

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
MEETING MINUTES

June 1, 2005
7:00 p.m.

Bellevue City Hall
City Council Conference Room

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

COMMISSIONERS ABSENT: Chair Lynde, Commissioner Bach

STAFF PRESENT: Kathleen Burgess, Andrew Kidde, Mary Kate Berens, Michael Paine, 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 7:02 p.m. by Chair Lynde who presided.

2. ROLL CALL

Upon the call of the roll, all Commissioners were present with the exception of Chair Lynde and Commissioner Bach, both of whom were excused.

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. STUDY SESSION

A. Mediation Program

Mediation Program Co-Coordinator Andrew Kidde said the program is housed in the Department of Planning and Community Development. He said the first mediation program was started in the 1960s and now there are hundreds of them across the nation. The program in Bellevue has been in existence for nearly ten years and is somewhat unusual in that it is city based. The program began with a handful of volunteers; every year training is provided and the program now has some 75 active volunteers. The mediators have learned how to listen for underlying needs and emotions and have no agenda of their own other than to provide tools for negotiating and to provide a neutral third party if needed.

The mediators are not able to help every party that calls in with a problem; they must on occasion make referrals, especially for cases involving enforcement concerns, police issues, and instances where one of the parties does not want to participate in mediation.

Mr. Kidde said there are a several projects under the auspices of the mediation program. The parent-teen mediation program has been in place for the past five years. Each year both adults and teens are trained to be mediators for this project; they are then paired up to mediate disputes between teenagers and their parents. Referrals are often made by the schools and the issues involve everything from truancy to runaways to drug abuse. The program has proven to be very successful at reaching out to teens at crucial junctures in their lives. Another teen program called peer mediation is active in Bellevue High School and Newport High School. Every year high school students are trained to mediate issues with their peers.

A training program called "How to Resolve Conflict" is an eight-hour negotiations course that is offered two to three times each year. A project called "Neighborhood Leaders" is just getting under way; it is focused on teaching those who are forming neighborhood groups in the city some specific skills, such as processes aimed at reaching consensus and how to write an agenda. A couple of workshops have been offered to date and the program will be promoted more in the near future.

Mr. Kidde said the mediation program does serve to assist in the resolving of specific disputes, but it also is designed to give people in the community the tools they need to resolve their own disputes.

Mr. Kidde said the concept of group facilitation is based on the same mediation principles but involves more people and larger, more public issues. Where most mediation is kept confidential, group facilitation usually involves more public processes and public meetings. The program has been offering two or three group facilitations annually covering subjects such as the reorganization of homeowners associations, teens loitering in a neighborhood, and the Lake Hills Shopping Center redevelopment.

Commissioner Mathews noted that he participated in the Lake Hills Shopping Center group facilitation effort and found it to be very successful. A number of different parties were brought together in an effort to discuss the issues and find common ground. Many now support the redevelopment who previously were against it. Mr. Kidde said the Lake Hills Shopping Center group facilitation involved 16 stakeholders and meetings open to the public.

Mr. Kidde offered that mediation and group facilitation can serve a city well as a planning tool. Participatory democracy is a difficult process, and group facilitation is an approach that is well adapted to helping that process succeed. Beyond merely offering a format for finding consensus, group facilitation can allow for the exploration of more creative solutions; when people of varying backgrounds and insights are brought together in a process that invites sharing ideas and consensus building, creative solutions are often the result. Including people early on in any process inevitably leads to minimizing resistance to projects and avoids public process quagmires. Communities are strengthened as they work together to find common solutions.

The city benefits greatly by having volunteers serving with the mediation program. Where a city employee acts as mediator in a controversial case, they can be viewed as speaking for the city or not being completely neutral. Volunteers are more likely to be seen as neutral and the public appreciates that they participate because they want to help. There are private group facilitators available, but their rates can be quite high; Bellevue offers its mediation program for free.

Commissioner Mathews said one thing the Commission struggles with is how to get people

involved early on in a given process. There is opportunity at each meeting for the public to address the Commission, but the time allowed often is not adequate. By getting information out ahead of time, contentious issues can be addressed in a more amenable fashion. He suggested that the mediation program could help address that problem. Mr. Kidde said the city recently launched a program aimed at measuring its performance in a number of areas. The process involved surveying about 70 randomly chosen Bellevue citizens. One of the questions put to them was focused on the best way to get information to them. The most popular answer given was the city's newsletter *It's Your City*.

Commissioner Bonincontri pointed out that often the public is not aware how a certain issue will affect them personally until they encounter some trigger. An education program could help citizens understand why they should get involved.

B. Land Use Code Amendment
– Critical Areas

Legal Planner Mary Kate Berens said the notion of a conservation subdivision involves a set of rules specific to subdivisions that involve properties that have critical areas on them. The direction given previously by the Commission was that the process should be mandatory for some sites, specifically those with sites that have one acre or more of contiguous critical area and buffer, abut a known salmon-bearing stream; or proposals with critical areas contiguous with other existing tracts or properties in public ownership. The conservation subdivision approach should serve as a tool under which incentives could be created to encourage developers and property owners to do more in the way of protecting critical areas than they are required to do under the code. The need for having a consistent formula for calculating density has been discussed, and the Commission has talked about modifying the development factor to allow more density to be realized on the non-critical area portion of a site.

In return for creating a conservation subdivision, a developer or property owner would be allowed certain modifications to the dimensional standards, namely a reduction in the lot size to 65 percent of what the code allows, modifications to lot width and depth, reduction in the setbacks, adjusted lot coverage to allow for a reasonable structure size, and determination of impervious surface for the project as a whole.

Ms. Berens shared with the Commissioners a typical subdivision with a critical area which under the conventional approach could yield 13 lots. She noted that under the conservation subdivision the critical area would be put into a separate tract, and by reducing the lot size to 65 percent the remaining land area could yield 17 lots. In no case, however, will the total number of lots for any given site be more than what would be allowed if there were no critical areas involved.

Ms. Berens said under the suggestion of staff, modifications to the front yard and side yard setbacks, garages would still need to be set back far enough to allow for off-street parking on the driveway. She noted that the Commission previously expressed some concern about how a conservation subdivision might relate to a more traditional development across a property line, usually a side or rear setback. Accommodation for that has been made by not permitting a reduction in the setback along the conjoining edge.

Staff is continuing to work on incentives for the conservation subdivision approach. The focus is on creating a conservation factor system of points for providing certain environmental benefits, with each point earning a density bonus. Additional dimensional flexibility may be necessary in order to realize any bonus density. The planned unit development provisions already allows density to increase in exchange for certain design features; adding the conservation subdivision would be an easy addition to the bonus structure.

Ms. Berens said the PUD process as it currently exists in the code involves the ability to administratively modify the underlying dimensional standards. The development factor, which is the development potential that can be transferred from the critical area portion of a site to the buildable area portion of a site is more generous than what is allowed under the current code. That could result in the perception by some that the proposal will allow more density, but it is not more than what could be realized on a given site without critical areas. The appropriate things to focus on will be how the code should address compatibility issues and the how to calibrate the conservation factor bonus system.

Commissioner Robertson asked who would own the critical area tract if separately designated. Ms. Berens said typically it would be owned by a homeowners association. The tract concept would preserve the ability of the city to take over the maintenance of the areas when asked to do so by an association.

Commissioner Robertson asked if there would be any requirement to fence the critical areas to prevent adverse possession by property owners, thus eating away at the areas to be preserved and protected. Senior Environmental Planning Manager Michael Paine answered that the city currently has the ability to require fencing for critical area tracts. He added that adverse possession is occurring all over the city and typically has nothing to do with lot size. In most cases, the adverse possession occurs as a result of a confusion as to where the property lines actually are. The greatest successes have occurred where critical area tracts are delineated by a row of trees or shrubs or by split rail fences.

Commissioner Robertson asked if the proposed process will include entry rights to critical area tracts that are not adjacent to or seen from a public right-of-way. Ms. Berens said typically the city is given the right to enforce the restrictions put on critical area tracts. She said the city has not often encountered entry rights issues but agreed to pass the issue past the legal department to see if the language needs to be tightened up.

With regard to wetland setbacks, Ms. Berens said the specific dimensions are based on the four categories of wetlands. She said the proposed setbacks are based on the flexible option developed by the Department of Ecology. Typically buffers are established based on the type of wetland and the adjacent land uses; the more intense the land use, the wider the buffer. Most land uses in Bellevue with the exception of the R-1 zone are considered by the Department of Ecology to be high-intensity land uses. In exchange for adopting some relatively modest performance standards applicable to all sites with wetlands, the buffer for moderate land uses would be implemented.

Ms. Berens allowed that because the typing system developed by the Department of Ecology is new, it is not known exactly how many wetlands from each category exist in Bellevue, or how well they are functioning. It is known that most wetlands in public ownership are either a Category II or Category III. Mercer Slough may be a Category I wetland. As proposed, the code will include a critical areas report off ramp under which a property owner can suggest setbacks lower than the standard after a site-specific study if it can be shown that the result will be as good or better.

Turning to the issue of docks and bulkheads, Ms. Berens said the proposal limits new bulkheads to protecting primary structures and limited land areas. The code will include a preference for soft stabilization bioengineered measures, followed by harder solutions such as rock retaining walls and poured in place barriers. Many of the existing bulkheads are of the less preferred variety, and the proposal is to include encouragement for ongoing repairs and maintenance; where there is a complete failure of a bulkhead, there will be an option for partial compliance

with the bioengineered approach. Limits will be included for when new bulkheads will be approved for shoreline stabilization based on the need to protect primary structures and reasonable land areas.

Ms. Berens said the new dock standards will mirror the state and federal requirements, both of which require permits for new docks. With a site-specific study, it will be possible to deviate from the proscriptive standards. With regard to repair and maintenance of existing docks, the focus will be on the nearshore area. The code will be written so as to avoid triggering the need for any additional state and federal requirements.

Ms. Berens informed the Commissioners that as the public process goes forward staff will keep open both options for where to draw the nonconforming line relative to existing single family, multifamily and commercial structures. One option would draw the line around existing structures to avoid the nonconforming issue, and the second option would draw the line through structures if necessary; the initial preference indicated by the Commission was for the second option.

Ms. Berens said open house events are scheduled for June 7, June 9 and June 15 at different locations around the city. The open houses will serve as the kick off to the public review process. Copies of the draft ordinance will be available along with several boards and graphics. There was consensus to set the public hearing for July 6.

The Commissioners were reminded of the city program alternative being developed as part of the environmental review. Ms. Berens said staff will want to hear from the Commission ideas for how to strike a balance between the regulatory approach and the city program alternative. Staff intends to provide the Commission with a presentation outlining the overall context at the June 22 retreat.

8. NEW BUSINESS

The Commissioners discussed the agenda for the annual retreat.

9. APPROVAL OF MINUTES

A. April 6, 2005

Motion to approve the minutes as submitted was made by Commissioner Robertson. Second was by Commissioner Mathews and the motion carried unanimously.

10. OLD BUSINESS

The Commission reviewed the calendar.

11. PUBLIC COMMENT – None

12. ADJOURNMENT

Commissioner Bonincontri adjourned the meeting at 8:19 p.m.

Staff to the Planning Commission

Date

Chair of the Planning Commission

Date