

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
STUDY SESSION MINUTES

January 28, 2009
6:30 p.m.

Bellevue City Hall
City Council Conference Room 1E-113

COMMISSIONERS PRESENT: Chair Orrico, Commissioners Hamlin, Lai, Mathews,
Robertson, Sheffels

COMMISSIONERS ABSENT: Commissioner Ferris

STAFF PRESENT: Paul Inghram, Mike Kattermann, Department of Planning
and Community Development; Sally Nichols, Heidi
Bedwell, Michael Paine, Department of Development
Services; Maria Koengeter, Department of Transportation

GUEST SPEAKERS: Ian Stewart, EMC Research; Dan Nichol, The Watershed
Company

RECORDING SECRETARY: Gerry Lindsay

1. CALL TO ORDER

The meeting was called to order at 6:33 p.m. by Chair Orrico who presided.

2. ROLL CALL

Upon the call of the roll, all Commissioners were present with the exception of Commissioner Robertson, who arrived at 7:20 p.m., and Commissioner Ferris, who was excused.

3. PUBLIC COMMENT – None

4. APPROVAL OF AGENDA

The agenda was approved by consensus.

5. COMMUNICATIONS FROM CITY COUNCIL, COMMUNITY COUNCILS,
BOARDS AND COMMISSIONS – None

6. STAFF REPORTS

Comprehensive Planning Manager Paul Inghram reported that with the release of the East Link DEIS city staff are reviewing the document. Sound Transit will be conducting open house/public hearings at Bellevue High School and at City Hall, and the City Council will conduct its own public hearing on February 2.

7. PUBLIC HEARING

A. OLB Retail Auto Sales LUCA

Motion to open the public hearing was made by Commissioner Sheffels. Second was by

Commissioner Mathews and the motion carried unanimously.

Mr. Inghram reminded the Commission that about a year ago it processed a Comprehensive Plan amendment requested by Courter Enterprises to allow retail auto sales as a permitted use on their Eastgate site where they currently have a Honda dealership, and on the adjacent property which is also owned by Courter Enterprises. The Commission deliberated the issues and forwarded to the City Council a recommendation to adopt the proposal, which was ultimately approved by the Council. The proposed Land Use Code amendment seeks to implement the Comprehensive Plan amendment.

Planner Sally Nichols with the Department of Development Services said presently retail auto sales are only permitted in the OLB zone along the west side of 116th Avenue NE. The auto sales that are located on the east side of 116th Avenue NE are in a different design district. The Courter property auto sales are a legal nonconforming use. To address that, additional language has been added to Note 8 in the use chart LUC 20.10.440 regarding auto sales in the OLB district. The new language allows retail auto sales in the OLB at the Honda auto sales location.

Mr. James Fitzgerald spoke as counsel for Courter Enterprises. He allowed that the issues were brought to the table and discussed during the Comprehensive Plan amendment phase. The Commission agreed with the proposal, as did the Council. The Land Use Code amendment is therefore little more than a housekeeping measure aimed at making the Land Use Code conform to the Comprehensive Plan. The proposal will ease issues Bellevue Honda faces without having any negative impact on the city.

Ms. Kari Courter-Blanton, 4991 160th Court SE, urged the Commission to approve the recommendation of the planning staff and forward to the Council a recommendation to adopt it as written. The application is narrowly tailored so that it will not result in any spillover auto uses in the area. The current nonconforming zoning status hampers the ability of the Honda dealership to finance major improvements on the site. Most importantly, the proposed amendment is important to the success of the auto sales business. Bellevue Honda has been the largest Honda dealership in the state for 26 years and recently moved in the top 20 in the country. There is no intention to remodel or tear down the adjacent Newport Heights building; UW Medicine has a long-term lease with Courter Enterprises, and additional space in the building was recently leased to other tenants for a period of ten years.

Motion to close the public hearing was made by Commissioner Sheffels. Second was by Commissioner Lai and the motion carried unanimously.

B. Factoria Office LUCA

Motion to open the public hearing was made by Commissioner Mathews. Second was by Commissioner Sheffels and the motion carried unanimously.

Mr. Inghram pointed out that like the Courter amendment, the Commission previously reviewed and recommended approval of the Comprehensive Plan amendment supporting a change to the area to the north of Factoria Mall. The Council acted to adopt the amendment. In accord with the Comprehensive Plan amendment, the Land Use Code amendment seeks to increase the allowed floor area ratio up to 0.75.

Ms. Nichols said the proposed amendment will allow for a more intensive development that fits well within the context of Factoria. She noted that in general office zoning districts outside of the downtown have a maximum FAR of 0.5. The site in question, however, is a small office

island surrounded by F2 and other land use districts. The proposal would allow the FAR for the site to be increased to 0.75 FAR to be more consistent with the surrounding F2 district and the rest of the Factoria area, and would contribute to enhancing the gateway.

Ms. Nichols said the second part of the amendment seeks to change the wording of the dimensional requirement Note 31 in LUC 20.20.010 to reference the FAR in the F2 district, bumping it up to 0.75. Both the Office and the F2 district north of Factoria Mall would be able to have the higher FAR.

There were no public comments.

Motion to close the public hearing was made by Commissioner Mathews. Second was by Commissioner Sheffels and the motion carried unanimously.

8. STUDY SESSION

A. OLB Retail Auto Sales LUCA

Motion to recommend approval of the Land Use Code amendment regarding Courter Enterprises was made by Commissioner Sheffels. Second was by Commissioner Mathews and the motion carried unanimously.

B. Factoria Office LUCA

Commissioner Sheffels noted that a large portion of the gateway in question is not owned by SRO and asked if the state owns that part. Mr. Inghram said the city has been working with the state on things that could be done on or adjacent to the state property. He said it cannot be said to what degree the city could be granted access to the site.

Mr. David Schooler, president of SRO, explained that part of the property along Factoria Boulevard on the north end is owned by the state, but the balance of the property is owned by the city. When it was owned by the county, an attempt was made by SRO to acquire it. More recently, SRO has spoken with the city about acquiring it. First the county, and later the city, indicated they would like to retain the property. SRO has offered to landscape the city property at the time of redevelopment to make it look better.

Motion to recommend approval of the SRO Factoria Land Use Code amendment was made by Commissioner Lai. Second was by Commissioner Hamlin and the motion carried unanimously.

** BREAK **

C. East Link Briefing

Senior Planner Mike Kattermann said the publishing of the DEIS for the East Link project ushered in the public comment period that will end on February 25. The document is being reviewed and a response to it will be prepared that will include a locally preferred alternative to be forwarded to the Sound Transit Board. The Sound Transit Board is slated to identify its preferred alternative by April; that will form the basis for the FEIS that will take a year or more to complete. Once that is done, the board will formally adopt the project and the Federal Transit Administration will need to issue a record of decision, likely in late summer 2010. Once that is done, the project will move on to specific engineering; construction would begin in 2013.

Mr. Kattermann said the Council has a public hearing slated for February 2 during a regular session. What they will be seeking are comments about what the public would like to see as the preferred alternative for Bellevue. It is hoped that direction from the Council will be forthcoming either on February 9 or February 17 to allow time for the preparation of a letter from the city to Sound Transit. The Council's public hearing is not part of the formal public comment period on the DEIS.

Segment A of East Link is the portion that comes across the I-90 bridge from Seattle. Segments B, C and D all deal with Bellevue alignments. There are five options for Segment B, the area to the south of the downtown. There could be one or two stations, with bus transfers occurring primarily at the park and ride lots. The South Bellevue park and ride lot would be expanded, or there would be a new, smaller park and ride at 118th Avenue SE and SE 8th Street.

Alternative B1 runs completely at-grade all the way into the downtown before it goes into a tunnel as part of Alternative C1T. The alignment travels from the South Bellevue park and ride along the centerline of Bellevue Way.

The B2A/B3 alternative comes off I-90 on an elevated structure and remains elevated to the South Bellevue park and ride; the station at the park and ride would be elevated as well. One option would be to have the alignment come off of I-90 at-grade just like B1. The alignment transitions from elevated to at-grade in the middle of Bellevue way just south of Winters House, then travels up 112th Avenue SE in the center of the roadway to an at-grade station just north of SE 8th Street. The alignment could then potentially enter a tunnel under the Surrey Downs district court site, or could continue up 112th Avenue SE transitioning into an elevated structure.

Alternative B3 differs from B2A only from just south of SE 8th Street where it goes elevated and winds to the east between 114th Avenue SE and 112th Avenue SE. The route is through the wetland area so there will have to be mitigation for that.

Answering a question asked by Commissioner Lai, Mr. Kattermann said if the alignment comes off I-90 at-grade, it will remain at-grade to just south of SE 8th Street.

Alternative B2E comes off of I-90 elevated and has an elevated station at the South Bellevue park and ride. It remains elevated for the entire route along Bellevue Way south of the Y and then along 112th Avenue SE north of the Y. Unlike the others, however, the alignment is along the east side of Bellevue Way, except that it crosses over to the west side to avoid Winters House. The alignment is along the east side of 112th Avenue SE, and there is an elevated station at 112th Avenue SE and SE 8th Street. The route continues on into the downtown elevated the entire way.

Alternative B7 is the only alignment that does not run up Bellevue Way. Rather, it crosses Mercer Slough on a new elevated structure parallel to the existing I-90, then follows the BNSF right-of-way to cross over 118th Avenue SE to access an elevated station and a new park and ride with approximately 1000 spaces.

Senior Planner Maria Koengeter said ridership for B7 is forecasted to be significantly lower than the other B alternatives, making the relative cost effectiveness higher for the other B options. There is strong ridership demand from commuters coming from the south and the east wanting to go into Seattle, and the South Bellevue park and ride will provide a more direct link.

Chair Orrico suggested that the construction of a new park and ride with 1000 parking stalls could shift the emphasis from the South Bellevue site. Ms. Koengeter explained that commuters

coming from the south and east must engage in some out-of-direction travel to access the 118th Avenue SE park and ride, and there is a heavy penalty for that in ridership forecasting. The 118th Avenue SE park and ride is not projected to have direct connections to Seattle; most of the buses would continue on to the Mercer Island park and ride, or come into downtown Bellevue to take advantage of the HOV lanes on I-405 in the center and the direct access ramp at NE 6th Street.

Commissioner Robertson pointed out that access to the South Bellevue park and ride is problematic under the current configuration for riders coming from the south and east. She asked if there will be improved access under any of the scenarios. Ms. Koengeter said no revisions to the interchange plan are anticipated, except for the closing of the eastbound HOV off-ramp with the B options that serve the South Bellevue park and ride.

Mr. Kattermann added that access is an issue not just for people driving their cars to the park and ride; it is also an issue for transit getting to a station.

Commissioner Hamlin asked if there has been any debate about putting the B7 alignment closer to I-90. Mr. Kattermann said he did not know. He allowed that an elevated structure creates a shadow effect which could have more of an effect if located closer to the freeway. He added that the visual impacts are discussed in the DEIS.

Mr. Inghram noted that constructability is a factor relating to location. He said in order to be able to build the new structure it would be necessary to have a temporary surface road out to where all the pylons would be constructed.

Answering a question asked by Commissioner Lai, Mr. Kattermann said the proposed 118th Avenue SE station and park and ride would be where Greenbaum's and the Davey Tree company are currently located.

Mr. Kattermann said the travel times are the same for all of the B alternatives. Alternative B7 has the lowest boarding numbers. In terms of overall ridership, Alternative B1 has the highest figure at 46,000 daily riders. The key tradeoffs include regional versus local access; neighborhood impacts; operating impacts in terms of boardings; and construction impacts related to the widening of roadways and crossing Mercer Slough.

Ms. Koengeter said there are six alternatives examined in the DEIS for the downtown area. Alternative C1T connects to the at-grade Alternative B1 and goes into a tunnel under Bellevue Way just south of Main Street, with an underground station at Old Bellevue. The alignment continues under the Bellevue Arts Museum and the Pedestrian Corridor to access another station at the transit center. From there the alignment becomes an elevated profile crossing I-405 at NE 6th Street and connecting to an elevated station behind Whole Foods.

Alternative C2T can be accessed through all of the B alternatives except B1, either through a tunnel portal on 112th Avenue NE at the Surrey Downs district court, from a staging area south of Main Street at 112th, or from what is currently the Red Lion site. The park will be used for a staging area then restored when the tunneling is completed. If alternatives B2E or B2A are selected the alignments will come up 112th Avenue NE and then turn west following the south side of Main Street in a tunnel. If alternatives B3 or B7 are selected, the tunnel portal will be on the Red Lion site and the alignment will be tunneled under Main Street to 106th before turning to travel beneath the Pedestrian Corridor to a station at the transit center. From there the alignment crosses over NE 6th Street the same C1T.

Noting that some options involve cut-and-cover construction while others involve boring a

tunnel, Commissioner Lai asked how surface traffic is impacted during construction under each approach. Ms. Koengeter explained that cut-and-cover tunnels require opening the street from the top down; usually half the street is kept open at a time. It is a much more disruptive process than boring a tunnel where most of the disruptions occur at either end of the tunnel. She said C3T is the only alternative that involves a bored tunnel deep enough to avoid all underground utilities.

Alternative C3T alignment connects to the B alternatives and travels under 108th Avenue NE with a deep underground station near where the pedestrian scramble is currently located. The alignment then continues north and exits from the tunnel just north of NE 12th Street at McCormick Park. The park and one row of properties to the north of the park will need to be taken for the tunnel portal and staging area; the park land will be replaced to the north of the permanent tracks. The route then accesses the Ashwood/hospital station, an elevated station over I-405 which provides access both to the northeast corner of downtown and the hospital district.

Commissioner Robertson asked how far it is from the Ashwood/hospital station to Overlake Hospital compared to the hospital station on the C1T alternative. Ms. Koengeter said both stations are within a half mile of the hospital.

Commissioner Robertson asked if deep bore tunnels can be constructed in Bellevue given the presence of tie-backs. Ms. Koengeter said bored tunnels would have to be deep enough to avoid the tie-backs.

Alternative C4A is an at-grade couplet option with the trains heading north of 110th Avenue NE and south on 108th Avenue NE opposite to the vehicular traffic. At NE 12th Street the alignment transitions in McCormack Park to access the Ashwood/hospital station. A northbound station is located in front of City Hall.

Ms. Koengeter said there are two elevated alternatives. Alternative C7E is elevated the entire way from 112th Avenue NE and has a station at NE 6th Street. A connection for pedestrians connecting the elevated station platform and City Hall will be constructed.

Alternative C8E is elevated along 112th Avenue NE, turns to travel west on NE 2nd Street, then turns again to go north on 110th Avenue NE to NE 12th Street. The alternative has an elevated station just outside of City Hall. From NE 12th Street the alignment accesses the Ashwood/hospital station.

Ms. Koengeter said of all the C alternatives, the one with the fastest travel time is Alternative C3T. The at-grade option has the slowest travel time because it operates in the street environment. Ridership is highest for the tunnel options; ridership for the elevated and at-grade options are fairly equal. The key tradeoffs for the downtown alignments are cost, with the tunnel options costing more; the types of access; operating impacts; construction impacts; and the urban design opportunities.

Commissioner Mathews observed that with Alternative C1T there will be 93 residential displacements. He asked if they are multifamily units. Mr. Kattermann said the alternative requires the displacement of three different apartment buildings, all of them south of Main Street on the west side. Alternatives C2T and C3T also require residential displacements, primarily in the Surrey Downs neighborhood south of Main Street. Alternative C3T impacts some properties just to the north of McCormack Park. Alternative C2T impacts businesses that would displace between 210 and 290 employees; Alternative C3T impacts businesses and between 680 and 770 employees; Alternative C4A would displace between 670 and 830 employees; Alternative C7E

would displace between 530 and 570 employees; and Alternative C8E would displace 590 employees.

Commissioner Lai asked what compensations would be offered to residences and businesses displaced by construction of the East Link project. Mr. Kattermann said Sound Transit has already notified all property owners that could be affected by any of the alternatives. Sound Transit has a fairly well-defined process for property acquisition, including the determination of fair market value. Until the final alignment is chosen and there is a record of decision from the Federal Transit Authority, Sound Transit will not act to begin acquiring properties, except where there are extenuating circumstances.

Commissioner Sheffels asked if the staging areas will be returned to the same or better quality once they are no longer needed. Mr. Kattermann answered that staging areas are considered temporary. Once the construction work is done, the areas in a park will be restored to a park setting. Non-park properties could, however, be sold and redeveloped.

Commissioner Robertson asked how long any of the Bellevue Way segments would be under construction, and how traffic would be impacted during construction. Ms. Koenigter said construction is expected to last between three and five years. An attempt would be made to phase construction in segments, though details for a phasing plan have not yet been developed. The cut-and-cover options will be disruptive, though partial street openings will be retained to the degree possible. The construction management plan, which is yet to be developed, will include more details about sequencing and the length of impacts.

Ms. Koenigter said there are several options for the Bel-Red area, many of which utilize the NE 15th Street/NE 16th Street corridor preferred by the city. Alternatives D2A, D2E and D3 all travel on a similar path connecting from either the hospital station behind Whole Foods or from the Ashwood/hospital station on I-405. They run along NE 15th Street/NE 16th Street with stations at 124th Avenue NE and 130th Avenue NE. D2E has an at-grade segment in the 124th Avenue NE section. The routes utilize NE 16th Street to 136th Place NE; Alternatives D2A and D2E continue on into the SR-520 right-of-way, and D3 continues along NE 20th Street in a retained cut to 152nd Avenue NE and the Overlake Village station. Alternative D5 travels north along the BNSF right-of-way and the east along SR-520, missing the entire Bel-Red redevelopment area. D2A and D2E connect on NE 24th Street elevated and transition to at-grade to connect to the Overlake park and ride and then continue north to the Overlake transit center.

Mr. Kattermann noted that Alternative D2A is the preferred alternative in the Bel-Red plan. He said Council is anticipated to adopt the Bel-Red plan on February 17, which is prior to the end of the East Link public comment period.

Commissioner Lai noted that the ridership numbers for the D5 alternative are much lower and he asked if they take into consideration the development of the Bel-Red area. Ms. Koenigter said Sound Transit in its EIS process must utilize adopted regional plans. The DEIS acknowledges the Bel-Red plan, but it is not reflected in the DEIS numbers because the Council has yet to adopt it. The city's comment letter to Sound Transit will call for reflecting the Bel-Red plan in the FEIS.

Mayor Degginger commented that the city has been working on the light rail process for more than two years. A number of boards and commissions have been involved, including the select light rail best practices committee. Sound Transit is currently conducting open houses and public hearings, and the City Council will be conducting its own public hearing on February 2. The decisions that are to be made relative to alignments and construction type will impact the city for

the next hundred years, so it is imperative to get it right.

Continuing, Mayor Degginger said the representative alignment that was presented to the voters may not be exactly what the city wants, given that it anticipates a lot of elevated structures in South Bellevue, the downtown, and in Bel-Red. Cost certainly will be a factor but should not be the only factor. Aesthetics will play a role and it may be necessary for the city to bring additional dollars to the table in order to get what the people want. He said he recently spent a fair amount of time with the Federal Transit Administration in Washington, D.C. and with congressional leaders talking about how well the project may compete for federal funding. One thing that lowers the competitiveness of the project is the fact that it goes over water without picking up passengers on the way, which makes no sense at all. There is some money available for new starts in the stimulus package currently being considered by Congress, and there are also some annual appropriations, so it is possible additional dollars can be found for the project.

D. Shoreline Master Program Update

Associate Planner Heidi Bedwell reminded the Commissioners that in September the findings from the public phone survey were reviewed. From that a specific focus group was developed with property owners.

Ian Stewart with EMC Research said the phone survey was conducted to look at shoreline access generally and waterfront issues specifically. The results indicate that Bellevue voters are satisfied with shoreline access. A majority of those surveyed indicated that the city balances the Shoreline Management Act goals well, and they gave the city very positive ratings on shoreline issues such as protecting public access, protecting the shorelines, and keeping the shorelines ecologically healthy. The survey results showed that there is a variety of differences between how property owners and the rest of the city looks at the shorelines; shoreline owners tend to think they are doing a good job taking care of the shorelines, whereas the rest of the city disagree. There was high support for incentives to get shoreline landowners to take care of their properties, to restore and revitalize them by improving habitat and the like.

Mr. Stewart said the focus group members were specifically recruited to participate. Each was required to have a waterfront property with some sort of bulkhead or manmade barrier. They were asked about plans to make any changes to their properties, and they were queried about their willingness to make changes in an environmentally friendly way. The purpose of the group was to offer suggestions for ways the city could help them return their shorelines to a more natural state.

The participants were shown a series of four images, beginning with a property on the shoreline with a house, a big lawn and a bulkhead. The final of the four images showed the shoreline in a natural state, with the bulkhead removed and trees and shrubs along the shoreline. In the final analysis, everyone agreed the last image was the ideal, but it was clear from the discussions that getting there would be difficult. Bulkheads were identified as one of the primary barriers to getting to the ideal.

Shoreline property owners have a natural fear of wave action causing erosion. While having plantings along the shoreline can prevent erosion, the property owners did not always make that connection right away; most believe that existing bulkheads should be allowed to remain in place. The participants showed themselves to be very tuned in to what happens along the shoreline over the course of a year, but less aware of the fact that a bulkhead may be changing the water and wave action.

The pictures of shorelines with trees planted near the water drew some negative reactions. Most believed that the trees would block their views of the water. This suggests that in the future care be taken to show shoreline restoration options absent trees directly between the house and the waterfront, only along the sides. The options showing some open space were attractive to the participants, but there was the perception that too much landscaping in open areas would block access to the shoreline.

Mr. Stewart said shoreline owners are very aware of the actions their shoreline neighbors are taking, and whether what they are doing to the shoreline is illegal or makes sense ecologically.

The environment is one of the factors that can serve as a hook for getting people to change, but it is clearly not the primary factor. People will likely not be motivated to change shorelines for the better for altruistic reasons. It was clear that changes that result in an increase in property values (massed shoreline plantings) or provide better access to the shoreline (bulkhead changes and planting) were motivators of behavioral change.

Every time the shoreline property owners were asked what the costs would be to achieve the ideal, most suggested very high figures. They were surprised to find out the changes could cost far less than they thought.

With regard to incentives, the participants were asked to brainstorm ideas. They mentioned tax incentives, and they were intrigued by the notion of being allowed to do something with their properties that would not otherwise be allowed. Some mentioned tax rebates or ease in obtaining permits. In the end, it was clear that the property owners want some semblance of control over what happens on their properties. Mr. Stewart reported that interestingly there is a belief out there that easements, tax breaks and negotiations are in fact illegal in Bellevue and that the city is not flexible in any way.

There certainly is an opportunity for the city to work with contractors in trying to find a program that would help them effect positive changes in conjunction with the property owners.

Answering a question asked by Commissioner Lai, Mr. Stewart said the property owners came to understand that while the changes may be expensive, the increase in property value resulting from the changes would either offset the costs or represent a net gain.

Commissioner Sheffels asked if when talking about incentives anything was mentioned about utilizing special improvement districts with several homeowners working together. Mr. Stewart said that was not discussed. Ms. Bedwell said that approach could certainly be explored. Commissioner Sheffels said it could be an option for getting people thinking about having a master plan of some sort.

Ms. Bedwell cautioned against extrapolating the findings from the focus group to all shoreline property owners. The information collected will be used to help inform policy and regulatory proposals, as well as incentive programs. The exercise is also helping the city to understand the level of education needed for staff to help people understand the benefits of shoreline enhancement.

Environmental Planning Manager Michael Paine pointed out that no one who participated in the focus groups knew it was for the city of Bellevue. During the process, no one even asked.

Ms. Bedwell reminded the Commissioners that the policy objectives within the Shoreline Management Act relate to environmental quality and protection of natural resources; recognize

preferred uses that protect the resources; and emphasize public access and encourage recreational opportunities. All three of those objectives must be balanced in updating the Shoreline Master Program. The current program was originally adopted in 1974, and some minor amendments were made in 1985. Obviously there have been changes around the shorelines since then and an increase in the science and knowledge base regarding shoreline functions. In 2003 the state adopted new guidelines and established the requirement for jurisdictions to update their Shoreline Master Programs.

The Department of Ecology plays a major role in the update process in that they have ultimate approval authority. However, the individual jurisdictions are charged with updating their programs and implementing the regulations. One interest the Department of Ecology has in utilizing transparent and public processes. The boat tours and phone survey have been part of that aspect; in the coming months there will also be open house events.

The Department of Ecology will be looking at the update and its consistency with the Shoreline Master Program guidelines. They will seek to verify that under the update there will be no net loss of ecological functions. They will also identify potential cumulative impacts and restoration opportunities.

The update process is moving into the phase that includes designating environments and framing goals and policies. That work will be done in conjunction with the Planning Commission. The focus will include general provisions, specific use provisions, and some shoreline modifications. Simultaneous to that work, there will be a focus on cumulative impacts and restoration planning.

Ms. Bedwell said regular review and input from Department of Ecology staff is being sought as the process progresses. One of the goals there is to keep them involved in the process and aware of what is being developed so that at the end of the process there will be a higher degree of certainty that the end product will receive approval.

The Commissioners were informed that during the next study session the focus will be on the establishment of the environment designations. Staff will bring forward information and recommendations about the designations that would be developed through the process. The basic process of choosing the environments is predicated on the inventory analysis which includes existing uses as well as the biological and physical character of the shoreline.

Over the next several meetings the focus will be on the component pieces that will go into the draft Shoreline Master Program. They will include amendments to come Comprehensive Plan goals and policies as well as an update to specific Land Use Code regulations. Much of the current Shoreline Master Program will be rewritten through the process.

The general policies are those that apply to all shoreline uses and modifications. The guidelines expect that five main topic areas will be addressed: archeological and historical resources, critical areas, public access, vegetation conservation, and water quality. The public access policies will align with some of the park planning efforts and may also deal with the preservation of view corridors from public areas.

The specific use policies and regulations will be crafted based on the guidelines. They deal with how the land and water are employed for a particular use. They may have environment-specific regulations and process approvals.

Mr. Paine said there will likely not need to be a lot of policies specific to commercial uses along the shorelines. He allowed that Bellevue has a couple of existing marinas are Lake Washington,

both of which exist in the neverland of de facto conditional use. In other words, they have been in place for a long time and the current code would require a shoreline conditional use permit. They are allowed to operate as if they had a conditional use permit, but that makes things onerous for the marina operators and is not conducive to cohesive planning for the long term. One of the things that will be needed are discussions around the appropriate parameters for keeping such uses going, and even expanding them, in the shorelines.

Mr. Paine said guidance will also be needed regarding in-stream structures, many of which exist based on good biological reasoning, such as sediment control.

Ms. Bedwell said specific policies and regulations for shoreline modifications will need to be developed. Shoreline modifications are specific activities that typically are in support of other uses but which modify the physical structure of the shoreline.

Some issues that relate to the shoreline were addressed when the critical areas ordinance was updated. Moorage standards was one issue dealt with, and the update tried to align the standards for new docks with the other permitting agencies property owners must deal with, namely the state and the Corps of Engineers. The hope was to reduce the number of conflicts that arise through multiple permitting. Additionally, some thresholds were incorporated for partial compliance for existing piers under repair. To help some of the existing nonconforming structures up to the proposed standards, property owners have a menu of options to choose from.

Commissioner Robertson asked if the changes made to the critical areas ordinance have actually improved the shoreline function, or if it is too early to tell. Mr. Paine said the improvements conformed to the general consensus was thought to be best available science relative to the effects on function. He said while there is speculation, there has not been the kind of rigorous scientific study done to show that the changes have had a net positive effect.

Commissioner Robertson asked if all the shorelines in Bellevue are considered urban or if some are considered natural. Mr. Paine said the whole issue of shoreline environments is important because they are supposed to be used to effectively provide a structure around which to hang regulations based on the ecological values. To date, Bellevue has not adopted any environments; the default environment is an urban residential environment. Others will undoubtedly be added to the list as the study progresses. It is unlikely that there will be a natural environment; it is a very difficult standard to achieve.

Ms. Bedwell said the critical areas ordinance update also addressed shoreline stabilization standards, which includes bulkheads and the spectrum of approaches to stabilize a shoreline from what is referred to as a soft approach, which is less armoring in the form of concrete or large boulders and more in the form of vegetation. The standards that were approved help to establish thresholds for when minor repair is permitted, and require proof that softer approaches cannot be used for major repairs.

The issue of buffers and setbacks was also addressed through the critical areas ordinance. In the prior code there was no shoreline buffer; there simply was a 25-foot structure setback as measured from the ordinary high water mark. The update process included a distinction between developed sites with primary structures and vacant sites. For developed sites, a 25-foot buffer is required, with an additional 25-foot structure setback; vacant sites have a full 50-foot buffer and no additional structure setbacks.

Commissioner Robertson asked if staff will be recommending revisiting the buffers and setbacks. Mr. Paine said there might be argument for addressing at least the marinas. They already have

structures that are nonconforming with respect to buffer and structure setbacks.

Chair Orrico asked how much of the scientific briefings the Commission received during the critical areas ordinance update will be brought back to the table for review. Mr. Paine said staff will provide as much as the Commission would like during the course of the discussion. Staff will be presenting a variety of policy papers, each of which will have a scientific summary included.

Dan Nichol with The Watershed Company said he has been working on the inventory and analysis of the shoreline areas for the past year. He explained that the inventory is intended to provide background information and serve as the baseline for making sure the required no net loss is achieved. Where there are impaired shorelines, ways to improve them will need to be identified.

Bellevue has shoreline jurisdiction for four water bodies: Lake Washington, Lake Sammamish, Phantom Lake, and lower Kelsey Creek and Mercer Slough. Two shoreline associated wetlands were included in the previous jurisdiction, one around Phantom Lake in the Lake Hills Greenbelt, and the Mercer Slough wetland area.

Working with Department of Ecology staff, steps have been taken to determine what the appropriate boundaries are. All bodies of water with a flow of 20 cubic feet per second or more fall under the shorelines designation. The previously established point on Kelsey Creek where the 20 cfs standard is met has been revised through additional study; the new point is not within the boundaries of Kelsey Creek Park, but the old point was.

Mr. Nichol explained that per state law, the inventory methods used are required to collect only information that is relevant and reasonably available. Accordingly, there is no charge to engage in new scientific studies or create new materials. Bellevue has some very good GIS data in the areas of land use and utilities, impervious surfaces and vegetative cover, priority habitat, and critical areas. All of that data will be coalesced into a GIS database that will be used to analyze ecological functions.

The Commissioners were told that the Lake Washington shoreline within Bellevue has about 41 piers per mile. Along Lake Sammamish, there are some 66 piers per mile. The figure for Lake Washington is smaller because the properties tend to be larger and because there are more public open space areas along the shoreline. Eighty-one percent of the shoreline of Lake Washington within Bellevue is armored; for Lake Sammamish, the figure is 71 percent. Phantom Lake has very little shoreline armory at or below the high water mark. By comparison, the Kirkland shorelines on Lake Washington have about 52 piers per mile, Mercer Island averages 47, and Lake Forest Park has 59. The lake-wide average is 39 piers per mile.

About 43 percent of Bellevue's Lake Washington shoreline jurisdiction is impervious. The figure is lower for both Kelsey Creek and Phantom Lake. Kirkland averages 44 percent, Mercer Island 26 percent, and Lake Forest Park 29 percent.

Commissioner Lai asked if there are previous studies to compare how the current figures stack up against historical numbers. Mr. Nichols said he has not reviewed any previous studies. Mr. Paine allowed that in past years people did not perceive any problem associated with putting a dock or a bulkhead in a shoreline. It has been only relatively recently that the ecological consequences of those actions has been made a concern.

Mr. Nichols said the two largest shoreline-associated wetlands in Bellevue are the one around

Phantom Lake and the one in Mercer Slough. An inventory of the wetland on the south end of the open space at Newcastle Beach Park has been made; that area was not in a shoreline jurisdiction in the past. No inventoried wetlands were picked up along the Lake Sammamish shoreline, but that is not to say there are no small lake fringe wetlands there.

A habitat inventory has also been conducted, with a focus on identifying the higher quality areas as well as areas of impaired habitat that could be restored or enhanced. The components involved include the shoreline vegetation layer that was a component of the impervious surface study; fish distribution throughout the city; and quality of habitat in the shoreline areas.

Mr. Nichols said the inventory information relates to ecological functions. Bellevue's jurisdiction areas are part of the greater watershed and a part of systemwide processes. The study includes an assessment of current and potential land use as well as current and potential public access. The inventory document provides some recommendations and a framework for development of policies and regulations.

The constraints associated with Lake Washington are the highly armored shoreline, the high pier density, riparian vegetation dominated by lawns, the presence of marinas, and fish species listed on the endangered species list. On the positive side, there are opportunities for shoreline restoration, and there is potential for modifications to residential properties that involve win/win scenarios that will improve the ecology while enhancing the aesthetics. There are also numerous parks that provide public access opportunities.

In terms of performance of ecological functions along Lake Washington, the areas of the mouth of Mercer Slough and Newcastle Beach Park are rated the highest. Obviously, the lowest function areas are around the marinas and the Newport Keys area of Newport Shores. Most of the residential areas are rated low to moderate in ecological functions. The case is much the same for Lake Sammamish.

Chair Orrico asked why Newport Keys is included on the natural habitat chart since it is manmade. Mr. Nichols explained that while it is manmade it still has ecological functions that can be evaluated, including water quality and habitat.

The constraints associated with Kelsey Creek and Mercer Slough include the fact that all but one of the Bellfield Office Park buildings are within 200 feet of the shoreline of Mercer Slough. There are known wetland areas within the office complex. Additionally, there is ongoing agriculture associated with the blueberry fields, and there are passive recreation trails and public access opportunities in the complex of associated wetlands. There are some areas that have invasive species; those areas could be enhanced. There are also opportunities for improvements to fish passage. The Mercer Slough and Kelsey Creek areas are rated very high in terms of ecological functions.

Lake Sammamish is similar to Lake Washington in terms of constraints. It has a highly armored shoreline with a high pier density, and the riparian vegetation is dominated by lawns. The major constraint is the lake has very limited public access areas. There are also ESA-listed species and aquatic invasive species. Expanding public access is clearly an opportunity for Lake Sammamish, and modifications to residential properties could create win/win scenarios. The shoreline functions are rated low to moderate; the Vasa Park shoreline was rated separately and also received a moderate rating.

Phantom Lake has aquatic invasive species, which is a constraint. Other constraints include water quality concerns and riparian vegetation dominated by lawns. The opportunities include

improvement to the lake water quality, passive public access throughout the greenbelt, vegetation enhancement, and the protection of lake fringe wetlands. The area is rated fairly high in ecological function, with the highest-rated area being the Lake Hills Greenbelt. The residential areas around Phantom Lake are rated moderate high.

Mr. Nichols suggested the areas that should be protected are those areas that already have a high ecological value. They include the shoreline-associated wetlands that are within the shoreline jurisdiction; public parks that provide public access; and existing riparian vegetation. The inventory suggests the areas that should be restored include the nearshore, both for habitat and erosion protection; riparian vegetation; and areas of public access. Pier design alternatives should be looked at as well as management of aquatic invasive vegetation.

Commissioner Robertson asked how aquatic invasive vegetation can be managed without decreasing ecological function. Mr. Nichols said there are several approved ways. They include chemical applications through a permit issued by Fish and Wildlife and the Department of Ecology, and mechanical harvesters. Mr. Paine said Bellevue is not currently involved with aquatic weed management. Certain private contractors do engage in the practice under license. He said he did not know if the city has paid to have the work done.

Mr. Paine reviewed with the Commissioners the tentative Shoreline Master Program update calendar.

9. APPROVAL OF MINUTES

A. December 10, 2008

Motion to approve the minutes as submitted was made by Commissioner Robertson. Second was by Commissioner Hamlin and the motion carried without dissent; Commissioner Lai abstained from voting.

10. PUBLIC COMMENT – None

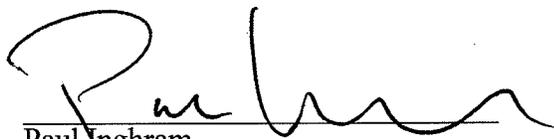
11. NEXT PLANNING COMMISSION MEETING

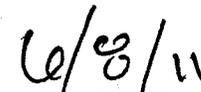
A. February 11, 2009

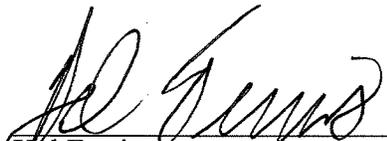
Mr. Inghram noted that the only agenda item for the meeting is the 2009 Comprehensive Plan amendment applications. He said it is possible the item may be wrapped into the February 25 meeting instead and cancelling the February 11 meeting.

12. ADJOURN

Chair Orrico adjourned the meeting at 9:36 p.m.


Paul Inghram
Staff to the Planning Commission


Date



Hal Ferris
Chair of the Planning Commission

6/8/11

Date