

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
MEETING MINUTES

January 26, 2005
7:00 p.m.

Bellevue City Hall
City Council Conference Room

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

COMMISSIONERS ABSENT: Commissioners Maggi, Robertson

STAFF PRESENT: Kathleen Burgess, Michael Paine, Mary Kate Berens, Heidi Bedwell, 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 with the exception of Commissioners Maggi and Robertson, both of whom were excused.

3. APPROVAL OF AGENDA

The agenda was approved by consensus.

4. STAFF REPORTS

Comprehensive Planning Manager Kathleen Burgess said the third and final Factoria Area Transportation Study community meeting will be held in Council Chambers on February 2 beginning at 6:30 p.m.

Ms. Burgess also reported that the Crossroads Commercial Study scope of work and public participation program was presented to and approved by the Council at its meeting on January 24. That work will get under way right away. Periodic briefings will be made to the Commission.

5. PUBLIC COMMENT – None

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

7. STUDY SESSION

A. Land Use Code Amendment – Critical Areas

Senior Environmental Planning Manager Michael Paine focused on wildlife habitat, subdivisions, and the relationship with critical areas. He said there are several Comprehensive Plan policies with a focus on clustering, minimizing habitat fragmentation, providing incentives, protecting connections and managing habitat areas for certain functions and values, and an emphasis on using low-impact development (LID) techniques to reduce runoff and general watershed impacts. Overall, habitat preservation can be interpreted as being a part of the larger “green urbanism” vision that is embodied in the policies Bellevue has in place with respect to the natural environment. That vision includes reducing ecological footprints; preserving a high-quality of life in high quality neighborhoods; sustainable lifestyles; and the notion of nature as a positive force for sustaining personal health and well-being.

There are a number of outcomes being sought. Among them are increasing the overall acreage of critical area placed in tracts; preserving critical habitat linkages; preserving more suitably sized upland forest habitat patches; reducing the rate at which forested habitat is converted to impervious surfaces; increasing the efficient use of land; increasing the amount of open space; and reducing the cost of infrastructure.

Clustered development is an approach that has been shown to work successfully. Such development is characterized by a site design that places buildings on the least sensitive parts of sites, leaving the remaining land in some manner of conservation open space where mature forest can intercept rain and runoff and seep into the soils. Clustered developments are created most often by allowing a reduction in the lot sizes, and when multiple clusters are placed around a common open space there is even more benefit. The amount of development that would otherwise be permitted is not reduced, but less land area is used for development. The benefits achieved are more effective than applying the current regulations. Habitat fragmentation is reduced, as are population isolation and edge effects. Linkages between habitat patches can more easily be preserved using the clustered development approach.

Mr. Paine said there are four generally recognized steps associated with designing conservation subdivisions: identification of primary and secondary potential conservation areas; locating houses at a respectful distance from conservation areas; application of the standards; and aligning streets and footpaths and establishing the lot lines.

The Commissioners were told that conservation subdivisions offer some advantages over the Planned Unit Development (PUD) approach, an optional approach that is not often used in Bellevue, primarily because the submittal requirements are extensive. In essence an applicant must design a project to the building permit stage prior to submission, even though they may not have an entitlement. Where PUDs are generally used in Bellevue, the primary reason is to permit slightly smaller lots and houses to match a particular market price. PUDs are very successful on large single lots where a very innovative project is proposed; they can include combinations of building types. Clustering could certainly be used to fill a niche, particularly for short plats; a developer could obtain a more compact development without friction of the process inherent in the PUD. At the same time, the PUD ordinance could be revised to provide many of the same opportunities, but it would still be Process I.

Mr. Paine put to the Commission a number of questions, beginning with whether or not the city should create a conservation subdivision provision. He said staff believes clustering should be

mandatory in certain circumstances: sites of two acres or more that are at least 25 percent constrained with critical areas; and sites on which critical habitat for special status species has been identified and for which the best available science recommendation is for a habitat set aside. Clustering should be optional for smaller sites or short plats of less than four lots with urban zoning densities of R-4 and smaller lots. Twenty-five percent of a two-acre site is approximately 16,000 square feet. A wetland of that size should be managed as a single unit and not parceled out among several different property owners; accordingly, the wetland should be in a single tract and managed either by the homeowners or dedicated to the city. A mechanism needs to be found that will allow that approach to be taken without reducing the density a developer would otherwise be entitled to under the straight subdivision process.

Answering a question asked by Commissioner Orrico, Mr. Paine said the PUD process could be refined with clearer and more explicit criteria in order to obtain the desired end product. Ms. Burgess pointed out that the PUD process allows for a mix of development types, something that is not allowed under the regular subdivision process. Mr. Paine said staff is not proposing a change in unit type by right as a part of the conservation subdivision process. The PUD process includes criteria that are focused on neighborhood compatibility, and where changes to unit type are considered, the PUD process offers a more careful deliberation.

Mr. Paine explained that under the subdivision process density is determined by dividing the total area by the minimum lot area. For a one-acre parcel with an R-5 zoning, that calculates out to six units total. However, from that number is subtracted all buffer areas and all setbacks that conform to the dimensional standards, and in many cases the total number of actual building pads is reduced. The conservation subdivision approach would offer far more clarity from the start, without hiring an engineer to generate a complicated geometry of lot lines. The primary interest is to get the habitat areas into a single lot for purposes of improved management.

Commissioner Bonincontri asked if the city currently maintains a database of all critical areas and wildlife habitat areas in need of protection. Mr. Paine said in nearly every case the city lacks sufficient information to make specific judgments with regard to wetlands. The city does have good information on streams and slopes. The wetlands are most problematic in that the city has not conducted a comprehensive wetlands inventory since 1987. Wetlands and wildlife habitat areas are determined by specific investigation. Outside of a couple of species, however, there are few species living in upland forests that the city is mandated to protect.

Ms. Berens added that staff is not suggesting pursuing protections for any plant species.

Commissioner Mathews commented that the city is largely developed and asked if staff has an idea about which areas a conservation subdivision approach would apply to. Associate Planner Heidi Bedwell said staff is currently going through an exercise to determine that. She noted that a little more than 100 lots in the R-1 through R-5 zoning districts may be affected.

Chair Lynde asked if there would be any incentive up front for developers to deed protected areas to the city. Mr. Paine said deed transfers of Native Growth Protection Areas are not uncommon, and the city has a process by which it can take over management. The program does not, however, have the funding level necessary to sustain it into the future. That is not to say that the Council will chose to discontinue the program altogether. There are some tax benefits involved for the property owners. The city would not have an interest generally in managing only small areas; the clustering option can be used to accumulate larger open space and habitat areas that the city would have an interest in managing, providing an increased benefit overall.

Mr. Paine put on the table the question of when clustering should be optional. He allowed that

staff would rather have incentives in place than regulations, though there will always be regulations associated with defined critical areas. Encouragements in the form of density bonuses could be formulated. A developer could perhaps be encouraged to provide more of a buffer than required and be given credit for the additional conservation benefit.

Mr. Paine suggested that if clustering is allowed under the structure of a subdivision ordinance and outside of the PUD process, some standards will be needed to help guide the outcome with respect to how the individual pieces of habitat are presented, how the neighborhood is protected with dimension and density standards, development patterns, mass and space relationships, and landscaping. Absent standards, the result will only be mini subdivisions that will not satisfy anyone.

Answering a question asked by Commissioner Bonincontri, Mr. Paine agreed that if the number of dwellings allowed on a particular site is clustered on only half of the site or less, there will be perceived impacts from neighboring property owners having bigger lots. One perception may be a feeling of increased density. There will have to be guidance, standards and landscaping to provide for neighborhood compatibility. The standards will need to be very carefully controlled; if there are too many regulations, no one will elect to use the option.

The basic idea behind the current approach to calculating density in a subdivision is the simple division of the lot area by the minimum lot size allowed by the zone. In an R-5 zone, the minimum lot size is 7200 square feet. The formula yields six lots per acre, but that is a theoretical number; the actual yield is far more complicated to determine in that critical areas, setbacks and disturbance limitations must be taken into account when determining where building pads may be located.

Density calculation under the PUD process is far more complicated. First, the buildable area is determined by subtracting all critical areas from the total site area. The buildable area is then divided by the number of dwelling units per acre allowed by the zoning, and the result of that calculation is then added to the result of the dwelling units per acre multiplied by the critical area multiplied by the development factor determined by the step chart. Finally, the open space requirement must be applied, along with any required compatibility criteria, before a final yield can be determined. A density bonus can be achieved by meeting specific criteria.

The step chart limits the amount of density that can be transferred in direct proportion to the amount of critical area on a given site; the higher the percentage of critical area, the less density that can be transferred on site. Sites with zero percent critical areas are allowed a density transfer of about 30 percent. The credit falls in proportion to an increasing percentage of critical areas until the 90 percent mark, at which point the Director has the authority to determine the appropriate density transfer, up to 100 percent, under the development area exception process.

Mr. Paine said one option would be to implement a buildable area credit. Sites with no critical areas would be allowed 100 percent of their building potential, and the buildable area credit would fall in direct proportion to the percentage of critical areas on site. Because the starting point is higher, the credit allowed under that regime would be substantially higher than what the current step chart allows.

Commissioner Bach asked what approach would be taken on a parcel that has no buildable area at all. Mr. Paine said the city would have to look at it and decide if the protected area development exception process should be invoked, a process that permits modification of protected areas to allow for some reasonable use of a property, or if the city should purchase the site as open space.

Mr. Paine said the recommendation of staff is to change the way density is calculated to make it more in line with the PUD method for the standard subdivision and short subdivision. The same method would then be used for all three types of developments.

Commissioner Bonincontri indicated support for the suggestion, adding that it would simplify things for all concerned. The other Commissioners concurred.

Mr. Paine said staff is also recommending exploring a formula for determining the appropriate credit that uses an inverse relationship, such as the buildable areas approach, but not necessarily the step chart. Staff also believes the city should incorporate a rounding function. Under the current regime, with a calculation that yields 2.6 units, the applicant is permitted only two units. Many area jurisdictions would allow rounding up to three units.

Ms. Berens reminded the Commissioners that during consideration of the minimum density ordinance staff brought forward a recommendation for rounding up. The issue was included in the draft ordinance that ultimately was not adopted by the Council.

Mr. Paine suggested that there should be a neutral density transfer for areas set aside under the conservation subdivision. He suggested that any density bonus will need to be of sufficient importance to the developer. On small lot developments, the addition of one more lot could be significant, but for larger projects the density bonus should be as much as 25 percent. He said staff would work up some examples for the Commission to review.

One approach would be to use a “green space factor” approach under which bonuses would be allowed only after gaining so many points based on a number of green options, such as low-impact development, open space and preservation of wildlife habitat. Points could be bonused up to some fixed maximum. Mr. Paine allowed that the approach may be an option worth exploring in a different context, but suggested that it has some promise in that it allows developers the option of determining what they want to do in order to gain the bonus points they need.

Mr. Paine allowed that in certain instances a developer will not be able to get all of the permitted and bonused density on a site. One option for dealing with those circumstances would be to develop a transfer of development rights program. He said staff is not sure there are any receiving sites for such transfers even if they are permitted. For the most part, developers in the Downtown are not using all the density they are permitted. It is possible that redevelopment of the Bel-Red area could generate a market for transfer rights, and possibly the neighborhood shopping centers. Overall, the opportunities are limited at best.

Commissioner Bonincontri suggested that if a transfer of development rights program is established, the transfers should occur within the same watershed or biological area. The issue could be addressed in part by allowing units to be rounded up.

Chair Lynde asked what other area jurisdictions, if any, have transfer of development rights programs. Mr. Paine said King County has a program that allows transfers of density into Seattle. The program has not met with very much success.

8. OLD BUSINESS

Ms. Burgess briefly reviewed the Commission schedule.

9. NEW BUSINESS

Ms. Burgess indicated that there could be as many as three privately initiated Comprehensive Plan Amendments to review in 2005.

10. PETITIONS AND COMMUNICATIONS – None

11. ADJOURNMENT

Chair Lynde adjourned the meeting at 8:30 p.m.

Staff to the Planning Commission

Date

Chair of the Planning Commission

Date