

East Bellevue Community Council
Summary Minutes of Regular Meeting

October 2, 2012
6:30 p.m.

Lake Hills Boys & Girls Club Meeting Room
Bellevue, Washington

PRESENT: Chair Kasner, Vice Chair Seal, and Councilmembers Capron, Gooding and Hughes

STAFF: Catherine Drews, Legal Planner

1. **CALL TO ORDER**

The meeting was called to order at 6:30 pm with Chair Kasner presiding.

2. **ROLL CALL**

The Clerk called the roll, all members were present.

Chair Kasner led the flag salute.

3. **COMMUNICATIONS - WRITTEN AND ORAL:**

William Wald, Boy Scout Troop #66, introduced himself, stating he is working on attaining his Citizenship & Community Merit Badge.

Mr. Don Boettinger stated his interest in Light Rail.

Ms. Betsy Blackstone, Surrey Downs Neighborhood Association, stated she is also interested in the proposed Light Rail Project.

4. **APPROVAL OF AGENDA**

Councilmember Hughes requested the addition of the non-response to the Community Council's letter to City Council related to Robinswood Park Off Leash Plan. Councilmember Kasner requested the addition of the Maus Short Plat on SE 10th. Mr. Kasner stated for all future meetings he would like to add Community Council Business and New Initiatives under Item 7, Reports of City Council, Boards and Commissions. Councilmember Hughes moved approval of the October 2, 2012 agenda as amended. Councilmember Gooding seconded the motion which carried by a vote of 5-0.

5. **COURTESY PUBLIC HEARING**

- (a) Land Use Code Amendments to establish a consolidated land use permitting process for Regional Light Rail Transit Projects

Ms. Catherine Drews, Development Services Department, explained the concept of a Light Rail Overlay District and the two paths for permitting, either through a development agreement or a conditional use process. She provided background for the proposed code amendment. The purpose of the amendment is to provide certainty and predictability for the City, Sound Transit and the public with respect to land use code requirements and processes; allow the City Council, through a development agreement, to establish a comprehensive and consolidated permit process for the Project; add provisions in the Land Use Code to accommodate Light Rail Transit Facilities and Systems as a permitted use under the consolidated permit process; allow for extended vesting or duration of land use approvals for the Project; provide a mechanism for addressing any Land Use Code requirements that are impractical or infeasible for the Project; and, resolve identified technical code conflicts.

Ms. Drews reviewed next steps, explaining the draft code amendments are not complete but will be available October 8th.

Mr. Kasner questioned the designation of ‘essential public facility’ and how it differs from a private applicant applying for a conditional use permit.

Ms. Drews responded that an ‘essential public facility’ is defined in the State’s Revised Code of Washington and addressed in the City’s Land Use Code. In response to Chair Kasner, she stated she would provide the statute to the Community Council.

Councilmember Seal questioned how the Planning Commission would be involved, stating he did not view Light Rail as an ‘essential service’.

Chair Kasner continued Mr. Seal’s line of questions, asking if the designation is open to discussion. In response to Mr. Kasner, Ms. Drews confirmed that a development agreement would not come before the Community Council.

Ms. Drews offered to return to the Community Council at a future date to review the Community Council’s role related to the siting of ‘essential public facilities’. Chair Kasner explained the need for the Community Council to understand the underlying framework.

Ms. Betsy Blackstock provided her interpretation of the definition for an ‘essential public facility’ found in State code.

Chair Kasner questioned the timing of this courtesy hearing in light of the lack of draft legislation available for review. He stated the presentation feels too early in the process.

Ms. Drews replied that it is early in the process, but that staff always comes before this body before there is a public hearing. If this process had followed a typical path through the Planning

Commission, a preliminary draft would have been available. But, in this instance, due to the importance and potential impact of this project, City Council has directed the entire process remain before them. She reiterated that the draft language would be forwarded to the Community Council next week.

Chair Kasner noted the practice of the Houghton Community Council to hold joint meetings with the Kirkland Planning Commission when projects under review fell within their area. Mr. Kasner stated he is glad for the process, just that it feels too early to comment on language the Community Council has not seen.

Councilmember Hughes questioned if the proposed overlay put in place a set of rules and procedures for Light Rail that could potentially include the Community Council area. Ms. Drews explained the reason for the proposed overlay is to eliminate the need to amend each individual overlay district light rail crosses and any unintended consequences that might occur. This approach is written specifically to address language in the Memorandum of Understanding currently in force between the City of Bellevue and Sound Transit.

In response to Councilmember Seal, Ms. Drews stated there is a specific provision under the Growth Management Act that allows for development agreements and the potential to negotiate extended vesting.

Ms. Blackstock stated the existence of ‘off ramps’ built into the MOU that allow either party to drop out if agreement is not reached on any one of the elements in the developer agreement.

In response to Chair Kasner, Ms. Drews stated this first round of code amendments is called out in the MOU to be accomplished by year’s end.

Ms. Blackstock commented on the historic use of the Planning Commission in draft legislative review.

In response to Chair Kasner, Ms. Drew stated City Council will hold a public hearing on the Light Rail Transit Overlay on October 22nd.

Chair Kasner opened the courtesy hearing.

Ms. Blackstock stated the residents of Surrey Downs support the Overlay District approach. She noted the loss of 49 homes in the wake of Sound Transit East Link. She stated 300 homes in Surrey Downs stand to have restricted ingress/egress with the closing of NE 4th resulting in a negative monetary impact on property values.

Chair Kasner thanked Ms. Blackstock for her input.

In response to Mr. Kasner, Ms. Drews stated the draft legislative language is due to be released on October 8th.

Chair Kasner questioned the process and Sound Transit's burden of proof obligation to meet Bellevue's Land Use Codes. Ms. Drews responded that the process is the same as any other Conditional Use Permit applications brought forward in the past. She next explained the Overlay process which will address which design standards apply.

Councilmember Hughes reported on the concerns he has heard from constituents. He noted that light rail will happen; the only question is what it will look like.

In response to Mr. Hughes, Ms. Blackstock stated the East Link project is scheduled to start construction in 2015. She noted Sound Transit's technical problem of crossing the bridge.

Mr. Scott questioned the overlay process. Responding, Ms. Drews stated that this is a long, linear system with the bulk of it built in the rights-of-way. She stated some condemnations of private property will be required. She also noted that the system includes knockouts at various locations for stations and construction staging.

Seeing no one further wishing to speak, Chair Kasner closed the public hearing.

6. **RESOLUTIONS:** - None.

7. **REPORTS OF CITY COUNCIL, BOARDS, AND COMMISSIONS:**

Councilmember Seal reported on his trip to Olympia to attend the Joint Select Committee on Junior Taxing Districts, Municipal Corporations, and Local Government Finance meeting. He also reported on his attendance at the Eastside Transportation Association meeting.

Councilmember Capron reported on progress at the Kelsey Creek Center and new businesses preparing for openings. He stated there does not appear to be any parking issues. He next reported his disappointment at the misconduct of three Bellevue Police Officers at a recent Seahawks game.

Chair Kasner noted that Chief Pillo made a statement at a recent City Council meeting, stating they are conducting an internal investigation into the incident.

Councilmember Gooding reported on a police response incident in his neighborhood. He also noted the potential addition of a new elementary school in the downtown area.

Councilmember Hughes reported attendance at the Newport High School football games. He accompanied Mr. Seal and Mr. Kasner to Olympia to attend the meeting of the Joint Select Committee on Junior Taxing Districts, Municipal Corporations, and Local Government Finance. He next reported that an abandoned house in his neighborhood is being demolished, making way for new construction. He reported that Mr. Kasner and he took a tour of 164th Avenue to view overhead lines in contrast with 148th Avenue.

Councilmember Kasner reported on his activities this past month. He went to Olympia along with Mr. Seal and Mr. Hughes; met with City Councilmember Stokes; participated on the

interview panel for the Neighborhood Outreach Manager position; and attended the ETA meeting where he met Mr. Woosley, the developer of the Spring District project. Mr. Kasner noted the It's Your City article in Council's desk packet and reported that Brian Franklin will be attending next month's meeting to update the Council on Kelsey Creek Center's progress.

Mr. Hughes reported his interview with the KOMO Community News related to his work with a mental health program for people suffering from anxiety, depression and post-traumatic stress syndrome that cannot afford mental healthcare on their own.

8. **DEPARTMENT REPORTS:** None.

9. **COMMITTEE REPORTS:** None

10. **UNFINISHED BUSINESS**

(a) Jr. Taxing Districts, Municipal Corporations & Local Govt. Finance Committee

Chair Kasner reported on the meeting of the Jr. Taxing Districts, Municipal Corporations & Local Govt. Finance Committee on September 24th.

Mr. Hughes stated his impressions of that meeting and his feelings that this top down generic approach to trimming government is a total waste of time.

There was Council dialog on the purpose of the Committee and possible outcomes.

11. **NEW BUSINESS:**

Councilmember Seal requested information relating to the five lot Maus Short Plat and grading application. The Clerk responded that she would resend staff's memorandum related to this short plat along with the application.

12. **CONTINUED COMMUNICATIONS:**

Mr. Boettinger stated the ingress/egress from the Kelsey Creek Center is terrible.

Mr. Capron expressed sympathy with Mr. Boettinger's frustrations.

Mr. Wald noted another problem with the intersection is the long pedestrian wait time to cross.

Chair Kasner reported on a letter received from Mr. James Eder regarding fluorinated water in Portland and the possible connection to early onset dementia.

13. **EXECUTIVE SESSION:** None.

14. **APPROVAL OF MINUTES:**

Mr. Hughes noted the correct spelling of Mr. Leingang, an audience participant at the September 4, 2012 meeting. Councilmember Seal moved to approve the summary minutes of September 4, 2012 as corrected. Councilmember Hughes seconded the motion which carried 5-0.

15. **ADJOURNMENT**

Councilmember Capron moved to adjourn. Motion was adopted unanimously.

At 8:29 pm, Chair Kasner declared the meeting adjourned.

Michelle Murphy, CMC
Deputy City Clerk