

**City of Sammamish
City Council Minutes
Regular Meeting
August 25, 1999**

Deputy Mayor Jack Barry called the regular meeting of the Sammamish City Council to order at 7:30 p.m.

Councilmembers present: Deputy Mayor Jack Barry, Councilmembers Don Gerend, Kathleen Huckabay, Kenneth Kilroy and Troy Romero

Councilmembers excused: Mayor Phil Dyer and Councilmember Ron Haworth

Staff present: Interim City Manager Lee Walton, Interim Planning Manager Kelly Robinson, Interim City Attorney Bruce Disend, Interim Senior Planner Mathes, Interim Assistant to Manager Randy Suko, and Interim City Clerk Ruth Muller.

Roll Call/Pledge

Roll was called and the pledge was led by Councilmember Huckabay.

Approval of Agenda

Councilmember Huckabay moved to approve the Agenda. Councilmember Kilroy seconded the motion. Councilmember Huckabay moved to amend the motion to delete Items No. 4, Public Hearing and No. 5, Unfinished Business, from the agenda. Councilmember Kilroy seconded the motion. The motion to amend carried unanimously. The motion to approve the agenda as amended carried unanimously.

Public Comment

Larry Trent said that another access road for new development on Southeast 8th Street is necessary and suggested that 244th Avenue be used to prevent traffic congestion.

Marsha Rundle, 15639 S.E. 43rd Street, said that the plan for interim use of the East Lake Sammamish Trail has been reviewed by experts and their reports indicate that there should be no interim use of the Trail because of safety factors. She suggests that King County abandon the interim use plan and begin the design process since interim use of the Trail will alienate people.

Philip Kerr, 20021 N.E. 35th Pl., expressed concern about lifting any of the land use moratorium requirements.

Beverly Kepper, 23811 N.E. 14th, indicated that she is outraged by the City Council position on the East Lake Sammamish Trail since this is a project that will benefit the community and it does not make sense that the City Council would object to this Trail.

Greg Allan, 530 254th Ave., questioned why the items were deleted from the agenda.

Consent Calendar

Councilmember Romero moved that the consent calendar be approved as submitted. Councilmember Huckabay seconded the motion. The motion carried unanimously approving (1) the minutes of the regular council meeting of July 28, 1999, and (2) claims for the period ending Aug. 19, 1999 in amount of \$87,484.41. The motion carried unanimously.

New Business

Contract C99-24: Interim Senior Planner Mathes said that this contract covers hearing examiner services with a second provider for the City of Sammamish and is the same contract approved previously for another consultant. Councilmember Gerend moved that the Interim City Manager be authorized to execute a contract between the City of Sammamish and Philip Wickstrand Dufford for hearing examiner services. Councilmember Romero seconded the motion. The motion carried unanimously.

Ordinance No. O99-28: Councilmember Romero said that the Land Use Committee recommends that the land use moratorium be continued with a few changes. Interim Planning Manager Robinson reviewed the existing moratorium, the public process and comments, the Committee review, the plan to process building permits upon incorporation, and proposed changes to the existing moratorium.

Councilmember Romero moved to adopt Ordinance No. O99-28 Relating to Land Use and Zoning, and Establishing a Moratorium on the Filing of Applications for Development Permits and Approvals Within the Corporate Limits of the City of Sammamish. Councilmember Gerend seconded the motion. Councilmember Romero said that the Land Use Committee received public comment on this issue at Committee meetings and the City Council held a public hearing on this subject that is not required by state law. After considering all information submitted the Committee concurs with staff recommendations and recommends that the Council enact this moratorium to end on a specific date. Councilmember Romero discussed the exemptions included in this ordinance noting that processing of building permits will be limited by staff ability to handle the volume of applications; this will be monitored carefully and the City Council may need to change if the volume impacts ability of staff to process the permits. Staff did not cave in to the development community since the recommendation was made before the public hearing at which legal action was threatened by several speakers. Allowing building permits for already approved lots is a way to slightly open the door for development to continue and the community should be pleased that staff is attempting to prevent litigation. The City will not bow down to threats of suit and we need to work cooperatively to make this moratorium work. This moratorium represents the desires and policy of the City Council without impacting staff. Question was called and the motion to adopt Ordinance No. O99-28 carried unanimously.

Several citizens expressed concern that no opportunity is provided at this meeting for public comment on this subject. Councilmember Romero reminded everyone that there

was public comment at the public hearing July 28, 1999 and opportunity for written comment and input at Land Use Committee meetings.

Ordinance No. O99-29: Deputy Mayor Barry said that since this ordinance includes provision for school impact fees and since his wife is Superintendent of the Issaquah School District he will remove himself from the room and not participate on this issue. Councilmember Kilroy moved that a mayor pro tem be elected to preside on this agenda item. Councilmember Huckabay seconded the motion. The motion carried unanimously. Councilmember Kilroy moved that Councilmember Huckabay be appointed as mayor pro tem for this agenda item. Councilmember Gerend seconded the motion. The motion carried unanimously.

Deputy Mayor Barry left the chambers at 8:25 p.m.

Councilmember Romero moved that Ordinance No. O99-29 be approved Adopting the Interim Sammamish Development Code Including Chapters Regulating Administration, Traffic Mitigation Payments, Subdivisions, Planning, Zoning, Shoreline Management and School Impact Fees. Councilmember Kilroy seconded the motion. Interim Planning Manager Robinson said that the Land Use Committee worked on developing this interim code during a series of Committee meetings and he reviewed how this Interim City Code will differ from King County Code. The Transportation Committee recommends adding Chapter 14.75 covering impact fees to this interim code.

Councilmember Kilroy moved that Chapter 14.75, Transportation Mitigation Fees be included in the Interim Sammamish Development Code. Councilmember Romero seconded the motion. The motion carried unanimously.

Councilmember Romero moved to amend the motion that the minimum density requirement be removed from Section 21.A.12.030. Councilmember Gerend seconded the motion noting that this allows for density without the need for apartment dwellings. The motion carried unanimously.

Councilmember Romero moved that the August 25, 1999 letter from J. Richard Aramburu to Mr. Tom Harmon be entered into the record. Councilmember Gerend seconded the motion. The motion carried unanimously.

Councilmember Gerend moved to amend the motion that the minimum density requirement on slopes be removed from Section 21A.12.087. Councilmember Romero seconded the motion. The motion carried unanimously.

Councilmember Kilroy moved to amend the motion that fire facilities be allowed as a permitted use and change the footnote to 50 feet (not 35 feet as under King County Code). Councilmember Romero seconded the motion. Councilmember Gerend moved to amend the amendment to remove as a residential use. Councilmember Romero seconded the motion. Councilmember Romero moved to table this amendment.

Councilmember Kilroy seconded the motion. The motion to table the amendment carried unanimously.

Mayor Pro Tem Huckabay asked for continued discussion on the amended motion without the fire facilities amendment. Staff responded to questions of the Council relating to group homes, unrecorded plats, livestock requirements, public nuisances, wetland buffer setbacks and school impact fees. Councilmember Romero noted that this Interim Sammamish Development Code is INTERIM since the City is required to have a code in place by the August 31, 1999 incorporation date. The Council will involve the community in determining what the total community wants in our own comprehensive plan and Sammamish development code.

The motion to adopt Ordinance No. O99-29, Interim Sammamish Development Code as amended carried by four aye votes – Councilmembers Gerend, Huckabay, Kilroy and Romero.

Mayor Pro Tem Huckabay recessed the meeting at 9:10 p.m. for five minutes.

Deputy Mayor Barry reconvened the meeting at 9:20 p.m.

Council and Committee Reports

Councilmember Romero reported that the Land Use Committee will continue to work on the remaining chapters for the interim development code and then begin the comprehensive plan development process.

Councilmember Gerend reported that the Transportation Committee discussed possibly requesting a change order to the 228th Avenue Project Phase IA to extend the left turn lane south of the Issaquah/Pine Lake Road; possibility of widening the Issaquah/Pine Lake Road for a planter strip; submittal of grant application to Transportation Improvement Board for Northeast 8th Street project; Mitigation payment system; and concurrency audit status.

City Manager and Staff Reports

Interim Assistant to City Manager Suko and Karen Moran reported on the progress of the August 31 incorporation celebration plans noting that a new budget estimate of \$11,730 appears realistic rather than the original \$14,530 estimate.

Public Comments

Helen Baxter, 723 216th Ave. S.E., supports Councilmember Romero's comments about lawsuits and urged the Council to move cautiously so that our codes provide for safety and to prevent liability to the City. She questioned whether child care centers licensed for profit should be exempt from the moratorium.

Lisa Shane, 1714 East Beaver Lake Drive, said that Sammamish chose to incorporate because King County did not address our concerns, and the City Council needs to work to address the needs within our community.

Karen Moran, 20705 S. E. 3rd Way, thanked the Council for the three times that the community had opportunity to comment on the land use moratorium; she knows that councilmembers are torn by what the heart would like and what the head says can be legally done.

Tom Harmon, 2302 West Beaver Lake Road, thanked the Land Use Committee for the hard work in developing the interim code; suggested that SEPA appeals should go to Superior Court rather than the City Council; and suggested that consideration be given to completely rewriting the hearing examiner procedures to make them less adversarial.

Lee Howell, 1131 244th Avenue N.E., said that he may be in the minority on the land use moratorium. He has 2 acres acquired from his wife's family and they have water rights, but are now unable to develop. Councilmember Huckabay reminded Mr. Howell of the hardship application process included in the moratorium ordinance.

John Kuhn, 21822 N.E. 1st Street, suggested that the City look at the California codes relating to earthquake resistance.

Adjournment

There being no further business the meeting was adjourned at 10:00 p.m.

Ruth Muller, Interim City Clerk

Deputy Mayor Jack Barry