

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
STUDY SESSION MINUTES

January 11, 2012
6:30 p.m.

Bellevue City Hall
City Council Conference Room 1E-113

COMMISSIONERS PRESENT: Chair Turner, Commissioners Carlson, Ferris, Hamlin, Laing, Sheffels, Tebelius

COMMISSIONERS ABSENT: None

STAFF PRESENT: Paul Inghram, Department of Planning and Community Development;

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

1. CALL TO ORDER

The meeting was called to order at 6:38 p.m. by Chair Turner who presided.

2. ROLL CALL

Upon the call of the roll, all Commissioners were present with the exception of Commissioner Tebelius, who arrived at 6:39 p.m.

Chair Turner welcomed former Commissioner Daniel Himebaugh and took the time to thank him for his outstanding contributions over the year and a half he served on the Commission.

Comprehensive Planning Manager Paul Inghram noted that Commissioner Himebaugh always did his homework and came to meetings up to speed on the pertinent issues. On behalf of the city, Mr. Inghram gave Commissioner Himebaugh a plaque recognizing his services to the city.

Commissioner Himebaugh said he was disappointed at not being able to serve for a longer time on the Commission, but suggested that during his tenure the Commission was able to move the ball along on a lot of projects. He said he enjoyed his time on the Commission working with the other Commissioners.

Chair Turner welcomed new Commissioner Aaron Laing.

Commissioner Laing said Commissioner Himebaugh would be a tough act to follow. He said he was committed to continuing to move the ball forward.

3. PUBLIC COMMENT

Ms. Anita Skoog Neil, 9302 SE Shoreland Drive, offered her thanks for Commissioner Himebaugh and the great job he did as a Commissioner.

4. APPROVAL OF AGENDA

Commissioner Sheffels asked to add under Other Business a discussion of ideas for how to move the Shoreline Master Program update forward.

Motion to approve the agenda as amended was made by Commissioner Tebelius. Second was by Commissioner Carlson and the motion carried unanimously.

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

6. COMMITTEE REPORTS

Commissioner Hamlin reported that the Eastgate/I-90 CAC met again on January 5 and continued its work to refine the final recommendation. At the meeting the Lincoln Executive Center representatives restated their desire to see building height of up to 12 stories allowed for the area in which their development sits, which is just to the south of Bellevue College. The CAC finalized the preferred alternative, and talked about some specific implementation strategies. The City Council is scheduled for an update on January 17.

Mr. Inghram explained that the Council typically does not weigh in until a CAC completes its work and submits to it a recommendation. The meeting on January 17 will allow the Council to be fully aware of where the recommendation is headed and to highlight any red flags they may see.

Commissioner Ferris commented that the Bel-Red plan allows for an increase in overall development capacity, but to earn the additional capacity developers must provide some public benefits. He asked if similar tools are being contemplated for the Eastgate/I-90 corridor. Commissioner Hamlin said the CAC has certainly discussed those approaches. The zoning capacity increases envisioned for the Eastgate/I-90 study area are far less than those implemented by the Bel-Red plan.

Commissioner Sheffels asked what issues will be coming before the Commission that will need to be studied. Mr. Inghram said the expectation is that the CAC will develop a vision for the Eastgate/I-90 corridor. The vision will be forwarded to the Council to be endorsed. The Council will then hand the issue off to the Planning Commission to effect the Comprehensive Plan and Land Use Code amendments needed to support the plan. The Transportation Commission will also be directed to review the list of transportation projects, and the Parks and Community Services Board will be asked to review the parks and open space elements. The anticipation is that the amendments could be before the Commission by mid-year 2012.

Commissioner Hamlin noted that transportation issues have been discussed by the CAC. While there are fixes needed within the corridor, the improvements that will benefit the corridor most are associated with the freeway and therefore are not actually part of the plan.

Commissioner Laing asked what the anticipated time horizon is for when the demand for additional development will kick in. Commissioner Hamlin said that is anyone's guess. The Lincoln Executive Center representatives appear anxious to do something sooner rather than later, though they could actually outline a phased approach to redeveloping the site. There are some infill opportunities that could come to fruition in the short term, but the fact is most of the buildings in the corridor still have a lot of useful economic life left in them. Should the economy turn around dramatically, there could potentially be more growth.

Commissioner Sheffels asked what the projected levels of service are for the critical intersections

in the study area, both immediately and down the line. Commissioner Hamlin said the traffic studies shared with the CAC show that even with the projected growth the levels of service will improve within the corridor, provided the transportation projects are brought online.

Commissioner Ferris commented that most of the cities that border Bellevue have recently adopted plans that will allow for increased building capacity, so there will be a clear competition for future growth. Bellevue certain is well positioned to gain a share of it. Commissioner Hamlin pointed out that most planning efforts involving additional growth are occurring around potential light rail locations, including Overlake, Bel-Red, Eastgate and Issaquah.

7. STAFF REPORTS

Mr. Inghram informed the Commissioners that the Neighborhood Business Land Use Code amendment is still in the works and will be brought back to the Commission soon. He said staff recently held some conversations with the property owner of the Newport Hills Shopping Center, the focus of which has been their level of interest in the provisions in the code amendment currently on the table, and to what extent they would prefer to see a different or broader approach. The specific answers have not yet been answered.

Commissioner Laing asked if the code amendment currently on the table is mutually exclusive of a more comprehensive approach in the future. Mr. Inghram said the initial thinking of the staff was to bring forward the discrete and specific amendment to address the needs of a specific tenant, and then to come back with a more comprehensive approach. If the discrete amendment will not work for the property owner, or is not really necessary, the best approach may be just to move ahead with the more comprehensive approach.

Commissioner Tebelius said her preference would be not to take on the issue in a piecemeal manner but rather to tackle the whole thing all at once.

Mr. Inghram informed the Commission that the city has a neighborhood grant program. Neighborhoods interested in projects for their areas may be interested in the match program.

Mr. Inghram noted that discussions are continuing with Sambica. The expectation is that the work program item will be back before the Commission soon.

Mr. Inghram commented that during the coming year the Commission will be involved in some scoping work for the next major update of the Comprehensive Plan. The city has another three years before the update needs to be completed, and the scoping work will help lay the groundwork. He suggested that because there are new members of the Commission, a general briefing with regard to the Comprehensive Plan would be appropriate.

8. STUDY SESSION

A. 130th Station Area Plan

Mr. Inghram said the project is being led jointly by the Department of Planning and Community Development and the Department of Transportation; the Department of Utilities and the Department of Parks and Community Services have collaborated on key issues. The planning work serves as a preview of the work that will be done relative to all of the transit stations in the city.

The initial expectation was that the Planning Commission and other boards and commissions

would be involved much earlier in the process. However, a number of other issues involving light rail took precedence over the past year and it was necessary to focus on them.

Station area planning is a generic term that refers to planning for the around the station. Planning for every station will be different because each will have unique aspects; not every station will look like Bel-Red or the downtown. There is no plan for a massive rezone or highrise development for the South Bellevue park and ride. Station area planning is distinct from the work being done by Sound Transit; that agency is planning alignments and where the stations will be located. The station area planning is focused on land use, mitigation and ways to make the stations more compatible.

In some ways much of the station area planning work has already been done for the downtown with the downtown plan, but more work is needed with regard to integration of the station. There is the potential for a lot of work to occur relative to the hospital station to the north of NE 8th Street. The area was not closely studied as part of the Bel-Red planning process. The 120th Avenue station is in the middle of the Wright-Runstad Spring District property, and they have applied for a master development plan for the site; review of the master development plan is under way.

With regard to the 130th Avenue NE station, Mr. Inghram said the planning work has involved looking at examples of light rail stations across the country and in Canada to see how they have been made to work. Where the Bel-Red plan looks at the 2030 horizon, the station area planning work breaks things down into five-year pieces and offers strategies for incremental implementation.

Commissioner Tebelius said her preference is to limit building height near the light rail station to around ten stories, but noted she has heard the argument that unless much taller buildings are allowed the density needed to support light rail will not be achieved. Mr. Inghram said the height limit for the area in which the 130th Avenue NE station will be located is 150 feet, which translates into about 15 stories. When the CAC was working to develop the Bel-Red plan, they consciously chose to make the area different from the downtown, which has much higher height limits and greater FAR limits. The intent was to yield a different mix of users from those in the downtown.

Commissioner Ferris pointed out that while the height allowed in the immediate area of the station is 150 feet, the subarea plan requires the heights to drop off substantially within a short distance.

Mr. Inghram noted that station area planning for the other stations in the city has not really begun. The 130th Avenue NE station, however, is the only one for which the actual station location and rail alignment is set. Additionally, there are some details that need to be worked out before Sound Transit gets too far along in their design work, including a culvert that will go underneath the tracks. A grant in the amount of \$75,000 was received from the federal government for the station area planning work, one requirement of which is the need to measure greenhouse gas emissions. Potentially, the early work will highlight strategies that can be used in doing the planning work for the other stations.

Answering a question asked by Commissioner Laing, Mr. Inghram explained that the city hired a consultant to create a model for calculating and evaluating the greenhouse gas emissions based on transportation choices.

Mr. Inghram said because the Bel-Red zoning is already in place, the planned redevelopment

could occur at any time; it is not dependent on light rail coming to the corridor. There has already been some re-use activities with new uses going into existing buildings. Wright-Runstad is moving ahead with its master planning, and Children's Hospital has opened a new facility. The conceptual vision of Bel-Red over time is that pockets of significant redevelopment will occur, particularly around the light rail stations. With the redevelopment will come opportunities to restore and add parks and open spaces, and eventually the areas will become fully functioning neighborhoods. As the population increases, there may even be a need to add a new school in the subarea. The subarea plan also acknowledges that some buildings in the corridor will not redevelop anytime soon, including Coca Cola and possibly Cadman.

Mr. Inghram oriented the Commissioners with respect to the existing uses and the natural features in the area of the 130th Avenue NE station. He noted that Goff Creek in the area between Northup Way and Bel-Red Road has been heavily impacted over time and with restoration will become a prominent feature for the area. With regard to the 130th Avenue NE area specifically, the subarea plan calls for 1800 residential units but allows for office and retail; retail is especially contemplated for the 130th Avenue NE street frontage. New parks, open spaces, and stream restoration are all outlined in the subarea plan.

The subarea plan spells out a character that is aesthetically beautiful and distinct, is long-lasting, has a strong sense of both the city in a park image as well as the Northwest generally. The station area planning effort will give some more definition to the vision both through imagery and text; the intent is to give a better sense to the public and developers of what they might expect.

Because of the economics of construction, it will likely be several years before any developer tries to max out the allowed height. Initially, new buildings probably will be in the four- to six-story range. The plan does not allow for structured parking that is open to the street, but parking could be constructed in the interior of a site with development built around or over it.

Mr. Inghram said redevelopment of the corridor through 2030 has been roughly broken into three time periods. During the first period, essentially nothing will happen; Sound Transit will not be doing anything other than design work and property acquisition. The residential market is strengthening, but there still is economic uncertainty and few existing amenities that would attract a developer to build in the area. Adaptive reuse is occurring and will continue in the first phase.

Commissioner Laing asked what the buffers along Goff Creek will be once the stream is daylighted. Mr. Inghram said the plan objective is for a 50-foot buffer on each side of the stream. The critical areas regulations, however, do allow for some flexibility for restoring a piped channel. The section to the north where the stream is open will probably see more restrictions with regard to setbacks.

The second phase will be ushered in with the start of light rail construction. That will provide certainty that the station will in fact happen, and some early movers may want to start their own construction projects as soon as they see station construction happening. Of course, no one will really want to live next to a construction zone, so some of the early development might be a block or two away from the station location.

Commissioner Laing pointed out that there are a lot of relatively small parcels in the Bel-Red corridor and near the 130th Avenue NE station. He commented that it would probably take some property assembly to make major developments viable and asked if anything is known about ongoing discussions among property owners to create assemblage agreements. Mr. Inghram said

he was not aware of any specific assemblage agreements yet. Some of the smaller parcels might, however, be perfect for early modest-sized projects.

Answering a question asked by Commissioner Carlson, Mr. Inghram said over time the street network will be filled out. In some cases the streets may be small, local-only streets, and in other cases they may be pedestrian-only streets or alleyways, but they will provide building access and connectivity.

Mr. Inghram said daylighting Goff Creek, development of the street grid, and the development of light rail will all have an impact on who develops, when and in what order.

Commissioner Carlson asked if there is any possibility whatsoever that a basketball or hockey arena could happen anywhere in the Bel-Red corridor. Mr. Inghram said he had not heard any such rumors lately and said he doubted anyone would choose the 130th Avenue NE area as the location for a major sports arena. There was talk at one time of putting an arena on 116th Avenue NE where the car dealers are, and there was a rumor of an arena in or near the Spring District.

Responding to a question asked by Commissioner Laing regarding the work done by the Urban Land Institute regarding the Bel-Red corridor, Commissioner Ferris explained that the panel was given a very narrow scope, which was to look at what level economic contribution made by landowners toward infrastructure could become a disincentive to redevelopment. That study was done in 2007 just before the economic recession began, and the assumptions regarding land value and the value of the upzoning probably no longer hold true. The recommendation of the panel was for less of a payment from private development than the city was calling for; with the new economic realities, their finding is more accurate than ever. Mr. Inghram added that most of the panel's recommendations were ultimately instituted.

Mr. Inghram shared with the Commission a number of artist renderings of what development and the open space areas in the station area could look like. One of the parks, generally called Civic Plaza, was shown as a hardscaped park with street vendors and seating opportunities located a block or two away from the station area itself but close enough to allow for energy to occur between the park and the station. Photos of existing conditions along Goff Creek, as well as artist renderings of what the creek could look like once daylighted, were shared as well. Because the stream is currently piped, once opened it could be moved to a new location. A number of options have been investigated.

Mr. Inghram commented that access to the station will be critical. It will require the creation of a grid of streets, some of which will be greener with low-impact development storm drainage functions, as well as the retail street of 130th Avenue NE. Illustrations of what NE 16th Street could look like were shown to the Commissioners. The local streets will be more classically designed with two lanes, on-street parking and street trees. The green streets will provide a stronger connection east and west through the subarea.

Commissioner Ferris asked how big the downtown area of the city would be if overlaid on a map of Bel-Red. Mr. Inghram said the downtown area is nearly a mile long on each of its edges and as such is much larger. Commissioner Ferris reminded the Commission that both the City Council and the Planning Commission had concerns about the overall width of the new NE 15th Street/NE 16th Street. He said his fear is what the area will look like if nothing of the vision is realized except for the Sound Transit running through. Construction on the line is not set to begin until 2018 and the city does not have the money to construct the infrastructure necessary to bring the vision to fruition. The most likely scenario is slow organic growth working outward from the transit station without all the beautiful things, including the restoration of Goff Creek.

Mr. Inghram said there are continuing discussions about how much the city will or should add to Sound Transit's project. Certainly Sound Transit will have to construct everything associated with the light rail facility. In the one-block section between 130th Avenue NE and 132nd Avenue SE there is no street, but to the east there is a street, and Sound Transit will be need to be a street section on either side of their rail.

Commissioner Ferris said his concern is that the city will be so fixated on the future fulfillment of the grandiose plan that it will fail to plan for what will happen in the near term, which could stunt the potential growth that could occur. The assumption that the transit station will in and of itself be cause for development could lead to failure; it has been shown in other jurisdictions that a transit station alone does not a district make. Mr. Inghram said the station area planning does envision the incremental changes and improvements that will happen in the vicinity of the station area. The design and construction of NE 15th Street/NE 16th Street is a corridor-wide project; the 130th Avenue NE plan does not in any way seek to modify that vision. The Council and the planners have also worked on ways to segment the construction of NE 15th Street/NE 16th Street.

Commissioner Laing said he assumed 132nd Avenue NE has a paved surface of about 30 feet in width. What is being discussed for NE 15th Street/NE 16th Street is six times wider. That will require a great deal of right-of-way. If the various properties are not under assemblage agreements, development will occur in a piecemeal fashion. The grand boulevard with wonderful large buildings fronting it as depicted in the drawings will only happen if properties are assembled because the buildings shown are larger than the underlying properties. The drawings in effect assume the property owners will get together and figure out how to implement what the drawings show. The reality is that those with enough land and no other impediments might take advantage of their full FAR and height, but the small parcel adjacent will be a gap. If the city is on the hook for 100 feet of the 200-foot-wide swath but does not have the money to move forward, the light rail line may be fronted by what amounts to alleys. Mr. Inghram said the city is not on the hook to purchase an additional 100 feet of right-of-way. He allowed that there are some things that will be cost prohibitive and challenging, not the least of which is the plan for part of NE 15th Street/NE 16th Street to be a bridge structure over the area where the terrain drops some 40 feet between the 120th Avenue NE and 130th Avenue NE stations. Some of the internal streets may be developed first in support of development as it comes online.

Commissioner Carlson said he assumed that the rezone alone will encourage some development. He asked what proportion of the development is envisioned to occur before the light rail station is built. Mr. Inghram said the anticipation is that there will be some development resulting from growth in the region. It is anyone's guess as to when global economic recovery will occur, but there are many years to go before the station opens.

Commissioner Carlson asked where the city and the Bel-Red corridor will be should Sound Transit decide for one reason or another not to construct either the 120th Avenue NE or the 130th Avenue NE station. Mr. Inghram allowed that should that happen the city would be forced to go back and reexamine its plans. The fact is the record of decision for East Link includes both stations; Sound Transit had ample opportunity to decide to leave out one or the other long before the Bel-Red planning work even started. The initial plan was for a single station in the corridor, but a second was added as part of the corridor planning work, and throughout the process Sound Transit held onto the notion of having a second station. Sound Transit would like to include some park and ride parking at the 130th Avenue NE station location; not constructing the station would remove convenient access for Bridle Trails residents. Additionally, the 130th Avenue NE station is one of the least expensive in the system given its surface configuration. Sound Transit must acquire land for staging for construction of the line, and their thinking is that when the

project is completed the land could be converted to surface parking with about 300 spaces. The city has been encouraging them to develop a plan that would include the parking but underground and with something else constructed on top.

Commissioner Carlson asked how much it will cost to daylight Goff Creek and how the costs will be paid. Mr. Inghram said a comprehensive cost analysis for the entire daylighting project has not yet been done. There has been work done that has broken the overall project into unit segments. Like other parks projects, funding will have to come from a number of different sources, including developer incentives, grants, and possibly levy funds.

****BREAK****

9. OTHER BUSINESS

A. Selection of Vice Chair

Chair Turner opened the floor for nominations for vice chair.

Motion to nominate Commissioner Carlson was made by Commissioner Laing. Second was by Commissioner Tebelius.

Motion to nominate Commissioner Hamlin was made by Commissioner Sheffels. Second was by Commissioner Ferris.

Commissioner Sheffels said her nomination of Commissioner Hamlin was in recognition of the fact that he has served on the Commission for several years and is very knowledgeable about the things that need to be presented to the Council as they come up. Traditionally the vice chair goes on to become chair, and a certain degree of corporate memory is needed to aid in the transition. In deliberating issues over the past couple of years the Commission has done things that while not necessarily wrong have not necessarily led to a smooth transition. Commissioners elected to serve as chair and vice chair have traditionally gone to persons serving a second term on the Commission.

Commissioner Tebelius pointed out that there is nothing in writing requiring that either the chair or vice chair position should be based on seniority. It appears that other boards and commissions in the city of Bellevue do not take seniority into consideration in electing their chair or vice chair. In electing persons to lead the Planning Commission, consideration should be given to real-world experience, experience on the Commission, who can best articulate a message, and in some cases who the community would like to see elected to serve them. In any event, whoever has the majority of the votes will be selected to serve, which is consistent with the principles of a democratic government. She said she would vote for Commissioner Carlson. Commissioner Tebelius raised the issue of Commissioner Hamlin's marriage to a city of Bellevue planner because it raises serious concerns about ethical issues, even though the record shows no evidence of bias in Commissioner Hamlin's voting.

Commissioner Sheffels pointed out that Commissioner Hamlin's relationship to a city planner has always been made clear. To bring the issue to the table, implying that Commissioner Hamlin would vote one way or another because his wife is a city planner, is disingenuous.

Commissioner Tebelius noted that for two years the city has been facing ethical allegations about City Councilmembers that were of no import. The community needs to feel comfortable that planning commissioners do not have conflict issues. She said that as a federal prosecutor and

with her husband as a defense lawyer she was never required to recuse herself. She said she chose, however, in some cases to recuse herself to avoid any appearance of ethical impropriety. Additionally, Commissioner Hamlin is soon to complete his tour of duty as co-chair of the Eastgate/I-90 CAC. The community will be better served by having a rotation in leadership capacity. She said she supported Chair Turner as chair for the same reason.

Commissioner Tebelius said Commissioner Carlson was the only Commissioner to seek her support for being elected vice chair. He will bring to the position good communications skills, a quick mind, a great demeanor, the ability to tackle tough issues, a willingness to question the status quo, and no personal or business connection to staff or outside interests.

Commissioner Hamlin commented that the situation is obviously political and has been such from the beginning. He suggested that his election would have offered a short-term chance to bring about some unification. He allowed that the opportunity had been squandered, and the speech by Commissioner Tebelius only widened the split.

Commissioner Tebelius noted that the nomination of Commissioner Carlson to serve as vice chair had nothing to do with politics.

Commissioner Carlson commented that every person serving on the Commission is qualified both ethically and in terms of competence to serve as chair or vice chair. He asked for the support of the Commissioners in being elected vice chair. No one serves on the Commission for the money, and none is serving at the behest of any interest group. It is natural that when something like the Shoreline Master Program comes before a body like the Commission that sides will be drawn and tensions will rise. There are any number of issues around which the Commission is in fact united. Where the Shoreline Master Program is concerned, the focus is on enhancing property rights and environmental stewardship, which is not in any way a simple task, but if anyone can do it, it is the Commission.

Commissioner Laing said the substance of Commissioner Carlson's response and the tone in which it was delivered were illustrative of the reason he had nominated him for vice chair. He agreed that none of the Commissioners have any ethical issues or malagenda.

Commissioner Sheffels noted that at the meeting at which former Commissioner Himebaugh tendered his resignation, she nominated Commissioner Hamlin to serve as vice chair. She said it cannot have been a mystery that Commissioner Hamlin had an interest in filling the position. Commissioners have not traditionally gone around seeking support for a leadership position; in most cases those nominated have in one way or another earned the right to serve. She agreed that having Commissioner Hamlin serve as vice chair would have provided a marvelous opportunity to foster some unification and to encourage minority opinions.

Commissioner Ferris commented that every person serving on the Commission is knowledgeable and professional enough to be able to serve in a leadership position for the Commission. He said over the years there have been some protocol procedures followed by the Commission that are best learned over time. Having a study session focused on protocol would benefit the entire Commission. He suggested the election of Commissioner Carlson should be supported.

Chair Turner said every person appointed to serve on the Commission brings with them their own knowledge base, passions, opinions and methods of doing things. Everyone is qualified.

The nomination of Commissioner Carlson to serve as vice chair carried 5-2, with Chair Turner and Commissioners Laing, Tebelius, Carlson and Ferris voting for, and Commissioners Sheffels and Hamlin voting against.

B. Shoreline Master Program Update Process

Chair Turner noted that the Commission previously tried the approach of working through the materials line by line; the approach was painful and did not lead to much progress. The decision was made to have the Commission provide more broad direction. He said as chair he was open to any suggestions that would improve the process.

Commissioner Sheffels commented that traditionally the chair reserves his or her opinion until all other Commissioners have had their say. She suggested that his opening remark limited the process. She noted that it was her request to place the discussion on the table and said she wanted the opportunity to frame her position.

Continuing, Commissioner Sheffels said in reading over the minutes of past meetings it has been clear that the options have been to either throw the baby out with the bathwater and start all over again, or to take proceed line by line. Several jurisdictions have completed their updates and have received approval from the Department of Ecology; the Commission could elect to simply choose an approach that has already been approved, pass it on to the Council, and be done. The Commission could also just agree with the work of the Washington Sensible Shorelines Association and vote to approve it; there appear to be enough votes on the Commission to take that approach. The issue has been on the Commission's plate for entirely too long and nothing will come of continuing to move ahead without any clear direction.

Commissioner Ferris suggested that every Commissioner has been thinking about ways to complete the update work in the next five or six months. He agreed that a complete rewrite as discussed at the Commission retreat would be an extracted and long-term effort. He proposed holding aside the residential regulations and acting to approve everything else. The Commission has reviewed all of the non-residential regulations but it has not worked through the residential regulations. The Commission should ask the staff to put together a chart comparing what is in the draft residential regulations against the regulations proposed by other jurisdictions, some of which have been approved and some of which have not yet been approved. The Commission could also direct the staff to identify the least restrictive approach outlined in an Shoreline Master Program that has been approved, and to redraft the residential regulations in language that can be easily understood and user friendly. The residential section should in essence be a pullout section that a property owner could go to when they want to do something with their property, written in easy-to-understand language and including references out to the specific legal requirements. That would move the issue along while still honoring the work done by the Commission over the past four years or so.

Commissioner Tebelius commented that over the last six months there have been a minimal number of meetings in which the Shoreline Master Program was discussed. She noted that all of the testimony from experts was taken prior to the writing of the draft by the staff. A public hearing was held on the draft, following which the staff said the Commission was then free to write the document any way it chose. The draft was more than 200 pages long and was entirely too complex. The Commission first decided to rewrite it completely, but the effort to move in that direction proved to be too complicated and devolved into an argument with staff. Then it was decided that the Commission should give the staff general direction, and that led to some interesting discussions and the raising of some good questions. Not everyone has agreed on every point, but that is the process. To just take what some other jurisdiction has done and pass it on to the Council would not be the right approach, nor should the position held by the Washington Sensible Shorelines Association simply be approved and passed along. The Commission should continue down the track of giving the staff general direction and then let the

staff come back with revisions. Where there are provisions in the Bellevue city code that covers issues in the shorelines, they do not need to be included in the Shoreline Master Program. The fact is the science does not support the staff recommendations. It is possible to complete the update within five months without changing the present course of action.

Commissioner Ferris suggested that Commissioner Tebelius's comments did not differ substantially from his proposal. The outstanding issues pretty much all have to do with the residential regulations.

Commissioner Hamlin said he liked the hybrid approach suggested, and said he especially favored comparing the draft against plans that have already passed the state or have failed the state. He reminded the Commissioners that the draft is long and involved precisely because that is what the Commission asked for. The Commission can, of course, change that and return to including only the shoreline-specific information along with references to other code sections. That could move things along quicker while reducing the overall content.

Motion to extend the meeting to 10:30 p.m. was made by Commissioner Carlson. Second was by Commissioner Sheffels and the motion carried unanimously.

Commissioner Tebelius voiced concern that having a document that is too short, even if approved by the City Council, may when it gets to the Department of Ecology be sent back for lack of justification. She said it should be possible to shorten the document, though have it include the necessary justification for the positions taken.

Commissioner Sheffels agreed that the bone of contention is the residential regulations, and agreed that it probably could be shortened. She questioned, however, going back to visit everything else. The Commission should accept the draft, excluding the residential section, and then review the residential component only.

Commissioner Laing said he has been involved in shoreline updates in several jurisdictions. He suggested the current round of updates is unique in that the Department of Ecology is approving documents that combine the Comprehensive Plan and the Zoning Code. There is nothing in the Shoreline Management Act and nothing in the WAC that requires that approach. The included purpose language and flowery provisions at the end of the day have no real regulatory effect. To the extent they contradict any of the proscriptive regulations, they are trumped. Obviously the residential regulations are of most concern to the public, and every attempt needs to be made to do address their concerns and right by the community. There appears to be a great deal of language in the draft that simply does not need to be there; too much of it is merely fluff. The approach taken by Mercer Island was to build on their existing regulations, augmenting them based on the best available science.

Commissioner Hamlin reiterated that the document is what it is because the Commission directed the staff to write it that way. The Commission is, naturally, free to reverse its position and direct the staff to take out all of the non-prescriptive language.

Commissioner Tebelius said the problem with having the fluff language is that it will not stand up in litigation. It will only create huge problems for those trying to defend it and for the homeowners who will be impacted. The smaller the document the better; the language needs to be clear and succinct, but it also needs to include all of the justification necessary to get the document approved by the state.

Commissioner Carlson agreed the Commission should direct the staff to revisit the language of

the document. If necessary, the Commission should set aside one of its Shoreline Master Program work sessions and focus only on removing language that does not need to be there. He agreed that the residential component is the most critical. The flashlight that will lead the Commission out of the tunnel will be the matrix comparing the Shoreline Master Programs of other jurisdictions.

Commissioner Ferris suggested each Commissioner should on their own go through the non-residential regulations to see if there are any policy concerns that should be raised.

Mr. Inghram proposed the focus of the individual review of non-residential elements should be on highlighting sections the Commission should spend more time on. Some things may be okay as they are, some things may be totally wrong, and some things may be salvageable with editing. It should be possible for the Commission in a meeting or two tell the staff what the residential section should look like.

Motion to extend the meeting for the length of time needed to finish approving the minutes was made by Commissioner Sheffels. Second was by Commissioner Hamlin and the motion carried unanimously.

Motion to move public comment forward on the agenda was made by Commissioner Laing. Second was by Commissioner Tebelius and the motion carried unanimously.

11. PUBLIC COMMENT

Ms. Anita Skoog Neil, 9302 SE Shoreland Drive, suggested it would be good to have the list of residential items and rather than pick one item per meeting just proceed in reviewing them. She said her biggest objection relative to the non-residential items is figuring out whether they apply to residential or not. The staff should be directed to clean up the provisions and make it clear what the regulations apply to. The Meydenbauer Bay Neighbors Association is concerned about the use changes, and the organization is very concerned that the Shoreline Master Program not be used somehow for a subterfuge for the work done on the park. The Meydenbauer Yacht Club is also concerned about public access. The issue of significance relative to the restoration plan is the idea of buying Phantom Lake properties. When the cleanup work is done, there should be no references outside the residential section. The staff should redline all non-essential issues.

10. APPROVAL OF MINUTES

A. June 8, 2011

Motion to approve the minutes as amended by written comments submitted by former Commissioner Himebaugh was made by Commissioner Tebelius. Second was by Commissioner Ferris and the motion carried unanimously.

B. June 22, 2011

Motion to approve the minutes as amended by written comments submitted by former Commissioner Himebaugh was made by Commissioner Tebelius. Second was by Commissioner Carlson and the motion carried unanimously.

C. July 13, 2011

Commissioner Tebelius asked to defer approving the minute to allow her time to make some

changes to the section relative to the Shoreline Master Program.

Commissioner Ferris noted that he was shown in the minutes as being the Commission chair when in fact he was not.

There was agreement to defer approving the minutes.

D. July 27, 2011

Commissioner Tebelius referred to packet page 71 and the statement "Commissioner Tebelius said the critical issue is the fact that plants die." She said the first two sentence should be revised to read "Commissioner Tebelius said the critical issue is the fact that plants die on the lakeshore and that the chances of plantings lasting more than one year are not very high. Lake water level and storms are contributing factors."

Motion to approve the minutes as amended was made by Commissioner Tebelius. Second was by Commissioner Hamlin and the motion carried without dissent; Commissioners Ferris and Carlson abstained.

E. September 14, 2011

Commissioner Tebelius noted that she had made some changes during the time the discussion was ongoing and the staff agreed to accept her recommendations, including issues relating to whether the staff should be making architectural changes on packet page 80. She noted that she had asked to have the language regarding "thematically consistent building materials and colors" removed and remembered the staff agreeing to do so. The minutes should reflect that staff agreed to do that.

Mr. Inghram said the phrase "she asked that the language be removed" reflects the direction from the Commission. He said the staff may come back later and indicate that the language was removed, or they may come back and explain why it was not removed.

Referring to packet page 85, Commissioner Tebelius called attention to the sentence "Ms. Helland pointed out that the proposed approach actually incents homeowners to use grated docks" and suggested it should be revised to read "Ms. Helland pointed out that the proposed approach actually provides an incentive to homeowners to use grated docks."

Motion to approve the minutes as amended was made by Commissioner Tebelius. Second was by Commissioner Hamlin and the motion carried without dissent; Commissioners Carlson and Sheffels abstained.

F. October 12, 2011

Commissioner Ferris called attention to packet page 91 and suggested the sentence "Councilmember Wallace agreed that the guiding principles are important for the Commission to reflect on, but said the Commission should not seek to produce a recommendation aimed at getting four Council votes" should be revised to read "Councilmember Wallace agreed that the guiding principles are important for the Commission to reflect on, but said the Commission should seek to produce a recommendation aimed at getting four Council votes."

Motion to approve the minutes as amended was made by Commissioner Tebelius. Second was by Commissioner Hamlin and the motion carried unanimously.

G. October 26, 2011

Commissioner Tebelius referred to packet pages 108 and 109 and suggested the minutes do not reflect the questions asked by Commissioner Carlson of Environmental Planning Manager Michael Paine as to whether or not the 25-foot setback has had any detrimental effect on the lake ecology. Commissioner Carlson pointed out that the last paragraph on page 107 outlined his question and the response from Mr. Paine. He said he remembered the exchange being more vivid than the minutes reflect. Commissioner Tebelius said she would like the staff to review the recording to see exactly what was said by Mr. Paine.

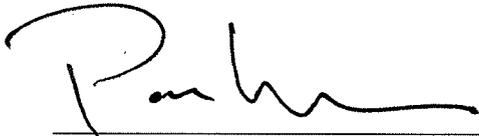
There was agreement to delay approval of the minutes pending a review of the audio recording.

12. NEXT PLANNING COMMISSION MEETING

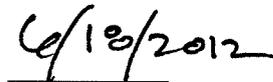
A. January 25, 2012

13. ADJOURN

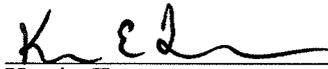
Chair Turner adjourned the meeting at 10:51 p.m.



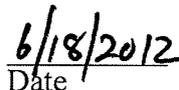
Paul Inghram
Staff to the Planning Commission



Date



Kevin Turner
Chair of the Planning Commission



Date