

COUNCIL MINUTES

Special Meeting/Study Session July 9, 2013

Mayor Tom Odell called the regular meeting of the Sammamish City Council to order at 6:30 pm.

Councilmembers present: Mayor Tom Odell, Deputy Mayor Ramiro Valderrama, Councilmembers John Curley (arrived 7:05 pm), Don Gerend, John James Tom Vance and Nancy Whitten.

Staff present: City Manager Ben Yazici, Public Works Director Laura Philpot, Assistant City Manager/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 James led the pledge.

Approval of Agenda

MOTION: Councilmember Valderrama moved to approve the agenda. Councilmember James seconded. Motion carried unanimously 6-0.

Presentations/Proclamations

Public Comment

Cindy Noonchester, 24518 SE 14th St, Spoke regarding the new Lawson Park development and the use of SE 14th Street for construction.

Deb Sogge, Sammamish Chamber of Commerce President, She has been polling the business owners of Klahanie to see if they prefer annexing to Sammamish or Issaquah. She shared her results.

Kathleen Huckabay, 21422 SE 32nd Street, She thanked the Council for the wonderful July 4th Celebration.

Doug McDormun, 24525 SE 14th Street Spoke regarding the Lawson Park development. He questioned why the contractor is using their unimproved road.

Laura Hartley, 24617 SE 14th Street, She agreed with the previous speakers regarding the use of SE 14th Street for the construction of the Lawson Park Subdivision.

Reid Brockway, 167 E Lake Sammamish Shore Lane NE, Spoke regarding the process for the ECA update.

MOTION: Deputy Mayor Valderrama moved to direct the City Manager to conduct a survey of the residents of the greater Klahanie area to see if they favor annexing to Sammamish. Councilmember Gerend seconded. Motion carried unanimously 7-0.

Unfinished Business

Ordinance: Sixth Reading: Pertaining To The Protection And Regulation Of Environmentally Critical Areas, Amending Chapters 21a.50, 21a.15 And 21a.70 Of The Sammamish Municipal Code

Assistant City Manager/Director of Community Development Kamuron Gurol gave the staff report and showed a PowerPoint presentation (*available on the city's website at www.sammamish.us*).

MOTION Deputy Mayor Valderrama moved to amend the following elements of the Pilot Program adopted at the July 2, 2013 meeting: **Scale and scope elements:** Delete item (d) Limit the number of lots to the equivalent of R-1 density, using a net density calculation, one lot per buildable acre, **Stormwater elements:** Revise amended item (a) to require level-3 flow control, except for systems employing a tightline, and remove requirement for volume controls, Revise item (c) to read: Design drainage systems to accommodate the 100-year storm, **Indemnification:** Delete the additional amendment that developer, post-development HOAs, and homeowners will indemnify the City and downstream and downslope homeowners from pilot project failure. Councilmember Vance seconded. Motion carried 6-1 with Mayor Odell dissenting.

AMENDMENT: Mayor Odell moved to revise Item c above to accommodate 125% of the 100-year storm. Councilmember Whitten seconded. Motion failed 2-5 with Deputy Mayor Valderrama, Councilmembers Curley, James, Gerend and Vance dissenting.

MOTION: Councilmember Gerend moved to amend the following element of the Pilot Program motion approved at a July 2, 2013 meeting: **Elements that minimize disturbance** section (d) to limit the amount of impervious surface to the current Maximum Impervious Surface restrictions in SMC 21A.25.030 for R-1 zoning. Councilmember Curley seconded. Motion failed 4-3 with Mayor Odell, Whitten, Vance and Valderrama dissenting.

MOTION: Councilmember Gerend moved to amend the Pilot Program motion approved at the July 2, 2013 meeting as follows: Eliminate open man-made stormwater conveyances except if volume controls and Level 3 flow controls are imposed along with all of the other restrictions placed on the pilot program for development in the Erosion Hazard Near Sensitive Water Bodies Overlay. Councilmember Curley seconded.

AMDENDMENT: Councilmember James moved to add the restriction of properties less than 5 acres. Councilmember Curley seconded. Motion carried 4-3 with Mayor Odell and Councilmembers Whitten and Valderrama dissenting

MAIN MOTION: Motion as amended failed 3-4 with Mayor Odell, Councilmembers Vance, Whitten and Vance dissenting.

MOTION: Councilmember Whitten moved to defer the effective date for those portions of the ECA including Pilot Programs for the wetland and no-disturbance (tightline only) projects to coincide with

approval by the Shoreline Master Plan approval by the Department of Ecology. Councilmember Vance seconded. Motion carried unanimously 7-0.

MOTION: Deputy Mayor Valderrama moved to amend the PC draft by deleting 21A.50.320(2)(b)(ii) The wetland is not part of a wetland mosaic. Councilmember Whitten seconded. Motion carried 6-1 with Mayor Odell dissenting.

MOTION: Councilmember Whitten moved to amend the PC draft by deleting section 21A.50.320(3) Category III and IV wetlands with a total area of 4,000 square feet or less may have a buffer reduced to 15 feet. Councilmember Vance seconded. Motion withdrawn.

MOTION: Councilmember James moved to amend section 21A.50.320(3) as follows: Category III and IV wetlands with a total area of 4,000 square feet or less may have the buffer reduced by 15 feet. Councilmember Valderrama seconded. Motion carried 6-1 with Councilmember Gerend dissenting.

MOTION: Deputy Mayor Valderrama moved to amend the PC draft section 21A.50.327 – Fish and Wildlife habitat corridors - and revert back to current code. Councilmember Gerend seconded. Motion was withdrawn.

Deputy Mayor Valderrama requested the issue of wildlife corridors be considered under the comprehensive plan update.

City Manager Ben Yazici said that he recommended eliminating all the study session topics and moving the Finance Report to the City Manager's Report.

MOTION: Councilmember Whitten moved to limit the pilot program to a 2-year application period following the effective date of the pilot programs. Mayor Odell seconded. Motion carried 6-1 with Councilmember Gerend dissenting.

MOTION: Councilmember Vance moved to revise the wetland definition such that the wetland rating information would be located in 21A.50. Councilmember Curley seconded. Motion carried unanimously 7-0.

MOTION: Councilmember Vance moved to approve the Department of Ecology recommendation that allowed stormwater management activities in wetlands and buffers be consistent with Appendix I-D: Guidelines for Wetlands when Managing Stormwater from Stormwater Management Manual for Western Washington, Volume I, August 2012, Publication #12-10-030. Councilmember James seconded. Motion carried unanimously 7-0.

MOTION: Councilmember Vance moved to approve the Department of Ecology recommendations that the city clarify the existing permitted alteration language related to allowing trails in the outer 25% of wetland buffers and that the City expand the allowed wetland restoration provision to be more inclusive rather than restricted to public agency sponsorship in order to reduce barriers to restoration. Deputy Mayor Valderrama seconded. Motion carried unanimously 7-0.

MOTION: Councilmember Gerend moved to approve Department of Ecology recommendations that the City revise the provisions for wetland restoration in order to allow temporary impacts to wetlands for restoration and that the City update a citation to the appropriate State documents on wetland mitigation. Councilmember Vance seconded. Motion carried unanimously 7-0.

MOTION: Councilmember Gerend moved to approve Department of Ecology recommendation that the city allow for smaller trees in re-vegetating / reforesting portions of the wetland management overlay. Deputy Mayor Valderrama seconded. Motion carried unanimously 7-0.

MOTION: Councilmember Gerend moved to approve amending the definition of Fish and Wildlife habitat corridor (SMC 21A.15.467) as follows: Amend the last sentence of this definition to read “*Fish and wildlife habitat corridors do not parallel Type Np increase stream buffers, except as required to provide a connection between two features as described above.*”. Councilmember James seconded. Motion carried unanimously 7-0.

MOTION: Councilmember James moved to amend the language related to Reasonable Use Exceptions, to read: “(a) The director ~~may~~ shall approve alterations to critical areas, critical area buffers and setbacks to allow a reasonable use not otherwise allowed by this chapter when the following criteria are met”. Deputy Mayor Valderrama seconded. Motion failed 3-4 with Mayor Odell, Councilmembers Whitten, Vance and Gerend dissenting.

MOTION: Deputy Mayor Valderrama moved to approve amending the definition of “Alteration” to exclude maintenance of existing improvements. Councilmember Gerend seconded. Motion was withdrawn.

MOTION: Councilmember Vance moved that Council adopt the Council Review Draft amendments to the Environmentally Critical Areas regulations as amended. Councilmember Curley seconded. Motion carried 5-2 with Councilmembers Gerend and Whitten dissenting.

City Manager Report:

- *Department Update: Finance/IT*
Finance Director Joe Guinasso gave the report and showed a PowerPoint presentation (*available on the city’s website at www.sammamish.us*).
- *Fire Works Regulations Enforcement*
Sergeant Jessica Sullivan gave the report and showed a PowerPoint presentation (*available on the city’s website at www.sammamish.us*)

New Business - None

Council recessed from 10:15 to 10:20 pm

Executive Session – Potential Litigation Pursuant to RCW 42.30.110(1)(iii) and Personnel.

Council retired to Executive Session at 10:25 pm and returned at 11:10 pm.

MOTION: Deputy Mayor Valderrama moved to Authorize the City Manager to enter into a Mitigation and Settlement Agreement with TOLL WA, LP pursuant to RCW Chapter 43.21C and RCW 82.02.020 to address three TOLL subdivision developments and potential development by TOLL of a fourth property, all of which are currently located in unincorporated King County, but within the City of Sammamish Urban Growth Area, and are anticipated to be annexed to the City. The City Manager is further authorized to make minor, non-substantive adjustments to the agreement, if necessary, to carry out the intent of the agreement. Councilmember Whitten seconded. Motion carried unanimously 7-0.

Meeting adjourned at 11:20 pm

Melonie Anderson, City Clerk

Thomas T. Odell, Mayor