

COUNCIL MINUTES

Special Meeting/Study Session February 3, 2004

Mayor Kathleen Huckabay called the regular meeting of the Sammamish City Council to order at 7:30 pm.

Councilmembers present: Mayor Kathleen Huckabay, Deputy Mayor Don Gerend, Councilmembers Jack Barry, Mark Cross, Lee Felling, Michele Petitti and Nancy Whitten.

Staff present: City Manager Ben Yazici, Director of Administrative Services/Assistant City Manager Pete Butkus, Director of Community Development Ray Gilmore, Police Chief Richard Baranzini, City Attorney Bruce Disend and City Clerk Melonie Anderson.

Roll Call/Pledge

Roll was called. Councilmember Barry led the pledge.

Approval Of Agenda

MOTION: Councilmember Barry moved to approve the agenda. Councilmember Petitti seconded the motion. Motion carried unanimously 7-0.

Presentations/Proclamations

King County Councilmember David Irons gave a review of accomplishments in 2003.

- Issaquah Highlands Park and Ride Lot (1000 stalls)
 - Human Services safety net in place despite fiscal short falls
 - Cedar Hills landfall issue will be studied further
 - Initiative 776 will impact the transportation budget by \$9.6 million if approved
 - Road budget has not been finalized yet.
 - Gary Ridgeway plea bargain has saved the county several million dollars
 - King County is encouraging unincorporated areas to annex to neighboring cities
 - Voters will have a chance to vote on reducing the number of County Councilmembers from 13 to 9. This will cause redistricting and all seats will be up for election
 - Critical Areas ordinance and Comprehensive Plan revisions are due December 1, 2004.
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- *Eastlake High School Student Liaison(Alex Madison):* Finals were last week and the semester ended on Thursday. A new advisory curriculum on diversity awareness will be going on for the next week or so. Auditions were held for the Spring Play, Alice in Wonderland.

Open Study Session at 7:55 pm

Concurrency & Impact Fees

City Attorney Bruce Disend gave the staff report. Three ordinances are going to be considered tonight: (1) Definitions, (2) Concurrency and (3) Fees. The particular emphasis for this discussion tonight involves exemptions, if any, from concurrency, and the number of years required for concurrency. Currently the only exemption is development for public benefit (i.e. schools, city hall). However, fees for exempt development cannot be waived, the City must pay them from the general fund.

Public Comment

Mike Miller, Pacific Properties, He had two comments on the current ordinances:(1) the time limit on concurrency certificates still needs to be changed to last the lifetime of the permit. He was under the impression that Council had agreed to that in previous discussions. Limiting the certificate to five years will be difficult to comply with. (2) Once the plat has paid 100% of concurrency fees, no other fees should have to be paid at time of final plat. The ordinance still says the fees will be assessed at the building permit stage. He believes that Council had previously directed the staff to make that change.

Councilmember Barry explained that he would not be participating in any discussion and vote that might be related to the Issaquah School

Scott Hamilton, 192227 SE 19th Street, The City is prepared to adopt ordinances that may include exemption contrary to those allowed by law and recent court decisions. The City may do so at its peril. There has been plenty of discussion on this point, both at the staff level and legal representation of an outside interested citizen, and during City Council meetings and workshops. The City's outside professional consultant has warned the City Council and staff repeatedly that certain exemptions are not permitted under state law, but the previous and current Councils persist in considering exemption. Additionally, the Council is prepared to grant school districts an exemption from paying fees for road impacts. As the Council well knows, state law requires the City's general fund to make up any difference between the exemptions granted to the school districts-or any other entity, such as low income housing-and the true cost of its road projects. City taxpayers are being asked to subsidize another taxing body to make road improvements in areas impacted by what is known in technical terms as an "attraction" – that is, a facility that attracts traffic. He then went on to list three reasons why schools should not be exempt (full copies of this statement are available upon request from the City Clerk).

Close Study Session

Mayor/Council/Committee Reports

- *Public Safety Committee (Councilmember Felling)*: The committee met. The meeting was primarily for background information. They discussed a couple of issues

relating to Eastside Fire & Rescue; labor negotiation and the board members. Mayor Huckabay and Councilmember Felling represent Sammamish on the board.

- *Finance Committee (Deputy Mayor Gerend)*: SCA meeting will be Thursday. One of the issues is whether SCA should continue the fight with King County on the waste management issue. They didn't achieve much last year. There will also be a discussion on the matching funds from the state for areas that would like to annex to cities. He would like to get Council direction on both these issues. Council indicated they were in favor of continuing the fight over waste management. Council was not in favor of seeking state matching funds for annexation.
- *Community Development Committee (Councilmember Cross)*: Committee met and will continue to meet the first Tuesday of the month at 6:00 pm. Today they discussed accessory dwelling uses, public and environmental review process and the current duties of the Planning Commission and what they will work on in the future.
- *Public Works Committee (Councilmember Petitti)*: Public Works will be meeting on February 10. Their regular meeting will continue to be held on the Third Tuesday.
- *Legislative Committee (Mayor Huckabay)*: Committee went to Olympia last week and met with all six of the legislators the represent the City. The topic was funding for the SR 202 project. They were all in favor of getting this project back into the budget but they seemed unsure of what the process was. They also discussed the Streamline Sales Tax project.
- *Parks, Trails and Natural Resources Committee (Councilmember Whitten)*: The committee will hold its first meeting on February 22 at 10:00 am. They will be discussing their regular meeting date and scope of the committee.

Councilmember Barry will remove himself from voting on any of the ordinances that deal directly with school impact fees.

Public Comment:

Boris Wiggers, 21515 SE 28th Lane, He is concerned that the water level of Pine Lake is too high. A weir regulates the level of the lake and he would like to the City to begin monitoring it.

Paul Wells, 22965 NE 26th Place, He does not like the way Beaver Lake Lodge is being managed. The prices for using the facilities are far too high. He has compared the prices to other public park prices. The property management company is not particularly helpful. He thinks they manage it like a business and not a public park.

Scott Hamilton, 19727 SE 19th Street, He agreed with the previous comment. He thinks the prices are too high.

CONSENT CALENDAR

- Payroll for pay period ending January 15, 2004 for pay date January 20, 2004 in the amount of \$152,147.20.
- Claims for period ending February 3, 2004 in the amount of \$1,076,022.23 for Check No. 9445 through Check No.9508
- Approval: December 16, 2003 Regular Meeting Minutes
- Approval: January 6, 2004 Regular Meeting Minutes

MOTION: Councilmember Petitti moved to approve the consent calendar. Councilmember Whitten seconded. Motion passed unanimously 7-0.

Public Hearing (Continued from January 20, 2004)

Consider Public Comment regarding an ordinance Relating To Land Use And Zoning, Amending Ordinance No. 2003-127, To Extend A Moratorium On The Filing Of Applications For Development Permits And Approvals, Within The Corporate Limits Of The City Of Sammamish.

Community Development Director Ray Gilmore gave the staff report. This is the second reading and the public hearing, which was continued from the January 20 meeting. This is the ninth time the moratorium has been extended. The purpose of the moratorium is to allow development regulations to be put in place.

Public Hearing was opened at 10:15 pm.

Public Comment

(No name or address given): She encouraged Council to add an exemption for the building or replacement of a dock. There is very little environmental impact. Any facility that would be built requires strict review by the Shoreline Management Board.

John Hanson, 2424 NE 8th Street, He asked Council not to continue the moratorium. Many people have invested large sums in securing water certificates. They do not have the resources and time necessary to wait out the moratorium. The comprehensive plan and Planning Commission is in place. It is time to end the moratorium.

Public Hearing closed at 10:20 pm

Unfinished Business

Ordinance: Second Reading Relating To Land Use And Zoning, Amending Ordinance No. 2003-127, To Extend A Moratorium On The Filing Of Applications For Development Permits And Approvals, Within The Corporate Limits Of The City Of Sammamish.

Mr. Gilmore gave a brief staff report. This does not prohibit all development since the City inherited many plats from King County that are not subject to the moratorium.

MOTION: Councilmember Cross moved to extend the moratorium on the filing of Applications for Development Permits and approvals. Councilmember Petitti seconded.

AMENDMENT: Deputy Mayor Gerend moved to add an additional “Whereas to include additional dates, correct code references in section H and I. Councilmember Fellingge seconded. Motion carried unanimously 7-0.

Deputy Mayor Gerend agrees that docks should be exempt from the moratorium since they do get rigorous review by the Shoreline Management Board.

Councilmember Whitten feels the moratorium should continue. She is generally in favor of exempting docks but questioned whether there should be size restrictions.

Councilmember Cross is sympathetic to the problem. Docks do not last forever and need to be replaced. Does not think new docks should be allowed. The moratorium should remain in place for an additional six months.

Councilmember Barry said he will support the extension of the moratorium but would not vote to extend it again.

AMENDMENT: Deputy Mayor Gerend moved to add Section 3K, which would exempt Shoreline and Substantial Development permits for construction, repair and replacement of docks.

MAIN MOTION: Motion passed as amended unanimously 7-0(2004-135).

Ordinance: Adding Chapter 14A.05 To Define Terms For Concurrency, Impact Fees And Traffic Impact Analysis; Providing An Effective Date

Councilmembers Petitti and Whitten said they were still uncomfortable with the passage of these ordinances. There are still many unanswered questions.

MOTION: Councilmember Barry moved to approve the ordinance. Councilmember Petitti seconded.

Councilmember Barry said he would agree to allow more time for the new Councilmembers to study these ordinances further. Councilmember Cross would like more time to understand the interrelatedness of these three ordinances. Councilmember Fellingge thinks it will be impossible to get these ordinances perfect the first time, but something must be in place. Councilmember Whitten would like to bring the ordinances back next week.

MOTION: Councilmember Petitti moved to table the ordinance the February 10, 2004 meeting. Councilmember Barry seconded. Motion carried 5-1 with Councilmember Cross dissenting and Councilmember Whitten abstaining.

Councilmember Whitten wanted language added to the ordinance that allows for a system similar to Sammamish Plateau Water system. That would allow a person to apply for a concurrency certificate, even though they will not be building for several years.

City Attorney Bruce Disend recommended that no additional language should be added to these ordinances at this time.

Mayor Huckabay said that the direction of the Council was for staff to do further research and any amendments to these ordinances would be amended at the next meeting.

Ordinance: Second Reading Relating To Land Use And Zoning, Amending Ordinance No. 2003-127, To Extend A Moratorium On The Filing Of Applications For Development Permits And Approvals, Within The Corporate Limits Of The City Of Sammamish.

MOTION: Councilmember Felling moved to table this ordinance to February 10, 2004. Councilmember Barry seconded the motion. Motion carried unanimously 7-0.

Ordinance: Amending Chapter 14A.15 Authorizing The Collection Of Impact Fees For Roads; For The Purpose Of Modifying The Schedules For Impact Fees And Authorizing Independent Fee Calculations; And Providing For Certain Other Matters In Connection Therewith.

MOTION: Councilmember Whitten moved to table this ordinance to February 10, 2004. Councilmember Barry seconded. Motion carried unanimously 7-0.

Public Comment

(Councilmember Barry was not in the room for the following public comment regarding school impact fee exemptions)

Scott Hamilton, (spoke previously), He continued his earlier statement dealing with the exemption of schools from concurrency.

Steve Crawford, Issaquah School District, Schools are unique in that they provide a public service. They are required by state law to provide education for all students within the area. Without the concurrency exemption, the School District would not be able to build schools to meet needs of increased population. Cost burden for new schools cannot be put totally onto developers.

Mike Miller, Pacific Properties, 14410 Bell-Red Road, Council has discussed many topics tonight. He raised the issue of the expiration of concurrency certificates and advocated the ordinance be changed to allow the certificate to last as long of the development permit is valid. He does not believe that anyone can afford to city on property in Sammamish without developing. The City is obligated by state law to fund road programs to meet the level of service that has been set.

City Manager Report – No Report

Adjournment – Mayor Huckabay adjourned the meeting at 11:40 pm.

Melonie Anderson, City Clerk

Kathleen Huckabay, Mayor