

COUNCIL MINUTES

Regular Meeting July 21, 2009

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 Jack Barry, Councilmembers Mark Cross, Lee Felling, Kathleen Huckabay, Michele Petitti and Nancy Whitten.

Staff present: City Manager Ben Yazici, Deputy City Manager Pete Butkus, Public Works Director John Cunningham, Community Development Director Kamuron Gurol, Parks & Recreation Director Jessi Richardson, Administrative Services Director Mike Sauerwein, City Attorney Bruce Disend, and Deputy City Clerk Stacy Herman.

Roll Call/Pledge

Roll was called. Councilmember Cross led the pledge.

Public Comment

Approval of Agenda

MOTION: Councilmember Cross moved to amend the the agenda by removing item #5 Sammamish Landing Master Plan/Berger from the consent agenda and move it to the beginning of unfinished business. Councilmember Felling seconded. Motion carried unanimously 7-0.

Consent Calendar

- **Payroll for pay period ending July 15, 2009 for pay date July 20, 2009 in the amount of \$267,433.15**

Approval: Claims for period ending July 21, 2009 in the amount of \$1,278,962.28 for Check No. 24006 through Check No. 24140

Contract: City hall Door Repair/Western Entrance Technology, LLC

Approval: GovDelivery

Amendment: Beaver Lake Park Master Plan/Berger

~~Amendment: Sammamish landing Master Plan/Berger~~

Authorization: Contract Award Chip Seal

Authorization: Proceeds Distribution Bellevue Jail Property Sale

MOTION: Councilmember moved to approve the consent calendar as amended. Motion carried unanimously 7-0.

Unfinished Business

Sammamish Landing Master Plan

City manager Yazici reported that the purpose of the \$7900 amendment to the contract with Berger is to conduct a survey on the south side of the Sammamish Landing property to determine the correct boundary of public ownership. Councilmember Cross expressed his concerns regarding the Master Plan.

Parks Director Jessi Richardson updated Councilmember Cross on the Master Plan, public meetings and a preferred alternative plan that will be coming back to council for consideration on September 21st and that the plan will be substantially revised from the original.

MOTION: Councilmember Huckabay moved to authorize the City Manager to execute a contract in the amount of \$7900 with the Berger Partnership for additional survey work for the Sammamish Landing Master Plan. Councilmember Cross seconded. Motion carried unanimously 7-0.

Ordinance: Second Reading Annexing Rosemont At Timberline Subdivision Effective July 31st 2009 (O2009-262)

Community Development Director/Assistant City Manager Kamuron Gurol gave the staff report. This is the last council action for the annexation of Rosemont at Timberline Subdivision capstone ordinance. The effective date of the ordinance will be July 31st.

MOTION: Councilmember Felling moved to adopt an ordinance (O2009-262) Annexing Rosemont at Timberline Subdivision. Councilmember Petitti seconded. Motion carried unanimously 7-0.

Ordinance: Second Reading Amending Title 14a Of The Sammamish Municipal Code (O2009-263)

Community Development Director/Assistant City Manager Kamuron Gurol gave the staff report. The amendment to the ordinance would allow a little more leniency for developers/homeowners to pay road and park impact fees. The original ordinance required all fees to be paid at building permit issuance; the revised language will allow a deferred payment at time of lot/house sale with the fee paid through escrow. The sunset clause has been set to expire December 30, 2010.

MOTION: Councilmember Felling moved to approve Ordinance O2009-263 amending Title 14a of the Sammamish Municipal Code. Councilmember Huckabay seconded. Motion carried unanimously 7-0.

Community Development Director/Assistant City Manager Kamuron Gurol presented a PowerPoint presentation (Available on the City's website www.ci.sammamish.wa.us) providing an overview of City Council Policy Direction for the Shoreline Master Plan (SMP). Urban Conservancy and Ordinary High Water Mark information was presented, discussed and included in the packet as the City Council had requested. Next steps, proposed designation changes, individual landowner changes, and effects of Urban Conservancy were also discussed. SMP designations have been renamed from Rural to Shoreline Residential and Conservancy to Urban Conservancy. Mr. Gurol walked Council members through the next steps and reiterated that the Draft SMP is scheduled to be completed early August and the final version completed in September. A public informational meeting is tentatively scheduled for August 17th, the public hearing before the City Council is scheduled for September 1, 2009 and adoption of the final SMP is scheduled for September 22nd. He welcomed Council Members to attend the public informational meeting.

Public Comment:

Peter Scontrino 21832 SE 28th Street: He requests that Council eliminate all shoreline enhancement zones in the City of Sammamish SMP.

Mike Collins 2841 E. Lake Sammamish Parkway NE: He commended the City Council on all their hard work on the SMP. He offered to help out in any way he could to finalize the SMP.

Dwight Martin 5101 Sammamish Parkway NE: He requested Council use the 2700 OHWM elevation, as he suggests that it is more consistent with the Army Corp of Engineers and King County. (Comments submitted by Dwight Martin can be made by requesting the City Clerk's Office.)

Gary Smith 5011 E. Lake Sammamish Parkway NE: He discussed shoreline residential and urban conservancy zoning. He has concerns that the Planning Commission recommended zoning of his property (and his neighbor) is now being revised from shoreline residential and changing it back to urban residential.

Mr. Gurol explained that the Planning Commission recommendation for his property to be zoned shoreline residential have not been modified by the City Council. There is no proposal to change the designations for the two lots discussed by Mr. Smith.

Rory Crispin 3023 East Lake Sammamish Parkway SE: He suggests best available science and the goals of the SMA and reduced dock sizes.

Reid Brockway: He commented on May 19th SHO City revised version of the SMP and the time and effort spent on it.

Linda Eastlick 2032 222nd Avenue SE: She commented on policy direction from July 7th on shoreline stabilization. She has concerns with the shoreline to retreat naturally and putting the burden on those who do not have a bulkhead. Suggests it's not necessarily a natural process where there is surface water that washes away the shore in period of heavy rainfall. She encourages green shorelines approach be used, where there is not a form of stabilization. She also commented on the interior setbacks.

Mary Joe 21911 SE 20th Street: She encouraged the Council mimic the City of Redmond's shoreline plan, which was accepted by the Department of Ecology, particularly on buffers and setbacks and the impacts to homeowners and their property.

Michael Pizzo 3123 East Lake Sammamish Parkway SE: Has concerns with Urban Conservancy designations.

There was discussion amongst Council Members and revisions made to the policy direction, which is depicted down below.

City Council Policy Decisions Shoreline Master Plan

City Council Direction from July 21, 2009 meeting

Council Policy Direction from July 21, 2009 (new)

- **All lakes**
 - Public access will be offered by way of public lands (confirmed).
 - Replacement of existing bulkheads will be allowed (confirmed).
 - Retain the designation of Urban Conservancy as mapped in the Planning Commission recommended draft.
 - Consider designing incentives to promote the retention of vegetation within the Urban Conservancy.
 - Delete the requirement for 200 foot spacing between docks within the Urban Conservancy.
 - Delete the prohibition on subdivision within the Urban Conservancy.
 - The Ordinary High Water Mark will be determined by site specific review as defined by the state guidelines.
- **Lake Sammamish**
 - The City will conduct a study to establish a default Ordinary High Water Mark for purposes of administration.
- **Pine and Beaver Lakes**
 - Subdivision of parcels on Pine and Beaver Lake must maintain a minimum lot width of 50 feet at the shoreline (confirmed).

Council Policy Direction from July 7, 2009 (updated after July 21, 2009 to reflect additional Council direction)

- **All lakes**

- Docks may be as long as the average length of the nearest docks on either side (assuming the adjacent docks are not “stub docks”) and are limited to ¼ the distance to the opposite shore.
 - Dock height will not exceed 5 feet above the Ordinary High Water level.
 - Docks will be set back at least 15 feet from the waterward extension of the side property line with the exception of joint use docks.
 - The Shoreline Master Program will differentiate Beach Club properties servicing 10 or more lots from single-family residential regulations.
 - The active use area for Beach Clubs will match that of other private shoreline owners and existing Beach Club uses will be “grandfathered” in.
 - Do not require a CUP for shoreline stabilization, but balance this with additional vegetation requirement
 - Reductions of the “Shoreline Zone,” listed in the PC draft SMP, include:
 - A reduction (required prior to other reductions) of 10 feet for planting a 15 foot “shoreline enhancement zone” from the OHWM landward
 - A reduction of 15 feet for the removal of a bulkhead and restoration of shoreline or replacement with “bulkhead alternative” as presented in the “Green Shorelines” handbook
 - A reduction of 10 feet for creation of a durable inclined fill of gravel against the waterside of an existing bulkhead and restoration with native plants only when removal of the bulkhead will result in ecological harm (staff to review further)
 - Ensure that trigger and threshold issues (in regard to maintenance and rebuilding) are clearly articulated in the CC draft
- **Lake Sammamish**
 - Allow up to 480 square feet of dock area for single lot service, 700 square feet of dock area for two to nine lot service, and 1000 square feet of dock area for ten or more lot service (Beach Clubs)
 - Beach Clubs will be allowed to have a second dock to service an existing ramp as long as the total area of the docks is within the 1000 square foot dock area allowance
 - **Pine and Beaver Lake**
 - Allow up to 480 square feet of dock area for single lot service and 700 square feet of dock area for joint use docks serving two or more lots
 - Vegetation management as directed at the June 2nd meeting with the addition that “increased vegetation elsewhere on the lot” be preferably located near drainage areas such as swales or ditches

Council will consider the following issues on July 7

- Urban Conservancy Designations
- OHWM

Council requests for further information

- Clarify development triggers and thresholds requiring SMP conformance

- Confirmation that planting on fill on the waterward side of a bulkhead is acceptable to COE and NMFS
 - Assessment of Urban Conservancy sites and analysis of the possible increase in docks if the 200 foot spacing is not adopted
-

Council Policy Direction from June 16, 2009

- All lakes
 - Use citywide standards for impervious surface limits.
 - Allow subdivision of Urban Conservancy designated lots.
 - Physical and visual access is made available to the public by way of existing public parks, and potentially through street ends and other public lands.
 - Demonstrated need is not necessary for permitting of private residential docks.
 - WDFW approved materials are required for all dock repairs requiring permits.
 - No additional SMP regulation on spacing of private residential docks in the Urban Conservancy.
- Lake Sammamish
 - Interior side yard setbacks to total 15% of lot width, with a minimum 5 foot width for sides of structure.
 - Features per private dock:
 - 1 float
 - 2 boat lifts and 2 PWC lifts OR 4 PWC lifts
 - Features per private joint-use dock:
 - As above, plus:
 - 1 extra boat lift and 1 extra PWC lift
- Pine and Beaver Lake
 - Minimum lot width required for subdivision within Shoreline Jurisdiction: 50 feet
 - Restrict division of lot edge along waterfront edge
 - New lifts are prohibited
 - Existing lifts are “grandfathered”
 - Interior setbacks per zoning code

Council will consider the following issues on July 7

- Beach Club
- Shoreline Stabilization
- Ordinary High Water Mark
- Tree retention/vegetation requirements (clarification of June 2 direction)
- Shoreline Designations
- Policy direction item D-2 (size and length of docks)
- Possible limitation of floats and barges on Pine and Beaver Lakes

Council requests for further information

- Ordinary High Water Mark

- Current state regulations regarding public benefit requirements for subdivision (RCW 58.17.110)
 - Information regarding dock length/area regulations and fill for lifts (ACE and nearby jurisdictions)
 - Information on Best Available Science regarding vegetation retention and impervious surfaces
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Council Policy Direction from June 2, 2009 (updated June 17, 2009)

- Lake Sammamish
 - Establish a “Shoreline Zone” of 45 feet
 - Establish a “Shoreline Enhancement Area” of 15 feet
 - Establish a 5 feet Building Setback Line (BSBL) from “Shoreline Zone”
 - Offer incentives that can reduce the “Shoreline Zone” down to 15 feet

- Pine and Beaver Lake
 - Establish a “Shoreline Zone” of 45 feet
 - Establish a “Shoreline Enhancement Area” of 15 feet with incentive to reduce to 5 feet for increased vegetation elsewhere on the lot
 - Establish a 5 foot BSBL from “Shoreline Zone”
 - 80% of significant trees within the Shoreline Jurisdiction would be retained

- All lakes
 - Vegetation requirements are only applied through new permit application review
 - Vegetation will include a minimum of 75% native plants within the “Shoreline Enhancement Area”; up to 25% of vegetation may be non-natives
 - Allow an active use area that is up to 25% of the “Shoreline Enhancement Area” and no less than 15 feet of the lot width, and specify that the active use area can be non-contiguous
 - Fences within the “Shoreline Enhancement Area” will not exceed 6 feet in height
 - Existing landscape features may be retained and maintained

- Primary residences within the “Shoreline Zone” on all lakes
 - Legal and conforming primary residences, existing entirely within or partially extended into the newly established “shoreline zone,” continue to be legal and conforming upon adoption of the updated SMP
 - Such residences may be rebuilt in-kind
 - Indoor and outdoor remodeling and maintenance of such residences is allowed as long as the portion of the structure’s envelope (base and height dimensions) existing within the “shoreline zone” is not enlarged
 - Any reconstruction, beyond in-kind, within the “Shoreline zone” (voluntary or involuntary) triggers mitigation through vegetative restoration in the “Shoreline Enhancement Zone”
 - Expansion of the portion of the primary structure residence located outside the “shoreline zone” is regulated by existing city code

Council requests for further information

- Community beaches
- Ordinary High Water Mark

Council Reports

Councilmember Felling: He attended Shakespeare in the Park last week and encouraged everyone to attend. He attended National League of Cities and discussed the cash crises in other states, pension spiking and increased pay for public sector vs. private sector.

Councilmember Pettiti: She commented on support for the art commission. She is discouraged that there has been no resolution on the Freed House.

Councilmember Huckabay: She commented on the Freed House and the Kellman House. She attended regional transit meeting last week.

Mayor Gerend: Attended the WRIA 8 meeting last week. He updated the Council on the King Conservation District special assessment proposal and how the funds are split. Mayor Gerend drafted a letter to the King Conservation District opposing the reduction and lack of clarity that is currently being proposed.

City Manager Report

City Manager Yazici reported that a Commute Trip Reduction grant in the amount of \$500,000, along with several cities is being applied for. It requires the city to match \$250,000. The City of Sammamish share is \$21,487.00 over three years and because there are existing programs that are currently in place, it does not require the City to come up with hard cash.

He explained to Council the Lower Sammamish Commons project is requiring some additional excavating because of the soil conditions. There will be some additional costs associated with the additional work. There is a contingency fund associated with this project, granting the City Manager approval and signing authority for additional work.

Executive Session – Personnel pursuant to RCW 42.30.110 (1)(g) and Property Acquisition pursuant to RCW 42.30.110 (1)(b)

Mayor Gerend announced that the session may last an hour or longer and there will action following.

Council retired to Executive Session at 9:40 p.m. and returned at 11:25 p.m.

Councilmember Felling spoke on behalf of the entire City Council regarding the City Manager's evaluation. City Manager Yazici received a stellar evaluation.

MOTION: to adjourn. Motion carried unanimously 7-0.

Meeting adjourned at 11:30 pm

Stacy Herman, Deputy City Clerk

Donald L. Gerend, Mayor