

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

August 4, 2003
8:00 p.m.

Council Chambers
Bellevue, Washington

PRESENT: Mayor Marshall, Deputy Mayor Degginger, and Councilmembers Creighton, Davidson, Lee, Mosher, and Noble

ABSENT: None.

1. Call to Order

The meeting was called to order at 8:05 p.m. by Mayor Marshall, who presided.

2. Roll Call, Flag Salute

Upon roll call by the City Clerk, all Councilmembers were present. The Overlake Squadron of the Civil Air Patrol led the flag salute.

(a) Report on 24-Hour Relay Challenge

Helena Stephens, Teen Services Manager, thanked community sponsors and citizens who participated in the fifth annual 24-Hour Relay Challenge. She introduced Ken Wong (Youth Eastside Services), Robb Ott (Eastside Network), and Jan Still (Bellevue School Board), Adult Relay Directors; and Robert Whittlesey and Jenny Tea, Youth Relay Directors.

Mr. Wong thanked Council and the City for supporting the relay event in which 32 teams of 350 youth and adults participated. He showed a brief video of the relay, and plaques were presented to the following event sponsors:

Accents et cetra, Inc.

Aflac

Ballet Bellevue

Bellevue Art Museum

Bellevue Galleria Cinemas

Bellevue Kiwanis

Bellevue Place Club

Susan Huenefeld

Jill Moore

Mary Ellen Hundley

Nancy Rignel

Kathryn Shea

Adam Snyder, President

Jill Rittenhouse

Bellevue Police Department	Major Bill Thomas
Bellevue School Board	Jan Still
BodyMind Academy	Bobrie Grace
Civil Air Patrol Composite Squadron	Lieutenant Jim Marihugh
Crystal Springs	Mark Dorosz
Domino's Pizza	Kelly Olsen
Eastside Asian Pacific Islanders	Nadine Shiroma
Eastside Life Chiropractic	Dr. Eric Hansen
Factoria Mall	Bill Perry
From Russia with Love	Sergey Dunayev
Grand Event Rentals	Luke Tarp and Scott Lennon
Matheny Chiropractic Health Center	Diana Spivey & Tara VanderPloeg
Individual Fundraising Award	Chris McManus
Moonsnail Corp./Farages	Rich Farage
Music Works Northwest	Kathi Johnson
Ocean Beauty Seafoods, Inc.	Lisa Cade
Pacific Harvest Products	Tyler Jones
Pasta & Co.	Kristin Downing
Radford & Co., Commercial Realtors	Malia Radford
Safeco	Jo Baker
Sisters on the Eastside	Lee Wright
Starbucks Coffee Company, Store 3223	Hope Hendrickson
Starbucks Coffee Company, Store 3278	Tina Beckendorf
First Horizon Home Loans	Steve Bentler/Mary Bentler
The Massage Team	Mark Satterlund
United Way of King County	Doug Whalen
XS Energy Drinks	Frank and Melissa Smith
Youth Eastside Services	Dave Martz & Ken Wong

Mr. Ott praised Ms. Stephens' leadership, vision, and hard work within the community.

3. Communications: Written and Oral

- (a) Sue Rankin, owner of Eastside Estate Ladies, described her work conducting estate sales in private homes. Noting provisions in the City's Sign Code to permit real estate and political campaign signs, she requested a similar allowance for temporary estate sale signs.
- (b) T.J. Woosley, a representative of Hal Woosley Properties, read from an August 1 letter to Council regarding the Wilburton/NE 8th Street Corridor Study and encouraged Council to support continued planning for all ranges of redevelopment, including medium- and high-intensity development alternatives, in the corridor.
- (c) Olemara Peters discouraged the placement of cellular phone transmission facilities in residential areas and encouraged Councilmembers to view the "Public Exposure" video she provided to Council on July 14.

(d) Bruce Nurse, representing Bellevue Properties, submitted a letter commenting on the Wilburton/NE 8th Street Corridor Study and suggesting three transportation projects to enhance circulation in the area.

4. Reports of Community Councils, Boards and Commissions: None.

5. Report of the City Manager

City Manager Steve Sarkozy asked staff to provide an update on the Bellevue Entrepreneur Center (BEC). Ellen Miller-Wolfe, Economic Development Project Manager, introduced George Northcroft, King County Director of Business Relations and Economic Development, who serves as BEC President, and Mike Luiten, President and CEO of Eastside Commercial Bank and BEC Treasurer. Ms. Miller-Wolfe, Mr. Northcroft, and Mr. Luiten described the BEC's mission to help minority business owners build and sustain their own businesses.

Mr. Sarkozy noted the management brief in the Council packet regarding the regulation of commercial estate sale signage. Kate Berens, Legal Planner, explained that signs for legally established non-conforming commercial uses and real estate signs are the only two types of signs allowed in residential neighborhoods. She presented the following two options for regulating commercial estate sale signs:

1. Extend enforcement discretion against citing signs in residential neighborhoods to temporary commercial estate sales and moving sales (in addition to garage sales and other community events).
2. Amend the Sign Code to explicitly allow commercial estate sales, with restrictions on the size and type of sign allowed.

➡ Dr. Davidson moved to direct staff to proceed with amending the Sign Code as suggested by alternative 2, and Mr. Noble seconded the motion.

Deputy Mayor Degginger expressed support for the motion and encouraged posting and disposal requirements to avoid the over-proliferation of signs.

➡ The motion to direct staff to proceed with amending the Sign Code to address commercial estate sale signs carried by a vote of 7-0.

6. Council Business

Mr. Creighton, a Seafair Board Member, attended several Seafair events and the West Lake Sammamish open house/barbeque.

Mr. Mosher attended meetings of the Puget Sound Regional Council (PSRC) Executive Committee and the Tri Association (cities and counties).

Mr. Lee attended the West Lake Sammamish open house/barbecue event.

Deputy Mayor Degginger and Mayor Marshall attended the Lake Hills Community Festival. Mr. Degginger attended a meeting at Cougar Ridge Elementary School regarding the proposal to amend zoning for the tax lots. He invited the public to attend the 50Fest Motorama on August 23 in Downtown Park.

Mayor Marshall requested Council feedback on the proposed National League of Cities municipal policy amendment regarding pipeline safety [Memo provided in Council's Desk Packet].

- Mr. Mosher moved to support the proposed National League of Cities municipal policy amendment, and Mr. Noble seconded the motion.
- The motion to support the proposed National League of Cities municipal policy amendment carried by a vote of 7-0.

Mayor Marshall explained a request for Council to appoint a new member to the Hopelink Board. She suggested appointing Diana Thompson, who recently retired after serving two terms on the Human Services Board.

- Mr. Degginger moved to appoint Diana Thompson to the Hopelink Board, and Mr. Mosher seconded the motion.
- The motion to appoint Diana Thompson to the Hopelink Board carried by a vote of 7-0.

Mrs. Marshall thanked Patricia Knight, Shelley Martin, and all staff who worked on the Lake Hills Community Festival. The event attracted an estimated 2,000 attendees.

7. Approval of the Agenda

- Deputy Mayor Degginger moved to approve the agenda, and Mr. Noble seconded the motion.
- The motion to approve the agenda carried by a vote of 7-0.

8. Consent Calendar

Mayor Marshall noted requests to pull items 8(h) and (k) for Council discussion.

- Deputy Mayor Degginger moved to approve the Consent Calendar, as amended, and Mr. Lee seconded the motion.
- The motion to approve the amended Consent Calendar carried by a vote of 7-0, and the following items were approved:
 - (a) Minutes of July 7, 2003 Study Session
 - Minutes of July 14, 2003 Extended Study Session

Minutes of July 21, 2003 Regular Session

- (b) Resolution No. 6886 expressing the City Council's support of Washington State's initiative to attract the Boeing 7E7 Project to the state.
- (c) Motion to approve payment of claims for the period ending July 25, 2003, and payroll for the period July 1 through July 15, 2003.
- (d) Resolution No. 6887 authorizing the City Manager to execute an agreement with the Washington Institute of Sports Medicine and Health to continue to provide comprehensive wellness/fitness examinations to firefighters as part of the Fire Department's Wellness/Fitness Program that was developed in conjunction with the Fire Service Joint Labor-Management Wellness/Fitness Initiative.
- (e) Ordinance No. 5458 authorizing and directing execution of an agreement with the Washington State Military Department to accept grant funds for emergency management purposes and authorize the expenditure of said funds.
- (f) Resolution No. 6888 authorizing the City Manager to execute a contract with Krisse Arthur for programming and support services required to support the legacy Finance and Human Resources Systems.
- (g) Resolution No. 6889 authorizing the City Manager to execute a consulting agreement with Swift & Company Landscape Architects for design and engineering services to construct neighborhood park improvements at Meadow Wood Park in the amount of \$55,000.
- (i) Wireless Communications Facilities
(Discussed with Council on July 21.)
 - (1) Ordinance No. 5459 declaring an emergency to allow adoption of certain amendments to the Comprehensive Plan outside of the 2002 or 2003 annual amendment process, relating to the Comprehensive Plan of the City of Bellevue as required and adopted pursuant to the Growth Management Act of 1990, as amended (Chapter 36.70A RCW); adopting an amendment initiated in 2002 to Comprehensive Plan policies related to Wireless Communications Facilities, amending the Utilities Element of the Comprehensive Plan to balance the increasing demand for wireless services with the impacts of wireless facilities on surrounding properties and uses.
 - (2) Ordinance No. 5460 amending the City of Bellevue Land Use Code regulations relating to wireless communications facilities; amending Sections 20.10.440, 20.20.195, 20.20.525, 20.25B.020.B, 20.25B.040.A.1, 20.25B.040.E, 20.25L.020, 20.50.010, 20.50.014, and 20.50.054; and establishing an effective date.

- (j) Ordinance No. 5461 authorizing execution of a grant contract with the State of Washington Department of Community, Trade, and Economic Development to accept grant funds in the amount of \$139,989 for the Eastside Narcotics Task Force; establishing a project within the Operating Grants and Donations Fund; and authorizing expenditures of said grant funds.
- (l) Resolution No. 6892 authorizing entering into a four-party agreement with King County Department of Transportation, Washington State Department of Transportation, and Sound Transit for a net cost to the City not to exceed \$30,000 to implement the Market-Based Trip Reduction Incentive Program.
- (m) Motion to award Bid No. 0339 for the 184th Avenue SE Water and Sewer Extensions to Wastewater Construction, as low bidder, in the amount of \$720,930.56. (CIP Plan Nos. W-68 and S-30, Utility Capital Investment Program Fund 4690)
- (n) Resolution No. 6893 authorizing execution of a consultant services agreement with MWH Americas, Inc. in the amount of \$307,500 for construction support services for the construction of the Meydenbauer Reservoir Replacement project. (CIP Plan No. W-85)

Items for Council Discussion:

- (h) Resolution No. 6890 authorizing the City Manager to execute all documents necessary to exercise the City's option for the acquisition of the McTavish Property from the Trust for Public Land; and further authorizing the City Manager to exercise an Agreement Regarding a Boundary Line Adjustment with McTavish, the Trust for Public Land, and the Woodridge Swimming Club.

Deputy Mayor Degginger expressed support for the McTavish acquisition, which will protect open space in the Woodridge neighborhood. He commended staff's persistence and hard work in securing grant funds and state legislative assistance in achieving this goal.

➡ Deputy Mayor Degginger moved to approve Resolution No. 6890, and Dr. Davidson seconded the motion.

➡ The motion to approve Resolution No. 6890 carried by a vote of 7-0.

- (k) Resolution No. 6891 authorizing execution of an on-call consultant agreement with Reid Middleton, Inc. to provide engineering services for development and presentation of design options for the West Lake Sammamish Parkway Analysis in an amount not to exceed \$200,000. (CIP Plan No. PW-R-141)

Mayor Marshall requested assurance from staff that the funds provided in Resolution No. 6891 will be well spent. Hillary Stibbard-Terrell, Project Planning and Design Manager, explained

that the \$200,000 represents a total contract amount and a small portion of the total project funds. The on-call consultant contract is needed to assist staff in developing West Lake Sammamish Parkway alternatives for public review and comment.

Mayor Marshall clarified her interest in knowing whether residents are supportive of a project along West Lake Sammamish Parkway. She noted previous attempts to implement a project along the roadway, which were later rejected by residents. Nancy LaCombe, Project Manager, said the City received more than 400 questionnaires/responses from a recent mailer to approximately 4,500 area residents. Of 200 residents who attended the recent barbeque and open house, more than half ranked traffic safety as a top priority.

Mr. Noble expressed concern that alternatives were studied in 1996 and an acceptable solution was not supported or funded. He served on the Transportation Commission at that time. Mr. Noble encouraged staff to utilize this previous analysis and study of alternatives as a starting point for the current effort.

Mr. Creighton recalled that the 1996 process resulted in an inability to reach consensus on a specific alternative. However, in speaking with residents at the recent open house meeting, Mr. Creighton heard widespread concern about safety and the need for new pavement.

Mr. Lee said the residents he spoke with at the open house primarily expressed concern about safety and neighborhood character. He echoed Mr. Noble's suggestion to use information and analysis already compiled in 1996.

- Mr. Lee moved to approve Resolution No. 6891, and Mr. Degginger seconded the motion.
- The motion to approve Resolution No. 6891 carried by a vote of 7-0.

9. Public Hearings

- (a) First of two required public hearings to consider amending the existing R-1 pre-annexation zoning to R-1.8 (single family residential, 1.8 units per acre) for unincorporated land known as the Tax Lots in Bellevue's Potential Annexation Area (PAA), and on the terms of the related Development Agreement.

Kate Berens, Legal Planner, explained that this is the first of two required public hearings to consider amending the existing R-1 pre-annexation zoning to R-1.8 for an area known as the tax lots, adjacent to Cougar Mountain Regional Park. A notice of intent to annex was filed by majority property owners of the area on July 17. Council action on the notice is required within 60 days and has been scheduled for September 15, following a second public hearing.

Ms. Berens provided a brief history of the tax lots, which were segregated in the 1950's into 161 lots covering 52 acres. Each lot is approximately 13,000 square feet. King County has taken the position that the lots are legal for purposes of development and has been issuing building permits for individual lots. Bellevue had issued water and sewer availability certificates for a number of

the lots, and the certificates indicate that water and sewer service would be available upon annexation into the city. Ms. Berens said the pre-annexation zoning proposal and development agreement before Council tonight represent an attempt to reach a compromise between the City's and King County's positions.

Ms. Berens said the development agreement applies the City's development standards to the area. The agreement requires that the area, if annexed, must go through the subdivision process and be subject to Bellevue's development standards for roads, fire protection, and water/sewer services. Some modifications to the City's general standards are represented in the agreement, however, relative to development density. Under the City's Comprehensive Plan, the area is designated as single family-low density, which allows zoning of R-1 or R-1.8. The development agreement represents R-1.8 (1.8 units per acre) zoning. This would typically lead to the development of 85 to 113 lots. The density allowed on the 52 acres under the development agreement represents a potential maximum of 129 lots.

Ms. Berens explained that the development agreement establishes a minimum lot size of 14,000 square feet, which could be averaged across the property through Bellevue's subdivision process. Under R-1.8 zoning, the minimum lot size is normally 20,000 square feet.

A third modification of Bellevue's general standards in the development agreement relates to retained vegetation areas (RVAs). The City typically requires that some property in a subdivision be set aside, due to slopes on the property, and designated as a retained vegetation area. The RVA requirement for the tax lots would be approximately 14 acres. The development agreement envisions that up to 10 acres of that requirement could be satisfied through an off-site dedication of property, and the remaining four acres would be preserved on the site. However, Bellevue does not currently provide an off-site mitigation option in its standard development regulations.

- ➡ Deputy Mayor Degginger moved to open the public hearing, and Mr. Mosher seconded the motion.
- ➡ The motion to open the public hearing carried by a vote of 7-0.

The following citizens came forward to comment on the proposal:

- (1) Christine Balyeat encouraged Council to approve the development agreement and annexation. She feels this will help stimulate economic vitality.
- (2) Greta Justad questioned whether the proposal meets all requirements of the subarea's Comprehensive Plan. If not, she wonders if Bellevue will leave itself open to litigation by entering into the agreement. Ms. Justad said she was told by the City that the zoning of the tax lots is R-1. King County told her the zoning was R-6. Ms. Justad read portions of a letter from King County dated September 27, 1995, indicating that the tax lots were not to be considered legal building lots and that building permits would not be issued. The letter states that approximately 75 percent of the area is in a coal mine hazard area. It states that the area is within Bellevue's potential annexation area (PAA) and that the

City will consider accepting petitions of annexation if there is evidence the area can be developed in accordance with City standards, including lot size and sensitive area requirements.

- (3) Odd Justad continued paraphrasing the King County letter described by the previous speaker. It indicates that a homeowner was required to buy four lots prior to building a home in order to comply with zoning regulations. Mr. Justad wondered when King County changed its position from the position expressed in the 1995 letter. He expressed concern about the proposed development agreement, which allows modifications to Bellevue's general development standards. Mr. Justad discussed additional concerns regarding the coal mine hazard area and storm water detention. He feels the City should not compromise by entering into the development agreement.
- (4) Anita Kressner said her family is one of two currently residing in the tax lots. She supports the proposed annexation and development of the tax lots. However, she expressed concern about several aspects of the development agreement. She opposes the proposal for an off-site RVA, noting that this does not benefit residents of the tax lots which have been stripped of all vegetation. She supports R-1 zoning for the lots. Ms. Kressner applied for a building permit from King County in 2001 and received it in 2002. She was required to have multiple lots to get her building permits and is surprised to learn that this is no longer required by King County.
- (5) Elizabeth Brown supports the proposed annexation of the tax lots and would like to eventually purchase a home in the area.
- (6) Helen Zabinsky praised Council for its work on the McTavish property. Mayor Marshall thanked her for her comments and explained that this public hearing is specifically focused on the tax lots.
- (7) Robert Moloney expressed support for the development agreement and annexation of the tax lots. He owns property within the tax lots and appreciates the City's willingness to negotiate the development agreement.
- (8) Brian Hughs expressed support for the development agreement. He owns two houses in the tax lots and is trying to get sewer and water services connected. He noted that Elizabeth Brown, a previous speaker, has entered into a purchase and sale agreement for one of his homes.
- (9) Richard Schwartz described the tax lots as an eyesore due to the clear-cutting that has occurred. He would like for development to proceed, and he supports annexation.
- (10) Dave Dellinger, a Lakemont resident, favors annexation and the development agreement.
- (11) Alan Holcombe, a Lakemont Highlands resident, supports annexation of the tax lots and the development agreement. He favors Bellevue's standards for high-quality development over King County's regulations. He noted improvements to his

neighborhood following annexation of the area into Bellevue. Mr. Holcombe expressed concern that a group of Cougar Mountain residents are now asking Bellevue to uphold standards that King County does not provide.

- (12) Justin Taylor supports annexation and the development agreement.
 - (13) Steve Elsoe supports annexation and the development agreement. He owns a lot in the Pinnacle development, which is adjacent to the tax lots.
 - (14) Bob Johns, a Bellevue land use attorney, is the lawyer for the two developers who have negotiated the development agreement with City staff. He noted his clients own 131 of the 161 tax lots. The development agreement reduces this number to 99 lots, which comes closer to meeting Bellevue's density requirements and the minimum lot size requirement of 14,000 square feet. Mr. Johns said the developers have agreed to meet the City's standards for roads, utilities, street lighting, and additional items. The developers want to create a project that matches Bellevue's vision for the area as closely as possible.
 - (15) Al Wallace, a land use attorney and counsel for Brian Hughs, said two homes have been built by his client. He expressed support for the proposed annexation of the tax lots. Mr. Wallace opined that the proposed zoning of R-1.8 is not compliant with the state Growth Management Act. He said the Growth Management Hearings Board has consistently held that development inside the urban growth boundary must be based on four units per acre, except in exempted situations such as property with sensitive wetlands.
 - (16) Mark Gregoire, representing Cougar Mountain Residents Association, explained that traffic is the top concern of Cougar Mountain residents. Development of the tax lots would add 1,420 trips per day to the area, resulting in a total of 5,570 trips per day. When additional developments on the mountain are fully occupied, another 2,100 trips per day will be generated. Open Window School would add 1,000 trips per day. Eight additional plats are requesting approval for 158 homes, which will add 1,740 more trips per day. Mr. Gregoire said the total traffic volume will be 10,410 trips per day. He noted similar traffic volumes on West Lake Sammamish Parkway, which has experienced 59 reported accidents, 34 with injuries, in the past three years. Mr. Gregoire described the danger of icy roads on Cougar Mountain and distributed photos of a rollover accident that occurred in January. He asked Council to evaluate traffic impacts before entering into an agreement with the tax lot developers.
- At 9:55 p.m., Mr. Degginger moved to extend the meeting to 10:30 p.m., and Mr. Mosher seconded the motion.
 - The motion to extend the meeting to 10:30 p.m. carried by a vote of 7-0.

An additional six citizens came forward to comment on the proposal:

- (17) Rod Umberger, a Lakemont resident, expressed support for the development agreement. He feels any alternative approach is likely to result in higher densities and more traffic.

- (18) Rosita VanCoevorden, a resident of Cougar Mountain Drive, supports annexation.
 - (19) Ron Peterson, a Lakemont homeowner, supports the development agreement and the off-site RVA proposal. He explained that a RVA behind his home becomes overgrown with blackberries, nettles, and thistles, which is not conducive to recreational use by small children, in particular.
 - (20) Colt Balmay expressed support for the development agreement. He noted that Lakemont Boulevard can adequately carry traffic in the area.
 - (21) Peter Frame, President of the Cougar Mountain Residents Association, said the Association has no official position yet on this matter. He said the City of Bellevue should not be in a position of being threatened over this matter as it did not cause the current situation. It did not encourage anyone to build two homes without sewer and water service. Mr. Frame said King County has confirmed the zoning of the property as R-1. He shares Mr. Gregoire's concerns about traffic on the mountain.
 - (22) David Leake feels Bellevue should not compromise on the tax lots and that the R-1 zoning should be retained. He prefers to retain the rural character of the area.
- ➡ Dr. Davidson moved to close the public hearing, and Mr. Degginger seconded the motion.
 - ➡ The motion to close the public hearing carried by a vote of 7-0.

Responding to Mayor Marshall, there was Council consensus to schedule the second public hearing on September 8. Council action on the matter will occur on September 15.

Mr. Lee asked staff to obtain information regarding Anita Kressner's building permit and King County's requirement that she buy and develop multiple lots to build one home.

- 10. Land Use: None.
- 11. Other Ordinances, Resolutions and Motions: None.
- 12. Unfinished Business: None.
- 13. Continued Oral Communications: None.
- 14. New business: None.
- 15. Executive Session

At 10:14 p.m., Mayor Marshall declared recess to Executive Session for approximately 30 minutes to discuss one item of labor negotiations.

16. Adjournment

At 10:42 p.m., Mayor Marshall declared the meeting adjourned at the conclusion of the Executive Session.

Myrna L. Basich
City Clerk

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