

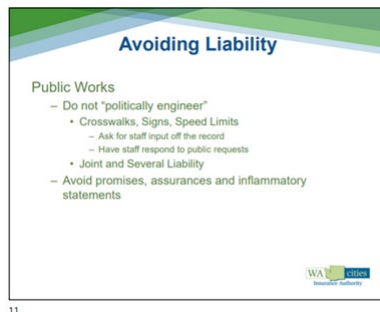
From: Mayor <Mayor@clydehill.org>
Sent: Saturday, January 15, 2022 1:44 PM
To: Mayor <Mayor@clydehill.org>
Cc: Dean Rohla <Dean@clydehill.org>; Kinnon Williams <kinnon.williams@foster.com>
Subject: Title 17

(BCC'd to City Council to avoid OPMA if replied to all)

Hi-

I wanted to address another topic from the January 11, 2022 City Council Meeting regarding your amended resolution and subsequent formation of a subcommittee to review specific Chapters within Title 17. I know you are eager to get going on the work. We all are.

I'm troubled by the action as I reflect back on our 1/10/2022 training by Ann Bennett Executive Director Washington Cities Insurance Authority. If you recall slide 11:



It specifically warns to avoid "politically engineering" the process and.... avoiding promises and assurances. By having Scott and Kim partake in a subcommittee, this is out of sequence and doesn't follow our normal work flow. Scott has already asked for the specific elements in those chapters that the city staff have identified needing to be changed. Apart from the general presentation that City Council voted and approved at the December 3, 2022 City Council Meeting, no formal "defects" document exists. Nor would we want to have such a document exist for obvious liability reasons. Once the chapter/title/section is opened up for work, then the City staff gets together and pulls all knowledge and concerns, gathers understood code interpretations, verifies definitions, researches for any changes in [case law](#), checks community standards, verify with expert associations, and seeks legal input from land-use experts. **Then** it's ready to go to the City Council for your input (the work that Scott and Kim propose to do) and approval before sending it to the Planning Commission. As explained numerous times, the Planning Commission works alongside staff and legal, AND includes the required open public hearing so our residents can hear and/or give input. When the work is done, it goes back to City Council for approval (or not). There's another round of state approval and back to council for final final approval.

So if Scott and Kim want to get a leg up on the input to Title/Chapter/Section, the output will need to ultimately wait until City staff and legal gives their input and then it's ready to go back to City Council to get the remainder of the councilmembers' input and ultimate approval. You

can appreciate that it would be a waste of time and resources to send to Planning Commission without City Staff's or Legal's input because something could be suggested which is illegal or opens up our city's liability. To have Scott and Kim identify all that may be deficient in the codes to stand as a document until the process catches up with it also creates a level of liability to the City. This then is the dilemma that Dean was trying to convey. Our city attorney has shared his concern as well.

Council has already seen what work we have accomplished on Title 17 and authorized it to go to the Planning Commission (Nov 2021 Council Meeting). This is a process. The team is already underway with that priority. You're now asking for the same resources to additionally get a jump start on the December 13th/January 11th list. We have no bandwidth. I've already authorized Dean to look at temporary help to off-load some operational work so our staff can dedicate time to the priorities you've seen. There is only so many hours in a day. We need to work through the November list and then go the December/January list, as you approved.

Also keep in mind we are soon to hire a Comprehensive Planning consultant to establish a timeline, facilitate key steps, and to gain our residents' overall vision for our city and any land use or other code concerns (in accordance with GMA), so we're steering in the right direction. We are a month away from that consultant being chosen (per Admin Report) and we're a month or two away from our new city law firm being chosen (per Admin Report). It would be very costly and unwise to proceed without a permanent new legal counsel and a consultant. Title 19 in our code addresses the processes for development regulations and making changes to Land Use code, which includes Enforcement.

The statement in the Resolution that changes to Title 17 would be a year-long process is inaccurate. We have been clear that this dominates our work load for the next 2-3 years. That is why the Comprehensive Plan is required to be updated every 8 years. It takes time. I'm very hopeful that once we get caught up and take advantage of updating our Comp Plan, we can position Clyde Hill to be more current... and we need to take advantage of ongoing annual review thereafter to keep the codes up-to-date to avoid major needs and changes that are perceived now. I know you would all agree to that. Scott made mention of this and Dean spoke specifically to this at our Council Meeting as well.

Lastly, any enforcement that occurs now applies to the active codes now. Almost all of our active code enforcement complaints are "View/Sunlight" related and we have three of those at this time. If the intent is to identify specific Titles/Chapters/Sections by which to not enforce, that is not for council to approve. That has already been shared via original email by our past City Attorney, Greg Rubstello, after Scott's original Resolution request for December came out, and it is upheld by our current interim city attorney who even voiced as such at the January meeting. A resolution is a written document expressing the desires of those who wrote it. It is not code. It is for me, in this case, to consider. Also, please remember that even when items are under active review, any enforcement must remain until the code is actually approved and changed in the books. Thus any contracts or agreements made in the past or present, must continue to be honored. I will continue to enforce to this.

Please reach out to me or Dean as you reflect on this email.

Marianne

Mayor Marianne Klaas
City of Clyde Hill

Please be advised that pursuant to Chapter 42.56 RCW, the contents of this email may be subject to public disclosure.