

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
MEETING MINUTES

January 19, 2005
7:00 p.m.

Bellevue City Hall
City Council Conference Room

COMMISSIONERS PRESENT: Chair Lynde, Vice-Chair Bonincontri, Commissioners Bach, Maggi, Mathews, Orrico, Robertson

COMMISSIONERS ABSENT: None

STAFF PRESENT: Kathleen Burgess, Steve Cohn, Carol Helland, Mary Kate Berens, Carol Saari, Heidi Bedwell, Michael Paine, Department of Planning and Community Development

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

1. CALL TO ORDER

The meeting was called to order at 7:04 p.m. by Chair Lynde who presided.

2. ROLL CALL

Upon the call of the roll, all Commissioners were present.

3. APPROVAL OF AGENDA

The agenda was approved by consensus.

4. STAFF REPORTS – None

5. PUBLIC COMMENT – None

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

7. PUBLIC HEARING

- A. Comprehensive Plan Amendment and Land Use Code Amendment
– Medical Institution District

Commissioner Orrico recused herself from participating in the discussion due to her relationship with the Overlake Hospital Foundation, the group that spearheads fundraising for the hospital. She stated that she is not paid for her work with the Foundation. In addition, she noted that the law firm for whom she works is general counsel for the hospital, though she does not work on Overlake matters and is not a shareholder of the firm. She added that the City Attorney has advised her that she does not need to recuse herself from participation in the matter, but said she wanted there to be no questions.

Associate Planner Steve Cohn noted for the record that written correspondence concerning the proposed Medical Institution District CPA and LUCA dated January 10, 2005 was received from Jim Eder of the East Bellevue Community Council. He noted that a letter dated January 19, 2005 from the Bellevue Chamber of Commerce was also received.

Mr. Cohn briefly reviewed the Council guidance and criteria for the Medical Institution District CPA and LUCA. He noted that two amendments to the Comprehensive Plan are needed: one to create a Medical Institution District, and one to revise the Wilburton subarea plan. The analysis conducted by staff concluded that the proposed amendments are consistent with other parts of the Comprehensive Plan as required by the Land Use Code. Wilburton Subarea Plan policy S-WI-2 is proposed to be revised to list the boundaries of the Medical Institution District, and a change to the map is needed to show the Medical Institution District.

Continuing, Mr. Cohn said staff has concluded that the proposal meets the criteria of changed circumstances. When the area was last reviewed, the thinking was that the city should have a Institutional District that would apply citywide. Since then, however, the decision has been made to move City Hall to the Downtown, so there is no need for an Institutional District. The proposed Medical Institution District will be applied specifically to the hospital. The property is suitable for the proposed use.

Associate Planner Carol Saari said the proposed LUCA seeks to create a new Medical Institution District to replace the current Institutional District, includes a map change, and will adopt regulations for the new district, including process requirements, permitted uses, development intensity limitations, parking and transportation requirements, landscape and streetscape requirements, and design review guidelines.

Land Use Director Carol Helland provided the Commissioners with a copy of the proposed LUCA in legislative format. She called attention to Section 20.25J.030 and noted that a reciprocal maintenance agreement provision has been added. She also noted that Group Health has requested a change to Section 20.10.390.1 to have "...primary hospital use and the most intensive ambulatory health care uses that are supported by the patient beds located in the primary hospital complex..." "revised to read ..." "primary hospital and the most intensive ambulatory health care uses to be located within close proximity..." In the same paragraph, Group Health asked that the phrase "Because ambulatory health care uses do not contain emergency rooms or beds for patient stays in excess of 24 hours, they must be located in close proximity to the primary care hospital in order to function properly" be stricken and replaced with "The Hospital Center Development Area provides the dimensional flexibility necessary to allow the primary hospital and ambulatory health care uses to be located in close proximity and benefit from the co-location of complementary uses." Ms. Helland said the revised language is more general and acknowledges that it is not just patient beds or the emergency room that creates a complementary use and proximity demand.

Ms. Helland said Group Health also has requested a change to the Ambulatory Health Care Center definition in 20.50.010. As proposed, the definition would read "A medical institution building which is designed for a delivery of a range of health care and high acuity specialty care services and is not licensed as a hospital." She said the wording is designed to make the ambulatory health care definition parallel the hospital health care definition.

Ms. Saari pointed out that within the overall Medical Institution District there are two subdistricts. Development Area 1 incorporates the hospital ambulatory care center, and Development Area 2, is home to the medical office development. In addition to addressing height, uses, landscaping and transportation, the proposed regulations are intended to mitigate

the impacts of development.

Mr. Cohn said staff will be presenting the issue to the East Bellevue Community Council on February 1. Their comments will be relayed to the Commission at the regular Commission meeting on February 2. No substantive comments from the East Bellevue Community Council are anticipated.

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

Mr. Ken Graham, President and CEO of Overlake Hospital Medical Center, 1035 116th Avenue NE, emphasized that Overlake is a not-for-profit organization that serves 260,000 patients annually with both in-patient and out-patient services. Overlake has 257 beds currently and is planning to expand to 337 beds over the next three years. The hospital employs over 2300 employees and more than 800 physicians, and it is rated as a top facility in the country for cardiac and other services. Each year the hospital delivers an average of 3700 babies and treats 53,000 emergency patients. Overlake is the second largest provider of in-patient services in King County. The aging population of the service base is the primary driver behind the proposed changes to the campus. New facilities are needed in order to accommodate new procedures and technologies, both for the present and the future. The plan that has been developed is serving as a cutting edge delivery model for other medical facilities. In order to better serve and be more affordable for Eastside residents, Overlake and Group Health have agreed to a landmark collaboration in which each party will focus on its respective core strengths and expertise in patient care; the result will be a regional medical campus. The investment on behalf of Overlake will be \$125 million. About 1000 new jobs will be created in Bellevue. The regional transportation system is critical to the hospital, and Overlake has worked closely with the city in calling for the extension of NE 10th Street as outlined in the Downtown Implementation Plan, and with Washington State Department of Transportation (WSDOT) in designing improvements to I-405 that will impact the hospital campus. The proposed CPA and LUCA are needed in order for the plan to be moved forward. The City Council and the city staff have been very helpful and efficient, and everyone who has been part of the project has worked together diligently to achieve the milestone.

Mr. Peter Adler, Executive Vice President of Group Health Cooperative and a Bellevue resident at 5604 145th Avenue SE, requested the support of the Commission for the proposed CPA and LUCA. He said Group Health is also a not-for-profit organization. The organization annually serves more than half a million residents of the state, some 80,000 of which are from the Eastside. Group Health serves the elderly and is the largest Medicare provider in the state, and also participates in the Medicaid programs. Group Health currently owns and operates a 150-bed hospital and emergency room located in Redmond, five primary care centers on the Eastside, and one very large multi-specialty center, also located in Redmond. The proposed project has been designed to benefit the Eastside community. Group Health intends to invest \$110 million to build a comprehensive, state-of-the-art ambulatory care center adjacent to the new Overlake hospital tower. The new center will include a surgery center, operating rooms, diagnostic imaging, and outpatient clinics focused on more than 20 specialties. The new building will be located adjacent to the Overlake facility and will be connected for both patient care and the ease of the public. More than 100 physicians and 400 staff will be employed at the facility. Plans call for the new facility to be opened in 2008 at which time the hospital in Redmond will be closed. A 20-year partnership agreement with Overlake Hospital has been signed under which Group Health will provide outpatient care for Group Health members and Overlake will provide inpatient care. Group Health intends to continue working closely with the city and WSDOT to accommodate the issues associated with extending NE 10th Street and ingress and egress for the

new facility. The final piece needed to make it all work is approval of the CPA and LUCA as proposed.

Mr. Ken Johnsen, 9231 NE 26th Street, spoke as a member of the Overlake Hospital Board of Trustees and as chair of the construction committee, the latter of which is made up of community members, doctors and hospital staff and charged with overseeing schedules, budgeting and financing issues as they relate to the development of the campus. The changes outlined in the proposed CPA and LUCA are necessary in order to carry out the expansion program for the hospital. The hard work of city staff is very much appreciated. There were several issues surrounding the extension of NE 10th Street, but they have been met and the proposed design will accommodate both the street extension and the hospital campus expansion. Great cities have great parks, great transit, great infrastructure, and great medical facilities. Overlake has been providing great services to the citizens of Bellevue and the Eastside for over 40 years. Expansion and facilities upgrades are needed, and under the agreement signed with Group Health the opportunity exists to bring medical services in the community to a whole new level.

Ms. Leslie Lloyd, President of the Bellevue Downtown Association (BDA) , 500 108th Avenue NE, Suite 210, expressed support for the proposed CPA and LUCA. The BDA is thrilled with the proposed project and all it will bring to Bellevue and the region, including 1000 new jobs and a cutting edge healthcare delivery system that will serve as a model nationwide. The campus design that is on the table will preserve the integrity of the Downtown Implementation Plan, something the BDA worked on diligently to guide the future of the Downtown for at least the next two decades. Key to the transportation element of the plan is the connection of the street grid, which includes the extension of NE 10th Street across the freeway to 116th Avenue NE, with new ramps connecting to I-405. The cooperative attitude of the hospital design team and city staff has resulted in a design that will work for everyone. A recommendation in favor of the CPA and LUCA should be forwarded to the City Council from the Planning Commission.

Mr. Mike Hubbard, 6802 96th Avenue SE, Mercer Island, noted that a year ago Group Health, Overlake Hospital, WSDOT and the city all had visions that did not intermesh. What was at risk at the time was \$300 million in investment in healthcare infrastructure, 1000 new jobs, a cutting-edge healthcare delivery system, and the Downtown Implementation Plan. What is in place currently is commitment and support from Group Health, Overlake Hospital, WSDOT, the Chamber of Commerce, the Bellevue Downtown Association, and city staff. It has not been an easy path to follow, and concerted effort on the part of everyone involved was required. The result is a plan that will work for everyone to the benefit of Eastside residents for generations to come.

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

8. STUDY SESSION

A. Comprehensive Plan Amendment and Land Use Code Amendment – Medical Institution District

Chair Lynde suggested that the proposed wording change to the definition of ambulatory health care center in 20.50.010 is awkward, and "...among other services..." is a bit ambiguous. Ms. Helland suggested revising the definition to read "A medical institution building designed to deliver a range of healthcare and high acuity specialty care services and is not licensed as a hospital." The proposed change was accepted by the Commission.

Commissioner Bach asked for a brief overview of the traffic count materials included in the Commission packets. Kris Liljeblad, Assistant Director, Transportation Planning, explained that the BKR model is a traffic model that was developed in conjunction with Bellevue, Kirkland and Redmond. The model is validated annually and used for predicting future traffic flow. The forecasts shown in the materials are PM peak hour volumes, the value typically used for design purposes.

Chair Lynde expressed her concern regarding the lack of bicycle facilities, even a sidewalk wide enough to accommodate both pedestrians and bicyclists, along NE 10th Street. The new hospital campus will generate more than a thousand new jobs and those workers should be provided with all the facilities they will need to get to and from the campus. Mr. Liljeblad pointed out that the increased number of jobs are included in the modeling forecasts, as is the predicted growth in the Downtown. The Pedestrian/Bicycle Plan shows a regional connecting facility on NE 12th Street, providing continuity between the Downtown and the Bel-Red corridor. It has been identified as the best east-west route. When new freeway ramps are constructed connecting NE 10th Street with I-405, the NE 12th Street overpass will have to be replaced, providing the opportunity to provide adequate bicycle facilities.

Commissioner Bonincontri called attention to Footnote 5 of the dimensional requirements chart under 20.25J.030 and asked if it will apply only to the Medical Institution District. Ms. Helland said the footnote is applicable outside the Medical Institution District as well. Most of the rest of the footnotes are specific only to the Medical Institution District.

Answering a question asked by Commissioner Bonincontri regarding Footnote 6, Ms. Helland said it outlines the difference between providing a setback and not providing a setback. Where a zero setback is used, the streetscape requirements must be followed. If a setback of at least 20 feet is provided, landscaping can be supplemented in lieu of the streetscape requirements.

Commissioner Bonincontri asked if the I-405 right-of-way and the anticipated property line for the hospital campus has been identified. Ms. Helland said the state has been working to design the entire corridor and has identified the land area that will be necessary to accommodate the freeway expansion. The design is preliminary but believed to be accurate. Because the actual line is not yet established, Footnote 7 is necessary to avoid at some future time making the hospital a nonconforming use.

Commissioner Bonincontri called attention to 20.25J.050.A.i and asked if there are plans to eliminate the requirement for compact parking stalls throughout the city. Ms. Helland said paragraph (i) is more stringent than the existing standards and allows for fewer compact parking stalls than the general Land Use Code does currently. The action to amend the parking code citywide has not been completed. Paragraph (i) will apply to the hospital campus regardless of what revisions are ultimately made to the parking requirements.

Answering a question asked by Chair Lynde concerning issue number four raised by Mr. Eder of the East Bellevue Community Council, Ms. Helland said when there are overlay districts that are more specific than the general sections of the code, provisions must be made for the district regulations to apply in the event of a conflict. The typographical corrections pointed out by Mr. Eder will be made, but the Homeland Security issue is not appropriate for the LUCA; nothing in the amendment forecloses the ability of the hospital to proceed with all necessary security measures. With regard to the pedestrian bridges, the building code requires egress from any space in which a person could be otherwise trapped.

Chair Lynde offered kudos to everyone involved in bringing the CPA and LUCA to the table.

She said the plan is excellent and will ultimately be of great benefit to the citizens of Bellevue.

Motion to recommend amendment of the Comprehensive Plan to create a new Medical Institution District, and to amend the Wilburton Subarea Plan map to reflect the extent of the Medical Institution District was made by Commissioner Robertson; second was by Commissioner Bach and the motion carried unanimously.

Motion to recommend approval of the Land Use Code amendments as provided on pages 28 through 58 of the Commission packets, as amended, was made by Commissioner Bonincontri. Second was by Commissioner Robertson and the motion carried unanimously.

Ms. Helland said staff will draft the transmittal memo and return to the Commission on February 2 with a briefing regarding the February 1 East Bellevue Community Council meeting. To the extent there are comments that will require the Commission to reconsider its action, the issue can be reopened at that time.

B. Land Use Code Amendment
– Critical Areas

Associate Planner Heidi Bedwell said shorelines serve as fish and wildlife habitat areas and as such have an environmental value. They also define the city's boundaries, provide recreational opportunities, and offer vistas.

Lake Washington covers 22,000 acres. There are 39,187 linear feet of shoreline within Bellevue, along which there are 2737 docks on approximately 427 parcels of land. Some 82 percent of the shoreline contains some sort of armoring, primarily in the form of bulkheads. The most common salmonid species found in Lake Washington are the Chinook, coho, chum, sockeye and king salmon, as well as steelhead and cutthroat trout.

Lake Sammamish covers 7.7 square miles, and there are 353 parcels of land with a combined total of 26,190 linear feet of shoreline within Bellevue. No dock inventory has been conducted, but it is known that 81 percent of the shoreline contains some sort of armoring, 30 percent of which occurs below the ordinary high water mark.

The 63 acres of Phantom Lake is bordered by 55 individual parcels of land. There has been no inventory conducted to determine the number of docks or the degree to which the shoreline is armored. The lake is home to species such as bass, bluegill, crappie, rainbow trout and cutthroat trout.

Ms. Bedwell said the shoreline aquatic area, which is the area of open and deeper water, the emergent littoral zone closer to shore, and the buffer area above the waterline are the areas in need of protection in order to preserve their functions. The areas store water and sediments, attenuate wave action, remove excess nutrients and toxic compounds, recruit large woody debris, help to maintain water temperature, and provide habitat for reproduction, hiding and resting, and migration.

As a general rule, development tends to degrade the riparian and littoral habitat by removing the woody debris, reducing vegetation, eliminating shallow water habitat, and by affecting water quality. The result is a loss of fish and invertebrates, a dominance by disturbance tolerant species, and the extinction of rare species.

Moorage along shorelines has several impacts, including altering the habitat of the littoral zone,

changing currents and the amounts of shoreline sediments by disrupting wave energy, changing the presence of woody debris, changing the nighttime ambient light level, and introducing toxic chemicals. In addition, moorage reduces the quality of habitat, provides ideal cover for ambush predators, brings about changes in migration patterns, and decreases the complexity of habitat.

The construction of bulkheads also reduces the inventory of woody debris. Bulkheads also reflect wave energy, eliminate the shallow water zone, and disrupt sediment recruitment.

Ms. Bedwell said development around lakeshores results in the loss of canopy, understory and shrubbery that are critical to wildlife survival. Development also negatively impacts water quality as increased impervious surfaces bring about an increase in the levels of runoff and an associated increase in sediments flowing into the water bodies.

The Commissioners were told that the proposed moorage standards are used by other agencies to mitigate some of the impacts of having structures within the nearshore zone. The reason for using prescriptive standards is driven by Policy EN-11.

A property owner who wishes to rebuild an existing dock or construct a new dock, must have permits from the city as well as the state Department of Fisheries and the Army Corps of Engineers. Getting all of the necessary permits can represent a huge hurdle. In April 2004 representatives from the Department of Fisheries, the Army Corps of Engineers and the US Fish and Wildlife came to the city working on an effort to align their respective requirements. The outcome was the development of the Regional General Permit (RGP). Part of what staff is suggesting for Bellevue is an alignment with the requirements of the RGP.

Ms. Bedwell said the city currently has policy language that discourages the construction of multiple or expanded piers, except where public access is needed. The RGP suggests only one non-commercial moorage per residential waterfront property, or one joint-use non-commercial moorage for two or more adjacent waterfront properties. That direction will be suggested under the new provisions.

Commissioner Bach asked if adopting the RGP regulations will mean property owners will only have to obtain one permit. Ms. Bedwell allowed that the city will want to retain some permitting authority. The city will continue to regulate in some areas that are not covered by the other jurisdiction, including setbacks.

Commissioner Maggi asked which jurisdiction will win out where there are conflicts between requirements. Ms. Berens said the city is under no obligation to coordinate with any of the other jurisdictions that work with shorelines. Anyone seeking a permit would have to meet the requirements of all pertinent jurisdictions. Essentially, the more restrictive requirements in each case would have to be met. To vary any of the prescriptive standards will require demonstrating that all impacts will be mitigated in a manner that is as good as or better than the requirements dictate.

Ms. Bedwell said the RGP is quite detailed with regard to the location of piers and ramps in the nearshore area. The biggest concern is the first 30 feet in which overwater coverage must be minimized. The general guidance is that the walkways should be as narrow as possible and constructed with a grating that allows light to reach the water through the structure. The RGP suggests a maximum overall surface area of 480 square feet for a single property owner, and 700 square feet for a single structure shared by adjacent property owners.

Commissioner Maggi asked if the location of a bulkhead becomes the ordinary high water mark.

Ms. Bedwell said some bulkheads are set back below the ordinary high water mark. A study recently completed established a static elevation point for the ordinary high water mark for Lake Sammamish. The ordinary high water mark on Lake Washington is controlled by the operation of the locks. There is a general starting point, but each property must be considered on a site-by-site basis. For development purposes, everything is measured from the ordinary high water mark, even where actual property lines are submerged beyond the ordinary high water mark.

Commissioner Bach asked if boat covers and lifts count as part of the area coverage calculations. Ms. Bedwell allowed that they are. The current RGP only covers a single boat lift, so any property owner wanting an additional one would have to go through a different and longer permitting process.

Ms. Bedwell said pier length is also addressed in the proposal. Currently there is a limitation of 80 feet beyond the ordinary high water mark. Extensions beyond that are allowed to obtain water depth of ten feet for the purpose of mooring boats. Under no circumstances can a pier exceed 150 feet in length. Under the staff proposal, the overall length would be governed by the 480 square foot limit. The maximum width will be four feet, and there is no minimum.

Ms. Berens said as proposed the prescriptive standards in all cases could be exceeded with a critical area study. The study would have to show that the resulting product is as protective or better than what the prescriptive standards require.

Chair Lynde voiced her support for the proposed direction, adding that it is good to see the various entities seeking efficiencies and agreeing on direction and policy. She said she would prefer to retain the overall limit of 80 feet for docks to avoid potential safety problems for boaters.

Commissioner Mathews said he could support allowing docks to reach out 100 feet where there are shallow water problems, adding that he would not want to go any further than that.

Senior Environmental Planning Manager Michael Paine explained that docking large boats most often is the reason longer piers are requested. Accordingly, the large boat issue crops up primarily in Lake Washington.

Ms. Berens said the proposal of staff is to move in the direction of adopting the standards of the RGP. The particulars will be spelled out in the draft ordinance. There was agreement to take that approach and to have staff come back with additional information about pier length and navigation from the Army Corps of Engineers.

Ms. Bedwell noted that many of the parcels along the shores of Lake Washington and Lake Sammamish already have structures on them, so there is an issue regarding what to do with current docks and piers that do not meet the prescriptive standards. Structures that have not been regularly maintained and which are unusable would have to rebuild under the new requirements. There are three options covering repairs to structures that have been in constant use: 1) require all new work on nonconforming structures to meet the new standards; 2) establish a percentage of structure value trigger for compliance with the new standards; and 3) establish a dollar value trigger for coming into compliance.

Commissioner Maggi asked if under the third option a property owner could every year perform upgrades to a pier or dock that are just under the dollar value trigger until the entire structure is replaced or remodeled without ever triggering the compliance requirement. Ms. Berens allowed that any time a threshold is established there is the possibility that someone will be able to

piecemeal without exceeding the limits and triggering compliance. That issue is dealt with in the general nonconforming provisions by having a three-year period for the evaluation calculation. She said the recommendation of staff is to utilize the second option.

Commissioner Orrico asked staff to bring back to the Commission information with regard to what other jurisdictions use as triggering mechanisms.

Commissioner Bach said it would be very difficult to require all structures to come into compliance in the way the first option would require. The option would also be very difficult to enforce. Commissioner Maggi concurred.

Turning to the issue of shoreline stabilization, Ms. Bedwell said the traditional approach has been the construction of armoring structures in the form of bulkheads. Under the staff recommendation the bioengineering approach, which involves a mix of rocks, wood and vegetation to achieve the same result, should be considered first. The construction of new bulkheads should be limited based on the best available science that speaks to their effect on shoreline ecosystems. Bulkheads may be the preferred approach where bioengineered options are not feasible to protect existing structures. With new development, however, structures will be required to be placed far enough back from the shoreline that the traditional bulkhead will not be needed.

Under the current regulations, no structures are permitted within the 25-foot setback from the ordinary high water mark. Ms. Berens allowed that while walls less than 30 inches tall, such as retaining walls, are not considered structures, there are provisions in the shoreline regulations that limit clearing, grading and excavating within the setback for whatever reason.

Commissioner Robertson noted that reducing the allowed watercraft speed on the lakes is something that would help to reduce the amount of shoreline erosion. She asked if that is something the city has any jurisdiction over and has considered instituting along with the new regulations. Ms. Berens said the city has no authority over navigable waterways.

Ms. Berens said the recommendation of staff is in favor of the bioengineered approach for all new shoreline stabilization projects. When that approach is not feasible, the more traditional bulkhead structure should be allowed. The question to be answered is what property owners should be allowed to protect with new bulkheads. One option would be to allow for the protection of structures only; another option would be to allow for protections against erosion of any part of a property regardless of what structures may be present and where they are in relation to the shoreline. The best approach may lie somewhere in the middle between those two options.

There was agreement to craft regulations focused on the middle ground.

Commissioner Robertson suggested that bulkheads constructed below the ordinary high water mark should be treated differently from those constructed at or above the ordinary high water mark, given that the former are much more egregious and damaging.

Ms. Berens said the trigger for requiring an existing bulkhead to come into compliance with the new regulations could be repairs that equal or exceed a set percentage of the overall value of the structure.

Commissioner Bach said he would argue against any requirement to remove an existing bulkhead in instances where it is acting to protect an existing structure constructed within the setback area.

There was consensus in favor of moving in the general direction outlined in the staff recommendation, establishing a percentage of value threshold.

With regard to buffer dimensions, Ms. Bedwell said the current regulations include a 25-foot structure setback. The recommendation is for a 50-foot riparian setback from the ordinary high water mark in addition to a 25-foot structure setback, which is in accord with the best available science. The various jurisdictions around Lake Sammamish have primary setbacks that range from a low of 20 feet to a high of 115 feet; on Lake Washington the setbacks range between 15 feet and 115 feet.

Commissioner Orrico called attention to the requirements established by Redmond and asked if such a complicated arrangement causes problems for staff as well as for property owners. Ms. Bedwell answered that for the most part the requirements are straightforward; the complications arise only when a property owner wants to take steps to reduce a buffer. Commissioner Orrico said she would favor allowing for flexibility.

Ms. Berens said staff envisions having some administrative flexibility to allow property owners to match the setback of primary structures on neighboring properties without having to conduct a full site-specific study. In all cases, however, the preference will be for maintaining the 50-foot setback, and in no case would the setback be less than 25 feet.

Commissioner Robertson asked what efforts have been put into noticing the critical areas discussions. Ms. Berens said a mailing was sent to all interested parties in December when the website was unveiled. The website contains the schedule and serves as the primary means of getting out information. When a draft ordinance is in hand, another general mailing will be sent out. It is always difficult to know how much public outreach to conduct for ordinances that are still in their formative stages.

There was agreement to move Public Comment ahead of Old Business.

11. PUBLIC COMMENT

Mr. Tom Spence, 9445 Lake Washington Boulevard NE, said it is clear that the word has gotten out about the changes planned for the Overlake Hospital site, but it has not gotten out with regard to changes planned for the shorelines areas. The outreach efforts undertaken by the city have clearly failed. The city should have pulled together a group of shoreline property owners to participate in the process of developing the draft ordinance. He offered to take the Commissioners on a tour of the lake shorelines, pointing out various issues of concern to property owners. Under the proposal more than 50 percent of the properties around Meydenbauer Bay will be rendered nonconforming. Some of the issues that have been discussed are the most egregious at the marina on Meydenbauer Bay owned by the city where there is more than 250 feet of solid bulkhead extending beyond the ordinary high water mark.

Mr. John Morrow, 1517 Boylston Avenue, Suite 201, Seattle, said he works for the Livable Communities Coalition, a group that is interested in the critical areas update. The organization intends to review the draft ordinance and provide comment as necessary. He allowed that staff and the Commission appears to be very well informed with regard to the issues discussed to date and is taking an honest look at the best available science. Other jurisdictions have formed stakeholder groups to assist in the process of developing draft ordinances, a process that allows for everyone to raise issues of concern to them and have them addressed.

Chair Lynde pointed out that a citizens advisory committee, which included property owners and the Master Builders Association, worked for more than two years developing the issues and providing input that staff and the Commission are using to draft the ordinance.

Ms. Soderberg (?), address not given, said she understands the need to craft regulations to protect wildlife, but said the city should also consider the impact of such regulations on existing homeowners along the lakeshores. She said her home is one of the older ones on Meydenbauer Bay, a home that could not be built under the proposed regulations. It includes a dock that is eight feet wide, a gazebo built on the edge of the water, and a bulkhead.

9. OLD BUSINESS

Commissioner Mathews said a number of the original members of the Lake Hills Shopping Center stakeholder group met recently to review the latest proposal for development of the site. He noted that changes were made to the site design to meet the buffer requirements and to allow for a wider access road for emergency vehicles. To make up for the development square footage lost, the architect proposed reducing the ceiling height for the first floor retail spaces and the two floors of residential above. By doing that another floor of residential can be added without any increase in the overall height. One floor of the building on Lake Hills Boulevard will be moved to the building fronting 156th Avenue SE. Overall the plan is improved by the changes, though there is still a struggle going on to get all of the necessary parking. The group expressed general support for the new proposal.

Commissioner Mathews also reported that the first meeting of the new Lake Hills Neighborhood Association will be held on February 15.

10. NEW BUSINESS – None

12. ADJOURNMENT

Chair Lynde adjourned the meeting at 10:02 p.m.

Staff to the Planning Commission

Date

Chair of the Planning Commission

Date