CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
STUDY SESSION MINUTES

September 10, 2008
6:30 p.m.

Bellevue City Hall
City Council Conference Room 1E-113

COMMISSIONERS PRESENT:	Chair Orrico, Commissioners Ferris, Hamlin, Mathews, Robertson, Sheffels
COMMISSIONERS ABSENT:	Commissioner Lai
STAFF PRESENT:	Paul Inghram, Cheryl Kuhn, Department of Planning and Community Development, Matthews Jackson, Michael Paine, Heidi Bedwell, Department of Development Services
GUEST SPEAKERS:	Ian Stewart, EMC Research
RECORDING SECRETARY:	Gerry Lindsay

1. CALL TO ORDER

The meeting was called to order at 6:35 p.m. by Chair Orrico who presided. Upon the call of the roll, all Commissioners were present with the exception of Commissioner Lai, who was excused.

2. PUBLIC COMMENT – None

3. APPROVAL OF AGENDA

The agenda was approved by consensus.

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

5. STAFF REPORTS

New Commissioner Jay Hamlin was introduced.

Mike Brennan, new director of the Department of Development Services, introduced himself to the Commissioners. He explained that the recent reorganization has left in place the Department of Planning and Community Development, which is home to comprehensive planning, neighborhoods, the arts program, and the mediation program. Development Services houses the land use division, the building division and administrative services, as well as connections with all other city departments that have a function relating to development activities.

Comprehensive Planning Manager Paul Inghram introduced new legal planner Catherine Drews. Ms. Drews said she has practiced land use and environmental law for the past nine years.

6. STUDY SESSION: Shoreline Master Program Update Briefing

Ian Stewart with EMC Research said the company has offices in Seattle, Columbus, Ohio and Oakland, California. He said the company primary conducts public opinion research for agencies, cities, political campaigns and the like. The role of EMC Research in the Shoreline

Master Program project has been to take key topic areas defined by staff and develop a survey questionnaire for Bellevue voters that reflects those areas of interest.

Mr. Stewart noted that all cities in the state are required to update their Shoreline Master Plan. The survey is one of the steps involved in doing that. The telephone survey has been conducted and will be followed up with focus groups. The survey was targeted towards voters and shoreline property owners.

The survey itself was developed by EMC Research, the Department of Development Services, and The Watershed Company, the developer for the Shoreline Master Plan project. The survey was conducted between June 24 to July 8 evenings and weekends. A total of 400 surveys were completed, of which 120 were shoreline property owners. The margin of calculated error was 95 percent, which means completing the survey 100 times will return the same results 95 times.

Of the total number of registered voters in Bellevue, seven percent have a property that fronts a body of water.

Respondents were asked to indicate their level of satisfaction or dissatisfaction regarding access to Lake Washington, Lake Sammamish and Phantom Lake. Lake Washington had the highest degree of satisfaction and Phantom Lake the least, though the results seem to indicate less dissatisfaction with Phantom Lake than no opinion one way or another.

Respondents were asked their opinions of the Shoreline Management Act specifically. The Act was briefly described as having three basic goals which must be balanced by the city. The majority indicated that Bellevue is maintaining a good balance of the three goals. About a third said there is an unequal balance, and only five percent suggested the city is not balancing the goals well at all.

With regard to rating the city on shoreline management practices, Mr. Stewart said the outcomes were positive for the most part. The majority of respondents gave a fair rating, which for government entities is adequate; very few responses were in either the excellent or poor categories. The weakest ratings were associated with the job shoreline property owners are doing to make the shorelines ecologically healthy; the shoreline property owner's responses to the same questions were much higher, indicating they think they are doing a very good job.

Respondents were asked to agree or disagree with a variety of statements about the shorelines in general. To the statement "shoreline habitat is important to the ecology," virtually everyone agreed. There was also strong agreement to the statement "the city should encourage change through incentives and regulations," and to the statement "lakes and wetlands are healthy and in good habitat in Bellevue." The majority agreed that "water runoff is damaging water quality." Sixty-four percent agreed they would like a water front similar to the one in Kirkland. Fifty-eight percent agreed that the water quality in lakes and wetlands is excellent. On the opposite side, 86 percent disagreed with the statement that shoreline property owners should be allowed to have any size dock they want.

Answering a question asked by Commissioner Ferris, Mr. Stewart said there is a natural tendency on the part of survey respondents to find the middle ground. That is part of the reason the questions were designed to force the answers to one side or the other.

Mr. Stewart compared for the Commissioners the responses of Bellevue voters and shoreline voters to questions regarding what the shoreline should look like in 20 years. There was not much difference in the responses to questions about water-oriented uses such as marinas and restaurants on the shoreline. More than half of the Bellevue voters indicated there should be more habitat for fish and wildlife on the shoreline, while only a quarter of shoreline voters had

the same response. On the question of public access to the shoreline, 42 percent of Bellevue voters said there should be more public access to the shoreline, while only 15 percent of shoreline voters thought there should be more.

When the respondents were only given two choices to choose from, more habitat for fish and wildlife always came out on top, followed by more public access and more water-oriented uses, though the gaps between Bellevue voters and shoreline voters were marked.

The survey questions moved the respondents from the general to the specific. With regard to shoreline restoration options, 50 percent supported keeping things as they are currently. Eighty-eight percent supported providing information about dock construction and stabilization as a shoreline restoration option. Eighty-seven percent thought the city should provide incentives. Seventy-seven percent felt the city should purchase shoreline to preserve and restore habitat. The favorable percentages were lower, but still a majority, regarding easements for shoreline restoration and asking property owners to voluntarily restore natural shorelines. Seventy percent of shoreline owners indicated things should be left as they are currently, but the majority opposed voluntary restore shoreline habitat.

The majority of Bellevue voters agreed that all residents should help fund the restoration of shorelines on public and private property, whereas only 46 percent of the shoreline owners agreed. Women tended to agree more, as did those with children.

Shoreline property owners were asked a series of specific questions. Seventy-two percent agreed that restoring shorelines is expensive. Sixty-two percent agreed that the permitting requirements are too onerous and costly. Sixty-five percent agreed that it would be a waste to change their properties given the resources they have invested in them. Fifty-four percent indicated concerns with erosion and reduced access to the beach associated with altering bulkheads. Almost half agreed that changing their specific property will not impact habitat for fish and wildlife. Forty-five percent agreed that altering their property would reduce the value of the property. The responses were about evenly split on the notion of altering a shoreline property would make it easier for birds and other things to mess up the property. There was disagreement with the statement that altering the shoreline would pose a risk for the family of shoreline property owners. Almost half agreed with the statement "I would like to remove my bulkhead but I don't have the time, money or ability."

Fifty percent of the shoreline owners indicated an interest in receiving information and free consultations on how to restore a shoreline. Almost as many indicated an interest in faster permitting for natural shoreline restoration or dock construction. About half indicated an interest in city subsidies, and incentives for those who voluntarily restore their shorelines. The least interest was shown in options to sell easements to the city or an environmental trust.

Mr. Stewart reviewed the key findings with the Commissioners, which were that Bellevue voters and shoreline voters are satisfied with shoreline access, though a large proportion has no opinion one way or another; the majority of Bellevue believes the city is balancing the Shoreline Management Act goals; the majority give the city positive reviews for protecting public access, the shorelines, and for encouraging people to keep the shorelines ecologically healthy; there was overwhelming support for city initiatives to help protect shorelines; more habitat for fish and wildlife was always the top choice; there was strong support for providing information regarding shoreline restoration and incentive programs for shoreline restoration; and a slim majority supported funding for restoration of shorelines on public and private properties.

Chair Orrico asked if the question about having the Bellevue shoreline look more like the Kirkland shoreline was intended to draw attention to the Meydenbauer Park project. Mr. Paine said there are no definitive plans yet for Meydenbauer Park. The idea behind the question was

focused primarily on finding out if Bellevue residents would like to see a different experience on the shoreline that does not exist currently.

Commissioner Ferris noted that 42 percent of the Bellevue voters polled indicated they never use the waterfront or four times per year or less, and that 63 percent used the waterfront more than four times per year but not every month. He questioned whether residents of a city that has greater access to the water would have answered the questions the same way. Because access to the water in Bellevue is somewhat limited, the answers given by some could have reflected indifference. Mr. Stewart said that could be something to explore in the focus groups.

Mr. Paine added that the fact someone does not often use the shoreline is not necessarily a reflection on their level of interest in the shorelines. While they may not use the parks, which offer the most options for shoreline access, they may care deeply about protecting and enhancing the shorelines for ecological reasons.

Commissioner Sheffels asked if there is any mechanism such as a special improvement district for property owners to take advantage of in seeking to restore a shoreline area. Mr. Paine said he was not aware of any examples of that approach having been taken in Bellevue, but there is nothing to preclude it. Associate Planner Heidi Bedwell suggested the Neighborhood Enhancement Program could be used for that purpose.

Mr. Stewart explained that surveys are about gathering percentages and yielding overall projections. Focus groups are the reverse of that; they bring people together and offer the opportunity to say whatever they want about a given subject. He said to some degree the responses to the survey questions will spur the focus group conversations. The outcome should provide information about the attitudes and thinking behind how people came to their opinions.

Commissioner Robertson suggested that if there is to be a focus group of just shoreline property owners, there should be an attempt made to get a representative sampling of the different kinds of shorelines. The issues relating to Lake Sammamish are different from those relating to Lake Washington, and certainly they are different from those facing Phantom Lake or Kelsey Creek. She suggested the wording of question 55 is troublesome; those who disagreed could be saying they have the money and want to remove a bulkhead, or that they simply do not want to remove a bulkhead. It would also be helpful to have focus groups comprised of people who use the shorelines. If there is funding available, responses to the survey questions should be sought from non-English speaking residents of Bellevue as well.

Commissioner Orrico suggested the best way to generate discussion the groups should be a mix of Bellevue voters and shoreline owner voters.

Commissioner Ferris said his experience on the Commission has been that the public chooses not to get overly involved in the initial stages of studies. It is only after the specifics start coming out, by which time some come forward claiming they were not adequately involved. That could be overcome to some degree by given very specific examples to the focus groups of what a shoreline management plan could include.

Commissioner Robertson cautioned against moving in a direction that would reopen all of the critical areas issues. She said it will be important to stress at the focus group level and at the open house level what the current regulations provide. Commissioner Ferris concurred, adding that it would be good to make it clear up front what issues are not up for reconsideration. Mr. Paine agreed but noted that there may be comments received from the public about having particular problems with a specific regulation that should be tweaked in some way. The regulatory structure has changed, and it may be necessary to make adjustments to the way things are implemented. In any event, all of the regulations will need to be formally brought into the

Shoreline Master Program, and that will mean the Commission will have to recommendation adoption of standards even though they already exist in the critical areas ordinance.

Commissioner Mathews said it would be very helpful to have both visual aids and a glossary of definitions for the focus groups to refer to.

Mr. Inghram suggested the focus groups may be an excellent opportunity to explore the issue of what would motivate a shoreline property owner to restore their shoreline. The initial reaction is always negative and focuses on cost and the degree to which the use of property may become limited. The shoreline property owners should be asked what would have to be done in order to make shoreline restoration more attractive to them.

Ms. Bedwell said there is a high level of interest in the boat tour. The consultant from The Watershed Company will provide a narrative. The intention is to see firsthand some existing conditions and highlighting issues that will be reviewed during the update process. The tour will be videotaped for broadcast on BTV.

Mr. Inghram said the tour will need to be noticed as a Commission meeting given that there will be a quorum present. The format will be generally informal and the Commission will not be asked to take any action.

7. STUDY SESSION: Neighborhood Character Phase II

Neighborhood Outreach Manager Cheryl Kuhn reminded the Commissioners that the Neighborhood Character study began in April 2007. Phase I culminated with the adoption of regulations and procedures in December of that year, all of which had to do with addressing citizen concerns about the impact of large new houses on privacy, sunlight and the loss of trees, as well as concerns about the impacts of construction.

Phase II deals with the same basic topics but focuses on more complex solutions that are potentially more controversial. The Commission identified a series of proposals and presented them to the City Council on July 14, 2008. The Council received the recommendations and was quite complimentary regarding the work of the Commission, but did identify some concerns; in some instances the Council asked for additional options, additional background information, and refined recommendations.

Ms. Kuhn said the Council had no objections to the recommendations regarding loss of trees and greenscape. There were, however, issues raised with regard to loss of light and privacy, size and scale issues, and some of the recommendations regarding construction impacts.

The recommendation of the Commission for an approach to dealing with loss of light and privacy, a solution that was forged largely by Commissioner Ferris, was to require homes that exceed 0.5 FAR to accommodate the need of neighboring properties for access to sunlight and privacy. Staff held at the time that the approach was an appropriate way to address the concerns without over-regulating. One Councilmember, however, suggested the approach is inadequate in addressing height issues.

Ms. Kuhn handed the Commission a list of possible options to consider:

a. *Original Commission recommendation:* For single family homes in existing neighborhoods, require the following when gross Floor Area Ratio exceeds 0.5: a) Minimum side setbacks of 7.5 feet on both sides; AND b) EITHER daylight plane

standards (roof pitch of 45 degrees beginning 10 feet above grade at property line), OR second-story stepbacks on both sides.

b. *Modified Option a, incorporating height as threshold factor:* For single family homes in existing neighborhoods, require the following when gross Floor Area Ratio exceeds 0.5 or when any structures, including new homes, remodels or additions, exceed two stories: a) Minimum side setbacks of 7.5 feet on both sides; AND b) EITHER daylight plane standards (roof pitch of 45 degrees beginning 10 feet above grade at property line), OR c) second-story stepbacks on both sides.

c. *FAR/Incentive approach* – establish single family FAR of 0.5; allow new construction to exceed .5 – up to a maximum FAR of .6 – if they have minimum 7.5' setbacks and employ either daylight plane or second story stepbacks

d. Height limit approaches – 1) Establish maximum height of 35' to the roof peak; 2) Establish maximum height of 30' to the roof peak or 25' to the midpoint of a pitched roof; 3) Prohibit 3-story buildings in single family residential zones.

e. Contextual FAR – Buildings conform to an average of the dimensions of surrounding buildings

f. No action

Commissioner Ferris said he was unsure what problem the Council thinks the Commission's approach is not solving. Ms. Kuhn said staff has tried to clarify that the problem most cited by residents – the loss of light and privacy – is precisely the problem targeted by the Commission's recommendation. However, the Council has asked for additional options to consider, including options which address the height of residences. The proposed Option B – adding height as a threshold factor -- is one way to avoid changing the height limit or establishing an outright prohibition against three-story homes.

Chair Orrico asked if the staff proposal solves the issue raised so vociferously by a single Councilmember. Ms. Kuhn said the issue raised by the Councilmember had to do with his mother-in-law's home, and she allowed that staff had not investigated that particular instance. Chair Orrico suggested that if the new approach is carried back to the Council only to find it would not address that issue, nothing will have been accomplished. She proposed getting more information about the particular concern of the Councilmember.

Mr. Inghram said Option D entails an outright regulation of height. If the Commission were to consider that option and decide against it, the message would be carried back to the Council.

Ms. Kuhn said staff is suggesting the Commission carry each of the options forward to the City Council along with a recommendation, even if it is the same recommendation previously provided to the Council.

Commissioner Robertson noted her opposition to the height limit approach in that it would create too many nonconformities. She said she would be concerned that lakeshore owners could be harmed; in order to have a reasonably sized home they must build up in height. She suggested Option C would be easy to implement but would not be her choice. She indicated she could support either Option A or Option B.

Commissioner Mathews agreed that restricting height could be problematic for situations where site constraints dictate the building envelope. He said he leaned toward the side of not punishing those with extreme building sites that leave them with few options. He said his preference would be to stay with the original recommendation.

Commissioner Ferris said he would strongly oppose Options C, D or E. He agreed the original recommendation is the best approach. He allowed, however, that he could support Option B provided it does not impose too much restriction on existing property owners.

Commissioner Sheffels agreed that Options C, D and E should be taken off the table. With regard to Option B, she pointed out that it would add another layer of restrictions, which is one of the things the Commission was trying to get away from in crafting its original proposal. She said her vote would be to go with the original recommendation.

Commissioner Hamlin said he did not come to the table with any history regarding the subject but could see the logic behind Option A, the Commission's original proposal. The approach is fairly straightforward and does not impose restrictions unduly.

Chair Orrico said before going back to the Council with the same recommendation she would like more information about how many properties the approach would affect, and she reiterated her desire to have more information about the specific site raised by the Councilmember. She said she would be reluctant to make changes in the dark just for the sake of coming up with new options, especially if the new options do not in any way address a specific issue.

Ms. Kuhn said the Councilmember voiced concern that the Commission's original proposal could allow certain cases to slip through the cracks. She said it is true that there might be instances of large new houses having impacts that the proposal will not address.

Commissioner Ferris said his concern with Option B was that it could result in a lot of property owners requiring variances for a variety of reasons. He agreed there should be some assessment of how many skinny lots there might be that could be impacted. The approach could result in additional impacts on the neighborhoods with structures that are clearly out of character with the rest of the neighborhood.

Commissioner Robertson suggested one approach would be to have an exclusion for homes of less than a certain number of square feet on skinny lots. She said she really did not want to add more layers without thinking about their possible consequences.

Ms. Kuhn said the other concern raised by the Council regarding the Commission's original recommendation was the instance in which a homeowner wishes to develop a lot where there are no daylight plane issues involved, either because it has already been encroached upon by surrounding development, or because there would be no impacts on the daylight plane of neighboring homes. The point made by Deputy Mayor Balducci was that it would be unfair for the last house on the block to have to meet all the new regulations when all neighboring homes did not. Ms. Kuhn offered the Commission several options for addressing that concern:

a. *Single family design review / contextual review:* This option not only addresses the issue of context, it is a certain way to identify every single building project that should be covered by regulations. This approach would have significant impacts on staff, clients, and project timelines. Because of its discretionary nature, it would require a Process Two decision with public involvement.

b. *Variance:* This administrative Process Two approval could be used to address exceptional cases. Public notice and comment periods would be required.

c. *Conditional Use:* This Process One approach would require Hearing Examiner review and decision on each case.

d. *Performance standard approach:* Establish two categories that need not comply: 1) those who can demonstrate that their building does not encroach on neighbor's daylight plane; and 2) those who can demonstrate that their neighbor(s) has already encroached on their daylight plane.

Answering a question asked by Chair Orrico, Planning Manager Matthews Jackson allowed that the variance option is already available. Option D would require the establishment of criteria to demonstrate there is no encroachment or impact. The variance approach allows for the ability to lodge a challenge. There would be nothing to stop someone denied under Option D from applying for a variance.

Ms. Kuhn commented that under the Option D approach the homeowner would have to provide the city with survey data and elevations of the surrounding buildings in order to demonstrate that a proposed development will not have an adverse impact on surrounding properties. She said both Option B and Option D would involve both cost and delay for the applicant and add to bureaucracy, but both address the concern raised by Councilmember Balducci.

Mr. Jackson said variances are reviewed very narrowly, and property owners must meet all of the decision criteria. The prevailing wisdom is that where there are recurring requests for variances from the same provisions, the provisions are not working and should be changed. Under the Option D approach, it would be necessary to be very clear with regard to how someone would demonstrate their position in an application. Surveys of adjacent property lines and adjacent building heights would certainly cost a lot of money, but would not necessarily yield the desired result.

Commissioner Sheffels asked if there could be a way to use the variance approach but have it take into consideration items 1 and 2 in the performance standard approach. Mr. Jackson said a variance can only be allowed where the result will not be a detriment on the health, safety and welfare, where the result will not grant a special right or privilege not available to others, and where there are special circumstances of size, shape or topography that warrant the variance. All of the criteria must be met. Variances must be publically noticed and they are subject to appeal.

Commissioner Ferris suggested the significant difference between Option B and Option D is that the former allows for public input and the latter does not. The whole point of the effort is to respond to concerns raised by the public about neighborhood livability, and to choose an approach that cuts the public out of the picture would be counterintuitive.

Commissioner Robertson observed that the variance approach entails a property owner making the case that there is something unique about their lot. In the case of the last house on the block, there is the risk that the variance would be denied by not being able to meet the third criteria. Mr. Jackson said if all other houses on the block are developed in the same way, it would not be granting someone a special privilege to allow the same, and there would be no detriment to the health, safety and welfare. The argument could be made that the special circumstance simply is being the last house on the block to develop. Commissioner Robertson said in that case she would support Option B.

There was consensus to go with Option B.

Ms. Kuhn noted that the Council asked why the recommendation regarding guest cottages should not come forward with the innovative housing initiative along with other considerations and concerns about accessory structures. She offered the Commission two options, but recommended Option B.

> *Option a – Commission recommendation:* Amend the City Code to require setbacks for guest cottages of 20 feet from all property lines. Also, refer to the Innovative Housing Initiative proposed proportional requirements for guest cottages and other structures.
>
> *Option b – Refer to Innovative Housing Study:* The setback issue occurs infrequently but causes significant concern when it does occur. The proportion issue is of far greater concern to both staff and residents. The Council is correct that both issues – setbacks and size/proportion – can be addressed as part of the Innovative Housing Initiative discussion dealing with accessory structures.

There was consensus in favor of Option B.

With regard to construction impacts, Ms. Kuhn said the Council offered no significant objections to changing the remodeling construction hours, although they did question whether or not the approach would address the concerns of homeowners about remodeling. She said after discussions with building department staff and others, staff has concluded that the proposal represents the best that can be done. There is really no avenue for addressing the fact that some people do not like major remodels.

There were questions asked by the Council regarding the recommendation of the Commission regarding mechanical equipment placement, but there were no real objections. The Council also accepted the recommendation of the Commission regarding vacant houses and abandoned construction sites. The Council concurred with the recommendation of the Commission to take up the issue of PUDs during the innovative housing initiative discussions.

The recommendation of the Commission forwarded to the Council included no change in the lengths of building permits. The Council, however, would like to see additional options; the Mayor specifically asked staff and the Commission to come forward with options for reducing the length of building permits and establishing a fee for the renewal of building permits. Currently, building permits are issued for a period of three years, and the options identified by staff for reducing the length are:

1. Reduce permit length to one year; at first one-year extension, calculate fee based on value of remaining work. Charge 50 percent of that fee for first extension and the remaining 50 percent for a second one-year extension.

2. Reduce permit length to 18 months; charge fee for one-year renewal based on value of remaining work.

3. Reduce permit length to two years; charge fee for one-year renewal based on value of remaining work.

Ms. Kuhn said staff could not identify justification for reducing the term to less than two years. Such a reduction could represent a hardship given the seasonality of construction work. Administratively, building staff likely will require a higher standard of completion before new homes are allowed to be occupied.

Mr. Brennan said one concern is with projects that languish for long periods of time. The action taken in Phase I dealing with construction site maintenance was very helpful but does not address the full extent of the issue. One of the solutions advocated by Mayor Degginger is to reduce the permit lifespan; that approach, however, does not force a developer to complete a project within the time of the permit since they can always pull another permit to complete the work. Adding a fee to renew a permit would serve as incentive.

Chair Orrico asked in what situations the higher standard of completion would be required. Mr. Brennan said the provision would have to be applied consistently across the board. One example would be to require all interior work to be done as well as all landscaping and hardscaping. He allowed that only a handful of projects are under construction for more than two years; most homes are constructed by professional builders who are motivated to get the job done.

Commissioner Sheffels said she could see problems associated with the higher standard of completion requirement. Someone could finish a home in December and need to move in, but would not have the landscaping completed because landscaping is not done in the winter months. She said while there will always be exceptions, most people building a house will want to get it done as quickly as possible.

Commissioner Mathews said he would be willing to move forward any of the three options, but said he would prefer to select the one that would give builders the most incentive to complete their projects sooner rather than later. He said there are three houses in his neighborhood that have been under construction for a very long time.

Commissioner Robertson said she could support either Option 2 or 3. She agreed that a higher degree of completion should be required before allowing occupancy. If landscaping cannot be done in the winter months, the builder should be required to post a landscaping bond before being allowed to move in.

Mr. Brennan allowed that for the most part when people stop a project it is because they have run short of funds. In those instances, the cost of reinstating a permit will likely not solve the problem.

Chair Orrico said she had concerns over the significant completion concept, suggesting it would add a lot more work for staff. Mr. Brennan said the code already establishes latitude for building officials to determine when it is appropriate for occupancy to occur. It could be argued that there has been some inconsistency, and tightening the language could improve consistency.

Commissioner Ferris suggested that Option 2 would not be overly onerous and could generate a sense of urgency for projects to be wrapped up within a two-year period. Anything less than that could end up trapping a lot of people who really are trying to do a good job. He said he was not supportive of imposing a significant completion requirement for a variety of reasons. Home buyers always have the option of holding back some funds in escrow for work that has not been completed. Having a requirement that forces work to be done may result in things not being done well.

Commissioner Hamlin agreed with the notion of not including a substantial completion requirement.

There was general consensus in favor of Option 3.

Ms. Kuhn said the issue will be back before the Commission in a couple of weeks. The focus at that time will be the impacts of size and scale on light and privacy.

8. OTHER BUSINESS

Mr. Inghram said a date has not been chosen yet for the next planning short course in Bellevue. He said he will keep the Commissioners informed.

Commissioner Robertson reported that a developer incentive conference is scheduled for November 7 in Bellevue at the Marriott. She said she is planning to attend.

Mr. Inghram provided the Commissioners with a brief update regarding the status of CPAs before the City Council.

9. APPROVAL OF MINUTES – None

10. PUBLIC COMMENT

Mr. Jerry Barufy, a resident of Shoreline Drive, said nothing has been said specifically about how far back from the shoreline native vegetation should go. He said there are bulkheads in place to protect the shore from erosion caused by boats that were not envisioned in the early 1900s. Removing the bulkheads could bring about erosion of the shoreline. He agreed that question 55 in the survey was very confusing and could be answered in more than one way. The comparison to Kirkland was somewhat unclearly stated; Bellevue is not Kirkland and condominiums along the waterfront would not be welcomed in Bellevue, especially in Meydenbauer Bay. Where questions can be misconstrued, the answers to them will be skewed. There is no evidence regarding the impacts of prisms and fish life, but now there is law regarding them. The Commission should on its boat trip should visit the south end of Meydenbauer Bay where there is nothing but weeds and muck to see a place that needs to be dredged.

11. NEXT PLANNING COMMISSION MEETINGS

The Commissioners were reminded about the September 20 Shoreline Master Program boat tour.

The Commission reviewed the agenda items for the September 24 meeting.

12. ADJOURN

Chair Orrico adjourned the meeting at 8:55 p.m.

Staff to the Planning Commission — Date: 10/22/08

Chair of the Planning Commission — Date: 10/22/08