

East Bellevue Community Council
Summary Minutes of Regular Meeting

December 4, 2001
6:30 p.m.

Lake Hills Community Clubhouse
Bellevue, Washington

PRESENT: Chair Bell, Councilmembers Keeffe, Lemieux, and Seal

ABSENT: Mr. Halgren

STAFF: Nicholas Matz, Associate Planner
Kris Liljeblad, Transportation Department

1. **CALL TO ORDER**

The meeting of the East Bellevue Community Council was called to order at 6:30 PM with Chair Bell presiding. Chair Bell led the flag salute.

Chair Bell reported the election outcome, stating the East Bellevue Community Council has been continued an additional four years. Councilmember Elect Brigitte Wiechmann will take office in January 2002.

2. **ROLL CALL**

Upon roll call by the Deputy City Clerk, all Councilmembers were present with the exception of Mr. Halgren.

3. **COMMUNICATIONS - WRITTEN AND ORAL**

Mr. James Eder, 15422 SE 7th Place, stated his disenchantment with the Eastside Journal's biased reporting and his intent to cancel his subscription. He took issue with the newspaper's report that Councilmember Marshall was elected with 100% of the vote. Mr. Eder stated his knowledge of other write-in candidates.

Mr. Keeffe explained the write-in process and the need for any such individuals to be filed as candidates with the King County Elections Division.

4. **APPROVAL OF AGENDA**

Mr. Keeffe moved approval of the agenda, and Mr. Lemieux seconded the motion.

Mr. Keeffe requested the addition of item 11(b), Utilization of the Lake Hills Community Clubhouse by the Lake Hills Community Club.

Motion to approve the December 4, 2001 East Bellevue Community Council agenda as amended carried with a vote of 4-0.

Mr. Keeffe asked that a former East Bellevue Community Councilmember be recognized as being present in the audience. Chair Bell welcomed Dr. Howard Wilson.

5. **PUBLIC HEARINGS:**

- (a) Ordinance 5328 relating to the Land Use Code of the City of Bellevue amending Chapter 20.30I relating to the public participation process for suggesting amendments to the City's Comprehensive Plan and clarifying the docketing process and criteria for consideration of suggested amendments to the Comprehensive Plan, and amending the provisions of BLUC Chapter 20.35 relating to applications for Comprehensive Plan amendments.

Nicholas Matz, Department of Planning and Community Development, presented the staff overview and reviewed changes since last before the Community Council. He stated the proposed Ordinance is an opportunity to clarify the City of Bellevue's Comprehensive Plan amendment process in accordance with Growth Management Act requirements. He reminded Council of their previous courtesy hearing regarding this amendment and briefly reviewed changes that have been made since that hearing:

Part 20.30I.130(C) previously provided for site specific amendments to be considered every other year. It has been changed to consider those amendments annually.

Part 20.30I.143(H) was added at the direction of the City's Legal Department as a consideration for actions directed by State law or decisions of a court or administrative agency.

Finally, the long range planning and policy documents are defined. The Planning Commission directed this change, adding those documents as a list to the procedural guide. Mr. Matz explained that the procedural guide is not part of this Ordinance approval action. The guide is available at City Hall as well as on the City's website.

Chair Bell opened the public hearing.

Jim Loring, 1815 153rd Avenue SE, stated he was glad to see discussion of the process. He stated his appreciation for the difficulty the City faces integrating land use and transportation. Mr. Loring noted his concern regarding the current Transportation Facilities Plan.

*Seeing no one further wishing to address this issue, Mr. Keeffe moved to close the public hearing. Mr. Seal seconded the motion which carried 3-0.

In response to Mr. Keeffe, Mr. Matz stepped Council through the application process for site specific properties.

Responding to Mr. Lemieux, Mr. Matz explained that this is new legislation. The City's current Land Use Code does not have a codified docketing procedure. In 2001 the City used a docketing

* Mr. Lemieux stepped down briefly from the Table, returning a few minutes later.

process that was not codified. He explained the possible effects of Community Council disapproval.

Mr. Seal provided a brief historical retrospective of the Comprehensive Plan amendment process.

In response to Mr. Bell, Mr. Matz stated that the Growth Management Act's docketing requirements are a result of changes adopted by amendment in 1997 and 1998-99. To comply, the City employed informal docketing procedures in 2001 and is back now with legislation to codify the docketing process. He confirmed that anyone can suggest a non-site specific amendment. Mr. Matz clarified that the Community Council can make non-site specific recommendations anytime within the planning window. If the Community Council wishes to make a recommendation outside the planning window, they may do so by petitioning the City Council to initiate a Comprehensive Plan amendment. Mr. Matz again stepped through the docketing process and explained the proposed decision criteria set forth in Ordinance No. 5328.

Responding to Mr. Seal, Mr. Matz reviewed an applicant's recourse if their Comprehensive Plan Amendment suggestion is not recommended.

In response to Mr. Keeffe, Mr. Matz explained that, typically, as soon as a site specific amendment is approved by City Council and deemed effective, the applicant has the ability to apply for a rezone. The rezone process stipulates a 120 day review period. Mr. Matz stated the City's current Comprehensive Plan was adopted under GMA in resolution form in 1993 and was codified in 1995.

Chair Bell introduced correspondence from Carol Morris. He briefly restated Ms. Morris's objections to the proposed ordinance and recommendation for disapproval.

Mr. Matz responded to Ms. Morris's comments, stating that the GMA is silent on whether authority be site specific or non-site specific. He stated the existing authority in the City's Land Use Code regarding development/property rights. There has never been a circumstance where someone other than the property owner or his/her agent could initiate an amendment affecting privately held property. The City does have and will continue to have a geographical scoping step that the Planning Commission can engage in if it believes a suggested Comprehensive Plan Amendment should be expanded.

Chair Bell next introduced a memorandum from Richard Andrews dated December 4, 2001 into the record. The memorandum states in its last paragraph that neither the old language nor the new language grants to the community councils the authority to initiate or suggest such amendments. Thus, with respect to the community councils, the amendments do not alter their rights with respect to initiating or suggesting such amendments – they had none, and they will continue to have none.

Mr. Matz clarified that the above passage from Mr. Andrews memorandum is in reference to site specific suggestions as embodied in paragraph two of the memorandum.

Chair Bell stated it appears the proposed ordinance does clarify that everyone is eligible to submit non-site specific suggestions for consideration. He stated his inclination to support Ordinance No. 5328.

Mr. Keeffe stated his impression that the Comprehensive Plan process, as it has unfolded through the years, has a goal/objective of land use densification in residential districts as opposed to either commercial or industrial uses. Mr. Matz responded that the Comprehensive Plan seeks to make efficient use of the City's infrastructure in support of the City's goals for quality of life. He continued, stating the goal of the Growth Management Act is to make efficient use of lands within urban areas. The City of Bellevue is entirely contained in such an urban growth area and to the extent that the City is mandated by the Growth Management Act and other such documents as the Countywide Planning Policies, the City attempts to make efficient use of lands within the City's boundaries.

Mr. Keeffe rephrased, asking if the process has ever accommodated a request for down-zoning. In response, Mr. Matz stated he was not aware of any site specific requests that would lessen the property's potential.

Chair Bell recognized Mr. Eder from the floor.

Mr. Eder stated his recommendations to the Planning Commission this past October have been ignored. He asked if it would be advisable to resubmit his suggestions via the application process? Mr. Matz stated he could not advise Mr. Eder regarding his specific application, but, as with anyone under the Ordinance, individuals are allowed to make non-site specific suggestions. Mr. Matz indicated a willingness on the part of staff to assist Mr. Eder with the application process.

6. **RESOLUTIONS:**

- (a) Resolution No. 439/439A approving/disapproving Ordinance No. 5328.

Mr. Lemieux moved approval of Resolution No. 439 adopting City Council Ordinance No. 5328. Mr. Seal seconded the motion which carried 4-0.

7. **REPORTS OF CITY COUNCIL, BOARDS, AND COMMISSIONS:** None.

8. **DEPARTMENT REPORTS**

- (a) 140th Improvement Project Update

Chair Bell noted the written report on page one of the Council packet.

Mr. Keeffe praised the work of the City's contractor, R.W. Scott, and the overall management of the project. He stated he has been very impressed with their attention to the environment, how they are working with existing traffic, and their responsiveness to questions and suggestions. Mr. Keeffe suggested that the contractor's and Chief Inspector Melissa Floyd's superior

performance be noted and conveyed to the Director of Transportation. There was Council consensus to send such a letter to Mr. Sparrman.

Chair Bell reported that the lighting issue raised by Carol Simas at Council's last meeting has been discussed by the West Lake Hills Advisory Committee with Mr. Dirk Mitchell. He stated information will be provided by Mr. Mitchell at an upcoming Council meeting.

9. **COMMITTEE REPORTS:**

Mr. Seal reported that there will be an open house on the Eastgate Park and Ride lot Tuesday, December 11, 2001 at the Eastgate Congregational Church. He continued his report, stating Metro's position on not constructing a coffee shop or providing restroom facilities remains firm.

Mr. Seal next reported on his attendance to the SEPA workshop in November, 2001.

Mr. Keeffe reported on the Special Meeting of the City Council held at 1:30 PM on December 3, 2001 with staff and State Legislators.

Chair Bell reported on the West Lake Hills Citizen Advisory Committee and the main activities of the Committee in November and December. Subcommittees were established to address Neighborhood Quality and Identity, Neighborhood Circulation, and Neighborhood Facility and Resources. These subcommittees will be doing a lot of the work prioritizing and identifying investment strategies for the West Lake Hills area that will be reviewed by the Committee of the Whole. A recommendation to the City Council is expected sometime in March 2002.

Chair Bell next reviewed the West Lake Hills Urban Design Analysis and the Community Character Study presented in Council's desk packet.

10. **UNFINISHED BUSINESS:** None.

11. **NEW BUSINESS**

(a) Swearing in Ceremony for Community Council New Terms

Chair Bell opened for discussion the upcoming swearing in ceremony for the new Community Council terms.

Mr. Keeffe reviewed past customs of combining the Community Councils' swearing in with that of City Council. He stated that, in the past, the swearing of elected officials was done individually. However, four years ago that practice was altered, and, although City Council was still sworn in individually, the Community Councils were given the oath of office in mass. He explained his desire to break from custom and establish a tradition of separate ceremonies to accommodate the administration of individual oaths of office for each Community Councilmember.

Mr. Lemieux suggested that Supreme Court Justice Richard Sanders be invited to officiate at the Community Council's swearing in ceremony. There was consensus to contact Judge Sanders regarding the swearing in ceremony, and, in the event that he is not available, Judge Gain.

(b) Utilization of the Lake Hills Community Clubhouse

Mr. Keeffe gave a brief history of the Lake Hills Community Clubhouse. He stated the building and property were sold to the City of Bellevue for the sum of one dollar with the condition that the Lake Hills Community Club would have use of the facility at no expense in perpetuity. In addition, it was agreed that the facility would be made available for neighborhood community functions. In light of this letter of sales agreement, he stated for the record that he would object to any move by the City to charge the East Bellevue Community Council for use of this facility or to preclude the Council's use of the facility.

Mr. Keeffe asked that the record also show the context of the City's acquisition of this facility including the stipulation contained in the Lake Hills Community Club's offer letter at the time the property changed hands. He emphasized that the Lake Hills Community Club or the East Bellevue Community Council have the right to utilize the premises at no expense and to receive reasonable consideration in scheduling. There was Council consensus to send a letter to the Director of Parks and Recreation summarizing the conditions of the Lake Hills Community Clubhouse acquisition as negotiated with Mr. Semreu and Mr. Springgate.

12. **CONTINUED COMMUNICATIONS**

Ms. Brigitte Wiechmann noted the exclusion of the area of her residence from the West Lake Hills Study area. In response, Chair Bell explained the boundaries are set based around elementary school division lines. The area to which Ms. Wiechmann refers is in the Stevenson Elementary boundaries and outside the division boundary lines set for the West Lake Hills Study area.

13. **EXECUTIVE SESSION**: None.

14. **APPROVAL OF MINUTES**

Mr. Keeffe moved to approve the summary minutes of the November 7, 2001, Regular Meeting. The motion was seconded by Mr. Seal and carried by a vote of 4-0.

15. **ADJOURNMENT**

Mr. Lemieux moved adjournment. Mr. Seal seconded the motion which carried 4-0. The meeting of December 4, 2001 adjourned at 8:37 PM.

Michelle Murphy
Deputy City Clerk