CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
STUDY SESSION MINUTES

September 23, 2009
6:30 p.m.

Community Room
Mercer Slough Environmental Education Center

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

COMMISSIONERS ABSENT: None

STAFF PRESENT: Paul Inghram, Department of Planning and Community Development, Carol Helland, Michael Paine, Heidi Bedwell, David Pyle, Department of Development Services

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

1. CALL TO ORDER

The meeting was called to order at 6:33 p.m. by Chair Sheffels who presided.

2. ROLL CALL

Upon the call of the roll, all Commissioners were present with the exception of Commissioner Orrico, who arrived at 6:46 p.m., Commissioner Hamlin, who arrived at 6:50 p.m., and Commissioner Lai, who was excused.

3. PUBLIC COMMENT

Mr. Marty Nizlek, 312 West Lake Sammamish Parkway NE, spoke representing the Bellevue Alliance for Sensible Shorelines. He said the organization continues to be very concerned about how the proposed shoreline regulations will affect the rights of property owners, how they will affect property owners financially, whether or not the regulations are legal, and whether or not the regulations will produce cost-effective outcomes. The organization wants the process fully reopened and the current regulations carefully scrutinized given that the public was not properly informed and involved in the critical areas ordinance process. The science approach does not apply to lakes. The entire basin drainage system must be considered. Lake habitat cannot reasonably and effectively be impacted by the current program. Taking the science route will necessitate determining that the facts are there and that the sources are credible and reliable. Facts relating to Lake Washington and Lake Sammamish must be established. The Watershed Company in 2008 stated that the city cannot require applicants to go beyond returning impacted areas to conditions prior to the time of the inventory; many other restoration opportunities exist but would likely occur only through voluntary means. The fact is the shorelines are nearly completely developed; there are only a few scattered undeveloped properties. The shoreline program is not intended to encompass actions that reestablish historic conditions. The state guidelines call for no net loss of ecological function. The bulkheads in place along the shorelines have been permitted and serve to protect properties and there should be no call to remove them. The notion of no net loss must begin from the establishment of the inventory baseline. While it is appropriate for The Watershed Company to work as a consultant with the city in developing

shoreline regulations, it is inappropriate for the company to develop shoreline plans, implement those plans, and then get paid to monitor the program over time. Staff recently advised the Council that there is insufficient funding to reopen the process as proposed by BASS. That is surprising given that the six-part planning process outlined by the state call for public input at each step. Such a public input program should be established, as originally promised and called for in the Shoreline Management Act.

Mr. Rori Crispin, PO Box 40443, Bellevue, said another court decision involving the Shoreline Management Act was recently handed down in Kitsap County. The case involved the county's critical areas ordinance establishing a 30-foot buffer around all marine shorelines. The county subsequently amended its critical areas ordinance and increased the shoreline buffer to 50 feet generally and 100 feet in certain places. The court ruled that since the county illegally enacted shoreline regulations under the Growth Management Act, not the Shoreline Management Act, that the violation alone invalidated the force and effect of the ordinance. Like Kitsap County, the city of Bellevue illegally enacted shoreline regulations under the Growth Management Act, and like Kitsap County the Bellevue shorelines critical areas ordinance has no force or effect, yet the city continues to illegally regulate the shoreline using its 2006 critical areas ordinance in direct violation of state law. Excuses continue to be made, such as the Growth Management Act and Shoreline Management Act overlap, and when trying to comply with regulations of the Growth Management Act it falls into the Shoreline Management Act jurisdiction. One need only look at the laws to see those excuses fall flat. The Shoreline Management Act was enacted in 1971 to regulate shorelines of the state up to 200 feet landward of the ordinary high water mark. Two decades later the Growth Management Act was enacted with the Shoreline Management Act included. It did not create an additional overlying regulation for the shoreline; it simply adopted the regulations already in place for the shoreline. The Shoreline Management Act regulates within the 200-foot jurisdiction of the lake; the Growth Management Act encompasses and surrounds the Shoreline Management Act, but does not regulate inside of it. The Commission should tell the staff that shorelines of the state are not critical areas per the Growth Management Act. The Commission should use legal Shoreline Management Act regulations as the baseline going forward, not the illegal critical areas ordinance passed in 2006. The Commission needs to send to the Council code language that corrects the mistakes made by the illegal critical areas ordinance and removes the illegal critical areas buffers.

Mr. Margo Allen, 2217 West Lake Sammamish Parkway SE, voiced concern to the myopic approach the city is taking with regard to the Shoreline Master Program. She said her property backs up to a greenbelt and the walking trails of Weowna Park. The terrain in the park is somewhat steep and runs from the Phantom Lake area through the woods to West Lake Sammamish Parkway SE. During the winter of 2008-2009 when there were heavy rains and melting snows it was necessary to wade into the cold waters to unplug a makeshift culvert that serves to drain the area of the park and the neighborhoods above the park. The runoff continued its journey down the driveway, across West Lake Sammamish Parkway and then directly into Lake Sammamish. The majority of the problems associated with runoff into the lake result from insufficient drainage systems in the develops above the lake, as well as from the runoffs of Tibbits Creek and Issaquah Creek, neither of which is under Bellevue control. Lakefront owners are often the best stewards of the land; their properties are generally their primary asset and they do not want to see their investments devalued by pollution. The city should take a more macro approach in addressing the problems at hand.

Mr. Dave Douglas, a resident of the city of Snohomish but who works as a permit coordinator for Waterfront Construction, 10215 19th Avenue SE, Everett, said he has personally managed and permitted more than 250 projects on Lake Washington and Lake Sammamish over the last seven years. He said Bellevue is the ninth jurisdiction he has worked with in updating their Shoreline

Master Programs. He said he has met with city staff as part of their effort to reach out to developers. He said turnout for the hearings in Seattle and Kirkland were only sparsely attended, a clear sign that the word was not getting out. If the Department of Ecology had its way, the new regulations would be pushed through without notifying the public at all; it has all been done in a very heavy armed way, and many of the facts are not coming out. The Watershed Company has performed biological evaluations for bulkhead replacements, completely new bulkheads, and piers that far exceed the requirements adopted by Bellevue in 2006, which should trigger some concern. Passage of new rules could easily lead to all existing piers being legally nonconforming. Paperwork detailing information drawn up through working with eight other jurisdictions was provided to the Commissioners. The 500-page salmon recovery program document that deals with WRIA-8 does not in any way substantiate that bulkheads and piers are causing the problems for which they are being blamed. He noted that the no net loss issue continues to evolve. Essentially, shoreline ecological functions over a period of time should either remain the same or be improved. In other words, if no one touches their pier or bulkhead on either lake, nothing will change. Every single pier and bulkhead project includes improvements, and the city should understand that. Most of the science has not been peer reviewed and has not been substantiated. The Regional General Permit has been given so much attention, less than five percent of the projects on Lake Washington have been approved.

4. APPROVAL OF AGENDA

The agenda as submitted was approved by consensus.

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

6. STAFF REPORTS

Comprehensive Planning Manager Paul Inghram allowed that meeting at the Mercer Slough Environmental Education Center makes the Planning Commission meeting somewhat unconventional but said the meeting was slated for the facility in part to show it off to the Commission and the public. He said the intent is to take advantage of the opportunity to meeting different Bellevue neighborhoods as opportunities arise in recognition of the fact that the focus of the Commission is citywide.

Mr. Inghram said at future meetings the agenda will be arranged to allow for public comment to be heard following the discussion of particular topics instead of just hearing from the public at the beginning and the end of each meeting.

7. STUDY SESSION

A. Shoreline Master Program

Land Use Director Carol Helland said the scope of the Shoreline Master Program update continues to be an issue. She reminded the Commission that the City Council initiated the Shoreline Master Program update in 2007 on the heels of completing the work on the critical areas ordinance. The Council concluded that the Commission was in the best position to operate at the reviewing body for the regulations, in part to assure continuous engagement by community groups over time and in part because of the Commission's institutional memory.

The planning update for the Shoreline Master Program was divided into six phases, the first two of which have been completed. A large public meeting in May marked the beginning of the third

phase, the scope of which was defined when the Council initiated the update in 2007 and based on the premise that the update would build on the substantive regulations regarding shorelines, including docks and bulkheads, adopted as part of the 2006 critical areas ordinance. The city has carefully followed the Anacortes case as it developed over time. On September 21 staff reaffirmed with the Council their expectation to proceed consistent with the premise of building on the work done in developing the critical areas ordinance. It was acknowledged that there has been a lot of commentary on the Anacortes case and its relevance to shoreline update projects such as Bellevue's. It was also noted that the Anacortes decision has created confusion between the Shoreline Management Act and the Growth Management Act with respect to critical areas and the shoreline jurisdiction.

Ms. Helland assured the audience that staff has heard everything offered with regard to how the Anacortes decision should apply in Bellevue. The legal department has been consulted and confirmed that the Anacortes decision does not require Bellevue to alter its 2009 shoreline update strategy. That finding is based on the fact that the portions of the critical areas ordinance applicable to the shoreline jurisdiction were based on sound scientific methodology that satisfies the substance and requirements of the Shoreline Management Act. As part of the 2009 Shoreline Master Program update, the components of the critical areas code applicable to the shorelines and which are currently in 20.25H of the Land Use Code will be moved to the shoreline element. The first draft of the regulations the Commission will see will start with the critical area element applying in the shorelines.

The Council has directed staff to wisely utilize city resources. Staff has not asserted it does not have the money to reopen the critical areas ordinance process, but does intend to use the resources allocated to the Shoreline Master Program update as directed by the Council back in 2007. Accordingly, changes to the critical areas regulations that apply to the shorelines, if any, will be limited. As required, they will be equivalent to what applies outside the shoreline jurisdiction. Staff agrees that modifications may be appropriate, some of which will be based on city permit history and experience. Any significant changes in scientific understanding will also provide a basis for making revisions. Ideas advanced by the regulated community that would achieve the same outcomes as those provided by the critical areas ordinance regulations applicable to the shoreline district will be taken into consideration.

Ms. Helland provided the reminder that the role of the Commission is to advise the Council with regard to policy and regulatory changes. The Commission does not have a role to play in permit administration. There may be controversy with the way the city administers its permit program under the outcome of the Anacortes case, but that is not within the purview of the Commission.

Commissioner Orrico asked how the Commission will know to avoid stepping over the line of something that has already been decided or is within the purview of the permit administration process. Ms. Helland said staff will work to help identify those issues and gently push back in some places. She said staff would be as open as possible in light of the fact that there are fine lines to walk and moving forward will be tricky. In November staff will have a more fleshed out set of the policies and regulations, and as a preliminary matter the outline will be populated with information that already exists in the critical areas ordinance.

Commissioner Orrico asked how it would be possible to take suggestions from the public for approaches that will yield the same outcomes without treading into the arena of reopening the critical areas ordinance discussion. Ms. Helland said the critical areas ordinance as it applies outside the shorelines will not be reopened. The equivalency standard will, however, need to be met.

Commissioner Robertson asked if the new Kitsap decision affects the city's thinking. Ms. Helland said staff has analyzed the Division 2 case in light of the position that the strategy does not need to change and has concluded that the decision does not necessitate a change in approach.

Commissioner Ferris noted that the Shoreline Master Program update process kicked off with similar instructions from staff which in time deviated to some degree. He said at the time he requested a briefing, especially for the Commissioners who were not part of the critical areas ordinance process, aimed at making it clear which elements of the critical areas ordinance that apply to the shoreline will not be revisited. He suggested it would also be helpful for the public to know exactly what the Commission will and will not be reviewing; while free to seek a different outcome from the Council, the public should not have to show up at every Commission meeting to make their case. Ms. Helland said the problem is the issues are not that black and white. The document staff is preparing for the Commission will show all the things that have a concrete starting point, namely the things to be lifted from the current critical areas ordinance that apply within the shorelines. There may be some limited tinkering around the edges based on changes in the science or new understandings of the context based on shoreline classification information.

Environmental Planning Manager Michael Paine stressed that good ideas brought forward from the community aimed at solving an issue under discussion will be gladly received by staff. He stressed that in all cases the no net loss standard will need to be met. A science panel is being put together, following which the focus will be on the regulations that apply to buffers, setbacks, piers and bulkheads. The discussion will center on the desired regulatory outcomes in an effort to sketch out a solution. The idea will be to talk about concepts more than the actual regulations; that should satisfy the community in the sense that that is what they want to talk about.

Mr. Paine outlined for the Commission the lineup of experts scheduled to share their expertise at future meetings.

Senior Planner David Pyle said staff has worked with the chair to rearrange the agendas for the next few meetings to allow for hearing from each guest speaker, conducting a short staff presentation, and then opening the floor to comments from the public. Discussion and deliberation by the Commissioners will proceed after that. He distributed to the Commissioners copies of a spreadsheet listing issues raised in past meetings and what the response to each has been. As new issues are raised they will be added to the list. The list will also be posted to the web.

Commissioner Robertson suggested that a link to the Shoreline Master Program update webpage should be added to the Planning Commission webpage.

Commissioner Ferris asked if the Commission packets will include an outline of the content of the information to be shared by the experts in upcoming meetings so the Commissioners will have a chance to review it ahead of the meeting. Mr. Paine said it certainly would be possible to include their papers, though the actual content of their presentations may not be available ahead of the meeting.

Commissioner Robertson suggested that a process should be set up that would allow the public to submit questions to be asked of the science panel. Mr. Paine said one way to do that would be to have the public submit questions ahead of the panel discussion so the experts can have time to develop responses. Both the questions and the answers could then be posted to the website. He suggested it would not be fair to subject the experts to questions out of the blue.

Mr. Pyle said many of the requests from the Commission to date have focused on the need to have more information in hand relative to the various studies. To that end staff have begun putting together a mobile library that will be brought to every Commission meeting. Commissioners wanting to delve deeper into any specific document will be allowed to check it out and take it home. To the extent possible, the public will also be permitted to check out documents. Some of the documents will be available online as well. One document under development is a glossary of terms.

Associate Planner Heidi Bedwell acknowledged the public involvement to date. She said the Commission meetings are one level of the public involvement; another is the webpage that staff will keep updated as new information is brought to light as the project progresses. Opportunities for public involvement will continue to be built into the process, including additional open house events prior to the release of the public hearing on the draft Shoreline Master Program document. Groups that would prefer to meet with staff to provide input should call the city.

Dan Nickels with The Watershed Company explained that state law requires local governments to consult those with special expertise in assessing environmental impacts; consider all plans, inventories and studies done that deal with shoreline issues; and to utilize the available data in developing plans. The WAC guidelines take the information from the RCW and outline two important steps. First is the assembly of the most current, accurate and complete scientific information available, taking note of context, scope and magnitude as well as any potential limitations such as data gaps. Second is the basing of the master program provisions on the analysis of the information gathered. The WAC does not limit local jurisdictions from soliciting and incorporating information from other interested parties. Public participation is a significant part of the process. It is the role of the Commission to base its master program provisions on reasoned and objective evaluations.

Mr. Nickels said a detailed shoreline inventory has been prepared. It identifies the baseline conditions, as well as detailed wetlands and habitat inventories. An analysis report focused on ecological functions has also been developed. Additional past efforts include an evaluation of best available science under the Growth Management Act, though there is no requirement to produce a best available science report.

The scientific community recognizes that it does not have all of the answers. As research efforts continue, more questions are often raised. Some have claimed that the studies focusing on natural environments are being applied to urban settings, but the fact is that in terms of function some comparisons can be drawn. Some observers may consider that in the absence of conclusive evidence it is always better to stay with lower estimates of environmental impact; the converse approach is to be more restrictive. Policymakers may assume that the absence of evidence about a problem is evidence of the absence of a problem and may decide to do nothing. A baseline condition has been established, and some may feel that maintaining it is sufficient. It should be recognized that degradation of ecological function occurs over time even where a baseline condition has been established.

The question to be asked is whether it is better to be roughly right or precisely wrong. The WAC specifically states that the less known about existing resources, the more protected the Shoreline Master Program provisions should be to avoid unanticipated impacts to the resources.

Mr. Nickels stressed the need to understand the shoreline processes at the watershed scale and how they are related to overall function. The various processes are governed by things such as precipitation, geology, the makeup of the soils, the topography of the landscape, vegetation, and

land use. The hydrologic cycle in wooded areas is benefited by woody debris which can act as both aquatic and terrestrial habitat, and as stabilization in a river or stream system. The percolation of water into the ground provides the functions of filtration to improve water quality, water storage, and floodplain habitat.

Mr. Nickels walked through an example of shoreline development, beginning with a large undeveloped lot having a forested condition that contributes to wildlife habitat, vegetative evapotranspiration, nutrient and chemical uptake by the vegetation, and improved water storage in the soils. In the nearshore area the vegetation provided aquatic habitat, cover and food along a natural shoreline. Over time the shoreline was developed, first with small homes and a few docks. The bulk of the land remained forested, maintained a lot of wildlife habitat, and the hydrology remained largely unaffected. In time new driveways added impervious surface area, and some bulkheads were added along with additional overwater cover. Continued development and redevelopment resulted in decreased wildlife habitat close to the shore, and the loss of filtration and natural habitat. Absent vegetation to uptake nutrients, those nutrients and chemicals flowed increasingly into the lake. Some beneficial functions continue, however. With continued redevelopment, however, there could be additional docks and covered moorage along with additional bulkheads.

The practice of encouraging joint use piers could reduce overwater structure coverage and thus improve the shoreline. The addition of vegetation along the shoreline and the replacement of bulkheads with beach coves could improve the functions.

Turning to the issue of no net loss, Mr. Nickels said the policy of the Shoreline Management Act is that all uses and development of the shorelines must be carried out in a manner that does not degrade environmental resources of the shoreline. The standard is intended to balance and improve ecological functions over time such that plans and permitted developments that may have unavoidable impacts can be mitigated. In other words, the Shoreline Master Program must at a minimum maintain the baseline conditions into the future.

The problem is that degradation will continue to occur due to natural processes. Development and redevelopment will continue in the future, including homes, pier redevelopment and other shoreline activities which, if not mitigated, will contribute to the degradation. In addition, in all likelihood there will be violations of the regulations which in conjunction with exempt activities will contribute to the overall degradation.

To stem the tide of degradation, mitigation will be a necessity.

Commissioner Robertson suggested that because trees and vegetation will grow over time, not to mention changes in technology, filtration could actually improve over time. She asked how that interplays with degradation. Mr. Nickels agreed that conditions may change over time, but said those changes are difficult to quantify. The objective of the WAC guidelines is to maintain the baseline conditions and show no net loss over time, and to repair degraded shorelines. Restoration plans as they are developed should identify certain known and planned activities that might occur in shoreline areas, both on public and private properties, as a way to account for degradation and reverse the tide. The cumulative impacts must be taken into account in the master plan.

Answering a question asked by Commissioner Sheffels, Mr. Nickels said the master plan developed by Bellevue will be required to take into account all shorelines within the city's jurisdiction. Because all other jurisdiction around the lakes must also develop master plans, all of the shorelines will be held to the same standards.

Mr. Nickels confirmed for Commissioner Ferris that if there were no further development, if the trees did not grow, if no mitigation efforts were undertaken and if everything stayed the same, there would be a net loss of ecological functions over time. In order to comply with state law, every jurisdiction must take some actions in terms of regulations to stabilize ecological functions.

Commissioner Orrico asked if someone cutting down an upland tree, and someone driving a car on I-90 leaving oil on the roadway, both contribute to the degradation of the lakes. Mr. Nickels said there are scientists who would say that the tiniest increment of change is significant. While that might be the extreme view, all of the tree cutting and car driving can have cumulative impacts. Chair Orrico suggested that with that in mind it might be necessary to regulate far more widely than just the shorelines. Mr. Nickels said the Shoreline Master Program cannot regulate anything outside of the shoreline jurisdiction. Storm water issues do not fall under the jurisdiction of the shorelines.

Mr. Inghram said the city in the broad sense is addressing the cumulative impacts. He said the issue of storm water regulations will be discussed at the next Commission meeting. Chair Orrico said it would be very helpful to hear more about the other pieces of the puzzle.

Commissioner Robertson agreed and said she would also like to hear about the effects of recreational water users. Mr. Inghram said staff would be happy to follow up with that information.

Mr. Nickels explained that no net loss is measured against the inventory of baseline conditions. It takes into account a forecast of reasonable development over the next 20 years, natural degradation processes, and factors in the positive effects of implementing the Shoreline Master Program. Restoration planning is a required element of the Shoreline Master Program. Individuals will be required to mitigate for their own actions, and there may be incentives and encouragement for voluntary restoration efforts that exceed any required mitigation.

There are several key contributing regulations that are important in the calculation of no net loss. The environment designations are foremost in that they indicate how much is already being protected. Setbacks and impervious surface standards are important, as are vegetation standards.

7. OTHER BUSINESS □□ None

8. APPROVAL OF MINUTES

A. July 8, 2009

Commissioner Robertson pointed out some name spelling errors and corrected them.

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

9. PUBLIC COMMENT

Mr. Marty Nizlek, 312 West Lake Sammamish Parkway, noted that the Commission was specifically asked to make decisions in a very conservative fashion. In the healthcare system, the focus has been on pushing doctors to test, test, test in order to be as conservative as possible; that has lead to spiraling healthcare costs. If the same approach is taken with the Shoreline Master Program, the backs of many will be broken. The fact is the upland habitats have been messed up,

but the question remains who should pay to fix them; the demands that are levied must be equitable. Everyone from the public who speaks during the Commission meetings should be sent copies of the minutes so they can help correct any deficiencies. The Commission has been told that the critical areas ordinance is what it is and must be used; if that is the case, the Commission's hands are tied when it comes to creating something better.

Ms. Anita Skoog-Neil, 9302 SE Shoreland Drive, complained that the Commission minutes do not get posted to the website for many months following a meeting. She suggested that the strictures being put on the Commission for developing the Shoreline Master Program are tantamount to a person with a broken arm being told that the doctor is only allowed to treat the finger. There are some things that could be done that would be good for the lakes that everyone cares about. The issues go far outside 200 feet from the shorelines. The science appears to be quite mushy. The city should error on the side of being overly cautious.

Mr. Bud Nordquist, 372 West Lake Sammamish Parkway NE, said he has a two-bedroom home on his one-acre property. He said he planned on building a garage up close to the highway that would include a third bedroom for guests. If the city keeps going down the line of fixing problems along the lake through the permit process, a $25,000 project to add a garage and additional bedroom could trigger a requirement to rebuild a bulkhead, get rid of the lawn, bring in 50,000 tons of gravel, and plant a lot of vegetation, bringing the price tag up to $50,000. Engineers base their designs on solid science, but eco-science just appears to be sketchy at best. Most of the so-called experts who will be tapped to share their knowledge with the Commission will have specific outcomes they want to see proven. Most of the problems are actually generated far upland of the lakes, yet the Commission is not being asked to do anything about that.

Chair Sheffels reiterated that while storm water regulations are not a part of the Shoreline Master Program, storm water management is regulated by the city in accord with the Clean Water Act. She added that much more stringent storm water requirements are set to take effect in 2010.

Mr. Nordquist said if the existing system were working, the Commission would not be tackling the issue. The Commission will be asked to approve the new regulations which will change the way the permitting arm of the city operates in the shoreline areas. Ultimately, the people who live along the lake will be impacted in ways far different from the people who live upland of the lakes.

Mr. Michael Lunenschloss, a resident along the lakeshore, said in the summer he works in Alaska filming brown bears eating salmon. He said everything brought to the light by the consultant represents nothing more than guesswork. The hatchery was built in 1935, and there has been 75 subsequent years during which homes and docks have been built. The salmon returns actually steadily increased through the 1960s when they leveled off; they have been oscillating ever since. Why they oscillate is difficult to figure. Bears can be tracked with radio tags; salmon are more difficult to track. The salmon in Lake Sammamish travel to the northern Pacific Ocean area between Russian and Alaska, an area famous for drift netting by various nations. The best stewards of the land along the lakeshores are those who live there. Removing bulkheads that have been in place for many years will not save any salmon. He said he saved for 23 years before buying a property on the lake, and said if he had had the slightest notion that the community would one day develop egregious permitting fees he would not have even considered buying lakefront property. The process is like an army attacking its own wounded.

Mr. Cole Sherwood, 3270 West Lake Sammamish Parkway SE, said he has a degree in zoology from the University of Washington. He commented that there are a finite number of properties

along the shoreline of Lake Sammamish. There are hundreds of thousands of properties surrounding the lake, most of which apply huge amounts of fertilizers and the like on their lawns that eventually runs off into the lake. Regardless of how much vegetation is preserved or planted along the shoreline, it will be enough to counteract the impacts from the upland properties. In fact, the shoreline vegetation will not thrive.

Mr. Jerry Baruffi, 9236 SE Shoreland Drive, said he attended a meeting on Mercer Island where the issue was docks and shadows. The question was asked whether a fish can tell the difference between the shade of a tree and the shade of a dock; the expert was not able to answer the question. There have been no studies to determine what the fish can recognize, yet an effort is being put into regulating docks. Global warming and climate change have been heavily discussed in the past few years, though some scientists are now changing their tunes and claiming that sun activity is the major cause of the earth warming and cooling. There have been at least four ice ages, most of which occurred before mankind contributed anything to the ecosystem. Maybe it will be discovered in time that bulkheads actually save the salmon by stopping the silting in of the lake. The charge of the city must first be to do no harm. Since no one knows what they do not know, laws should not be passed regulating the unknown.

Ms. Laura Lyford, a resident along Lake Washington, said if scientists are able to quantify the degradation of an environment they should certainly be able to analyze the positive impacts that will occur due to changes in planting along the lakeside environments. The Commission will be presented with a mountain of information that likely is designed to confound everyone and take away from the ability to work through the process.

Mr. Dell Osevidtz, 2254 West Lake Sammamish Parkway, thanked the Commissioners for the specific questions they raised. He called for an open process as the project moves forward. He said the public should have the right to cross examine the science as it is presented. There is a great deal of evidence gathered about rivers and streams over the years, but essentially nothing about lakes. The public should have the right to see the materials to be presented at meetings ahead of time so that logical questions can be asked. Lake Sammamish has a variety of shoreline environments ranging from natural to urban, but there really is no evidence one way or another that shows the development has been good or bad for the lake. The Bellevue side of Lake Sammamish happens to be the steepest and the shadiest, yet it is being weighed in the same scale as the entire lake. The steeper hills require the use of bulkheads.

Mr. Tim Larson, 2260 West Lake Sammamish Parkway SE, voiced concerns about the improvements lakefront property owners will be asked to make. He said he moved to the lake in 1990 when it was unusual for docks to be covered; now most are covered and when the wind blows and runoff raises the level of the lake both the docks and the covers are damaged. Making the changes along the shoreline that are being proposed will not have the desired results. People and groups with a specific agenda are pushing it, and they are hiring experts that will support their view. The counter to that will have to be the Commission asking the hard questions and seeking a balanced perspective.

Mr. Dwight Martin, 5101 East Lake Sammamish Parkway NE, complemented the Commissioners for the work they are doing on behalf of the city. Clearly the citizenry care a great deal about the issues at hand. Staff have their own understanding of the facts, as do the consultants. It will be the task of the Commission to take charge, ask the right questions, and develop a balanced approach. While the Commission has nothing to do with permitting, it does offer recommendations on regulations that will direct the permitting process. Those who regulate and those who are regulated see things from very different perspectives. The Commission should get to know those who will be regulated; they already know a lot about the

subject and have a different viewpoint. The city should seek to do all it can to regain the trust of the citizens.

10. NEXT PLANNING COMMISSION MEETING

The next meeting was scheduled for October 14, 2009.

11. ADJOURNMENT

Chair Sheffels adjourned the meeting at 8:59 p.m.

Paul Inghram
Staff to the Planning Commission

12/9/09
Date

Pat Sheffels
Chair of the Planning Commission

12/9/09
Date