

# COUNCIL MINUTES

## Special Meeting/Study Session July 27, 2010

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

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

**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 City Clerk Melonie Anderson.

### Roll Call/Pledge of Allegiance

Roll was called. Councilmember Cross led the pledge.

### Approval of Agenda

**MOTION:** Deputy Mayor Whitten moved to approve the agenda. Councilmember Odell seconded. Motion carried unanimously 7-0.

### Proclamations/Presentations

#### ➤ **Wireless Code Amendments – Planning Commission Handoff**

Senior Planner Emily Arteche introduced Planning Commission Chair Tom Vance. He gave a PowerPoint presentation (available on the city's website at [www.ci.sammamish.wa.us](http://www.ci.sammamish.wa.us)). He covered the five topics that the Planning Commission considered. These policies are being transmitted to the City Council tonight. The Planning Commission is in unanimous agreement on this recommendation.

Gary Abrams, Representing AT & T, He answered questions regarding abandoned wireless facilities. He said currently there were no abandoned poles in the city. He also explained since most facilities are on PSE poles, so even if the wireless facility was no longer in the, the pole would remain.

Council requested staff coordinate a tour of the wireless facilities in town, to occur before the September 7, 2010 Public Hearing.

### Consent Calendar

**Payroll for period ending July 15, 2010 for pay date July 20, 2010 in the amount of \$280,752.40**

**Ordinance: Second Reading Amending Title 14, Public Works and Transportation, of the Sammamish Municipal Code (SMC) By Adding Chapter 14.30, Right Of Way Use permits (O2010-285)**

**Contract Award: 2010 Neighborhood Traffic Management Program Phase II (NE 19th Drive Improvement Project)**

**Contract Award: Sidewalk Repair (2010 Projects)**

**Contract Award: 2010 Pavement Restoration (Local Streets Project)**

**Contract Award: 2010 Asphalt Patching**

**Contract: Home Energy Reports/Puget Sound Energy and OPower**

**MOTION: Councilmember Petitti move to approve the consent calendar. Councilmember Cross seconded. Motion carried unanimously 7-0.**

### **Public Comment**

Jon Simpson, 8924 121 Avenue SE, Newcastle, He spoke regarding the Critical Areas (CAO) update. He feels the current ordinance provides too much authority to the staff to make decisions on wetland reports. He feels staff are allowed to change criteria and use an outdated stormwater manual. This results in unreasonable restrictions on property owners.

**MOTION: Deputy Mayor Whitten moved to modify the agenda by moving the Study Session item on the Critical Areas Ordinance update to occur during the regular meeting. Councilmember Petitti seconded. Motion carried 7-0.**

#### **✓ Discussion: Critical Areas Ordinance Review (CAO)**

Assistant City Manager/Director of Community Development Kamuron Gurol showed a PowerPoint presentation (*presentation available on the city website at [www.ci.sammamish.wa.us](http://www.ci.sammamish.wa.us)*) giving an update on the CAO including timing issues related to the Growth Management Act process and review requirements, best available science requirements, relationship to other work and staff recommendation. Staff recommends two options: (1) try to complete the comprehensive review by the 2012 sunset date, which may be a difficult timeframe to meet, or (2) shift the sunset date to 2014 to align with the state deadline for the CAO update.

David Gee, 22201 NE 28<sup>th</sup> Place, Owns and wants to develop property on Beaver Lake. He feels staff ignores the regulations in the CAO that allow for flexibility in development of critical areas. He asked Council to act quickly to review the CAO and correct the unjust administration of its regulations.

Steve Nueugebauer, 15211 3<sup>rd</sup> Place NE, Duvall, He is the certified hydrogeologist that performed the wetland report on the property owned by the last speaker. He feels that he is competent to perform a wetland report. He suggested looking at the Best Available Science information and the CAO of Island County.

Bob Sorensen, 22609 NE 2<sup>nd</sup> Street, He is speaking on behalf of the Sammamish Homeowners and the Citizens of Sammamish groups and stands by their recommendation to open up the CAO at this time and encourage the Council to make no change to the sunset clause at this time. We will volunteer time if there is an economic concern regarding this issue. Our citizens can come up with ways to incorporate a revised CAO. I thank Kamuron Gurol for his presentation. It showed that he is listening to our concerns.

Megan Gee, 22201 NE 28<sup>th</sup> Place, She is concerned that the city staff will only use wetland biologists to determine wetland areas. She believes this is contradicted by the regulations. She feels a hydrologist has the credentials required. Staff has not been interested in any of their reports. Their hydrologist believes that without the stormwater on their property they would not have a wetland. The city needs to look at the ditches on their wetland, during their review.

Reid Brockway, 167 East Lake Sammamish Shore Lane SE, It seems there are two things going on. A CAO that needs to be resolved and a process problem. There are people that believe they have been abused by the city process which may or may not be valid. The city needs some ombudsman function that can bring some degree of reason to such dramatic differences of opinion.

Susan Richardson, 19661 SE 24<sup>th</sup> Way, She appreciates the concerns some Councilmembers have shown toward residents who are being affected by the CAO. She encouraged Council to move forward with the review of the ordinance and would appreciate it if the Council would try to finish this review before the 2014 deadline.

John Galvin, 432 228<sup>th</sup> Avenue SE, CAO, Shoreline Master Plan, the Town Center Plan, all have an underlying problem regarding property rights. There is a lack of consensus about whether property rights are a basic human right or a right given by government. A right given by the government is similar to extortion. This is a city-wide debate, my rights and the rights of others are being held captive.

James Osgood, 19661 SE 24<sup>th</sup> Way, Their property is in the Erosion and critical areas overlay. He feels this designation is improper. He feels Council could address this issue separately from the review of the CAO and any changes could be incorporated into the CAO later.

Councilmember Petitti feels that the CAO should be updated only once and should be done as quickly as possible. She does feel the Thompson Hill and Inglewood Hill basin plans and the Stormwater Update must be completed before this work could be completed.

City Manager Ben Yazici explained that he is working on the individual problems presented tonight and hopes to be able to solve them more quickly than the 24-month time frame.

Councilmember Odell asked Mr. Yazici to put together a two year work plan that can be analyzed at a study session. Mr. Yazici said this will be part of the budget process.

Councilmember Cross agreed with Councilmember Odell. He is concerned that the basin plans might have capital improvement plans that will have a budgetary impact. He feels these plans must be completed before deciding on the update for the CAO.

Deputy Mayor Whitten was supportive of reviewing the CAO only once.

Council requested a program evaluation review technique chart that includes current projects and some of the specifics discussed at this meeting.

Council recessed for five minutes.

### **Public Hearing**

#### **Planning Commission Transmittal of Stormwater Development Standards and interim Street Standards for Town Center**

#### **Interim Stormwater Development Standards and interim Street Standards for Town Center**

Mr. Gurol gave a PowerPoint presentation outlining the process these standards have gone through. The Planning Commissions are recommending a few changes to the standards that were presented at the joint meeting. He introduced Planning Commission Chair Tom Vance who transmitted the planning commission recommendation to the Council.

They offered a few minor amendment recommendations to the Interim Stormwater Development Standards. They added some language to protect single-family homeowners from the requirements of these standards. They added some clarifying language to the UZDP requirements. They are also recommending some esthetic requirements for stormwater facilities.

They recommended some changes to the Interim Road Standards regarding sidewalk widths and bike parking.

Councilmember Cross expressed concern with the lack of bike lanes in the Town Center. Consultant Victor Salemann explained that the standards will provide coexistence between cars and bikes.

Deputy Mayor Whitten pointed out that PWS 15.320 is not clear in showing that bike lanes are allowed on SE 4<sup>th</sup> and other main streets. Mr. Gurol said he will clarify that issue.

Public Hearing opened at 9:12 pm. Public Hearing was continued to September 7, 2010 with no public comment.

#### **Ordinance: Fifth Reading, Adopting The Town Center Development Regulations As Title 21B Of The Sammamish Municipal Code; Adopting Zoning Map Amendments For The Town Center Subarea; And Adopting The Town Center Infrastructure Plan**

Public Hearing opened at 9:13 pm.

### Public Comment

John Galvin, (spoke previously), Staff identified five issues for City Council discussion but he thinks a number of others should be included: Financial commitment for infrastructure has not been directly addressed; the Transfer of Development Rights (TDR) program needs to be discussed further in order to ensure it is reasonable and meets TDR goals. The broader issue of natural rights to land versus progressive philosophy should be addressed. The zoning structure is not appropriate. We need to consider using form based development in the Town Center.

Public Hearing was continued at 9:16 pm to September 7, 2010

Mr. Gurol gave a PowerPoint presentation regarding the Town Center Development Regulations (available on the city website at [www.ci.sammamish.wa.us](http://www.ci.sammamish.wa.us)). Five policy issues are being presented for Council consideration. Staff is looking for direction to offer alternative amendments to the code in these five areas that are based on public comment given as part of the public hearings on the Town Center. The five areas are.

(1)(2) E Zone requests/Preventing tax implication: There are three options: a – keep the zoning as it is, b-grant the requests for a rezone (which would require a Comprehensive plan change) or c-leave zoning and require rezone as part of the permitting process. Mr. Gurol clarified that the presentation of these options does not mean the Council is approving them, it is just allowing for public consideration of the options.

The Council is in agreement and requests alternative language as suggested regarding policy topics 1 & 2.

(3) 240 dwelling units in Town Center-D Zone: the options are a - the original wording; b -return to incentive pool; c - implementation language. Council requested a fourth option of using the 240 units as financing for the city.

Council agreed to offer these alternatives.

(4) Recreation and schools be considered in the count toward commercial square feet. Council agreed to develop the alternative language.

(5) Unified Zone Development Plan Process: Council agreed to develop additional language.

Mr. Gurol will solicit further additional requests from Councilmembers via email.

The Council supports Deputy Mayor's Whitten's request for optional language from staff regarding reducing the 80% parking. The Council asks for staff follow up regarding the implications of reducing the affordable housing from 10% to 5%. The Council would like to see

an option that includes a site amenity plan rather than having all bonus units being used for affordable housing.

**Unfinished Business** -None

**New Business** - None

**Council Reports**

Councilmember Odell reported on the Eastside Fire & Rescue Finance Operations Committee meeting. They are proposing new fees for such things as transport fee, fire inspections, freeway accidents responses, to increase their funding as well as some budget cuts to achieve a 0% increase for next year. He also expressed concerns over the amount of money being spent on sidewalk repairs. He thinks a newsletter article would be helpful in persuading residents not to park on the sidewalks to reduce damage to them.

Councilmember Petitti invited all the Councilmembers to lunch at the YMCA Camp Terry.

Councilmember Curley reported that traffic enforcement needs to be increased at Pine Lake Park.

Councilmember James reported that the US Senior Open begins this weekend.

Councilmember Cross handed out pictures of a band shell that he saw in Canada. He thought it might be something the city could use.

Mayor Gerend reported attending Shakespeare in the park last Thursday.

**City Manager Report** – No Report

**Executive Session** – Property Acquisition pursuant to RCW 43.30.110(1)(b) and Potential Litigation 42.30110(1)(i)

Council adjourned to Executive Session at 10:08 pm. Council returned at 11:00pm. Not action was taken.

Meeting adjourned at 11:00 pm

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Melonie Anderson, City Clerk

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Donald J. Gerend, Mayor