

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
MEETING MINUTES

November 16, 2005
7:00 p.m.

Bellevue City Hall
City Council Conference Room

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

COMMISSIONERS ABSENT: Commissioner Lynde

STAFF PRESENT: Kathleen Burgess, Department of Planning and Community Development; Janet Reis, City Attorney's Office

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

1. CALL TO ORDER

The meeting was called to order at 7:07 p.m. by Chair Bonincontri who presided.

2. ROLL CALL

Upon the call of the roll, all Commissioners were present with the exception of Commissioner Bach, who arrived at 7:14 p.m., and Commissioner Lynde, who was 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. PUBLIC HEARING

- A. Land Use Code Amendment
– Comprehensive Plan Amendment Process

Ms. Burgess introduced Assistant City Attorney Janet Reis who she said was instrumental in redrafting the Comprehensive Plan amendment process Land Use Code Amendment.

Ms. Burgess said even though the old section is being replaced entirely, the substance is not being changed that much; the primary focus is on clarifying and reorganizing. As proposed, amendments can be initiated by the public, which is defined as being anyone other than the Planning Commission and the City Council. The criteria for geographic scoping has been narrowed by the proposal.

Continuing, Ms. Burgess noted that there has been confusion in the past concerning how to measure the three-year limitation on reapplying for Comprehensive Plan amendments. The proposal clearly identifies the time period as three amendment cycles.

The City Council and the Planning Commission can initiate Comprehensive Plan amendments at any time. The City Council can include proposed amendments in the annual work program, and amendments proposed by the Commission are subject to the three-year rule.

The decision criteria remain largely unchanged. The primary difference is that changed circumstance is listed in both steps of the current two-step process, whereas under the proposal changed circumstance is considered only at the threshold stage, not at the final stage.

Ms. Burgess said the Land Use Code Amendment was taken to the East Bellevue Community Council on November 1 for a courtesy public hearing. They suggested clarifying how the Comprehensive Plan update is referred to, and wording incorporating their suggestion has been drafted but is not included in the proposed ordinance. They also asked how they fit into the Comprehensive Plan amendment process. The Community Council as an entity does not have the authority to propose Comprehensive Plan amendments, but any member of the Community Council can propose an amendment.

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

There were no public comments.

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

8. STUDY SESSION

- A. Land Use Code Amendment
– Comprehensive Plan Amendment Process

Commissioner Robertson suggested that as proposed the language and intent are much clearer.

There was agreement to include the language proposed by the East Bellevue Community Council.

Motion to recommend approval of the Comprehensive Plan amendment process Land Use Code Amendment was made by Commissioner Orrico. Second was by Commissioner Robertson and the motion carried unanimously.

7. PUBLIC HEARING

- B. Land Use Code Amendment
– Notice Distance Extension

Ms. Burgess reminded the Commission that the notice distance extension Land Use Code Amendment was initiated by the City Council based on a number of public comments made about the current notice distance requirements. The proposal would expand the radius from the current 200 feet to 300 feet. The noticing requirement affects many types of land use decisions; staff has estimated that about 90 notices per year would be subject to the expansion.

Ms. Burgess said she was contacted by Commissioner Robertson prior to the meeting about the possibility of expanding the notice distance requirement beyond the proposed 300 feet. Commissioner Mathews also indicated at a previous Commission meeting that 300 feet may not be sufficient. Commissioner Robertson said she had been asked by Commissioner Lynde to convey the notion that more notice is better.

Ms. Burgess shared with the Commission a map showing a typical lot in West Bellevue and indicating the number of properties that would be qualified to receive notice under a 200-foot, 300-foot, 500-foot, and 1,000-foot notice requirement. She pointed out that under the code, if the radius line just touches one part of a parcel, the entire parcel is in and must receive notice. The Commissioners were shown a map of the Factoria area as well which was marked to show the properties that would need to receive notice under each distance requirement.

Each of the 90-some land use actions per year that would be covered by the expansion typically have two notices: the notice of application and the notice of decision. The printing, folding and labeling that goes along with mailing out the notices is done by staff; by expanding the notice distance requirement, the amount of staff time necessary to get the notices ready to mail will expand, and the overall cost will increase as well.

Commissioner Robertson asked if the cost of mailing out notices is paid for by the applicant. Ms. Burgess said each applicant pays a set fee; they are not billed for each item.

Ms. Burgess pointed out that by state law subdivisions are required to have a minimum 300-foot noticing distance; that will not change under the draft ordinance. When the City Council adopted the temporary encampment ordinance, the noticing distance was set at 300 feet. When notices are mailed out, they are sent only to registered land owners, not renters.

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

There were no public comments.

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

8. STUDY SESSION

A. Land Use Code Amendment – Notice Distance Expansion

Commissioner Orrico voiced support for expanding the notice distance requirement to 400 feet to better pick up properties that truly are neighbors to any given site. She allowed, however, that it would be simpler to go with the proposed 300 feet given that other notices already utilize that distance, and having consistency would reduce confusion.

Commissioner Robertson allowed that the notice distance requirement for subdivisions is a minimum of 300 feet; it could always been expanded. She said more notice is always better. For some areas of the city, 500 feet would be sufficient, while in other areas of the city 1,000 feet may not be large enough. One possible approach would be to set the distance requirement at 500 feet for residential land use actions, and 1,000 feet for land use actions involving commercial properties. Commercial land use actions have the effect of impacting far more people than residential development does. If the city needs to increase the permit fees to cover the increased cost, it should do so.

Commissioner Mathews agreed with the notion of having different notice distance requirements for commercial and residential land use actions. He also agreed that a 500-foot requirement for residential would be adequate, but commented that for commercial areas the requirement distance should be greater to take in residential areas outside the commercial areas.

Commissioner Sheffels pointed out that Bellevue is largely developed. There are very few vacant lots and there is not a lot of change that is going to occur. Because the development patterns are already determined for the most part, increasing the noticing requirements will not make much of a difference in the larger scheme of things and certainly will not be worth the additional staff time and expense. She suggested that the 300-foot proposal is adequate.

Answering a question asked by Commissioner Bach, Ms. Burgess said for each land use action the city dictates where the minimum of two large signs must be located on the subject property. The signs are placed in a manner that will generate the most attention. For very large developments, more than two signs can be required. Commissioner Bach said he agrees in principle with the suggestion of Commissioner Robertson, but also with the notion that increasing the noticing distance will not necessarily garner that much more public input.

Ms. Burgess informed the Commission that for the Bridle Trails trees public hearing the city mailed notice to every property owner in the R-1 areas of Bridle Trails. From that level of noticing, only two phone calls were received. It took a great deal of staff time to get the notices ready to mail out.

Chair Bonincontri suggested that the level of public response will invariably be tied to the land use under consideration.

Commissioner Orrico asked what other cities do. Ms. Reis said the notice distance requirements vary by jurisdiction. She observed that in a memo to the City Council from Legal Planner Mary Kate Berens written in 2002, it is stated that a city staff review of the application of notice requirements indicated very little difference between the number of citizens commenting on proposals in Bellevue as a result of a then 400-foot notice versus proposals in other jurisdictions where mailed notice is either not required or set at 200 feet.

Ms. Burgess commented that prior to 1991 the distance requirement in Bellevue was set at 400 feet. It was cut back to 200 feet in 1991 when it was determined that there was little correlation between the number of people commenting on land use actions and the notice distance requirement. The issue has been reviewed periodically since 1991 and the Council has always elected to retain the 200-foot requirement.

Commissioner Bach pointed out that no matter what steps the city takes to get the word out, at every public hearing there is invariably someone who stands up and says they did not receive notice.

Commissioner Sheffels said she could accept a 300-foot notice distance but nothing more.

Chair Bonincontri concurred and said she would like to get a better feel for the different kinds of public outreach for some of the applications on a case-by-case basis.

Commissioner Bach asked if community groups could be relied on to publicize proposed land use actions within their areas instead of increasing the radius beyond 300 feet. He allowed that a concerted effort would have to go into making sure all community groups are on the mailing list. Commissioner Sheffels said the idea is a good one but pointed out that many neighborhoods do

not have community associations. Commissioner Bach allowed that the neighborhood groups should be tapped at least in the areas where they do exist. Ms. Burgess said the city does send notice to neighborhood associations that are on file.

Commissioner Orrico said she can see no substantial difference between a 200-foot notice distance and a 300-foot notice distance. She advocated in favor of 400 feet. Commissioner Sheffels commented that using that distance would require a number of city ordinances to be changed. Commissioner Orrico said she can accept 300 feet.

Commissioner Mathews held that while 300 feet is adequate for residential land uses, for commercial land use actions the distance should be greater. Ms. Reis pointed out that the code does not make a distinction between residential and commercial uses in any of the application processes. She noted, however, that the ordinances establish minimums and there is nothing to prevent the city from mailing to a greater number of property owners on a case-by-case basis.

Motion to recommend approval of the Land Use Code Amendment for the notice distance requirement as proposed was made by Commissioner Orrico. Second was by Commissioner Sheffels and the motion carried 5-1 with Commissioner Robertson voting no.

Ms. Burgess said the issue will be taken to the City Council on November 28.

- 9. NEW BUSINESS – None
- 10. OLD BUSINESS – None
- 11. APPROVAL OF MINUTES
 - A. September 21, 2005

Motion to approve the minutes as submitted was made by Commissioner Robertson. Second was by Commissioner Mathews and the motion carried without dissent; Commissioners Orrico and Sheffels abstained from voting.

- 12. PUBLIC COMMENT – None
- 13. ADJOURNMENT

Chair Bonincontri adjourned the meeting at 7:56 p.m.

Chair of the Planning Commission

Date

Staff to the Planning Commission

Date