

East Bellevue Community Council
Summary Minutes of Regular Meeting

November 1, 2005
6:30 p.m.

Lake Hills Community Clubhouse
Bellevue, Washington

PRESENT: Chair Bell, Vice Chair Keeffe, and Councilmembers Eder and Seal

ABSENT: Councilmember Wiechmann

STAFF: Matthews Jackson – Planning and Community Development
Nicholas Matz – Planning and Community Development
Kevin McDonald – Transportation

1. **CALL TO ORDER**

The meeting was called to order at 6:30 p.m. with Chair Bell presiding.

2. **ROLL CALL**

Upon roll call by the Clerk, all Councilmembers except Mr. Seal¹ and Ms. Wiechmann were present. Chair Bell led the flag salute.

3. **COMMUNICATIONS - WRITTEN AND ORAL**

[The Sound Transit presentation was cancelled.]

4. **APPROVAL OF AGENDA**

Mr. Eder requested the addition of agenda items 10(a), Lake Hills Shopping Center, and 10(b), Lake Hills Boulevard Beautification. Mr. Keeffe requested the addition of agenda item 11(a), Conover Short Plat.

Mr. Keeffe moved to approve the agenda, as amended. Mr. Eder seconded the motion, which carried by a vote of 3-0.

5. **COURTESY PUBLIC HEARING**

- (a) Land Use Code Amendment – Tree retention in R-1 Land Use District (Bridle Trails)

¹ Mr. Seal arrived at 6:35 p.m.

Deputy City Attorney Kate Berens introduced Janet Reis, an attorney who has been assisting the City Attorney's Office and Planning and Community Development staff.

Matt Jackson, Senior Planner, provided an overview of a proposed Land Use Code Amendment (LUCA) regarding tree retention in the Bridle Trails R-1 land use district. He noted the amendment will require a reorganization of the City's landscape development requirements. While the LUCA does not specifically apply to the East Bellevue Community Council area, the landscape development requirements do fall under the Community Council's jurisdiction.

In 2001, the City Council initiated an update to the Bridle Trails Subarea Plan. At that time, residents were expressing concern about violations of tree preservation requirements. The City Council indicated it would consider a community-based amendment for the Bridle Trails area to protect trees. Mr. Jackson said the Bridle Trails Community Club studied the issue and have developed recommendations for code changes to enhance tree preservation requirements for subdivisions, vacant lots, and developed lots. The code currently allows the removal of up to 20 trees on a developed lot, except in critical areas.

Mr. Jackson explained that the proposed Land Use Code Amendment (LUC 20.20.900.E) requires the retention of significant perimeter trees within the first 20 feet adjacent to property lines within the R-1 district in the Bridle Trails Subarea. In addition, 25 percent of the diameter inches of significant trees within the site interior will have to be preserved. The current code requires the retention of 15 percent of the diameter inches of significant trees within proposed subdivisions, but there is no requirement regarding tree retention within the site perimeter. Mr. Jackson said additional proposed revisions address enhanced penalties for illegal tree removal. Adoption of the proposed amendment will involve a public education effort regarding the changes.

Chair Bell opened the courtesy public hearing.

Seeing no one interested in commenting on the LUCA, Mr. Keeffe moved to close the public hearing. Mr. Eder seconded the motion, which carried by a vote of 4-0.

Responding to Mr. Keeffe, Mr. Jackson confirmed that significant trees have a diameter of eight inches or greater, measured at an approximate height of four feet. Mr. Jackson explained that 25 percent of the diameter inches to be preserved would be determined following a resident's inventory of trees on his or her property.

In further response to Mr. Keeffe, Mr. Jackson said the City Council has directed staff to write proposed amendments based on the Bridle Trails Community Club's recommendations but has not taken formal action. A public hearing will be held before the Planning Commission on November 9.

Responding to Mr. Eder, Mr. Jackson said the proposed ordinance is based on recommendations of the Bridle Trails Community Club and Bridle Trails Tree Committee and their interest in tree

retention. In further response, Mr. Jackson said the City's code does not address diseased trees. He responded to additional questions of clarification.

Responding to Mr. Seal, Mr. Jackson said tree topping is not recommended. Mr. Jackson noted that residents have recently testified before the City Council requesting that tree topping be allowed to preserve views. The Planning Commission will address the issue this month.

Responding to Chair Bell, Mr. Jackson said City staff will assist residents in developing a site plan for single-family vegetation permits. In further response, Mr. Jackson said approximately 2,000 Bridle Trails households were sent information about the proposed ordinance and residents appear to be supportive of it.

Responding to Mr. Bell, Mr. Jackson said property owners are responsible for obtaining a permit to remove trees.

Responding to Mr. Keeffe, Mr. Jackson said staff determined that 20 feet was the minimum reasonable distance necessary to preserve perimeter trees. He noted the option for property owners to preserve additional perimeter trees.

(b) Land Use Code Amendment – Procedures for amendment and review of Comprehensive Plan

Nicholas Matz, Senior Planner, referenced packet materials regarding proposed Land Use Code amendments related to Amendment and Review of the Comprehensive Plan. Page 40 provides an outline of LUC 20.301, Amendment and Review of the Comprehensive Plan. A Comprehensive Plan Amendment (CPA) docketing process was implemented five years ago and is currently undergoing a periodic review. The Planning Commission will hold a public hearing on this item on November 16. City Council action is anticipated on December 12.

Mr. Matz explained that the amendments clarify the two-step CPA process. The first step is called Threshold Review (eliminating the term Docket Adoption) and results in a determination of proposals to be included in the annual CPA Work Program. The second step is Final Review, which is an evaluation of the proposed amendments. Public and private CPA proposals will be considered separately.

Mr. Matz said a new section, Threshold Criteria, will clarify when expansion of the geographic scope of a CPA proposal will be considered. The three-year limitation on submitting previously considered proposals will be clarified as "three amendment cycles."

Mr. Matz noted the existing decision criteria referring to circumstances that have "changed significantly." The amendments propose eliminating the word "significantly" at the Threshold Review stage and eliminating the criterion completely from the Final Review.

In terms of the role of staff and the Planning Commission, proposed amendments eliminate references to staff initiation of CPA applications because, in practice, staff suggests CPAs to City Council or the Planning Commission. Council decides whether or not to initiate the CPAs. The

role of the Planning Commission has been modified to permit Commission-initiated amendments at any time. These are not subject to Threshold Review criteria.

Mr. Matz briefly reviewed the criteria beginning on page 19 in the packet.

Responding to Mr. Keeffe, Mr. Matz said Subarea Plans are reviewed by City staff as needed. However, a citizen may propose a Subarea Plan review as a CPA.

Chair Bell opened the courtesy public hearing. No one came forward to comment on the LUCA.

Mr. Keeffe moved to close the public hearing. Mr. Eder seconded the motion, which carried by a vote of 4-0.

Mr. Matz said he will forward the Community Council's comments to the Planning Commission.

Responding to Mr. Eder, Mr. Matz said private CPA proposals must be submitted between December 1 and January 31 to begin the annual process. If a private citizen wishes to submit a CPA proposal at another time, he or she can petition the City Council to initiate the amendment.

In further response to Mr. Eder, Mr. Matz explained that the state legislature changed the Growth Management Act requirement for periodic Comprehensive Plan updates from five years to seven years. Janet Reis, Assistant City Attorney, provided additional explanation of state law and noted the reference to the Growth Management Act in the City's Land Use Code. Mr. Matz confirmed the Community Council's suggestion to clarify this further in the Land Use Code and ordinance.

Councilmembers expressed concern regarding language in the ordinance that allows "any person" to propose a non-site-specific CPA. Chair Bell described a legal case in which it was determined that the East Bellevue Community Council did not fit the definition of "any person" in pursuing a grievance with the Growth Management Hearings Board. Mr. Matz said staff will research the state's definition of "any person."

Responding to Chair Bell, Mr. Matz said some subarea plans were updated in 2004, primarily to amend transportation project lists for specific areas. Mr. Bell observed that elements of the West Lake Hills Neighborhood Investment Strategy appear to conflict with the Southeast Bellevue Subarea Plan. He expressed concern that future NIS efforts will supersede subarea plans.

Mr. Matz acknowledged that there is no regular schedule for updating subarea plans. Kevin McDonald, Senior Transportation Planner, noted the East Bellevue Transportation Plan was updated in 2004. An update to the Factoria Area Transportation Study (FATS) is concluding now. The FATS Update produced policy recommendations for the Factoria Subarea Plan which are now under review as part of the 2005 amendments.

Responding to Mr. Keeffe, Mr. Matz said the last subarea plan written was the Southwest Bellevue Subarea Plan, which was rewritten in its entirety in 1996.

Mr. Matz reviewed the Community Council's feedback: 1) request clarification of Comprehensive Plan update frequency, 2) request definition of "any person," and 3) suggest more frequent reviews and updates of subarea plans.

- (c) Land Use Code Amendment – Increasing public notice distance for land use decisions

Mr. Matz described the City Council's decision to expand the number of property owners who will receive mailed notice of land use proposals by increasing the area to which notices will be mailed from 200 feet to 300 feet within a subject site. In response, staff will revise all relevant statements in the Land Use Code to reflect this change in policy.

Chair Bell opened the courtesy public hearing. No one came forward to comment on the LUCA regarding public notice.

Mr. Keeffe moved to close the public hearing. Mr. Eder seconded the motion, which carried by a vote of 4-0.

Chair Bell noted the Community Council's concurrence with the proposed revisions.

- (d) Comprehensive Plan Amendment – East Bellevue Transportation Plan

Mr. McDonald explained that an update to the Factoria Area Transportation Study (FATS) was completed in the spring. Council adopted the FATS Update report in June. Mr. McDonald noted the report recommends policy amendments to the Factoria Subarea Plan as well as projects and policy amendments to the East Bellevue Transportation Plan. All of the projects recommended by the FATS Update are located in the Factoria Subarea. However, the work highlighted the need to update the policy portion of the East Bellevue Transportation Plan.

Mr. McDonald feels the proposed policy amendments are not substantive. The East Bellevue Transportation Plan policies are provided in the meeting packet beginning on page 56. Proposed policy amendments are summarized in a table on page 73.

Chair Bell opened the courtesy public hearing.

Seeing no one interested in commenting on amendments to the East Bellevue Transportation Plan, Mr. Eder moved to close the public hearing. Mr. Keeffe seconded the motion, which carried by a vote of 4-0.

Mr. Keeffe provided a brief historic overview of the term "circulation" and the state's discontinued use of that term in favor of "transportation." He disagreed with the inclusion of pedestrians as transportation.

Mr. Eder referenced page 58 of the meeting packet and objected to Policy 16: Consult recommendations from the most recently completed transportation studies and the West Lake Hills Neighborhood Investment Strategy for guidance on the implementation of projects in the East Bellevue area.

Mr. McDonald said Policy 16 is an existing policy and does not represent a change. The policy was adopted last year with the approval of the East Bellevue Community Council. At that time, the Community Council suggested consulting with the recommendations of the West Lake Hills Neighborhood Investment Strategy as guidance for implementing projects.

Mr. Keeffe suggested replacing the word “Consult” with “Consider” in Policy 16.

Responding to Mr. Seal, Mr. McDonald said the City discourages bus pullouts because it can be difficult for a bus to get back into traffic. This conflicts with the goal of ensuring buses have priority in terms of traffic flow and maintain their schedules. Mr. Seal spoke in favor of bus pullouts on both 148th and 156th Avenues.

Responding to Mr. Keeffe, Mr. McDonald noted state law that requires vehicles to yield to transit buses.

Chair Bell noted Council consensus to revise Policy 16 as suggested by Mr. Keeffe. Mr. McDonald will convey the comments regarding bus pullouts to the Planning Commission as well.

6. **RESOLUTIONS:** None.

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

8. **DEPARTMENT REPORTS:** None.

9. **COMMITTEE REPORTS:** None.

10. **UNFINISHED BUSINESS**

(a) Lake Hills Shopping Center

Mr. Eder reiterated his concern regarding a blank on page 3 of the Lake Hills Shopping Center ordinance. Chair Bell recalled that after the Lake Hills Concomitant Agreement is finalized, it will be assigned a clerk’s receiving number, which will fill in the blank of the ordinance. Final copies will be provided to the Community Council when available.

Mr. Bell noted the Community Council has not received a response to its letter regarding suggestions for the ordinance by the Community Council’s attorney.

(b) Lake Hills Boulevard Beautification

Chair Bell noted the Council's interest in an update on the Lake Hills Boulevard beautification project.

11. **NEW BUSINESS**

(a) Conover Short Plat

Mr. Keeffe referenced the notice regarding the Conover Short Plat on 138th, west of 140th, at SE 5th Street. The proposal is to subdivide an existing single-family lot into two lots.

12. **CONTINUED COMMUNICATIONS**: None.

13. **EXECUTIVE SESSION**: None.

14. **APPROVAL OF MINUTES**

Mr. Keeffe moved to approve the Summary Minutes of the October 4, 2005 meeting. Mr. Eder seconded the motion, which carried by a vote of 4-0.

15. **ADJOURNMENT**

Mr. Keeffe moved to adjourn the meeting, and Mr. Eder seconded the motion. The motion to adjourn carried by a vote of 4-0.

At 9:16 p.m., Chair Bell declared the meeting adjourned.

Michelle Murphy, CMC
Deputy City Clerk

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