

East Bellevue Community Council
Summary Minutes of Regular Meeting

January 5, 2016
6:30 p.m.

Lake Hills Clubhouse
Bellevue, Washington

PRESENT: Chair Capron, Vice Chair Kasner, Councilmember Gooding, Councilmember Hughes, Councilmember Hummer

ABSENT: None.

STAFF: Carol Hamlin, Senior Planner

1. **CALL TO ORDER**

The meeting was called to order at 6:31 p.m. with Chair Capron presiding.

2. **ROLL CALL**

The Deputy City Clerk called the roll. All Councilmembers were present.

3. **FLAG SALUTE**

Councilmember Kasner led the flag salute.

Councilmember Gooding moved to amend the agenda to take up Items 6 and 7 as the next topics. Mr. Kasner seconded the motion, which carried by a vote of 5-0.

6. **APPROVAL OF AGENDA** [See above]

7. **DEPARTMENT REPORTS**

- (a) Palmer Preliminary Short Plat File #15-125983-LN

Carol Hamlin, Senior Planner, provided a report on the Palmer Preliminary Short Plat at 15340 SE 22nd Street. She noted that the East Bellevue Community Council does not have decision authority in this matter. However, she wanted to let them know about this activity within their boundaries and to address questions and feedback.

Ms. Hamlin said the applicable regulations are found in Land Use Code sections 20.35.200 through 20.35.250. Mr. Palmer owns a half-acre lot at SE 22nd Street and 154th Avenue. The

2

East Bellevue Community Council
Summary Minutes – January 5, 2016

existing house will be demolished and the application proposes dividing the property into three lots. The property is zoned R-5, which allows five units per acre.

Councilmember Hummer recalled that the original King County zoning of the area was largely established to allow higher density residential development. However, the first East Bellevue Community Council changed that zoning designation.

Mr. Hamlin said the large, 23-inch diameter tree on the corner of the lot will be retained. Redevelopment of the lots will require compliance with transportation requirements.

Chair Capron said the property to the west was subdivided into three nice homes. He observed that this type of redevelopment is more consistent with the character of the neighborhood than the large mega-homes.

Councilmember Hughes expressed support for the proposal. He said that he and Councilmember Kasner visited the site. Mr. Hughes shared photos of the site and adjacent development with the other Councilmembers.

Jim Loring said he lives two blocks north of the site. He expressed concern about the size and scale of the structures to be built on the lots. He suggested that the homes should be more consistent with development to the north instead of the subdivision adjacent to the west boundary.

Chair Capron said the structures will be required to comply with the Land Use Code. He noted that the Community Council cannot change the proposed redevelopment.

Dave Elliott, speaking as a realtor, said the value of the property is in the land. If houses become too small, builders will not be interested in redeveloping sites. He observed that a builder would not be interested in building a rambler on the property because the return on investment would not be a sufficient incentive. A larger, two-story house would be more attractive to a developer and to potential home buyers. Mr. Elliott said there is a shortage of new housing in the Seattle area.

Councilmember Kasner said the neighborhood is anticipated to convert to larger houses over the next 25 years. Houses built through the 1950s are no longer functional and appealing to buyers. He noted residents' concerns about the extremely large structures that are operating as businesses instead of single-family homes. He encouraged the public to provide feedback that could be carried to the City Council.

Stephanie Walter suggested that the housing boom will not continue over the next 30 years. She said it is important to think about how the neighborhood will be in the future based on more than just factors of the housing industry. She opined that the three houses on the adjacent subdivision look out of place. Residents have expressed concern that the infill development does not match the original planning for the Lake Hills area.

Councilmember Kasner suggested that nicer ramblers will be in demand for the aging population.

Irene Fernandes said a new 4,000-square foot house nearby has been on the market for more than six months.

Jim Loring said it is important for residents to think about how they want to live 20 years from now. He observed that some of the mid-century ramblers are appealing to certain buyers who want a more modest home and who want to live closer to Downtown Bellevue and jobs.

Don Boettiger said property taxes on land values are skyrocketing in Bellevue.

Responding to Robert Rode, Chair Capron said the Community Council cannot influence the size of the homes or the size of the short plat. Mr. Capron said it meets the criteria of the Land Use Code.

Councilmember Hummer said she believes it helps the City and developers to solicit organized feedback from the neighbors and community. Mr. Capron said the reality is that developers want to maximize their returns on investment.

Ms. Hummer said she has heard concerns from residents who are unhappy because they believe the Community Council had allowed the development of mega-homes. She noted that the City Council sets policies for residential development. The Planning Commission provides input into the City Council's process. Ms. Hummer said the City is developing low-impact development guidelines and regulations. She wondered whether these could provide incentives for builders to install rain gardens, underground utilities, and other elements.

Ms. Hamlin said the City Code does not require that driveways are Grasscrete. However, the City provides a credit for pervious surfaces. Responding to Councilmember Hummer, Ms. Hamlin said the driveways on the Palmer short plat will be along 154th Avenue and will meet all transportation requirements.

Chair Capron thanked Ms. Hamlin for the report. He noted that he has no objection to the proposed redevelopment.

4. **COMMUNICATIONS: WRITTEN AND ORAL**

Robert Rode said he is pleased with the addition of the crosswalk at Kelsey Creek Center.

Chair Capron said he was pleasantly surprised by the court's decision in the Community Council's favor with regard to the Puget Sound Energy transmission line project. He said PSE immediately filed an appeal the next business day after the court decision.

Councilmember Kasner said it is disappointing that, for years, residents have been told that PSE wanted to find a solution acceptable to the community. He said the Community Council is committed to finding a solution that does not involve the proposed transmission line. Mr. Kasner said there are those in the community who believe that some type of project related to electrical infrastructure is needed. He said PSE has been unwilling to work with East Bellevue residents.

4

East Bellevue Community Council
Summary Minutes – January 5, 2016

Chair Capron noted that the Community Council is not opposed to increasing electrical reliability in East Bellevue but feels there are alternatives to the proposed PSE project. He suggested that outages could be minimized through enhanced vegetation management and the replacement of transformers. PSE's current maintenance protocol is to respond to failures before replacing any transformers.

Mr. Kasner said technology has changed over the seven to eight years that the project went from concept to a specific plan.

Don Marsh said residents are thrilled with the court's decision and are pleased that the park-like environment along 148th Avenue will be preserved. Residents outside of East Bellevue who travel along 148th Avenue are pleased with the decision as well. He read a statement he made to the City Council the previous evening. He referred to page 49 of the City's Electrical Reliability Study report for a solution. The report indicates that PSE already has the capability to re-power the substations in the case of a failure using lower voltage feeder lines. He said the switches must be operated manually, however, and sometimes PSE manpower is in great demand if other outages are occurring at the same time.

Mr. Marsh said the City's Electrical Reliability Study recommended the installation of "smart switches" that can restore power in seconds rather than hours. These switches are not radical new technology but have been available for decades. Mr. Marsh said he asked that the City Council meet with the East Bellevue Community Council, PSE representatives, and interested residents to develop a solution that is acceptable to everyone. Mr. Marsh thanked the Community Council for representing the neighborhood in this important matter.

Councilmember Hummer said Don Marsh was instrumental in getting residents to the court hearing. She said three PSE attorneys, the City's attorney, and the EBCC's attorney were present at the hearing.

Mr. Marsh said the judge commented that he was surprised to see so many neighbors there. Mr. Marsh noted that signs and yellow ribbons around trees will be placed along 148th Avenue by the Coalition of Eastside Neighborhoods for Sensible Energy (CENSE) for one to two weeks to celebrate the victory.

Steve Fricke said he filed an appeal to the State Department of Ecology (DOE) in response to it granting Puget Sound Energy approval with regard to shoreline jurisdiction. He said the East Bellevue Community Council filed its own appeal and has its own attorney.

Councilmember Hughes said he would appreciate it if speakers waited to be acknowledged by Chair Capron before speaking. He expressed concern that Councilmembers are not having the opportunity for discussion. He asked Mr. Fricke to clarify what he is appealing.

Steve Fricke said there are two permits related to the PSE transmission line project: land use and shoreline. The Shoreline Conditional Use Permit (SCUP) was granted through the courts. He opined that the City filed a brief opposing the EBCC's jurisdiction, which he believes is an inherent conflict involving the City Attorney. He said this excluded the EBCC from the DOE hearing, which is one of the reasons he filed his own appeal.

Chair Capron recalled that the EBCC initially denied PSE's permit application based on the Land Use Code, but did not discuss the Shoreline Conditional Use Permit (SCUP) application. PSE then appealed the EBCC's decision, and Judge Downing ruled that the EBCC did not have jurisdiction over shoreline regulations. He also confirmed that the EBCC does have jurisdiction over the land use permit.

Mr. Capron said the City has always brought shoreline issues to the EBCC, which decided to appeal the court's decision on shoreline jurisdiction. He said that shoreline regulations were not issued by the State until a few years after the East Bellevue Community Council was established. The EBCC's position is that the legislation mentioned cities and not the EBCC because it did not yet exist. The EBCC believes this was a legislative oversight. Chair Capron said PSE is appealing the court decision granting the EBCC authority over the land use Conditional Use Permit (CUP). He noted that shoreline permits are automatically reviewed by the State DOE and the agency's decisions can be appealed.

Sandra Hughes said some residents are concerned that PSE will not restore power to East Bellevue in a timely manner with future outages, as retribution for the EBCC's action.

Councilmember Hughes recalled that he read a PSE document in the past indicating that Lake Hills is a lower priority in restoring power because there are no hospitals or major industries in the area.

Bob Parker, PSE representative, was present in the audience and confirmed that hospitals, first responders (e.g., fire stations), and emergency shelters are the first priorities for restoring power.

Responding to Courtney Johnson, Chair Capron said the City covers the EBCC's outside legal counsel expenses. The City's staff provides general counsel on a day-to-day basis.

Councilmember Kasner said the City Council granted slightly more funding than requested by the EBCC to cover necessary legal expenses. He said the EBCC would prefer to avoid litigation. However, it is necessary in order to defend the interests of the East Bellevue community.

Chair Capron said the City Council is aware that the EBCC will need additional funds for the appellate attorney's services.

5. REPORTS OF CITY COUNCIL, BOARDS AND COMMISSIONS

(a) Community Council Business and New Initiatives

Councilmember Hughes noted that the Sound Transit 3 package could include light rail from Kirkland to Issaquah via Bellevue. He expressed support for mass transit. However, he expressed concern about the high cost (estimated at \$3.3 billion) of providing this section of infrastructure for a relatively small population/ridership, when compared to New York City and other urban areas. He described the challenging topography along the light rail route.

6

East Bellevue Community Council
Summary Minutes – January 5, 2016

Councilmember Kasner said the City is hosting a meeting to discuss the Eastside Rail Corridor, or former BNSF rail line. The City of Kirkland removed its railroad tracks and created a trail. Sound Transit's comment period for the proposed ST3 package projects ends on January 21. The agency is working to develop a November ballot measure for voter approval of the package. Mr. Kasner said the cost of the package will be more than \$15 billion through 2040.

Mr. Kasner said a width of approximately 30 feet will be used for light rail or buses, and a 70-foot width is available for a trail. However, the actual trail is depicted as 15 to 20 feet wide in the middle of the total width.

Mr. Hughes said the two potential light rail routes to Issaquah are along I-90 or 148th Avenue. He said this would be worse than having power lines along 148th Avenue. He said the Community Council does not have any authority over Sound Transit's decision and project.

Councilmember Kasner encouraged citizens to attend the meeting on Saturday at City Hall regarding the Eastside Rail Corridor. He noted the importance of citizen involvement and collaboration.

Mr. Kasner said he and Councilmember Hughes attended Claudia Balducci's swearing in as a King County Councilmember. Mr. Kasner expressed concern that, with the loss of Ms. Balducci from the City Council, there is no direct representative for the Lake Hills area. He said it is important for residents to communicate to the City Council directly about issues important to them.

Mr. Kasner commended The Neighborhood Church's holiday displays and lights. He said the next meeting of the Lake Hills Neighborhood Association is Thursday, February 4. It will focus on traffic and inviting speakers to update residents on the City's plans.

Mr. Kasner welcomed John deVadoss, Planning Commissioner, in the audience. Mr. Kasner said he recently met with City staff members to communicate certain concerns. He met with Kirkland Councilmember Shelley Kloba to discuss issues of mutual interest. Mr. Kasner said he attended Bellevue's Cultural Competence training in December.

Chair Capron said he ran into former Mayor Claudia Balducci and they discussed light rail. He communicated that the EBCC would likely support a subway, but it would not support above-ground light rail trains.

Councilmember Gooding observed that bus transit is very effective and relatively inexpensive. He said subways work in more densely populated areas, but he does not feel they are warranted on a large scale on the Eastside. He noted that autonomous cars are not too far into the future, and that will change the transportation system.

Irene Fernandes said the City of Kirkland is considering electric buses along its Cross Kirkland Corridor (Eastside Rail Corridor). She said they are very quiet and would run only during peak travel times.

Councilmember Hummer said she attended the court hearing for the PSE case. She attended a number of City Council, Board, and Commission meetings. She ran into former Deputy Mayor Kevin Wallace before tonight's meeting and briefly discussed Sound Transit's ongoing plans. He referred her to the City's web site for more information.

Don Boettiger said former Mayor Balducci supported the PSE transmission line application. He said he is not so sure she is a supporter of East Bellevue.

Sara Matthews said she represents a townhome association of 24 units on 148th Avenue. She is pleased with the court's decision regarding the transmission line project and that trees will not be removed.

8. **PUBLIC/COURTESY HEARINGS:** None.

9. **RESOLUTIONS:** None.

10. **COMMITTEE REPORTS:** None.

11. **UNFINISHED BUSINESS:** None.

12. **NEW BUSINESS**

(a) Discussion Regarding Potential Future Agenda Items

Responding to Chair Capron, Deputy City Clerk Charmaine Arredondo said the Lake Hills art project will come to the EBCC in February. The Diversity Initiative and adult family homes will be discussed in March.

Councilmember Kasner said the desk packet includes a list of issues that could be addressed during a Community Council retreat. He noted that this is a budget year for the City and suggested that the EBCC receive information and updates in order to be prepared to provide input. He would like to place a potential retreat on the February agenda, with the desk packet list as a starting point for the EBCC to decide what information it would like to be provided.

Mr. Kasner said he read a news editorial related to the State Growth Management Act and whether to move the urban growth boundary.

Councilmember Hummer thanked residents for their involvement with the EBCC and the community. She urged residents to get involved with the City's Boards and Commissions.

Mr. Kasner introduced Kyle Stannert, Acting City Clerk.

Dave Elliott said he served 12 years on the Transportation Commission. He encouraged residents to follow the Boards and Commissions and to communicate questions and concerns with staff.

Ms. Hummer said the City Council, Board, and Commission meetings provide the opportunity for public comments.

8

East Bellevue Community Council
Summary Minutes – January 5, 2016

13. **CONTINUED COMMUNICATIONS:** None.

14. **EXECUTIVE SESSION**

At 7:55 p.m., Chair Capron declared recess to Executive Session for approximately 45 minutes to discuss one item of pending litigation.

The meeting resumed at 8:43 p.m., with Chair Capron presiding.

15. **APPROVAL OF MINUTES**

(a) Summary Regular Meeting Minutes of December 1, 2015

Councilmember Hughes noted that Councilmember Hummer reported that 1,500 Lake Hills residents voted in the last Community Council election, which was not accurate. The Community Council agreed that the number was actually 1,900 residents.

Councilmember Kasner moved to approve the minutes of the December 1, 2015 Regular Meeting. Councilmember Hughes seconded the motion, which carried unanimously.

(b) Summary Special Meeting Minutes of December 9, 2015

Councilmember Hummer moved to approve the minutes of the December 9, 2015 Special Meeting. Councilmember Hughes seconded the motion, which carried unanimously.

16. **ADJOURNMENT**

Chair Capron declared the meeting adjourned at 8:45 p.m.

Charmaine Arredondo
Deputy City Clerk

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