

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
STUDY SESSION MINUTES

May 27, 2009
6:30 p.m.

Bellevue City Hall
City Council Conference Room 1E-113

COMMISSIONERS PRESENT: Chair Orrico, Commissioners Ferris, Hamlin, Lai, Mathews, Robertson, Sheffels

COMMISSIONERS ABSENT: None

STAFF PRESENT: Paul Inghram, Department of Planning & Community Development; Michael Paine, Heidi Bedwell, David Pyle, Catherine Drews, Development Services Department; Alex O'Reilly, Department of Parks and Community Services

GUEST SPEAKERS: Gary Dickerman, Bellevue Network on Aging; Dan Nickel, The Watershed Company

RECORDING SECRETARY: Gerry Lindsay

1. CALL TO ORDER

The meeting was called to order at 6:30 p.m. by Chair Orrico who presided.

2. ROLL CALL

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

3. PUBLIC COMMENT

Chair Orrico took a moment to explain that the main topic of discussion for the Commission would be the Shoreline Master Program update. She allowed that the project is currently at a very early stage and said the Commission was not at the point of drafting specific regulations for the shoreline. No dramatic changes to the shoreline regulations are anticipated; the hope is that the critical areas already in place will be accepted by the Department of Ecology as meeting their requirements for regulation of the shorelines. Throughout the process the Commission will be seeking to hear from Bellevue residents to ensure that the Shoreline Master Program represents the city's vision for its shorelines. Ultimately, the Shoreline Master Program is required by the state and the final regulations will need the approval of the state Department of Ecology.

Ms. Diane Tibelius, 2650 West Lake Sammamish Parkway SE, spoke representing the West Lake Sammamish Organization and the Meydenbauer Homeowners Association. She noted that the first public meeting related to updating the Shoreline Master Program was conducted by staff a week ago; a number of excited homeowners attended the event. That excitement has not abated, and homeowners are still just as concerned and dismayed about what they see coming forth. It was clear at the public meeting that the city intends to take the critical areas regulations and implement them under the Shoreline Master Program. That same attempt has been declared to be invalid in Anacortes. It is not true to say that the Department of Ecology has established

requirements; the Department of Ecology in fact only encourages. Staff says they are not very far along in the process, but the statement that the standards in the critical areas ordinance will be the standard for the Shoreline Master Program is disturbing. Those requirements include a 50-foot buffer which federal courts have ruled a taking and as such is illegal because it diminishes property values and the rights of shoreline property owners. No one is more concerned about what happens along the shorelines than the shoreline property owners; the shorelines are their major assets and what most have spent their lives working for. They want the water to be clean and the lakes to be full of fish. The biggest problem relative to keeping the waters clean is not being dealt with, and never will be under the Shoreline Master Program update, and that is phosphates. If the Commission intends to look at shoreline management without addressing the flow of phosphates into the lake, things will not be improved. Water runoff into the lakes is unabated and is not coming from the shoreline properties; it is coming from above.

Commissioner Robertson said it was her understanding that the Anacortes case was under a motion for reconsideration or revision. Ms. Tibelius said that is true and that the case is still pending.

Ms. Stacy LaBlanc-Anderson, a resident of Surrey Downs, reported to the Commission that on May 14 the first meeting of the Surrey Downs Historical Society was held at City Hall. The new organization is focused on raising awareness of historic preservation issues with regard to the Surrey Downs Mithune and Nesline mid-century modern homes. On May 26 the Washington Trust for Historic Preservation announced its list of endangered properties, and the Surrey Downs Mithune and Nesline mid-century modern homes were included on the list. The designation helps to raise awareness and advocacy for preservation; it does not have any regulatory bearing on anyone's property. However, inclusion on the list means the Washington Trust for Historic Preservation will actively advocate for, raise awareness about, and work to preserve the properties, specifically with regard to the potential significant negative impacts associated with the Sound Transit East Link alignment for light rail. Bellevue Councilmember Lee attended the proclamation ceremony and shared the city's proclamation from July 21, 2007, which included an acknowledgement regarding the significant architecture of the Surrey Downs Mithune and Nesline mid-century modern homes.

4. APPROVAL OF AGENDA

The agenda as submitted was approved by consensus.

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

6. COMMITTEE REPORTS

A. Eastside Easy Rider Collaborative

Human Services Planner Alex O'Reilly with the Department of Parks and Community Services said the Eastside Easy Rider Collaborative partners are the city of Bellevue, Sound Transit, King County Metro, Aging and Disability Services, and Hopelink. The collaborative began in 2006 with the goal of seeking coordinated mobility options for transportation disadvantaged individuals, which by federal definition include those with disabilities, older adults, youth, and low-income populations.

Bellevue Network on Aging member Gary Dickerman said the objectives of the coalition have always been to address the transportation challenges of the target population by offering more mobility options in east King County. The group members have met with legislators and key decision makers to tell the story. The small group intends to have a big impact. The list of accomplishments for 2008 include the Bus Buddy program, and the Travel Ambassador Program. In July grant dollars were received which will facilitate hiring a mobility coordinator. The full-time person will be highly active with the collaborative and will work with Metro in managing mobility venues, agendas and initiatives. The work plan for next year includes additional projects.

Commissioner Ferris asked if there is a program for older adults, who either no longer have a drivers license or should not be driving, that allows them to call for a ride that will take them to where they can access public transportation if they are not within walking distance. Ms. O'Reilly said Senior Services of King County, an organization funded in part by the city, offers the Volunteer Transportation program. Also in the process is the development of a dial-a-ride program in conjunction with Hopelink; that program was funded in 2008 with a grant from the Federal Transit Administration and hopefully will be online in the next three or four months. The Bus Buddy project, also in conjunction with Hopelink, pairs older adults with a person to train them how to use public transportation to get where they want to go.

7. STAFF REPORTS

Comprehensive Planning Manager Paul Inghram said July 29 has been locked in as the date for the annual Commission retreat.

8. STUDY SESSION

A. Shoreline Master Program

Associate Planner Heidi Bedwell said staff was very pleased with the turnout for the open house. She said the focus of the event was on providing the public with background information on the Shoreline Master Program update project and the overall process involved. Presentations were given by Environmental Planning Manager Michael Paine and the consultants The Watershed Company, and stations were set up around specific topic areas. It was unfortunate that there were some misunderstandings with regard to what the meeting was intended to be and how far along the process is. There was some uncivil behavior on the part of some. Additional outreach will be done as the project progresses.

Mr. Paine said shoreline environments are similar to zoning or suitability overlays. They are applied to particular shoreline segments based on specific ecological conditions and existing land uses. The environments provide a system for discriminating between different uses and for applying different standards. In addition to existing uses and the biological and physical characteristics of the shoreline segments, the choice of environments is based on community vision, the Comprehensive Plan, and the specific Shoreline Management Act goals with regard to designations: protection and restoration of ecological resources; fostering reasonable and appropriate uses on the shoreline; and enhancement of access or recreational opportunity.

The Department of Ecology has a set of recommended designations, but allow for alternative designations developed by local jurisdictions. For Bellevue, the list of designations recommended thus far include aquatic, urban conservancy, urban conservancy/low intensity,

marina, marina civic, and shoreline residential. The aquatic designation applies to those areas below the ordinary high water mark, and the preferred use is priority given to ecological preservation and restoration, and there is a limited ability to locate structures to support water-dependent uses. Public access is encouraged

The urban conservancy designation focus is on protecting the ecology while providing for recreational opportunities. The priority in use is given to water-oriented recreation and restoration. There is an allowance for a lot of existing uses, and public access is required on public property. The city has no intention of building boardwalks on private property, or to create public access to or across private properties.

The urban conservancy/low-intensity designation has as its primary focus areas that are low-intensity in use in terms of recreation. The focus is primarily on protecting ecological functions, restoring habitat, and permitting public access.

Mr. Paine said the marina designation has been proposed as a way to ensure marina development without diminishing ecological functions over time. The priority is focused on boating uses and the range of facilities that support boating uses, including maintenance, storage and sales. New marinas would have limited public access.

The civic marina designation differs by putting the focus more on public water-oriented access for boat owners and non-boat owners.

Shoreline residential is the designation that has as its preferred use residential uses within the shoreline. The idea is there will be requirements to ensure that ongoing development will not diminish ecological functions over time, but without differing largely from the critical areas standard of best available science. The requirement of the Department of Ecology for no net loss of ecological function over time must be the standard. Public access will not be required by the designation.

Commissioner Robertson asked if the aquatic designation could be applied to single family residential shoreline on the water side. Mr. Paine said the aquatic environment extends down from the ordinary high water mark. It has a different status from the upland property.

Associate Planner David Pyle said from the land from the ordinary high water mark waterward is the aquatic environment and it is public land. The upland owner, however, reserves the right to construct a structure out over the water. The public would not have that same ability, though the public would be able to use the area for recreation if accessed from the water. The area would not necessarily be accessible from the land through private property.

Mr. Paine said in the marine shoreline areas, one could get out of their boat and walk along any shore, so long as they remain below the ordinary high water mark. The water is publicly owned, so a boater could paddle up to or between private docks without considered to be trespassing. Mr. Paine said he would ask legal to further research the issue and provide verification of the law.

Mr. Paine said there could be areas with ecological characteristics that have fairly high value functions but which do not fit well with the existing land uses. The existing use could be unique and not fit well within a standard designation. The Department of Ecology designation of high intensity could mean anything from a small marina to a massive ferry dock or oil terminal.

Accordingly, the designation is not a particularly good fit in Bellevue. The simple marina designation is more suitable to marinas and yacht clubs in residential zones.

There are other properties that have high functional scores near the water's edge, high restoration potential, or both. For those areas, it would be appropriate to designate them for special treatment. Bellefield Office Park is one such property. Initial approval for the development occurred prior to the adoption of the initial environmental regulations in the state. The site has high ecological characteristics in that the original approval preserved a lot of open space, and in that it is located near the Mercer Slough. Office uses are, of course, non water-oriented and do not fit in the urban conservancy designation. Development of the site is far more intense than would be allowed under the current regulations, so there is no additional development potential for the site.

Mr. Paine held up before the Commission three conservation options for consideration, the first of which was maintaining the status quo into the foreseeable future. The only potential add would be stricture enforcement of vegetation management onsite. The property is overparked, so there is the capacity to consolidate parking, remove some of the asphalt and conduct some restoration. The property owner would prefer to be allowed to continue doing what is being done on the site.

Mr. Paine said the second conservation option is similar as the first but would allow a certain amount of unrestricted maintenance. Once the established threshold is crossed, certain site improvements would be required. The approach would allow the property owner to have more flexibility in a future redevelopment scenario to move buildings around on the site. That approach could fit in the urban conservancy designation in that it essentially makes the office use a conditional use in the future.

The third option is more broad-reaching and long-term that envisions conservation over development. Looking out a hundred years the site would be basically devoid of development and fully restored as a park or other public asset.

Commissioner Mathews asked where buildings could be moved under the second option. Mr. Paine said the desire would be to see buildings moved away from the shoreline. That could happen by focusing development along 112th Avenue SE and restoring the Mercer Slough side. Of course, some of the buildings could be removed from around the larger wetlands to allow for reconnecting them with Mercer Slough. Substantial investment would need to be made in structured parking.

Commissioner Ferris asked what the height limit is for structures in the area. He suggested that more land could be rescued if taller buildings with smaller footprints were allowed to be constructed. Additionally, as transit options increase the need for parking stalls may decrease. Mr. Paine said going taller requires stronger foundations, and whether or not the underlying peat could support a taller building without driving piles down to bedrock is not known. The underlying zoning is Office, so the limit is 30 feet plus 15 feet for mechanical equipment. To seek additional height would require buy-off by the Department of Ecology.

Commissioner Robertson asked if consideration was given to designating the site urban intensity. Mr. Paine said the designation was not considered because of the high ecological values on the site. Essentially the effect of the first option would be the same.

Commissioner Ferris commented that the Bellefield Office Park is an aging suburban office complex that has both a functional obsolescence and a lifespan obsolescence built in, and transportation solutions will change drastically in the coming years. None of the options really address the future vision. A different solution that could have far fewer ecological and visual impacts should be sought. Mr. Paine suggested the second option does not exclude future solutions. The details, however, would all have to be worked out as the future unfolds. The key component is the flexibility to move buildings.

Commissioner Sheffels stated that while the third option might be ideal in the future, there is no park designation. Mr. Paine allowed that if the urban conservancy designation were used and the use was no longer compatible, the city would be forced to rezone the site to low-density single family.

Commissioner Mathews assumed that under the third option there would need to be some form of compensation paid to the property owner. Mr. Paine answered that any nonconforming structure that cannot conform to the requirements must go away. The way the shoreline regulations are currently written, if the use were to be destroyed, rebuilding within a year is allowed to continue the nonconforming use, though the reconstructed structure must conform with existing regulations.

Chair Orrico said she would not want to adopt an approach that would force existing structures to degrade, lowering the property value. Mr. Paine agreed and suggested that the second option represents the best balance between ecological benefit and property rights.

Commissioner Ferris thought it would be useful to have a list of the critical areas code elements that will not be revisited as part of the Shoreline Master Program update. Mr. Paine said he would be willing to provide those details. He pointed out that the elements of the critical areas ordinance that apply to the shorelines is very limited; they have to do with piers, bulkheads and setbacks. He allowed that there could be tweaks here and there that could make people feel the code is more responsive to their needs.

Commissioner Robertson said the Commission should be brought up to date regarding the Anacortes case, and the recent Growth Management Hearings Board case that said when critical areas ordinances are incorporated into Shoreline Master Programs, the door is opened to appeal the critical areas ordinances. If that is the case, they should be reviewed with regard to how the critical areas ordinance is being implemented. For one thing, when the ordinance was implemented single family residential owners already on the shoreline or a wetland could continue to maintain their home, but she said she heard the story of someone wanting to replace a patio and having to bring something else on the property into compliance with the critical areas ordinance.

Mr. Paine said the envisioned strategy is to work through the environment piece before coming back with policies and use regulations on all the other pieces that may need to be updated based on the gap analysis between the 1974 plan and the guidelines. The rules adopted into the Shoreline Master Program will become master program rules, not critical areas rules. An update regarding the Anacortes case will be provided to the Commission as well.

With regard to the issue of Bellefield, Mr. Paine said staff believes Option 2 will be the best for the site.

Commissioner Mathews suggested that Option 2 has the potential to both enhance the existing environment and restore more of the site.

Commissioner Lai concurred with the choice of Option 2. He said he would like to see more investigation into ways to present the option so that restoration will be bolstered.

Commissioner Sheffels agreed as well with Option 2. She allowed that having a single property owner to deal with will prove to be an advantage. As was done in the Bel-Red corridor, the property owner will need to be given a vision of what the property could become.

Commissioner Hamlin added his support for Option 2. He said he particularly liked the idea of moving the buildings in a way that will be a win/win for the property owner and the local ecology.

Commissioner Robertson suggested the development of the Bellefield Office Park in its current configuration should not have been allowed in the first place. It was, however, and even though the site is fully developed there still are good ecologic functions occurring according to the studies. She said she would not favor chipping away at the rights given to a property owner, whether or not they should have been, and requiring more and more regulations. If the property is critically needed for improved ecological functions, the city should simply buy it. She said her preference would be for Option 1.

Commissioner Lai asked what new limitations would be placed on the property under Option 2. Mr. Paine said all entitlements would remain intact. However, once a repair to a building were to exceed a certain threshold, there would be a requirement to bring up the site standards. The balancing of property owner rights and ecological functions would be determined in structuring the threshold and requirements.

Ms. Bedwell asked the Commissioners to keep in mind that office is not a preferred use within the shoreline jurisdiction. Option 2 attempts to make accommodations for the use given that it already exists.

Commissioner Ferris indicated his support for Option 2. He suggested that it carries with it great opportunity. The development is aging and as outlined the option provides the landowner a way to upgrade and modernize, possibly even create new office space in vision with the current market, while providing far better ecological opportunities. Mr. Paine posited that the property owner would be far more receptive to a vision that would allow upgrading and modernizing.

With regard to the Sisters of St. Joseph property, Mr. Paine noted that the ten-acre site includes a long undeveloped shoreline. The property has a lot of trees on it, and while there are some steep slopes most of the site is developable; the maximum development potential is estimated at 17 single family homes. The current use is as a conference center and retreat.

Mr. Paine said the options crafted for the site, because of its high value and particular restoration potential, include a split zone or urban conservancy. The latter, of course, would only apply to the land within 200 feet of the water. Option 1 would apply urban conservancy for the full 200 feet, and Option 2 would apply urban conservancy only to the first 100 feet from the water. Option 2 would not interfere with some of the buildings at the northern end of the site, and the 100 feet lines up better with the toe of the slope. Option 3 is the most limited option; it leaves things mostly as they are, calls the area shoreline residential, but would designate the first 50 feet

as urban conservancy to allow for restoration opportunities. Staff prefers Option 2.

Chair Orrico asked if the desired restoration primarily involves removal of the bulkhead. Mr. Paine said that is the case, though there would also be some planting of vegetation to provide stabilization. Removal of the bulkhead would likely not negatively affect the adjoining properties given the size of the St. Joseph's property.

Commissioner Robertson asked if attempts have been made to speak with the property owner. Mr. Paine said there have been several unsuccessful attempts to contact the property owner. Ms. Bedwell said the property owner has been sent a number of emails, none of which have been responded to.

Mr. Paine stressed that Option 2 would have little impact on the development potential of the site.

Mr. Pyle explained that if the property owner were to redevelop the property with single family lots, dividing the land into 17 lots, under the current code they would be required to dedicate the first 25 feet into a tract to be owned commonly by all property owners in the subdivision.

Mr. Paine said at the very least staff would like to know what the property owner's long-term plans are for the site. He said it could be the site is suitable for a Comprehensive Plan change to resort or conference center. The site may never develop as single family.

Commissioner Robertson recommended hearing from the property owner before making any decision with regard to what direction to take. Commissioner Lai concurred.

Commissioner Hamlin indicated his support for Option 2 based on the description offered by staff. He suggested that Option 1 is too restrictive.

Commissioner Robertson said her initial support was for either Option 2 or Option 3 but would not decide on either before first hearing from the property owner. Clearly the owners have been good stewards to date, but that is no reason to require even more of them in the future. The problems with the ecology of the lake simply cannot be laid at the feet of the property owners along the lake; it is the oil and other things flowing into the lake in the runoff. The solution cannot be the sole responsibility of the shoreline property owners.

Mr. Paine said the Meydenbauer Bay Condominiums property located at the south end of Meydenbauer Bay is recognized in the study as having fairly high ecological functions along the fringe. There is opportunity for restoration where the water is fairly shallow. The initial calculations indicate the property could potentially include a total of 156 units where there are currently only 74 existing.

Mr. Paine said staff had identified only two alternatives for the site. Under Option 1 the first 50 feet from the water would be called conservation to recognize the restoration potential. The option would have no impact on the ability to further develop the site. Under Option 2 there would be no specific priority to restoration, but the net effect would be roughly the same.

Commissioner Lai asked if the property plays in any way to the Meydenbauer Bay Park study. Mr. Paine said it does not in that it is outside the study area.

Answering a question asked by Commissioner Robertson, Mr. Paine said there has been no direct contact with the property owners group, which is fairly large. He suggested having the Commission select an option first and then pitch it to the owners for reaction.

Commissioner Sheffels asked if a stream flows through the property and Mr. Paine allowed that Meydenbauer Creek crosses a portion of the property and flows into the lake. He added that the stream bears fish and noted that in addition to the waterfront there are setbacks required from the stream.

Commissioner Ferris said quite a few of the homeowners from the Meydenbauer Bay Condominiums have come to the Meydenbauer Bay Park meetings. At one meeting there was quite a discussion with those homeowners and other residents of the bay area about the level of sediment that is flowing into the lake from the developments up above. It was noted that many boats can no longer get into their slips because of the sediment. He suggested that the issue of maintenance and conservation will be complicated because of the silt. Mr. Paine said at the appropriate time staff will inform the Commission with regard to regulations appropriate for the Shoreline Master Program and some of the dredging issues that normally occur. He said staff would not be providing any policy suggestions because the silt issue is a stormwater issue that needs to be addressed in another forum.

Commissioner Ferris pointed out that the runoff is potentially creating a shallow wetland that could result in a change to the classification of the bay. Mr. Paine said that is conceivable; the same problem occurred in Newport Shores where Coal Creek empties into the lake.

Commissioner Hamlin said he could see no downside to Option 1 and would prefer to see it selected.

Answering a question asked by Commissioner Mathews, Mr. Paine said Option 1 includes an urban conservancy designation, which carries with it some restrictions. He pointed out, however, that uses are restricted to some degree already under the current regulations. The option certainly recognizes the restoration potential. It may also restrict the ability to have private docks.

Chair Orrico said she would like to have more information with regard to what is already restricted and what the designation would restrict. Ms. Bedwell said under the current regulations multifamily would typically be required to have a joint use pier; the restriction likely would limit the number of piers allowed. She said she would be glad to return with information regarding what else might be restricted.

Chair Orrico suggested that the process is somewhat backwards in that the Commission is expected to provide staff with direction before going out to tell the property owners what is under consideration. She said she would like input from the property owners first. Mr. Paine said input from property owners will certainly be sought as a part of the update process. No attempt will be made to contact every single family property owner in the city to inform them they will be included in the shoreline residential zone because they have essentially been in that zone for 40 years. Chair Orrico said her preference would be to approach the property owners with the options under consideration rather than with an option already selected.

Commissioner Robertson stressed the need for early noticing of affected property owners. She agreed that the better approach would be to outline the possible options for them and allow them

to comment before the Commission acts to select one option over another.

Commissioner Lai thought that more information from the condominium homeowners should be sought before making a recommendation.

Commissioner Mathews said he could support preliminarily selecting Option 1. Clearly more study is needed and ultimately that may not be where things end up. Selecting that option could generate a great deal of public input.

Turning to the issue of the marinas, Mr. Paine noted that they are concentrated in Meydenbauer Bay and Newport Shores. He proposed two marina designations, fostered in some respects by the Meydenbauer Bay Park project. The marinas owned by the city have some special focus and responsibility around ensuring public access, even for the non-boating public. On the other hand, the marinas exist, particularly in Meydenbauer Bay, in residential areas. Accordingly, certain uses may not be appropriate, or may need additional constraints. The idea behind the civic marina designation is to focus on access for all, day moorage, non-motorized boat rental, personal watercraft, and a host of other public uses that would support the overall function of bringing the public down to the water. The marina designation is more specifically on the boating experience, including proximity to maintenance, storage, and sales facilities; public access is not the primary driver for existing facilities. There may be a redevelopment threshold beyond which public access should be required.

Most of the marinas grew from a period in which there were few regulations, or they were outside Bellevue's jurisdiction. They have been traditionally regulated on what amounts to a conditional use. Changes or additions to the use must go through the conditional use process or obtain administrative permits that are tied to the conditional use process.

It must be kept in mind that there are communities around the marina facilities that are naturally less flexible about impacts. Some very real concerns were voiced by the community when Seattle Boats sought a permit for the Newport Shores marina. Those concerns were allayed once the community saw the proposed designs and eventually endorsed the action.

Mr. Paine said there will need to be some controls established for the creation of any new marinas.

Commissioner Sheffels asked if a marina must by definition be located adjacent to land or if it could be out in the lake but still under the jurisdiction of the city. Mr. Paine said he did not think any code would allow that to happen. Mr. Pyle explained that the Department of Natural Resources owns the mud land under the lake. Anyone wanting to establish a marina or mooring away from the shore would first have to obtain an aquatic lease from the state. The city's jurisdiction ends at the inner harbor line.

Commissioner Ferris observed that a conditional use review usually involves a public comment period that may not be part of a performance standard replacement. It could be that a surrounding residential community would feel cut out of the process by being denied that right. Mr. Paine said staff was not proposing to eliminate public comment. Whatever approach ultimately taken will include the 14-day public comment period.

There was consensus in favor of having the two designations.

Mr. Paine said the notion behind the urban conservancy low-density designation is the ecological values and the kinds of uses. The idea is that the uses would all be low intensity and none would draw huge numbers of people. The designation recognizes the potential for habitat restoration along with the recreational benefits. The designation would apply both to Lake Hills and Mercer Slough.

Commissioner Hamlin asked which is the more restrictive, urban conservancy or urban conservancy low-intensity. Mr. Paine said urban conservancy is the least restrictive designation.

Commissioner Lai asked if the Bellefield property could be one for which the urban conservancy designation could be used. Mr. Paine said it could be. If Option 1 were selected, it would be necessary to come up with a designation other than urban conservancy given that that designation does not permit an office use.

Commissioner Ferris suggested that some more research needs to be done regarding the inconsistencies between stormwater runoff and shoreline management. Mr. Paine pointed out that ultimately a new permitting process under the Clean Water Act will govern. That will not necessarily give respite to the complaints of the Meydenbauer Bay property owners. The city will not be able to establish regulations in the shoreline that effectively will give more license to shoreline property owners than would be the case elsewhere in the city based on other stormwater regulations.

Mr. Inghram noted that the shoreline area must implement consistent stormwater protection within the first 200 feet, but the shoreline regulations do not give the city the authority to go beyond that point to the upper areas and implement something more.

Mr. Paine said in the coming weeks staff will work on developing a response to the public comments and concerns voiced at the open house. At the very least the document should address the misconceptions.

9. OTHER BUSINESS – None

10. PUBLIC COMMENT

Ms. Anita Skoog-Neil, 9302 SE Shoreline Drive, said there is no reason to change the buffer zone for the Meydenbauer Bay condominium site. The current shoreline residential designation is working very well. The 50-foot buffer on either side of the stream would make it impossible for one of the board members to rebuild his home. The Commission was praised for calling for more public involvement before decisions are made. With regard to the marina, she expressed discomfort with having two designations. In Meydenbauer Bay there should be no gas dock and no boat launches. The use matrix would allow restaurants with decks, shops, multi-residential uses, which can be translated to mean resorts and hotels, interpretive facilities and even stacked boat storage. Any of that would represent a de facto rezoning outside of the normal framework of the Meydenbauer planning group. The designation would not be appropriate at all. She said she grew up on a waterfront property that did not have a bulkhead, though the neighbor's property did. The result was the loss of six to eight feet of shoreline over a 40-year period.

Ms. Betty Schwin, a resident on 101st Avenue NE, said she lives in the condominium where the fish swim through the property. She said she has been held up with permits and the costs have gone up tremendously. By closing 100th Avenue NE a whole neighborhood will be trapped and

not able to get in or out. Meydenbauer Bay is a small area and the noise is terrific. If additional docks and more boats are allowed, the noise will only increase. It is not a place for hotels or fast food places. The area is a place for people who own boats and who want to use it as it should be as a quiet place. Traffic is already a problem. Building an elevator to get people down to the water is a ridiculous idea. Anyone who cannot walk down to the water does not belong down by the water.

Mr. Marty Nyslick, 312 West Lake Sammamish Parkway NE, said he was encouraged by the questions posed of staff by the Commissioners. He encouraged the Commission to take every step necessary to generate comments from waterfront property owners. The Commissioners were encouraged to have staff demonstrate where in the Shoreline Management Act it says "shall" rather than "encourage." Staff should also show where the critical areas ordinance has embedded language that says "shall" given that the state Shoreline Management Act only "encourages." The removal of bulkheads followed by replanting along Lake Sammamish is not going to solve the problem; it will in fact make it worse. Staff should be asked to demonstrate what the net effectiveness will be.

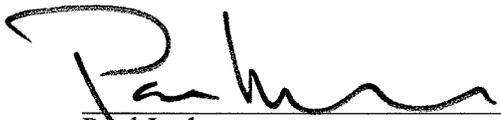
Mr. Dan Lewis, 777 106th Avenue NE, spoke to the notion of having two designations for marinas. He said the marina civic designation objective is to create public access, which is the right objective. However, the objective is already met with the parks master plan. The function of a marina is to park boats, and long-term storage has been part of the Meydenbauer marina for a long time. There is a prohibition against boat repair and maintenance under the marine civic designation, and that would effectively mean one could not have a maintenance person come aboard a boat to work on something or other. There seem to be real inconsistencies in the different designations. There should be only one designation, and the parks master plan should be used to drive the public use.

11. NEXT PLANNING COMMISSOIN MEETING

It was noted that there would not be a meeting on June 10. The next meeting was scheduled for June 24.

12. ADJOURNMENT

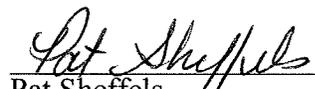
Chair Orrico adjourned the meeting at 8:56 p.m.



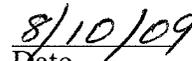
Paul Inghram
Staff to the Planning Commission



Date



Pat Sheffels
Chair of the Planning Commission



Date