

**City of Sammamish  
City Council Minutes  
Regular Meeting  
September 6, 2000**

Mayor Jack Barry called the regular meeting of the Sammamish City Council to order at 7:35 pm.

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

**Councilmembers absent:** Councilmember Phil Dyer

**Staff present:** City Manager Michael Wilson, Director of Administrative Services Dennis Richards, Public Works/Finance Director Ben Yazici, Senior Project Engineer Lee Haro, Director of Community Development Ray Gilmore, Planning Manager David Sawyer, Police Chief Richard Baranzini, City Attorney Bruce Disend and City Clerk Melonie Anderson.

**Roll Call/Pledge**

Roll was called. Councilmember Kilroy led the pledge.

**1. Approval of Agenda**

**MOTION:** Councilmember Huckabay moved to approve the agenda. Councilmember Haworth seconded. Motion carried 6-0.

**2. Mayor/Council/Committee Reports**

- Public Works Committee (Haworth): No report
- Public Safety Committee (Kilroy): Committee met with King County regarding policing and safety issues on the Eastlake Sammamish Trail. King County would like to meet with the committee once more They will write a report and present it to Council.
- Finance Committee (Huckabay): Committee approved the budget schedule. She also informed Council that she had received the E.I.S. on the Metropolitan Transportation Alternative (two volumes).
- Community Development Committee (Dyer): No report.
- Deputy Mayor Romero gave a report on the Beaver Lake Triathlon. Councilmember Gerend participated in the event.

- Eastlake High School Report (Lin Yang): Reported that school started. He has been communicating with leadership students at Eastlake, and members of the Redmond Youth Advisory Board and hopes to begin the planning of a Youth Advisory Board in Sammamish.
- Skyline School Report (Mary Vinuelas): She announced that there is a community bulletin board at Skyline where City Information can be posted.
- Mayor Barry announced the City of Issaquah and the Sammamish Plateau Water and Sewer District are meeting on September 11 at 5:00 pm. The Mayor of Issaquah has asked the City of Sammamish to send representation. Councilmembers Haworth and Huckabay volunteered to attend. On October 12<sup>th</sup>, an all-day Water Summit will be held with several municipalities and government agencies.

### **3 Public Comment**

Harold Fowler, 22021 SE 4<sup>th</sup> Street, urged Council to reconsider the land use moratorium and give permission for small shorts to be developed.

Tom Harmon, 2302 West Beaver Lake Drive updated Council on water issues. He announced there would be a meeting of Sammamish Community Television on September 19<sup>th</sup> at the Klahanie Fire Station.

### **4. Consent Calendar**

- a) Proclamation – PTA Membership Month
- b) Claims for period ending September 6, 2000 in the amount of \$1,397,664.86
- c) Payroll for August 1-15, 2000 pay period/August 18th pay date in the amount of \$65,808.22
- d) Payroll and benefits for August 16-31 in the amount of \$83,871.91
- e) Minutes of Special Council Meeting August 16, 2000
- f) Minutes of Special Council Meeting August 23, 2000
- g) Minutes of Study Session/Special Council Meeting August 30, 2000

**MOTION: Councilmember Haworth moved to approve the Consent Calendar. Councilmember Kilroy seconded. Motion carried 6-0.**

Mayor Barry read aloud a proclamation making September National PTA Membership Month. Sandy Livingston, representing the State PTA thanked the Council for the proclamation and urged all citizens to become members of the local PTA.

### **5. Unfinished Business**

### **6. New Business**

**a) An ordinance of the City of Sammamish, Washington, making the violation of a Stop Work Order a civil infraction**

Director of Community Development Ray Gilmore explained the purpose of this ordinance was to place a civil penalty of \$250.00 for each infraction and violation of a Stop Work Order. Currently the City has no provisions for such a penalty. The charge of \$250.00 is reasonable for the amount of construction being performed in the City and is comparable with the charges of other jurisdictions. Staff recommends approval of this ordinance.

Councilmember Gerend asked if there was any precedence for scaling the penalty up based on the violations. Mr. Gilmore recommended Council adopt this ordinance to have something in place now and staff would research raising the penalty.

**MOTION: Councilmember Kilroy moved to adopt an ordinance of the City of Sammamish, Washington, making the violation of a Stop Work Order a civil infraction. Councilmember Huckabay seconded. Motion carried unanimously 6-0**

**b) Interlocal: Agreement with King County to perform the Sammamish Plateau Area Corridor Study (SPAC)**

Public Works/Finance Director Ben Yazici explained this interlocal agreement would provide \$80,000 in funding for the work that must be performed in order for the City to apply for further grant money. He praised Special Projects Engineer Lee Haro for moving this agreement through King County quickly.

Councilmember Huckabay inquired how the other Cities and agencies involved in the SPAC study would give their input, especially if they don't like the result of the study. Mr. Yazici explained the Cities and Agencies had signed the Memorandum of Understanding, thereby agreeing to work together. Councilmember Huckabay expressed concern that a major freeway would be put through the City. Mr. Yazici explained the City's interest would be of primary importance.

**MOTION: Councilmember Haworth moved to approve the interlocal agreement with King County to provide the transfer of \$80,000 to perform the Sammamish Plateau Area Corridor Study. Councilmember Gerend seconded. Motion carried unanimously 6-0.**

**c) Contract: EarthTech/SPAC Grant Application**

Mr. Yazici said a group of representatives from each government involved in the project interviewed three consulting firms, David Evan, Ch2Mhill and Earthtech and reached consensus that Earthtech was the best firm to perform the work. Councilmember Huckabay questioned the value of the transit portion of the contract. A sub-consultant will be involved in this aspect of the study and will provide at least three or four transit alternatives. Councilmember Haworth cautioned against Earthtech releasing any information to the public. All public information should go through the City Manager.

**MOTION: Councilmember Gerend moved to approve the contract with EarthTech to perform the work necessary for the SPAC grant application. Councilmember Huckabay seconded. Motion carried unanimously, 6-0**

**d) Requests for Hardship Exceptions to the Land Use Moratorium.**

Director of Community Development Ray Gilmore explained the development moratorium, as adopted on August 16, 2000, precludes the use of a categorical exemption for a project if the proposal includes the division of land. Four individuals are requesting a hardship exception under Section 5 of the moratorium. This section allows Council to except a project from the moratorium if an “unusual or unreasonable hardship” is caused by the moratorium. The decision is at the discretion of the Council.

**Summary of Facts**

**Ali Ghambari**  
**19680 SE 24<sup>th</sup> Way**

He has purchased his water certificates and they will expire November 6, 2000. He has sold property to finance the short platting of his property to form one extra lot. He currently lives on the adjoining property. After several meetings with City Staff Mr. Ghambari believes that he would have qualified for an exemption under the terms of the previous moratorium.

*Council Findings:* Council finds in favor of granting this hardship exception for the following reasons; (1) Mr. Ghambari’s water certificates will expire under the current moratorium. (2) He would have qualified for an exemption under the previous moratorium. (3) He has invested a significant amount of money. (4) He is only creating one extra lot and this fits within the spirit of the moratorium.

**MOTION:** Councilmember Kilroy moved to grant Mr. Ali Ghambari a hardship exception to the current development moratorium. Councilmember Huckabay seconded. Motion carried unanimously 6-0.

**Summary of Facts**

**Judy LaCourse**  
**20203 SE 24<sup>th</sup> Street**

She is wishing to divide her 4 ¼-acre lot into two lots. She was allowed to purchase her water certificate. She is requesting the hardship exception because her water certificate will expire in December and she would have qualified for a categorical exemption under the previous moratorium.

*Council Findings:* Council finds in favor of granting this hardship exception for the following reasons: (1) Her water certificate will expire during the current moratorium. (2) She would have qualified for a categorical exemption under the previous moratorium. (3) The short plat falls within the spirit of what Council intended when they imposed the moratorium. Council did not want to affect homeowners who wanted to short plat, but intended to restrict large developments.

**MOTION:** Councilmember Kilroy moved to grant Ms Judy LaCourse a hardship exception to the current development moratorium. Councilmember Haworth seconded. Motion carried unanimously 6-0.

### **Summary of Facts**

**Lynn Mattson**  
**19546 SE 24<sup>th</sup> Way**

Mr. Mattson was unable to attend the meeting but was represented by Jim Grace. (424 243<sup>rd</sup> Place SE). Mr. Grace said that Mr. Mattson wants to subdivide his property into 12 lots. Mr. Mattson met four times with City Staff. After these meetings, Mr. Mattson felt that he could proceed with buying his water certificates and contracting to sell his property. Because his water certificates would not expire under the previous exemption, Mr. Mattson would not have qualified for a categorical exemption until this moratorium. Due to the change in the current moratorium, he did not qualify for a categorical exemption. He also is unable to work due to health problems. Because he was self-employed he has no retirement benefits other than the sale of this property.

*Council Findings:* Council finds in favor of granting the hardship exception to Mr. Lynn Mattson for the following reasons: (1) Mr. Mattson would suffer severe economic hardship if he is not granted the exception. (2) He experienced a misunderstanding in the advice he was given from staff. (3) His water certificates will expire in October and he has already paid \$12,000 towards the water certificates.

**MOTION:** Councilmember Kilroy moved to grant Mr. Lynn Mattson a hardship exception to the current development moratorium. Councilmember Gerend seconded. Motion carried unanimously 6-0.

### **Summary of Facts**

**James A. Guse**  
**PO Box 4184**  
**Kent, WA 98032**

He requested a hardship exception to subdivide his property into nine lots. He believes that he would have qualified for a categorical exemption under the previous moratorium. He explained his hardship would be loss of income and loss of financial commitments already made.

*Council Findings:* The moratorium was intended to prevent larger subdivisions. Hardship exceptions cannot be granted based on financial commitment alone. Mr. Guse has not justified his hardship. There probably has been some misunderstanding on the procedure Mr. Guse should have followed, but since the staff member in question is not present, no ruling should be made based on the advice given. Mr. Guse probably has been caught between the rules of the previous moratorium and the new moratorium

**MOTION:** Deputy Mayor Romero moved to table this decision until the next regular Council meeting. Councilmember Haworth seconded. Motion failed 3-3 with Councilmembers Gerend, Huckabay and Mayor Barry dissenting.

**MOTION:** Councilmember Gerend moved to grant Mr. James A Guse a hardship exception to the current development moratorium. Councilmember Huckabay seconded. Motion failed 3-3 with Councilmember Haworth, Deputy Mayor Romero and Mayor Barry dissenting.

Councilmember Kilroy inquired if the City had any ordinances regarding heavy trucks. Mr. Yazici recommended Council to defer action on this until the arterial classification study has been completed because some street classifications may change. Councilmember Huckabay recommended the Public Works Committee study this issue.

Councilmember Haworth asked staff to look into drafting an ordinance prohibiting used car lots from developing at intersections around the City.

Council recess from 9:25 pm to 9:35 pm

**7. Executive Session – Litigation**

**8. Adjournment:** Mayor Jack Barry adjourned the meeting at 10:00 pm.

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Melonie Anderson, City Clerk

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Jack Barry, Mayor