



## TOWN OF BEAUX ARTS VILLAGE

### TOWN COUNCIL MINUTES

April 2, 2024

Howes

**PRESENT:** Mayor Aletha Howes, Councilmembers Paula Dix, James McCarthy, Stacy Saal, Tom Stowe, and Brad Wheeler.

**EXCUSED:** None.

**STAFF:** Clerk/Treasurer Sue Ann Spens and Town Engineer/Planner Stacia Shroeder.

**GUESTS:** David Chang.

Mayor Howes called the meeting to order at 7pm. Clerk/Treasurer Spens reminded all that, because this meeting is one week earlier than the regular meeting date, tonight's meeting is a special meeting. The Council may discuss both agenda and other items, but they may only take action on those items listed on the agenda.

**MINUTES:** Councilmember Dix moved to approve the March 12, 2024 minutes as amended. Councilmember Saal seconded.

Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

**CLAIMS:** Councilmember McCarthy pointed out that he paid the locksmith who installed the new shed lock, so check no. 16518 should be voided.

Councilmember Saal moved to approve the April 2, 2024 Claims Register for check numbers 16503 through 16521 (including #16518 voided tonight) in the amount of \$25,457.85.

Councilmember Wheeler seconded.

Vote: 3 For, 0 Against, 0 Abstain. Motion carried.

Clerk/Treasurer Spens will prepare a reimbursement check for Councilmember McCarthy to be approved at the May Council meeting.

#### **CLERK'S REPORT:**

**PROPOSED REPUBLIC SERVICES SERVICE CHANGES:** Clerk/Treasurer Spens reported that staff will send out an informal survey to residents to learn how they feel about a possible change in pick-up service from every other week to weekly. She will report the results of that survey to the Council next month so they can make an informed decision about altering the pick-up schedule for Villagers.

**MARSHAL'S REPORT:** Mayor Howes reported that the KCSO contract cities recently met to discuss the situation between Burien and KCSO regarding KCSO's refusal to enforce a city ordinance. She commented that the group is considering renegotiating all contracts and wanted the Council to be aware of the situation. She added that Beaux Arts may want to approach Bellevue, Mercer Island, Clyde Hill, and Medina about providing police services if

the Council becomes concerned about the direction of these discussions. She will attend the group's next meeting and will provide an update at the May Council meeting.

**WATER REPORT:** Councilmember Wheeler reported that the leak in the lower Village has been repaired. He also reported that Water Supervisor Durr is ready to “retire” from this volunteer position and has begun looking for his replacement. Council is aware that the Water Supervisor duties were once handled by a Councilmember, but they feel it is better to continue with a non-Council supervisor if possible.

**WABA REPORT:** Mayor Howes reported that she did not get a report from new WABA President Jonty Neal, likely because he is new to the position. She will work to connect with him later this month.

**APPEARANCES:** No residents appeared at the meeting. Clerk/Treasurer Spens displayed a new Sign-In Sheet that she will make available at all future Council meetings.

The sheet states:

- Please help us identify you correctly for the public record by printing your name and address or company name below.
- If you plan to speak during Appearances, be aware there is a 5-minute limit for each speaker.
- In consideration of this meeting being held in a private venue, kindly let attendees know if you plan to record any portion of the meeting or take photos.

She explained that attendees cannot be compelled to sign in nor can we prevent them from taking photos or recording the meeting on their own devices, because the meeting is a public event. Mayor Howes added that if Councilmembers do not feel comfortable with photos in their homes, the Council can hold meetings in a public place, e.g., Enatai Elementary.

**PUBLIC HEARING: PROPOSED ORDINANCE NO. 471 AMENDING THE ZONING CODE AS MANDATED BY STATE LEGISLATION:** Clerk/Treasurer Spens reminded Councilmembers that this hearing was originally scheduled for March but was continued to give Town Engineer/Planner Schroeder and Town Attorney Linehan time to review the Department of Commerce's (DOC) comments about the Town's draft regulation changes.

Mayor Howes opened the public hearing at 7:35pm. As there were no comments, she closed the hearing at 7:36pm.

Ms. Schroeder explained that she and the Town Attorney reviewed the DOC comments and discussed them with DOC representatives. Based on that review and discussion, they do not feel the comments are critical enough to prevent the Council from acting on this ordinance tonight.

Mayor Howes reminded that DOC can make recommendations, but the Town does not necessarily have to follow them. Councilmember held a brief discussion.

MOTION: Councilmember Saal moved to pass Ordinance No. 471 amending the Town's Zoning Code to address state mandates for transitional housing and permanent supportive housing and to update the Town's rules governing Accessory Dwelling Units (ADUs). Councilmember Wheeler seconded.

Vote: 4 For, 0 Against, 1 Abstain (Stowe). Motion carried.

**CHANG REQUEST TO REMOVE ROW TREE:** David Chang explained that he is remodeling the home on his property at 10320 SE 29<sup>th</sup> Street. There is a Hawthorn tree on the right-of-way in front of the property that is leaning and appears to be in declining health, perhaps because it sits so close to the paved roadway or due to neglect. He would like to remove the tree and mitigate the removal by planting three Stewartia trees in more suitable locations along the street.

Clerk/Treasurer Spens noted that Town Arborist Holly Iosso reviewed the request and recommends allowing the removal and replacement. She noted that the replacement trees will be located on private property, because the available space between the paved road and the property line is too narrow for planting trees. She remarked that Stewartia is not a species that is recommended in the 2019 Forest Strategic Plan but added that, for the location, Stewartia is a good tree for the shady location and to add to the diversity of tree species in Beaux Arts. She also noted that one of the trees should be identified as a mitigation tree so that it is protected.

During Council discussion, it was suggested that one of the replacement trees should be a native species listed in the Town's tree code, e.g., Douglas fir, Grand fir, or Western red cedar.

MOTION: Councilmember Stowe moved to approve the removal of the Hawthorn and the planting of a native conifer to replace it on or near Town property with the condition that the replacement tree must be identified as a mitigation tree. Councilmember Dix seconded.

Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

**PROPOSED ORDINANCE NO. 472 AMENDING THE CONSTRUCTION CODE:**

Clerk/Treasurer Spens explained that when the Council passed Ordinance No. 465 to adopt the 2021 State Building Code, the state code included reference to the International Wildlife Urban Interface (WUI) code. The State has since suspended adoption of this international code while it revised the maps associated with the code's implementation. In light of this development, Building Official Kolke and Town Attorney Linehan recommend that we amend our construction code to remove this reference.

MOTION: Councilmember Stowe moved to pass Ordinance No. 472 amending BAVMC 15.05, the Construction Code, and eliminating reference to the International Wildlife Urban Interface code. Councilmember Wheeler seconded.

Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

**SEPA RULE CHANGES:** Clerk/Treasurer Spens reminded the Council that discussion of

this topic was continued from the March Council meeting so that Councilmember Stowe could participate, because he had questions about how legislation for middle housing might impact the Town's application of SEPA rules.

Town Engineer Schroeder explained that primary impact of the State Environmental Policy Act (SEPA) on Beaux Arts is to regulate grading outside a single-family residence and work along the shoreline. She added that SEPA includes many exemptions for the small road and public-works projects we have in Beaux Arts. She does not anticipate the new rules for middle housing to change that.

Mayor Howes asked about basement digging on private property. Ms. Schroeder answered that such excavation is SEPA exempt.

Councilmember Stowe wondered if SEPA would protect the Town's:

- Urban forest, which is a natural carbon sink and which reduces ambient temperatures by shading the roads.
- Narrow system of roads, which have a low impact on the environment and allow greater rainwater capture for the aquifer and local water table.

He remarked that both of these assets provide positive climate impacts that should be noted in any middle-housing regulations the Town develops.

#### **MAYOR AND COUNCILMEMBER REPORTS:**

**KING COUNTY ROAD MAINTENANCE:** Councilmember Wheeler the bid for our 2024 paving projects is being compiled.

**FUNDING FOR LARGER PAVING PROJECTS:** Councilmember Wheeler reported that he is looking into a grant from the Transportation Improvement Board (TIB) to fund larger repaving projects, noting that such a grant requires a 5% match from the Town. He is also looking at funding from the Public Works Board but cautioned that PWB funding is a loan, not a grant.

**AGREEMENT WITH CITY OF BELLEVUE FOR SHARED UTILITY DESIGN / CONSTRUCTION COSTS:** Councilmember Wheeler reported that this agreement is nearly ready to execute and added that the Town will need Right of Entry agreements available after the agreement is signed so Bellevue staff can complete fieldwork related to the project design. Councilmember Stowe will follow up with sample agreements.

**DOCUMENTING COUNCILMEMBER TASKS:** Councilmember Saal will distribute a template for each Councilmember to use in recording their regular tasks, contacts, etc. This documentation will help new Councilmembers take on duties more quickly and efficiently.

**GREENSPACE MAINTENANCE:** Councilmember Dix reported that Elvis Landscaping has signed the contract.

**GLEN PATH IMPROVEMENTS:** Councilmember Dix reported that she is putting together a bid package to use with the Small Works Roster to find a contractor for implementing

Lumo's design. She has also asked Town Arborist Holly Iosso for technical help in permanently removing laurel around the trees in this area.

**MAINTENANCE SHED LOCK:** Councilmember McCarthy reported that the new electronic lock is operable. He is happy to continue setting up codes and suggested a switch to six-digits for better security. He also suggested removing the contractor key box and putting those keys, as appropriate, into the shed vestibule.

It was the consensus of the Council that lock codes would be made available to Councilmembers and Town staff, including contract staff, but not outside contractors.

**PLANNING COMMISSION:** Mayor Howes reported that she attended the Planning Commission's March meeting and gently reminded them to stay focused on their Comprehensive Plan work, because the deadline for completion is approaching. She also reminded them that the next high-priority goal is an ordinance governing middle housing.

**LEGISLATION FROM THE 2024 SESSION ACTIVITIES:** Mayor Howes reported that a reading of HB2321 indicates the Town is only required to allow two units per lot to meet middle-housing goals. The Planning Commission's recent work on Accessory Dwelling Units (ADUs) provides the tools to meet that goal. She noted that HB1337 remains in conflict with HB2321 by requiring that two ADUs be allowed per property. She is working to get clarification on this conflict.

**TOWN CLEAN-UP:** Mayor Howes reported that the Spring Town Clean-up is scheduled for May 18<sup>th</sup>. Marc Schaadt will be coordinating this clean-up and will confer with Councilmembers Dix and Stowe for suggested projects.

**LOBBYIST ACTIVITIES:** Mayor Howes reported that she will have an update on the activities of our lobbyist at the May meeting.

**NEXT MEETING:** The next Council meeting is scheduled for Tuesday May 14, 2024 at Councilmember Saal's house.

**ADJOURN:** Councilmember Saal moved to adjourn the meeting at 9:06 pm.  
Councilmember McCarthy seconded.  
Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

Respectfully submitted,

Sue Ann Spens  
Clerk/Treasurer