

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Study Session

September 20, 2004
6:00 p.m.

Council Conference Room
Bellevue, Washington

PRESENT: Mayor Marshall and Councilmembers Balducci, Chelminiak¹, Davidson, Degginger, and Lee

ABSENT: Deputy Mayor Noble

1. Executive Session

Mayor Marshall opened the meeting at 6:00 p.m. and announced recess to Executive Session for approximately 90 minutes to discuss one item of property disposition, one item of property acquisition, and one item of potential litigation.

The meeting resumed at 7:20 p.m. with Mayor Marshall presiding.

2. Study Session

(a) Ordinary High Water Mark (OHWM) Study Results

City Manager Steve Sarkozy recalled previous Council direction to staff to study the feasibility of determining a static reference point on Lake Sammamish for the purpose of measuring structure setbacks.

Land Use Director Carol Helland said The Watershed Company was hired to conduct a study of sites on Lake Sammamish that would be used to identify a fixed elevation that will approximate in most cases a site-specific, ecologically derived ordinary high water mark (OHWM). The consultants visited 27 sample sites to conduct site-specific OHWM determinations using the Department of Ecology's methodology. Copies of the report were distributed to Council and key stakeholders in the community in August.

Ms. Helland said the Department of Ecology is pleased with the results of the study. As a next step, she suggested staff prepare a code interpretation to establish the point from which a structure setback is measured rather than requiring site-specific OHWM evaluations. Staff would amend the Land Use Code accordingly as part of the Critical Areas Ordinance update

¹ Mr. Chelminiak arrived at 6:48 p.m.

process. The code interpretation approach will allow the City to begin using the static elevation by the end of the year. Alternatively, a separate Land Use Code amendment approach addressing the OHWM would require approval by the state Department of Ecology and would not become effective until sometime in 2005.

The recent study recommends an OHWM value of 31.76 NAVD88. The elevation of 27 feet suggested by the Rosemont Beach Homeowners Association would not be approved by the Department of Ecology. Ms. Helland said four board members of the homeowners association have responded that they concur with staff's recommendation for the elevation to be set at 31.76 feet. Additional board members are expected to respond soon.

Responding to Dr. Davidson, Ms. Helland explained there are two systems for measuring OHWM elevation. The recommended value of 31.76 NAVD88 is equivalent to 28.175 NGVD29. The elevation of 27 feet requested by the Rosemont Beach Homeowners Association is based on the NGVD29 system and is therefore fairly close to staff's recommended OHWM value.

Responding to Mayor Marshall, Ms. Helland confirmed that the code interpretation approach is intended to provide a clear guideline for homeowners and to save them from having to hire consultants on their own.

Responding to Dr. Davidson, Ms. Helland said staff's recommended OHWM is similar to other jurisdictions around the lake. Bellevue staff met with representatives of other jurisdictions, and the City of Sammamish subsequently expressed an interest in conducting a similar study for its lake properties.

Ms. Helland noted this is the type of approach staff would like to use in creating a critical areas development manual for residents.

Mr. Chelminiak said his calculations indicate that the 27-foot elevation requested by Rosemont Beach Homeowners Association translates to 30.585 feet under the NAVD88 system. This reflects a difference of only 14 inches when compared to the recommended value of 31.76 NAVD88. Ms. Helland concurred and emphasized that the homeowners association is an advocate for the establishment of a static elevation. Responding to Mr. Chelminiak, Ms. Helland said the measurements of water elevation at sample sites ranged from 31.34 to 31.86.

Responding to Ms. Balducci, Associate Planner Heidi Bedwell said general information about critical areas regulations has been sent to residents but not specifically to the West Lake Sammamish Homeowners Association. Ms. Helland said the association will be included in notifications regarding the OHWM code interpretation approach.

Ms. Helland clarified that homeowners would not be required to follow the OHWM of 31.76 and could opt to hire a consultant to document a different elevation based on their specific site.

Mr. Degginger expressed support for the report and staff's recommendation.

Mayor Marshall noted Council consensus to proceed with staff's recommended approach.

3. Council Business [Regular Session Agenda Item 6]

Mr. Chelminiak attended the Central Puget Sound Economic Development District meeting and a Probation Division volunteer recognition function. He and Councilmember Balducci attended the LEOFF I Disability Board meeting.

Mr. Lee attended the groundbreaking ceremony for the expansion of Overlake Hospital Medical Center.

Mr. Degginger attended meetings of the Growth Management Planning Council and the Growth Management Policy Board.

Ms. Balducci traveled to Washington, D.C. with the YMCA to learn about the *Activate America* project and met with congressional representatives as well. She attended Bellevue Youth Theatre's fundraising cabaret concert.

Mayor Marshall commended Mr. Lee's courage and tenacity in running for U.S. Congress. Mrs. Marshall commended the Bellevue School District Board and staff for the recent recognition of the District's advanced placement program by the U.S. Department of Education.

At 7:54 p.m., Mayor Marshall declared recess to the Regular Session.

Myrna L. Basich
City Clerk

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