

Issues & Impacts

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A quarterly publication produced by Seattle King County REALTORS® to inform members about currently issues and successes within the Government Affairs Department.



Endorsed Candidate Appointed to Council

Tanya Woo, whom Seattle King County REALTORS® supported in her unsuccessful bid to win a city council seat in November 2023, was appointed to an open seat on the council in January. Woo filled a council vacancy created when Councilmember Teresa Mosqueda won her election to the King County Council.

Woo was selected from a pool of 72 applicants. She is a co-owner of the historic Louisa Hotel on King Street in the Chinatown International District (CID), which she and her family converted into apartments. She has also participated with a group doing volunteer outreach to people experiencing homelessness, seeking to connect them with services and improve community safety and quality.

Woo's platform aligns well with the goals of the new council majority to improve public safety, reduce homelessness, and guard against increased taxes. Woo will stand for reelection during the upcoming 2024 election cycle and has begun accepting Seattle Democracy Vouchers, mailed to Seattle voters in March.



Seattle Launches 2024 Budget Process

Needing to fill an expected \$220+ million budget hole, the Seattle City Council has begun discussions on a budget that will be adopted in November. In contrast to the old council that was principally interested in new taxes, the new council is seeking to rebalance existing revenue to more

efficiently meet stated goals. They want to drive efficiencies in before seeking added taxes.

Seattle King County REALTORS® is encouraging this approach and advocating against new or increased taxes on Realtors or their clients.

New Kirkland Planning Commissioner



The Kirkland City Council has appointed Gina Madeya to the Planning Commission. Madeya, a broker at Windermere Yarrow Bay and Vice President of Governmental & Public Affairs at Seattle King County REALTORS®, will join six other commissioners in advising the City Council on all matters relating to the Kirkland Comprehensive Plan and land use regulations.

If you would like to serve on a board or commission in your city, please let us know, and we will stay alert for opportunities.

King County Sheriff Sues City of Burien



A dispute that has been simmering since mid-2023 between the City of Burien and the King County Sheriff's Office escalated in March when Patti Cole-Tindall sued the city in federal district court over a new ordinance passed by the city council.

The Sheriff's new legal action comes at a time when the United States Supreme Court (SCOTUS) has agreed to revisit the limits placed on cities after a petition for review was filed claiming the federal courts are unreasonably constraining the ability of local elected officials to address the homeless crisis.

Burien Mayor Kevin Schilling was strongly critical of the Sheriff for what he said was the Sheriff picking and choosing which city ordinances she is willing to enforce. The city manager directed that funding for contracted police services be withheld from the Sheriff because of her action. Schilling was also critical of County Executive Dow Constantine, but Constantine responded that his office was not involved in the litigation, even though he selected and supervises the Sheriff.

Burien's new ordinance prohibits people from camping on all nonresidential public land at all hours of the day or night. Previously, people experiencing homelessness were allowed to sleep outdoors on some sidewalks if no shelter is available, as required by a federal court decision from Boise, Idaho. The city has suggested that utilizing shelters outside the city limits is acceptable for meeting the federal requirements. The city's new camping ordinance also prohibits camping on public property within 500 feet of schools, parks, daycares, and libraries.

In refusing to enforce the city's new ordinance by arresting violators, the Sheriff said, "We have an obligation to avoid engaging in conduct that has been addressed in federal litigation and found to

be unconstitutional. As law enforcement officers, we must uphold the state [constitution] and the Constitution of the United States of America, and if there is a law that is not constitutional, I cannot in good conscience have my people enforce that."

Burien is one of several cities in King County (as well as Sound Transit, Metro and the Muckleshoot Tribe) that does not have its own Police Department, and instead contracts with the King County Sheriff's Office for police services.

Last year, the city of Burien wanted the Sheriff's office to remove homeless campers from a city-owned vacant lot, but the Sheriff refused to do so. In a letter to the City from the General Council (attorney) for County Executive Dow Constantine, King County asserted that removing the campers would violate two recent decisions by the 9th Circuit Court of Appeals which has jurisdiction over much of the West Coast, including Washington state. The essence of the court decisions prevents local governments from removing people sleeping on public property unless there is immediately available space at a shelter for the individual being removed.

In the wake of that earlier refusal by the Sheriff under its police services contract with the city, last year Burien businesses and volunteers began sweeping the city-owned property where homeless individuals were camping, reportedly with considerable success.

On January 12, 2024, SCOTUS agreed to review the issue of cities enforcing a ban on homeless people camping on public property. While that case is pending in Oregon, the King County Sheriff filed the current lawsuit in federal district court against Burien.

Two federal appellate court rulings in the cases of *City of Grants Pass v. Johnson* and *Martin v. City of Boise* appear to be affecting how cities throughout the Northwest and California address their

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own epidemics of homelessness. San Francisco, which spent over \$672 million during the last fiscal year to provide shelter and housing to people experiencing homelessness, told the justices in a “Friend of the Court” brief (in the pending Oregon case) that its inability to enforce its own laws “has made it more difficult to provide services.”

The “constitutional dimension” in both the Grants Pass and Martin cases, as well as the declaratory judgment lawsuit filed in federal district court

by the King County Sheriff, involve the Eighth Amendment’s ban on cruel and unusual punishment. The federal courts have reasoned that, just as the city could not punish someone for their status (being homeless), it also could not punish them for conduct “that is an unavoidable consequence of being homeless.” Cities, however, say the federal courts’ approach to the issue is dysfunctional, and compromises the ability of local government to assist homeless constituents at their various points of need.

REALTORS® Propose Lot-Splitting

This year, counties and cities throughout the state are required to update their comprehensive plans. For housing issues, comprehensive plans set the policies upon which zoning and development regulations are established. Seattle King County REALTORS® (SKCR) is advocating strongly for policies that increase housing supply and housing affordability, especially for middle income buyers.

To advance middle housing ownership opportunities in King County, SKCR is proposing comprehensive plan amendments that include lot-splitting in targeted jurisdictions. The amendment would allow for the development of detached single-family residences and middle housing types through the splitting of a single residential lot into two residential lots. The underlying zoning would remain the same, the ability to split a lot would offer an ownership alternative to a condominium declaration for ADUs and DADUs.

Allowing an existing residential lot to be split into two lots can offer many advantages to both the existing homeowner and to prospective homebuyers. Lot-splitting can provide current owners the opportunity to maintain homeownership in changing life circumstances, while also providing new homebuyers with a more affordable ownership opportunity. Additionally, lot-splitting will provide additional opportunities for sales to affordable housing providers or homeownership fa-

cilitators that may be exempt from state real estate excise tax under chapter 82.45 RCW.

According to Sightline Institute, additional benefits of lot-splitting include:

- Creates more less expensive homes.
- Increases homeownership opportunities at lower price points.
- Provides options for homeowners to build intergenerational wealth.
- Increased family-friendly housing options.
- Creates more affordable access to neighborhoods with good schools, parks, and amenities.
- Enables infill home building that’s locally controlled, incremental, and low impact.
- Gives cash-poor, house-rich owners a way to stay in their homes and communities.
- Creates options for multigenerational households to live next door to each other.
- Reduces homeowner displacement.
- Enables fee-simple ownership and standard mortgage financing (unlike condoized ADUs).

New Remediation Project Around SeaTac

Legislation (SB 5595) was delivered to the Governor on March 7 that would assist homeowners and businesses impacted by a noise from SeaTac International Airport. Sen. Karen Kaiser of Des Moines said the bill, approved unanimously in the Senate, and 83–13 in the House, would mitigate harm and improve equity in large port districts (such as the Port of Seattle) by establishing a port district equity fund for purposes of making grants to port districts authorized to undertake noise abatement programs.

The communities in the areas near SeaTac Airport are subject to constant noise and air pollution that is specific to jet engines. Ultrafine particles have been found throughout the pattern of landing and takeoff in the ten mile radius of the airport. The Bill Report says: The particles are so small that they can pass the blood-brain barrier, and get into a placenta. Such particles are directly correlated with higher rates of asthma, and respiratory and heart disease. There are several brain diseases that are impacted by these particles and noise, like aneurisms and seizures. Residents in the flightpath cannot eat produce they grow in their outdoor gardens because of the particles.

Previously, residents in the impacted area were given a “port package” that included insulation and windows to mitigate for noise. Many of these packages are now failing, but the port refuses to repair the failed port packages. Current federal regulations prohibit an airport from using federal funds to repair a failed port package. Thus, the need for this state funding.

Keiser said her bill proposes a pattern of ongoing remediation and repair in port communities, and dedicates money from the climate commitment account, as well as a package of revenue, to support these port package programs. There was inconsistent quality of installation of the products that were supplied for initial port packages and homeowners have suffered ever since, according to the Bill Report.

Federal money is only available for older buildings,

but effective remediation packages are needed for newer buildings as well. According to Keiser, this bill would help resolve issues that communities around the SeaTac Airport have dealt with for years and cannot afford to mitigate themselves. The number of flights coming out of the airport are likely to increase in the near future.

SB 5595 provides that:

- Revenue generated from sales and use taxes collected on capital construction projects within the port district must be transferred from the general fund to the port district equity fund, up to \$10 million per year
- A qualifying port district (which is defined as authorized to undertake noise abatement programs and serving more than 900 scheduled jet aircraft flights per day) is authorized to match, from port funds, at least one half of the total funding provided by the Legislature for purposes of noise abatement programs, including purchasing of property, assistance for selling a home, soundproofing structures, mortgage insurance for private landowners who are unable to obtain mortgage insurance due to the noise impact soundproofing structures, and resources to facilitate the assessment and inspection of sound mitigation equipment that is no longer working or is reported to have caused additional hazards or structural damage to the property.
- A qualifying port district may contract with building inspectors or other professionals with experience in sound testing, or window and door installs, or may enter an interlocal agreement with the county in which it is located for the provision of building inspectors or professionals with experience in sound testing, or window and door installs to determine whether package failure resulted in additional hazards or structural damage to the property.

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- Any expense incurred by the county related to contracting of a building inspector or professional may be reimbursed by the port district. If a building inspector or other professional identifies that a property's noise mitigation equipment is no longer working as intended, the port district must apply to the grant program for resources to repair or replace existing noise mitigation equipment or address related hazards or damages.
- The Department of Commerce will administer grants from the fund to assist qualifying port districts with expenses related to noise mitigation within identified impacted areas.
- Impacted areas are limited to:
 - No more than ten miles beyond the paved north end of any runway
 - No more than 13 miles beyond the south end paved end of any runway; or
 - No more than two miles from the centerline of any runway extending six miles north and 13 miles south from the paved end of such runway.

FD CARES Program Expands in South King



The city of Renton's Regional Fire Authority has agreed to share its CARES (Community Advocates for Referral and Education Services) program with the Puget Sound Regional Fire Authority, which provides both emergency

and non-emergency services in a 120-square mile area that includes more than 260,000 residents, five communities (Kent, Covington, Maple Valley, SeaTac, and Tukwila), as well as unincorporated areas of King County Fire District #37 and King County Fire District #43.

The Washington State Legislature authorized the creation of Regional Fire Authorities (or RFAs) more than a decade ago. The purpose was to provide additional funding for fire services. Instead of the fire services being funded by cities from their general fund, a separate entity could be created which would be empowered to collect both additional property taxes dedicated to fire services, plus a voter-approved fire fee. Renton created its a single-city RFA, while Kent took the lead in forming what is now the Puget Sound RFA (which includes Covington, SeaTac, Tukwila, and portions of unincorporated King County).

The CARES program was created following the death of George Floyd to supplement the capabilities of police and fire departments responding to situations where significant assistance was needed in the areas of mental health, addiction, and referrals to human services. It is an alternative response model for first-responder units that contain a registered nurse, social worker, or other specialist who work both proactively and reactively to address the individual needs of community members who are chronically homeless, experiencing a mental health crisis, or identified as having unique healthcare needs. The goal is to provide individualized care and resource referrals to community members, as well as reduce the response burden and backlog experienced by traditional first responders.

The agreement between Renton and PSRFA includes aid in deescalating encounters with non-violent community members, connecting community members to appropriate resources, and reducing encounters by mitigating future crises. Additionally, the agreement requires documentation of both mental health and non-mental health calls for service in conjunction with dispatch (in this case Valley Communications), data analytics to measure outcomes and improve services, and training and resources on mental health for police.

Infrastructure Approval for Lakepointe

Covington's Lakepointe Urban Village Development has taken another important step forward after receiving approval and permits for infrastructure construction involving the projects Water Main and Sewer Main Grading permit grading and tree removal.

The city granted approvals after opportunities for comment, and review of project materials from Brookfield Development, including the permit Application, Plan Set, Geo-tech Report, Stewardship Plan, PAO Consistency Narrative and Development Agreement (DA), Planned Action Consistency Form, Major Tree Removal Application, and Tree Retention Plan.

The city concluded the work qualified as a "Planned Action Project" and an implementing project within the Lakepointe Urban Village. Tree removal and tree replanting will be required for the extension of utilities, which will occur through 258th Street.

Lakepointe Urban Village is a planned mixed-use development in the city of Covington. Once built, it will have more than 1,500 residential units, 850,000 square feet of retail space, 90,000 square feet of office space, community gathering spaces, and a 20-acre lake. The 214-acre property was once home to the Lakeside gravel mine and an asphalt batch plant. Planning for the development began in 2013 and residential sales are expected beginning 2024.

Woodinville Sign Code Update

For many months, Seattle King County REALTORS® has worked with the City of Woodinville Planning Commission on amendments to the sign code and to reverse a staff proposal that would have sharply limited the use of open house

A-Boards from the current allowance of six down to one. Now the Planning Commission has voted the draft onto the City Council. Council action is expected in the next 3-5 months. Please contact us for more information and/or to get involved.

New Replacement Levy for Kent Schools

The Kent School District's 2023 bond measure failed to pass, so the school board unanimously approved a resolution to seek voter approval of a levy on April 23, 2024, to fund a portion of the projects that were part of the bond measure, and which were identified as emergent needs of the District.

According to the District, the Capital Projects and Technology Replacement Levy would provide funding over the next three years for health and

safety, repairs and improvements, and technology education. The District's Bond Planning Task Force analyzed data produced from internal and third-party assessments of each facility to determine a list of capital projects.

The failed 2023 Bond asked for \$495,000,000 to fund capital projects. The 2024 Capital Projects and Technology Replacement Levy asks for \$190,200,000 for both capital projects and technology, over three years.

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Issues & Impacts

Seattle King County REALTORS® (SKCR) is working to ensure that public policies support homeownership and your business's bottom line.

Please contact Taylor Shanaman, Director of Governmental and Public Affairs, at tshanaman@nwrealtor.com with any local legislative issues that may need our attention.

The next issue will be released in July 2024.