

# COUNCIL MINUTES

## Regular Meeting June 20, 2011

Mayor Don Gerend called the regular meeting of the Sammamish City Council to order at 6:30 pm.

**Councilmembers present:** Mayor Don Gerend, Deputy Mayor Tom Odell, Councilmembers Mark Cross, John Curley, John James, Michele Petitti and Nancy Whitten.

**Staff present:** City Manager Ben Yazici, Public Works Director Laura Philpot, Assistant City Manager/Community Development Director Kamuron Gurol, Senior Planner Rob Garwood, City Engineer Jeff Brauns, Administrative Services Director Mike Sauerwein, City Attorney Bruce Disend, and City Clerk Melonie Anderson.

### Roll Call/Pledge of Allegiance

Roll was called. Councilmember Petitti led the pledge.

### Approval of Agenda

**MOTION:** Councilmember Petitti moved to approve the agenda. Councilmember Curley seconded. Motion carried as amended unanimously 7-0.

**Amendment:** Councilmember James moved to remove Item #3 Interlocal for Jail Service to immediately follow the consent agenda.

### **Presentations/Proclamations**

- *Presentation: Eastlake High School State Soccer Champions* – Mayor Gerend introduced the Eastlake Soccer Coach Adam Gervis. He recapped the season and then the Mayor presented the team with a special achievement award.

*Presentation: Skyline High School Track State Champion* – Mayor Gerend introduced Kasen Williams and recounted his achievements. He then presented him with a special achievement award.

*Presentation: Deputy Amy Jarboe 10 Year Recognition* – City Manager Ben Yazici recognized Deputy Jarboe for the 10 plus years she has served the city. He presented her with a 10-Year Clock, which is given to all employees after a decade of service.

## **Public Comment**

Peter Scrontino, 21832 SE 28th SHO Representative, He asked members of the audience to raise their hands to indicate support for the SHO recommendations to the Department of Ecology (DOE) and to encourage the Council to continue to work toward amendments to the Shoreline Master Plan (SMP).

Luanne Noon, 218 and SE 1<sup>st</sup>, She came to express concern about a new road about to open in her neighborhood. She said she never received any notification that this was going to happen. They are not happy with this.

Public Works Director Laura Philpot explained that the approval for opening this road was given during the preliminary plat process by the Hearing Examiner. Staff is looking into the history of this development.

## **Consent Calendar**

**Payroll for period ending June 15, 2011 for pay date June 20, 2011 in the amount of \$271,736.07**

**Approval: Claims for period ending June 20, 2011 in the amount of \$1,606,605.02 for Check No. 29380 through No.29506**

**Interlocal Agreement: School Resource Officer (SRO) - Lake Washington School District/Issaquah School District/**

**Minor Code Amendment to Title 13 Surface Water Management**

**Bid Award: Evans Creek Preserve Phase 1b/Tiger Construction**

**Amendment: Municipal Code Updates-Web Hosting/Code Publishing**

**Approval: Notes for the May 10, 2011 Joint Study Session with Parks & Recreation Commission**

**Approval: Minutes for May 16, 2011 Regular Meeting**

**Resolution: Identifying A Preferred Site For The Community Center And Requesting Further Site Analysis As Part Of The Feasibility Study. (R2011-458)**

MOTION: Deputy Mayor Odell moved to approve consent calendar. Councilmember Cross seconded. Motion carried unanimously 7-0.

**Interlocal: Jail Services/Snohomish County**

Administrative Services Director Mike Sauerwein gave the staff report. He explained that the interlocal with Snohomish County will provide a low-cost back-up option for long term housing of inmates. Councilmember James questioned if staff had considered any other options beside Snohomish County.

Mr. Sauerwein explained that staff is always looking to find low cost alternatives for providing service to the city.

MOTION: Councilmember James moved to approve the interlocal agreement with Snohomish County for Jail Services. Councilmember Cross seconded. Motion carried unanimously 7-0.

### **Public Hearings**

### **Ordinance: Second Reading Granting Discretionary Authority To The City's Director Of Community Development To Extend Reasonable Use Exceptions And Commercial Site Development Permits That Expired Due To The Recent Economic Recession**

Assistant City Manager/Director of Community Development Kamuron Gurol introduced the ordinance

Public Hearing opened at 7:10 pm and closed with no comment.

MOTION: Councilmember Petitti moved to adopt the ordinance. Councilmember James seconded. Motion carried unanimously 7-0 (O2011-307).

### **Resolution: Adopting An Updated Six-Year Transportation Improvement Plan (TIP) For 2012-2017**

City Engineer Jeff Brauns gave the staff report and a PowerPoint presentation (*presentation available on the city's website at [www.ci.sammamish.wa.us](http://www.ci.sammamish.wa.us)*). Deputy Mayor Odell and Councilmember Whitten expressed the desire to start the process of analyzing the current level of service and project prioritization to see if the any future projects on Eastlake Sammamish could be deleted.

Public Hearing opened at 7:28 pm

Linda Eastlick, PO Box 2574, Issaquah, She suggested adding 212<sup>th</sup> Way SE to the list of projects on the proposed Six Year TIP.

Mr. Brauns explained that there is money reserved in the budget for any emergency repairs that may need to be made on 212<sup>th</sup>Way SE. City Manager Ben Yazici will update the Council on plans for this road.

Public Hearing closed at 7:32 pm

MOTION: Deputy Mayor Odell moved to adopt the resolution updating the Six Year Transportation Improvement Plan for 2012-2017. Councilmember Whitten seconded. Motion carried unanimously 7-0 (R2011-459).

### **Ordinance: First Reading Adopting Revisions To The Sammamish Shoreline Master Program Adopted By Ordinance 2009-265 And Replacing The King County Shoreline Master Program Adopted By King County Ordinance 3688; Amending The City Of Sammamish Comprehensive**

## **Plan; Adopting Shoreline Maps; And Codifying The Shoreline Master Program Into Title 25 Of The Sammamish Municipal Code**

Mr. Gurol gave the staff report outlining the next steps in the Shoreline Master Plan (PowerPoint presentation available on the city's website at [www.ci.sammamish.wa.us](http://www.ci.sammamish.wa.us)). He explained the various documents in the Council packet. The most important document is the table of changes. He explained that these are staff recommendations based on Department of Ecology's (DOE) comments and best available science. Council is free to make any changes tonight; staff will try to get an informal approval from DOE before the next meeting.

### **Setback Reductions on Lake Sammamish**

DOE has concerns about insufficient mitigation for the setback reductions as proposed by the City. Staff is recommending prioritizing reductions with the Vegetative Enhancement Area (VEA) as No.1 in importance followed by bulkhead removal at No.2. A variety of menu options will be retained to allow for choice and flexibility. The maximum reduction would remain at 20 feet. They also recommend restoring the setback reductions in the UC for public projects.

### **Mitigation Sequencing**

DOE is concerned that some shoreline permits (like Single Family Residences) might be improperly restricted by the current language in the City's code. Staff is recommending adding language from the Washington Administrative Code to ensure consistency.

### **Vegetation Enhancement Area (VEA)**

DOE would like to see vegetated near-shore areas on all lakes, essentially requiring the same VEA for Pine Lake, Beaver Lake and Lake Sammamish. Staff has added supplementary rationale and is proposing an approach for Pine and Beaver Lake that would require VEA in proportion to the impact.

### **Dock Standards**

DOE is concerned about the impacts of the larger docks being allowed for in the City's code. They would prefer using the Army Core of Engineers (ACOE) standards on all lakes, not just Lake Sammamish. Staff is proposing to use the ACOE area standards, but retain flexibility for design and configuration.

### **Non-Conforming, Exemptions, etc.**

DOE is concerned about some of the terminology in the city's code. Staff is recommending changing the term "non-conforming" to "Existing Development" and creating a new section to regulate existing development.

### **Second Tier issues**

- Use Table (boating facilities agriculture restored)
- Corrected references, typographical errors
- Reference to No Net Loss phrase from the WAC
- Fences

- Fish and Wildlife Habitat Conservations Areas regulated by SMP
- Corrected map notations

These items will not be addressed tonight.

### **Accessory Dwelling Units (ADU)**

DOE had eliminated allowance for ADU's as there were no standards in the SMP for regulation of the code. ADU standards are now under review by the Planning Commission. These standards will be presented to Council at the July 18 meeting. It may be a better approach to require that ADU's comply with SMP Standards.

Councilmember Cross inquired why the definition of No Net Loss had been changed. Mr. Gurol explained that DOE was proposing a definition not used in any other city's SMP. Staff researched the WAC's and developed language that closely matches what is in the WAC (specifically WAC173-26-201(c))

Public Hearing opened at 8:13pm

### **Public Comment**

Jack Rodgers, 22708 SE 22<sup>nd</sup> Place, He recommended support by the Council for the recommendations that the SHO group will propose tonight. He spoke specifically about the VEA requirements. He is unhappy with the DOE changes. He feels the tree retention offsets the lower VEA that the city is proposing. He is also unhappy with the number of changes DOE is suggesting (submitted Exhibit #1).

Mary Jo Kahler, 21911 SE 20<sup>th</sup> Street, She has been involved for many years working on shoreline regulations. She feels the purpose of these regulations is to ensure that development of the shoreline and waters will result in no net loss in ecological function (submitted Exhibit #2). She does not feel that Pine and Beaver Lake should be held to the same standards as Lake Sammamish.

George Toskey, He spoke regarding setback reductions (submitted Exhibit #3). He feels the city's setback requirements actually provide more total setback footage than Redmond's SMP requires.

Samuel Rodebar, Legal Counsel for SHO group, He offered additional amendments in the area of docks, VEA's and setbacks. He addressed his comments to docks. They object to the RGP-3 standards for all lakes. Pine and Beaver Lake do not contain salmon so they should not be held to the same standards as Lake Sammamish. In kind repair of existing docks should be allowed. (Submitted Exhibits #5 and #6) The group has not had the time to develop language to address their issues.

Dwight Martin, 5101 E. Lake Sammamish Parkway NE, He likes the change in the SMP from "non-conforming" to "existing structure". He feels that bass is the biggest threat to salmon in our local lakes and Fish and Game should encourage the fishing of them. This will help the salmon more than restricting docks size (Submitted Exhibit #4).

Rory Crispin, PO Box 40443, He spoke regarding docks. He feels it is nearly impossible to satisfy the RGP-3 requirements that the DOE is mistakenly requiring for expedited dock permitting.

Reid Brockway, 167 ELSP Shore Lane NE, Spoke regarding lake shore buffers and rainwater from roofs and other impervious surfaces. He does not believe that these sources of run-off are dangerous to lakes nor do the buffers help to filter out the runoff.

Jim Creavy 1103 Eastlake Sammamish Parkway SE, He expressed frustration with DOE. He feels small docks are dangerous and unreasonable. He is supportive of the SHO amendments.

Jim Wasnick, 22613 SE 32<sup>nd</sup> Street, He spoke in support of the SHO group.

Public Hearing was continued to July 18, 2011 at 9:07 pm.

Councilmember Whitten and Petitti are supportive of the SHO amendments regarding docks. Deputy Mayor Odell would like to see some alternatives developed to help allow for wider docks. There was general support among the Council for different regulations on Pine and Beaver Lakes than those required for Lake Sammamish. The docks should be allowed to be larger and existing docks should not be required to meet the new standards.

Councilmember Cross spoke in support of the VEA requirements asked for by DOE as they provide support beyond just helping to filter rainwater. Natural vegetation provides shade and shelter for fish, birds, insects and other creatures. He also feels that allowing larger docks will result in net loss functioning of the lakes.

Councilmember James asked if staff has another alternative to the recommendations they are setting forth tonight. Mr. Guroi explained that the process with DOE is going to involve negotiation and compromise with what DOE is requiring and what the City can live with. Mayor Gerend urged the Councilmembers to email Mr. Guroi with additional comments or questions they may have on issues not addressed tonight.

**Unfinished Business** - None

**New Business** - None

### **Council Reports**

Councilmember Petitti reported the Finance Committee met today. The committee has not started to consider the funding source for the Community Center.

### **City Manager Report**

**Executive Session** – If Necessary

Meeting adjourned at 9:53 pm

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Melonie Anderson, City Clerk

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Donald J. Gerend, Mayor