B) Subject to a ground lease or deed restriction that includes:

(I) A resale restriction designed to provide affordability for future low and moderate-income home buyers;

(II) A right of first refusal for the sponsor organization to purchase the home at resale; and

(III) A requirement that the sponsor must approve any refinancing, including home equity lines of credit; or

(C) Sponsored by a nonprofit organization or governmental entity and the sponsor organization:

(I) Executes a new ground lease or deed restriction with a duration of at least 99 years at the initial sale and with each successive sale; and

(II) Supports homeowners and enforces the ground lease or deed restriction.

(5)(a) Counties are required to validate and identify sales of qualified residential dwelling units within real estate excise tax density incentive zones, including any reduction in real estate excise tax distribution based on:

(i) The number of new dwelling units within the building that could have been built under prior zoning regulations compared to the number of new dwelling units built under the real estate excise tax density incentive zone pursuant to section 15(4)(c) of this act; and

(ii) The distance from a major transit stop as defined in RCW 36.70A.030 pursuant to subsection (4)(c) of this section.

(b) A county must provide the information required in (a) of this subsection to the department when the real estate excise tax affidavit is submitted to the department by the county.

((+5+)) (6) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Agricultural land" means farm and agricultural land and farm and agricultural conservation land, as those terms are defined in RCW 84.34.020, including any structures on such land.

(b) "Consumer price index for shelter" means the most current seasonally adjusted index for the shelter expenditure category of the consumer price index for all urban consumers (CPI-U) as published by July 31st by the bureau of labor statistics of the United States department of labor.

(c) "Growth of the consumer price index for shelter" means the percentage increase in the consumer price index for shelter as measured from data published by the bureau of labor statistics of the United States department of labor by July 31st for the most recent three-year period for the selling price threshold adjustment in 2022, and the most recent four-year period for subsequent selling price threshold adjustments.

(d) "Timberland" means land classified under chapter 84.34 RCW or designated under chapter 84.33 RCW, including any structures and standing timber on such land, and standing timber sold apart from the land upon which it sits.

Sec. 17. RCW 82.45.230 and 2019 c 424 s 2 are each amended to read as follows:

(1) Beginning January 1, 2020, and ending June 30, 2023, the amounts received for the tax imposed on each sale of real property under RCW 82.45.060 must be deposited as follows:

(a) 1.7 percent must be deposited into the public works assistance account created in RCW 43.155.050;

(b) 1.4 percent must be deposited into the city-county assistance account created in RCW 43.08.290;

(c) 79.4 percent must be deposited into the general fund; and

(d) The remainder must be deposited into the educational legacy trust account created in RCW 83.100.230.

(2) Beginning July 1, 2023, and thereafter, the amounts received for the tax imposed on each sale of real property under RCW 82.45.060 must be deposited as follows:

(a) 5.2 percent must be deposited into the public works assistance account created in RCW 43.155.050;

(b) 1.4 percent must be deposited into the city-county assistance account created in RCW 43.08.290;

(c) 79.4 percent less the percentage of any amounts distributed to a city or county under RCW 82.45.060 must be deposited into the general fund; and

(d) The remainder must be deposited into the education legacy trust account created in RCW 83.100.230.

NEW SECTION. **Sec. 18.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

E2SHB 1099 - CONF REPT
By Conference Committee

1 On page 1, line 2 of the title, after "framework;" strike the
 2 remainder of the title and insert "amending RCW 36.70A.020,
 3 36.70A.480, 36.70A.070, 36.70A.320, 36.70A.190, 86.12.200,
 4 36.70A.030, 82.45.060, and 82.45.230; adding new sections to chapter
 5 36.70A RCW; adding a new section to chapter 70A.45 RCW; adding a new
 6 section to chapter 47.80 RCW; adding a new section to chapter 90.58
 7 RCW; adding a new section to chapter 43.21C RCW; and creating new
 8 sections."

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City Council Business Agenda Item
City of Kenmore, WA

Subject/Topic: Pilot Youth Swim Program in Partnership with the Northshore YMCA

Proposed Council Action/Motion: 1. Motion giving authorization to the City Manager to enter into a contract with the Northshore YMCA. 2. Motion authorizing allocation of General Fund revenue to pay for scholarships expenditures (\$5,000 for a four-week program or \$10,000 for an 8-week program)

For Council Meeting Agenda of: 7/11/2022

Department: Community Development

Prepared by: Debbie Bent, Community Development Director, and Rita Moreno, Recreation Coordinator/ Admin Assistant

Initial & Date

Approved by Department Head: DB 6/28/22

Approved by City Attorney: N/A

Approved by Finance Director: LS 6/29/22

Approved by City Manager: RGK 6/29/22

Exhibits/Attachments:

INFORMATION/BACKGROUND: Staff is proposing a fall pilot swim program in partnership with the Northshore YMCA. The city would reimburse the YMCA for the cost of providing an eight-week program (one lesson per week) at no cost to Kenmore youth (ages 3 to 16). The YMCA would take care of registration, income verification and provide the staffing and instruction at the YMCA Northshore facility in Bothell. At the 2/28/22 Council meeting, Council comments included exploring partnerships and/or scholarships with the YMCA.

The YMCA cost is \$32 per swim lesson, or \$128 for a four-week session or \$256 for an eight-week session. Program fund discounts are offered based on income tiers. The following tables are examples of cost for a four-week program and eight-week program, serving 50 youth at a range of income levels.

Tier	Income Tier	Program Fund Discount	4 Week Program	# Youth	4 Week Program
Full Fee	>\$80,000	0%	\$128.00	2	\$256.00
Tier 1/1A	\$65,000-\$79,999	15%	\$108.80	8	\$870.40
Tier 2/2A	\$50,000-\$64,999	15%	\$108.80	8	\$870.40
Tier 3/3A	\$35,000-\$49,999	30%	\$89.60	8	\$716.80
Tier 4/4A	\$25,000-\$34,999	30%	\$89.60	8	\$716.80
Tier 5/5A	\$12,000-\$24,999	45%	\$70.40	8	\$563.20
Tier 6/6A	<\$12,000	45%	\$70.40	8	\$563.20
Total				50	\$4,556.80

Tier	Income Tier	Program Fund Discount	8 Week Program	# Youth	8 Week Program
Full Fee	>\$80,000	0%	\$256.00	2	\$512.00
Tier 1/1A	\$65,000-\$79,999	15%	\$217.60	8	\$1,740.80
Tier 2/2A	\$50,000-\$64,999	15%	\$217.60	8	\$1,740.80
Tier 3/3A	\$35,000-\$49,999	30%	\$179.20	8	\$1,433.60
Tier 4/4A	\$25,000-\$34,999	30%	\$179.20	8	\$1,433.60
Tier 5/5A	\$12,000-\$24,999	45%	\$140.80	8	\$1,126.40
Tier 6/6A	<\$12,000	45%	\$140.80	8	\$1,126.40
Total				50	\$9,133.60

The Recreation Program 2021-2022 total budget is \$4,625. At the 2/28/22 Council meeting, council comments included a desire to serve fifty or more youth. Based on the example table above and rounding up to \$5,000 for a four-week program, an additional \$375 general fund budget allocation would be needed. Based on the example table above and rounding up to \$10,000 for an eight-week program, an additional \$5,375 general fund budget allocation would be needed.

If Council direction is to move forward with the YMCA partnership, staff will provide a report to Council following conclusion of the program. If Council wishes to continue and/or expand pursuit of future swim lesson partnerships/programming, an allocation of funding in the 2023-2024 biennial budget would be required.

Background:

The January 2022 Final Council Retreat Report included a topic of “Fun, youth activities and family” and Council discussed the importance of creating activities, and recreational opportunities for families and various age groups within the city.

Councilmember Srebnik provided staff contact information for the Aqua Club and McDonald Swim School. At the 2/28/22 Council meeting, staff gave an oral report on progress, noting that this was being proposed as a pilot eight-week youth swim lesson program (starting 4/2/22), provided at no-cost to youth, including low-income youth. Staff noted that working with Mary’s Place will be explored, like a free skate camp week (offered by Skate Like a Girl). There was general council support of this concept and direction to move forward. Councilmember comments included: ensure provision of safety certification and insurance; provide lessons to at least fifty youth; in the future exploring partnerships and/or scholarships with the YMCA or other swim providers for swim lessons; explore future potential grant opportunities if the program is continued; swim proficiency requires ongoing programming more than 8 weeks.

At the 3/21/22 Council meeting, Council passed a motion (consent agenda) to approve an 8-week pilot spring youth swim program at the Aqua Club with lessons provided by the McDonald Swim School. A second motion authorizing allocation of \$2,320 General Fund revenue to pay for scholarships for twenty-four youth was also approved. Due to staffing issues, unavailable pool times for two weeks in May due to swim meets and short time to sign up kids, all parties agreed that the spring pilot program should be delayed.

Staff has been unable to secure commitment for a fall swim program from the Aqua Club or McDonald Swim School. In addition, for a fall program an indoor pool is also preferable. Pursuit of a spring program is an option if Council directs but this would require allocation of funding in the 2023-2024 budget.

According to the USA Swimming Foundation:

1. No child is ever water safe. The goal of swim lessons is to make children safer in, on and around water.
2. 79% of children in households with incomes less than \$50,000 have little-to-no swimming ability.
3. Research shows that 64% of African American, 45% of Hispanic/Latino and 40% of Caucasian children have little to no swimming ability.
4. 10 people drown each day in the United States.
5. One month of formal swimming lessons reduces the likelihood of childhood drowning by 88%.

FISCAL CONSIDERATION: General Fund is the proposed source of revenue to cover the scholarship expenditures. \$4,625 is allocated in the 2021-2022 budget for Recreation Programs in the City Manager’s Department Budget. Rounding up to \$5,000 for a four-week program serving fifty Kenmore youth, an additional \$375 general fund budget allocation would be needed. Rounding up to \$10,000 for an eight-week program, an additional \$5,375 general fund budget allocation would be needed.

COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:

Priority #3: Diversity, Equity, and Inclusion
Priority #10: Foster and Create Fun



City Council Business Agenda Item
City of Kenmore, WA

<p>Subject/Topic:</p> <p>City Council Rules and Procedures</p> <p>Proposed Council Action/Motion:</p> <p>Pass Resolution 22-388, amending Resolution 21-360, to adopt revised City of Kenmore Council Rules and Procedures</p>	<p>For Council Meeting Agenda of: July 11, 2022</p> <p>Department: City Clerk & City Attorney's Office</p> <p><u>Initial & Date</u></p> <p>Approved by City Attorney: Via Email 6/29/22</p> <p>Approved by Finance Director: NA</p> <p>Approved by City Manager: RK <u>RGK</u> RGK</p> <p>Attached: Resolution 22-388 & Att. 1, Amendments</p>
<p>Background:</p> <p>RCW 35A.13.170 and RCW 35A.12.120 require the City Council to establish rules of procedure for the order of business and conduct of City Council meetings. On February 22, 2021, the City Council passed Resolution 21-360, which adopted the City of Kenmore Council Rules and Procedures (Rules of Procedures).</p> <p>In 2022, the Legislature adopted Engrossed Substitute House Bill 1329 (ESHB 1329), which revised certain meeting procedures under the Open Public Meetings Act (OPMA). The proposed resolution revises certain sections of the Rules of Procedures to be consistent with the OPMA, and to establish procedures for the election of Mayor and Deputy Mayor.</p> <p>The proposed amendments to the Rules of Procedures are as follows:</p> <ul style="list-style-type: none"> Section 3 revised to adopt procedures for the biennial election of Mayor and Deputy Mayor. The proposed process is the same as utilized for the Council's January 2022 Mayor/Deputy Mayor elections, with the one change that the City Clerk would run the process for election of the new Mayor. Section 6 revised relating to remote attendance: <ul style="list-style-type: none"> Changes to Section 6.A reflect the legislative changes to the OPMA Changes to Section 6.B "Frequency" reflect Council's direction to bring back for consideration. The number of times a Councilmember may use remote access to attend a meeting has been increased to 10 times in a calendar year as a placeholder for discussion, as the frequency of remote access attendance is up to Council's discretion If it so desires, Council may consider limits to virtual attendance, such as by adding an "in-person" rule. For example, text could be added that a quorum of councilmembers should be present "in-person" at meetings. If this is desirable, a motion to amend the resolution could be as follows: "I move to amend the proposed resolution to add to Section 6.B of the Rules that a minimum of 4 councilmembers should attend meetings in-person, and virtual attendance would be determined on a first-come basis by signing up with City Clerk." Section 8 revised to match the changes to the OPMA for public comment at regular meetings 	

Signature: *RGK*
RGK (Jul 6, 2022 08:59 PDT)

Email: rkarlinsey@kenmorewa.gov

**CITY OF KENMORE
WASHINGTON
RESOLUTION NO. 22-388**

A RESOLUTION OF THE CITY COUNCIL OF KENMORE, WASHINGTON, AMENDING RESOLUTION 21-360 TO AMEND THE RULES OF PROCEDURES RELATING TO ATTENDING MEETINGS BY REMOTE ACCESS AND PUBLIC COMMENTS, AND ESTABLISHING PROCEDURES FOR THE BIENNIAL ELECTION OF THE MAYOR AND DEPUTY MAYOR.

WHEREAS, RCW 35A.13.170 and RCW 35A.12.120 require the City Council to establish rules of procedure for the order of business and conduct of City Council meetings; and

WHEREAS, the City Council adopted Resolution 21-360, adopting the City of Kenmore Council Rules and Procedures (Rules of Procedures); and

WHEREAS, in 2022, the Legislature adopted Engrossed Substitute House Bill 1329 (ESHB 1329), which revised certain meeting procedures under the Open Public Meetings Act; and

WHEREAS, the City Council desires to amend its Rules of Procedures to be consistent with state law, and to establish procedures for the election of Mayor and Deputy Mayor;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON, DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The City Council amends Resolution 21-360 as set forth in Attachment 1 to this resolution, attached hereto and incorporated by reference as if set forth in full.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON, AT A REGULAR MEETING THEREOF THIS ____ DAY OF _____, 2022.

CITY OF KENMORE

Nigel Herbig, Mayor

ATTEST/AUTHENTICATED:

Anastasiya Warhol, City Clerk

APPROVED AS TO FORM:

Dawn Reitan, City Attorney

Attachment 1 to Resolution 22-388

The following sections of the City of Kenmore City Council Rules and Procedures (“Rules of Procedure”), as adopted by Resolution 21-360, are amended to read as follows:

1. Amendment: Section 3 of the Rules of Procedures is amended to read as set forth below:

Section 3. Structure and Roles of Government

* * *

C. Election of Mayor and Deputy Mayor. State law requires that biennially at the first meeting of the new council that the members choose the Mayor. For efficiency and transparency, the Council adopts the following procedures to fill the positions of Mayor and Deputy Mayor:

Mayor

- 1) The City Clerk will open and call for nominations for the position of Mayor, giving every Councilmember an opportunity to nominate one person, including him or herself.
- 2) Once all nominations are made, the City Clerk will close the nominations and ask for discussion. The City Clerk will ask each Councilmember if they wish to speak once to make their case for a particular nominee.
- 3) After each Councilmember has had a chance to speak, the City Clerk will close discussion and begin the voting process.
- 4) If there is a singular nomination, the vote will be taken by unanimous consent.
- 5) If there are multiple nominations, the vote will be taken by a show of hands.
- 6) Each member of the Council will vote for the preferred nominee, and keep the hand raised until the clerk has registered the vote.
- 7) Votes will be taken in order of nomination received.
- 8) The voting rounds will continue until a majority of 4 votes has tallied in favor of a nominee. A nominee may withdraw a nomination before a new round of voting begins.
- 9) The newly-elected Mayor will immediately assume the role of chair/presiding officer.

Deputy Mayor

- 1) The newly elected Mayor will call for nominations for the position of Deputy Mayor.
- 2) Each Councilmember may nominate one person, including him or herself at this time.
- 3) Once all nominations are made, the Mayor will close the nominations and allow time for discussion. Each Councilmember will be allowed to speak once to make their case for a particular nominee.
- 4) After each Councilmember has had a chance to speak, the Mayor will close the discussion and begin the voting process.
- 5) If there is a singular nomination, the vote will be taken by unanimous consent.
- 6) If there are multiple nominations, the vote will be taken by a show of hands.

- 7) Each member of the Council will vote for the preferred nominee, and keep the hand raised until the Clerk has registered the vote.
- 8) Votes will be taken in order of nomination received.
- 9) The voting rounds will continue until a majority of 4 votes has tallied in favor of a nominee. A nominee may withdraw a nomination before a new round of voting begins.
- 10) The Councilmember who receives the most votes will immediately assume the role of Deputy Mayor.

D. Mayor Role

1. Primary roles: facilitate meetings; represent the City at local, state and national forums; and represent the City in a ceremonial capacity.
2. Keep the City Council informed of the Mayor's activities with reports during Councilmember Comments.
3. Announce in advance public presentations, ceremonies, and events that the Mayor is invited to attend.
4. Bring new issues to the City Council during Council Initiatives.
5. Request other Councilmembers to attend meetings in place of the Mayor when they cannot attend, or to join the Mayor at such meetings to increase the City's representation.
6. In the event that a City Manager resigns or leaves, the Mayor will work with the City Council to find a replacement using a recruitment agency.

2. Amendment: Section 6 of the Rules of Procedures is amended to read as set forth below:

Section 6. Remote Attendance and Voting

A. Purpose

Occasionally, a Councilmember will not be able to be physically present at a meeting but will want to be involved in the discussion and/or decision on a particular agenda item. The procedures and guidelines for permitting a Councilmember to attend a meeting via ~~speakerphone or video~~ remote access are contained in this Section 6. In the event of a declared ~~state of emergency~~ at the local, state or federal level, or if the city determines it cannot hold a meeting in person with reasonable safety where Councilmembers or public are in attendance, several or all of the Councilmembers may attend the meeting remotely without the limits set forth in Section 6.B (Frequency).

B. Frequency

Except for a declared emergency at the local, state or federal level, or if the city determines it cannot hold a meeting in person with reasonable safety where members or public are in attendance (OPMA) State of Emergency, Councilmember attendance via ~~speakerphone or remote access~~ video is limited to 103 times in a calendar year, but the City Council, by majority vote, may allow additional attendance via ~~by~~

~~speakerphone or remote access video.~~

C. Procedure

1. At least 24 hours before the starting time of a meeting, the Councilmember should ~~must~~ advise the City Clerk of the desire to attend via remote access speakerphone or video to allow time ~~to for prepare ation of for such remote access attendance~~ the speakerphone or video components and of the agenda items to be attended via speakerphone or video.

2. ~~Per state law, The any~~ Councilmember and/or public attending a meeting via remote access speakerphone must be able to hear all speakers in the meeting room, and all persons in the meeting room must be able to hear the Councilmember and/or public attending via remote access. ~~The video and audio components of video conferencing should be visible and audible to all persons in the meeting room.~~

3. ~~When the particular agenda item is ready to be discussed, the Presiding Officer should state and ask for the record:~~

a. ~~"Councilmember _____ is attending via speakerphone/ video for Agenda Item No. _____, relating to _____."~~

b. ~~"Councilmember _____, can you (see and) hear me?" (There must then be a clearly audible response in the affirmative.)~~

e. ~~"Can the City Council and City Clerk (see and) hear Councilmember _____?"~~

4. ~~Upon conclusion of the particular agenda item, the Presiding Officer should state: "Councilmember _____, discussion of Agenda Item No. _____ has concluded."~~

5. ~~Each agenda item being attended via speakerphone or video shall be introduced and acknowledged in the same manner as set forth above. In the event that the Councilmember or Councilmembers are attending the entire meeting remotely, the introduction and acknowledgment only needs to be done once for the entire meeting, instead of for each agenda item. The City Clerk's roll call at the beginning of the meeting will suffice as indication that the person can be heard and seen.~~

6. ~~After all agenda items being attended via speakerphone or video have been concluded, the Presiding Officer should state for the record:~~

a. ~~"Councilmember, _____ thank you for your attendance via speakerphone/video. The remote connection will now be terminated."~~

b. ~~"Let the record reflect Councilmember _____'s attendance via speakerphone/video has been terminated."~~

3. Amendment: Section 8 is amended to read as set forth below:

Section 8. Public Testimony

A. Public Comment Rules. Except in an emergency situation, an opportunity for public comment shall be provide at every regular meeting at which final action is taken. Public comment rules in Regular and Special non-Executive Session Business Meetings are delineated in Section 2.CB above.



City of Kenmore, Washington

Memorandum

Date: July 5, 2022

To: Rob Karlinsey, City Manager

From: Richard Sawyer, Public Works Environmental Services Manager
Jennifer Gordon, Public Works Operations Manager

Regarding: Public Works Facility Update

We are very excited about the opportunity to build a new Public Works facility, including offices, equipment storage, and material storage, at the newly acquired parcels on 202nd Avenue next to Kenmore Middle School. This new facility will give us the space and the resources to do our jobs effectively—to provide the best possible service to the residents of Kenmore.

As you know, we recently purchased three parcels on 202nd Avenue (2.8 acres) for the future Public Works facility. Acquiring the 2.3-acre property on 175th Street back in 2020 would have been less expensive; yet the parcels we recently acquired on 202nd Avenue will have more usable area and present us with at least two important opportunities that we would not have had on 175th:

- We now have the space to build a facility that will last for and grow with multiple generations
- And, just as importantly (if not more importantly), the property on 202nd Avenue allows us to build out a facility that can truly fight climate change and help us be stewards of the natural environment

We have the once in a lifetime chance to build a first-of-its-kind, next generation Public Works facility that can not only be carbon neutral, but possibly even be regenerative. As we design the site, we plan to include climate friendly features and technology, if possible, such as:

1. Rainwater cisterns that use rainwater for irrigation and toilets
2. Photovoltaic cells on virtually every square inch of rooftop to produce electricity not only for the site, but to potentially generate and send electricity back to the grid
3. Geothermal technology that uses the earth's temperature several hundred feet below the surface to heat the building in the winter and cool the building in the summer
4. Recycled materials and/or materials from sustainable sources
5. Enhanced Low Impact Development practices that maximize tree retention, prevent runoff, and take advantage of the natural features of the site
6. And last but not least, we can include space and amenities for environmental education whereby students and others can come to the site and learn about its sustainable features and how they too can do their part in saving the planet

18120 68th Ave NE, Kenmore, WA 98028

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The three parcels that we recently acquired at the 6500 block of NE 202ND Street are currently proceeding through a rezone process to change the current R-6 zoning to Public/Semi-public zoning. Concurrently, we are working with Wagner Architects and Planners on the following items:

- Analyze existing operational workflows and programs and determine additional needs for integration into the site design. Include planning for future growth.
- Evaluate community needs for the facility.
- Continue evaluating code and permit requirements for the site.
- Continue conducting preliminary site assessments, including geotechnical evaluation (soils, hydrology) for surface water management, additional analysis of wetlands surveyed on the adjacent parcel, and tree assessments.
- Evaluate existing buildings for hazardous materials and conduct demolition by the end of this year.
- Work with the architect to meet with green/carbon neutral building experts on how to design and build the facility to comply with recently adopted Climate Action Plan goals and align with Council's environmental priorities.
- Develop preliminary budget and schedule estimates for site development options.

Our goal is to complete these tasks and present final options to Council in fall and begin formal site design with the goal of construction beginning in summer or fall of 2023.